

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.

TRANSCRIPT LEGEND

[--] -- Break in speech continuity
[. . .] -- Halting speech where words are needed to complete a meaning or omission of words when reading written material
(ph.) -- Phonetic spelling of the preceding word
[sic] -- Exactly as spoken

Quoted material is typed as spoken.

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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

1 (Open proceedings)

9:04 a.m.

2 P R O C E E D I N G S

3 **MS. CRITTENDEN:** Good morning. Can everyone hear me?
4 Good morning. I'd like to call to order the meeting of
5 the SAFE Commission. I'd like to welcome everyone to the
6 fourth meeting of the commission.

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

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

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

25 In order to allow for those unable to attend the

1 meeting today, today's meeting is being livestreamed. And
2 now I'd like to turn the meeting over to Representative
3 Fleming.

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

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

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

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

1 importantly, she can, because she's keeping a record for
2 us.

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

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

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

23 Thank you, Mr. Chairman.

24 **REPRESENTATIVE FLEMING:** Thank you, Mr. Chairman.
25 Appreciate you being here with us this morning.

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

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

17 Now, as for members of the commission are concerned,
18 one thing that I would point out to you, if you look right
19 in front of your desk, there's a number. That number
20 represents for the Chairman where you are as far as the
21 microphones are concerned. And there is a button, a
22 little black button, right next to your microphone. If
23 you want to be recognized, if you press that black button,
24 it will notify me on the screen by number and I can
25 identify who you are. So that would be a little bit

1 easier than some of our previous meeting rooms that were
2 set up for the committee process, for me to recognize
3 you-all. So remember, you can raise your hand but you can
4 also press that button right there and I'll be happy to
5 recognize you.

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

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

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

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

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

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

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

23 **REPRESENTATIVE FLEMING:** Try now.

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

25 **REPRESENTATIVE FLEMING:** Okay. Mr. Kittle. As I

1 said, I'm from Cobb County. I've seen you guys at a lot
2 of these things. I became politically active just in 2017
3 after the District 6 debacle and -- it's gone again.
4 Check, check. One, two. No mic. Okay.

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

8 **REPRESENTATIVE FLEMING:** Wait. Wait one second.

9 **MR. BALBONA:** Okay.

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

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

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

17 **MR. BALBONA:** Oh.

18 **REPRESENTATIVE FLEMING:** Go ahead. Go ahead.

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

25 **REPRESENTATIVE FLEMING:** Okay. There.

1 **MR. BALBONA:** Okay? You're gonna waste a hundred to
2 \$150-million dollars on a system that most likely is gonna
3 have a bar code from what I hear, which no person can
4 read -- check, check. Does this have some kind of limit?
5 Okay. No person on the planet can read, and you're gonna
6 waste Georgia's money. Okay? Why?

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

15 So, you know, you come up with these great names,
16 SAFE Commission, Citizens United -- Citizens United being
17 screwed by big business. That's what I see the SAFE
18 Commission doing. You want to give hundreds of millions
19 of dollars to companies that aren't based in Georgia. A
20 couple of them aren't even based in the United States, by
21 the way. And for what? To add another layer of
22 obfuscation? You say, Oh, we can audit if there's a
23 problem. But if there's a bar code, you never know if
24 there's a problem, so that is just plain BS on your part
25 and you know it.

1 And then you listen to people like Chris Harvey, who
2 I have video of him lying to the Fulton County Board of
3 Elections, saying our system has never been breached.
4 That is laughable. You should go talk to a guy named
5 Logan Lamb. Okay? You have Cathy Cox coming up and
6 saying, Oh, we need a -- we need an expert like Merle
7 King, the one that Kemp said was great right up until two
8 database servers were wiped clean, and then he says he's,
9 like, grossly negligent. Okay?

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

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

15 Rickey, welcome. Good to have you.

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

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

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

21 Do I want paper ballots? I'll tell you why I do
22 elections. I've seen a variety of our mail-in ballots
23 come in where we have to decide how the voter wanted to
24 vote. On a machine, before they cast their vote, they
25 make their vote known. I don't want to be having

1 committees where we have paper ballots where is that a
2 smudge or is that a mark for a candidate. I don't want to
3 see that happen. I don't want to be the hanging chad
4 state of the United States again. That's why we have
5 technology. We don't need to revert back. We want paper
6 -- to go back to paper everything? I mean, just to me, it
7 seems like we don't need to back up, where we have to have
8 people who look at a ballot and decide did that person
9 mean to mark that or did they mean to mark it out and miss
10 the vote. I've seen that on paper ballots. I've worked
11 elections. I know what happens in them. And I just do
12 not want to see us go back to spending -- our county, we
13 have 45,000 voters -- to print a ballot for everybody to
14 have the absentee ballots, the provisional ballots, would
15 cost us somewhere around 20- to \$25,000 an election. If
16 we have a runoff, that's \$50,000. Then we have -- then we
17 have the final one in November: \$75,000. Then we have a
18 runoff: \$100,000. And we're a small county. I cannot
19 imagine what it would cost Fulton County to print a ballot
20 for everybody to have, because state law says you have to
21 have them there. And that's an awful big cost for every
22 election, even if you have two people in a runoff, as we
23 had. You've still got to print the ballots for everybody,
24 and knowing they're not all gonna come back out and vote
25 in a runoff election. We know they're not going to. You

1 know, we may get 17 percent.

2 And we have a SPLOSH (ph) election; we're gonna spend
3 \$25,000 of taxpayers' money to hold a SPLOSH election,
4 where you'll get 10 percent of the voters. To me, we
5 don't need to back -- back up. I know, you know, people
6 say but with the way we're going now, with the machines
7 that we -- I've seen, where we actually have a paper
8 trail, where we actually count all of them.

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

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

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

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

18 **REPRESENTATIVE FLEMING:** Good.

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

22 **REPRESENTATIVE FLEMING:** Let me mention to you, this
23 may not be very helpful right now, but I'm told in case
24 people who are in-between rooms, that there is no
25 Livestream audio but we're working on that, trying to get

1 that fixed. So for all those who can read my lips,
2 watching, that's what's going on. So I apologize.

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

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

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

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

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

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

25 And, so, here we are. And the gentleman -- that I

1 have great respect for our officials that are running
2 these elections, so I appreciate his comments, but on the
3 other hand, what is more sacrosanct than our ability to
4 have our votes counted accurately?

5 **AUDIENCE:** Tell them.

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

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

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

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

24 I had reminded before we started -- I did not this
25 morning -- we will certainly try to listen intently to

1 everybody that has public comment, but I want everybody to
2 be able to hear you. So I'm gonna ask if you're in the
3 audience, you certainly -- you are welcome to sign up for
4 public comment. But beyond that, we'd ask you to be --
5 remain quiet so everybody could be heard. And I don't
6 think that would be a problem. It hasn't been so far.
7 But I will ask you to leave if that becomes a problem. So
8 thank you for coming this morning again.

9 Jacqueline Elsner.

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

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

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

23 You're in charge of finding out what's the most cost
24 effective, secure, trustworthy. Our Clarke County elected
25 school board and superintendent, in the month of December,

1 met with our two Georgia senators and two Georgia -- three
2 Georgia representatives. And they said these are the --
3 thank you for helping us win 20 -- you know, the next
4 fiscal year, with our public school allocation. But we're
5 gonna have local costs way beyond what you've allocated.
6 And the senator said, What do you want me to cut if you
7 want the State to help all you counties out with your
8 public school system?

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

16 And you're wondering, you know, could more citizens
17 be giving feedback at these commission members. And thank
18 you for live-feeding today. I think it would be helpful
19 have these -- also have them on weekends, in the evening.
20 People work. They're -- this is Atlanta or Macon or
21 Augusta. It's expensive to travel across the country --
22 the state to come to these meetings. And have questions
23 submitted through your livestreaming. And have your
24 coordinator say here are the questions. Thank you very
25 much.

1 **REPRESENTATIVE FLEMING:** Thank you, ma'am. We
2 appreciate you being here today.

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

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

8 **DR. SMITH:** Thank you. My name is Regina Smith. I
9 am a citizen in Clarke County. I live in Athens, Georgia.

10 I've been voting now for over 50 years, from the
11 northeast to the northwest and in just about every
12 southern state in the southeastern part of this country.

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

20 We received avoidable, negative press nationwide in
21 2018 because of issues related to our outdated electronic
22 voting system.

23 The decisions and recommendations your committee is
24 going to make are critically important to Georgia. And I
25 thank you for your service and I hope that you will work

1 hard and make the right decision. Because the threats and
2 the realities are happening and electronic vote
3 manipulation are real. They present critically important
4 issues that beg your reasoned, your thoughtful, and your
5 timely response because much is at stake.

6 Sometimes a step in the right direction is a step
7 back technology-wise. The state of Georgia and its
8 citizens need and want a completely paper-driven
9 citizen -- system that is impervious to attacks and to
10 hacks both now and in the future. There's nothing wrong
11 with going old-school, folks; nothing at all. You need to
12 listen to your own computer cybersecurity expert on your
13 committee. And I urge you do not invest foolishly and
14 shortsightedly in an expensive, tech-driven system that
15 will be obsolete in a few years. And do not listen to
16 naysayers. And by all means, do not listen as salesmen
17 and lobbyists try to sweet-talk you into a
18 150 million-dollar boondoggle when a paper-based,
19 citizen-preferred system that's considerably cheaper is
20 available. Thank you.

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

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

25 **MS. KRUGMAN:** Yes.

1 **REPRESENTATIVE FLEMING:** Welcome. Good morning.

2 **MS. KRUGMAN:** I'm gonna pass this.

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

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

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

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

24 I expect the decision you make today will bring the
25 voter as close to the vote as possible. The least amount

1 of interface with an electronic machine, between the voter
2 and casting a vote, will provide the transparency citizens
3 of Georgia are expecting.

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

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

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

23 John, good morning. Good to have you. Please tell
24 us where you're from and we'd be happy to hear from you.
25 And after you will be Liz Throde. Throop? Throop.

1 That's a -- that's a "p."

2 John, good morning.

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

4 **REPRESENTATIVE FLEMING:** Fortune (pronouncing).

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

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

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

25 And I've -- won't take any money from any of these

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

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

12 **MR. FORTUIN:** Thank you.

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

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

16 **REPRESENTATIVE FLEMING:** I always miss that.

17 **MS. THROOP:** Hey.

18 **REPRESENTATIVE FLEMING:** Okay.

19 **MS. THROOP:** I'm Liz Throop.

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

23 **MS. THROOP:** Thank you.

24 **REPRESENTATIVE FLEMING:** I'm sorry.

25 **MS. THROOP:** Thank you.

1 **REPRESENTATIVE FLEMING:** Good to have you, Liz. and
2 you've been here before --

3 **MS. THROOP:** Hey.

4 **REPRESENTATIVE FLEMING:** -- and we appreciate you
5 coming back.

6 **MS. THROOP:** I'm from DeKalb County.

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

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

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

25 If Georgia chooses hand-marked paper ballots, we will

1 also be able to afford lavish educational campaigns on how
2 to fill in Scantron bubbles.

3 (Chorus of laughter)

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

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

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

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

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

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

20 **MS. WASSON:** Joy Wasson.

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

22 **MS. WASSON:** Thank you.

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

25 **MS. MACNAMARA:** Good to be here. Thank you. My

1 names is Elisabeth Macnamara and I am with the League of
2 Women Voters. The League of Women Voters of Georgia
3 represents voters across the state of Georgia in many,
4 many particularly urban districts.

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

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

14 In terms of recountable and accurate, yes, of course,
15 we would like to see a voter-verified paper trail. In
16 terms of whether or not this paper trail comes from a
17 hand-marked paper ballot or a machine-marked paper ballot,
18 I would encourage the commission and also members of the
19 public to recognize that election systems are complex, and
20 there are an awful lot of human beings that are involved
21 in these elections. And these elections have got to work
22 for all those human beings. Those that are in crowded
23 urban precincts were filling out the lengthy ballots that
24 we have here in Georgia. It's not a matter of on a piece
25 of paper; it's not by hand; it's not a matter of literacy;

1 it's not a matter of education. It's a matter of time.
2 That we have poll workers that are basically volunteering
3 to come and help our elections.

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

14 The system needs to be transparent and the system
15 accessibility -- I want to go back to accessibility, if I
16 can have just one more minute. Early voting is critically
17 important to the system here in Georgia. It's extremely
18 popular in all 159 counties. By last -- in the last
19 election or at least in the election where we have
20 figures, I believe as many as 50 percent of voters that
21 turned out, turned out in early voting. Paper ballot --
22 hand-marked paper ballots present an enormous challenge
23 for those early voting sites. Maximizing the number of
24 early voting sites, particularly in urban areas, is also
25 critically important to the system.

1 So in conclusion, folks, the system is what is
2 important. The system surrounding any device on which we
3 mark, on which we vote is what is critically important.
4 And the League of Women Voters encourages the commission
5 to take the entire system into account, not just the
6 system that the voter sees in the precinct on election
7 day. Thank you.

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

10 Okay. Janie.

11 **MS. WASSON:** It's Janine Evelyr.

12 **REPRESENTATIVE FLEMING:** Janine Evelyr.

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

14 **REPRESENTATIVE FLEMING:** Good morning.

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

17 **REPRESENTATIVE FLEMING:** Cobb County.

18 **MS. WASSON:** Yes.

19 **REPRESENTATIVE FLEMING:** Small county.

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

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

23 (Chorus of laughter)

24 **MS. WASSON:** Okay. So many people have been talking
25 about that hand-marked paper ballots would be the least

1 expensive option. While it's true that the initial cost
2 to the State, because there's fewer hardware pieces, would
3 be less, the printing of paper ballots ahead of each
4 election in all district combos for every voter is an
5 unfunded mandate for county governments. And it's a huge
6 undertaking for the ballot printers. You're talking
7 about, statewide, there would be over six million ballots
8 that had to be created for every statewide election. In a
9 primary, you're looking at twelve million ballots or more
10 because you have to have a ballot for every voter for
11 either party that they may choose.

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

24 Those who say that ballot-marking devices are
25 hackable or create a bar code that cannot be verified by

1 the voter, I personally think that's a straw man argument
2 because they're focused on an error being introduced in a
3 bar code when it can be easily introduced in a scanner or
4 a central tabulator or any number of points within the
5 system. The -- neither hand-marking a ballot or
6 eliminating the bar code will provide any additional
7 certainty that the ballot has been tabulated correctly.
8 The only way to manage that certainty is the post-election
9 audits. And any of these systems have the human-readable
10 text on those ballots that can be verified against a
11 mechanical tally, even those that have bar codes that are
12 used for faster election-night tabulation.

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

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

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

24 And your last name?

25 **MS. HIDALGO:** Hidalgo.

1 **REPRESENTATIVE FLEMING:** Did I get it?

2 **MS. HIDALGO:** Yes, you did.

3 **REPRESENTATIVE FLEMING:** Oh, good. Well, good.

4 **MS. HIDALGO:** Thank you.

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

7 **MS. HIDALGO:** Yes. Isabel Hidalgo from Fulton
8 County.

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

12 I was almost in tears when I saw the secretary of
13 state's office at the time parade a series of people from
14 different communities so attached to the 17-year-old,
15 rated F-minus machines, and how much they love them. This
16 was prior to the election when we were asking hand-marked
17 paper ballots for the election. I stood up here and I
18 reminded that committee that it took six months to the
19 world to switch to paper ballots after the invasion of
20 Ukraine. Why were we taking so long? Why couldn't we not
21 secure 2018 elections? And, you know, it was -- it was so
22 overwhelming. I told them might as well just give Brian
23 Kemp the keys to the governor's house. And there you go.
24 Look at where we are. But now we have twelve federal
25 lawsuits because we keep playing like it's Georgia 1920s

1 and everything that happens here never leaves this room.

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

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

19 So my recommendation is that you realize that we are
20 not in Georgia 1920s. We know who you are. We will
21 make you accountable. We will -- we will recall -- we can
22 recall you. It will be a breach to our constitutional
23 rights. Hand-marked paper ballots -- not a paper trail --
24 hand-marked paper ballots is the gold standard. Every
25 single expert in the country has recommended that.

1 **REPRESENTATIVE FLEMING:** Thank you, Ms. Hidalgo.

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

4 **REPRESENTATIVE FLEMING:** Thank you.

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

8 **REPRESENTATIVE FLEMING:** Thank you.

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

10 **REPRESENTATIVE FLEMING:** Isabel.

11 **MS. HIDALGO:** Yes. Thank you.

12 **REPRESENTATIVE FLEMING:** Thank you. Uh-huh.
13 Appreciate you being here today.

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

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

18 **MS. GHAZAL:** Ghazal, like --

19 **REPRESENTATIVE FLEMING:** Ghazal. Just like the --

20 **MS. GHAZAL:** -- the deer.

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

24 **MS. GHAZAL:** Thank you. My name is Sara Tindall
25 Ghazal and I'm from Cobb County.

1 I thank you, Commissioners, for allowing me to speak
2 today and I'm going to be providing a statement on behalf
3 of Sarah Riggs Amico, who unfortunately was not able to be
4 here today.

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

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

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

10 **MS. GHAZAL:** Cobb County.

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

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

17 "Significant anomalies exist in the reported vote
18 totals for lieutenant governor's race in the Georgia
19 general election held November 6th, 2018. Specifically,
20 this race has an unusually high rate, more than 4 percent
21 of residual votes, i.e. votes that were either invalid,
22 not recorded or were never cast in the first place. More
23 than 100,000 votes in the 2018 race to be Georgia's
24 lieutenant governor appear to be missing from the vote
25 totals.

1 "More concerning, the anomalies -- the anomalous
2 missing votes in the race come exclusively from ballots
3 cast via DRE machines -- touchscreen voting machines.
4 Paper ballots in the race appear to have no anomalous
5 residual votes.

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

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

21 "The stark anomaly in the 2018 lieutenant governor's
22 race indicates serious inadequacies in the administration
23 of 2018 -- the 2018 general election. In particular, they
24 indicate still more problems in the performance of the DRE
25 machines. A federal court judge recently recognized the

1 potential for such problems who explained that there were
2 serious security flaws and vulnerabilities in the State's
3 DRE system."

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

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

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

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

18 **MS. DeHART:** Good morning.

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

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

23 **MS. DeHART:** Good morning. My name is Rebecca
24 DeHart. I'm the executive director of the Democratic
25 Party of Georgia and I'm also here to give my comments on

1 behalf of the chairman, DuBose Porter.

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

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

21 Last, our general counsel was denied a proxy vote
22 today on this commission by its own leadership. That's a
23 ridiculous and a useless exercise of absolute power unless
24 the goal is to ram the manufactured outcome through this
25 commission.

1 And ultimately, given all that I have highlighted
2 this morning and by other points made by the public that I
3 don't have the time to repeat, we believe that that is
4 exactly what may be happening.

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

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

13 Kristopher Young. Kristopher, good morning.

14 **MR. YOUNG:** Good morning.

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

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

23 And what's alarmed me about this process is that it's
24 been a very vendor-driven process here, and I generally
25 don't like to see that. In engineering, you kind of like

1 to see requirements come up first, and then, as soon as
2 the requirements are fully formed, that's when you go out
3 and you look -- ask the vendors to approach those
4 requirements.

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

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

22 I saw systems demonstrated last week where
23 hand-marked paper ballots are inserted into a scanner at
24 the precinct. They're stored securely. They can be used
25 for audits afterwards. The scanner actually validates the

1 ballot for the voter and actually tells them whether
2 there's problems with the ballot. I thought that was an
3 excellent system. What's also nice about that system is
4 that accessible ballot-marking device can be there. It
5 can print a ballot that looks exactly like a paper -- a
6 hand-marked paper ballot. It'll go through the same
7 channels as everything else. And, basically, that's --
8 that's a completely transparent and verifiable system.
9 Thank you.

10 **REPRESENTATIVE FLEMING:** Thank you, Kristopher.
11 Appreciate you coming this morning.

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

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

15 **REPRESENTATIVE FLEMING:** W.

16 **MS. WASSON:** I'm Joy Wasson --

17 **REPRESENTATIVE FLEMING:** Wasson. Okay.

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

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

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

23 Joy, good morning.

24 **MS. WASSON:** Good morning.

25 **REPRESENTATIVE FLEMING:** Good to have you. Go ahead

1 and introduce yourself again. We'll be glad to hear from
2 you.

3 **MS. WASSON:** Joy --

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

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

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

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

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

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

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

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

24 I think, Rhonda, I asked you to come up next.
25 Rhonda, good morning.

1 **MS. MARTIN:** Good morning.

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

3 Happy to have you.

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

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

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

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

25 The other side -- the other issue I want to talk

1 about today is the cost. You know, we've talked about how
2 much more expensive -- you've heard many people talk about
3 how much more expensive ballot-marking devices are than
4 using just hand-marked paper ballots, especially if you
5 can print on demand the hand-marked paper ballots with an
6 optical scanner.

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

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

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

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

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

25 **MS. MOSLEY:** Good morning. My name is Wanda Mosley.

1 I'm a citizen -- resident of the city of South Fulton.

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

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

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

19 And here we are today considering millions of dollars
20 being spent on a system that's already broken and perhaps
21 implementing another system that is equally as broken,
22 that was advocated for by someone who has close ties to
23 the governor-elect who, in his role as secretary of state,
24 is responsible for many of the issues that I just laid out
25 with the entire system.

1 We are angry. We are frustrated. We are mad. We
2 need you to press pause, take your time, review all
3 options on the table, and do right by us as citizens.
4 Thank you.

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

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

8 **MS. JAMES:** Good morning.

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

10 **MS. JAMES:** Thank you.

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

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

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

25 So when we came back in August and voted to be the

1 pilot for the ballot-marking machine, our voters came in,
2 they viewed it, they tested it. And then, in the election
3 in the city of Conyers, what they said was that it was
4 ease of using it, it was simple, it's just getting used to
5 something new and different.

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

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

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

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

18 So Sara -- is Sara here?

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

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

22 **MR. FAVORITO:** Yes.

23 **REPRESENTATIVE FLEMING:** Come on. Come on, Garland,
24 and we'll let you go next. Good to have you this morning
25 and please tell us your name and where you're from.

1 **MR. FAVORITO:** Thank you, Mr. Chairman. It's Garland
2 Favorito. I'm from Roswell, Georgia, and founder of Voter
3 GA.

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

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

23 And in regards to the system itself, the two key
24 issues that I think you're aware of are that if we're
25 gonna have to legalize ballot markers, and we should, but

1 if you do, then we want to legalize only those that have
2 votes that are not in bar codes. There's just -- those
3 are unverifiable systems. They should -- we ask you to
4 recommend to the legislature those be outlawed.

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

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

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

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

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

23 **MS. HENDERSON:** Yes.

24 **REPRESENTATIVE FLEMING:** Good morning, Sara. Good to
25 see you. Welcome.

1 **MS. HENDERSON:** Good morning, everyone.

2 **REPRESENTATIVE FLEMING:** Tell us where you're from.
3 We'd be happy to hear from you.

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

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

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

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

25 So, Susan, good to have you this morning again.

1 **MS. McWETHY:** Good morning. Thank you.

2 **REPRESENTATIVE FLEMING:** Good to see you. Recognize
3 you, too.

4 **MS. McWETHY:** Yes.

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

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

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

20 Voters are more sophisticated than they were sixteen
21 years ago. And they've learned about Russian interference
22 and all of the many flaws that keep recurring with our
23 voting machines, such as votes jumping, undervotes,
24 screens freezing, patches being added after certification,
25 weird screen calibration, statistically improbable

1 results, and the list goes on -- all brought to us by
2 electronic voting systems. Excuse me.

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

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

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

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

18 Okay. Charlotte Sosbee. Charlotte, good morning.

19 **MS. SOSBEE:** Good morning.

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

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

1 I started working in elections in 1989.

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

4 **MS. SOSBEE:** Yes.

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

7 (Chorus of laughter)

8 **MS. SOSBEE:** Woowoo, Go Dawgs.

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

11 (Chorus of laughter)

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

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

18 **MS. SOSBEE:** Love it, though.

19 **REPRESENTATIVE FLEMING:** You go ahead.

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

1 saw related to paper.

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

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

20 Paper ballots do not prevent a voter from overvoting.
21 If an office is overvoted, the ballot is duplicated and
22 the office is omitted on the ballot just as I explained.
23 Electronic voting is configured to reject an overvote and
24 will not allow a voter to accidentally make multiple
25 selections, will not accept it.

1 In many cases, if the intent of a voter is not
2 certain, the office is omitted on a duplicated ballot.
3 When marking a paper ballot, if not marked properly, may
4 mean the office is not counted.

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

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

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

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

23 My understanding that the bar codes only shows the
24 information related to the voter, not necessarily how the
25 ballots were cast. And if that's available, I hope that's

1 the option you will take.

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

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

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

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

18 It's good to see you there this morning.

19 **REPRESENTATIVE SMYRE:** (Rising)

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

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

23 (Round of applause)

24 **REPRESENTATIVE FLEMING:** Mr. Chairman, did you want
25 to have anything to say? You're welcome this morning.

1 **REPRESENTATIVE SMYRE:** It's good to be here. And I
2 think what we're looking at today and in the future is a
3 better quality of life. There's nothing more important
4 than having the right to vote and the correct processes
5 for voting.

6 So you have a lot on your shoulders and I know you'll
7 do the right thing. And what you do for us will be good
8 for the state. And I appreciate you-all's leadership.

9 Good to see you, incoming secretary of state.

10 Good to see you, Carol. You've done an outstanding
11 job.

12 And Chairman Fleming, thank you.

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

17 **REPRESENTATIVE FLEMING:** Thank you. Thank you.

18 (Secretary Crittenden and Chairman Fleming confer
19 privately.)

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

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

24 Is Mr. Kirk -- Mr. Kirk, come on. Good to see you
25 again. I recognize the hat. Yeah. Good to have you.

1 **MR. KIRK:** Thank you for having me.

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

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

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

19 To dive a little bit deeper into that,
20 ballot-marking -- and I believe the best solution for this
21 would be a ballot-marking device for every voter in the
22 state. Ballot-marking devices accurately record voters'
23 intent every time. There will never be a panel that has
24 to decide did they mark selection A or B or both. We'll
25 just know because the system guides them through it.

1 They ensure a uniform experience for every voter. So
2 no matter what county you're in, no matter your level of
3 education, no matter what your experience is, you're
4 voting the same way and we can educate you easily.

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

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

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

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

25 I get phone calls from voters saying, Can you verify

1 how I voted on this absentee ballot, I can't remember.
2 And then they're dismayed when I tell them, no, I can't do
3 that. Your vote's private. I cannot -- I can't see.

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

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

25 **REPRESENTATIVE FLEMING:** Thank you. We appreciate

1 being here today, Mr. Kirk.

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

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

5 **REPRESENTATIVE FLEMING:** Happy to hear from you.

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

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

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

22 We feel confident over all these hours that you've
23 spent studying the issue that this commission will come up
24 with a solution that's secure, that will record each vote
25 through a durable piece of paper. And we'll have a

1 uniform system statewide, will be easily and used -- will
2 be easily used and used accurately, will be cost
3 effective, and is also administratively feasible.

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

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

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

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

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

1 with me. Stand up.

2 (Audience responds.)

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

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

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

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

21 (Audience responds.)

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

1 do. Okay?

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

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

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

19 **MS. BOREN:** I'm 17. 17.

20 **REPRESENTATIVE FLEMING:** 17?

21 **MS. BOREN:** Uh-huh.

22 **REPRESENTATIVE FLEMING:** Okay. Hold on a second.

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

25 **MS. BOREN:** Yes. I have a statement from

1 Commissioner Lynn Bailey who is unable to attend today's
2 meeting because of a prior commitment. She asked that I
3 read this into the record. It is rather lengthy, so
4 please bear with me as I read her statement.

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

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

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

24 "During the process commission members were given an
25 opportunity to provide input and to ask questions.

1 Members of the commission had numerous opportunities to
2 speak with voting equipment vendors and to participate in
3 a public demonstration of the equipment.

4 "As background, I was responsible for the
5 administration of a paper ballot system from
6 1993 through 2002 at which time the state converted to the
7 electronic system currently used in Georgia. With that
8 background in mind, I do have valid concerns about the
9 manual issuance of paper ballots during advance voting and
10 on election day.

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

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

22 "In our jurisdiction of 123,000 registered voters,
23 that equates to 68 different ballot styles in any
24 countywide election and 204 ballot styles during a
25 primary. In larger jurisdictions and in jurisdictions

1 where bilingual ballots are mandated, even more ballot
2 styles would be required.

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

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

16 "1) paper balloting;

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

18 or

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

22 "There were 76 responses to the survey, and
23 95 percent of those who responded chose method 2, using
24 ballot-marking devices for all in-person voting, including
25 advance voting and election day. And that is broken down.

1 I'll provide to the commission members the breakdown of
2 the responses.

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

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

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

23 "Number 3, I do not believe the use of a QR code or a
24 bar code on the voter-verifiable paper ballot is a
25 security risk, nor do I believe it to be an impediment to

1 our ability to accurately tabulate the voters' choices. I
2 believe that a prescribed high standard of physical
3 security and chain-of-custody documentation combined with
4 thorough and transparent pre-election testing and
5 post-election auditing procedures will work together to
6 ensure without a doubt that all ballots were accurately
7 tabulated, that the equipment used has performed properly
8 and has not been tampered with, and will readily identify
9 any possible malfunction or deficiency.

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

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

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

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

24 "Eight, the equipment -- the voting equipment should
25 not be too heavy, should be sturdy and be easily

1 maintained.

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

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

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

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

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

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

24 **REPRESENTATIVE FLEMING:** Thank you, Ms. Boren. I
25 appreciate that.

1 Senator, did you have a question?

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

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

6 **SENATOR JACKSON:** It's fine.

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

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

12 **REPRESENTATIVE FLEMING:** Oh, okay. Absolutely.
13 Madam Secretary.

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

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

23 "As chair-elect for the Georgia Legislative Black
24 Caucus and on behalf of the Georgia Legislative Black
25 Caucus, we request that our current voting machines be

1 replaced with a system that offers a voting trail. We
2 also ask that the selection process be transparent and
3 allow for input from a diverse group of citizens from
4 around the state.

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

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

10 Thank you.

11 **REPRESENTATIVE FLEMING:** Thank you, Madam Secretary.
12 Senator Jackson.

13 **SENATOR JACKSON:** Mr. Chairman, that was my letter.
14 (Chorus of laughter)

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

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

19 (Chorus of laughter)

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

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

25 **REPRESENTATIVE FLEMING:** Yeah.

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

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

10 **SECRETARY CRITTENDEN:** Thank you.

11 (Standing ovation)

12 **SECRETARY CRITTENDEN:** Thank you.

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

15 (Chorus of laughter)

16 **REPRESENTATIVE FLEMING:** Thank you, Senator. We
17 appreciate that.

18 Okay. There -- the Chair intends to proceed in a --
19 in -- in a manner that I guess you would say would be
20 parliamentary procedure, *Roberts Rules of Order*, much like
21 we contact legislative hearings. I intend to have
22 Mr. Ryan Germany, counsel to the secretary of state's
23 office, present to us a draft report -- and I emphasize
24 draft because we're going to discuss it -- but in that
25 process, what the Chair is going to do is accept a motion

1 at this time to adopt the draft report. And, of course,
2 as I mentioned, we will discuss it and debate it and
3 you'll have a chance for input, changes, and whatnot, but
4 we'll move ahead in that fashion.

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

8 Dr. Lee, did you have a question?

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

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

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

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

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

16 **REPRESENTATIVE FLEMING:** Yeah.

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

18 **REPRESENTATIVE FLEMING:** What -- what -- good
19 question. And what the Chair meant by the process that
20 we're going to follow, if there is a motion to adopt the
21 draft report, if that motion passes, then the Chair will
22 accept debate and comment and changes from anybody on the
23 commission through the process as long as we need to do
24 that. Does that make sense to everybody? Does anybody
25 else have any more questions? I know the legislators in

1 the room have seen this process many times. This is how
2 we handle bills. But formally, when you're doing a
3 process with a commission, you adopt or not adopt a
4 motion, and then you move ahead with it, so . . . Any more
5 questions?

6 (No response)

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

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

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

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

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

17 **SENATOR JACKSON:** Question?

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

20 **SENATOR JACKSON:** Pardon me.

21 **REPRESENTATIVE FLEMING:** Absolutely.

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

23 **REPRESENTATIVE FLEMING:** This report is a report that
24 could be adopted based upon this motion should the
25 commission, after it's been presented, we discuss it,

1 debate it, make any changes.

2 **SENATOR JACKSON:** Okay.

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

5 (No response)

6 **REPRESENTATIVE FLEMING:** Is there any objection?

7 (No response)

8 **REPRESENTATIVE FLEMING:** Hearing none, we will
9 unanimously adopt --

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

11 **REPRESENTATIVE FLEMING:** Sure.

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

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

17 **DR. LEE:** Okay.

18 **REPRESENTATIVE FLEMING:** Okay.

19 **DR. LEE:** But what about the actual --

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

24 **REPRESENTATIVE BEVERLY:** Yeah, I object to the
25 motion.

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

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

14 **MR. GERMANY:** Good morning.

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

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

1 conversations with individual commissioners.

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

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

18 There -- it began in the legislature, really before
19 the legislative session, last -- last year. In the fall
20 of 2017, the legislature began holding hearings on this
21 subject. And then in the last legislative session in
22 2018, multiple bills were introduced adopt -- moving -- or
23 moving the state toward adopting a new voting system. But
24 neither of those bills made it -- made it through to law.
25 And, so, after the legislative session then-Secretary of

1 State Kemp established this commission. And I -- and I
2 just want to take one moment to thank each of you for --
3 for your service on this commission. It's very much
4 appreciated.

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

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

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

25 I'll make just one aside, too. As we're going

1 through it, if you guys see typos or other mistakes,
2 please mark them, because I'm sure -- I'm sure that
3 they're in here and we can correct them before -- before
4 anything is final.

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

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

22 In that commission -- out of that process there was
23 recommendations to move to a uniform system for in-person
24 voting, that -- that the system should be comprised of DRE
25 machines for in-person voting and optical scanner for

1 absentee voting by mail, and that it should be controlled
2 by an election management system or software program that
3 allows election officials to design ballots that integrate
4 into a single tallying report that will interface with
5 existing and future voter registration systems.

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

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

1 elections in Georgia.

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

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

14 In-person voting occurs during the three weeks prior
15 to election day beginning on the fourth Monday before
16 election day, and then continuing ending -- ending the
17 Friday before election day. Every county is required to
18 have at least one advance voting location but many
19 counties choose to have more than one location. I vote in
20 Fulton County -- I believe Fulton County had 20 advance
21 voting locations in the last election that were open the
22 entire advance voting period starting that Monday into not
23 -- and also -- and also every weekend day. So, you know,
24 some counties do it differently. Some -- some rural
25 counties only have one advance voting location.

1 During advance voting -- this is different than
2 election day voting -- voters may vote at any advance
3 voting location in their county. You don't have to go to
4 your assigned precinct. You can go to any advance voting
5 location in your county. In the -- in the past four
6 general elections, approximately 43, 32, 53, and
7 47 percent of voters have chosen to -- to vote during
8 advance voting, so it's hovering about half of the -- of
9 the -- of the electorate.

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

17 On election day, voting in Georgia takes place
18 entirely on DREs and still remains the most popular way to
19 vote in Georgia. On election day, you have to go to your
20 assigned precinct, but otherwise it looks a lot like
21 advance voting on a DRE machine. In the past four general
22 elections, approximately 50 percent, 62 percent, 41, and
23 46 percent of -- of people have voted on election day.

24 So that's just the background to get to where this
25 commission -- to -- to this commission's recommendations.

1 So I'm on page 7 of the report. And I'll go through these
2 a little more in-depth.

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

20 **REPRESENTATIVE FLEMING:** Yes.

21 **MR. GERMANY:** -- for discussion?

22 **REPRESENTATIVE FLEMING:** Yes, please.

23 **MR. GERMANY:** The second recommendation -- this is
24 based on some of the testimony that we heard -- is that
25 Georgia should remain a uniform system state with each

1 county using the same equipment that is initially provided
2 by the State. Georgia is currently a uniform voting
3 state, meaning that every county uses the same equipment.
4 Not every state does it that way.

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

22 The third recommendation is something that came up at
23 the last meeting. The implementation of a new system
24 should include a training plan and budget to educate both
25 voters and county election officials. I think that got

1 wide support based on the -- the last -- the last meeting
2 in Macon.

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

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

18 In my role as general counsel, I oversee a lot of the
19 lawsuits that are filed against secretary of state's
20 office. And we are seeing lawsuits in other states about
21 the accessibility of voting systems. So Georgia now has a
22 system that -- where disabled and nondisabled people vote
23 in the same manner. And so I think the commission should
24 consider that, the fact of how we do it now versus how we
25 will do it in the future, because I can guarantee you a

1 court will consider that in a future lawsuit if we -- if
2 we don't.

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

10 The fifth recommendation, Georgia's new voting system
11 should include new vote casting devices, new scanners, and
12 new pollbooks. There should be paper backups for each of
13 these systems to the extent possible, including paper
14 registered-voter lists and ballots. For each new type of
15 hardware, steps should be taken to ensure both security
16 and functionality. And any -- any new hardware or
17 software needs to be compatible with Georgia's existing
18 voter registration system. The point of this
19 recommendation is we've -- we've heard a lot about the
20 vote casting device. But as you guys know, an election
21 system is much more than that. There are many more
22 components. And from what I have heard from the county
23 election officials, particularly, is that we are at a
24 point where we need to update all of -- each of those
25 components. So this -- the new -- the new system, we're

1 not -- we are not just looking for new vote casting
2 devices. This is -- we're looking to replace the entire
3 spectrum of components across -- across the system.

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

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

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

21 A few things I talked about in this recommendation,
22 one of the pluses of -- one of the benefits of Georgia's
23 current system is that we have a very low residual vote
24 rate. Residual votes are the number of -- the votes that
25 are not cast in any election, so out of the total numbers

1 who showed up, what people didn't cast a ballot in any
2 given contest. Georgia had one of the lowest rates in the
3 country of that. And I believe a large part of that is
4 because our system of all-electronic does not allow
5 overvotes and flags for undervotes. So a residual vote
6 could -- could be an overvote or an undervote or anything
7 that basically doesn't allow a ballot to count. Now, some
8 people just leave the contest blank which is perfectly
9 fine. What we want to ensure of -- what we want to ensure
10 is if you are not trying to leave a contest blank, if you
11 are trying to -- to voice your -- your choice, then that
12 vote should -- that choice should accurately count. And I
13 believe the entire commission wants to make sure that
14 happens with -- with -- with whatever Georgia's next
15 system is.

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

1 front of -- in front of the -- the commission.

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

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

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

24 A little bit of the -- of the history -- and this is
25 based on some of my back-of-the-envelope math, but it's a

1 conservative estimate that since 2002 Georgia voters have
2 cast more than 40 million votes on touchscreens, so it's
3 a -- it's a way of voting that's familiar to Georgia
4 voters.

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

23 And I also discuss how the transition for election --
24 we need to -- we need to think about what the transition
25 will look like for election officials. You know, these --

1 the county election officials who you-all have heard a lot
2 from, both on the commission and -- and the ones who
3 have -- who have taken the time to come speak at the
4 commission, are the backbone of Georgia elections.
5 They're the ones that run Georgia elections from beginning
6 to end, and they're the ones who also, in addition to
7 that, so not only will -- will they have to actually use
8 the new system, they'll have to -- have to learn to wrap
9 it up.

10 (Chorus of laughter)

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

19 **REPRESENTATIVE FLEMING:** Hold on one second, Ryan.

20 (Brief pause to address technology issue.)

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

24 I'm sorry, Ryan. Go ahead.

25 **MR. GERMANY:** The final part of that recommendation,

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

21 Next, Georgia should require post-election
22 precertification audits. I think, given also what some
23 comments from some -- some election officials, we are --
24 the commission recommends that the general assembly put in
25 place an audit requirement for all elections from the

1 November 2020 election going forward, but recommends that
2 the general assembly does not require a certain type of
3 audit, instead leaving the specifics to the State Election
4 Board to enact the administrative rule.

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

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

20 The first one is definitional and I think this is
21 very important. If we move to a paper -- or moving to a
22 paper-based system, we need to update our definition of
23 what a ballot is. And I think it's -- it's very important
24 legally to make clear that the -- whatever method of
25 tabulation the vendor uses for a ballot, whether it's

1 hand-marked or -- or marked by a device, that the official
2 vote record is the human-readable component of that. So I
3 think -- I think that's something that -- that we
4 should -- we should update as a state.

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

10 Finally, recounts; moving to a paper-based system
11 will require a different recount statute. You know, right
12 now, you simply put -- put a -- put a card back into a
13 tabulator, and so recounts can be conducted pretty easily.
14 In the future, with a paper-based system, recounts will
15 take much more time. So we want the law to spell out a
16 little bit -- with a little bit more detail of how that
17 will work. And with adding an audit requirement, one
18 other thing we recommend about recounts is moving from a
19 1 percent threshold for recounts to a .5 percent threshold
20 to recounts, and that puts us more in line with other
21 states. And also allowing for a hand -- a full hand
22 recount in the discretion of the secretary of state in
23 certain instances. And that could be an instance where
24 if -- if there's an issue found by an audit, where you
25 would -- where you would find a -- a -- an issue needs to

1 be looked into further, or any other kind of unexplained
2 anomaly. But I do think -- I don't think -- you don't
3 want to -- I don't think we want to go to a point where
4 the initial recount is full hand review of all ballots
5 because that would just take forever, basically, from an
6 election official perspective.

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

19 Next is absentee ballots. This is a process that
20 needs to be updated, not just for a new system but also
21 due to some litigation the State is facing. And I think
22 one way to solve a lot of these issues is to have a cure
23 period for absentee ballots. We learned last session that
24 a lot of counties already have that sort of -- they
25 already utilize that sort of cure period and that seems to

1 work well. So we're moving to basically requiring it
2 state -- statewide.

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

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

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

23 Voter assistance, we should update our state law to
24 be consistent with federal law, such that federal voter
25 assistance standard apply for all elections in Georgia. I

1 believe having one standard for all elections will make
2 election administration easier on county officials.

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

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

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

25 We also recommend that, given its popularity, the

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

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

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

19 Senator Jackson.

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

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

25 **MR. GERMANY:** What's the -- what's the difference?

1 **SENATOR JACKSON:** Well, a recommendation says that
2 this is -- this is this commission idea of what we want
3 you to do, as you know, but the general assembly can
4 say -- can -- but a guide says these are the
5 recommendations for new voting machines and -- and these
6 are the rules you should follow.

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

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

25 **REPRESENTATIVE FLEMING:** Go ahead.

1 **SENATOR JACKSON:** Follow-up question, Mr. Chairman.

2 **REPRESENTATIVE FLEMING:** Absolutely.

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

8 **MR. GERMANY:** Oh, sure. Yes, sir. Yes, Senator.

9 **REPRESENTATIVE FLEMING:** Thank you, Senator.

10 Okay. Other members of the commission? Dr. Lee?

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

14 **AUDIENCE:** Can't hear.

15 **REPRESENTATIVE BEVERLY:** Turn your microphone on.

16 **REPRESENTATIVE FLEMING:** Is your mic on?

17 **AUDIENCE:** Mic.

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

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

23 **DR. LEE:** This one?

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

25 **REPRESENTATIVE FLEMING:** It's good? Okay.

1 **DR. LEE:** Press again?

2 **REPRESENTATIVE BEVERLY:** Yes, sir.

3 **AUDIENCE:** Not working.

4 **DR. LEE:** Not working?

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

7 **REPRESENTATIVE BEVERLY:** Now it's working.

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

10 **DR. LEE:** Okay.

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

13 **DR. LEE:** Should I do it now?

14 **REPRESENTATIVE BEVERLY:** Now try it. Okay.

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

21 **REPRESENTATIVE FLEMING:** Let the Chair comment on
22 that, if I may, Dr. Lee. And then, of course, Mr. Germany
23 can -- is -- First of all, the commission will decide what
24 we do because there's a motion on the table. And either
25 that motion is gonna pass or it's gonna fail, it's gonna

1 be amended and pass or fail. So we will have that
2 decision.

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

17 Now, one other comment then I'll get right back to
18 you. Some of the questions were about the process of what
19 this is, and I think the commission members understand
20 this but the Chair will just go ahead and state, our
21 current voting machines are identified of the type
22 machines they are in our code. That is what was done back
23 in 2002, 2003, in that time frame. The legislature if
24 forced to have a different kind of voting machine, will
25 actually have to change the law. So this recommendation

1 is a recommendation to the legislature. A bill will have
2 to be introduced and pass through the regular process.
3 That bill will have to go forward to the governor for
4 signature or veto. And then, I suspect, like when we make
5 any purchases as a state, generally we go through what's
6 referred to as the "RFP process," a request for proposal
7 process is what it's commonly referred to. Usually, the
8 branch of government that is in charge of carrying out
9 that function is the one that carries out the RFP or the
10 actual purchasing process. The secretary of state's
11 office in Georgia, of course, deals with elections.

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

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

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

25 **REPRESENTATIVE FLEMING:** Let me -- let me answer that

1 specifically. If there's something in this document you
2 want to change --

3 **DR. LEE:** Yeah.

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

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

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

19 **DR. LEE:** Yes.

20 **REPRESENTATIVE FLEMING:** Please, yes, go ahead.

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

23 **REPRESENTATIVE FLEMING:** Yes.

24 **DR. LEE:** -- which, of course, that means this
25 document has not included my edits.

1 **REPRESENTATIVE FLEMING:** Okay.

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

6 **DR. LEE:** Right.

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

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

23 **DR. LEE:** Yes.

24 **REPRESENTATIVE FLEMING:** Okay. Thank you.

25 **DR. LEE:** Thank you.

1 **REPRESENTATIVE FLEMING:** All right. Any -- before we
2 move on to other questions, any other questions about the
3 process, of what the Chair is thinking through? Any
4 questions about the process?

5 **MR. MONDS:** Yes.

6 **REPRESENTATIVE FLEMING:** Did you have one? Okay.
7 John.

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

25 **REPRESENTATIVE FLEMING:** Yes, sir. I think I

1 understand your question. If I don't, you can ask it --
2 ask it differently.

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

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

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

20 **MR. MONDS:** Yes.

21 **REPRESENTATIVE FLEMING:** -- or could I elaborate
22 further?

23 **MR. MONDS:** Yes, that's fine.

24 **REPRESENTATIVE FLEMING:** So you will have a chance to
25 make changes and then have a final vote at the end,

1 whether you're not -- you like the end product -- prod --
2 the end document.

3 And other questions regarding the process?
4 Representative?

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

7 **REPRESENTATIVE FLEMING:** Yes, sir.

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

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

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

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

24 Any further questions regarding the process before we
25 move ahead?

1 (No response)

2 **REPRESENTATIVE FLEMING:** Okay. Now, questions --
3 further questions of Mr. Germany about any portion of the
4 document at this time? Any members of the commission have
5 any questions?

6 (No response)

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

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

18 (No response)

19 **REPRESENTATIVE FLEMING:** I do not see any, so here's
20 what we're gonna do, then. Let's begin with the process.
21 There is a background section that is page 3. There's a
22 Georgia current voting system that is on page 4. Most of
23 this is background about what we've talked about, the
24 history. The recommendations and discussions don't begin
25 on page 7.

1 So at this time the Chair would be interested if
2 anyone has any changes they would like to make on page 3,
3 4, 5 or 6 on what is the background and current voting
4 system. Representative Beverly?

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

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

15 Dr. Lee, is that you, number 9?

16 **DR. LEE:** Yes.

17 **REPRESENTATIVE FLEMING:** Yes, sir.

18 **DR. LEE:** So I think we should include some
19 background information, additional background information
20 on the -- on the whole election system, not just the
21 voting system, because I think a lot of discussion that
22 led to the -- led to this commission, and I think that we
23 should -- and also later on in the recommendation, we --
24 the document says that we should not just get the new
25 voting system but also all the components. So I think it

1 would be appropriate to include backgrounds on all the
2 components and why they should be replaced, in particular
3 from a cybersecurity point of view.

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

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

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

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

19 **REPRESENTATIVE FLEMING:** Let's -- let's hold off on
20 that one thought, the pollbook, because I caught -- caught
21 a hold on that. So if I understand you correctly, your
22 point, you're saying if we as a state are going to
23 purchase a new pollbook for the system, you'd like some
24 justification for that. So why doesn't the Chair see if
25 there is discussion amongst the panel or Mr. Germany. I

1 know that we have, like I said, plenty of folks with
2 elections experience here.

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

7 **MS. BOREN:** Number 17.

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

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

20 The current election system then allows us to create
21 that ballot for that voter based upon the voter
22 registration information that is contained in that
23 electronic pollbook, and that's the yellow access card
24 that the voter receives when they go to the polling place
25 to -- or to a location to go vote. It's --

1 **REPRESENTATIVE FLEMING:** So if I understand you
2 correctly, the current pollbook is tied to the current
3 voting machine because the creation of a ballot function?

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

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

20 In this case, the legislature can certainly dictate
21 to the extent that they want to what the secretary of
22 state's office will do in their RFP process to buy new
23 machines, but if we're too careful and too specific, we
24 will not allow the flexibility to -- what they need to
25 carry out the function we've asked them to do.

1 In this case, whether or not we need a new
2 pollbook -- you can tell me now, Ms. -- Ms. Boren, or
3 somebody else can comment on that -- my assumption would
4 be that that's probably a part of the process if have an
5 RFP going forward, whether or not we'll need that. But
6 you can comment because you know more about it than I do,
7 if you'd like to.

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

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

1 since that static list was retrieved for us.

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

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

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

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

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

18 **REPRESENTATIVE FLEMING:** As I understand the
19 Senator's question, I think my answer will be yes. And --
20 and what he has indicated is occasionally in the process,
21 we will not change specific words in a document, although
22 quite often we do, we sometimes will give instructions to
23 legislative counsel, in this case general counsel, go back
24 and add something in there along these lines. And if the
25 committee feels that that is appropriate and they have

1 confidence that, yeah, that can be done, then we can ask
2 that that be done without having to make the specific
3 language right here.

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

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

11 (Chorus of laughter)

12 **SENATOR STRICKLAND:** Every now and then --

13 **REPRESENTATIVE FLEMING:** Every now and then.

14 **SENATOR STRICKLAND:** -- I get something.

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

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

25 **JUDGE McCOY:** Mr. Chairman, the senator is sitting

1 between two county voting officials.

2 **REPRESENTATIVE FLEMING:** I noticed that.

3 (Chorus of laughter)

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

12 **REPRESENTATIVE FLEMING:** Okay. Thank you, Judge.
13 Okay. Twenty-four. Okay. Yes, ma'am.

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

16 **MS. BOREN:** No.

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

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

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

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

22 Mr. Chairman, under background in the first paragraph
23 here, where the concern is whether DRE machines would
24 include all components, if we add in this sentence where
25 it says DRE, direct electronic recording machines, if we

1 add right after that and its components, I think it would
2 be very clear that it would be the entire system. And
3 throughout the report where it talks about our current
4 system, then we -- it would be very clear that all
5 components would be included.

6 **REPRESENTATIVE FLEMING:** Including the pollbook that
7 we're talking about?

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

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

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

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

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

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

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

21 **MS. WELCH:** Yes.

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

23 **JUDGE McCOY:** Yes.

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

1 (No response)

2 **REPRESENTATIVE FLEMING:** Is there any objection to
3 that amendment?

4 (No response)

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

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

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

18 **MR. GERMANY:** Yes.

19 **REPRESENTATIVE FLEMING:** Okay.

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

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

23 **DR. LEE:** Yes.

24 **REPRESENTATIVE FLEMING:** Okay. Does any of the
25 commission have any questions regarding that?

1 Secretary-elect Raffensperger.

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

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

8 **SECRETARY-ELECT RAFFENSPERGER:** Yes.

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

11 **REPRESENTATIVE FLEMING:** You're gonna create it --

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

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

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

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

22 **REPRESENTATIVE BEVERLY:** Yeah. I have a quick, just,
23 a procedural question. Is -- if we're gonna vote on this
24 document at some point, we probably need to hear what
25 Dr. Lee has written, and then have a written record for

1 public consumption entered into the document. And, so, if
2 it -- at the will of the Chair, at the appropriate time,
3 I'd like to make a motion or an amendment to the motion
4 that Dr. Lee would read what he has written so that we all
5 know what he's actually gonna input into the --

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

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

23 **REPRESENTATIVE BEVERLY:** Yes.

24 **REPRESENTATIVE FLEMING:** That make sense?

25 Dr. Lee, did you have any questions about what Mr.

1 Germany was proposing to do?

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

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

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

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

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

14 **REPRESENTATIVE FLEMING:** Right.

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

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

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

24 **REPRESENTATIVE FLEMING:** All right. Is there any
25 objection to allowing Mr. Germany to add the provision

1 that we have just discussed? Any objection?

2 (No response)

3 **REPRESENTATIVE FLEMING:** Hearing none, that is
4 adopted. Okay.

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

8 (No response)

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

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

16 **SENATOR JACKSON:** Yes, sir, Mr. Chair.

17 **REPRESENTATIVE FLEMING:** Senator Jackson.

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

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

24 **SENATOR JACKSON:** I'm sorry.

25 **REPRESENTATIVE FLEMING:** I'm gonna go through each

1 numbered part -- each numbered part. But I know -- I know
2 what you're asking. We'll get back to it. All right.
3 I'm just talking about the first paragraph right now,
4 under recommendations and discussions.

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

7 **DR. LEE:** So just the third sentence, when you say
8 experts in voting rights, I inserted cybersecurity.
9 That's all.

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

13 **DR. LEE:** Say --

14 **REPRESENTATIVE FLEMING:** Does it say these
15 recommendations?

16 **DR. LEE:** No, no, no.

17 **MR. GERMANY:** Firsthand.

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

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

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

25 **DR. LEE:** Yeah.

1 **REPRESENTATIVE FLEMING:** Okay.

2 **DR. LEE:** Just to be clear.

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

7 **REPRESENTATIVE BEVERLY:** Second.

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

10 **SECRETARY-ELECT RAFFENSPERGER:** Mr. Chairman.

11 **REPRESENTATIVE FLEMING:** Secretary-elect.

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

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

24 So right now the only motion on the table for
25 discussion is to add the word "cyber" in front of the word

1 "security." And the Chair will listen to
2 Secretary-elect's recommendation after that. Is there any
3 further discussion regarding that motion?

4 (No response)

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

7 (No response)

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

10 Representative -- Representative and Secretary-elect
11 Raffensperger.

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

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

16 **MS. BOREN:** Second.

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

19 (No response)

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

22 **MS. BOREN:** I seconded.

23 **REPRESENTATIVE FLEMING:** Yes. You seconded. You
24 seconded it. Okay. Hearing no discussion, is there -- is
25 there objection?

1 (No response)

2 **REPRESENTATIVE FLEMING:** Hearing none, that change is
3 in.

4 Counsel, you getting all this?

5 **MR. GERMANY:** Yes, Mr. Chairman.

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

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

10 (No response)

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

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

18 **REPRESENTATIVE FLEMING:** On the third sentence?

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

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

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

25 **SENATOR JACKSON:** Yes, sir.

1 **REPRESENTATIVE FLEMING:** Since we are making a
2 recommendation and a guide . . .

3 **SENATOR JACKSON:** Yes, sir.

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

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

8 **REPRESENTATIVE FLEMING:** Understood.

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

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

23 (Audience interruption.)

24 **REPRESENTATIVE FLEMING:** Members of the audience, I'm
25 going to ask you to continue to do the good job that you

1 have to allow this committee to discuss. And if I have to
2 look up and identify someone who's not following that, I'm
3 going to do what I said -- and you agreed to it -- I'm
4 gonna ask you to leave. Okay?

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

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

12 **REPRESENTATIVE FLEMING:** Surely.

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

15 **REPRESENTATIVE FLEMING:** Absolutely.

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

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

22 **REPRESENTATIVE BEVERLY:** Second.

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

25 **SECRETARY-ELECT RAFFENSPERGER:** Yes.

1 **REPRESENTATIVE FLEMING:** Mr. Secretary, your light.

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

14 **REPRESENTATIVE FLEMING:** Mr. McDonald.

15 **MR. McDONALD:** I think the two points that were
16 raised both by Senator Jackson now and what Secretary
17 Raffensperger says, there's no binding authority here to
18 go to general assembly. And I think that if we were to
19 change that to "shall," I think we create -- we risk
20 creating confusion. And what I mean by that is if
21 suddenly this reads shall and the debate starts in general
22 assembly and they session about it, people are gonna go,
23 Well, they told you to do it. And to the lay -- to the
24 lay -- the layperson, there's gonna be this impression
25 that they were mandated to do this and follow these

1 exact -- this exact formula when that's not the case.

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

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

11 **MR. McDONALD:** Yeah.

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

14 (No response)

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

18 (Chorus of "aye")

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

20 (Chorus of "no")

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

23 **SENATOR JACKSON:** Hand vote.

24 **REPRESENTATIVE FLEMING:** Absolutely. What we're
25 gonna do is hand vote on Senator Jackson's amendment. All

1 those in favor of the amendment, please indicate by
2 raising your right hand, and hold it up until I tell you
3 to put it down.

4 (Commission members respond.)

5 **REPRESENTATIVE FLEMING:** One, two, three, four, five.

6 All those opposed, please raise your right hand and
7 hold it up until I tell you to put it down.

8 (Commission members respond.)

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

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

14 **MR. MONDS:** Yes.

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

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

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

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

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

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

23 **REPRESENTATIVE FLEMING:** On page what?

24 **MR. MONDS:** Page 7.

25 **REPRESENTATIVE FLEMING:** Page 7, okay. First

1 sentence under number 1. Okay. Where do you want to put
2 the word "human"?

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

5 **REPRESENTATIVE FLEMING:** Okay. I see it.

6 **MR. MONDS:** -- a system --

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

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

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

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

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

16 **MS. ROSS:** Second it, then.

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

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

25 **REPRESENTATIVE FLEMING:** Right now the motion's only

1 for that one spot.

2 **MS. ROSS:** Okay. Well, can I make the motion that if
3 we do human in that one spot, it's throughout the entire
4 document -- human verifiable throughout the entire
5 document. That would be my motion.

6 **REPRESENTATIVE FLEMING:** For the purposes of keeping
7 some clarity to this, the Chair is gonna entertain the
8 motion that is before us. But the Chair will recognize
9 you if you want to make that motion after this one.

10 **MS. ROSS:** Okay.

11 **MR. MONDS:** Well, may I amend my motion?

12 **REPRESENTATIVE FLEMING:** You may withdraw your motion
13 and then you can make another one.

14 **MR. MONDS:** Well, I'll withdraw the motion of adding
15 human just to this one spot and make it consistent
16 throughout the document. That will be my motion.

17 **MS. ROSS:** I'll second.

18 **REPRESENTATIVE FLEMING:** The Chairman recognizes that
19 motion and there's a second. Now discussion. Mr. Russo,
20 press your button there for me, please. Number 5. There
21 you go.

22 **MR. RUSSO:** I have a -- more of a question, really.

23 **REPRESENTATIVE FLEMING:** Please.

24 **MR. RUSSO:** Is verifiable -- verifiable paper vote
25 record defined anywhere in the document? Might just be

1 easier to define what that is and that way we can refer to
2 it.

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

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

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

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

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

1 thing here.

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

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

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

21 **REPRESENTATIVE FLEMING:** Mr. Monds, a further
22 question from the Chair. If we adopt the word "human"
23 there, you have had an opportunity, like we all have, to
24 see, golly, seven or eight different vendors and various
25 kinds of machines. In your opinion, would that eliminate

1 at this point as -- well, part of our recommendation any
2 of the vendors and any of their products? Do you
3 understand my question?

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

8 **REPRESENTATIVE FLEMING:** Okay.

9 **MR. MONDS:** -- any of the vendors.

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

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

15 **REPRESENTATIVE FLEMING:** Yes, sir.

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

23 **REPRESENTATIVE FLEMING:** Okay. Dr. Lee, did you have
24 an opinion of whether or not, because of that definition,
25 you think we need to put human in front of there or not?

1 I want to make sure I understand your comment.

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

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

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

7 **REPRESENTATIVE FLEMING:** Understood.

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

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

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

13 **REPRESENTATIVE FLEMING:** Go ahead.

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

1 **REPRESENTATIVE FLEMING:** Because we don't have the
2 authority to do that. Right.

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

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

1 two cents' worth regarding the rest of us, of what we're
2 gonna do.

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

8 **REPRESENTATIVE FLEMING:** Ms. Boren.

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

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

18 (Chorus of laughter)

19 **REPRESENTATIVE FLEMING:** Dr. Lee?

20 **DR. LEE:** No.

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

24 Mr. Monds, do you want to stick with human or would
25 you prefer to go to voter verifiable?

1 **MR. MONDS:** (Indicating)

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

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

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

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

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

20 (No response)

21 **REPRESENTATIVE FLEMING:** If there are none, the Chair
22 is going to call the word on -- gonna call the vote on the
23 amendment, and then the Chair will restate his
24 understanding -- and someone correct me if I'm wrong --
25 put the word "human" in front of the word "verifiable" on

1 page 7 and anywhere else the word "verifiable" is used in
2 the document.

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

5 (Chorus of "aye")

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

7 (Chorus of "no")

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

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

12 **REPRESENTATIVE BEVERLY:** Yes.

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

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

15 **REPRESENTATIVE FLEMING:** There you go.

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

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

21 **REPRESENTATIVE BEVERLY:** Page 8.

22 **REPRESENTATIVE FLEMING:** Okay.

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

24 **REPRESENTATIVE FLEMING:** All right.

25 **REPRESENTATIVE BEVERLY:** Come down, second sentence

1 of the first paragraph.

2 **REPRESENTATIVE FLEMING:** Okay.

3 **REPRESENTATIVE BEVERLY:** That you strike --

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

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

9 **REPRESENTATIVE FLEMING:** Gotcha.

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

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

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

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

19 **REPRESENTATIVE BEVERLY:** Sorry. Say it again.

20 **REPRESENTATIVE FLEMING:** For clarity's sake.

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

24 **REPRESENTATIVE FLEMING:** Yes, sir.

25 **REPRESENTATIVE BEVERLY:** But for clarity's sake is

1 what I'm -- my -- the intent of the motion is to say that
2 we would, as the state of Georgia, go primarily toward
3 hand-marked ballots, that would be the primary way in
4 which we vote, or, secondarily, by a ballot-making device.
5 So that a hand-marked paper ballot would then take
6 precedence by taking the word "either" out and saying that
7 the recommendation of this committee is that we would have
8 a primarily way -- primary way of voting would be
9 hand-marked paper ballots.

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

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

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

20 **REPRESENTATIVE BEVERLY:** Yes. I could not do it
21 here.

22 **REPRESENTATIVE FLEMING:** Okay.

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

25 **REPRESENTATIVE FLEMING:** If you can do it, would you

1 want to do it in another place?

2 **REPRESENTATIVE BEVERLY:** Yes. I could.

3 **REPRESENTATIVE FLEMING:** Fine with it.

4 **REPRESENTATIVE BEVERLY:** -- follow it up --

5 **REPRESENTATIVE FLEMING:** Gotcha. Okay. Any other --
6 I'm sorry. Go ahead.

7 **REPRESENTATIVE BEVERLY:** But I do want to add --

8 **REPRESENTATIVE FLEMING:** Yes, sir.

9 **REPRESENTATIVE BEVERLY:** -- another amendment and
10 that is -- And, so, by hand or on a -- after the word "a"
11 is to add these three words, non-bar-coded ballot-marking
12 device.

13 **REPRESENTATIVE FLEMING:** Non-bar-coded ballot-marking
14 device. The Chair is gonna ask a question in an attempt
15 to move things along.

16 **REPRESENTATIVE BEVERLY:** Sure.

17 **REPRESENTATIVE FLEMING:** And please feel free to say
18 no that's not what I mean.

19 **REPRESENTATIVE BEVERLY:** Right.

20 **REPRESENTATIVE FLEMING:** But if you -- if I
21 understand correctly, the addition of non-bar-coded
22 ballot-markings would eliminate some of the -- the -- the
23 machines that we have seen in the -- in the process. Is
24 that correct?

25 **REPRESENTATIVE BEVERLY:** It potentially could.

1 **REPRESENTATIVE FLEMING:** Okay. Good. There is a
2 motion that we include the words and the second sentence
3 and in the first full paragraph, after the word "a,"
4 non-bar-coded ballot-marking. Actually, you just add
5 non-bar-code and it would read: A verifiable paper vote
6 record is a method of providing feedback to voters using a
7 paper ballot that is either marked by a -- by hand or on a
8 non-bar-code ballot-marking device.

9 Is there a second for that?

10 **DR. LEE:** Second.

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

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

15 **REPRESENTATIVE FLEMING:** Uh-huh.

16 **MS. HOWELL:** So I have a question for Mr. Germany.
17 For the purpose of this particular section of the
18 recommendations, because I understood that first sentence
19 to be defining what verifiable paper vote record was, just
20 as a term of art as was mentioned earlier. And, so, the
21 recommended -- the current changes would change, I think,
22 then, the purpose of the overall paragraph to be what a
23 verifiable paper vote record would be in Georgia. So I'm
24 just trying to understand the intent of this paragraph
25 because it then substantially changes the structure.

1 **MR. GERMANY:** Yes, ma'am. That's -- that's correct.
2 The point of this sentence is just definitional and
3 explanatory. This is not meant to be a recommendation
4 sentence. I think that's handled in late -- and
5 Representative Beverly was referring to Section 6. And
6 that's -- that's where both of those things are handled.
7 And, so, if you're trying to, like, substantively change
8 that, that might not be the place.

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

13 **REPRESENTATIVE BEVERLY:** Yes.

14 **REPRESENTATIVE FLEMING:** Would you like to withdraw?

15 **REPRESENTATIVE BEVERLY:** I'll withdraw.

16 **REPRESENTATIVE FLEMING:** Okay. His motion is
17 withdrawn.

18 Any other changes to this section before we get to
19 number 2 on page -- at the top of page 9?

20 (No response)

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

23 **MR. GERMANY:** Can I ask --

24 **REPRESENTATIVE FLEMING:** Mr. Germany.

25 **MR. GERMANY:** I'm -- I'm looking at what Dr. Lee sent

1 me last night that I didn't get a chance to -- to put in,
2 in that same sentence.

3 **REPRESENTATIVE FLEMING:** Yes.

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

12 **REPRESENTATIVE FLEMING:** Dr. Lee. Press your button
13 there. Dr. Lee.

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

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

1 **DR. LEE:** Okay.

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

4 **MR. GERMANY:** Right.

5 **REPRESENTATIVE FLEMING:** Okay. Mr. McDonald.

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

8 **REPRESENTATIVE FLEMING:** Hold on one second. There
9 we go.

10 **MR. McDONALD:** A question for you, Mr. Chairman, and
11 in your opinion and any other legislators who've kind of
12 gone through the legislative process, is there something
13 to, at this point, just amending the document to include a
14 definitions section, and then -- because so far the first
15 two questions we've asked and we've spent time on were --
16 we're -- we're spending time on what something means. And
17 then we're gonna start -- if we're gonna continue to do
18 that, and the next question is gonna be where else in the
19 document do we have to change it. And I fear that we're
20 gonna -- if we kind of hunt and peck, for lack of a better
21 word, we're gonna end up with a document that is probably
22 less clear than we would like it to be. And if we're
23 gonna do this page by page and start wondering what things
24 mean, like just now, do we change it here or we change it
25 there, right now what I would recommend is, based on my

1 past experience, is if we're gonna have a discussion,
2 let's have a discussion on what verifiable paper ballot
3 means, agree on what it means, add one section that says
4 this verifiable per paper ballot means, for the purposes
5 of this document, this, and therefore we at least have a
6 consistency and we know what we've changed and why we've
7 changed it.

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

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

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

23 Any changes suggested by the commission on Section 2?

24 (No response)

25 **REPRESENTATIVE FLEMING:** The Chair hears none. We

1 move to Section 3 on page 9. Yes, Dr. Lee.

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

4 **REPRESENTATIVE FLEMING:** Yes, sir.

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

7 **REPRESENTATIVE FLEMING:** Yes, sir.

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

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

12 **DR. LEE:** Yeah, sorry.

13 **REPRESENTATIVE FLEMING:** There. Do it now.

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

23 **REPRESENTATIVE FLEMING:** Do you have some language
24 already that you submitted that would make that change,
25 Dr. Lee?

1 **DR. LEE:** I have not. I just sent in comments, but I
2 can send you the actual language.

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

9 **DR. LEE:** Right.

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

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

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

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

24 **REPRESENTATIVE FLEMING:** So here's how I would
25 propose we handle that, that if that is voted to be

1 included by the commission, that it read: However,
2 Dr. Lee of the commission, rec -- makes the point or
3 recommends.

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

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

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

12 (No response)

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

15 **DR. LEE:** Yes.

16 **REPRESENTATIVE BEVERLY:** Second.

17 **REPRESENTATIVE FLEMING:** Is there a second?

18 **REPRESENTATIVE BEVERLY:** I second.

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

21 Is there any discussion regarding that motion? Madam
22 Secretary.

23 **SECRETARY CRITTENDEN:** I just want to clarify the
24 language. So the language would be: However, Dr. Lee of
25 the commission -- is that -- did you want notes or rec --

1 are you recommending that it not be uniform?

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

5 **SECRETARY CRITTENDEN:** Okay. So it's recommends?

6 **DR. LEE:** Right.

7 **SECRETARY CRITTENDEN:** Okay. Thank you.

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

10 **MR. RUSSO:** 5.

11 **REPRESENTATIVE FLEMING:** Go ahead.

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

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

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

24 (No response)

25 **REPRESENTATIVE FLEMING:** Hearing none. All those --

1 Mr. McDonald, press your button. Thank you.

2 **MR. McDONALD:** I did.

3 **REPRESENTATIVE FLEMING:** Okay.

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

25 **DR. LEE:** So my understanding is that we are

1 providing a set of recommendations. Right? So I'm
2 assuming that there will be multiple vendors that can
3 satisfy the recommendations or the requirement. So I
4 don't think we should just going in assuming that there's
5 only one vendor that could be -- that could be chosen. I
6 think that's a very dangerous practice, not just from a
7 cybersecurity point of view; could also be from a
8 financial point of view. What if that vendor goes
9 bankrupt next year. Right?

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

12 (No response)

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

16 (Chorus of "aye")

17 **REPRESENTATIVE FLEMING:** All those opposed?

18 (Chorus of "no")

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

21 (No response)

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

25 (No response)

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

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

8 **MS. WELCH:** Yes, Mr. Chairman. Can I add a section
9 of a restroom break?
10 (Chorus of laughter)

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

15 **MS. WELCH:** Thank you. Two cups of coffee getting
16 down here.
17 (Chorus of laughter)

18 **REPRESENTATIVE FLEMING:** Sometimes in the
19 legislature, the way we get things done is you don't let
20 anybody go to lunch either.
21 (Chorus of laughter)

22 **REPRESENTATIVE FLEMING:** Okay. Absolutely.
23 Let -- any -- any changes to Section 4 before we take
24 a five-minute break?
25 (No response)

1 **REPRESENTATIVE FLEMING:** Hearing none, we'll -- we'll
2 take a five-minute break, promptly five minutes, and we
3 will come -- I'm sorry, Amy. Okay. I'm sorry. My
4 apologies. Amy, Section 4?

5 **MS. HOWELL:** Yes.

6 **REPRESENTATIVE FLEMING:** Okay.

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

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

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

19 I think perhaps the best place to add it is just at
20 the -- on the -- on the middle of page 11, before I
21 start -- before I get into this discussion of the EAC. So
22 the paragraph (as read) "the SAFE Commission also heard
23 testimony from representatives," add another paragraph
24 discussing that litigation, which is primarily -- the two
25 I'm thinking of are occurring in Maryland and Ohio. And

1 that's what I discussed with the commission at the last
2 meeting. And if it would be all right, I could just add
3 similar to what I'll add at the beginning about pollbooks
4 and scanners, just a description of that -- of that
5 litigation.

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

11 **MR. GERMANY:** Okay.

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

14 **MR. GERMANY:** Yeah.

15 (Chorus of laughter)

16 **REPRESENTATIVE FLEMING:** You can pull that -- you
17 pull that string.

18 Okay. Questions regarding Ms. Howell's
19 recommendation?

20 **MS. ROSS:** I have a question.

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

24 Yes, ma'am.

25 **MS. ROSS:** Thank you.

1 **REPRESENTATIVE FLEMING:** Ms. Ross.

2 **MS. ROSS:** Thank you, Mr. Chair.

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

6 **MR. GERMANY:** Yes.

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

10 **MR. GERMANY:** Yes.

11 **MS. ROSS:** Okay.

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

14 **MS. ROSS:** Okay. Okay.

15 **MR. GERMANY:** But the recent litigation.

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

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

20 (No response)

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

23 **MS. HOWELL:** Sure. I would move to add a portion
24 after the paragraph on page 11 that provides a synopsis
25 and overview of the detrimental impacts on individuals

1 with develop -- with disabilities and current or recent
2 litigation in relationship to consistency with the
3 Americans with Disabilities Act.

4 **REPRESENTATIVE FLEMING:** Is there a second?

5 **SENATOR JACKSON:** Second.

6 **MS. ROSS:** Second.

7 **REPRESENTATIVE FLEMING:** There's a second.

8 Discussion?

9 (No response)

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

12 (No response)

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

19 (Chorus of laughter)

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

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

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

25 **REPRESENTATIVE FLEMING:** If you would, please return

1 to your seat. All right. Chair is gonna start calling
2 names. All righty. Let's see who -- who I see who is not
3 here. Ms. Howell.

4 (Unreported chitchat as attendees settle)

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

9 (No response)

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

12 **DR. LEE:** Yes.

13 **REPRESENTATIVE FLEMING:** Dr. Lee.

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

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

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

24 **REPRESENTATIVE FLEMING:** In the caption, I'm sorry.
25 In the caption. Fourth sentence in the caption. All

1 right. Show me where there.

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

4 **REPRESENTATIVE FLEMING:** Yes.

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

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

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

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

16 **DR. LEE:** Correct.

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

19 **DR. LEE:** Yes.

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

24 Would it be your intent to have the same situation
25 there, Dr. Lee, if we made your change?

1 **DR. LEE:** Yes.

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

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

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

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

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

24 Okay. Is there any question regarding the amendment
25 before I ask if there's a second?

1 (No response)

2 **REPRESENTATIVE FLEMING:** If there is none, is there a
3 second?

4 **REPRESENTATIVE BEVERLY:** Second.

5 **REPRESENTATIVE FLEMING:** There's a second.
6 Discussion? Mr. Russo, press -- number 5. Okay.

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

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

16 **SENATOR JACKSON:** No.

17 **REPRESENTATIVE FLEMING:** No. I'm sorry. Ms. Ross.
18 Go ahead, Ms. Ross.

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

22 There seems to be a natural conflict between the best
23 cybertechnology and functionality with humans dealing with
24 it. And I guess what I'm trying to figure out is, what is
25 -- what is the balance? And that's something we're all

1 struggling with. There are times when something can be
2 the best in cybersecurity but then it opens us up to an
3 unacceptable level of human error in the implication or
4 implementation of that process.

5 And, so, when you're -- we're deciding to put best
6 cybersecurity here in lieu of functionality -- so the way
7 I understand the amendment would be the word
8 "functionality" will just be deleted and it will say the
9 best cybersecurity -- does that mean we are placing
10 cybersecurity over functionality?

11 **REPRESENTATIVE FLEMING:** Dr. Lee.

12 **DR. LEE:** Yeah. So, I mean, first of all, I'm not
13 removing the word "functionality."

14 **MS. ROSS:** Okay.

15 **DR. LEE:** I just say ensure the best cybersecurity
16 and functionality.

17 **MS. ROSS:** Yeah.

18 **DR. LEE:** And then my -- you know, that would be a
19 separate motion, but somewhere down the line in the same
20 paragraph where you have the bullet items, I just say that
21 industry best practices actually are well established even
22 by some standard body such as NIST. So there's such thing
23 called "best cybersecurity" that's available.

24 **MS. ROSS:** Okay.

25 **REPRESENTATIVE FLEMING:** Any other comments?

1 (No response)

2 **REPRESENTATIVE FLEMING:** There has been a motion and
3 a second. Does anyone need the Chair to restate what
4 we're doing?

5 (No response)

6 **REPRESENTATIVE FLEMING:** If not, all those in favor
7 of the motion, please indicate by saying "aye."

8 (Chorus of "aye")

9 **REPRESENTATIVE FLEMING:** All those opposed?

10 (Chorus of "no")

11 **REPRESENTATIVE FLEMING:** In the opinion of the Chair,
12 the motion fails.

13 Any other suggested changes to Section 5? Dr. Lee.

14 **DR. LEE:** Yeah. So should I include them all or
15 one -- one word at a time?

16 **REPRESENTATIVE FLEMING:** Well, are they all related?

17 **DR. LEE:** Yes.

18 **REPRESENTATIVE FLEMING:** Tell us what you're trying
19 -- what you want to do, and then we'll figure that
20 question out.

21 **DR. LEE:** Okay. So, first, as a clarification, I
22 think the second paragraph of the text, the first sent --

23 **REPRESENTATIVE FLEMING:** That begins with as with any
24 piece?

25 **DR. LEE:** Right.

1 **REPRESENTATIVE FLEMING:** Okay.

2 **DR. LEE:** I just say, you know, change security to
3 cybersecurity --

4 **REPRESENTATIVE FLEMING:** Okay.

5 **DR. LEE:** -- again.

6 **REPRESENTATIVE FLEMING:** Okay.

7 **DR. LEE:** And then the bullet items, the sixth
8 bullet, ensure that there is a consistent process, not
9 just a way. Change the word "a way" to consistent
10 process.

11 **REPRESENTATIVE FLEMING:** There's a -- change the word
12 "way" to process?

13 **DR. LEE:** Consistent process.

14 **REPRESENTATIVE FLEMING:** The Chair is probably gonna
15 take these one at a time now that I see what you're --
16 what you're asking. But go ahead and finish the -- the
17 whole list.

18 **DR. LEE:** Okay.

19 **REPRESENTATIVE FLEMING:** Or is it just those two?

20 **DR. LEE:** Oh, no, there are a few more.

21 **REPRESENTATIVE FLEMING:** Okay. Go ahead.

22 **DR. LEE:** And then the next bullet, so my edit would
23 read: For any vendor that provides hardware or software,
24 require vendor security measures in accordance with
25 industry best practices such as those established by NIST.

1 **REPRESENTATIVE FLEMING:** In accordance with industry
2 best --

3 **DR. LEE:** -- best practices.

4 **REPRESENTATIVE FLEMING:** -- best practices --

5 **DR. LEE:** -- such as those established by NIST.

6 **REPRESENTATIVE FLEMING:** -- such as those established
7 by -- and say that last word.

8 **DR. LEE:** NIST, the National Institute of Standards
9 Technology.

10 **REPRESENTATIVE FLEMING:** That's an acronym?

11 **DR. LEE:** Yes.

12 **REPRESENTATIVE FLEMING:** Give me it letter by letter.

13 **DR. LEE:** N-I-S-T, all -- all capped.

14 **REPRESENTATIVE FLEMING:** N-I-S-T.

15 **DR. LEE:** Yes.

16 **REPRESENTATIVE FLEMING:** NIST.

17 **DR. LEE:** Uh-huh.

18 **REPRESENTATIVE FLEMING:** And it stands for, again,
19 the National . . .

20 **DR. LEE:** Institute of Standard Technologies.

21 **REPRESENTATIVE FLEMING:** I think we'll spell that
22 word out, Counselor, if we were to adopt that. And then
23 you put the acronym in parentheses in case we use it
24 again -- if we use it again.

25 **MR. GERMANY:** Sure.

1 **REPRESENTATIVE FLEMING:** Any other potential
2 amendments to that section? Dr. Lee.

3 **DR. LEE:** And then . . . let me see here. And then
4 further down by the same bullet, toward the end I say --
5 well, the next sentence I my edit is: Such security
6 requirements for any potential vendor should be included
7 in the F -- in the RFP process and in any contract, so
8 that vendors hold responsibility for cybersecurity
9 failures and are motivated to properly maintain equipment
10 under contract.

11 **REPRESENTATIVE FLEMING:** Okay. Say that slower.

12 **DR. LEE:** Okay. So after NIST, I added such in front
13 of security --

14 **REPRESENTATIVE FLEMING:** You took the word "strict"
15 out and added such?

16 **DR. LEE:** Right. Such, yes.

17 **REPRESENTATIVE FLEMING:** Okay.

18 **DR. LEE:** And then I . . .

19 **REPRESENTATIVE FLEMING:** And then, I think, after the
20 word "contract," you want to put a comma?

21 **DR. LEE:** Yeah, end of contract, so that -- I say so
22 that vendors hold responsibility.

23 **REPRESENTATIVE FLEMING:** Hold responsibility;
24 H-o-l-d, hold responsibility?

25 **DR. LEE:** Yeah.

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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

1 piece of -- any -- as with any piece of hardware or
2 software, to put the word "cyber" before security there;
3 cybersecurity must be a top priority.

4 Is that the correct change, Dr. Lee?

5 **DR. LEE:** Yes.

6 **REPRESENTATIVE FLEMING:** Is there a second?

7 (No response)

8 **REPRESENTATIVE FLEMING:** Hearing none, the motion
9 fails for a -- for lack of a second.

10 Number 2 is, when you go down to the bullet points,
11 the one that begins about 1, 2, 3 -- on number 6 down, I
12 believe, is ensure that there is a -- change the word
13 "way" to process, so it would read: Ensure that there is
14 a process to securely patch --

15 **DR. LEE:** Sorry. I changed a way to consistent
16 process.

17 **REPRESENTATIVE FLEMING:** Consistent process.
18 Consistent process, okay. To ensure that there is a
19 consistent process to securely patch and update software
20 on devices.

21 Is there a second?

22 **MR. RUSSO:** Second.

23 **REPRESENTATIVE FLEMING:** There is a second. Any
24 discussion?

25 (No response)

1 **REPRESENTATIVE FLEMING:** Hearing none, all those in
2 favor, say "aye."

3 (Chorus of "aye")

4 **REPRESENTATIVE FLEMING:** Any opposed?

5 (No response)

6 **REPRESENTATIVE FLEMING:** That is adopted. Got that,
7 Counselor?

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

9 **REPRESENTATIVE FLEMING:** Number 3, this is a long
10 one. I'm gonna let counsel with the cheat sheet tell us
11 what that one is. It begins with for any vendor that
12 provides software -- hardware or software require vendor
13 security measures in accordance with, is what I began to
14 write down. Do you have that one or do you want to read
15 mine?

16 **MR. GERMANY:** Yes, sir. So after -- in that bullet
17 point after require vendor security measures, motion would
18 add in accordance with industry best practices such as
19 those established by NIST, N-I-S-T, which I would --

20 **REPRESENTATIVE FLEMING:** Tell me what NIST is, Mr.
21 Lee -- Dr. Lee.

22 **DR. LEE:** National Institute --

23 **REPRESENTATIVE FLEMING:** I know that. Yeah, I got
24 that. But tell me -- tell me what it is. Tell me about
25 it.

1 **DR. LEE:** Oh. So, I see. So it's a government
2 agency that they -- they also do some basic research, such
3 as, you know, increase the accuracy of the atomic clock,
4 so there's Nobel Prize winners in that organization. But
5 they also study, you know, industries such as, you know,
6 what we need to do to recommend to industry how do they
7 secure their system. So they publish documents --

8 **REPRESENTATIVE FLEMING:** I see. Federal -- federal
9 government agency?

10 **DR. LEE:** Right. Right.

11 **REPRESENTATIVE FLEMING:** Is it -- under what
12 department?

13 **DR. LEE:** Department of Commerce, I believe.

14 **REPRESENTATIVE FLEMING:** Department of Commerce?

15 **DR. LEE:** Yes.

16 **REPRESENTATIVE FLEMING:** Okay.

17 **DR. LEE:** So they -- they actually provide
18 recommendations on how do you best secure your system
19 given new technologies. For example, they would publish
20 documents on best practices if you want to secure your
21 wireless network for your enterprise.

22 **REPRESENTATIVE FLEMING:** Do they -- they ever do
23 anything controversial?

24 **REPRESENTATIVE BEVERLY:** Never.

25 **REPRESENTATIVE FLEMING:** Seriously?

1 **MR. GERMANY:** Mr. Chairman.

2 (Chorus of laughter)

3 **MR. GERMANY:** Mr. Chairman. I would say NIST --

4 **REPRESENTATIVE FLEMING:** I'm just trying to figure
5 out who I'm fixing to endorse. It sounds legit.

6 **MR. GERMANY:** NIST -- NIST standards are regularly
7 implemented in contractual terms for cybersecurity.

8 **REPRESENTATIVE FLEMING:** That's what I wanted to
9 know. Okay.

10 Is there a second regarding that amendment?

11 **MR. McDONALD:** I second.

12 **REPRESENTATIVE FLEMING:** There is a second. Is there
13 discussion regarding that amendment?

14 (Court reporter requests clarification.)

15 **REPRESENTATIVE FLEMING:** Mr. McDonald. And, Madam
16 Court Reporter, you stop me any time you don't have it
17 either. You can pull the -- the string on the train, too.
18 Okay? And you tell my wife, who's a court reporter, how
19 good I am at this. Okay? I get -- my wife tells me to
20 always stop for the court reporter, so . . . All right.

21 So there is a second. Any discussion regarding that
22 amendment?

23 **MR. RUSSO:** I have a question.

24 **REPRESENTATIVE FLEMING:** Mr. Russo, number 5.

25 **MR. RUSSO:** Mr. Germany, this is a -- I have -- I

1 have a question about this. Is -- would this requirement
2 pose any issues with getting certification by the -- the
3 EAC. The EAC and NIST have a working group, which, I
4 believe, it's mentioned in the last paragraph of the
5 section right before this? I'm just trying to figure out
6 if this is gonna conflict with what we have already all
7 agreed on in the prior section on it.

8 **MR. GERMANY:** I don't think it will, given what you
9 said, that the EAC and NIST work -- have worked together
10 on election security components. I like the way that
11 Dr. Lee's motion is worded. It says: Such as those
12 established by NIST. So I think the -- the implication
13 is, you know, if -- if NIST comes out with some new
14 standard that these guys don't meet yet, you know, it
15 wouldn't -- it wouldn't require that immediately, which is
16 pretty standard in -- in contracting as well.

17 **REPRESENTATIVE FLEMING:** Any other discussion?

18 (No response)

19 **REPRESENTATIVE FLEMING:** Hearing none, all those in
20 favor of the motion, please say "aye."

21 (Chorus of "aye")

22 **REPRESENTATIVE FLEMING:** Any opposed?

23 (No response)

24 **REPRESENTATIVE FLEMING:** It's in. Okay. Dr. Lee,
25 the last one, I think, is on the next bullet point down

1 and there were two changes.

2 **DR. LEE:** No, the same bullet point, actually.

3 **REPRESENTATIVE FLEMING:** Same bullet point, actually.

4 **DR. LEE:** Yes.

5 **REPRESENTATIVE FLEMING:** Oh, it is the same one.

6 Mibad. It's the next sentence in that same bullet point
7 that we just amended. You're gonna change the word
8 "strict" to such security measures, correct?

9 **DR. LEE:** Yes.

10 **REPRESENTATIVE FLEMING:** And -- okay. On bullet
11 point number 1, 2, 3, 4, 5, 6, 7, that we just amended,
12 the second sentence began with strict security
13 requirements. Dr. Lee's amendment is to change it to such
14 security requirements. And I think that is also meant to
15 be effective with what you add to the end of the sentence.

16 So, Counsel, you want to read that to us in toto?

17 **MR. GERMANY:** Yes, Mr. Chairman. So that -- the last
18 sentence in that bullet point would now read: Such
19 security requirements for any potential vendor shall be
20 included in the RFP process and in any contract, so that
21 the vendors hold responsibility for cybersecurity failures
22 and are motivated to properly maintain equipment under
23 contract.

24 **REPRESENTATIVE FLEMING:** So the vendors hold
25 responsibility for cyber -- for security failures and

1 are -- say it again.

2 **MR. GERMANY:** And are motivated to properly maintain
3 equipment under contract.

4 **REPRESENTATIVE FLEMING:** Is there a second to that
5 amendment?

6 **SENATOR JACKSON:** Second.

7 **REPRESENTATIVE FLEMING:** There is a second.
8 Discussion? Mr. McDonald.

9 **MR. McDONALD:** I recommend one minor change, just
10 for, I think, tone and -- from -- instead of using the
11 word "motivated," use incentivized.

12 **REPRESENTATIVE FLEMING:** Dr. Lee, do you -- do you
13 like that change or not?

14 **DR. LEE:** Yes, I like.

15 **REPRESENTATIVE FLEMING:** In the Chair's prerogative,
16 we're going to make that change unless there's objection,
17 and then we're gonna come back to the amendment and vote
18 on it in total.

19 (No response)

20 **REPRESENTATIVE FLEMING:** It's changed. Ms. Boren.

21 **MS. BOREN:** Are we referring to the physical
22 maintenance of the equipment or the maintenance of the
23 software that runs the equipment?

24 **REPRESENTATIVE FLEMING:** Dr. Lee.

25 **DR. LEE:** The software.

1 **MS. BOREN:** Could you read the last part of that
2 statement again, please?

3 **REPRESENTATIVE FLEMING:** Counselor.

4 **MR. GERMANY:** I'll read the whole bullet point as it
5 would be amended.

6 (As read) For any vendor that provides hardware or
7 software, require vendor security measures in accordance
8 with industry best practices, such as those established by
9 NIST. Such security requirements for any potential vendor
10 should be included in the RFP process and in any contract,
11 so that vendors hold responsibility for cybersecurity
12 failures and are incentivized to properly maintain
13 equipment under contract.

14 **REPRESENTATIVE FLEMING:** Okay. Clarified. Dr. Lee.

15 **DR. LEE:** Yes. I don't want to actually change the
16 equipment to -- to anything. I think it should be
17 inclusive because I don't want to give them wiggle room to
18 define, you know, what's hardware versus software, because
19 now the boundary's pretty blurred, I mean, hardware also
20 comes with some -- some software components. So I think
21 we're just using, you know, equipment to, really, properly
22 hold them accountable.

23 **REPRESENTATIVE FLEMING:** Further discussion on Dr.
24 Lee's motion? There is -- Representative Beverly.

25 **REPRESENTATIVE BEVERLY:** In the first part of that --

1 in the first part of that bullet point, then we specify
2 hardware or software and then everything that follows
3 subsequent would then capture what he said. Right. So he
4 said hardware or software. There's no need to divide it
5 any further along the continuum of that motion because we
6 already defined it.

7 **REPRESENTATIVE FLEMING:** You're explaining a previous
8 question on -- or --

9 **REPRESENTATIVE BEVERLY:** Yeah. I'm just trying to
10 make sure that I have clarification on what the actual
11 motion is and the amendment to that motion is, that we
12 don't need to add another component --

13 **MR. FLEMING:** There is no amendment --

14 **REPRESENTATIVE BEVERLY:** Okay.

15 **REPRESENTATIVE FLEMING:** -- at this point to the
16 motion.

17 **REPRESENTATIVE BEVERLY:** All right. All right.

18 **REPRESENTATIVE FLEMING:** Uh-huh. That's why I told
19 you earlier I didn't want to go through that process. It
20 gets too confusing. The Chair will try to work -- move us
21 along, though, whenever it can, to accomplish the same
22 goal. Representative Beverly, I understand exactly what
23 you were attempting to do and it's a good -- a good thing.

24 Any other questions regarding that motion?

25 (No response)

1 **REPRESENTATIVE FLEMING:** Any other discussion?

2 (No response)

3 **REPRESENTATIVE FLEMING:** All those in favor of the
4 motion, please indicate by saying "aye."

5 (Chorus of "aye")

6 **REPRESENTATIVE FLEMING:** All those opposed?

7 (No response)

8 **REPRESENTATIVE FLEMING:** Motion's in. Amendment is
9 in.

10 All right. Any other changes to Section 5?

11 (No response)

12 **REPRESENTATIVE FLEMING:** Hearing none, we will move
13 on to Section 6, which begins on page 13, goes through
14 page 14, page 15, and ends on page 15. That's a long
15 section. I'm gonna give you a second to look over it.

16 Okay. Senator Jackson.

17 **SENATOR JACKSON:** I have a --

18 **REPRESENTATIVE FLEMING:** Are you 17?

19 **SENATOR JACKSON:** 18, Mr. Chairman.

20 **REPRESENTATIVE FLEMING:** Okay.

21 **SENATOR JACKSON:** Okay. I have a couple of questions

22 --

23 **REPRESENTATIVE FLEMING:** Push your button again,
24 Sheila, so I'll know to come back to you.

25 **MS. ROSS:** It wasn't me.

1 **REPRESENTATIVE FLEMING:** Oh, it wasn't you.

2 **MS. ROSS:** It was Nancy.

3 **MS. BOREN:** It was me.

4 **REPRESENTATIVE FLEMING:** Oh, it was Nancy. Okay. So
5 18 is Senator Jackson.

6 **SENATOR JACKSON:** I have a couple questions, Mr.
7 Chairman.

8 **REPRESENTATIVE FLEMING:** Yes, sir.

9 **SENATOR JACKSON:** On page 15, this commission refers
10 to Dr. Lee as he's a -- not a member of this commission.

11 **REPRESENTATIVE FLEMING:** Where on -- right there in
12 the middle of the paragraph, in the middle of the page?

13 **SENATOR JACKSON:** Yeah. This commission agrees with
14 Dr. Lee. Isn't he a part of the commission?

15 **REPRESENTATIVE FLEMING:** Would you like it to say the
16 commission agrees with Commissioner Lee?

17 **SENATOR JACKSON:** Yes.

18 **REPRESENTATIVE FLEMING:** Commission Member Lee?

19 **SENATOR JACKSON:** Yes, if that's appropriate, Mr.
20 Chairman.

21 **MR. GERMANY:** I just point out that earlier, a few
22 paragraphs before, I say SAFE Commission Member Dr. Wenke
23 Lee.

24 **REPRESENTATIVE FLEMING:** He's already been identified
25 as that earlier is what -- is -- is the point of the

1 counsel. Bottom of 14.

2 **SENATOR JACKSON:** Okay. Okay.

3 **REPRESENTATIVE FLEMING:** So it's accomplishing what
4 you -- your -- your point is well taken and it was done
5 earlier.

6 **SENATOR JACKSON:** Okay.

7 **REPRESENTATIVE FLEMING:** All right.

8 **SENATOR JACKSON:** Okay.

9 **REPRESENTATIVE FLEMING:** Ms. Boren.

10 **SENATOR JACKSON:** I --

11 **REPRESENTATIVE FLEMING:** Oh, I'm sorry. Did you have
12 something else --

13 **SENATOR JACKSON:** One other quick --

14 **REPRESENTATIVE FLEMING:** -- Senator?

15 **SENATOR JACKSON:** One other quick, yes. Yes, sir.

16 And this question is for Mr. German.

17 Mr. German, does Section C [sic] confirm our desire
18 of this commission that we count and compare the number of
19 votes of the machine and the number of paper ballots? Is
20 this -- is that what's confirmed in this section?

21 **MR. GERMANY:** Included in this section -- and I
22 don't -- I don't have the exact -- let me figure out
23 exactly where it is -- but based on our previous
24 discussion, I believe there is functionality where the
25 ballot-marking devices will count the number of votes cast

1 on them -- not cast on them, but the number of, basically,
2 people that -- that -- that -- printed their ballot out of
3 those devices. And that says, I think, as you mentioned,
4 a check. You then add all -- all of those up, look at the
5 total from that precinct, and you should have -- you have
6 a check of -- how many --

7 **REPRESENTATIVE FLEMING:** -- ballots were cast.

8 **MR. GERMANY:** Right.

9 **SENATOR JACKSON:** So the answer's yes?

10 **MR. GERMANY:** Yes. That is -- that is in this
11 paragraph, Senator.

12 **SENATOR JACKSON:** Okay. This is one. Okay.

13 **REPRESENTATIVE FLEMING:** Further questions, Senator?

14 **SENATOR JACKSON:** Not yet. But, no. Yes, sir. Go
15 ahead.

16 **REPRESENTATIVE FLEMING:** I'll come back to you.

17 Ms. Boren.

18 **MS. BOREN:** A question to your point, the number of
19 ballots issued, cast, vote on the ballot-marking device,
20 if a voter spoils that ballot, it then numbers another
21 number, correct?

22 **MR. GERMANY:** Yes.

23 **MS. BOREN:** So that would not be a check-in balance
24 or would it?

25 **MR. GERMANY:** Well, there would -- there would have

1 to be procedures that, similar to the way they are now,
2 the recap sheets --

3 **MS. BOREN:** Right.

4 **MR. GERMANY:** -- where poll workers would mark --

5 **MS. BOREN:** -- spoiled --

6 **MR. GERMANY:** -- spoiled ballots.

7 **MS. BOREN:** Uh-huh. Right.

8 **REPRESENTATIVE FLEMING:** Dr. Lee.

9 **DR. LEE:** Okay. So I have quite a few suggested
10 edits. And I think Mr. Germany has a cheat sheet as well,
11 but I'm gonna --

12 **REPRESENTATIVE FLEMING:** How many edits are there?
13 Hold on one second, Dr. Lee.

14 Mr. Germany, how many do you have there?

15 **MR. GERMANY:** He's probably got about five different
16 parts with edits.

17 **REPRESENTATIVE FLEMING:** Okay. Okay. Let's --
18 we'll -- we'll -- we'll take those one at a time. So tell
19 us the first one, Dr. Lee.

20 **DR. LEE:** Okay. So the first one is in the caption.

21 **REPRESENTATIVE FLEMING:** Yes.

22 **DR. LEE:** So right now it reads given -- so the first
23 phrase of given Georgia's history as a state that uses
24 DREs and familiarity of voters and election officials with
25 that method of voting -- of vote casting, Georgia should

1 further examine both ballot-marking devices with
2 verifiable paper ballots, and, also, a hand-marked paper
3 ballot solution.

4 **REPRESENTATIVE FLEMING:** Okay. Mr. Germany, read
5 that back to me as how it would read with that amendment,
6 if -- if you got it.

7 **MR. GERMANY:** So the change to that, number 6, as
8 it's currently worded says Georgia should move to a
9 primarily ballot-marking device with verifiable paper
10 ballot solution for a new voting system.

11 Dr. Lee's amendment would change it to: Georgia
12 should further examine both ballot-marking devices with
13 verifiable paper ballots and also a hand-marked paper
14 ballot solution.

15 **REPRESENTATIVE FLEMING:** Read it one more time.

16 **MR. GERMANY:** It would change -- so after the
17 comma --

18 **REPRESENTATIVE FLEMING:** So you're getting rid of
19 everything after Georgia should?

20 **MR. GERMANY:** No. Well, yes. We're getting rid of
21 everything after Georgia should or Georgia, get rid of
22 everything after Georgia, and replacing it with should
23 further examine both ballot-marking devices with
24 verifiable paper ballots and, also, a hand-marked paper
25 ballot solution.

1 So the effect of this would be instead of the
2 commission recommending one or the other, it's essentially
3 recommending further study of both.

4 I think, is that accurate -- another way of --

5 **DR. LEE:** Yes. Yes. That's the accurate intent.
6 Yes.

7 **REPRESENTATIVE FLEMING:** The Chair's intent is to,
8 first, take questions for clarity of what Dr. Lee is
9 trying to accomplish there, and then I'm gonna ask for a
10 second, so you know what your second -- are there any
11 questions about what Dr. Lee is trying to accomplish
12 there?

13 (No response)

14 **REPRESENTATIVE FLEMING:** Hearing none, is there a
15 second to that motion?

16 **SENATOR JACKSON:** Second.

17 **REPRESENTATIVE FLEMING:** It is seconded. Any
18 discussion regarding the motion? Senator Strickland.

19 **SENATOR STRICKLAND:** Thank you, Mr. Chairman. I
20 think that that in the heading will create more confusion
21 for the legislature because we already clarify, when you
22 get into the weeds of the first paragraph, that we were
23 not able to come to a unanimous view on how Georgia voters
24 should mark their ballots. And, so, we already made it
25 clear in the text that this was a discussion we had and

1 the majority of us felt a certain way. It was a
2 discussion we had amongst the commission. I think that
3 heading creates more confusion. It's what the
4 legislature's gonna look at.

5 **REPRESENTATIVE FLEMING:** Other comments regarding
6 discussion regarding Dr. Lee's motion?

7 (No response)

8 **REPRESENTATIVE FLEMING:** Hearing none, the Chair will
9 call the question. All those in favor of Dr. Lee's
10 motion, please indicate by saying -- okay. The Chair will
11 now call the question. All those in favor of Dr. Lee's
12 motion, please indicate by saying "aye."

13 (Chorus of "aye")

14 **REPRESENTATIVE FLEMING:** All those opposed?

15 (Chorus of "no")

16 **REPRESENTATIVE FLEMING:** Noes clearly have it.
17 Amendment number 2, Dr. Lee.

18 **DR. LEE:** Okay. So in the first paragraph -- let me
19 see which sentence. So there's a sentence that starts
20 with ballot-marking devices with verifiable paper ballots
21 ensure that a voter's selection in each contest is
22 captured in a manner that will be accurately counted by
23 the tabulating mechanism. I want to change --

24 **REPRESENTATIVE FLEMING:** So let's -- let's -- let's
25 all get on the same page there. So after the caption,

1 then there begins a long paragraph.

2 **DR. LEE:** Right.

3 **REPRESENTATIVE FLEMING:** You go down to line 1, 2, 3,
4 4, 5 --

5 **DR. LEE:** Yes.

6 **REPRESENTATIVE FLEMING:** The sentence there begins
7 with, currently, ballot-marking devices with verifiable
8 ballots ensure that a voter's selection in each contest is
9 captured in a manner that will be accurately counted by
10 the tabulating mechanism. Go ahead.

11 **DR. LEE:** Yeah. I want to change the words after a
12 manner to can be auto-tabulated and audited.

13 **REPRESENTATIVE FLEMING:** So after the word "manner,"
14 you will add the words --

15 **DR. LEE:** So instead of saying that will be
16 accurately counted by the tabulating mechanism, I want to
17 change that to can be auto-tabulated.

18 **REPRESENTATIVE FLEMING:** So, Counsel, you got that?
19 Read --

20 **MR. GERMANY:** Yes.

21 **REPRESENTATIVE FLEMING:** Read the whole sentence to
22 us.

23 **MR. GERMANY:** So --

24 **REPRESENTATIVE FLEMING:** As the -- as the amendment
25 we're changing.

1 **MR. GERMANY:** The amendment would make that sentence
2 read: Ballot-marking devices with verifiable paper
3 ballots ensure that a voter's selection in each contest is
4 captured in a manner -- and then we should -- we should
5 leave in that; that can be auto-tabulated and audited.

6 **DR. LEE:** You know what? I want to change -- I want
7 to remove and audited to say can be auto-tabulated.

8 **REPRESENTATIVE FLEMING:** You want to remove the words
9 "and audited?"

10 **DR. LEE:** Yeah.

11 **REPRESENTATIVE FLEMING:** Okay. Before I ask you to
12 read that again, Dr. Lee, tell me the intended purpose of
13 your change. What are you trying to accomplish?

14 **DR. LEE:** I just want to be -- be clear about what
15 ballot-marking devices really -- really are. They are
16 just printing -- printing the voters' votes on the paper,
17 and then the paper can be automatic tabulated. And I want
18 to reserve the, you know, opinion for whether the printout
19 can really be audited for later.

20 **MR. GERMANY:** May I make a suggestion, Dr. Lee?

21 **DR. LEE:** Yes.

22 **MR. GERMANY:** It may be -- is it -- if you just
23 change the word "accurately" --

24 **DR. LEE:** Uh-huh.

25 **MR. GERMANY:** -- to automatically --

1 **DR. LEE:** Okay.

2 **MR. GERMANY:** -- would that satisfy what you're
3 trying to say?

4 **DR. LEE:** Yes.

5 **REPRESENTATIVE FLEMING:** So, in other words, we would
6 make only one word change in the sentence?

7 **DR. LEE:** Yep.

8 **MR. GERMANY:** Okay.

9 **REPRESENTATIVE FLEMING:** Read that one word change,
10 Counselor.

11 **MR. GERMANY:** So that would change that
12 ballot-marking devices -- the sentence as amended would
13 read: Ballot-marking devices with verifiable paper
14 ballots ensure that a voter's selection is -- in each
15 contest is captured in a manner that will be automatically
16 counted by the tabulating mechanism.

17 **REPRESENTATIVE FLEMING:** So where did -- where did
18 you change the word?

19 **MR. GERMANY:** We changed accurately to automatically.

20 **REPRESENTATIVE FLEMING:** Ah.

21 **MR. GERMANY:** I think -- I think the reason Dr. Lee,
22 seeing some of his later edits, you know, he raises -- he
23 raises the point that, you know, from his perspective,
24 when -- when these machines are property -- properly
25 functioning, they're doing that.

1 **REPRESENTATIVE FLEMING:** Sure.

2 **MR. GERMANY:** They're accurately counting votes. But
3 he's raising the point that whenever you introduce new
4 technology, we can't assume accuracy. You have to -- it's
5 -- you know, you have to make sure it's properly
6 functioning for it to be accurate.

7 **REPRESENTATIVE FLEMING:** Questions regarding the
8 proposed change before I ask for a second?

9 (No response)

10 **REPRESENTATIVE FLEMING:** No questions. Is there a
11 second?

12 **SECRETARY-ELECT RAFFENSPERGER:** Second.

13 **REPRESENTATIVE FLEMING:** Second by Secretary-elect
14 Raffensperger. Any discussion?

15 (No response)

16 **REPRESENTATIVE FLEMING:** Hearing none, all those in
17 favor, say "aye."

18 (Chorus of "aye")

19 **REPRESENTATIVE FLEMING:** Any opposed?

20 (No response)

21 **REPRESENTATIVE FLEMING:** It is adopted. Number 3,
22 Dr. Lee.

23 **DR. LEE:** Okay. So further down the line, maybe four
24 sentences from the last change, the sentence starts with
25 every printed ballot.

1 **REPRESENTATIVE FLEMING:** Okay.

2 **DR. LEE:** So every printed ballot -- ballot marked on
3 a ballot-marking device must include a way for the voter
4 to read. So -- so I'm gonna change -- should I read the
5 original sentence and then --

6 **REPRESENTATIVE FLEMING:** Yeah. I think we see the
7 original sentence there.

8 **DR. LEE:** Okay.

9 **REPRESENTATIVE FLEMING:** After the word "voter to,"
10 you're gonna --

11 **DR. LEE:** I'm gonna change that to easily read their
12 selections on the printed ballot and then, parenthesis,
13 without use of a technical device that could be insecure,
14 paren.

15 **REPRESENTATIVE FLEMING:** Easily read their selection
16 on a printed ballot without use of a technical device
17 which could be insecure.

18 **DR. LEE:** Right.

19 **REPRESENTATIVE FLEMING:** Okay. Discussion? Well,
20 let's -- let's clarify questions on the motion before I
21 ask for a second.

22 **MR. GERMANY:** So can I -- just to clarify the motion
23 a little bit.

24 **REPRESENTATIVE FLEMING:** Absolutely, please.

25 **MR. GERMANY:** All it's doing to the current sentence

1 -- the current sentence says every printed -- every
2 printed ballot marked on a ballot-marking device must
3 include a way for the voter to -- and that really adds the
4 word "easily" in front of the word -- to easily read. And
5 then it continues: their selections on the printed ballot
6 prior. And then -- or on the -- on the printed ballot.
7 And then Dr. Lee inserts the parentheses that says without
8 use of a technical device that -- that could be insecure.

9 **REPRESENTATIVE FLEMING:** So --

10 **MR. GERMANY:** Would -- could you accomplish the same
11 thing, Dr. Lee, the point is you want voters to be able to
12 read their selections that are printed out without use of
13 a technical device?

14 **DR. LEE:** Yeah. I just want to emphasize that it
15 should be really readable verifiable by human with just
16 the naked eyes, without any help from technology.
17 That's -- that's really, I think, relates to some of our
18 previous discussion of what's -- what do you mean by
19 verifiable ballots. Right? So we talk about human versus
20 voter. The same spirit here means that, Hey, human,
21 without any help, can verify -- can read and verify.

22 **MR. GERMANY:** Can I -- if I might make a suggestion.
23 I don't know if there's a motion on the table yet, but if
24 the --

25 **REPRESENTATIVE FLEMING:** There's not. Go ahead.

1 **MR. GERMANY:** But if the sentence read every printed
2 ballot marked on a ballot-marking device must include a
3 way for the voter to -- add easily --

4 **DR. LEE:** Uh-huh.

5 **MR. GERMANY:** -- before read -- to easily read their
6 selections on the printed ballot without use of a
7 technical device -- and I think take --

8 **DR. LEE:** Okay.

9 **MR. GERMANY:** -- don't --don't put it in parentheses.

10 **DR. LEE:** Okay.

11 **MR. GERMANY:** Just say without using technical device
12 prior to entering it into the scanner.

13 **DR. LEE:** Okay.

14 **MR. GERMANY:** So would be -- the motion would be
15 adding easily in front of read, and without use of a
16 technical device after ballot.

17 **DR. LEE:** (Nodding)

18 **REPRESENTATIVE FLEMING:** Discussion regarding the --
19 I want to clarify what you think -- members think the
20 motion is doing before I ask for a second. I'm trying to
21 let y'all understand Dr. Lee's intent. Let's go with
22 Mr. Monds, number 7.

23 **MR. MONDS:** I just want to get a little clarity
24 because, I guess, this is speaking to the process. Even
25 as currently written or with the -- the amendment, is it

1 saying here that if you're using a ballot-marking device,
2 and when you talk about reading your selections prior to
3 entering it in the scanner, is this talking about, you
4 know, the -- the paper printout? You make your
5 selections, it's printed; you can -- you can read what or
6 whom or whatever you voted for prior to putting it in the
7 scanner? Just want --

8 **MR. GERMANY:** Yes. Yes, sir. That's exactly right.

9 **MR. MONDS:** Thank you.

10 **REPRESENTATIVE FLEMING:** Eighteen is Senator Jackson.

11 **SENATOR JACKSON:** Thank you, Mr. Chairman. And I
12 think he just answered that question.

13 But my question is to Mr. German and Dr. Lee. What
14 you're saying is the paper ballot will be a verify-- will
15 be a verifiable paper record that is readable, correct? A
16 verifiable paper record that is readable?

17 **MR. GERMANY:** I think Dr. Lee is gonna take issue
18 with the word "verifiable" as you're defining it. But to
19 answer your question from a layperson perspective before I
20 turn it over to Dr. Lee, whatever -- what the commission
21 would be recommending here is that any system that
22 utilizes a ballot-marking device, that system, if
23 Georgia's gonna adopt it, the system needs to print out a
24 paper ballot that allows the George -- that allows the
25 voter to easily read their selections on -- you know, with

1 -- with their naked eye, assuming they don't otherwise
2 need assistance in doing that.

3 And then the next sentence says and it allows them to
4 spoil the ballot if they say, Hey, there's a problem here,
5 this is not how I intended to vote; you spoil the ballot
6 and you start all over. So that -- that's what this is --
7 it's getting to what we're saying. If we're gonna
8 recommend ballot-marking devices, they need to do -- they
9 need to do this --

10 **REPRESENTATIVE FLEMING:** Okay.

11 **MR. GERMANY:** -- do it this way.

12 **SENATOR JACKSON:** And, also, Mr. Chairman . . .

13 **REPRESENTATIVE FLEMING:** Yes.

14 **MR. GERMANY:** And Mr. Germany says Dr. Lee will take
15 objection to the word "verifiable."

16 **REPRESENTATIVE FLEMING:** Okay.

17 **DR. LEE:** Yes. I mean, I have opinions on how do we
18 define verifiable. I don't know whether this is the time
19 to discuss this now or . . .

20 **REPRESENTATIVE FLEMING:** If you're trying to answer
21 Senator Jackson's question --

22 **DR. LEE:** Okay.

23 **REPRESENTATIVE FLEMING:** -- go ahead.

24 **DR. LEE:** Yeah. So -- so, to me, "verifiable" means
25 that normally the voter can read the votes, but they can

1 -- they can also verify it's exactly how they voted on the
2 BMDs. And, to me, there's a issue here is that there's no
3 proof from a legal study to show that the voters actually
4 are willing to read every single vote to verify, or, even
5 if they do, they have the memory skewed to actually
6 remember all the tens of votes that they have cast. So
7 verifiable, to me, means that all voters are willing and
8 capable of doing so. And I don't believe the printouts
9 from BMD can satisfy that requirement.

10 **REPRESENTATIVE FLEMING:** Mr. Russo.

11 **MR. RUSSO:** Thank you.

12 Mr. Germany, would this change disqual- -- result in
13 disqualifying any of the vendors that we've seen to date?

14 **MR. GERMANY:** No. That's not the intent. And I
15 don't -- I don't believe it will.

16 **REPRESENTATIVE FLEMING:** Mr. McDonald.

17 **MR. McDONALD:** One minor concern and one that I don't
18 want to get too deep into the weeds -- and I think this is
19 one of my fears about how deep into the weeds we're gonna
20 get -- one, the use of the word "easily" in something like
21 this is subjective. What's easy for one might not be easy
22 for another, and we don't need to be using words like
23 easily; two, the whole premise of this change is gonna be
24 based on whether the ballot can be read without a
25 mechanical or some type of technology.

1 Just by definition, the first question I would have
2 is: What about our blind voter? Okay? This is exactly
3 what I'm talking about, when we start getting so deep into
4 it. One question will lead to twenty others. I under --
5 I think I -- and we're even at the point we're at the end
6 of this process -- I think I have the idea of what his
7 intent is. But trying to perfect that or -- or get past
8 that right now is just -- I mean, we -- we could spend a
9 whole day -- how many lawyers do we have in here? I think
10 I count at least five on the commission.

11 **REPRESENTATIVE FLEMING:** Clearly, not enough.

12 (Chorus of laughter)

13 **MR. McDONALD:** I mean, my idea is we can either see
14 dollar signs and billable hours out of the world just on
15 this issue alone. Okay? So I apologize. I'm not trying
16 to be difficult with this. But I think this is an example
17 of when we start using words like easily or read or can
18 read without -- I mean, I think to a certain extent these
19 recommendations are meant to serve as guidance and they
20 mean what they mean and the perfection of this process is
21 meant to follow. So I think we need to be careful with
22 this.

23 **REPRESENTATIVE FLEMING:** To another lawyer, Secretary
24 Crittenden.

25 **SECRETARY CRITTENDEN:** Thank you.

1 I just want to follow up on your comments as well as
2 the question that Mr. Russo raised as well. What do you
3 mean by technical device because -- and -- and I think
4 that also goes into the realm of ADA accommodations and
5 their need for -- they may have a need for a technical
6 device as well. And, so, I'm concerned that -- I'm just
7 asking what you mean by it because that may be too
8 restrictive.

9 **DR. LEE:** So by technical device I mean anything
10 other than just your human -- your own ability. And of
11 course, you know, I apologize for not, you know, putting
12 any more text here to consider the -- the disabled voters.
13 And obviously, I always assume that those are the, you
14 know, special case that we're gonna accommodate. Right?

15 **SECRETARY CRITTENDEN:** Uh-huh.

16 **DR. LEE:** But my intent is that for the -- for voters
17 who do not have the physical disabilities, they should be
18 able to read the -- the printouts without help of
19 technology.

20 **MR. GERMANY:** And I think some of the intent of
21 this -- and it may, given Mr. McDonald's, I think, valid
22 concerns, I think the current sentence accomplishes close
23 to the same thing. But the point of it is if we're gonna
24 define ballot as not what's in a bar code or a QR code or
25 an optical scan, it's -- the ballot is not what a

1 tabulator reads. And the reason for that legally is if
2 there is some instance where something tabulates
3 incorrectly, the controlling thing legally will be what
4 somebody can look at, at the end of the day, and read
5 without scanning a bar code, scanning a QR code, or using
6 any kind of optical -- any kind of OCR. It was just -- so
7 I think that's the -- that's the point of -- of what we're
8 trying to accomplish. And I think Dr. Lee's edits just
9 try to -- that's the -- that was the point I was trying to
10 make in my initial sentence, and I think Dr. Lee is just
11 trying to, like, really make sure that's what it says.
12 And the commission may believe, well, it already -- it
13 already says that adequately.

14 **REPRESENTATIVE FLEMING:** Representative Beverly.

15 **REPRESENTATIVE BEVERLY:** Just real quick. There are
16 two things. One is in the section with the ADA
17 requirements, would that help us -- does that then move
18 that section sort of out of this purview? Because
19 reading -- I mean, I'm a eye doctor by trade, and so
20 technical devices, people have all kinds of
21 stuff, glaucoma and -- you know, you're gonna need a
22 technical device. I mean, they have scanners that can
23 read what you -- you know, can read sentences for you and
24 you're listening to that stuff and it can be interfered
25 with. And, so, I think if that section on ADA gives us

1 the ability to sort of exclude that group --

2 **MR. GERMANY:** Right.

3 **REPRESENTATIVE BEVERLY:** -- then we could take this
4 on and use his language. And I'm -- I'm just not sure if
5 that language in the ADA section would cover what he needs
6 to get that out so we can deal with able-bodied or
7 able-visioned folks.

8 **MR. GERMANY:** I think -- I think so. I mean, the
9 gist of the report, if you read it as a whole, which I
10 would encourage, you know, everyone to do, is -- and, I
11 mean, is that, yes, this is talking about the normal --

12 **REPRESENTATIVE BEVERLY:** Right.

13 **MR. GERMANY:** -- process. It's gonna happen the bulk
14 of the time. There's -- the system also needs to have
15 ways to -- in a way that is -- that, you know, with it as
16 accessible and independently as possible and in compliance
17 with the law, allow for people who aren't able to do that,
18 whether through audio ballots or other mechanisms like
19 that.

20 **REPRESENTATIVE FLEMING:** The Chair has allowed the
21 discussion to go on without a second in an attempt to
22 understand the motion. However, at this time, the Chair
23 is gonna ask is there a second to the motion?

24 **REPRESENTATIVE BEVERLY:** Second.

25 **REPRESENTATIVE FLEMING:** There is a second.

1 Discussion? Twenty-four is -- yes, ma'am, Ms. Welch.

2 **MS. WELCH:** Mr. Chairman, when I think about
3 something without use of a technical device as we have
4 stated today with our disabled voters, if we include this
5 language, I'm afraid that we would be eliminating any
6 potential technicals device that could, for example,
7 assist a blind person with confirming their vote; that it
8 could be a device that the -- a blind voter could reinsert
9 their ballot and it read their selections.

10 So for those reasons, I'm not sure if I agree with
11 the language of without use of a technical device.

12 **REPRESENTATIVE FLEMING:** Ms. Howell.

13 **MS. HOWELL:** Thank you, Mr. Chair. Just building on
14 Madam Secretary's point, I think that under our -- and
15 I'll -- I'll defer to our elections officials on -- on the
16 commission -- but our current process does not allow us to
17 really judge how many people are utilizing accommodations
18 in the voting process because they're able to adapt it to
19 their needs, so changing the screen size or otherwise.

20 So my concern is that as we limit and we talk
21 about -- I know the law only requires a minimum of one
22 device, but that was promulgated in 2002 -- so I'm
23 concerned that we are thinking that we're talking about
24 outliers, minorities, in terms of individuals who may have
25 an impairment to the degree that they need some assistance

1 in the voting process and that it may capture a much
2 larger population than we're anticipating. And, so, I
3 know that's a practical implication and that there are
4 requirements under the law, but I just -- I caution and --
5 and I understand what Dr. Lee is trying to achieve, but I
6 just caution as we're thinking that we're thinking this is
7 a very small population and I don't know that we really
8 have an accurate picture of just how many people need
9 accommodations in the voter process.

10 **REPRESENTATIVE FLEMING:** Mr. McDonald.

11 **MR. McDONALD:** This is a last thought on it and it
12 might be superfluous and reiterate. But first I want to
13 stress Mr. Germany, I think, has done a very good job of
14 putting our thoughts on paper in -- in these
15 recommendations. They're clear and, to his point, I
16 believe the way it's written captures in great part what
17 Dr. Lee's trying to say. It just doesn't go into the
18 detail, the narrow detail which this -- what's led to this
19 debate that I don't believe is necessary for this
20 document.

21 So I think that our first impression should be that,
22 one, the document, does it -- does it cover our intent? I
23 think it already does. I don't think that it needs any
24 further, narrow definition. The process that follows this
25 will deal with the narrow definition of things. And

1 because I think Mr. Germany has already done a very good
2 job putting what's been months of work onto this paper
3 right now for a general reflection of what we recommend.

4 **REPRESENTATIVE FLEMING:** Anybody else want to have a
5 question or comment at this point? Representative
6 Beverly, you're number --

7 **REPRESENTATIVE BEVERLY:** 10.

8 **REPRESENTATIVE FLEMING:** Yes, sir.

9 **REPRESENTATIVE BEVERLY:** Mr. Chairman, I would -- I
10 would just caution this -- this commission to be
11 deliberate about each and every section of this document.
12 We should not rush through a document that we've spent
13 months going over to say that we should limit the debate.
14 I think it's imperative upon us as citizens of Georgia to
15 make sure every voice is heard and that we exhaust what we
16 need to so we can make the recommendations to the general
17 assembly so they can have real guidance. So I would just
18 caution that -- the board to not try to limit the debate.
19 Thank you.

20 **REPRESENTATIVE FLEMING:** Has the Chair limited the
21 debate?

22 **REPRESENTATIVE BEVERLY:** Not -- no, sir.

23 (Chorus of laughter)

24 **REPRESENTATIVE BEVERLY:** Thank you, Mr. Chair.

25 **REPRESENTATIVE FLEMING:** Anyone else? Number 7 is

1 Mr. Monds.

2 **MR. MONDS:** Well, right now we're not -- are we
3 debating a motion or anything?

4 **REPRESENTATIVE FLEMING:** There's a motion on the
5 table. Yes.

6 **MR. MONDS:** Well, I'll hold my comments until after.

7 **REPRESENTATIVE FLEMING:** Okay. There's a motion on
8 the table. There's a second. Any further discussion?

9 (No response)

10 **REPRESENTATIVE FLEMING:** All those -- the Chair will
11 call the question -- all those in favor of the motion,
12 please indicate by saying "aye."

13 (Chorus of "aye")

14 **REPRESENTATIVE FLEMING:** All those opposed?

15 (Chorus of "no")

16 **REPRESENTATIVE FLEMING:** Motion fails. Next section,
17 Dr. Lee.

18 **DR. LEE:** Okay. So after this paragraph, I inserted
19 two paragraphs to clarify -- to emphasize and clarify --
20 I'm sorry. So after this paragraph, I inserted two more
21 paragraphs in the document to -- to essentially state and
22 emphasize my opinion, so --

23 **REPRESENTATIVE FLEMING:** Doctor, here's how that --
24 the Chair would like to handle that.

25 **DR. LEE:** Sure.

1 **REPRESENTATIVE FLEMING:** Members of the commission,
2 after the words and what is now the first full paragraph
3 there not bolded, it ends with in order for the ballot to
4 count --

5 **DR. LEE:** Right.

6 **REPRESENTATIVE FLEMING:** Dr. Lee has proposed two new
7 paragraphs. Dr. Lee, what I want you to do is this: Tell
8 us the purpose of what you're trying to accomplish, then
9 I'm gonna have counsel read those two paragraphs.

10 **DR. LEE:** Yeah. So the -- the purpose is to explain
11 why myself or maybe some other members of the commission
12 will prefer a hand-marked ballot solution and also spells
13 out the, you know, the solution of the process of using
14 hand-marked paper ballot.

15 **REPRESENTATIVE FLEMING:** Read the two paragraphs,
16 Counsel. Can you do that?

17 **MR. GERMANY:** Yes, Mr. Chairman. One thing I would
18 add before doing that --

19 **REPRESENTATIVE FLEMING:** Sure.

20 **MR. GERMANY:** -- is on the bottom of page 14, knowing
21 that this was gonna be a disputed issue in -- in this
22 commission, I go in to -- start with the paragraph
23 starting SAFE Commission member Dr. Wenke Lee, try to
24 outline the view -- not just his views, but the views as
25 from a lot of different people that we've heard from and

1 also numerous professors of computer science and
2 cybersecurity, so --

3 **REPRESENTATIVE FLEMING:** Thank you for pointing that
4 out.

5 **MR. GERMANY:** And I just want --

6 **REPRESENTATIVE FLEMING:** Yeah.

7 **MR. GERMANY:** So given that I'm trying to outline the
8 views that he's largely brought to bear on this
9 commission, I don't have any issue, you know, kind of
10 stating them in a way that Dr. Lee might prefer. I would
11 just say to the commission it might be more appropriate to
12 do -- to do these paragraphs that I think are basically
13 doing that, in that -- as part of that part of the report,
14 so . . .

15 **REPRESENTATIVE FLEMING:** So -- so -- and the Chair is
16 gonna try to move this along, so what you're saying is
17 that you would suggest if we're gonna include the
18 paragraphs you're about to read to us, to eliminate some
19 other paragraphs?

20 **MR. GERMANY:** Or -- or just move these paragraphs to
21 --

22 **REPRESENTATIVE FLEMING:** -- to a different point?

23 **MR. GERMANY:** -- to the part where I get in a
24 discussion of --

25 **REPRESENTATIVE FLEMING:** Where would you suggest

1 moving them to?

2 **MR. GERMANY:** I would add them -- a paragraph at the
3 bottom of page 14, beginning SAFE Commission member, and
4 then going on to page 15.

5 **REPRESENTATIVE FLEMING:** So you would --

6 **MR. GERMANY:** I would add --

7 **REPRESENTATIVE FLEMING:** -- put it before or after
8 the last paragraph on page 14 that begins with SAFE
9 Commission member Dr. Wenke Lee?

10 **MR. GERMANY:** Probably before, now that I look. I
11 think -- I think -- I think before adding these two
12 paragraphs I'm about to read, before that paragraph at the
13 bottom of page 14, I think, would make the most sense.

14 **REPRESENTATIVE FLEMING:** Read -- read us the
15 paragraph now.

16 **MR. GERMANY:** The para -- this is from Dr. Lee's
17 edits that he sent in.

18 (As read) "It must be noted that cybersecurity
19 experts on the commission and who expressed opinion to the
20 commission do not endorse BMDs, ballot-marking devices,
21 except for use by those with physical disabilities as
22 needed. Cybersecurity experts and members of the public
23 who attended commission meetings overwhelmingly
24 recommended/requested hand-marked paper ballots for
25 optimal cybersecurity. Per university cyber -- per

1 university computer science experts and nonpartisan
2 security organizations, a secure voting system should work
3 as follows:

4 "1) A voter is given a paper ballot;

5 "2) He or she marks the intended vote;

6 "3) The paper ballot is scanned for auto-tabulation
7 by a software-based system;

8 "4) The paper ballot is placed in a safe box for
9 archive and use during a precertification audit of the
10 election."

11 **REPRESENTATIVE FLEMING:** So that needs to be put
12 somewhere in your discussion of what you already have with
13 Dr. Lee, and probably you have an introductory --
14 introduction to Dr. Lee describing his position at Georgia
15 Tech and what kind of chair he holds there. And that
16 probably needs to come after his introduction, though,
17 right?

18 **MR. GERMANY:** Well, the only -- I mean, the way that
19 Dr. Lee put it here, it's -- he's reflecting that it's not
20 just his opinion; it's others' opinions as well. And then
21 I can get into detail about specifically some of the
22 sink -- some of the things that Dr. Lee submitted.

23 **DR. LEE:** May I?

24 **REPRESENTATIVE FLEMING:** Yes, sir. Yes, sir, Dr.
25 Lee.

1 **DR. LEE:** Right. So the intent is to essentially --
2 because I think that after the first paragraph talking
3 about what the BMD is and how -- how -- how it works, I
4 want to give an overview of how a hand-marked ballot
5 solution works, and also want to -- I'm hoping -- I'm
6 hoping I'm not the only one who's actually in favor of a
7 hand-marked ballot solution. So that's why I think some
8 of the later text in the session, essentially everything's
9 put under my name, which is great. I mean, I'm honored
10 to, you know -- you know, that my opinion's included. But
11 I'm also hoping that maybe some other members of the
12 commission will agree with me on the hand-marked ballot
13 solution. So I think that's why we should bring this up
14 early in the session and also know that I may not be the
15 only person who actually holds this -- this opinion. So
16 that -- that's the intent.

17 **MR. GERMANY:** And I would add I don't have a strong
18 objection to that.

19 **MR. McDONALD:** Mr. Chairman, I've got a suggestion on
20 that.

21 **REPRESENTATIVE FLEMING:** Mr. McDonald.

22 **MR. McDONALD:** Would the Chair be open, and is it
23 even possible, to consider this -- because it seems like
24 what's the consistent theme here is to hand-marking of
25 these ballots -- to include an addendum to our -- to our

1 recommendations? Our recommendations are meant to
2 represent the consense (ph.) or the consensus or at least
3 the -- the comprehensive view of the commission.

4 But to Dr. Lee's point, if there's a significant
5 number of members in this commission that would like to
6 have this at least described in -- in detail, to have an
7 addendum to our recommendation. And I don't want to call
8 it necessarily a dissenting view, but at least an overview
9 of the hand-mark issue that sets aside, so that what we
10 don't do is go line -- section by section and -- and have
11 this debate and try to figure out how to entangle it.

12 But I think it satisfies Dr. Lee's concern about this
13 was discussed, this is important, it needs to be continued
14 to be viewed. But that way we're not being put in a
15 situation where all these -- if they're not gonna
16 represent the majority consensus or even the plurality of
17 this -- of the -- the overview, that if it's at least put
18 on the record for his behalf and, to his point, others on
19 -- members of this commission that might agree with him,
20 that to satisfy where they said this is something that was
21 discussed over the past few months, we think it's
22 important, and it needs to be continued to be discussed,
23 but it's made clear that it's not necessarily a part of
24 the commission's overall recommendation.

25 **REPRESENTATIVE FLEMING:** Counsel, what do you think

1 about that?

2 **MR. GERMANY:** The -- I don't have any objection to
3 that.

4 **REPRESENTATIVE FLEMING:** And -- and -- and I don't
5 want to put words in anybody's mouth, but what I think
6 you're trying to do is that Dr. Lee has probably twelve or
7 thirteen -- I'm just guessing -- maybe ten more changes
8 after this, with the document that I'm looking at, and
9 you're saying instead of us going through and adding each
10 one in, allow him to in toto put that at the end of our
11 document as an addendum. If it was a court opinion, we
12 would call it a dissenting opinion.

13 **MR. McDONALD:** I think, for lack of a better word,
14 and if that satisfies Dr. Lee's -- I mean, I think, what
15 -- what his intent here is to make sure that -- my -- what
16 I'm hearing from Dr. Lee for the past couple hours is this
17 is important and -- and it needs to be considered. But
18 it -- it seems like there's been a challenge in getting a
19 majority view of the commission to -- to kind of have a
20 meeting of the minds. This is a way for him, I think, to
21 express that view, and, to his last point, and others who
22 want to sign on to it with him, okay, it's on the record
23 here. And then it can be probably more clearly put
24 together as several paragraphs that say this is the issue,
25 this is what we think, this is what we heard, rather than

1 trying to put in a sentence here or a sentence there,
2 which, I don't know if it's gonna really --

3 **REPRESENTATIVE FLEMING:** Dr. Lee, do you understand
4 his proposal?

5 **DR. LEE:** I understand. But I strongly object to his
6 characterization of what I want to do, because, I think,
7 as the counsel already said, I have produced documents, I
8 think three different documents, describing the require --
9 security requirements, why I -- why -- and along with
10 other computer science and security experts prefer a
11 hand-marked paper ballots. Those would be included as
12 part of the body that was going to be as public record.
13 And, hopefully, that will also be available to the
14 lawmakers.

15 But what we're trying -- trying to describe here is
16 the recommendation or discussion. I think the documents
17 intends to capture the recommendation and discussion from
18 this commission. And what I'm hoping to achieve through
19 this, it is basically clarifying some of these important
20 points.

21 And, also, I also want to object the notion that I'm
22 possibly the single person who is holding this opinion. I
23 mean, you have heard from all these citizens, you know,
24 through public hearings and e-mail and so on. So I do
25 think that we owe them to reflect some of these, you know

1 strong opinions in -- in this document, so . . .

2 **REPRESENTATIVE FLEMING:** Eighteen is who? Senator
3 Jackson.

4 **SENATOR JACKSON:** Mr. Chairman, this is a working
5 document prepared by Mr. German who's really not a member
6 of this commission. This commission will -- will give a
7 document to the general assembly that should be by the
8 members of this commission. That's why earlier I
9 disagreed with using his name specifically as Dr. Lee's
10 recommendation, because I want the words of this document
11 to -- to reflect the body and not one individual.

12 And, so -- so I would like to hear all the comments
13 of all the members, so that we make this working document
14 as a reflection of all the members here present.

15 **REPRESENTATIVE FLEMING:** Mr. Monds.

16 **MR. MONDS:** I want to speak to -- and part of my
17 question I thought about earlier was, you know, how do we
18 recognize what might be considered the -- the minority
19 opinion?

20 In the previous area -- well, a lot of things that
21 Dr. Lee put together, you know, I want to be able to say
22 that I agree with those things. And I don't think right
23 now how it's -- how it's written in the recommendation, it
24 just goes into a majority of the commission, you know, is
25 in support of these -- these DREs.

1 And while that might be true, I think the minority
2 should be acknowledged, and it should be a part of the
3 document saying that while the majority might agree to the
4 DREs, that other -- others of us, you know, we want to be
5 recognized saying that, for example, if you support
6 hand-marked paper ballots, it should be a space on here
7 for those who believe in that to be acknowledged. And
8 whether that's just signing on and saying, Well, you know,
9 I agree with how Dr. Lee has written it or whatever, but
10 it needs to be included in -- in the body of -- of these
11 recommendations.

12 **REPRESENTATIVE FLEMING:** Representative Beverly.

13 **REPRESENTATIVE BEVERLY:** Thank you. Thank you,
14 Mr. Chairman. There's a -- and I don't want to get too --
15 too much into the woods of parliamentary procedure -- but
16 I think that we can do a division of the question; take a
17 part of it, deal with that, have a up-or-down vote, make a
18 motion, we accept; here's part, up-or-down vote, it loses,
19 we move on; take the other section, it loses, we move on.
20 And then, at the end, if you object to the document,
21 because of whatever reason you object to it, then it would
22 be incumbent upon the members of this commission to file a
23 minority report, which would then encapsulate that.

24 Now, I know you're gonna have the spirit of this
25 commission move along and, you know, whatever, but I think

1 you have the ability to, if you vote against it, at the
2 end file a minority report. Or, at the pleasure of the
3 Chair, it could be an addendum to the amendment. But I do
4 think there should be at least a portion of this where we
5 divide the question, give it the opportunity to have a
6 up-or-down vote on that particular section. Doesn't have
7 to be word for word or line for line, but, certainly, the
8 spirit of what he's trying to capture, divide the
9 question, we vote up or down, and just -- anyway, just a
10 friendly --

11 **REPRESENTATIVE FLEMING:** Let me emphasize what we
12 have said before that we will allow any member of the
13 committee to add any -- I'll call it addendum. I'll
14 say -- I'll call it, better, the public record.

15 At this point we're going to vote on a report when we
16 adjourn, and that report will be the report of the
17 commission. And, of course, we'll -- we'll who votes for
18 it, who votes against it. And if somebody wants to submit
19 something for the public record that we'll keep with this
20 commission as to why they voted one way or the other, they
21 can explain in detail to the extent that they feel
22 comfortable.

23 Mr. McDonald.

24 **MR. McDONALD:** You know, I think -- Representative
25 Beverly, I think, just captured a lot of what I was

1 saying. And I'd like to clarify about I was by far not
2 saying that Dr. Lee was the only person who has called. I
3 think that's the reason I kind of wanted to open the
4 discussion to -- is some other -- the minority opinion,
5 if -- if it's not encapsulated by the majority of the
6 commission.

7 So I understand the spirit of what Dr. Lee is saying.
8 I understand where it's coming from and what his
9 motivations are. It just seemed like there was a very --
10 a theme to it and -- and -- and it had a central subject,
11 and therefore there might have been an easier way to
12 capture that view, and if there were other members of this
13 commission that wanted that.

14 So I think Dr. Beverly just hit the nail on the head
15 with, you know, allowing the whole document to be
16 considered. And at the end, if there is that minority
17 group that wants to make sure there's something else, is
18 highlighted in their own way, that that opportunity is --
19 get provided.

20 **REPRESENTATIVE FLEMING:** Ms. Boren.

21 **MS. BOREN:** Would it be appropriate to request a
22 second meeting, Mr. Chair?

23 **REPRESENTATIVE FLEMING:** The chair's not gonna
24 entertain a request for a second meeting at this time.

25 Now, before us there is an amendment. Counsel, the

1 amendment includes two paragraphs by Dr. Lee. And there
2 is a place in the document that you suggested it might
3 better be inserted for the readability of the document.
4 Am I correct on that?

5 **MR. GERMANY:** I suggested -- I very much agree with
6 Mr. Monds, where I think the airing of people who prefer
7 hand-marked paper ballots is very appropriate given the
8 discussion that this -- this committee has had over the
9 past few months. I try to do that at the bottom of page
10 14 and page 15.

11 Dr. Lee's amendment, I think, add to that. And so
12 that -- that's why I was saying wait, we should put that
13 there, just for readability.

14 **REPRESENTATIVE FLEMING:** So what we will do, one more
15 time, is we will read Dr. Lee's amendment, which is
16 basically two paragraphs -- Counsel, read that for us one
17 more time -- and then we're gonna vote on including it in
18 the area of page 14, where it fits appropriately in the
19 document. Read that for us.

20 **MR. GERMANY:** (As read) "Dr. Lee's amendment is --
21 it must be noted that cybersecurity experts on the
22 commission and who expressed opinion to the commission do
23 not endorse ballot-marking devices except for those --
24 except for use by those with physical disabilities, as
25 needed. Cybersecurity experts and members of the public

1 who attended commission meetings overwhelmingly
2 recommended/requested hand-marked paper ballots for
3 optimal cybersecurity.

4 "Per university computer science experts and
5 nonpartisan security organizations, a secure voting system
6 should work as follows:

7 "1) A voter is given a paper ballot;

8 "2) He or she marks the intended vote;

9 "3) The paper ballot is scanned for auto-tabulation
10 by a software-based system;

11 "4) The paper ballot is placed in a safe box for
12 archive and use during a precertification audit of the
13 election."

14 **REPRESENTATIVE FLEMING:** The -- the Chair has a
15 question for Dr. Lee. In this addition, and I'm gonna
16 read it in part, it would say: Cybersecurity experts who
17 attended commission meetings overwhelmingly recommended
18 hand-marked ballots.

19 Who was the cybersecurity experts that attended
20 this -- these meetings?

21 **DR. LEE:** For example, Professor DeMillo from Georgia
22 Tech.

23 **REPRESENTATIVE FLEMING:** I'm sorry. Let me turn your
24 mic on. Number -- you're number 9, go ahead. Go ahead.
25 Is it -- is it on now? Try now.

1 **DR. LEE:** Okay. Yeah. So, for example, Professor
2 DeMillo from Georgia Tech. I think there are a few other
3 gentlemens [sic] -- forget their name -- they have -- they
4 have told me that they work in the IT and cybersecurity
5 for 15, 20 years, and I think a number of them. I
6 apologize for not remembering their names.

7 **REPRESENTATIVE FLEMING:** Thank you.

8 **DR. LEE:** Yeah.

9 **REPRESENTATIVE FLEMING:** Okay. The question is
10 before the commission on the adoption. A motion is made.
11 A motion has been seconded. All those in favor of
12 adoption, please indicate by saying "aye."

13 (Chorus of "aye")

14 **REPRESENTATIVE FLEMING:** All those opposed?

15 (Chorus of "no")

16 **REPRESENTATIVE FLEMING:** Chair is in doubt. All
17 those in favor of the motion, please indicate by raising
18 your right hand and hold it up until the Chair tells you
19 to put it down.

20 (Commission members respond.)

21 **REPRESENTATIVE FLEMING:** One, two, three, four, five.
22 Chair counts five.

23 All those opposed, indicate by raising your right
24 hand and hold it up till I tell you to put it down.

25 (Commission members respond.)

1 **REPRESENTATIVE FLEMING:** One, two, three, four, five,
2 six, seven, eight. Fails.

3 Next. Dr. Lee, do you have any more changes to that
4 section?

5 **DR. LEE:** Not this section, but the next page, I
6 think --

7 **REPRESENTATIVE FLEMING:** We're -- we're still in
8 Section 6 which goes --

9 **DR. LEE:** Yes.

10 **REPRESENTATIVE FLEMING:** -- which goes on page 14 --
11 13, 14, and 15.

12 **DR. LEE:** Okay. So now this on page 14.

13 **REPRESENTATIVE FLEMING:** Okay.

14 **DR. LEE:** The first paragraph starts with the fact
15 that Georgia -- Georgia's current voting system utilizes
16 touchscreen voting through DREs is another reason that.
17 So right now reads: The commission recommends. I'm
18 gonna -- in front of the commission, I would say: Many
19 on the commission members prefer.

20 **REPRESENTATIVE FLEMING:** So tell me what you're
21 striking out of the paragraph.

22 **DR. LEE:** So I'm striking -- I'm inserting --

23 **REPRESENTATIVE FLEMING:** Are you striking anything or
24 just inserting?

25 **DR. LEE:** Inserting. I'm inserting many -- many on

1 the commission.

2 **REPRESENTATIVE FLEMING:** Okay. In other words --

3 **DR. LEE:** Many on the commission.

4 **REPRESENTATIVE FLEMING:** -- it would read reason
5 that, and then you would insert many on the commission --

6 **DR. LEE:** -- commission.

7 **REPRESENTATIVE FLEMING:** -- prefer?

8 **DR. LEE:** Right; prefer moving to a ballot-marking
9 device.

10 **REPRESENTATIVE FLEMING:** So you've got -- you've got
11 to move or you've got to strike the word "recommends."

12 **DR. LEE:** Right.

13 **REPRESENTATIVE FLEMING:** And now it reads: The fact
14 that Georgia's current voting system utilizes touchscreen
15 voting through DREs is another reason that the commission
16 recommends.

17 And you would change that sentence to say: The fact
18 that the Georgia's voting system utilize touchscreen
19 voting through DREs is another reason that many on the
20 commission prefer moving to bar -- ballot-marking devices.

21 Is there a second to that motion?

22 **SENATOR JACKSON:** Second.

23 **REPRESENTATIVE FLEMING:** Second. Discussion?

24 Representative Beverly.

25 **REPRESENTATIVE BEVERLY:** Oh, no. I'll waive. I'll

1 waive.

2 **REPRESENTATIVE FLEMING:** He waives. Any other
3 discussion?

4 (No response)

5 **REPRESENTATIVE FLEMING:** All those in favor of the
6 motion, indicate by saying "aye."

7 (Chorus of "aye")

8 **REPRESENTATIVE FLEMING:** All those opposed?

9 (Chorus of "no")

10 **REPRESENTATIVE FLEMING:** Motion fails. Next
11 suggestion, Dr. Lee.

12 **DR. LEE:** So next suggestion is two para -- two
13 sentences down, right under -- it starts with the
14 commission believes that moving from one. I, again,
15 insert --

16 **REPRESENTATIVE FLEMING:** So I have --

17 **DR. LEE:** I, again --

18 **REPRESENTATIVE FLEMING:** -- that copy. And you would
19 change that to many on the commission believe. So instead
20 of the commission believe --

21 **DR. LEE:** Right.

22 **REPRESENTATIVE FLEMING:** -- it would be many on the
23 commission believe?

24 **DR. LEE:** Right.

25 **REPRESENTATIVE FLEMING:** Correct?

1 **DR. LEE:** Yes.

2 **REPRESENTATIVE FLEMING:** Is there a second?

3 (No response)

4 **REPRESENTATIVE FLEMING:** Motion fails for a lack of
5 second. Next.

6 **DR. LEE:** Okay. So next is page 15.

7 **REPRESENTATIVE FLEMING:** Page 15.

8 **DR. LEE:** Yeah. So here I'm attempting to clarify my
9 opinions. So the sentence starts with: Dr. Lee
10 articulated in his white paper and in SAFE Commission
11 meeting that ballot-marking -- so remove the word "is,"
12 there's a typo there -- that a -- that a ballot marked by
13 hand is more secure than one marked by a ballot-marking
14 device. Then I inserted, quote, because the voter casts
15 and verifies, end quote, votes in a single act.

16 **REPRESENTATIVE FLEMING:** It's clear to the Chair that
17 the word "is" is a typo. So is there any objection to
18 removing the word "is"?

19 (No response)

20 **REPRESENTATIVE FLEMING:** Hearing none, it's removed.
21 Okay. So Dr. Lee would change that sentence. Counsel,
22 read the sentence to us as it would be changed.

23 **MR. GERMANY:** Yes, sir. And I would add that this
24 sentence, as I drafted it, was my attempt to articulate
25 Dr. Lee's views. So --

1 **REPRESENTATIVE FLEMING:** Sure.

2 **MR. GERMANY:** -- I would just say that his attempt to
3 clarify that would be well taken by me.

4 **REPRESENTATIVE FLEMING:** Read it to us.

5 **MR. GERMANY:** (As read) "Dr. Lee articulated in his
6 white papers and at SAFE Commission meetings that a ballot
7 marked by hand is more secure than one marked by a
8 ballot-marking device, because the voter casts and
9 verifies votes in a single act, and because any
10 convenience offered by ballot-marking devices should not
11 outweigh the cybersecurity risks."

12 **REPRESENTATIVE FLEMING:** Is there a second to that
13 motion?

14 **MR. McDONALD:** Second.

15 **REPRESENTATIVE FLEMING:** There is a second. Any
16 discussion?

17 (No response)

18 **REPRESENTATIVE FLEMING:** Is there any --
19 Secretary-elect.

20 **SECRETARY-ELECT RAFFENSPERGER:** Well, we've heard a
21 lot of discussions and -- about this, really, hand-marked
22 versus machine-marked. But when -- in the whole
23 discussion of machine-marked, everyone is just always
24 talking about bar codes. And, so, what you're trying to
25 do is just describe something in a duality, black and

1 white, when I really think it's more like multicolor; it's
2 really red, green, blue as opposed to black-and-white TV.

3 What I mean by that is that in the subset of
4 machine-marked, there are some with bar codes, there are
5 some without bar codes. But from the standpoint when you
6 actually are sitting there in the voting machine, when you
7 use a hand-marked, you make your hand mark but you
8 still -- are we going to print out a ballot at that point
9 or are we gonna have the ballots preprinted? You know,
10 what was the -- what -- what is your intent there?

11 And, so, I don't know if that's really a
12 definitive -- I don't think that's a definitive station --
13 statement that you're making, that there won't be any --
14 that -- that it's actually more secure if it's
15 hand-marked. Because if it's machine-marked, you then --
16 from the machines that I've saw demonstrated last week, it
17 prints out, and then you can verify that you actually made
18 the right selections. So I don't see why one would be
19 more accurate than the other.

20 **REPRESENTATIVE FLEMING:** So -- so if I understand the
21 Secretary-elect's point, he's trying to talk you out of
22 putting that in there because we know it's just your
23 opinion. Do you want to change --

24 **DR. LEE:** No, it's not just my opinion. Right? So
25 it's --

1 **REPRESENTATIVE FLEMING:** It is expressed in this
2 document as being your opinion.

3 **DR. LEE:** Right.

4 **REPRESENTATIVE FLEMING:** Yes.

5 **DR. LEE:** Okay. Look, I mean, again, it's not just
6 my opinions. It's based on studies, based on -- I mean,
7 you also received letters from other leading cybersecurity
8 experts and voting experts. So it's not just my opinion.

9 **REPRESENTATIVE FLEMING:** I stand corrected. It's
10 expressed in this letter that you articulated this in a
11 meeting?

12 **DR. LEE:** Right.

13 **REPRESENTATIVE FLEMING:** Okay.

14 **DR. LEE:** So -- so -- the point -- the point why
15 hand-marked ballots is more secure versus BMD printout is
16 although BMD can print out a paper receipt that lists
17 clearly all the votes, the point is that there's no study
18 actually shows that the voters are willing or able to do
19 it. In fact, I'll -- last Thursday I went to talk to
20 every single voter. I asked them two questions -- every
21 single vendor -- I say, Have you done the regress -- voter
22 study, user study, to show that the voters can actually
23 clearly verify the contents?

24 And you know what -- what they told me? They said
25 that's -- that's human engineering. I don't -- we

1 don't -- don't deal with that. Okay?

2 And then I asked them, When you design this printout,
3 what design criteria do you use? Do you have the
4 requirements of audit in mind? No.

5 So -- so to me, they've not done their job to show us
6 that their printouts can be reliably verified by voters,
7 and hence can be used in a post-election audit.

8 **REPRESENTATIVE FLEMING:** Okay.

9 **DR. LEE:** And so -- so, to me, my question to
10 everybody is that, you know, if you are talking about
11 adopting a new -- a new drug or a new medication, we would
12 hold -- hold the vendors in much higher standard, meaning
13 that if you have not shown proof from a rigorous,
14 large-scale scientific study that your drug works, well,
15 I'm not gonna pay millions of dollars for that. Right?
16 So why are we -- why are we not holding system vendors in
17 a so much lower standard where we just believe what they
18 say? And they say, Hey, you have the paper, right? Yeah,
19 sounds good.

20 **REPRESENTATIVE FLEMING:** Dr. Lee, I --

21 **DR. LEE:** But have you actually done it?

22 **REPRESENTATIVE FLEMING:** -- understand your point.

23 **DR. LEE:** Okay.

24 **REPRESENTATIVE FLEMING:** I'll let you wrap it up.

25 **DR. LEE:** Thank you.

1 **REPRESENTATIVE FLEMING:** Yes. Number 18 is Senator
2 Jackson.

3 **SENATOR JACKSON:** Okay. Dr. Lee -- my question's for
4 Dr. Lee. I know you said Dr. Lee articulated. Dr. Lee,
5 why do you use the term "it is the commission's belief"
6 instead of this is Dr. Lee articulated?

7 **DR. LEE:** Where?

8 **SENATOR JACKSON:** Dr. Lee articulated in his white
9 paper and SAFE Commission meeting. Is that -- that's what
10 we're working on, correct?

11 **DR. LEE:** Yes.

12 **SENATOR JACKSON:** Uh-huh.

13 **REPRESENTATIVE FLEMING:** Any further questions before
14 we vote on the amendment?

15 **DR. LEE:** I'm sorry. I missed --

16 **REPRESENTATIVE FLEMING:** Hold on. Let me turn your
17 mic on, Dr. Lee.

18 **DR. LEE:** I missed what you were suggesting.

19 **SENATOR JACKSON:** You use -- you didn't use the term
20 "it is the commission's belief" instead of using your
21 name, is -- it is Dr. Lee articulate.

22 **DR. LEE:** Okay. So if the commission believes what
23 said, that's awesome because -- about the language right
24 now.

25 (Chorus of laughter)

1 **REPRESENTATIVE FLEMING:** Okay. Okay. Any further
2 questions regarding this particular amendment? Mr. Russo.

3 **MR. RUSSO:** One quick question for Dr. Lee. I know
4 you proposed a number of changes earlier to the word
5 "secure" to make it refer to, you know, cybersecurity or
6 from security to cybersecurity. Should we clarify here
7 that -- in the sentence you say ballot-marked by hand is
8 more secure than. Should we make that clear that we're
9 talking about for cybersecurity purposes?

10 **DR. LEE:** That's -- that's a very good question. I
11 would say then not just more secure purpose from a
12 cybersecurity point of view. I want to say that it is
13 more secure from an election security or integrity point
14 of view because, in the end, you want -- you want audits
15 to be verifiable. So from a verifiability point of view,
16 it's much superior, so not just from a cybersecurity point
17 of view.

18 **REPRESENTATIVE FLEMING:** So you'd like to keep it the
19 way it is or not?

20 **DR. LEE:** Let me see here. So I'm fine to keep it
21 like that -- more secure.

22 **REPRESENTATIVE FLEMING:** The question is on the
23 motion as stated. It has been seconded. All those in
24 favor, please indicate by saying "aye."

25 (Chorus of "aye")

1 **REPRESENTATIVE FLEMING:** All those opposed?

2 (Chorus of "no")

3 **REPRESENTATIVE FLEMING:** Appearing to the Chair, the
4 noes have it. Next -- next suggestion, Dr. Lee.

5 **DR. LEE:** So the next changes -- oh, sorry.

6 **REPRESENTATIVE BEVERLY:** Should be on.

7 **DR. LEE:** So next change is basically the next
8 sentence on --

9 **REPRESENTATIVE FLEMING:** On the document I have, says
10 Dr. Lee understands that at least one ballot-marking
11 device with verifiable paper ballot per precinct would be
12 required for use by disabled voters.

13 And then you would get rid of that period and put:
14 But argues that nondisabled voters should mark their
15 ballots by hand.

16 **DR. LEE:** Right.

17 **REPRESENTATIVE FLEMING:** So I'm gonna -- I'm gonna
18 let that be one change. Does anybody want me to restate
19 that?

20 (No response)

21 **REPRESENTATIVE FLEMING:** Is there a second to the
22 motion to make that change?

23 (No response)

24 **REPRESENTATIVE FLEMING:** Fails for a lack of a
25 second. Next change, Dr. Lee.

1 **DR. LEE:** Okay. So then the next sentence, I remove
2 Dr. Lee, to say he strongly recommends that if state does
3 utilize ballot-marking devices, and so on. Yeah.

4 **REPRESENTATIVE FLEMING:** Is there a second to that
5 motion?

6 **REPRESENTATIVE BEVERLY:** Second.

7 **REPRESENTATIVE FLEMING:** There's a second.
8 Discussion?

9 (No response)

10 **REPRESENTATIVE FLEMING:** All right. Read that for
11 us, Counselor.

12 **MR. GERMANY:** Mr. Chair. And I would add this, I
13 think. It's more -- clean it up from my language than
14 any --

15 **REPRESENTATIVE FLEMING:** Right.

16 **MR. GERMANY:** -- than any substantive change. But
17 the new sentence or the one that currently begins Dr. Lee
18 further suggests that if the state, would now read: He
19 strongly recommends that if the state does utilize
20 ballot-marking devices with verifiable paper ballots that
21 it consider how it will keep those machines up to date.

22 So the only change is instead of saying Dr. Lee
23 further suggests, he says -- he says he strongly
24 recommends.

25 **REPRESENTATIVE FLEMING:** There's a second. Any

1 questions on that one change?

2 (No response)

3 **REPRESENTATIVE FLEMING:** Is there objection to that
4 one change?

5 (No response)

6 **REPRESENTATIVE FLEMING:** Hearing none, it's in.
7 Next. Dr. Lee.

8 **DR. LEE:** Okay. So the next sentence -- so my edited
9 sentence would read: Dr. Lee suggests leasing rather than
10 buying those machines to allow for more frequent
11 replacement than the incentive to regularly improve the
12 equipment and reduce cost to the taxpayer.

13 **REPRESENTATIVE FLEMING:** Counsel, I think I
14 understand what he's saying there.

15 **MR. GERMANY:** Yes. And I would just add again that's
16 -- this is Dr. Lee's clarification to my attempt to -- to
17 summarize his views. So he clarifies that what he's
18 adding to this sentence is -- it currently reads: He
19 suggests leasing, rather than buying, those machines to
20 allow for more frequent replacement. He adds -- then
21 comma: Vendor incentive to regularly improve their
22 equipment and reduce cost to the taxpayer.

23 **REPRESENTATIVE FLEMING:** Simply explaining better
24 what he wants to say there, what you -- what you've tried
25 to say for him through our process?

1 **MR. GERMANY:** Correct.

2 **REPRESENTATIVE FLEMING:** Chair seconds that motion.
3 Is there any discussion? Do you want to discuss --
4 Senator Jackson.

5 **SENATOR JACKSON:** Mr. Chair, how many states
6 currently lease their machines instead of buying?

7 **REPRESENTATIVE FLEMING:** Do we know the answer to
8 that question?

9 (No response)

10 **REPRESENTATIVE FLEMING:** We don't know the answer to
11 that question.

12 **SENATOR JACKSON:** Okay.

13 **DR. LEE:** But can I just interject to say that, I
14 mean, now it's almost a trend, a standard practice to
15 lease. In fact, a lot of systems, if possible, they try
16 to offer the service in the cloud so that you always use
17 the latest, greatest version of the software. So the sort
18 of -- the days of buying a computer with the software and
19 then use it for 15, 20 years is, to me, sounds completely
20 crazy.

21 **REPRESENTATIVE FLEMING:** And we know that the
22 discussion was amongst us --

23 **DR. LEE:** Yeah.

24 **REPRESENTATIVE FLEMING:** -- that there could be
25 issues with our state law on -- on leasing something we

1 bonded. And we'd have to -- we'd have to work through
2 that one way or the other if we decide to lease.

3 **SENATOR JACKSON:** Okay.

4 **REPRESENTATIVE FLEMING:** Mr. McDonald.

5 **MR. McDONALD:** This -- Mr. Germany and I had a pretty
6 extensive conversation about this, this week. And -- and
7 I've got to say I very strongly agree with Dr. Lee on
8 this. Because I felt like the part of the mission of this
9 commission was to look at what we do as the status quo and
10 make recommendations of what needs to be different moving
11 forward, if anything.

12 And I understand, in my conversation with Mr. Germany
13 and in my own experience, that I understand what the
14 restrictions are to our current law, perhaps
15 constitutionally, perhaps statutorily. But I don't know
16 that -- I don't think that prohibits us from making a
17 recommendation that these laws should be looked at because
18 if there's one thing I came out of this with very clearly
19 and very objectively is that in this day and age, with the
20 tech -- I mean, the example I use to Mr. Germany is I
21 bought this a year ago (publishing) --

22 **REPRESENTATIVE FLEMING:** You think we should lease,
23 too.

24 **MR. McDONALD:** -- and it's obsolete.

25 **REPRESENTATIVE FLEMING:** Yeah.

1 **MR. McDONALD:** And if we don't have -- if we don't
2 give government the flexibility --

3 **REPRESENTATIVE FLEMING:** -- to lease.

4 **MR. McDONALD:** -- to lease when we're spending
5 hundreds of millions of dollars, then I think it's
6 irresponsible. And if we can't find a -- if we're not
7 able to do it right now, I think we should at least
8 recommend strongly that the general assembly and the
9 powers-that-be in this state find a way for us to be able
10 to do that moving forward in the future.

11 **REPRESENTATIVE FLEMING:** The Chair will ask is there
12 any objection to Dr. Lee clarifying his intent by the
13 motion that has been proposed?

14 (No response)

15 **REPRESENTATIVE FLEMING:** If the Chair hears no
16 objection, he intends to adopt it.

17 (No response)

18 **REPRESENTATIVE FLEMING:** The motion is adopted.
19 Next, Dr. Lee.

20 **DR. LEE:** I think that's -- okay. So, I think, next
21 I inserted the word "cybersecurity" after working
22 technology in the next -- at the end of next paragraph.

23 **REPRESENTATIVE FLEMING:** Yes. The last sentence
24 would end with the word "voting technology and
25 cybersecurity."

1 Counselor, you want to tell me, you think, the effect
2 of that change; just clarification or does it have a
3 substantive effect?

4 **MR. GERMANY:** I'm sorry. I'm trying to --

5 **DR. LEE:** So, again, just changing the word
6 "security" to cybersecurity.

7 **MR. GERMANY:** -- security to cybersecurity. Yes.
8 Yes. All right. Sure. I don't -- I don't see any issue
9 with that change, Mr. Chair.

10 **REPRESENTATIVE FLEMING:** The Chair will second that
11 change. Is there any objection to it?

12 (No response)

13 **REPRESENTATIVE FLEMING:** Hearing none, that change is
14 made. Next.

15 **DR. LEE:** So -- so my last comment for the -- this
16 section, my motion is that we should discuss the last
17 paragraph before we adopt it into the document. In
18 particular --

19 **REPRESENTATIVE FLEMING:** That's -- that's paragraph
20 number 7?

21 **DR. LEE:** I'm sorry. That -- page 15, when we say --
22 when we talk about QR code.

23 **REPRESENTATIVE FLEMING:** Okay. All right. Yeah,
24 the -- I'm sorry -- the last paragraph on -- on what is
25 our page 15 --

1 **DR. LEE:** 15. Right.

2 **REPRESENTATIVE FLEMING:** -- which begins with the
3 voting systems demonstrated?

4 **DR. LEE:** Right.

5 **REPRESENTATIVE FLEMING:** Okay.

6 **DR. LEE:** Right.

7 **REPRESENTATIVE FLEMING:** So do you want to change
8 that paragraph or strike it, Dr. Lee? The Chair is gonna
9 allow for a discussion. I just want to know what change
10 we would make per your proposal.

11 **DR. LEE:** I propose that we change the language to
12 say that -- so right now the -- in particular, the last
13 sentences or last sentence --

14 **REPRESENTATIVE FLEMING:** Yes.

15 **DR. LEE:** -- you say we do not believe it is prudent
16 for Georgia to not consider a vendor based on their
17 methods of tabulation, whether it's bar code, QR code, and
18 OCR.

19 **REPRESENTATIVE FLEMING:** Right.

20 **DR. LEE:** And I -- I -- I recommend that we strike
21 that out, and the reason is that I think actually
22 conflicts with our definition of the official vote. If we
23 say the official vote is something that, on paper, that
24 voters can actually read and --

25 **REPRESENTATIVE FLEMING:** So hold -- so hold on one

1 second. I want to clarify what your proposal is, to
2 strike --

3 **DR. LEE:** -- the last sentence.

4 **REPRESENTATIVE FLEMING:** This is what it says, and
5 I'm gonna read it for the commission.

6 **DR. LEE:** Okay.

7 **REPRESENTATIVE FLEMING:** (As read) "Given the
8 commission's next recommendation that Georgia require
9 post-election, precertification audits, we do not believe
10 it is prudent for Georgia to consider a vendor based on
11 the method of tabulation, whether it be bar code or -- or
12 QR code or OCR."

13 That's what you'd like to strike, correct?

14 **DR. LEE:** Uh-huh. Right.

15 **REPRESENTATIVE FLEMING:** Okay. I'm gonna allow you
16 to explain it if we get a second. Is there a second?

17 **REPRESENTATIVE BEVERLY:** Second.

18 **REPRESENTATIVE FLEMING:** There's a second. Dr. Lee,
19 go ahead and explain that.

20 **DR. LEE:** Yeah. So, really, I just want to make sure
21 that we're consistent and be logical consistent, because
22 if we define official vote as a -- on paper, with votes
23 that a voter can -- can see and verify, then I believe
24 that the tallying should be based on the official vote.

25 **REPRESENTATIVE FLEMING:** Further -- I'm sorry. Go

1 ahead. I didn't mean to --

2 **DR. LEE:** Yeah. So then if you say we're allowing
3 tallying based on bar code, then why are we doing that?
4 Because bar code is not the official vote according to our
5 own definition. So -- so I do not believe that we should
6 really tally the -- even the initial vote results based --
7 not based on official vote.

8 **REPRESENTATIVE FLEMING:** Further comment regarding
9 the motion?

10 (No response)

11 **REPRESENTATIVE FLEMING:** Hearing none, all those in
12 favor of the motion, say "aye."

13 (Chorus of "aye")

14 **REPRESENTATIVE FLEMING:** All those opposed?

15 (Chorus of "no")

16 **REPRESENTATIVE FLEMING:** Noes clearly have it. Next,
17 any more changes to -- well, we're actually on Section 7
18 now, Dr. Lee.

19 Representative?

20 **REPRESENTATIVE BEVERLY:** Yeah. Sorry, Mr. Chairman.
21 There were -- I know that Dr. Lee went through Section 6,
22 but I had some --

23 **REPRESENTATIVE FLEMING:** Sure.

24 **REPRESENTATIVE BEVERLY:** -- motions I wanted to have
25 the commission entertain, if you don't mind. It'll be

1 pretty quick.

2 **REPRESENTATIVE FLEMING:** Are they gonna amend the
3 sections that he amended?

4 **REPRESENTATIVE BEVERLY:** No, not -- not
5 substantively, no, not at all.

6 **REPRESENTATIVE FLEMING:** Okay. All right. Tell us
7 what they are.

8 **REPRESENTATIVE BEVERLY:** At the beginning of
9 Section 6 --

10 **REPRESENTATIVE FLEMING:** Okay.

11 **REPRESENTATIVE BEVERLY:** -- that I move to strike
12 given --

13 **REPRESENTATIVE FLEMING:** This in the caption?

14 **REPRESENTATIVE BEVERLY:** Yeah, in the caption.

15 **REPRESENTATIVE FLEMING:** Okay.

16 **REPRESENTATIVE BEVERLY:** That I move to strike the
17 language from given to casting, so given Georgia's history
18 as a state that uses DREs and the familiarity of voters
19 and election officials with that method of vote casting;
20 that we strike that language.

21 **REPRESENTATIVE FLEMING:** You want to strike all the
22 words between given and casting?

23 **REPRESENTATIVE BEVERLY:** Correct.

24 **REPRESENTATIVE FLEMING:** Is there a second?

25 **SENATOR JACKSON:** Second, Mr. Chairman.

1 **REPRESENTATIVE FLEMING:** There's a second.

2 Discussion anyone?

3 (No response)

4 **REPRESENTATIVE FLEMING:** Hearing no discussion, all
5 those in favor of the motion, indicate by saying "aye."

6 (Chorus of "aye")

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

8 (Chorus of "no")

9 **REPRESENTATIVE FLEMING:** Motion fails. Anything
10 else?

11 **REPRESENTATIVE BEVERLY:** Second, I would like to
12 bring your attention -- the commission's attention to the
13 third paragraph on page 14.

14 **REPRESENTATIVE FLEMING:** Page 14, third paragraph,
15 that begins with the commission also believes?

16 **REPRESENTATIVE BEVERLY:** No. One, two, three -- no;
17 the -- the fact that Georgia's current voting system
18 utilizes touchscreen voting --

19 **REPRESENTATIVE FLEMING:** Okay. I gotcha. Uh-huh.

20 **REPRESENTATIVE BEVERLY:** Yeah. That I -- that I move
21 to strike that entire paragraph.

22 **REPRESENTATIVE FLEMING:** Is there a second?

23 **MR. RUSSO:** Second.

24 **REPRESENTATIVE FLEMING:** There's a second.

25 Discussion?

1 (No response)

2 **REPRESENTATIVE FLEMING:** Hearing none, all those in
3 favor of the motion, indicate by saying "aye."

4 (Chorus of "aye")

5 **REPRESENTATIVE FLEMING:** All those opposed?

6 (Chorus of "no")

7 **REPRESENTATIVE FLEMING:** Noes have it. Further?

8 **REPRESENTATIVE BEVERLY:** On page 15 --

9 **REPRESENTATIVE FLEMING:** Hold on a second. Let me
10 cut your mic back on. Go ahead.

11 **REPRESENTATIVE BEVERLY:** Yeah, thank you. Lastly, on
12 page 15, last sentence, instead of striking the whole
13 sentence, I would -- I would --

14 **REPRESENTATIVE FLEMING:** The one that begins with
15 given the commission's --

16 **REPRESENTATIVE BEVERLY:** Yes.

17 **REPRESENTATIVE FLEMING:** -- next recommendation?

18 **REPRESENTATIVE BEVERLY:** Yes. Yes, Mr. Chairman.

19 And I would move to strike the two words after we, those
20 two words, do not; that we strike the words "do not."

21 **REPRESENTATIVE FLEMING:** Is there a second?

22 **SENATOR JACKSON:** Second.

23 **REPRESENTATIVE FLEMING:** There's a second.

24 Discussion?

25 (No response)

1 **REPRESENTATIVE FLEMING:** Hearing none, all those in
2 favor of the motion, indicate by saying "aye."

3 (Chorus of "aye")

4 **REPRESENTATIVE FLEMING:** All those opposed?

5 (Chorus of "no")

6 **REPRESENTATIVE FLEMING:** Motion fails. Any further?

7 **REPRESENTATIVE BEVERLY:** That's it.

8 **REPRESENTATIVE FLEMING:** We're now on Section 7,
9 which is on page 16, which is --

10 **MS. ROSS:** Mr. Chairman --

11 **REPRESENTATIVE FLEMING:** Yes, ma'am.

12 **MS. ROSS:** -- Section 6, can we go back to that? I
13 have an addition.

14 **REPRESENTATIVE FLEMING:** Yes, ma'am. Oh, hold on.
15 Let me -- yeah. There you go. Yeah. The way I will
16 recognize you is when you press that -- that light, I'll
17 know you want to -- want to make a motion.

18 **MS. ROSS:** So --

19 **REPRESENTATIVE FLEMING:** Yes, ma'am.

20 **MS. ROSS:** Before we move on from Section 6 --

21 **REPRESENTATIVE FLEMING:** Yes, ma'am, Ms. Ross.

22 **MS. ROSS:** -- I did notice some of the things that we
23 heard from the county commissioners or county election
24 officials, some that we heard today and some that we heard
25 through over this process mention the continued cost to

1 the counties with a pure paper, ballot-marking system.

2 **REPRESENTATIVE FLEMING:** Yes, ma'am.

3 **MS. ROSS:** And I notice that is completely absent in
4 our report in Section 6.

5 **REPRESENTATIVE FLEMING:** Do you have a place that you
6 would propose sticking in there language to do that?

7 **MS. ROSS:** I would defer to counsel on that. But I'm
8 just recommending that that be captured somewhere in
9 Section 6, that we heard from the county election
10 supervisors, that we heard from the council of county
11 commissioners, and that they discussed with us that there
12 was a delayed cost going for paper-marked ballots and that
13 the counties would have to endure that cost; and also some
14 language in there about the number of different styles of
15 ballots that would be required to be printed. And I know
16 Lynn Bailey did a great job of summarizing that in her
17 statement that was read this morning by Ms. Boring --
18 Boren. But if we could -- sorry about that -- if we
19 could --

20 (Chorus of laughter)

21 **MS. ROSS:** -- no reflection on you -- if -- if we
22 could somehow, though -- I would like that language added
23 somewhere in subsection [sic] 6 because it's complete
24 vacant.

25 **REPRESENTATIVE FLEMING:** Counselor, do you know what

1 she's referring to? I don't understand it. Do you?

2 **MR. GERMANY:** Yes. I think -- I think that's a
3 well-made point. I think the best point to -- the best
4 place to put it, as I'm looking at, there's a paragraph
5 where I do talk about election officials and then
6 transition from an election official standpoint. I could
7 add discussion in that paragraph of what we heard today
8 from election officials about cost to counties moving to
9 an all-paper ballot system as well as the multiple ballot
10 style issue.

11 **REPRESENTATIVE FLEMING:** We --

12 **MS. ROSS:** That would have to be distributed by a
13 poll worker. I'm sorry, Mr. Chairman.

14 **REPRESENTATIVE FLEMING:** We discussed earlier that we
15 would allow counsel to insert such things. Is there
16 objection?

17 (No response)

18 **REPRESENTATIVE FLEMING:** It's in. Next. Now we're
19 on Section 7. Is there any proposed changes to Section 7,
20 which is on page 16?

21 (No response)

22 **REPRESENTATIVE FLEMING:** Is there any proposed
23 changes to Section 8? Oh, 9. Dr. Lee, I'm sorry.

24 **DR. LEE:** Yeah. So --

25 **REPRESENTATIVE FLEMING:** I just got through telling

1 you to press --

2 **DR. LEE:** Sorry.

3 **REPRESENTATIVE FLEMING:** -- the button, and you did
4 it --

5 **DR. LEE:** Yeah, yeah. Sorry. I apologize.

6 **REPRESENTATIVE FLEMING:** -- and I almost moved on.
7 You have permission to holler at me if I do it again.
8 Thank you. Go ahead, Dr. Lee.

9 **DR. LEE:** So I propose that in the caption, the
10 second sentence, we strike out will certainly be time
11 consuming and add work to county election officials --

12 **REPRESENTATIVE FLEMING:** So --

13 **DR. LEE:** -- but they --

14 **REPRESENTATIVE FLEMING:** So, in other words, right
15 now the -- that caption, second sentence reads: These
16 audits will -- will certainly be time consuming and add
17 work to the county election officials but -- so you would
18 like to strike out the words "will certainly be time
19 consuming and add on -- and add work to county election
20 officials, but they" -- and you -- and it would read
21 instead, these audits are necessary to show the
22 transparency and maintain trust in the elections process.

23 I understand the addition. Does anybody have any
24 questions before I ask is -- is there a second?

25 (No response)

1 **REPRESENTATIVE FLEMING:** Is there a second?

2 **SENATOR JACKSON:** Second that.

3 **REPRESENTATIVE FLEMING:** Discussion?

4 (No response)

5 **REPRESENTATIVE FLEMING:** Now, I'm gonna clear the
6 board and make sure what you want to discuss is that. So
7 now press your light and go ahead and discuss that. That
8 would be Judge.

9 **JUDGE McCOY:** Am I incorrect to say that that was put
10 in to raise the point about there would need to be a
11 change in the time frame on the counties to certify,
12 meaning that would need to be extended, and also the
13 additional labor costs that would be put on the counties?

14 **REPRESENTATIVE FLEMING:** I understand your question.
15 I think that's why that was added there.

16 **MR. GERMANY:** That -- that was my intention, Judge.

17 **REPRESENTATIVE FLEMING:** Further comments on this
18 suggested deletion by Dr. Lee? That would be Mr.
19 McDonald.

20 **MR. McDONALD:** Well, if that was the purpose of it, I
21 think maybe there might be something to maybe not using
22 that phrasing in the caption, but I think that that needs
23 to be captured -- make sure that we have it captured,
24 because it's a legitimate thing to be considered as part
25 of the substantive discuss -- discussion with this.

1 So if it's something about the way it's phrased
2 there, maybe remove it from the caption, but add a couple
3 sentences going that as part of our review, while this
4 might be necessary, it should be noted that labor costs
5 may include for counties and -- the thing that the Judge
6 just mentioned, I think that that needs to be captured
7 somewhere, even if it's just in the body.

8 **REPRESENTATIVE FLEMING:** Further discussion regarding
9 the motion?

10 (No response)

11 **REPRESENTATIVE FLEMING:** Hearing none, all those in
12 favor, please indicate by saying "aye."

13 (Chorus of "aye")

14 **REPRESENTATIVE FLEMING:** All those opposed?

15 (Chorus of "no")

16 **REPRESENTATIVE FLEMING:** Y'all are tired and the
17 Chair's in doubt. All those of favor of the motion,
18 please raise your hand, right hand, and keep it raised
19 until the Chair tells you otherwise. All those in favor?

20 (Commission members respond.)

21 **REPRESENTATIVE FLEMING:** One, two, three, four.

22 All those opposed to the motion?

23 (Commission members respond.)

24 **REPRESENTATIVE FLEMING:** One, two, three, four, five,
25 six -- motion fails.

1 Next, any changes to Section 7?

2 (No response)

3 **REPRESENTATIVE FLEMING:** If there are no more changes
4 to Section 7, are there any changes to Section 8?

5 **MR. McDONALD:** Yes.

6 **REPRESENTATIVE FLEMING:** Mr. McDonald.

7 **MR. McDONALD:** I won't rehash exactly what I said
8 about leasing earlier, but I'll stress that I think it's
9 one of the most important things, I think, I confronted
10 during the last few months that didn't deal directly with
11 machines.

12 So in Section 8, as we have these bullet points,
13 which I kind of -- Mr. Germany, I'll read this just kind
14 of general things to follow up and general laws that need
15 to be considered or looked at -- I would add one bullet
16 point at the bottom of page 17, after the last bullet
17 point, that would have basically leasing underlined --

18 **REPRESENTATIVE FLEMING:** On the bottom of page 17 or
19 18?

20 **MR. McDONALD:** 17.

21 **REPRESENTATIVE FLEMING:** Okay.

22 **MR. McDONALD:** As the last bullet point, leasing
23 underlined --

24 **REPRESENTATIVE FLEMING:** Last bullet point's on 17.

25 **MR. McDONALD:** Yes.

1 **REPRESENTATIVE FLEMING:** Go ahead. Go ahead.

2 **MR. McDONALD:** At the end of all the bullet points.
3 And I give discretion to Mr. Germany to phrase this as
4 necessary, but the gist of what I would say is: The
5 general assembly should review the laws of Georgia
6 governing and regulating the purchase of voting machines.
7 These laws should provide the State with the flexibility
8 of leasing when doing so is cost effective and in the best
9 interest of the state of Georgia.

10 **REPRESENTATIVE FLEMING:** Counsel, you got that?

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

12 **REPRESENTATIVE FLEMING:** If I understand Mr.
13 McDonald, he's agreeing with Dr. Lee's point that we
14 should consider leasing if we can.

15 **MR. GERMANY:** Yes. And I will add -- I agree with
16 putting this here -- I will add that in the previous
17 section we mention the same thing about the State should
18 look at -- look at the laws. And also if -- if that's not
19 something that's fixed this time, that we'll make sure we
20 have in place contractual methods to -- to accomplish as
21 much of -- of that, of the benefits that Mr. McDonald and
22 Dr. Lee earlier articulated as we can.

23 **MR. McDONALD:** I think, Mr. Chairman, if I may, one
24 thing I like about putting it here is it's kind of tagged.
25 It's --

1 **REPRESENTATIVE FLEMING:** -- emphasized.

2 **MR. McDONALD:** -- it's emphasized. It's set aside.
3 And in the wisdom of the commission, if the commission
4 agrees with the change, it's also the commission saying
5 this is something that we suggest and recommended. It
6 doesn't mandate. It doesn't direct. It acknowledges that
7 there might be hurdles that may -- may need to be jumped
8 over. But it does recommend that we look at these things.

9 And even if it's as significant as a constitutional
10 amendment, that that doesn't prohibit the general assembly
11 from considering doing that if, in this day and age in the
12 21st century, we need to modernize our laws to make sure
13 that prior to spending hundreds of millions of dollars
14 that we have all options on the board to be cost effective
15 and -- and efficient in what we do.

16 **REPRESENTATIVE FLEMING:** Ms. Boren.

17 **MS. BOREN:** We also have to remember, Mr. Chair, that
18 election cycles come every two years. Some voters only
19 vote every four years. And Muskogee County, we are
20 consolidated, so we only have elections in even-numbered
21 years. If our lease is a five-year lease, that means a
22 voter conceivably would vote on equipment twice before we
23 upgrade -- grade to a different type. Education -- voter
24 education is critical and will be critical with any
25 changes.

1 **REPRESENTATIVE FLEMING:** Dr. Lee.

2 **DR. LEE:** So we are discussing changes to Section 8,
3 right?

4 **REPRESENTATIVE FLEMING:** We're discussing Mr.
5 McDonald's suggestion to support your idea of leasing.

6 **DR. LEE:** Great.

7 (Chorus of laughter)

8 **REPRESENTATIVE FLEMING:** He's on your side. Don't
9 say anything.

10 **AUDIENCE:** Move on. Move on.

11 **REPRESENTATIVE FLEMING:** Is -- is -- there's a
12 motion. I believe there was a second; correct me if there
13 was not.

14 (No response)

15 **REPRESENTATIVE FLEMING:** Is there any further
16 discussion?

17 (No response)

18 **REPRESENTATIVE FLEMING:** Is there any objection to
19 that?

20 (No response)

21 **REPRESENTATIVE FLEMING:** It's in. Okay. Other
22 changes to the last section here in number 8? Dr. Lee,
23 now would be the time if you've got one there.

24 **DR. LEE:** Great. Appreciate it, Mr. Chairman.

25 **REPRESENTATIVE FLEMING:** Yes, sir.

1 **DR. LEE:** So I think for the definition bullet, we
2 should also add a sentence to say include the definition
3 of voter verifiable paper vote record.

4 **REPRESENTATIVE FLEMING:** Where would that go?

5 **DR. LEE:** That would be -- let me see. Maybe after
6 the first sentence in --

7 **REPRESENTATIVE FLEMING:** In the --

8 **DR. LEE:** I would say even before that, we should say
9 definition of first sent -- first sentence should be
10 include a definition of verifiable paper vote record.

11 **REPRESENTATIVE FLEMING:** Okay. Do -- Counselor, do
12 you know what he's asking us for, and where would you put
13 it?

14 **MR. GERMANY:** Yes. I -- I'm hearing Dr. Lee and I
15 agree. After the underlined definition, make the first
16 sentence include a definition of -- of verifiable paper
17 vote record.

18 **REPRESENTATIVE FLEMING:** Okay. Is there a second?
19 The Chair will second that. Is there any discussion?
20 Chair can. Is there any discussion?

21 (No response)

22 **REPRESENTATIVE FLEMING:** It's in. I'm sorry. Is
23 there any objection, is what I meant to say, to including
24 that?

25 (No response)

1 **REPRESENTATIVE FLEMING:** You can object if you want
2 to.

3 (Chorus of laughter)

4 **REPRESENTATIVE FLEMING:** It's in. All right.
5 Representative Beverly.

6 **REPRESENTATIVE BEVERLY:** So given the -- given the
7 last four months, Mr. Chairman, I'd like to move to strike
8 the word on page 16, in definitions, it says, the last --
9 the last sentence, it says: Include a provision similar
10 to the last voting system update where, upon funding, the
11 State is to provide new equipment to each county. I move
12 to strike the two words "upon funding."

13 **REPRESENTATIVE FLEMING:** So it would read: Include a
14 provision similar to the last voting system update where
15 the State is to provide new equipment to each and every
16 county is required.

17 Okay. Explain to me why you want to get rid of that.

18 **REPRESENTATIVE BEVERLY:** Because it -- it seems like
19 there's a undue burden on counties when we do this to make
20 sure that they have the requisite funding requirement from
21 both their, sort of, local pot and from the State. If we
22 strike out upon funding, then it becomes a mandate, and
23 it's no longer an unfunded mandate. It's something that
24 we believe, as the state of Georgia, that we should be
25 doing.

1 So if we strike out upon funding, we can make a
2 strong recommendation to the general assembly that we
3 anticipate and expect that the counties would have the
4 resources they need at all times to make sure that these
5 new voting systems are put in place.

6 **REPRESENTATIVE FLEMING:** Is there a second?

7 **MR. MONDS:** Second.

8 **REPRESENTATIVE FLEMING:** There's a second.

9 (Court reporter requests clarification.)

10 **REPRESENTATIVE FLEMING:** Mr. Monds. Is there
11 discussion?

12 (No response)

13 **REPRESENTATIVE FLEMING:** Is there any objection?

14 (No response)

15 **REPRESENTATIVE FLEMING:** It's in. Any other changes
16 to Section 8?

17 (No response)

18 **REPRESENTATIVE FLEMING:** Ladies and gentlemen, you
19 now have before you a document which has been amended.
20 The main motion is for the passage of this recommendation
21 with those amendments. That motion is on the table. Is
22 there any further discussion?

23 (No response)

24 **REPRESENTATIVE FLEMING:** Hearing none, all those in
25 favor say "aye."

1 (Chorus of "aye")

2 **REPRESENTATIVE FLEMING:** Any opposed?

3 (No response)

4 **REPRESENTATIVE FLEMING:** It passes.

5 **REPRESENTATIVE BEVERLY:** (Raising hand)

6 **REPRESENTATIVE FLEMING:** Are you opposed?

7 **REPRESENTATIVE BEVERLY:** Yeah, to the --

8 **REPRESENTATIVE FLEMING:** This is on the main passage
9 of the amended document. Yeah.

10 **REPRESENTATIVE BEVERLY:** Yes, opposed.

11 **REPRESENTATIVE FLEMING:** One opposed.

12 **DR. LEE:** (Raising hand)

13 **REPRESENTATIVE FLEMING:** Two opposed.

14 **SENATOR JACKSON:** Three opposed.

15 **REPRESENTATIVE FLEMING:** Three. Okay. Unanimous
16 except for Mr. Beverly, Dr. Lee, and Senator Jackson.

17 Ladies and gentlemen, we are done. I appreciate your
18 significant efforts and time on this. Thank you for --
19 Madam Secretary, for all your staff and your help.

20 Mr. Germany, for your work on this.

21 And Secretary Raffensperger, good luck.

22 **REPRESENTATIVE FLEMING:** We stand adjourned.

23 (Concluded at 2:01 p.m.)

24

25

C E R T I F I C A T E

STATE OF GEORGIA)
COUNTY OF GWINNETT)

I, Randi E. Strumlauf, being a Certified Court Reporter 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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