The above-entitled SAFE Commission meeting was held before Patrick Stephens, Certified Court Reporter, in and for the State of Georgia, commencing at 10:00 a.m. on this, the 12th day of December, 2018, at Secretary of State’s Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217.

TRANSCRIPT LEGEND

- (Interjection of thought for clarification)
-- ( Interruption of thought)
... (Trailing off or did not complete thought)
(ph) (Phonetically)
[sic] (In its original form)
SECRETARY CRITTENDEN: Good morning, and welcome to the Secretary of State’s Professional Licensing Division office here in Macon and the third Secure, Accessible, and Fair Elections or SAFE Commission Meeting.

I am Robyn Crittenden and I’m the Secretary of State. I was appointed by Governor Deal last month to fill the remainder of Governor-elect Kemp’s term following -- it’s not on? -- following his resignation. I am honored to serve in this capacity, and my focus has been on integrity, transparency and compliance with the law, which is what it has been throughout my career in public service.

Prior to coming to the Secretary of State's office, I spent time in several different areas of state government, including working at the Georgia Student Finance Commission and, most recently, serving as the commissioner of the Department of Human Services.

Now, at this time, I’d like to lead the Pledge of Allegiance, so if everyone would stand and join me.

(Collective Pledge.)

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Thank you. Now, from -- from what I understand, this
group has already heard from several different groups, and
stakeholders, and public comment and has already made a
great deal of progress, but I'm excited to continue the
important discussion about our state’s next voting system.

We're -- we’re joined here today by Representative
Brad Raffensperger, and he is going to be critical in
continuing to carry out these efforts forward and to
oversee the implementation of the work of the Legislature
and Governor-elect Kemp.

Representative Raffensperger, thank you so much for
being here. Would you like to give a few comments?

SECRETARY RAFFENSPERGER: Sure. From this -- here?

SECRETARY CRITTENDEN: Yeah.

SECRETARY RAFFENSPERGER: Is that good?

SECRETARY CRITTENDEN: Yeah, that’s fine.

SECRETARY RAFFENSPERGER: Thank you, Secretary
Crittenden and Co-chair Fleming. Thank you for this
opportunity to speak to the commission members and to all
of the attendees here.

Secretary Crittenden, I'd like to personally thank you
for your gracious welcome last week in the Secretary of
State’s office as we began our transition planning. I
realize how many demands you have on your time and I’m very
grateful for the support you’ve given us.

As you know, the Secretary of State’s office is the
focal point for elections because the priceless franchise
to vote requires free, clean and accurate elections
throughout every aspect of the election process.
Obviously, a key component of this is secure voting
machines. Our machines were state of the art in 2002 and,
today, it is imperative we complete our research for
security and technology for the next decade.

I have said that we need the most secure, updated
voting technology with a verifiable paper audit trail and a
system that moves voters faster through the line so we can
reduce wait times. Aside from that, I have no
predetermined outcome on the system or the vendor for our
next-generation voting machines.

Our next legislative session begins on January 14th
and I know that the General Assembly and our department is
looking forward to the completion and recommendations from
this commission’s very important work. Thanking -- thank
you for offering yourself for service in this critical and
noble effort.

SECRETARY CRITTENDEN: Thank you. At this time, I'm
going to turn the meeting over to Representative Barry
Fleming and he’s going to walk everyone through our agenda
for today.

REPRESENTATIVE FLEMING: Thank you, Madam Secretary,
and good morning to all. It’s -- it’s good to see all of
you again. I thank all of you for taking the time out of
your regular schedules and Christmas shopping that you
should be doing and -- and being here for -- once again, to
talk about something very important to Georgia; that is,
voting in our state.

We do have an agenda this morning and I know there are
copies on the way in right over there. We’re certainly
going to try to stick to it. There is a time on the agenda
for public comment. I know there are sign-up sheets that
should be circulating throughout the audience. And so, if
you need to sign up and, for some reason, don’t find the
sheet, Secretary of State Crittenden’s staff is right over
here to my left and -- and -- and they can, obviously, be
able to help you out.

As always, I appreciate all of you coming that has a
-- have an interest in our proceedings today. We’ve had
very good participation from the public at our prior
meetings. I know -- recognize a lot of faces out there. I
know all of you are well-intended citizens and we thank you
for being here.

As always, we would ask everyone to be civil with
their comments. Also, please recognize that we do have
time limits for our presentations today and we will gently
initially remind you of that and ask you to -- to help us
keep that in order. My goal is not to have to call anybody
down for not being civil, and it hasn’t happened so far, and -- and I thank all of you for that. But let’s keep those in mind as our rules.

We also have with us today, again, a court reporter. Patrick Stephens is right over there with that thing covering his mouth. He’s repeating everything I say, I hope, and I -- I told Patrick, when I first met him, that my dear wife is a court reporter and, as an attorney, I have been trained well not to speak over other people because the court reporter gets mad when you do that because they’re trying to take down everything we say accurately.

So I would remind -- of course, members of the panel know this, and the audience that as we have discussions, that we want to be careful not to talk over one another so the transcript can be taken down accurately.

As you see from your agenda this morning -- getting a little feedback there.

STAFF MEMBER: Can you try turning off the microphones that aren’t being used?

REPRESENTATIVE FLEMING: Turn off the ones that aren’t being used. That would be... there we go. That will help us a little bit. All right.

But, as you see from your agenda there, we’ll have three presentations from -- starting now until about noon,
and then we'll have a lunch break and then probably come
back around the 1 o'clock hour, and we'll adjust that as
need be.

Members of the Commission, we have brought lunch in
for you so that you can eat and we'll have some -- some
comments there to make that time productive for us as well.
There is a, as I mentioned earlier, a time for public
comment and then we'll end our meeting with a discussion
amongst the members of the commission.

Our hope is to begin now to formulate our thoughts,
our questions that we want the Secretary's staff to -- to
work on for us. My anticipation is, is that we probably
will announce another meeting in January, maybe the --
early January before the legislature meets for us to
actually formalize, hopefully, a recommendation to the
governor and to the legislature as far as our thoughts on
Georgia moving ahead with our -- our voting machines and --
and what we do next basically.

So that's -- that's the tentative outline, the best
laid plan of mice and men, and we'll see how it goes today.

But, once again, thank you all for being here. Are there
any questions from any of our commission members before we
get started into -- into the program? Anybody?

All right. Well, let's get going then. Garland --
and I want to say Favorito. Did I get that right?
MR. FAVORITO: Yes, sir, you did.

REPRESENTATIVE FLEMING: Come -- come on up. Good to see you. I know that -- to the microphone right here would be best.

MR. FAVORITO: So, Mr. Chairman --

REPRESENTATIVE FLEMING: Yeah?

MR. FAVORITO: -- I’m going to present from back there on the computer and you’re going to probably want to see the slides.

REPRESENTATIVE FLEMING: Okay. You’re going to present from right here?

MR. FAVORITO: You may want to --

REPRESENTATIVE FLEMING: So turn our chairs around for you? Okay.

MR. FAVORITO: I think that the slides are important for you to see.

REPRESENTATIVE FLEMING: All right. And there’s a microphone up there for you so, hopefully, it’ll do well. Senator?

SENATOR JACKSON: A lot of people in the back can’t hear.

REPRESENTATIVE FLEMING: A lot of people in the back can’t hear.

SENATOR JACKSON: Cannot hear.

REPRESENTATIVE FLEMING: All right. Two suggestions:
Move closer to the front and, second of all, we’ll let the staff see if we can boost the volume a little bit for you on -- on our microphone system. Okay? And we’ll try to talk a little better into it.

MR. FAVORITO: This one’s not on yet, I don’t think. Check, check, testing, testing.

AUDIENCE MEMBER: Feedback.

MR. FAVORITO: Feedback? Testing, testing. Nothing? So can y’all hear? Maybe if I just hold it. Is this better?

AUDIENCE: Yeah.

MR. FAVORITO: Is this better?

AUDIENCE: (Crosstalk.)

AUDIENCE MEMBER: Yeah, a little bit. I can hear.

MR. FAVORITO: Is that okay?

REPRESENTATIVE FLEMING: Yeah, that -- that’s better. While -- while we’re waiting to get everything going here, I did, as I surveyed the audience, saw a lot of familiar faces. I did see Representative Sam Teasley. Put your phone down. I’m talking about you. Sam, good to see you. We appreciate you following us and coming down today. Good to see you.

MR. FAVORITO: Testing, testing.

REPRESENTATIVE FLEMING: The mic is working. I -- I could hear it over the system.
MR. FAVORITO: Testing, testing, check.

REPRESENTATIVE FLEMING: The mic is working, Garland, so just -- just speak right into it.

MR. FAVORITO: Okay. We’ll go ahead and start then. First of all, I want to thank you, Mr. Chairman, and I really appreciate the opportunity to -- to come today and give a little bit different perspective from an election-integrity perspective. I’m the cofounder of Voter GA --

AUDIENCE MEMBER: We cannot hear.

AUDIENCE MEMBER: We can’t -- I cannot hear.

MR. FAVORITO: Okay. Testing.

AUDIENCE MEMBERS: (Affirmative responses.)

MR. FAVORITO: Is that -- is that good enough?

AUDIENCE MEMBERS: Yes.

MR. FAVORITO: Is that good? Okay. Thank you. Thank you, audience folks. So, again, I want to thank you for the opportunity to be here. It’s a true honor for me to be here and present today.

As y’all know, I’m the cofounder of Voter GA. We are a nonprofit, nonpartisan, all-volunteer organization, a due’s free member group. I want to spend about 15 minutes on the current system and improvement opportunities, and about 10 on new system requirements. I’m going to be running through some slides really fast and just -- the objective is to -- the presentation, how to restore the
trust in Georgia voting.

So I’m an IT guy. As I think many of you know, I’ve been in the business for 40 years -- and I hate to admit that because it kind of dates me, but I’m going to have to fess up to it. So, in IT, we use something called systems-development life cycles, and that is a -- basically, it tells you the phases and the tasks that you have to go through to do a big project like this.

And, typically, what you do is you analyze your current system for improvement opportunities, you define the new system requirements and then evaluate the alternatives. So the purpose of my presentation today is to help you identify the current system improvement opportunities and then to set the -- a framework for defining your objectives and requirements.

Before we get into restoring the trust of Georgia elections, we have to talk about how the trust was broken. Back in 2001, everything started off on a great foot. We had a -- a tremendous law that said any voting systems that we evaluate from the pilot have to have an independent audit trail of each vote cast, a great law, a great protection for Georgia voters.

But as the pilot took -- took place, only one of the seven systems met the requirement of the law and there was one other system that was not part of the evaluation that
could supply an independent audit trail.

The law -- in order to get the machines in, the legislature then repealed that law in 2002, but the repeal did not take effect until after the contract was -- was purchased back in -- after the system was purchased back on May 4th, 2002.

The reason that I bring this to the attention of the commission is that we don't -- we don't want to make the same mistake again, so we're going to ask you to please only legalize auditable verifiable voting that can detect fraud. So we want to make sure that you make -- have -- have that in your recommendations.

So when that new system was implemented back then in 2002, we went from what we believed to be 83 percent verifiability with punch cards and an optical-scan printer to zero percent with what we consider to be an unverifiable system today.

So what do I mean by an unverifiable voting system? Well, what we contend, from the election-integrity perspective, is that the votes cannot be verified, audited or recounted properly. So what do I mean by that? Well, you, as a voter, cannot verify that the system tabulated the votes and the selections that you made, the cast-ballot screen that you see may not be what's happening on the -- the inside of the machine.
As election officials, many of you know when -- there are no audit procedures in place today to audit their elections. So -- so when you -- you certify those results, you're putting down what the system told you that it -- it was -- it tabulated, but you don’t really have a way to audit that and prove that, in fact, that that was the correct results that the system told you.

And then lastly, but not least, is the recount situation. As you know, here in Georgia, we recanvas votes. We don’t actually recount them on the DREs. So that is a partial recount, and what, really, the law really requires -- and, essentially, what you're doing there is just reprinting previously unverifiable results.

So that leaves us open to -- to fraud and -- and errors potentially. So we bring this to the commission's attention because what we hope we will do is to ensure that you will give us a verifiable, auditable and re-countable system.

So that’s the election-integrity advocates’ perspective, but what about the state’s perspective? We -- we hear quite a few arguments, and I condensed these down to the four that we hear the most, and one is: The -- the machines are not connected to the Internet, so there's no risk of external hacking, and we also have heard that -- of course, that an attacker needs to have physical access
to a machine to hack it and the counties perform extensive
logic and accuracy anyway that would detect any hack and
there’s been -- really, there haven’t been any reported
crimes since the 2002 implementation.

So there is a huge gap in the perspective between the
election-integrity advocates, and the computer scientists
and the -- the states and -- and these -- some of the
county elections directors. So let's look at why we have
this gap.

So I want to take the first two -- two issues: Is our
system vulnerable to -- vulnerable to Internet hacking and,
two, does a hacker need physical access. Okay. On the
right-hand side here, you'll see that we have a voting
machine and that voting machine is not connected to the
Internet and no -- it’s -- it’s secure in the county
offices and/or the precincts and, therefore, it is not --
it -- it -- it should be fine. It’s not connected to the
Internet; there’s no physical access to it.

However, the way it works on election day and in early
voting, that’s not necessarily what we’re concerned about.
What we’re really concerned about and part of the process
is the preparation process. The preparation, Georgia runs
a centralized preparation process and that leaves us
vulnerable to what the security experts call a single point
of attack. And, with that single point of attack, you
could conceivably compromise any -- any given election.

So, for years, we’ve operated from the Kennesaw State Center for Election Systems. That’s where you do your ballot building; that then, in turn, gives you a secure elections database. From the county perspective, you’re getting that typically through the mail or some security device. You don't get that from the Internet.

So, from the county perspective, everything is tight and locked down. However, what happens if that -- that server -- that ballot-building server has been compromised by that single point of attack? That is the risk that you have there, and we learned in 2017 that, in fact, did happen and Kennesaw State was exposed for -- to the Internet, that ballot-building server, and that was a great concern to all of us. And, of course, there was a lot of publicity about -- about that back then.

So, again, we bring this to the attention of the commission because what we would like you to do -- and you can’t quite see the bottom of the slide here, but we want you to consider decentralization versus centralization. The decentralization is more secure because you cannot -- it would -- it protects you from the single point of attack but, at the same time, it puts more burden on the -- on the counties.

So if we’re going to continue with a centralized
process, we need to find a way to make sure that the counties can verify that the information that is -- they receive from the central source is, in fact, secure.

Logic and accuracy testing: While you -- we would say, Well, that would -- that would -- well, that would detect a hack, wouldn’t it? Well, no, not really because the voting machines operate in test mode when you're testing them but, when you put them into election mode for election day and early voting [sic]. Well, the software can determine what mode it’s in and count differently in test mode than it does in election mode. So it can be intentionally designed, in any clever hack, to deceive the tester to believe that everything is correct.

So, this, you do not have to take my word for it because virtually all of the experts in all of the lawsuits that have gone on in the state of Georgia have all agreed that this is true; that the software can detect what mode it’s in and count differently in test mode than election mode. So that negates so much of your logic and accuracy testing and it -- it still leaves us vulnerable.

So the reason that we bring this to the attention of the commission is to ensure that the audit procedures -- we’ll have the appropriate audit procedures to protect Georgians against election-day vote swapping malware.

Finally, I want to just quickly, as -- as fast as I
can, talk about Georgia voting problems. There have been
quite a few problems that we need to consider. And,
starting in 2002, we had a lot of invalid votes. We had
3256 test votes included in Cobb County certified results.
Now, the Cobb County elections people caught the error and
they fixed it; everything turned out all right, but the
machines accepted these invalid votes.

It happened again in 2008 in Lowndes County and, in
2017, you might remember there was a big delay in that
sixth-district race where the nation was watching us, and
it turned out that Fulton County had accidentally put a
Roswell runoff card into their sixth-district results.

Now, that was a human error but the machines should
have caught that error. As an IT person, I mean, our
responsibility is to have -- make sure that we only accept
valid data, and that was invalid data, so the machine
should have rejected that right away. It took a lot of
work from, both, Fulton County and Kennesaw to track down
what that problem is. So the machines will accept invalid
votes.

We've -- there's also been a variety of situations for
a lot of folks. Right here in Bibb County in 2004, two
machines lost over 200 votes and they simply just could not
accumulate their results. Director Carr at the time and
her staff -- there was nothing that they could do to -- to
fix the problem. So we just lost 200 votes back then.

In 2005, we had another situation that might have been lost votes. Over in Cobb County, we had a SPLOST that was decided by 114 votes, but there were 285 blank-voted ballots. So how do you have a blank-voted ballot when there’s only one race on the ballot? And this is -- you know, a SPLOST is -- operates by itself. There's no other county -- there’s no other elections on there.

When we asked that question, we were told that the voters probably waited in line, drove to the poll, got their card and then went and stuck it in the machine and then just decided not to vote. We found that not a plausible explanation, but that -- the same thing happened again in 2011 when an election was decided by less votes than the actual number of blank-voted ballots.

So the question comes down to, Did you lose votes there? We don't know for sure but what we do know is that a billion dollars of taxes were assigned and assessed against the people of Cobb County over these votes and they could have been lost.

In addition, just recently, we noticed in the last election in 2018 the Georgia Lieutenant Governor's race had a 4 percent under-vote rate, which is unheard of, and we -- we really do not know why that happened. It’s not consistent with history and it's not consistent with the
lower-down ballot races which, typically, have a 1 percent
or less under-vote rate.

So there's the potential there that we may have lost
90,000 votes but we just don't know. So if you -- I think
we will probably hear later on that the reason the machines
came into Georgia was we were trying to -- to solve an
under-vote problem back in the 2000 presidential race. We
were very, very concerned about it. There were about
90,000 under votes back then that seemed to be suspect.

But I want to mention this though because -- and we’ve
gone 16 years later and we still have the same problems
with the machines. We still have lost under votes that we
are not really sure about why -- you know, what happened to
them.

Just a few more things I wanted to mention to you. We
also had a situation of altered votes. We -- in -- in the
server level. We believe that the system can be altered
without an audit trail. This happened in 2008 out in
Douglas County where the chairman and the sheriff-elect
went to bed thinking that they had won their race. A board
member took the -- this is a county board member -- took
the results home in a spreadsheet and then went to enter
them in the next morning and the results changed and those
two individuals lost their races. How do we know this? We
have the inspector general's report from -- that explains
all of this from back in 2008.

Two more things I wanted to mention about the machines and then we’re going to move to the new system. The machines will accept negative votes. We know this from Florida when the exact same machine types that we have accepted 16,000 negative votes. Again, the elections officials always catch these errors, typically, and correct them but the machines, for some reason, accept negative votes and no one has ever cast a negative vote in the history of American elections, so the question is why do they allow that.

The same situation with fractional voting. We have determined that the machines do accept fractional voting, which we don’t implement this in Georgia but the machines are set up to do that. So no one has ever cast a fractional vote in the history of Georgia elections as well.

So we bring all of this to the commission's attention because we would like for you to consider -- and I'm sorry this last part of the slide is broken off. We’d like for you to consider requirements that will prevent these kinds of problems in the future if you should decide, in fact, that they are problems. We believe that they are.

So, at this point in time, I’m going to run to the handout summary --
REP. FLEMING: Garland, hold --

MR. FAVORITO: -- which you-all --

REP. FLEMING: Garland, hold on just a second, Garland.

MR. FAVORITO: Okay. I’m sorry.

REP. FLEMING: I want to -- you’re about to switch gears, so I want to see if any of the --

MR. FAVORITO: All right.

REP. FLEMING: -- members of the panel have any questions or comments about what you just covered. I know some of them did because I heard them say -- talking about it while you were talking.

MR. FAVORITO: All right. Thank you.

REP. FLEMING: I just want to see if they want to say it out loud. Yes, sure, Amy?

MS. HOWELL: Yes. Could you explain what a fractional vote is?

AUDIENCE MEMBER: Could you use the microphone, please?

MR. FAVORITO: Yes. So the question was, what -- the question was, what is a fractional vote. We don't know, to be honest with you. We’ll go back here. We know that the machine, it records votes -- or it has the ability to record votes in -- in decimal places, two digits at least. So why they have that ability? We don’t know. Because,
as I was saying, no one’s ever casted a fractional vote that we know of in the history of American elections. Now, this is not implemented in Georgia but these machines we -- that are of the same type do have that capability. That’s what we were -- that’s what I was mentioning there.

REPRESENTATIVE FLEMING: Anybody else?

MS. BOREN: I had a question, Nancy Boren, about what is a negative vote?

MR. FAVORITO: Yeah, a great -- great question. There -- as I was saying before, no one has ever cast a negative vote in the history of American elections, and we don't know that it’s happened in Georgia, but the machines will allow negative votes because we know that the same machine type allowed that 16,000 negative votes in Florida in the 2000 presidential election.

So the question is why do they even have -- accept that -- a negative vote to begin with? So these are the things that you probably ought to -- I think you would need to look at and prevent with your requirements for future machines.

REPRESENTATIVE FLEMING: Anybody else? Yes, I’m sorry. You’re sitting in the wrong spot.

MS. ROSS: I’m sorry.

REPRESENTATIVE FLEMING: You’re in my blind spot.

MS. ROSS: It’s okay.
REPRESENTATIVE FLEMING: Go ahead.

MS. ROSS: And I believe I can speak loud. Under lost votes, that you’re asking us to prohibit lost votes, are you considering those voters that have the right to not vote for a race?

MR. FAVORITO: Oh --

MS. ROSS: So that would be a blank vote.

MR. FAVORITO: Yes. No, I -- I'm -- I'm sorry. Thank you. Roger -- roger that for that question. Right -- right, we do not mean under votes at all. No, an under vote is a legitimate under vote, so if I -- I -- if I am voting and I get down to the agriculture commissioner’s race and I don’t know either one of the candidates, so I decide to skip that -- that race, that's a legitimate under vote. That’s not what I’m talking about at all. When I'm saying lost votes, what I -- what we’re talking about here is completely lost ballots for the most part or, in the one case of the lieutenant governor’s race, possibly an under vote.

MS. ROSS: So what would be your suggestion for us to determine what’s a under vote and a blank vote? Because, in our current system, it’s the same number. It has the same meaning in the current system that we have. So how would you ask that we decipher the difference?

MR. FAVORITO: Okay. So, yes, how do we decipher the
difference. So an under vote is always legitimate. There is no problem with under votes. The -- when we talk about the lost votes here, the entire ballots were lost in Bibb County. And, here, there was only one race on the ballot in Cobb and the entire ballot was lost.

So when I say, Lost votes, then that’s what I’m really talking about, is the -- the entire ballot was not counted, not just an under vote of the race. An under vote’s always legitimate.

MS. ROSS: Thank you.

MR. FAVORITO: Thank you for clarifying that for me.

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: Just to make a comment -- Darin McCoy, Evans County. I witnessed many mail-in ballots in this election where the only race that was voted on was the governor's race and, also, I have experienced where voters sent back the mail-in ballots blank and did not vote for anyone.

MR. FAVORITO: Okay. And, now, there is one thing I can add to that. So in the particular -- in the case of the lieutenant governor's race, the down-ballot races -- the agriculture commissioner, the Secretary of State’s race -- typically had about a one percent under vote and the lieutenant governor's race had a 4 percent under vote.

There's no logical explanation for that that we can
find out -- that we can think of offhand. Maybe y'all have one, but it seems -- in fact, there was actually a lawsuit filed over this. We don’t really know why they would be so dramatically different in that particular race, both from a historical perspective and from that current election and the down-ballot races.

REPRESENTATIVE FLEMING: Ms. Ross?

MS. ROSS: Would you recommend -- are you recommending that all under votes be explained?

MR. FAVORITO: No.

MS. ROSS: Or is any unexplained under vote, in your opinion, automatically suspect? Meaning, do you want the voter to say --

MR. FAVORITO: Yes.

MS. ROSS: -- I'm under voting and I really mean it?

MR. FAVORITO: Great -- great question. No, no, we’re not asking for anything to do -- anything to happen that’s not happening now. What -- as you look at it even from a historical perspective, there’s a -- typically -- an under vote typically runs from about a quarter of a percent to a one percent. That’s your typical under vote.

And it -- it goes down as you go down the ballot, as -- as Director McCoy said, you know, people -- less people vote as you go down the ballot. We don’t see -- I mean, an under vote is always a legitimate vote and we don’t really
know why this particular race was that dramatically
different, and I don’t know that I even have a solution for
you as to why -- how you would prevent that from -- from
happening.

But the problem is that the machine -- you -- you
don’t have any way to go back and check what the machine
did. So if you had a normal audit trail, then you wouldn’t
have this kind of -- of -- of strange situation.

You can go back to the actual physical ballots and --
if you had paper ballots, and then you could see, Okay,
yeah, it was legitimately under voted. But there’s no
audit -- there’s no way to audit the machine. So if the
machine said the -- the race was under voted by 4 percent,
we don’t have any way to know whether or not the machine is
telling you the correct information or not.

REPRESENTATIVE FLEMING: Ms. Bailey?

MS. BAILEY: Thank you, Mr. Chairman. Lynn Bailey out
of Richmond County. The blank ballots you spoke of out of
Cobb County, do you by chance know the origin of those
ballots? Were they generated on an electronic voting
device or --

MR. FAVORITO: Oh, absolutely.

MS. BAILEY: -- either on paper or do you know?

MR. FAVORITO: No. These were -- the blank-voted
ballots were all off of the electronic voting machines
either from early voting or from election-day voting.

MS. BAILEY: So there were no mail-in paper ballots considered in the numbers that we see up here?

MR. FAVORITO: That's exactly right. There was no mail-in ballots considered in those, and about 40,000 total ballots cast in those races.

MS. BAILEY: Thank you.

MR. FAVORITO: Thank you.

MS. ROSS: Can I get a point of clarification?

REPRESENTATIVE FLEMING: Ms. Ross?

MS. ROSS: Just a point of clarification: For Bibb County where it stated that over 200 ballots -- votes were lost, lost votes -- isn't it true that, based on the system that we have now, the votes are stored on the voting unit as well as on a memory card and that we have procedures that -- when we have a memory card that goes bad, that we do have procedures on where we can retrieve those votes from the unit itself and download it to another memory card, and that we know how many votes that we're looking for.

MR. FAVORITO: So I'm -- I don't think I'm aware of the votes being stored anywhere other than the memory card itself.

MS. ROSS: They are on the voting unit, too.

JUDGE MCCOY: That is incorrect.
MS. ROSS: Yes, they are on the voting unit and they’re also on the memory card. So, if we have a memory card that goes bad, we have procedures of how to internally re-download those votes to another memory card.

REPRESENTATIVE FLEMING: Mr. Monds?

MR. MONDS: Just a point of clarification: When you talked about this negative vote, what -- what was the 16,000 -- what did that represent in Florida?

MR. FAVORITO: Yeah. So, in Florida, what happened was somebody apparently put a memory card in with 16,000 negative votes. I don’t know if it was a --

REPRESENTATIVE FLEMING: Was it in Broward County?

MR. FAVORITO: It was in Volusia County, I believe. That’s a good question. It -- yeah, so somebody put 16,000 votes -- negative votes in the memory card and it was accumulated into the results. The elections officials realized that there was something wrong. They tracked it back and fixed it. They found the card and they corrected the problem. But the -- the point was that the machine allowed that to happen.

REPRESENTATIVE FLEMING: Thank you, Mr. Garland. Garland, go ahead and move along with the rest of your presentation.

MR. FAVORITO: Okay. I’m just going to -- flip over to your handout. I’ve just got about three or four slides
left that I want to leave you with.

You’re going to be looking for disabled voters; I’m sure you’re going to be looking at ballot-marking devices. The thing that I -- we want to make sure that you understand -- and I think everybody knows that ballot-marking devices are touchscreen and you can print the selections on paper and then you can scan that and tabulate it.

But the thing that we want to mention here is there are three types of ballot-marking devices, and these -- I’m just using my own terms. The first one I call the unverifiable barcoded ballot mark, and that is it puts the votes into a barcode and then tabulates the barcode. Well, we consider that to be unverifiable just like it was 16 years ago because the voter can’t verify and see what’s on the barcode.

So we think that those are not just -- should not be purchased for Georgia, but probably really should be outlawed. And the senate tended to agree with us, but we never got the language quite -- in the -- in the last session to do that.

There’s what I call a verifiable barcode that has a human-readable verifiable vote that’s scanned, and that’s -- that’s a good thing, but they still have a barcode for things like election ID, precinct ID and so on. And
that’s an increased security risk because there could be nefarious instructions transferred from the ballot-marking machine to the tabulator. So it’s better than the -- the non-verifiable, but still not -- not the perfect solution.

A better solution would be the clear ballot marker, which has no barcodes at all. However, those are very, very rare. There's only one or two vendors out there that have that. So we bring this to the attention of the commission just to ask you to legally ban unverifiable ballot-marking devices. We’re asking you to make that recommendation.

So what are your alternatives to consider from a systems perspective? Basically, they are -- you could replace all of the DREs with what they call VVPAT DREs; that would be Option Number 1. But what we found out about those is -- those actually put the votes into barcodes as well. So they’re called -- they’re called voter-verified electronic voting machines but, yet, they actually don’t really have a voter-verified paper audit trail in most cases. You might be able to find one out there. I haven't -- haven’t found one yet, but there could be one out there.

The other option you have is to replace all of your DREs with ballot-marking devices. Two issues with this: Voters tend -- there's a study, I think, from Rice University that shows that about 30 percent of voters don't
properly verify the interpreted ballot. And so, therefore, it -- it’s not the best verifiability. But most important probably, for your consideration, is that the cost is going to be tripled because you’re going to need 30 -- over a hand-marked paper-ballot solution because you’re going to need 30,000 ballot markers to replace all of the DREs that we have now.

The third option that we will probably be considering is hand-marked paper ballot -- sorry that’s a little bit off the screen. Those -- that’s the cheapest solution. You only need one scanner for each precinct, so about 3,000 scanners you’ll probably be needing. It saves a lot on logistics, maintenance and testing.

It does have a higher cost of preprinted ballots. You have to -- you know, that’s more expensive but you can use -- couple that with an on-demand ballot printer, which I know a lot of elections directors like, and that means that the -- the -- when the voter comes into the precinct, they get that ballot right there printed off, so you don't have to worry about how many ballots you need to print ahead of time and throwing away all of the wasted paper. So that’s less administrative issues for the elections directors.

So I want to kind of talk about the -- what we -- we’d like you to look at the seven problems that we need to -- we think you need to solvelogistically, not just on the
voting system but generally speaking. Here’s what we would suggest that -- we think is important:

The first thing would be to standardize the ballot. We should have an official ballot that’s a durable paper. It should be the same ballot that vote -- is voted on for everybody: mail in, early voting, election day, provisional and disabled voters. And that’s particularly important for disabled voters because it helps them to maintain their ballot secrecy. We don’t -- we don’t record that manual disabled vote, so they -- if they vote on the same ballot, then their voter anonymity is better.

Tabulators. We talked about this. The -- the tabulators can tabulate human-readable vote marks that can be verified by the voter and anything else should not be allowed in Georgia.

Election-prep security. This is another issue that we think is really important that we want the commission to consider. Decentralization versus centralization. Even in a hand-marked solution, you still have to prep those tabulators.

So how do you secure that? Should you let the counties do their own prepping or can you give the counties better security so that they can ensure that whatever information they get from the centralized source is, in fact, secure.
Auditing. You have to verify the tabulators with random audits either by RLA procedures or precinct-level procedures. That's critical. Hand tallies are critical there for a selective percentage of -- of the total votes cast.

Recounts. Recounts you don’t -- currently, today, you -- let’s take the mail-in, for example. If you recount them, you just take the ballots and you run them through the scanner a second time. So if the tabulator was counted incorrectly on election day, it would still be counted incorrectly for the recount and you would never know. So you have to hand tally the -- the recounts to make sure that the tabulator is -- is tabulating correctly.

And, finally, ballot-inspection transparency. The public is not allowed to see these ballots; they’re sealed up permanently. We had a candidate who tried to see his -- his -- his votes and he could not see the votes that were cast in his election, sues for that right and the judge said that he had no compelling reason to look at his -- at his own ballots. So we don't think that's acceptable. So there should be a procedure to allow the public to inspect these ballots under the control of the ballot custodian, which would be the elections directors in the county.

So I would -- the final thing I’d like to leave you with is that all of this -- to restore the trust in Georgia
elections, it’s going to require some additional work on the counties. In -- in order to do this, you have to be able to audit, recount and make sure that we have transparency in the election process.

This is going to be an increased burden on the county elections directors. It’s going to require a little bit more cost, and a little bit more funding and a little bit more resources mostly at the county level. So we just want to bring that to your attention because I think the Secretary of State’s office needs to work with the county commissions in making sure that they understand this when we move to a new system, assuming we’re going to implement auditing, recounting and transparency.

So what are the next steps? We think that -- we would like to suggest that you refine the objectives that we’ve given you and see exactly what you really think we need to do and we think that you need to define the requirements, basically, to each of these objectives and then prepare legislation to -- for each of those objectives as well.

So that’s a big task. I know maybe that everyone would like to know how to do that, so what we’ve done is we have this VoterGA SAFE Commission recommendation report. Susan’s holding up a copy of that. I was planning not to release this until Friday because I wanted to get some feedback from the commission as to what you thought about
the presentation and then I was going to make some adjustments and release that on Friday, but I am prepared to talk about it in case there any questions.

And, with that, I’m done. I wanted to make sure I stayed on my time. And so, thank you so much, and I’d be glad to take any other questions about the new system as well.

REPRESENTATIVE FLEMING: Represent Beverly?

REPRESENTATIVE BEVERLY: Thank you, Mr. Chairman. I have a quick question for you around the idea of on-demand printed ballots. There’s a cost associated with the preprinted ballots that are wasted --

MR. FAVORITO: Absolutely.

REPRESENTATIVE BEVERLY: -- because they’re not used. Is there -- have you guys run a cost analysis on -- you know, if we sort of looked at the amount of preprinted ballots that are wasted, the savings we would have by going to a printed ballot and what would that number be?

MR. FAVORITO: Right. That’s a good question, and we -- we don’t have cost figures on that but, as -- as we’ve explained, the -- the cost is -- is -- not only is it the cost savings, but -- see, all you really need is one -- one on-demand ballot printer in each precinct, so there’s not -- that’s not a tremendous amount of cost.

And then it’s -- not only do you save the paper cost,
but you save all of this administrative work for the
elections directors by having to try to anticipate how many
ballots they need ahead of time and then, if they don't
have enough, then there's a big scramble.

So there's two -- there's two cost aspects there, and
that would be the -- just the paper cost alone and then the
administrative. I think those two would offset the cost of
putting a ballot printer into -- at each precinct, but I
don’t have the numbers to -- prepared. Great question.

Thank you.

REPRESENTATIVE FLEMING: Senator Jackson.

SENATOR JACKSON: Thank you, Mr. Chairman. This
commission is tasked with secure and accessible elections.

Sir, do you have an opinion about vote by mail?

MR. FAVORITO: Well, yes, sir. So the -- you know,
any -- there could be potential fraud anywhere. So, vote
by mail, you -- the voter gets a -- has an actual physical
ballot that they scan, so there’s a system of record with
that ballot.

So we actually recommend that people vote by mail
given the current -- the current situation with these
machines. So no particular mail in -- no -- no type of
election is basically foolproof and no particular voting
type is foolproof, but we do recommend vote by mail right
now, you know, in -- in lieu of voting machines.
REPRESENTATIVE FLEMING: Garland, thank you so much. We appreciate you being here today.

MR. FAVORITO: Thank you, Mr. Chairman. We appreciate you. Thank you for having me.

REPRESENTATIVE FLEMING: Next, we’ll ask Kevin Rayburn, Secretary of State’s office. Kevin, good to see you today.

MR. RAYBURN: Thank you. I think we’re going to get mic’d up and then we’ll start. Check. Can everyone hear me okay?

AUDIENCE MEMBER: Yep.

MR. RAYBURN: All right. My name is Kevin Rayburn. I’m the assistant elections director and deputy general counsel for the Georgia Secretary of State’s office. I had the honor of previously presenting to you on our first commission meeting, so thank you for letting me come back. And the topic I’m going to talk about today is postelection audits.

Postelection audits are something that we currently don’t do in Georgia. It’s something that, when we move to a new system that has a voter-verified paper record, we will be able to do. It’s something that most states do, so it’s something that you may want to include in the recommendations of this commission as you deliberate that later today and something for the legislature and our state
election board to really work with in the future.

So we’ll start with, what is an audit? One definition is you’re trying to independently re-create and verify your results using the same underlying data. So, in our world, the underlying data is the cast votes. And so, you’re trying to independently re-create that tabulated results, looking back at the cast votes.

What an audit can do is it can check out the equipment and the procedures used to count the votes worked correctly, that the votes were counted as cast and that the election yielded the correct result.

What an audit is not is it is not a recount. What a recount is, is when you count every single vote for a particular race. So when you recount a house district, you count every vote that was cast for that house district.

What an audit is, is it counts a portion, a sample, a subset of the total vote for a particular race and that can give you confidence that those votes were counted correctly the first time. Whereas, a recount, since the full re-creation, you will know what the results is.

So it sounds like there has been a consensus so far that the next system will have a voter-verifiable vote record. So why would you audit once you have that? What’s the importance of that? Well, the reason is that no voting system is perfect. People are not perfect and computers
aren't always perfect and without risk. So even if you had
a hundred percent hand-counted election, the practice would
be to have an audit of that to make sure that people who
hand-counted did that correctly and that their procedures
worked.

So same thing if you have a computer-tabulated
election where you’re scanning in paper ballots. You are
going to want to make sure that the computer was programmed
correctly and that it calculated the correct vote tally.

So the benefits of a audit are that you can find
errors, whether those were intentional errors or accidental
ersors, it can help you have data and information so that
you can improve the process for future elections; you can
iterate on what you’ve learned after doing that review.

It serves as a fraud deterrent. Just like you are
probably less likely to rob a bank if you know there is a
armed guard at the door. If you know that there are audits
going to be done after an election, you know that they are
going to dig in and review those results, look at the
ballots, that is going to be a deterrent for election
fraud. And, finally, and maybe most importantly, it helps
build public confidence in the election and the outcome of
an election.

So I'm going to describe the three main categories or
types of postelection tabulation audits that currently
exist. They are the fixed-percentage audit, the tiered-percentage audit and the statistically-based audit. Most states -- 30 states have a fixed-percentage audit. What this means is there is a predetermined percentage of usually precincts -- it could be voting machines, but you know ahead of time what percentage of precincts you are going to need to go back and re-tabulate, recount.

Usually, you see 1 percent, 2 percent, 3 percent, 5 percent or 10 percent. Those are usually the categories of the percentages that you would go back and review. The advantage of doing that is you know ahead of time kind of the scope of your audit, you know what percentage of precincts you would have to look at and that makes it easier to budget when you know ahead of time what kind of a scope.

The downside of a fixed-percentage audit is it doesn’t change and fluctuate based on how close the election is. I think, intuitively, if you have an election that is a blowout, there’s a huge margin between the candidates, you would feel comfortable reviewing fewer ballots than if it was a very tight election. Under the fixed-percentage audit, it’s fixed.

So, whether it’s a close election or -- or a blowout, you’re not going to know beforehand but you’re going to have that fixed percentage set. And so, that’s a downside.
It -- it doesn’t fluctuate or change based on how close the election is.

But, like I said, 30 states have that as a requirement in their law today, is a fixed percentage. Now, a tiered percentage is being done by two states right now, and what that is, is it has buckets essentially that changes how many precincts you will check based on how close the election is.

So we might say if there is a 10 percent margin, you review 1 percent of the precincts but if the margin between the candidates is 5 percent, you review two and, if it’s 2 percent -- it’s a close election -- you review 5 percent of the precincts. So it has, you know, clear buckets, not many, but everyone can see it ahead of time and, that way, it does adjust based on how close the election is.

And then the third type that we’re seeing, and it’s the newest type that’s been developed, it -- it’s the statistical-based audits. Now, you may have heard of a risk-limiting audit and there’s even, more recently, a Bazine audit has been developed, and all of these use advanced statistical methods to try to reduce the number of ballots you have to review in an effort to save cost and, at the same time, have assurances that, to a certain degree of certainty, you will know whether you will catch an
audit.

So, for example, that’s called a risk limit. So, with a statistical audit, you would set a risk limit ahead of time and -- for example, you set the risk limit at 10 percent. What that means is there is a 10 percent chance that if the announced result is wrong that you will not catch it and that there’s a 90 percent chance then that if the announced result is wrong, you would find out. And so, you adjust your risk limit to what you’re comfortable doing and that would dictate, along with how close the election is, how many ballots you would have to review.

So far, there’s only one state that has done this at a statewide level, and that is Colorado. It took them 10 years to get to where they are today. So it’s been a long journey; they did a lot of test runs and pilots with elections to try to -- to get comfortable and, in 2017, they did their first statewide risk-limiting audit.

There are two other states, I believe Rhode Island and Virginia, recently passed laws requiring risk-limiting audits and they just, this year, did pilots for some smaller elections. So they’re working their way into being able to do that statewide. But that is still not many.

To talk a little bit more about -- there are two types of risk-limiting audits: There’s the single-ballot comparison and the ballot-polling audit, and I’m not going
to go into too much detail unless I get questions about it, but the difference is, with a single-ballot comparison, you actually look for a specific ballot.

So the computer has, basically, all of the ballots cast, it -- it says we know that this ballot had these choices. And so, you would randomly select a ballot and then you have to find that ballot. You have to go find that physical ballot. Now, that sounds like finding a needle in a haystack when you’re thinking about 4 million votes.

And so, that is the big challenge with risk-limiting audits in the comparison model is having amazing foresight and planning and making sure that ballots are stacked properly and you have a ballot manifest so that you can either pick maybe Box 234 and then dig down 24 ballots deep, that’s the ballot you need to find. That's the kind of detail you have to do to do a risk-limiting audit at the comparison level, and that takes a lot of work.

And, if you mix up those ballots, you kind of can’t do that type of audit. But the advantage is you can do an incredibly small amount of ballots. So it’s kind of high risk, high reward there.

The ballot-polling model is -- is probably more intuitive -- like an exit poll. You randomly sample a number of ballots and -- and you -- the algorithms help you
figure out how many you would need and then, with
statistics and the large numbers, if you have a good
sample, that should be representative of the whole.

So kind of like if you -- if you dig your hand into a
jar of jellybeans, if you did a good job and got a good
sample and you counted those, that should be the
distribution of the whole jar. The risk is that that's not
always true, and there's always a chance you will be
unlucky.

You could have the most perfect election where every
single vote is tabulated correctly, the voter intent is
clear but there's always a risk with a risk-limiting audit
that you might have to do a full manual recount of every
vote cast. So most elections, it might be cheaper; in some
elections, it might be way more expensive. So, once again,
risk/reward. So that's the -- that's the third type, the
statistically-based audit.

So, if Georgia decides to do audits, there are a
number of questions that will need to be answered to figure
out, All right, what type of audit are we going to do, how
would we actually put this into place, and I'm going to go
through those questions. I won't provide answers; I don't
have them, but it's important to start thinking about what
-- what decisions will need to be made, what -- whether you
include some of these in recommendations; the legislature
might want to speak to that or maybe a rule-making body
would.

So first is, what election will we audit? Are we
going to audit just the general elections? What about the
primaries? What about runoffs? We are about to have
several special elections due to vacancies that were
created in the past couple of months and we’ll probably see
several more here in 2019. Do you audit all of those?
That’s a fundamental question you have to ask, and -- and
that, obviously, would impact the cost of audits. Many
states just do the general elections or general elections
and primaries.

Another question is what races do you audit? So, even
after you select the election, well -- as you saw with your
general-election ballot, there were a lot of races on
there. Which ones do you do? How many do you do?

Many states choose top of the ticket. So, in a
presidential year, we’ll audit the presidential race; for a
governor’s election, you audit governor; sometimes you
randomly select from the ballot; sometimes you pick one
statewide, pick a district then. So there's options there,
and the more races would increase complexity and cost.

Who should conduct the audit? Should it be county
officials? Should it be a new county board of audits in
each county? Should state officials do it? Should third-
party auditors do it? Those are questions that need to be answered.

How many ballots? We already talked about the different types of audits, which dictates how many -- how many precincts. That would dictate how many ballots, and there’s a cost. The costs that I’ve seen is usually 15 to 30 cents a ballot, is the cost to recount a single vote. So the more votes, the more expensive your audit will be.

An interesting dilemma that Georgia will have -- be faced with that many states don’t have is we have a lot of counties, as our county election officials know all too well. So if you said one precinct per county, that’s 159 precincts. And if we have about 2300 precincts, one precinct per county is about 7 percent of all of our precincts. That, potentially, is 7 percent of the votes cast. So you can kind of get an idea of how big even just one precinct per county -- how big that audit would be.

Another big question that is sometimes controversial is when you audit. Do you audit before certification of an election or do you audit after certification? If you audit after the certification, the results are set. The winner has been chosen; they're going to be sworn in. But some states choose to do it after certification and it’s basically just to learn from the election. It won’t impact the outcome of the election that you’re going to audit, but
it’s to learn from it so that, future elections, you might make changes.

If you do a precertification, now you're talking about potentially changing results. You might be creating records that could be used for a contest. If an audit fails or shows discrepancies, you might need to do a recount. So there are going to be consequences to the election you are auditing if you do it before certification. And the states are mixed. Some states do it pre, some states do it after certification.

And then, possibly the most controversial question that has to be answered is, what do you review when you audit? Do you review the actual, original paper record or do you review the digital image of the paper?

The current systems that you are -- were presented to you at the previous meetings and submitted RFI responses, they basically digitize and create an image of every single ballot cast, and with current cryptographic technology and methods that have been implemented in many of these systems, they can digitally sign those images; they can create a hash value, which basically says, We are pretty certain no one has modified these images.

So, if we have that in Georgia, how comfortable would we be with maybe reviewing the images instead of opening up ballot boxes or maybe looking at both? And that -- so kind
of what you audit might dictate how you audit.

For example, Maryland did a pilot in 2016 and they did a risk-limiting audit, they did a fixed percentage, you know, X number of precincts, and then they took all of the ballot images and gave it to another vendor. They picked a different election vendor than that actually ran their election, and they say, Here are all of the ballot images; tabulate all of the results from the bottom, every single race, and then we’re going to compare what you tabulated with what our machines tabulated, what our, you know, results were. And so, that’s an audit.

Their legislature just codified, basically, that plus a hand-to-eye manual review, so they’re going to do both. So that's -- that’s an interesting choice and something we’re going to have to decide if we choose to do audits here in Georgia.

I talked about cost, you know, maybe 15 to 30 cents per ballot, 90 to 100 percent of the cost is labor. So the more ballots you view, the -- the more the costs will be. Who’s going to pay that cost? In most states, the county officials are the ones doing the audit. Are they going to bear the burden? Is the state going to pay a portion? That’s got -- that needs to be decided.

Finally, with other states, 15 states currently don't have audits. Like I said, 30 states do a traditional fixed
audit, two states do tiered, three states have requirements
for risk-limited audits.

So to close it out, the kind of takeaways: It’s, you
know, very exciting that we will potentially have a voter-
verified paper trail. Audits can be used to -- to add
confidence, to help us audit and check to make sure that
any computer system and humans involved in the process
worked correctly.

You know, it’s going to be difficult to implement a
new system in 2020 and also do audits, but I think that
makes sense. We may want to consider whether we do --
over time we, you know, iterate, and improve and expand our
audit. So maybe start with a -- a easier audit and then,
as we get more confidence and we develop best practices,
we can maybe audit more races, audit more precincts. So do
audits, start small, and then expand over time.

And then, as I’ve talked to experts who talk about
audits, the one thing they say is don’t over legislate the
audit. Certainly, require an audit, that's perfectly fine,
but as I’ve -- and I’m sure many of you might be bored to
death from what I’ve talked about.

There’s a lot of details involved and there’s a lot of
brilliant academics and practitioners who -- this is their
life. They -- they focus on audits. We should hear from
them; we should listen to them. Sometimes that's hard to
do in the legislative process. Sometimes it’s easier with
a rulemaking process. There's more flexibility there. So
maybe have the legislature make basic requirements and have
the state election board or some other body really get into
details of how to do an audit. So, with that, I thank you
for your time and attention.

REPRESENTATIVE FLEMING: Kevin, are you suggesting the
legislature over legislates sometimes?

MR. RAYBURN: I would never suggest that. I would
hate to see that happens.

REPRESENTATIVE FLEMING: It happens, and it’s usually
Representative Beverly’s fault.

REPRESENTATIVE BEVERLY: Most of the time.

REPRESENTATIVE FLEMING: Now, along that point though,
I find it very interesting that you talked about -- was it
Kentucky that -- there was one state you mentioned. I know
you mentioned Colorado, but there’s one other state you
mentioned that -- that enacted statutory preventions on
auditing and --

MR. RAYBURN: You mean Maryland.

REPRESENTATIVE FLEMING: Maryland, Maryland. So I
don’t want to -- I want to make sure I understood that.
They -- they got a system, they developed an audit and then
the legislature came in and codified the audit procedure
after it had been developed; is that right?
MR. RAYBURN: Sure. They did -- they did kind of three different audits of the same election to try to see how it works, what one did we like more, what gave us more confidence, what -- what was the cost associated and then they -- they legislated after that.

REPRESENTATIVE FLEMING: So, just thinking through this timeline, the legislature meets in January. We usually can get through sometime at the end of March, sometime early April. If the legislature appropriated and authorized a process and -- and directed towards certain types of requirements for whatever voting system we have next, I assume that would be an RFP process probably that the Secretary of State’s office would carry out.

But you really -- as -- as I’m listening to you, I’m thinking this through. We -- we finish let’s say end of March, y’all procure a system after that. It’s after you know exactly what kind of system you have that you actually need to think about codifying audits; right?

MR. RAYBURN: I think that's correct. There’s --

REPRESENTATIVE FLEMING: So --

MR. RAYBURN: -- the system --

REPRESENTATIVE FLEMING: So this legislative session, if we authorize the purchase of a new system, it would probably be another legislative session where we actually codify an audit procedure. Is that -- am I missing
something there? Does that sound right?

MR. RAYBURN: I think that's right. I think once we know what system we will have, what it's capabilities are, then we can really define what type of audit makes sense with that system.

REPRESENTATIVE FLEMING: Through -- through trial and error, and the testing and whatnot, too, I would assume.

MR. RAYBURN: Yes.

REPRESENTATIVE FLEMING: Questions from the panel?

Counsel?

MR. RUSSO: Thank you. Vincent Russo. How long does the audit process typically take? I realize it -- it depends on the size of the audit -- size of the election being audited and the race, but say an election of 100,000 total votes being cast.

MR. RAYBURN: From what I read, it seems like it's usually a few days. It's kind of like with a -- you know, we just saw a recount in Florida. You can kind of get an idea how long that took. They had multiple stages. They did a machine count and a hand count. So depending on the scope -- you know, just the recounting itself, assuming you did all of the prep work and all of that, it would take a couple of days and then you would have to develop your report to report back to the state.

REPRESENTATIVE FLEMING: Absolutely.
MR. RUSSO: In your opinion, would it make sense to start the audit process -- assuming that’s the route that the legislature goes, would -- in your opinion, would it make sense to start with, say, off-year elections like odd-number year elections?

MR. RAYBURN: Yeah. When you look at states that are introducing audits to their -- their systems, you often see pilots or, you know, test runs with -- with real elections. And so, you're auditing a real election but it’s -- it’s localized. It might be a city election; it might be a handful of county elections. It’s a big step going from a county election to a statewide election. And so, you -- you’ve got to work your way up, you build your confidence, you see what processes, what paperwork, what instructions work with your people and you build your way up.

MR. RUSSO: Thanks.

REPRESENTATIVE FLEMING: Yes, sir?

MR. JABLONSKI: I have a concern with the legislature mandating a type of audit. I think -- I think an audit is absolutely necessary, but I think you can cut the time period down by having the legislature authorize and fund a new machine system but also, at the same time, mandating an audit but leave it up to the state election board to determine the type of audit, at least on an experimental basis, until they can come back with some experience and --
and have it reviewed by the legislature if necessary.

But I don't think it's -- I -- I think it's a mistake to put it into the legislation and then we're stuck with it. It would be awfully hard to change as our experience with new machines change and as experience and theory on -- on doing audits improves. We ought to be able to take advantage of those improvements.

REPRESENTATIVE FLEMING: That's kind of what I was referring to, Michael, was the timeline. Yeah, is how it flows. Other questions? Dr. Lee?

DR. LEE: So I just want to clarify. So for the percentage-based audit plan, so you said it's -- you set a percentage of the precincts to do audits. Therefore, those precincts, do you hand count every single vote or do you also do a percentage?

MR. RAYBURN: You would -- so you would count every vote in the precinct. So, in Georgia, we know, at the precinct level, what are the results for the races. So then you would recount just that precinct and then you have your -- your audited result and you compare that to the original result.

DR. LEE: So would it be better off if we do the percentage across all precincts? So let's say each precinct, they do 5 percent -- basically hand count 5 percent of the votes and we have people then study to say
which one’s better?

MR. RAYBURN: So I think if we had a statistician to work -- help us work through that and -- and the people felt they were comfortable with a percentage of a precinct, that definitely would cut down on the number of ballots you would have to review.

REPRESENTATIVE FLEMING: Yes, Lynn?

MS. BAILEY: Lynn Bailey, Richmond County. Speaking off of Mr. Russo’s comments about the certification period, we talked about this before in the senate and house race that we held during the last session, and one of the things we discussed with the -- with any type of postelection audit that’s being proposed, if we’re going to do a precertification -- which I would think we would do a precertification -- there’s no doubt that local officials will need more time built into the timeline to get that done.

You know, there are important things going on in that three- or four-day period that we have to certify now, like looking and adjudicating provisional ballots as one example. So we do definitely need to look at that.

And, also, I think it’s important that we distinguish ourselves from states like Colorado who have refined this process over 10 years and who, at this point, have mostly mail-in ballots, so all paper ballots, and they’re mostly,
if not exclusively, centrally counted and that affords them the opportunity to keep these ballots in order and in a sequential manner so you can go in and identify a particular 5 percent, or 1 percent or whatever the number is, to find out.

But, as was mentioned earlier for Georgia, we have a precinct-based system. It would, I think, indeed be like trying to find a needle in a haystack to go to that level of an audit. Certainly, a precinct-based type of recount based on the percentage done completely at random; we have no knowledge ahead of time which precincts are going to be identified, would seem to work better, perhaps, in our environment. Thank you.

REPRESENTATIVE FLEMING: Good. Coming around.

MS. ROSS: I have a question.

REPRESENTATIVE FLEMING: Ms. Ross?

MS. ROSS: Yes. Are you aware of any of the states that already have an audit system in place that mandate by state law that the audit can change the election results?

MR. RAYBURN: Yes. So some states basically -- you usually see two things: You either have an authority with a secretary of state or a -- you know, chief election official that, if there are discrepancies, they could order a recount, and then the recount would be the new result.

The other thing we see is if, when you compared your
audited result to the original result, if the difference is
greater than a threshold, maybe half of 1 percent
difference, then that would trigger a recount. But the
recount, usually, is what you would rely on if you wanted
to recertify a result.

MS. ROSS: Okay. So it’s not like it can flip an
election; it’s just going to order a recount or order a do
over. You see what I’m saying?

MR. RAYBURN: It -- it could order a -- and it depends
on how you do it. Some states, you know, you just give us
a report and learn from it. But, if you do a
precertification and you do a recount, it could flip the
results depending on how close that election is. If you
have a five-vote election, your recount -- recount gets
switched by 20 votes and then it flipped.

MS. ROSS: Right. But it -- but it will order a
recount, not a do over, is my question.

MR. RAYBURN: Well, that gets into election contests
and -- and what was the discrepancy. And so, it would -- I
would say, if the results flipped in a recount, you’re
going to have a contest and you might have a judge order a
new election.

REPRESENTATIVE FLEMING: It will become evidence in
the case if someone tried to order -- have a new election
ordered. Senator?
SENATOR JACKSON: Thank you, Mr. Chairman. So, in this case, you want the audit to be precertification. And you would think the audit must be precertification but, if you audit after you certify, it really doesn't mean anything; correct?

MR. RAYBURN: That is -- well, I will not say it wouldn’t mean anything. It’s -- it -- you get different value from it, and we have to decide how does it work with Georgia because, with runoff elections, we don’t have a lot of time. And so, we’ve got to weigh our runoff system, a majority-vote system, with how we’re going to fit an audit in there. And so, that’s -- it’s just complex.

REPRESENTATIVE FLEMING: Any other questions? Lynn?

MS. BAILEY: Thank you, Mr. Chairman. Just one other follow-up question. Lynn Bailey, Richmond County. Kevin, you were talking about the -- an example of an audit that’s done after certification. And you mentioned the counties that -- or the states that do that -- do that more auditing procedures and making sure that the local officials, I guess -- I mean the state officials did their jobs properly, and more of the learning experience, or the recap or a review of an election [sic]; is that correct?

MR. RAYBURN: That’s right. They -- they still do the -- the re-tabulate though. So they still actually count votes. It’s just after the period of contest, after
certification. So, after a decision has been made, let’s learn from it.

And three examples are Florida, Michigan and Maryland do that. In Florida, each county would send a report to the state saying, This was our accuracy of our audit, these were any problems or discrepancies we’ve found, this is the likely cause of those problems or discrepancies and this is how we can prevent that in the future.

So it’s actual items that the state could then figure out, All right, do we need to change out equipment, change software, change procedures, instructions? But it wouldn’t impact the actual results of the election. It wouldn’t change who won. So that’s what some states have done.

MS. BAILEY: Okay.

REPRESENTATIVE FLEMING: Okay. Representative Beverly?

REPRESENTATIVE BEVERLY: Do you happen to have any statistics on when Maryland took the digitized copy and sent it to this place, what was the difference between what they counted and what that digitized company counted? Do you know what that percentage was or if it was a percentage difference at all?

MR. RAYBURN: I’m not -- I just don’t know what it is. I can distribute the report that Maryland did after that pilot -- those three pilots to the full commission and then
-- and help highlight data that’s in there.

REPRESENTATIVE FLEMING: Kevin, good job. Thank you.

MR. RAYBURN: Thank you.

REPRESENTATIVE FLEMING: Thank you very much. Our last speaker before lunch is former Secretary of State Cathy Cox, who I see there in the back. Currently, dean of the Mercer School of Law, right here in Macon.

Dean Cox, it’s good to have you today. We'll let her get mic’d up. Dean, good to see you.

MS. COX: Good afternoon.

REPRESENTATIVE FLEMING: Welcome.

PLAINTIFF: Thank you.

REPRESENTATIVE FLEMING: Dean Cox, I know, got her great training for all of the great things that she’s done in the House of Representatives; did you not?

MS. COX: That’s exactly right.

REPRESENTATIVE FLEMING: Where I believe your father --

MS. COX: Trial by fire.

REPRESENTATIVE FLEMING: Your father also served there; did he not? Representing --

MS. COX: That’s right.

REPRESENTATIVE FLEMING: -- the Bainbridge area; right?

MS. COX: That’s right.
REPRESENTATIVE FLEMING: Okay. Good. How long were you there, dean?

MS. COX: I -- I had two terms in the House --

REPRESENTATIVE FLEMING: Two terms in the house.

MS. COX: -- and I was the Secretary of State.

REPRESENTATIVE FLEMING: And Secretary of State. And then, after that, at some point, you were president of Young Harris.

MS. COX: That’s right.

REPRESENTATIVE FLEMING: And have been the dean of Mercer Law School for how long now?

MS. COX: I’m in my second year.

REPRESENTATIVE FLEMING: Second year. How are things at the law school?

MS. COX: We’re in the middle of final exams, so there’s a big cloud over Macon right now --

REPRESENTATIVE FLEMING: No tension whatsoever; right?

MS. COX: -- which is probably the stress coming from the law school.

REPRESENTATIVE FLEMING: Yeah, yeah, absolutely. I remember those days, not fondly.

MS. COX: Exactly.

REPRESENTATIVE FLEMING: Well, Dean, we certainly do appreciate you being here today. It’s obvious that the last time Georgia had a major change in their voting
system, I’ll say in the state, you were an integral part of that and we appreciate you coming today to talk about that and, of course, anything else that is on your mind. And I’m sure that the panel members would have questions for you.

I think you know, but this is the third meeting of -- of this panel that Secretary Kemp, now Governor-elect Kemp, put together to consider, you know, where do we go from here with our voting system in the state of Georgia.

And, as I mentioned to them earlier, we anticipate probably having one more meeting and then try to come to some conclusions or recommendations for the legislature to consider this next session. So, once again, thank you so much for coming and we appreciate you being here today.

MS. COX: Thank you. It’s great to see you again, and I appreciate the invitation of Secretary Crittenden. Congratulations to Secretary Raffensperger. Great to see so many of you again and I appreciate the opportunity to have a few minutes with you today.

The -- the perspective that I wanted to bring to you today that I felt very strongly I should bring to you today starts really with the old adage, that, Those who don’t remember history, are doomed to repeat it. So if you’ll give me just a few minutes to take you back to how we got to where we are today.
For Georgia, it really started with the notorious 2000 presidential election, and when -- you-all have your own memories of what was happening at the time and how the world focused on Florida, and when Florida started their recount of the hanging chads and the focus of the world shifted to Florida.

I was serving as Secretary of State at the time. And so, we decided we better study and figure out what had happened on our own watch. And so, we engaged in a -- a pretty deep dive into Georgia elections at the time and were horrified to find out that we, in that election, had lost almost 95,000 votes.

We, at the time, had a hodgepodge of election systems. Every county at the time got to have their own voting system, got to do whatever they wanted to do; they were really left to their own devices and decisions to run elections in the way that they wanted to.

We had everything from the old refrigerator-sized lever machines that had not been manufactured in more than 50 years, to several counties that had thought they were moving ahead and had bought optical-scan systems, to some of our larger counties that were using the punch card system with the hanging chads, to two counties that were actually still using the bedsheet-sized paper ballot from the 1800s. So we had all four of those types of balloting
going on in Georgia at the time of 2000.

The under votes that equated to those lost 95,000 votes happened for a variety of reasons. Those mechanical refrigerator-sized machines often malfunctioned just from the mechanical wheels that would freeze up, or fall off or whatever could happen.

They literally -- counties had to cannibalize old machines to keep them working, so everybody knew those needed to go out. The punch cards, everybody knows from the Florida experience why the punch cards were obsolete; paper ballots were just unwieldy for a state the size of Georgia, but people thought, Well, optical scan.

The counties that had moved to optical scan thought, surely, they were doing the right things but, much to our surprise, some of the highest error rates that we found came from counties that were using optical-scan ballots, and we -- over the years that I had been in the Secretary of State's office, had already had some issues with optical-scan ballots.

At one election, we had had a county that called us in a panic on election night from an optical-scan county because they were starting to count ballots and no ballots would register in the whole county that night because, obviously, the pen or pencil that they had provided in the voting booths would not read in the scanner. So we found
out that many systems were dependent on the type of ink that you used on the type of ballot.

We also found out through that study that a lot of voters had not had the educational experience with standardized ballot -- or standardized testing. And so, we saw ballots where voters would circle the name of the candidate instead of filling in a bubble, or putting an X or -- or anything out beside their name.

We saw all sorts of voter errors where they would over vote, put too many marks out beside and it would throw out the -- the vote on a name. You name it. There were just enormous opportunities for voters to make mistakes on the optical-scan ballot.

We also found, interestingly, within the same counties, when we drilled down into the precinct level of optical-scan counties, a wide disparity between majority-black and majority-white precincts using optical-scan ballots with, quite frequently, majority-black precincts having much higher error rates on optical-scan ballots than majority-white precincts within the same county.

We didn't have the expertise and resources to drill further into why that was, whether it was an educational level, experience level or whatever, but we saw it in a number of the counties that were using optical-scan ballots, that disparity between majority black and white
precincts in the same county on optical-scan ballots.

So, for all of these reasons, we were able to tabulate these lost votes and we took that original study -- which should be in the state archives -- we took that study to the legislature and said, We need to really do something on our watch before we have the next election cycle.

So that was when the Georgia General Assembly authorized the creation of the 21st Century Voting Commission, a completely bipartisan voting commission that was put together -- I think Lynn Bailey served on the commission, several others of you might have, but we had a combination, as your commission is composed, of local election officials and legislators that studied for a full year. We took the study we had done internally of what had happened in Georgia and went out to study what existed in the world in a way that we could improve the systems.

So we went out and -- and did an exhaustive study of all of the voting equipment that then existed back in 2001 -- 2000 to 2001, to figure out where we ought to go in Georgia.

And it was a result of that study that led us into deciding to unify all of our voting systems in Georgia and to move, for the first time, into a system where every county would use the same voting equipment so that we could do massive voter education for all voters across the state,
that the Secretary of State could do training for all county election officials and then to help the poll-worker training piece go hand in hand with that on a unified basis across the state, that the state would then, whatever equipment we decided to purchase, would purchase it for the counties and, at least on the first round, make that purchase for all of the counties because we had a disparity of counties who were able or not able to afford to purchase new equipment. And so, that was the result of how we got into the system we have now.

We had a discussion at the time of whether moving into electronic voting -- whether we could have implemented some type of a paper-trail mechanism at the time, but I think -- my recollection was there was maybe one vendor at the time that had some type of a paper-trail mechanism and we really didn’t like the system. We didn't think it was really usable or affordable. And so, we didn't go with that model.

We ultimately, as a commission, decided on a type of equipment that we put into place but we did -- we liked that paper-trail option. It just really wasn’t -- the technology wasn’t there at the time.

Honestly, I think that our commission thought back in 2000, 2001, that, surely, over the next decade or two, technology would advance in such rapid pace that we’d
probably be voting on the Internet by now. You know, the
technology would come so far so fast. We really couldn't
even envision the things that are happening today in
technology or the threats that are happening today to
technology back in the day when we put this equipment in --
in place.

I think we also envisioned that there would be a
continuous study of election equipment over the years and
that there would be continuous need to purchase additional
equipment as counties grew and we would keep up with the
growth of -- for counties and to keep lines from becoming
long in polling places. Some of that has happened; some of
that hasn't happened, obviously, over the years to bring us
to where we are today.

But one of the main -- a couple of the main points
that I wanted to bring to your attention as you make a
decision for making a change today is to be mindful that,
yes, I do think it is probably time for a change and an
upgrade in technology because nobody is using technology
they used in 2000. And our system has pieces of equipment
that are hard to replace now, hard to -- hard to repair;
things that just, by virtue of -- of age, need to be
replaced and upgraded.

So that, in and of itself, I think is a great reason
for the state to be considering a new voting technology.
The hacking and the threat issues that have come about in -- in recent years certainly is something to consider, but your charge, I think, is not only to provide a secure voting system but not to throw the baby out with the bathwater, and you have to provide a system that is secure but that also -- you understand the voter interface with technology.

We were very fortunate when we bought this equipment in 2001 that Congress was also mortified about that 2000 presidential election and put enormous amounts of money on the table for all of the states to upgrade their voting equipment. We were able, after successfully lobbying congress and -- and my spending a lot of time on the Hill in DC of working with our congressional delegation and others, to be able to get an appropriation of over $50 million for Georgia to pay for virtually all of the equipment that we purchased.

In fact, the only money that the state ended up putting into the purchase was really the voter-education piece, and that is a very important piece because we felt like any change you ever make in a voting system has got to go hand in hand with a massive voter-education piece to make sure that voters are never turned away from voting because they don't want to show up in a polling place and be embarrassed because they don't know how to use a piece
of technology or don’t feel comfortable having to ask
somebody to show them how to use a piece of voter
technology.

So we hired a whole team of voter-education
specialists to take the current equipment out across the
state of Georgia. We went from senior centers, to civic
clubs, to churches, to pharmacies -- personally, I hauled
around one of those pieces of equipment wherever two or
more were gathered. I was there to talk about voting and
to show people how you could use the voting equipment. It
was just that important.

And whatever you decide to do is going to require
that kind of voter-education effort to make sure that all
Georgia voters of all walks of life and all ages and
backgrounds are just as comfortable with any kind of new
change in voting equipment.

But be mindful that just having a secure system --
like, I’ve heard a lot of discussion about optical scan.
Sounds great on the surface, but we had a lot of problems
with optical scan and was -- and that was the primary
reason we did not go with an optical-scan ballot back in

Now, I understand that some of the technology in
optical scan may have improved so that a voter might be
able to review their ballot before it is cast or put into a
ballot box. And I -- I can’t say that I have kept up with
enough of the technology, but it will be very important for
you to consider voters with disability.

One of the most heartening parts of putting in the
equipment that we have today was being able to work with
voters who had visual disabilities and having a married
couple with a -- a -- a wife, I remember, who had -- who
had a visual impairment and she said she’d always had to
rely on her husband to cast her vote, but -- she trusted
him but, then again, maybe he marked the ballot like she
asked, maybe not.

But to go to our current equipment where she could put
in an earpiece and have her choices read back to her gave
her a level of voting independence that she had never had
in her entire life, and that was a moving, moving moment
to know that we, as a state, had given that kind of
independence to voters who had disabilities.

On our current equipment, as you know, it can enlarge
the type, it can read the voters’ choices back to them and,
another factor to keep in mind, is that it can be
programmed to be printed in other languages, which is
currently a federal requirement in areas that have certain
portions of population that speak different languages.

And so, when you think about going to a paper-based
system, you have to think about all of the issues that go
along with that, the costs that go along with that if
Georgia or any particular locale, county or precinct,
should be required to print ballots in a different
language, there would be minimal costs to do it on an
electronic system; a lot of cost to do it on a paper-based
system, not to mention the cost of having to print ballots
in different languages.

But think about some of the issues that came out of
this election and some of the chaos that you’ve heard about
in 2018 of people not having enough provisional ballots in
a precinct; think about the different ballot styles that
have to exist in a county. Right now, you don’t have to
worry about that because, when you go into a precinct, you
just show them your driver’s license and you get programmed
for the ballot style that suits your particular living
residence.

It’s -- it lines you up with the people you’re
supposed to vote for for the legislature, for the county
commission, for all of your local districts but, if
you’re on a paper-based system, you might have to have 20
different versions of paper ballots within a single
precinct.

So you’ve got to find a way to keep all of those secure,
you’ve got to find a way to keep all of those from getting
mixed up, you’ve got to find a way to keep 20 different
ballot styles in correct proportion, and give them out to the right people, and make sure they get the right ballot and that they all get in the right place to be counted. You add enormous complexity with paper ballots -- complexity and cost and potential chaos that, right now, you don't have to consider.

The local election officials know this and remember some of this from the days of paper balloting. So it's -- you have a lot of expertise sitting at this table that I hope you will rely on when you make a decision for a change, but we were able to solve a lot of those problems by going to an electronic-based system that took away a lot of that cost and complexity by the sake of having it programmed around.

But, more than anything, being mindful of the voter’s experience and the need for a type of equipment that can give the voter the opportunity to review their ballot. That is considered one of the best practices recommended -- excuse me -- by the federal voting election commissions and very important.

And we felt like one of the best selling points of the system we have now is that you can review your ballot and the choices that you have made before you push that button to cast your ballot. When you vote on a pure -- at least simplified optical-scan system, you can put it into a box
right now with the simple systems. There is not an
opportunity for the voter to review their system, to know
whether their ink is going to scan, to know whether they
properly circled -- filled in a bubble or marked an X that
will register. If there are some systems that give the
voter that review, then maybe that’s another option to
consider.

But you have to consider not just the security, which
a lot of the computer experts I’m sure you’ve heard from
are focused on, but you have the double opportunity and
requirement to consider how well the voters can interface
with this and how their experience is going to be to assure
that their intent is going to actually be captured and they
can get to review that before they turn that piece of paper
over to someone else, and that we don't go back to the
history of Georgia, of voting fraud that happens with paper
ballots.

Even in the years that I was Secretary of State, we
had boxes full of paper or optical-scan ballots that
disappeared between election night and recount time. From
locked probate-judge vaults -- you know, you can go back in
history and find the times when ballot boxes ended up in
the bottom of lakes.

We have a rich and tawdry history of paper-ballot
fraud in Georgia, so we don't want to go solve -- try to
solve one problem by re-creating the history that we have in Georgia with a lot of other problems, which makes your task a lot more complex than a lot of people understand on the surface.

But you have a big charge ahead of you and a lot of expertise at the table, and I'm glad that you are here studying these issues and I appreciate the opportunity to bring these points back to the table today. So thank you very much. I'm happy to answer any questions you might have.

REPRESENTATIVE FLEMING: Dean Cox, as -- just as I expected, a excellent review for us of how we got to where we are and all of the thought that went into getting to where we are, and I'm sure there will be, potentially, some questions and comments here for you.

Just a -- a scheduling note, if -- if I may, very quickly, just for our audience so that we all know when we’re going to start and finish: When we get through visiting with -- with Dean Cox here, we do plan, around noon, to -- to break for lunch.

As I mentioned early on, we have provided, for the commission members, a lunch. There will be a room pass at the check-in station that the staff will direct you toward. Our goal is to get in there at about noon and come back here at about 12:30 to begin our presentations again.
I wanted to mention that now to the people in the audience in case -- we'd love for you to stay, but if you need to slip out because you want to grab a bite and get back in time, I just wanted to let you know what our schedule may be.

Having said that, however, though, let me go ahead and look around the table. And, Dr. Lee, did you indicate you had a question or comment?

DR. LEE: So, I mean, I appreciate you coming. So, I mean, first comments that -- I mean, obviously, between 2000 and now, we've had several lifetimes in computer technologies. So we actually, indeed, have seen vendors presenting the latest optical scanners that would actually indicate to voters, that, Hey, look, you marked the -- you marked the -- marked it wrong and we can get back to the voter to say, Do it again.

So I think that concern should be -- should not be there anymore. And the second -- second thing is that I think people talk about a lot of cost associated with printed ballots. I mean, I -- I think the latest vendors that we've studied -- first of all, they have very good interface to design custom ballots.

You know, on the -- on kind of a browser window that you can actually see before you print it out, and then you can also print it out. So you don't have to, like, print
out boxes of ballots and worry about, you know, somebody would -- would steal them.

And then -- then, of course, I understand that whenever we change technologies, right?, there's a lot of costs associated with voter education, also training the polling-station workers. So my question to you is that, in your experience as the Secretary -- Secretary of State, what’s your estimate of the cost when you make the switch?

MS. COX: I -- I have no concept of what equipment today costs, so I --

DR. LEE: I’m talking about your experience in, let’s say, 2000 when you made the switch. So you said you spent a lot of money doing voter education --

MS. COX: My recollection was that the state appropriated about 2 to 3 million dollars --

DR. LEE: Okay.

MS. COX: -- for the voter-education piece --

DR. LEE: Okay.

MS. COX: -- on top of the 54 million or so that we spent on equipment.

DR. LEE: Okay.

MS. COX: And we hired -- I believe we hired a team of about a dozen voter-education specialists --

DR. LEE: Right.

MS. COX: -- who spent the year, you know, making
contact with local organizations all over the state, and I think they were assigned to regions of the state so they could really blanket the state in voter education. So that was my top-of-the-head recollection of our budget for voter education.

DR. LEE: Okay. And do you also budget for polling-station worker training?

MS. COX: Yes.

DR. LEE: And that’s also included in that $2 million?

MS. COX: I think so, yes.

DR. LEE: Okay. All right. Thank you.

REPRESENTATIVE FLEMING: Okay. Senator Jackson?

SENATOR JACKSON: Thank you, Mr. Chairman. I believe Dr. Lee answered -- we had the same question. Dean Cox, thank you for being here.

MS. COX: Thank you.

SENATOR JACKSON: You mentioned that we received 50 million dollars from the feds for our last voting machine and it cost the state 2 million dollars -- 2 to 3 million dollars for voter education. My question is really to you, Mr. Chairman: Do you have an anticipated cost of this new voting machine?

REPRESENTATIVE FLEMING: Tell me which one and I'll tell you the anticipated costs. But -- but -- but, in all seriousness, you know, I think -- it’s -- it’s -- the
estimations have been anywhere from a paper-based system, which is -- is cheaper on the front end, and then we have to get into the cost of the printers and all for the local governments on the other end, can be low as in the less than 50 million range to some of the ballot-marking systems that are a little more complicated and -- and it’s a bigger front end purchase to 150 million dollar range.

So that’s a -- that’s a, you know, just an estimate. I’m sure that it can go above or even below. Does that answer what you were thinking --

SENATOR JACKSON: So -- so --

REPRESENTATIVE FLEMING: Yes, sir?

SENATOR JACKSON: So we go through a training phase, so -- and this would be all state -- this would be all state money --

REPRESENTATIVE FLEMING: If we follow the last model, most of the expense was picked up by the state, understanding that the counties had a lot of expenses, as the years went on, to replace machines, and for the training, and so forth and so on.

SENATOR JACKSON: Okay. And that’s my question. I -- I just want everybody to know that this will not only be a state fee, but there would be a huge cost to most of the counties also.

REPRESENTATIVE FLEMING: There's always going to be --
there’s currently costs in the machines that they maintain, and the boards that they train, and the people that they upkeep and there will certainly be continuing costs with whatever system we get, understanding that, depending on that system, some’s going to be more, some’s going to be less and then the component the state kicks in will modify that. Complicated answer, good question. Yeah. Yes, sir, Michael?

MR. JABLONSKI: Dean Cox, I remember very well the -- when we revolutionized the voting system in 2000. When the Secretary of State's office did the report on problems with elections prior to that, was there any discussion at that time about performing audits? And then, secondly, when we purchased the new machines or when we decided to do that, was there any discussion of implementing audit procedures at that time?

MS. COX: We -- in the -- when we did the internal study, we were just studying what the problems were, to start with, with the existing old equipment. When the 21st Century Commission surveyed all of the then existing equipment, we -- my recollection is that we did talk about auditing, but that's when it always gets around to your definition of auditing.

You know, and that's when going from the time we purchased the equipment through the state election board,
we worked on a lot of the processes that we put in place, the checks and balances of how everything from the voter’s list to the -- how many tapes you ran off of each individual voting machine, pasting those on the window of a polling place, wrapping those around the memory card, and transporting that to the central election office and balancing all of that out with numbered list of voters. So there was that kind of an audit-trail mechanism put in place as much through state election board rules and regulations than through equipment-type audits.

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: Just a couple of comments. It’s good to see you again.

MS. COX: Hey, judge.

JUDGE MCCOY: One thing I want to bring up that has not been mentioned today, during your tenure, we visited some other states who were using optical-scan ballots and also giving paper receipts and the one thing that has not been mentioned is climate control and how that affects your paper ballots.

Just in the November general election just held, a couple of jurisdictions in North Carolina that were using -- that switched to optical-scan ballots, their -- none of their ballots would scan because they were dealing with high humidity on election day and the ballots were --
absorbed enough dampness that they would not scan.

The same thing with paper receipts from voting machines. When you start dealing with paper and, thinking about South Georgia, you've got to consider our humidity and how that affects the paper and how we count that.

MS. COX: We had an incident -- I remember an incident prior to the new equipment being put in place where a county with an optical scan called us at one point and they had that humidity issue and our recommendation was to send everybody home to get hairdryers and bring out the hairdryers --

JUDGE MCCOY: Absolutely.

MS. COX: -- and dry the ballots. And -- and it helped. I mean --

JUDGE MCCOY: Absolutely.

MS. COX: -- it was make do with whatever you can do, but that was -- that is a symptom with humid climates.

JUDGE MCCOY: Absolutely. And those of you who have not witnessed elections in South Georgia should visit us on election day and see some of the rural precincts and places where we conduct elections and -- and how we deal with not only humidity but other issues. But -- but that is definitely something that we need to consider with -- with paper receipts, with -- with, you know, ballots that we verify is, you know, dealing with weather conditions.
And, also, one other comment on costs to the counties and all: A lot of people do not realize that the costs of conducting state and federal elections on the county level, the county pays for all of that cost. Poll workers, printing ballots -- everything. There -- there is no funding from the state or federal government to our counties for conducting elections when, many times, there's not even a county race on the ballot, such as our recent statewide runoff.

REPRESENTATIVE FLEMING: Amy?

MS. HOWELL: Thank you, Mr. Chairman. Thank you, Dean Cox. I wanted to thank you for highlighting the importance around access for individuals with disability and the ability to independently cast their vote and privately. Historically, do you feel that the lack of access had a chilling effect on participation in the voting process for people with disabilities?

MS. COX: I do believe that because we heard that from voters. We worked with a lot of disability organizations when we were sort of pilot testing this equipment and different types of equipment to ask voters to try it out and we heard from voters who said either they didn't trust a poll worker or -- to help them at a polling place if they didn’t have someone in their family they trusted, so they just didn’t vote.
So I think we saw some actual, at least anecdotal, experiences of voters who -- who just didn’t go through the trouble of voting because they couldn’t vote independently and didn’t have a trusted person to help them. But then, even those who had trusted voters [sic] always had a little tinge of doubt that their ballot got marked as they wished and just loved, loved, the experience of having that independence of knowing their voice really, finally, was heard.

REPRESENTATIVE FLEMING: Ms. Welch?

MS. WELCH: Good morning, Dean, and good to see you again.

MS. COX: Good morning, you too.

MS. WELCH: I just want to make one statement. When we talk about having a ballot printer at the precinct, there’s no way that we would be able to function with just one ballot printer. That would definitely create long lines. It would become ballot stations, and we would need at least 7 to 10 ballot stations, and you would need a printer on each station. If you think about the concept of one ballot printer, if you have a technical issue, you just created long lines.

REPRESENTATIVE FLEMING: Absolutely.

MS. WELCH: And so, you would need stations rather than a one-ballot printer in a precinct. So I want to make
sure that everybody understood that. Thank you.

REPRESENTATIVE FLEMING: Senator Jackson?

SENATOR JACKSON: Yes. Dean Cox, you mentioned earlier that when we -- when we switched to the new machine in 2002, there was a discrepancy in -- in -- in voter participation -- well, maybe not voter participation, but black voters and white voters. There was a huge learning curve. Could you talk a little bit more about that and -- and why you think that occurred?

MS. COX: I -- I don't know that I can give you the reason of why, but we saw -- we saw a margin of difference that sometime exceeded 20 percent difference in under votes between majority-black and majority-white precincts within the same county. So the under vote rate was far greater in some majority-black precincts than majority-white precincts using optical-scan ballots.

We didn't have the time or resources to drill down and look at the average age of voters, for example, because it just sort of stands to reason that perhaps older voters who didn't grow up in a school system at a time when they were using standardized testing might not be familiar with an optical-scan ballot, so they might not know how to fill in that bubble or mark the X.

We also -- at the time, there was one system, now that I think about it, that was -- there were three different
types of optical-scan systems. There were some that you
marked with an X, some you filled in with a bubble; there
was one really horrible type that, out beside the
candidate’s name, there was a picture of an arrow and the
middle part of the arrow was blank and the way you voted
was that you had to draw a bar to connect -- to make a line
of the arrow complete.

Now, if that sounds weird to you, it -- it defied
logic. Nobody understood that system. So people would put
an X in that blank space that didn't connect the lines --
the ends of the arrow, so we had all kinds of errors on
that system, so we knew that was a bad system.

But even on the other systems that were more
conventional optical scan, we just -- we saw this
discrepancy. It could be from a single digit to
significant double-digit differences in majority black
and white precincts. So you just know there's something
else there that social scientists or political scientists
needed to drill down further to know there’s a -- there's a
problem here in voter discrepancy that is not good and not
-- not equitable in a voting system that we should be very
mindful of in putting into place.

REPRESENTATIVE FLEMING: Dean --

SENATOR JACKSON: And --

REPRESENTATIVE FLEMING: Go ahead, Senator, yes?
SENATOR JACKSON: So is it of your opinion that we must look at putting more educational dollars into those areas of our great state so that everybody has a chance to understand how to vote and -- and that everyone has an opportunity to -- to vote?

MS. COX: Without question. If -- if you should select a system like that -- and that’s why I say any system where maybe all of us who grew up in an era of using standardized tests might say, Oh, everybody knows how to do it. Trust me: Everybody does not know how to use it and everybody does not feel comfortable with it.

So the county election officials around the table fully understand this, so that they need to help you know how to educate voters but it -- it will take more than a one time show people. It will take massive media campaigns and hands on, letting voters touch and feel it and experiment with it to say -- in a safe, comfortable environment before they go to a polling place because, the last thing -- I mean, it’s human nature.

People don’t want to go out in public and be embarrassed, so they’ll stay away from something that might put them in that situation, and that’s what we feared with electronics. But we -- you know, because we knew how many older voters didn’t understand computer technology, so we wanted them to see, It’s easy; you can do this really
easily.

But the same with an optical-scan ballot. I think -- with massive voter education, I think you could probably overcome it, but don’t minimize the need for that.

SENATOR JACKSON: Thank you.

REPRESENTATIVE FLEMING: Dean, do you remember by any chance what year -- was it in the 80s or 90s when we did away with straight-ticket voting in Georgia?

MS. COX: I think that was still in place when I was in the legislature, so I think --

REPRESENTATIVE FLEMING: 90s?

MS. COX: -- it was probably in the 90s.

REPRESENTATIVE FLEMING: Did we see an increase -- I would assume -- in under voting when we did away with the straight party --

MS. COX: Yes.

REPRESENTATIVE FLEMING: Okay.

MS. COX: Oh, yes. Absolutely.

REPRESENTATIVE FLEMING: Yeah.

JUDGE MCCOY: The last year was ’92.


Yes? Nancy, did you have --

MS. BOREN: I did. Dean Cox, good to see you again.

MS. COX: You, too.

MS. BOREN: I was the county -- Muscogee County that
had the arrow that you had to complete. And so, I’m --
I’m very familiar with that type of voting system. We
implemented that in Muscogee County in the -- in the early
90s and we went back and we reviewed those ballots from
2000 that you were speaking about in -- in our county
and -- and what we saw were the results of over votes.

So the -- the voters would try to complete the arrow,
but then they would write the same candidates name in the
write-in box, which then created an over vote, which then
rejected that ballot. Even though there intent was clear
for the candidate that they wanted to vote, we couldn’t
count that ballot.

We lobbied the legislature and, of course, that was
changed and now we have the vote-review panel that allows
the vote-review panel to look at that -- that ballot and we
can count it.

As far as voter education -- and I’m sure my election
colleagues around the table remember that we went every
place. Like you, we kept one in our car any time anyone
asked us, in a gathering of two or more, to educate on that
equipment. We did that. I even went to unsavory places
often to go and demonstrate that equipment. But the voter-
education component is definitely very important for all of
the voters to understand how to use it.

REPRESENTATIVE FLEMING: Judge?
JUDGE MCCOY: Another equally important fact is part of the training money was allocated to train poll workers, because uneducated poll workers do not help voters. And -- and you need to realize these are temporary workers that only work two or three elections every other year.

And I remember there was money put regionally into the technical schools and we loaded them up in vans and buses and carried them and they were taught how to operate the equipment, and -- and that’s definitely something that needs to be done, is the funding to educate our poll workers on how to use -- properly use and show the voters how to use the equipment.

REPRESENTATIVE FLEMING: Lynn?

MS. BAILEY: Just a quick comment. Lynn Bailey, Richmond County. It's so good to see you. I wanted to underscore, just like many others have around the table, the importance of the educational component and my -- that comment is more related to the judge’s comments about training poll workers.

Yeah, that’s the -- that’s where the rubber meets the road, is with the poll workers, and it’s so important that they feel comfortable with it equally or perhaps, more important, is that the voters feel comfortable with it. Even to this day, we have voters come in who are hesitant to use voting equipment because -- and I don’t think it
would matter what it is. It’s just -- perhaps they’re just uncomfortable with the entire process.

So the more at ease we can make voters feel by getting their hands on whatever it is Georgia goes with, I would certainly be a huge proponent of that and I’m sure that all of us around the table could at least agree on that.

JUDGE MCCOY: And, as you’ve stated, some are just too proud to ask for help.

MS. BAILEY: Yes.

REPRESENTATIVE FLEMING: Okay. Ms. Ross?

MS. ROSS: Thank you, Mr. Chairman. Good morning, Dean Cox. Just thank you for your providing the history to us and I like to learn from history as well, so I’m feeling the pressure of having to make a new decision. What could you tell us would be your biggest regret being at the helm almost two decades ago of making the decision that you made and how can we learn from your experience?

REPRESENTATIVE FLEMING: And don’t say working with the legislature.

MS. COX: I mean, no, I -- I’ve often used, as an example, in this day of partisanship that this was -- this was such a bipartisan effort. The -- the 21st Century Voting Commission was 50-50 bipartisan. The -- the legislative -- both Democrats and Republicans welcomed me into their caucuses to explain both the problems and the
solutions that we were coming up with and, when we ultimately put this on the floor of the House, my recollection is that this passed by something like 158 to 2. The late Bobby Franklin was still living. And so, you know, he voted against everything but God rest his soul.

But -- but it was a -- it was -- there was strong bipartisan support for this, so I -- you know, I think there was a real effort by democrats and republicans to understand the problem and to try to fix it for Georgia.

You know, I regret that we didn't have perfect technology, but I don't think we ever will. I don't think whatever you choose today is going to be perfect. That's why you’ve got to balance it out with a lot of voter education and a lot of understanding of how you keep the voter interface part of it into the discussion as well as the security piece. It’s not one or the other and they -- they’ve got to be equally considered in your decision-making.

And the other piece that I guess I want to put out for the legislature is that we didn’t -- maybe this is my regret, but we didn't do enough to help the legislature understand that this would be an ongoing need to study and to keep up with changes in technology and to help the counties.

We -- we knew there would be growth and we put that
burden on the counties, and some counties were able to keep up and buy new equipment just like -- getting back to where we were in 2000, some counties have not had the resources to keep up and that has led to some of the longer lines that we experienced in this election cycle because counties -- of course, right now, all of the counties, I think, understood we’re probably heading into something new so they -- even if they had money, they maybe were not buying additional equipment.

But since the state moved into this arena, unified the state, the state probably ought to keep an ongoing allocation of funds so that whatever -- however you allocate new equipment, one ballot station per X number of voters, that the state continue to appropriate funding to the counties so that we can keep up that level playing field for all counties, not just the wealthy counties versus the lesser well-to-do counties who can't afford to buy new equipment in the years to come.

We didn't do that, and that’s been to the detriment of the voting public. So I think an ongoing commitment by the state would really help voters everywhere.

MS. ROSS: Thank you.

JUDGE MCCOY: Can I add, just off of what she just said, once the original warranty on this voting equipment expired, the state required the counties to fund the
maintenance contract on this equipment and a majority of
the counties, including mine -- my county commissioners
denied the funding to renew the maintenance contract on
that equipment as well as many others. So that is
definitely something that -- that the legislature needs to
look at, is maintaining whatever equipment that -- that we
choose.

REPRESENTATIVE FLEMING: Okay. Dean, thank you so
much again for --

MS. COX: Just one --

REPRESENTATIVE FLEMING: Yes, please.

MS. COX: -- other thing that I wanted to add, and it
goes back to the reason we set up Kennesaw State, which
Secretary Kemp brought into his office: There will always
be a need for that level of expertise if you were using
equipment.

What Kennesaw State -- the staff at Kennesaw State
brought to the table was -- that people don't necessarily
understand, was the fact that no piece of voting equipment
ever showed up in a polling place that didn't come into the
state and get tested first at Kennesaw State to make sure
there was no malware introduced to it from a vendor, or
from somebody who had gotten their hands on it before it
got to the county level and got introduced into the voting
population.
And so, you’re always going to -- the Secretary of State’s office is always going to need that level of staffing and expertise somewhere, whether it's on a university campus or in-house, to be able to test equipment that is purchased new.

You can’t just rely on what you buy off a shelf and think it matches up with every other piece of equipment in the state. You’ve got to have some in-house expertise to provide you that level of confidence that all of your equipment is running on the same systems, the same code, the same software -- everything’s got to be just right based on your own staff knowing how that works.

REPRESENTATIVE FLEMING: Great. Dean, thank you so much.

MS. COX: Thank you very much.

REPRESENTATIVE FLEMING: Excellent presentation.

MS. COX: Thank you.

REPRESENTATIVE FLEMING: We appreciate you being here today. Thank you. We’ll stand adjourned for lunch.

(A recess was taken from 12:11 p.m. to 12:49 p.m.)

REPRESENTATIVE FLEMING: Okay. If commission members would come on back and grab your seat. We’re going to get started. First up, we have a general-election recap.

Chris Harvey with our Secretary of State’s office is going to provide that to us. Chris, do you want to come on up?
Chris, if you would, remind us of -- all of us of your position with the Secretary of State's office, and we'd love to hear from you.

MR. HARVEY: Sure, Mr. Chairman. Members of the SAFE Commission, again, my name is Chris Harvey. I'm the election director with the Georgia Secretary of State's office.

AUDIENCE MEMBER: No mic.

MR. HARVEY: Test, test, test, test, test.

REPRESENTATIVE FLEMING: Hold on just a second, Chris. We'll give them a moment to see if we can get the mic. Candace, do we have somebody checking on that for us?

MS. BROCHE: Yes.

REPRESENTATIVE FLEMING: Okay. Hold on just a second, Chris.

MR. HARVEY: Test, test.

AUDIENCE MEMBERS: (Affirmative response.)

MR. HARVEY: All right. Are you ready?

REPRESENTATIVE FLEMING: Uh-huh.

MR. HARVEY: All right. Again, members of the SAFE Commission, my name is Chris Harvey. I'm the election director with the Georgia Secretary of State's office. I had the -- the privilege of addressing you guys in the first meeting talking about our current voting system.

I was asked today to give a very brief election recap
of the general election in November of this year. And so, I’m going to do that. It’s not, by any stretch of the imagine (ph) -- meant to be exhaustive. I’m going to hit the highlights and talk about some things and then there will be, I’m sure, a lot continued to be written and figured out about the election.

But I want to start with, as we came into preparations for 2018, about a week before advanced voting began, we had a very unusual event. We had a hurricane come through Georgia in a most-unexpected place. Usually, we expect hurricanes to come in from Savannah and come -- which that happened in 2016. This year, we had a hurricane come up through Seminole County, and Early County, and Miller County, and Grady County and Decatur County.

A week before advanced voting, Hurricane Michael came through and brought tremendous damage through Southwest Georgia, an area that doesn’t have a tremendous amount of infrastructure to begin with. Our office stayed in constant contact with those counties -- and, frankly, the damage extended -- the shortages extended almost up here to Macon and -- and areas even a little bit north of here.

On the Saturday before advanced voting was to begin, I and then Secretary, Kemp, and the chief investigator, Russell Lewis, flew down to Southwest Georgia, to help survey the damage and see what was going on. We went to
five counties and talked to election officials and registrars in that county and those counties and found out that throughout Southwest Georgia, the local election officials performed absolutely heroically in getting ready for advanced voting.

These are -- these are folks that had their -- their houses, in some cases, damaged, their businesses damaged, their -- their neighborhoods damaged, their families’ houses damaged. Every single one of them was back at work almost the day after the hurricane hit getting ready for advanced voting.

The devastation in Seminole County was -- was tremendous. We went down there and met with the probate judge and we walked outside of the courthouse and looked up and the -- the clock had been sucked out of the facade of the courthouse. I asked him -- I said, Has that clock been gone long? He didn’t realize it had been gone. It was literally sucked out of the facade of the courthouse. Glass everywhere, trees down, no power.

With the exception of Seminole and Miller Counties, every county was able to begin advanced voting on the first day of advanced voting, and Seminole and Miller Counties began the next day -- they began that Tuesday and they made up the eight hours that they missed in the following week.

So what started as a very challenging situation for
elections, was actually turned around by the dedication of
the folks in Southwest Georgia that, frankly, don’t often
get a lot of attention, don’t get a lot of -- of press and
coverage, but I have to tell you how fantastically they
performed and how proud I am of what they were doing for
the voters in Southwest Georgia.

Advanced voting this year was incredibly successful.
Almost 2 -- over 2 million votes were cast during advanced
voting, absentee and in person. I won’t forget -- I think
it was a Tuesday of advanced voting, Ms. Holden called me
from -- from Paulding County and said, We had 1700 people
vote in advanced voting on the first day of advanced
voting, or a number similar to that. I got calls from all
around the state from election officials that were giddy
with the number of people doing advanced voting.

Nothing makes an election director happier than seeing
people voting. You know, people talk about lines, people
talk about pressure, people -- people talk about
interactions with voters. My experience is that nothing
makes an election official happier than seeing people come
in to vote.

And so, advanced voting went off very well, and it
went off -- we had -- again, you had counties in Southwest
Georgia that had generator power, that had temporary
buildings that were working around temporary offices and
their poll workers -- everybody sacrificed to make sure advanced voting went well, and we had almost 2.1 million people vote in advanced voting.

By comparison, in the 2014 general election, there were less than a million or about 800,000 votes cast during advanced voting. So we had more than double the amount of advanced voting in this election.

We spent some time in court leading up to this election and through the election, and Mr. Germany is going to talk after I do specifically about litigation, but the litigation we dealt with in this time period primarily had to do with absentee ballots, provisional ballots, citizenship verification at the polls -- they were essentially enhancements or clarifications of practices that county election officials had been doing.

And, again, I have to give some credit to the local county officials. As we got orders, as we got amendments, as we got changes, we pushed those out to the counties. And, for a county election official, that amounts to -- to changing the rules in the middle of the game.

And, again, throughout the state, the county election officials responded tremendously well to the changes we put on them. They had to change some procedures with absentee ballots, their -- some of their timetables were changed, some of the procedures, some of the practices that they'd
done in the past had been altered.

But, again, every county responded. They provided what we needed, they communicated with us -- we did our -- our very best to communicate with them and with the public, as much as possible, when these changes came up and, again, I think it was -- despite the difficulty of having to go through some of that stuff, I think it was executed very successfully at the county level.

On election day, almost 2 million ballots were cast. And election day went about as well as you can expect. Now, nothing ever happens perfectly on election day, but there were no systematic -- systemic or systematic issues that happened on election day.

You had localized problems that came up, you had some -- some polling places in Gwinnett County where they had problems with the ExpressPoll -- not the voting machines but the ExpressPoll -- that delayed voting.

We noticed, when we looked at the numbers, the heaviest volume of voting time on election day was 7 o'clock. I mean, they were lined up out of the gate, ready to vote on election day, which is fantastic but, as a lot of processes begin, you know, getting the kinks out and working out the -- the kinks early is difficult and it -- it really puts the pressure on the poll managers and the poll workers to get it done quickly, and if there are any
problems or hiccups, it’s going to stack up problems exponentially.

So Gwinnett County had a couple of polling places. Fulton County had a couple of places where the -- the election director, Rick Barron, admitted he just -- he made a mistake in calculating some polling places and he ended up with some polling places that didn’t have the number of DREs that they should have had, and they made corrections on the fly.

In those cases, people went to court, they got judges to issue orders extending poll hours, so there was -- you know, there were opportunities for voters to make up that lost time. Again, no real systematic issues that took place throughout the state.

There were issues with lines that people raised. You know, lines are problematic in -- in a couple of ways, but they’re also evidence of something, that they’re evidence of people out voting. And, again, that’s what makes the -- the election officials happy.

The polls were something that were relatively new. We hadn’t really -- I’m sorry. Lines were something that were relatively new. We hadn’t seen a ton of lines in earlier elections. So we did some research recently with local election officials. We asked them some questions about polls and we wanted to see what poll -- I’m sorry, lines --
what lines looked like throughout the state.

And so, we -- we did some -- some questioning and, in terms of advanced voting, 75 percent of election -- county election directors said that there were no -- there were not lines longer than 30 minutes during advanced voting. About 25 percent of the counties said there were some lines that were longer than 30 minutes -- not in every location, but in some locations.

Compared to advanced voting in 2016, about 57 percent said the lines were about the same in 2016 for advanced voting, 17 percent said the lines were longer in 2016 and about 25 percent said they were a little bit longer in 2018.

We asked if polling places on election day had lines longer than 30 minutes, which is the -- the -- sort of the gold standard. 83 percent of the counties said no, they did not have lines longer than 30 minutes on election day, about 17 percent said, in some cases, they did. And, again, that’s not everywhere. And then, in the comparison to the 2016 election, about 59 percent said the lines were about the same, 17 percent said they were longer in 2016 and about 23 percent said they were longer this year.

There are a couple of reasons for lines. When you look at lines, you have to -- to look at a bunch of dynamics. One thing that was -- as -- as I imagine,
everyone here voted that you may have remembered when you voted, is the ballot was exceptionally long and complex this year.

There were multiple referenda, there were multiple constitutional amendments that had long questions; it took some time to work your way through it; they were written in -- in, you know, legal language that the average voter may have a hard time working through -- you had a lot of stuff on the ballot. So that’s one reason. You had an exceptionally long ballot with complex questions.

You had some counties, especially in the metro area, that had some DREs that were sequestered due to litigation, so they weren’t able to deploy the total number of DREs that they would have liked to.

You know, keep in mind that people in line voting is -- is an indication of a good thing. The peak times had high numbers. I mentioned 7 o’clock in the morning, people lined up ready to go. Any problems, any hiccups, are going to exacerbate problems. As the day went on, the voting lines tended to decrease.

And some counties reported that they had some difficulty getting enough poll workers. The poll workers, as Judge McCoy mentioned, you know, they’re temporary, seasonal employees and -- and they’re -- they’re just hard to come by in some places.
So counties make an effort to staff their polling places as much as possible, but that was one of the issues that was reported, they just didn’t have as many people as they would have liked. And, frankly, I’m not sure that everyone throughout the state anticipated the amount of turn out we were going to have, which, again, is a good thing. That’s a -- that’s a -- that’s an okay problem to have, is people out voting. But, again, for a typical midterm election, this was atypical.

We -- as I mentioned before, there were some court orders that extended polling hours in locations where problems were reported. So, even where you had problems, opportunities were -- were made to correct them and get people the opportunity to vote.

Again, due to some court orders, we certified the election on November 10th and then we resulted in two statewide runoffs that happened just last week. We anticipate certifying that later this week.

In terms of the -- the only -- I won’t say only. The primary issues that we dealt with from a -- from a complaint point of view was some counties were overwhelmed by the request for absentee ballots. Absentee ballots sort of came roaring back in this election after being a little bit on the -- on the -- the wane and counties did their best to respond to absentee ballots. But we did get some
complaints along those lines. Our office is investigating those.

And the second issue, we got individual, localized reports from people where, when they interacted with the voting machine and they would select one -- one candidate, somebody else -- it would -- it would select the other candidate. Again, those were individually reported; they were not localized in any county, in any precinct, in any area. They were self-reported by the voters sometimes after they had voted, sometimes days after they had voted.

If they were able to talk to the poll officer, which we always encourage people to do if -- if anybody encounters a difficulty, get somebody's attention and let the poll worker or the poll manager, you know, walk somebody through and correct any errors or mistakes.

Lots of reasons that could have happened. Again, not a systematic issue -- not a systemic issue, but something that -- that does get reported and, frankly, gets reported in every election. There is an element of human interaction and human interface with these devices that, sometimes, proves problematic in individual cases.

So that's a very, very brief rundown of what happened in 2018 in November, and I'll be happy to answer any questions that members of the commission have regarding any of this stuff.
REPRESENTATIVE FLEMING: Thank you, Chris. Questions?

Senator Jackson.

SENATOR JACKSON: Thank you, Mr. Chairman. Thank you for being here today. You mentioned the voting machines, how they voted for one candidate and it popped up another candidate. Is there a reason for that or...

MR. HARVEY: There could be a number of reasons for that. When you -- when you interact with the screen, you know, you’re -- you’re pressing an area. The screens are calibrated to reflect a registered pressure on a specific grid. It’s a -- it’s, essentially, a grid itself, and, if you were to touch it above or below an area, it can be ambiguous or, if you hit a couple of times, you could, you know, bounce around.

These devices are older. They don't operate quite as fast as an iPhone 8 or an iPad or something like that where you touch and get an immediate reaction. It could be that people are touching multiple times and bouncing their finger around.

It could be that, when they’re interacting with the screen on a tilt, if they just have -- have some kind of spatial difficulty, if they’re wearing glasses or reading glasses -- any of those things could happen, but they’re always correctable. You had a summary screen that would show you in case you got to the end and say, Hey, wait a
second. I didn’t -- I didn’t choose this. You can always go back and correct it.

    SENATOR JACKSON: Okay. So you’re saying -- if I can, Mr. Chairman.

    REPRESENTATIVE FLEMING: Please.

    SENATOR JACKSON: So you’re saying there probably was a difficulty with certain machines that was calibrated wrong or...?

    MR. HARVEY: We -- because we -- if -- if we had gotten multiple complaints from the same place -- from the same polling place or the same poll manager, that would be an indication that maybe the machine wasn’t calibrated properly. When that doesn’t happen, it’s usually an indication that the individual voter had some type of -- of difficulty interfacing with the machine.

    REPRESENTATIVE FLEMING: Mr. Russo?

    MR. RUSSO: He answered my question.

    REPRESENTATIVE FLEMING: Okay. Any other questions for Chris as I go around the table? Okay. Chris, thank you so much. We appreciate it. Thank you.

    All right. Next we have Ryan Germany, general counsel to the Secretary of State’s office, and Ryan will give us a -- a legal update on some of the cases that went on during the election process. Ryan, thank you.

    MR. GERMANY: Thank you, Mr. Chairman, members of the
commission, Madam Secretary. My name is Ryan Germany. I am the general counsel of the Secretary of State's office. I want to give you guys a very brief update on litigation -- not all litigation that we are facing in the Secretary of State's office, but some that I think is relevant to y'all's charge here.

It’s meant to be very brief and high level. There are some plaintiffs in the lawsuits I’m about to talk about here, so I don’t want to -- you know, I’ll say I’m not meaning to characterize anything a certain way so, if I do so, I apologize. It’s meant to be very -- just a general kind of FYI to the commission.

The point I want to get across is there is ongoing litigation about our current system and -- and, in my view, that litigation will continue until we move to a new system. And, frankly, if we don't move to a new system prior to the next election, we’ll probably -- we’ll probably see even -- even more litigation about it. So time is of the essence as y’all consider your recommendations.

So the questions in front of you are complicated, and the point I want to get across is one that I think, unfortunately, makes it even more complicated. We have a complicated issue that we need to solve and we need to solve it quickly.
We need to get a -- make a recommendation, get it through the legislature and implement a system with all deliberate speed. And, if we are not able to do that, I think the state will see legal consequences in terms of continuing current litigation but probably additional litigation going forward.

The two claims I want -- the two cases I wanted to give you a brief overview on are, essentially, about the election machines. One of them is called Curling v. Kemp -- Curling v. Crittenden now that’ll soon be Curling v. Raffensperger, but it’s a constitutional challenge to the use of the DRE machines, and the plaintiffs allege that the lack of a paper trial is a violation of the 14th amendment.

That case is in front of Judge Totenberg in the Northern District of Georgia. Currently, it is on appeal in the 11th Circuit and oral argument in that case is set for January 28th.

Judge Totenberg issued a opinion prior to it going to the 11th Circuit, indicating that she found a lot of the plaintiff’s claims credible. So that means, if the case goes back to Judge Totenberg, you know, she’s given us a pretty clear indication of how -- of how she intends to rule.

The next case is the case that Mr. Favorito mentioned briefly. There’s an election contest over the lieutenant
governor's race. And, again, that's -- that's called Coalition for Good Governance v. Crittenden. It's in Fulton County Superior Court, and that's an election challenge talking about the number of under votes in the lieutenant governor's race. So that's the other one involving -- involving our machines.

One other thing I want to speak to very briefly is there's litigation -- there's the machine cases, the DRE cases. One thing that we are not currently dealing with in Georgia but we have seen in other states is there are lawsuits about accessibility under the -- the Americans with Disability Act. I know both Ohio and Maryland are seeing lawsuits to that -- in that.

The gist of those cases is that the voter experience for disabled voters should match as close as possible to voter experience for nondisabled voters. Currently, we have a system where those do match very well. In some states, they do not.

So I think that's something to keep in mind as y'all consider your recommendations or if we move to something where those get further part, the experience for nondisabled and disabled voters in terms of voting, then we probably will see some of those lawsuits as well.

And, again, I know we’re -- that’s -- that’s all I had. It was meant to be very high level, so I don’t want
to get into sort of the specifics of litigation right now, but I am happy to take any questions if members of the commission have any.


MS. BAILEY: Thank you, Mr. Chairman. Lynn Bailey, Richmond County. You were talking about the timeframe for implementation of a new system. Are we still looking at having something in place prior to or at least at the time of the presidential primary for 2020 or is that a decision that is yet still to be made?

REPRESENTATIVE FLEMING: Well, I think -- I think it is a decision yet to be made because all of that depends on the legislature acting this session, and what we put into the law and working with the governor and the Secretary of State.

However, most of the discussions I think I have heard have said that it would be great if we could possibly even in the municipal elections of ’19 -- maybe statewide, maybe not -- have some test runs with new equipment at that point and then that gets you closer to being ready, potentially, for the presidential-preference primaries.

However, the best laid plans of mice and men -- I have said before, you know, you -- you try to set a goal there, and that is an ambitious schedule and -- and the people at
this table represent several of the 159 folks across the state that would have to do a lot of that work along with the Secretary of State’s office.

So the -- the short answer is nobody is sure yet; the even shorter answer is that it would be a good goal in -- in my opinion, but I’m welcome for my fellow legislators to chime in if they -- they think this differently.

MS. BAILEY: Thank you.

MR. GERMANY: I would just add that I think, Lynn, that that's exactly right. It is something that I think this commission can issue a recommendation on. The 2020 election cycle is -- is an aggressive goal, but I think it’s the correct goal and I think even -- you know, there’s an opportunity in November of this year with municipal elections to, hopefully, have something in place that will allow for, you know, more of a test run and a -- and a soft launch in municipal elections.

And the point that I was trying to get across is, if we don’t have something in place by 2020, I think it's very likely that a federal court may take this matter into -- into their own hands. So I think -- I think that is the right goal, but it -- it is aggressive.

REPRESENTATIVE FLEMING: Okay. Other questions of Mr. Germany? Ryan, thank you so much. We appreciate what you do.
MR. GERMANY: Thanks for being here.

REPRESENTATIVE FLEMING: All right. Commission members, we’re now going to move to the portion of our agenda that deals with public comment. I know there are some sign-up sheets. If those could go ahead and be brought to me, I would appreciate that. I think I was told about 20 some-odd individuals had signed up.

Is there anybody out there who wants to sign up that hasn’t signed up on the sheet? Because if you’re not on the sheet once we start, we’re -- we’re going to stick to it. Okay. Going once, going twice, gone.

All right. Here we go. Okay. Here’s what I’d like to do, just to make sure we all have a clear understanding of how we’re going to handle this. I’m not asking you to move yet because I’m going to call your name when you come up to the -- to the mic, but just so I kind of get a feel for where everybody is, everybody who’s on the sign-up sheet, I want you to stand up where you are. Just right where you are, stand up.

AUDIENCE MEMBERS: (Complies with request.)

REPRESENTATIVE FLEMING: All right. So it’s -- it’s most of the folks in the room. All right. So here’s how we’re going to handle this, and -- no, no, stay standing up, stay standing up.

Here’s how we’re going to handle this, and -- and I
recognize a lot of the faces from our previous meetings, I think. All of you that I recognize have conducted yourself very well in our past meetings and I want to say thank you for that.

What I would ask of you now is, is to understand clearly the ground rules for how we’re going to handle this. There is 2 minutes for everyone. As you have seen before, I tried to be generous with that. If you’re making a statement, I tried to let you wrap it up, but I am going to ask you to stick to that.

Members of the audience, if you approve or disapprove of what somebody else says, please keep that to yourself. If I make a good joke, you can laugh. Okay? But, generally speaking, please keep that to yourself and be respectful of the people that are trying to -- to speak as well.

So -- and I ask you once again -- everybody has been a -- has done a good job of being civil with their comments, making their point but making it in such a way that it’s not offensive. I’ll -- I’ll leave it that way. So -- so thank you for that in the past.

Is there anyone who does not understand the ground rules? Is there anybody who is not going to follow those ground rules? Okay. Everybody sit down and I’ll start going down the list, and thank you so much.
Okay. Sara Tindall, Democratic Party of Georgia. Sara? Sara, good to have you today. Welcome. Sara, please tell us where you’re from, and we’d love to hear from you.

MS. TINDALL: Hi, my name is Sara Tindall Ghazal, and I am a registered voter in Cobb County. I am also the voter-protection director for the Democratic Party of Georgia. In that capacity, I work with the state party, county-party committees and election officials. I also oversee our voter-protection hotline and our poll-watching program.

Over the course of this election season, our voter-protection hotline logged 73,449 calls from voters through December 10th. Through the day of the general election, we received 30,295 calls since November 6th. After November 6th, we received 43,154 additional calls. We also had observers on the ground, nearly 600 poll watchers across the state on election day, 168 during the runoff and hundreds more during the early voting periods.

Throughout these -- from these calls and reports, we recorded 723 separate reports of machine problems during the general election and the -- and the runoff. Hundreds of these were of vote slippage or vote flipping where a voter would make a selection only to have the machine reflect a different result.
In many cases, these voters were assisted by poll workers and the machines were still malfunctioning. There was one voter who reported having to change her vote five times before it correctly reflected her choice. In another case, in Gwinnett County, the voter had to go to three separate machines before they could find a machine that would correctly reflect that choice.

We also received multiple reports of races not appearing on the electronic ballots for both the general election and the runoff. In many cases, the voters were unable to correct the machine mistake and the vote was recorded that did not reflect that voter’s choice.

Problems weren’t limited to the election machines. There were many problems with the registration system. We had multiple voters willing to swear affidavits that they voted and they have witnesses attesting to the fact that they voted but their votes do not appear on MVP.

We have other cases where voters found their registrations online, they had printed registration cards; they did not appear on the lists when they appeared at the polling booths.

REPRESENTATIVE FLEMING: Sara, you -- you’ve passed your 2 minutes, but I do want to let you wrap up.

MS. TINDALL: Thank you.

REPRESENTATIVE FLEMING: Yeah.
MS. TINDALL: It’s going to take a lot of time to research these problems. I would like to share them with each county as we go through so that we can look at them and figure out what happened and where the system broke down for these voters, but the bottom line is there is a crisis of confidence right now in the voting system, and in the officials and the administration of the system.

What’s critical now is that this body develop a set of standards against which the decisions that -- on a system will be made. You have to have standards that you establish here because if we don't set a baseline that includes making sure that the voters are able to create and confirm their own votes, that the system reflects 2018 electronic and cyber-security standards, and that these votes are auditable independently without any intervention by a computer, that this crisis of confidence will simply continue.

REPRESENTATIVE FLEMING: Thank you, Sara.

MS. TINDALL: Thank you.

REPRESENTATIVE FLEMING: We appreciate you being here today.

MS. TINDALL: Thank you.

REPRESENTATIVE FLEMING: Thank you very much.

Jen Nelson? Jen? Jen, did I pronounce your name right?

MS. NELSON: Yes.
REPRESENTATIVE FLEMING: Come on up. Good to have you today.

MS. NELSON: Thank you. Thank you so much for --

REPRESENTATIVE FLEMING: Thank you --

MS. NELSON: -- having me.

REPRESENTATIVE FLEMING: -- for being here. We’d love
to hear from you. Tell us where you're from.

MS. NELSON: Sure. I am from Fulton County. I’m a
registered voter, just a community advocate and I’m not
with any particular organization. I really appreciate your
time.

AUDIENCE MEMBER: Volume. We can’t hear you.

MS. NELSON: Oh, sorry.

AUDIENCE MEMBER: We can’t hear.

REPRESENTATIVE FLEMING: That microphone’s --

MS. NELSON: This one?

REPRESENTATIVE FLEMING: Try that one, yeah, a little
closer.

MS. NELSON: Yeah. So I am a -- just a concerned
citizen and not with any particular organization and I
appreciate your time.

So I am concerned particularly with any electronic
system, as has been proven by experts that there’s no
system known out there right now that is completely secure
from hacking and is not vulnerable. Particularly,
Professor Halderman, who was present in Judge Totenberg’s courtroom with the Curling versus Kemp hearing and showed us the vulnerability that had nothing to do with whether the machines were clicked in and had nothing to do with a physical presence being in the secure room at KSU or any central database.

So decentralizing for sure would be -- would be helpful, but I believe that hand-marked paper ballots are the only way to be able to have an auditable, verifiable postelection secure system, and I wanted to speak a little bit to the disabilities concerns.

I am differently abled; I have a lot of friends that are differently abled and we heard at a postelection where little people showed up to their polling places and were not given stools or chairs, left without casting their vote. People were not provided wheelchairs, or access or even heights to the screens or discrepancies with their access to cast their vote.

So, right now, we are already facing a lot of disability issues and, completely understandably, with handwritten ballots, we would need to take all of the considerations for disabled and differently-abled people.

REPRESENTATIVE FLEMING: Jen, thank you for being here today.

MS. NELSON: Thank you.
REPRESENTATIVE FLEMING: We appreciate hearing from you. Heidi Natkin? Heidi, come on up. Welcome. Good to have you today. Heidi, did I pronounce your last name right?

MS. NATKIN: Yep, thank you.

REPRESENTATIVE FLEMING: I’m not going to try again. I’m just going to say Heidi. Okay? All right.

MS. NATKIN: You did a good job. Thank you.

REPRESENTATIVE FLEMING: And tell us where you’re from.

MS. NATKIN: Yeah. My name’s Heidi Natkin; I live in Atlanta, Georgia. I’m here as a private citizen, but I spent the last several months working as a field organizer for the Democratic Party of Georgia.

And I can tell you that, of the thousands of voters that I spoke to over the course of -- of the last three months, a very significant number of folks expressed a lot of concern about whether their ballots were actually cast. The trust in the election system has degraded significantly.

There was a lot of concern and I -- I believe that there is only one way to be able to rebuild that trust, which is to be able to provide voters with a way to verify that they actually vote -- the votes that they actually made were registered in the way that they intended. And,
therefore, hand-marked paper ballots is the best way to make sure that that happens.

They need to be able to know, and see and feel that they’re actually submitting a ballot that gets entered into the system exactly as they’ve expressed and, without an audible -- an audible paper trail, that confidence can’t be restored. So I really hope that you take that into consideration since the voter confidence is -- is so critical to the success and the stability of our election system.

REPRESENTATIVE FLEMING: Okay. Thank you so much, Heidi. We appreciate you being here today. Ms. Blassingame? And I want to -- okay. I’ll try the first name since you’re not responding. Simonia Blassingame?

Okay. Next would be Eric Weir. Eric? Did I pronounce your last name right, Eric?

MR. WEIR: Yep.

REPRESENTATIVE FLEMING: Good. Welcome, Eric, good to have you and please tell us where you’re from.

MR. WEIR: Thank you. I’m from Decatur. I’m here just as a concerned citizen. I came mainly to learn. This is a whole new set of issues for me, and what I know I’ve learned from talks on media and I’ve learned a lot today.

I’ve been pleasantly surprised with one exception:
And maybe all I will say -- the thing that I -- I was delighted that the first word that I heard was trust, and it seems to me, pretty clear, that that is a really critical issue.

As we all know, we live in a time of polarization, of distress in our institutions and this set of issues is not a partisan thing. Republicans, democrats, independents, libertarians, all want safe, accessible, fair elections. So I hope you will give that the highest priority.

You know, as -- as I said, I’m just learning. It sounds to me like what I’ve learned -- what I’ve heard is that the gold standard internationally is paper -- hand-marked paper ballots and -- but, you know, I’m just learning. So that’s it. Anyway, thank you.


MS. DUFORT: Yes, you’re consistent, which is --

REPRESENTATIVE FLEMING: You can’t blame me --

MS. DUFORT: -- what we want in elections.

REPRESENTATIVE FLEMING: You can’t blame me for being
good. Okay. All right.

MS. DUFORT: I’m -- I’m Jeanne Dufort.

REPRESENTATIVE FLEMING: Jeanne Dufort. Okay.

MS. DUFORT: It’s the French spelling, and I’m from --

REPRESENTATIVE FLEMING: There we go. Jeanne, welcome --

MS. DUFORT: -- Madison, from Morgan County, Georgia.

REPRESENTATIVE FLEMING: Good.

MS. DUFORT: And -- and I want to brag: We have the best election board and we have the best election director other than those of you who are election directors sitting here, who are also fabulous but we should brag.

And -- and that's important because in this day of lack of trust, it is important for you to hear that I have experienced voting this year in a county that gets it right, that works hard to get it right and -- and worked hard to take the rules and make sure voters can vote.

We literally got down to only one advanced paper ballot submitted that couldn't be counted and that was because we worked with private citizens, worked with our election director to reach people to solve problems, so you can work with the rules without disenfranchising voters.

I am also -- full disclosure, I’m party to the Gwinnett lawsuit which is proof positive you can
disenfranchise people with -- with paper ballots if you choose to, and that’s why I joined that suit because I just think that’s not right that you can live in Georgia and be treated one way if you’re elderly and your handwriting is shaky in one county and be treated another way if you’re elderly and your handwriting is shaky in another county. That’s not right, and that’s why I joined that suit.

Hand-marked paper ballots with well-designed postelection audits are clearly the advice of your cyber expert here, of other cyber experts of everything you’ve read so that should not be in dispute that that is what the experts are saying.

As to how you count them, I would consider it’s not a surprise that Chris Harvey said 3 out of 4 counties didn’t have problems with lines. 3 out of 4 counties in Georgia don’t have 10 stop lights in them. You would be hard pressed to have a line in those counties if you tried.

Our largest precinct in Morgan County is maybe 7 -- 800 voters on election day over 12 hours. Right? So it would be hard to have three- or four-hour lines unless your equipment was down, so don't be confused by those statistics. Actually look at, you know, how many people had real fundamental problems.

So I'll wrap it up but what I would say is this: You need to consider implementing some of the smart-scanning
stuff, optical scanners. There's some really smart
equipment that -- that we saw last time in Augusta that
speeds up your review of those problems, and that could be
useful in counties that have to process a lot.

And, yet, you might not have to make that investment
in counties where you’re processing 7 or 800 votes at most
in a precinct on election day. So think about scale as you
think about the right resolutions. Thank you very much.

REPRESENTATIVE FLEMING: Jeanne, thank you. We
appreciate you being here today.


MS. BREWER: Thank you.

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

MS. BREWER: My name, again, is Krista -- Krista
Brewer.

REPRESENTATIVE FLEMING: Krista Brewer. Okay.

MS. BREWER: I’m a native of DeKalb County, Georgia,
and I come here today as -- serving on the board of
ProGeorgia, which is a collaboration of 501(c)(3)
nonpartisan organizations that work in the civic-engagement
space. All of the groups have a variety of different
missions, but part of their missions is voter registration,
voter education and voter mobilization, and all of these
groups have worked very hard in many elections over the years to help voters get access to the polls and vote effectively.

The groups came together -- several of these groups came together over the summer and fall and agreed on a couple of principles that we wanted to share with your commission. The groups are Women Engaged, which focuses on engaging primarily African-American women in the electoral process, then the League of Women Voters, Common Cause Georgia, the League of Women Voters of Georgia, ACLU of Georgia and the Georgia Coalition for People’s Agenda. Most of those you have heard of.

Georgia’s -- and -- and so, we have this set of principles that I handed out at the beginning of the program, and I’ll just highlight the basic points.

We advocate for a system that is secure, a system that is accurate, that is recountable, that is accessible and is transparent. We advocate for a voter-verified paper trail; we advocate for a sophisticated risk-limiting type audit, an audit that is based on ballots that are conducted using human-verifiable data.

We advocate for a system of maintaining custody -- a chain of custody for ballots, for oversight of elections and audits that include citizenship participation and monitoring and -- and really very importantly, we feel a
real asset that we have here in Georgia is that our
election system is uniform around the state and we don't
want to lose that.

So we present these principles and characteristics as
guides for -- for elected officials, for this commission,
for the elections board and for elections supervisors as
you go about this very tough decision about what type of
equipment and the accompanying overall system for our
elections. So --

REPRESENTATIVE FLEMING: Thank you, Ms. Brewer.

MS. BREWER: -- thank you very much.

REPRESENTATIVE FLEMING: Thank you for being here
today. Toni Reid?

MS. REID: I'll pass.

REPRESENTATIVE FLEMING: You’ll pass. Okay. And
anybody else can pass if they want to. Thank you, Toni.

Vicki Krugman? Vicki?

MS. KRUGMAN: Krugman.

REPRESENTATIVE FLEMING: Krugman?

MS. KRUGMAN: Krugman.

REPRESENTATIVE FLEMING: Vicki, good to have you with
us today.

MS. KRUGMAN: Thank you.

REPRESENTATIVE FLEMING: Thank you for coming. Tell
us where you’re from. We’d love to hear from you.
MS. KRUGMAN: Vicki Krugman from Oconee County in Georgia. I was a poll watcher this year for the first time. I learned a lot. I’ve been following your group and what you’ve been doing since the inception of this group. I’m happy to know that we have this group and hope that you will be able to convey what voters want in this state to regain the trust that we need in Georgia both locally and nationally in our elections.

I did a lot of campaigning this year and a lot of talking to voters and I learned a lot about how people are saying, My vote won’t count, they won’t include me, I don’t want to sign up, I’m not getting involved, and I learned that because people have lost trust in Georgia’s voting system. And so, your job is very--very, very serious. It’s got to follow a timeline.

I feel really—that, once you started, you’ve met a couple of times and you’ve been very diligent in terms of running a long meeting and making things happen, but we have a timeline that is short. I concur with your lawyer, your counsel, that says, These problems are going to continue with our voters until this is changed.

So please— I must say consider the timelines of what has to be done and expedite this so we can take this burden off the voters of Georgia and put in really effective and supportable ways for people to be good citizens and to have
a good democracy represented in our state.

In closing, I would like to make a couple of things --
statements. I -- I believe that we need handmade -- or
hand-marked ballots. It’s the only verifiable -- and if
people are saying, Well, we’re going back and we’re
going... but, right now, we’re in the era of some very
serious problems with hacking, and they’re not going away
and they get better every day.

So the easier it is for a voter to come in, as
Kathy Cox shared with us, to take a piece of paper, hand-
mark it, see what they did, run it through a scanner -- the
scanner can tell them if there’s something they can’t read
and then let it be corrected. We’re going to regain trust.

So I really implore you to look at that hand-mark
system. I think we need to mandate manual risk-limiting
audits after every election -- all elections -- because we
know elections make big decisions for our counties and our
communities and for the entire state.

REPRESENTATIVE FLEMING: Thank you, Vicki. We
appreciate you being with us today.

MS. KRUGMAN: Thank you.

REPRESENTATIVE FLEMING: Thank you very much. Okay.

Robert Covi? Robert, did I pronounce your last name right?

MR. COVI: Correct.

REPRESENTATIVE FLEMING: Okay. Robert, thanks for
coming today, love to hear from you. Please tell us where you're from.

MR. COVI: I’m from the metropolis of Bogart, Georgia, and I came here because I was concerned about this important decision that you have to make.

First of all, I’ve been on enough committees to know that it’s a lot more work than people think it is. And so, I -- I appreciate the efforts that you’ve put in and I know that all of you think it’s important as well as people out here.

I was going to actually ask a different question, but it turned to me after Dean Cox was talking that there were a lot of problems that have to be dealt with more so than I even imagined, and I thought, I hope you really consider the use of mail-in ballots because I think it does solve a number of problems that otherwise would have difficulty getting fixed [sic].

But several states, as you know -- Oregon is one which I have looked at very carefully, seems to have done a really good job of fixing their problems, and they've been doing this actually since 1982. Can I ask a question?

REPRESENTATIVE FLEMING: (Nonverbal response.)

MR. COVI: The question is: Are you seriously considering the use of mail-in ballots or is that -- is that on the table?
REPRESENTATIVE FLEMING: We’ll -- we’ll have a discussion period later and -- and the members can bring that up if they’d like at that time.

MR. COVI: All right. Well, that's all I needed to say. Thank you very much.

REPRESENTATIVE FLEMING: Thank -- thank you, Robert. We appreciate you coming today. Cameron Pennybacker?

Cameron? Cameron, good to have you today. Did I pronounce your last name right?

MR. PENNYBACKER: Yes, sir.

REPRESENTATIVE FLEMING: Good. Well, tell us where you’re from. Good to have you.

MR. PENNYBACKER: Thank you. I’m a Macon-Bibb resident, a Georgia citizen, and a voter since 1998. Thank you for taking public comment seriously as a factor in your decision making in this detail-rich electoral process, a lot is riding on your conclusions. Setting the broadest electoral goal, our primary civic purpose, with clarity and conviction is essential.

It is my understanding that security -- voting security is a minimal standard to be achieved, a critical feature of any worthy system we adopt. The central hallmark of our voting system is broadening citizen participation. Boldly stated, moving toward a more perfect union is predicated upon improved inclusion.
Inclusion is a constitutionally-supported American democratic core value, one of-age citizen, one vote. What voting system meets this first mark? Attaining lesser goals will not be an adequate substitute for the primacy of inclusion. Obtaining a misplaced primary goal will not advance our standard of fair representation.

My fear, Mr. Chairman, is that we are tempted -- and co-chair -- is that we are tempted to center our needed electoral-reform focus tangentially based upon slim anecdotes that miss the mark of greater citizen inclusion.

The security of our voting system is, indeed, essential. Security, however, is not antithetical to the larger goal of greater inclusion. It seems to me security is a means to fairness, not an end unto itself. Security and inclusion are not opposing forces as we seek a system that pursues the full participation of all Georgia citizens.

Here before us is an opportunity for nonpartisanship, across-the-aisle work that moves from -- moves Georgia from a lagging to a leading state. Let us take the time and due diligence to get it right, to lower barriers while insisting on security and inclusion.

In conclusion, the task of fuller citizen participation is the primary -- is primarily a political act of courage, not a technical-capacity question. In
this way, I respectfully urge the commission to prioritize citizen/voter inclusion as our state’s hallmark. We can do better by one another.

    REPRESENTATIVE FLEMING: Cameron, thank you for coming today, and we appreciate you being here. Joseph Kirk? Joseph Kirk? Joseph, welcome. Thanks for coming today. Please tell us where you’re from.

    MR. KIRK: Hello. My name is Joseph Kirk. I’m the elections supervisor in Bartow County, Georgia. I hold a degree -- a degree in computer science from the University of Georgia; I’ve been involved in elections since 2002, including voting technology in two different states. I’ve held my current position since 2007.

    I am an advocate for ballot-marking devices for all voters, increased uniform-voting experience, guides voters through the process and keeps the ongoing costs lower on local jurisdictions.

    We need to have meaningful audits before certification. We -- if -- I never want to tell someone, I’m sorry, I -- I’ve audited it and I can see that you lost, but you’re out of luck. So we need it before certification and I’m completely okay with the use of barcodes as the primary method of tabulation because, if we’re doing a meaningful audit, we’re going to test whatever the form of tabulation is and make sure that it
was accurate.

So whatever the form is, whether it’s hand-marked paper ballots or a thing that was printed off of a ballot-marking device with a barcode on it, we’re going to verify it. We do this every day at the stores as we shop. We see what the price is, scans the barcode [sic] -- that barcode is not associated with the price, it’s associated with evidence (ph), and then it comes back and, when we get our receipt, we audit that. So I don’t see why this should be any different. Thank you very much.

REPRESENTATIVE FLEMING: Okay. Thank you, Joseph. We appreciate you coming. Smythe DuVal? Mr. DuVal? Thanks for coming today. Good to have you again.

MR. DUVAL: Hi, thank you.

REPRESENTATIVE FLEMING: Please tell us where you’re from.

MR. DUVAL: All right. Smythe DuVal. I’m from Cobb County and I was a former libertarian candidate for the Georgia Secretary of State, and it looks like I’m also representing the libertarian party today. They did ask me to address you guys.

The libertarian party has passed a resolution on -- that we only support a voting system that is designed and guaranteed to be safe and secure from hacking and alterations and does not use any computer interface between
voter input and ballot production.

I want to go ahead and put on record that I graduated last night from KSU from their IT program. I've been a cyber-security risk manager for years. I would like to ask all of you to put your hats -- your project-manager hats on for just a second.

One of the reasons that we’ve had so many problems is that we introduced, in 2002, technology to counties which they fundamentally did not understand and it created a dysfunctional relationship to their vendor.

Kathy Cox said it very eloquently: You had to have a Kennesaw, a state university, you had to have a intermediary to actually go in and check all of those inputs. If you guys really want to get an election system in by 2020, you’re going to have to do it in such a way that you match the skills that you have out in your counties and, if you do it with paper, the then computer system starts at the optical scanner.

Not only that, your costs are going to come way down because you don't have to have all of that skill on the front end of collecting the input. Your costs are going to become -- extraordinarily come down and you're going to have a whole lot more in terms of a functional relationship to your vendor.

Because, right now, the only way that you’re going to
be able to run an election in 2020 is to be extremely dependent on your vendor. Notice how dependent you guys are on your vendor now to tell you what’s actually going on.

So with the closing remarks: The Libertarian Party of Georgia, we want hand-marked paper ballots, postelection audits -- and we are doing this not only because of integrity of the election but because it is the best value, the best security, for the state of Georgia. Thank you very much.

REPRESENTATIVE FLEMING: Thank you for being here today. We appreciate you being here. Sara Henderson? Sara? Sara, welcome. Good to have you today. Please tell us where you’re from.

MS. HENDERSON: Thank you. I’m Sara Henderson. I am executive director of Common Cause Georgia. I am here today to talk to you --

REPRESENTATIVE FLEMING: And where do you live, Sara?

MS. HENDERSON: I’m sorry.

REPRESENTATIVE FLEMING: What county are you from?

MS. HENDERSON: Oh, I live in Fayette County.

REPRESENTATIVE FLEMING: Fayette County.

MS. HENDERSON: Yes.

REPRESENTATIVE FLEMING: Thank you. Go ahead.

MS. HENDERSON: You’re very welcome. I’m here today
to -- to remind you-all of the -- if you don’t already
know, about the federal lawsuit that we filed on November
6th of this year, and we filed that lawsuit around our
voter databases.

We basically said that you have to count provisional
ballots if they’re related to voter-registration issues.
Now, why -- we -- the federal court sided with us and said
there are serious security issues here. Mind you, this is
the same court that, a month prior, had sided with the
state.

There are serious issues with our machinery. There
are serious issues with our voter-registration databases.
We have got to address these problems. And why do groups
like mine have to sue to get these problems addressed? Why
do we have to spend taxpayer money and our own resources to
do that? Not to mention the fact that we have to use our
resources in order to educate the public because that’s
something that the Secretary of State's office has not done
in several years.

So we come to ask you: Paper ballots, hand-marked
paper ballots. That’s what we need to have in the state of
Georgia, and it’s so, so, so important to listen to the
election-integrity activists, to Garland Favorito that’s
sitting behind me, and understand that we have worked on
this for decades. We know what we’re talking about; we
want to be an ally to the Secretary of State's office and
to this commission and we call upon you-all to make the
right decision and use paper, don't saddle the taxpayers
with 400 million dollars in debt.

REPRESENTATIVE FLEMING: Thank you, Sara. We
Marilyn, good to have you today.

(Alarm chiming.)

MS. MARKS: Already?


MS. MARKS: It was quieter than I thought it would be.

REPRESENTATIVE FLEMING: Thank you, Marilyn.

MS. MARKS: Thank you.

REPRESENTATIVE FLEMING: Good to have you. Please
tell us where you live.

MS. MARKS: Thank you. I’m Marilyn Marks. I’m with
-- the executive director of Coalition for Good Governance.
I’m here today representing our Georgia-based members.

REPRESENTATIVE FLEMING: And tell us where you live --
which county you live in.


REPRESENTATIVE FLEMING: North Carolina. Thank you.

MS. MARKS: Yes. And I’m here to urge you to take the
time to study the real issues here and what the state’s
voters need from you, and it’s a more thoughtful process
than you’ve had the time to go through yet.

What we need to know from -- from this commission is the types of policies and the verifiability of the elections that the voters need. The only way that we are going to get verifiable elections, auditable elections in Georgia, is with hand-marked paper ballots. It is the only verifiable system.

The types of ballot-marking device systems that you—all have been looking at have proven to be not auditable, not verifiable, and it’s time to quit calling them verifiable. And it’s going to take this commission a while to come back to the basic principles and I urge you to do that. To make another mistake by buying electronic voting systems will be a huge mistake for Georgia, an expensive one both financially and in terms of the integrity of the elections.

I heard, earlier today, that there's some thought of you’ll determine what the audit requirements will be after you determine what kind of equipment you bought. I almost set my hair on fire. No. We have to figure out how Georgia’s elections can be audited, to what level they need to be audited, what the people are looking for in terms of total verifiability and then work backwards to what kind of equipment is needed. It's obvious what kind of equipment is needed: hand-marked paper ballots, the only
type of system that’s -- that is auditable.

I hear the second bell, and I'll just end by saying that the types of electronic voting problems you heard Sara Ghazal talk about and including the 100,000 missing votes from the lieutenant governor’s race, same types of problems will happen with electronic ballot-marking devices. Only hand-marked paper ballots will solve that problem.

REPRESENTATIVE FLEMING: Thank --

MS. MARKS: Thank you.

REPRESENTATIVE FLEMING: Thank you, Marilyn. We appreciate you coming today. Chris Chan. Chris? Welcome, Chris. Good to see you.

MR. CHAN: Thank you.

REPRESENTATIVE FLEMING: Love to hear from you. Tell us where you’re from.

MR. CHAN: Yep. My name is Chris Chan. I’m a registered voter in Fulton County. I want to thank the commission for their time serving our great state and hearing the citizens’ views on this important issue. I’m here to speak on my personal capacity and my views are my own and do not necessarily reflect the views of my law firm or any organization I am affiliated with.

I am a past president and current board member of GAPABA, the Georgia Asian-Pacific American Bar Association, which represent the interests of over 500 Asian-American
lawyers and law students here in Georgia. I’m a third-generation born Chinese-American and have lived in Georgia for 34 years. I voted for almost 30 years. I’m a lawyer, a Georgia Tech grad engineer and I now practice patent law in my hometown of Atlanta.

The issues before this commission are a matter of dollars and sense, common sense. Even though we rely on technology for many conveniences in life, I am smart enough to know and you should be smart enough to know that we should not rely solely on technology and machines. To do so is to introduce the risk of computer and software error and, in some instances, a risk of hacking into the system.

A more common sense solution is to rely on the combination of computer technology and humans to create an auditable verifiable paper trail of the electorates votes and to preserve a paper record of their votes.

This issue is vitally important to -- to the citizens of Georgia because of the nationwide attention paid to Georgia's voting process in the past election cycle, and given the small window of time with the relatively short legislative session and the upcoming 2020 presidential, federal and state elections.

Corporations, which are seeking to move their headquarters here to Georgia and bring jobs to Georgia are also watching us. They want to know that our state's
infrastructure is state of the art in the treatment of its
citizenry is fair and just.

Our state is way behind the curve on the state-of-the-
art voting technology and election procedures. Let’s not
continue to be the laughingstock of other states due to our
voting equipment and procedures. I, again, emphasize the
importance of the task ahead of you.

Like never before, our democracy is under attack by
foreign powers who may not support our nation's values and
would like to do nothing more than to sow discord and
confusion and topple one of the pillars of our democratic
values, the ability to cast a ballot, verifiable vote, to
elect our own leaders.

And I'll finish up. Do not kick the can down the
road. Please make a common sense recommendation benefiting
all citizens of Georgia, to instruct the legislature to
spend the money necessary to update Georgia’s voting
equipment and to implement an auditable, verifiable paper
trial of the electorates’ votes and preserve a paper record
of their votes. Thank you.

REPRESENTATIVE FLEMING: Thank you, Chris. We
appreciate you coming today. Cam Ashling? Cam? Welcome,
Cam. Good to see you. Did I pronounce that right, by the
way?

MS. ASHLING: Yes, yes.
REPRESENTATIVE FLEMING: And tell us where you’re from.

MS. ASHLING: My name is Cam Ashling. I’m from Fulton County. I’m like a 1988 refugee from the post-Vietnam War. I am now the founder and president of the Georgia Advancing Progress PAC who mostly work in the Asian-American community in Gwinnett County.

You know, the right to vote is so important in our democracy, and I -- you saw that with Vietnam and other countries. If we don't protect it, it will, you know, go to the wayside and God knows what kind of leadership we would have.

And, you know, as a PAC, we work very hard to get all Americans to vote, new Americans -- you know, newly-naturalized Americans to vote, younger Americans to vote, elderly Americans to vote, Americans with limited English to vote, and it’s a huge problem for us to get voter turnout if we can’t convincingly tell people that your vote will get counted.

So, you know, as a investment professional, as a CFP, we usually make these tough decisions based on a risk-and-reward method; right? So if we look at this choice and -- and think of what’s the greatest risk per unit -- what’s the greatest reward per unit of risk, and we say that cost and error is our measure of risk and accuracy, voter
confidence, auditable transparency is our measure of reward, how do we come to the most logical conclusion free of bias and be bipartisan?

So far, it seems to me that, you know, paper ballot -- the optical scanners, would be like the lowest risk in -- in cost. If it’s 50 million up to 150 million, that's like huge. You know, and it’s more free of computer errors than -- that can impact hundreds of votes instantly without detection versus human errors. That's a isolated -- and, with more voter education, we can turn that around, so why don't we do that and fix it?

Paper ballots seem to be the most -- the gold standard for voting integrity. Most states use them, why is Georgia so behind? And, you know, with us trying to engage more younger voters, they’re going to be very turned off by unauditable (ph), nontransparent voting system.

So how do we get the voter engaged? If we can tell them that it's safe and secure and your vote will count, they’ll come out but, if people don't trust the system, they just won’t.

REPRESENTATIVE FLEMING: Cam, I’m going to allow you to wrap up.

MS. ASHLING: Okay, sir. Sorry. Thanks. And I also would like the board to consider the cost of future litigation as a cost to taxpayers.
Two points from, you know, Voter GA, the question you had regarding the fractional votes: It’s like half a vote. So when we vote, it’s one; right? But the computer is showing half, like .5 of a vote. That doesn’t happen. So that’s a computer error we can fix with paper ballots.

And then your other question, Ms. Nancy, regarding the negative vote. So -- so a negative vote would take away somebody else's vote. So, instead of me being plus one, I’m going to take your vote out and I’m going to be negative one and subtract from your total.

REPRESENTATIVE FLEMING: Thank you, Cam.

MS. ASHLING: Thank you.


MS. NETTLES: Thank you.

REPRESENTATIVE FLEMING: Please tell us where you’re from.

MS. NETTLES: I am from Macon.

REPRESENTATIVE FLEMING: You came a long way.

MS. NETTLES: I know, a short commute. I am just here representing myself. I’ve been a voter since 1972 and, first off, I am very concerned about the cyber security, not only Kennesaw State but also Secretary of State's office. We’ve had intrusions and I feel like the
-- we’ve -- that really needs to be strengthened.

And the other issue is, is that I’m totally opposed to any type of voting equipment that manufacturers a barcode that’s not readable. I don’t know about you. I look at a barcode and it’s just a bunch of lines. And so, I am in favor of hand-marked paper ballots and, you know, upgraded scanners that can handle the humidity.

And perhaps we do need to consider mail-in paper ballots. I lived in Colorado for 10 years and that was never a problem. Also, there is no humidity there. Without it, you know, that’s a plus out there.

But -- and one other thing that I don’t think anybody’s touched on is I -- I’m -- as a citizen, I feel like the Secretary of State’s office should be the guiding office to encourage all citizens to register to vote, and how to vote, and -- and I really think that that’s -- if it’s not in your job description, I think it should be.

And that’s -- that’s about all I’ve got to say. But I think the lowest-tech type of voting system is by far the most reliable and the last thing we need to do is cast any doubt for anyone, for any reason, that their vote was not taken in and recorded as they desired. Thank you.

REPRESENTATIVE FLEMING: Thank you, Ann. Rhonda Martin? Rhonda? Rhonda, thanks for joining us today, and please tell us where you’re from and we’d be happy to
MS. MARTIN: Okay. My name is Rhonda Martin. I’m a Georgia voter and a resident of Fulton County. The foundation of our democracy is the right of the people to vote, to have their votes counted and, when counted, to have their votes represent their intentions.

It is imperative that the new voting system that you recommend provide voters with reliable means to make their voices heard on election day. In our recent election, there were reports of problems with the DREs showing erroneous ballots and flipping votes.

I am concerned that any continued use of touchscreen technology, that with any continued use of touchscreen technology these problems will persist. They can be avoided entirely, however, by providing voters with paper ballots where they hand mark their selections. Surprise; right? With the DREs with no paper trail, there was no way to really know if the recorded votes accurately represented the rule of the voter.

I understand that the ballot marketing -- marking -- marking devices that you are considering will produce a paper-ballot summary. Unfortunately, if the ballot summary includes a barcode, we remain in a situation of not knowing if the voters’ intentions are being accurately captured and recorded.
Let me be clear: Ballot-marking devices are not the answer. The paper trail that electronic ballot-marking devices offer is not a paper trail that can be audited. I cannot verify barcodes. Can you? Nor could I memorize the touchscreen ballot content at the level needed to verify a ballot card for accuracy and completeness.

In fact, limitations of human short-term memory make it impossible for voters to recognize errors and omissions when they have been introduced to their ballots prior to the verification steps. If votes are cast on paper ballots marked by the voters themselves, there is no need for the separate verification step and issues of human limitations become moot.

Computer scientists and cyber-security experts agree that, today, the use of hand-marked paper ballots counted by optical scanners and audited in a statistically-valid audit is the best available method for conducting elections. I implore you to carefully consider and take to heart the recommendations of the experts.

REPRESENTATIVE FLEMING: Okay. Rhonda, we --

MS. MARTIN: Thank you for your time, consideration and service to the voters of Georgia.

REPRESENTATIVE FLEMING: Thank you, Rhonda. We appreciate you coming today. John Fortuin? John? John, good to -- good to have you today, and please tell us where
you’re from and we’ll be happy to hear from you.

MR. FORTUIN: Hi, my name is John Fortuin. I’m from Athens, Georgia. I’ve been a nonpartisan advocate for restoring integrity to Georgia’s voting system since 2004 and have been trying to debunk misinformation provided by the vendor of our current system and parroted by election officials since that time despite that information being thoroughly debunked by scientists.

The vast majority of computer-programming analysts and security professionals want to minimize the amount of computer technology involved in our election process. They know that if they have access to the system at any point, especially at the level of the Kennesaw State University database or the -- and now the Secretary of State’s database, that they can manipulate our election statewide.

So science -- scientists, scientific organizations, professional organizations, have written a slew of papers supporting hand-marked paper ballots. For instance, the National Academy of Sciences, Engineering and Medicine this August released a paper titled, Securing the Vote: Protecting American Democracy, that’s called for minimizing the technology involved in our election system.

And I -- I will actually -- I do want to credit the Secretary of State's office for, in their electronic
request for information, the -- under Section 3(4) Method 1, that they are requesting for proposals for hand-marked paper ballots that are optically scanned in the precinct. I strongly suggest, for the security of our election system, that you review only these methods and relegate the ballot-marking devices only to for folks with disabilities.

REPRESENTATIVE FLEMING: John, I’m going to allow you to wrap up.

MR. FORTUIN: All right. So, also, the ballot-marking devices are in violation of the KISS principle. They can be replaced by pens and pencils for the average voter at a mere fraction of the cost, and every piece of technology that’s in our voting system is a potential bottleneck if there is any sort of power failure or -- and -- and so, hand-marking paper ballots will minimize wait times at precincts here as it has done in many other states that have gone to this system.

REPRESENTATIVE FLEMING: John, thank you for coming today.

MR. FORTUIN: Thank you.

REPRESENTATIVE FLEMING: We appreciate having you. Anita Tucker? Anita? Good afternoon, Anita. Good to have you. Please tell us where you’re from. We’d be happy to hear from you.

MS. TUCKER: Hi. I’m Anita Tucker and I am from
Forsyth County. I ran for office this year, so I had a heightened sense of need for every single vote to count, and I knocked on a lot of doors and --

REPRESENTATIVE FLEMING: Tell us --

MS. TUCKER: -- I talked to a lot of people.

REPRESENTATIVE FLEMING: Tell us what office you ran for.

MS. TUCKER: I ran for House -- House of Representatives, District 25.

REPRESENTATIVE FLEMING: Go ahead.

MS. TUCKER: Do you want to know how I did?

REPRESENTATIVE FLEMING: Only if you want to tell us.

MS. TUCKER: Well, I'm actually -- I didn't win, but I am very proud to say that, in Forsyth County, I got 36 percent of the vote, which is pretty good for Forsyth County. Yeah, I ran as a democrat.

But my point is that of all of the people I talked to -- and I knocked on a lot of doors -- everybody's concern -- they -- My vote's not really going to count, and I can tell you the experience -- I personally do an absentee ballot because I did not trust our voting system and I felt like my vote probably counted because I did that.

But I think that the experience of being able to see that your vote really did go the way you wanted it to vote and that it really did count will increase voter
participation and excitement. I think it is something that we desperately need, is to be able for voters to walk away from the voting booth and go, Yeah, I did vote and it did count. Thank you.

REPRESENTATIVE FLEMING: Thank you, Anita. We appreciate you coming today. Susan Gambell (ph) -- Gambell. Did I pronounce that right, Susan?

MS. GAMBLE: Las Vegas.

REPRESENTATIVE FLEMING: Gamble.

MS. GAMBLE: Thank you.

REPRESENTATIVE FLEMING: Susan Gamble. Susan, good to have you. Please tell us where you’re from. We’d be happy to hear from you.

MS. GAMBLE: I’m from Gwinnett County, and I’m here just as a citizen. I personally also would like hand-marked paper ballots to have a hard copy representing my voter intent that is auditable. And somebody else can have my time. I’ve saved my time.

REPRESENTATIVE FLEMING: Susan, I like you. John Askins? John Askins?

MR. ASKINS: Right here.

REPRESENTATIVE FLEMING: Okay. John, good to have you with us. Tell us where you’re from and we’d be happy to hear from you.

MR. ASKINS: My name is John Askins. I’m from DeKalb
County. I want to -- could I -- could I have Susan’s time since she offered?

REPRESENTATIVE FLEMING: No.

MR. ASKINS: Had to ask. I got to retire from the news business a few years back after a long career both in national news and state-local news in another part of the country. I’ve also grew up in politics. My father was an elected official. I’ve seen and covered dozens of elections, both good and some -- with those missing ballot boxes we were talking about.

So I understand that any system can be hacked, any system is fallible; shenanigans are always possible -- not that that’s ever happened to any of the elected officials here, but you’ve all heard about it.

And that’s why I think we need -- the KISS principle, suggesting the KISS principle I think puts it perfectly. We need to keep it as simple as possible for us, for the voters -- for everybody, and that’s -- that’s paper ballots. That’s hand-marked paper ballots.

I love the idea that we can print them on demand. That’s -- that’s a huge cost factor. I realize there’s a lot of -- this is kind of labor intensive. I had the honor of being an observer at DeKalb County for the absentee ballots -- for the absentee-ballot count and saw the herculean effort that went into doing that. But, my
goodness, it’s worth it because this is our democracy that’s at stake.

As been said many times today -- and I’ve heard over and over since I got involved with this issue, which I didn’t really plan on until the 2016 election, of getting involved in this stuff, is people are afraid their vote will not count. Think about that. American citizens are afraid their vote will not count.

If you’re afraid your vote’s not going to count, you’re going to stop voting; you stop voting, democracy goes away. Is that what we want? I don’t. I don't think anyone here does, and I think we need to get this -- get a handle on this, and I think the paper ballot is the way to go. Thank you.

REPRESENTATIVE FLEMING: Thank you, John. Marjory Timmer? Marjory? Marjory, good to have you today.

MS. TIMMER: Why, thank you.

REPRESENTATIVE FLEMING: Thanks for coming.

MS. TIMMER: I’m from DeKalb County, and thank you for allowing me this opportunity to speak and thank you for the work you’re doing on this committee on behalf of the people of Georgia.

AUDIENCE MEMBER: Closer to the mic, please.

MS. TIMMER: Oh, yes. I usually have a really big voice, so I don’t even think about a microphone. So I had
-- I am retired from the healthcare industry and -- and, having taken care of sick folk for 45 years, I -- I have a pension for accurate, reliable data.

And I’m no expert in politics or on voting, but I will tell you that my experience since we have had electronic voting here in Georgia has been whenever I hand that little yellow card to the poll worker, I find myself offering a little prayer that what is -- what I -- what I think I put on there is actually what’s going to get counted. I’ve never quite trusted it.

We’ve been using that system for years and years and lots of people, as you’ve heard, don’t trust it. And we kind of were a -- a little bit of a laughingstock in the USA during this last election because of the -- the lack of trust.

Today, I heard about fractional ballots so I’m wondering, Okay, did my vote count for 1 or .7 or .3 or a negative ballot, maybe negative 1. So I -- you know, that’s kind of -- that kind of takes my breath away.

I think what I want to see is that everyone gets -- everyone who is a qualified voter gets a vote of one accurately counted for whomever they voted for or whatever they voted for, that they can have documentation that their vote went through as they intended and that those votes can be audited.
And I think the optical-mark recognition system, the paper ballots, is the only way to accomplish that. As you're -- just one last thing. As you're making your decision, if you find yourself leaning toward this electronic system that we have, remember the definition of insanity: It is doing the same thing over and over again and expecting different results.

REPRESENTATIVE FLEMING: Thank you, Marjory.

MS. TIMMER: Thank you.

REPRESENTATIVE FLEMING: Okay. So down to the top 5 now. Susan McWealthy? (ph)

MS. MCWETHY: McWethy.

REPRESENTATIVE FLEMING: McWethy.

MS. MCWETHY: Susan McWethy, yes.

REPRESENTATIVE FLEMING: That's a hard one, Susan.

MS. MCWETHY: Well, you've said it correctly in the past.

REPRESENTATIVE FLEMING: Okay. Well, I'm just not as good as I used to be.

MS. MCWETHY: Anyway, thank you to the SAFE Commission for allowing us to speak here.

REPRESENTATIVE FLEMING: And tell us, once again, where you're from, Susan.

MS. MCWETHY: Oh, I'm from Decatur --

REPRESENTATIVE FLEMING: Thank you.
MS. MCWETHY: And I’m -- I’ve been an activist for years about voting; I’m a poll worker, so... But my question is -- it’s kind of a repeat of what’s been stated here already. It’s a rhetorical question, but why don’t we just listen to the IT experts?

And Georgia is blessed with some really smart people here. This morning we heard from Mr. Favorito. He had really -- a really informative summary of the IT concerns; we have Mr. Lee on the commission here, and I'd like to quote you, if I may. In October 8th, a paper entitled, Basic Security Requirements for Voting Systems, quote: The best approach is to require the voters to hand-mark paper ballots that are then scanned and tallied by cyber system, but also dropped into a safe box.

And not much has been said about what happens to these paper ballots, but we’ve heard about losing ballots and we’ve heard about -- we -- we have heard, over the years, about stuffing ballot boxes. I think this would eliminate that problem. These would be attached to the optical scanners in some of the models that I have seen and the voter introduces it and it just drops down into a secure place. So I think that solves that one problem.

We also have -- he’s still here. Mr. DeMillo back there. He’s a distinguished professor of computing at Georgia Tech and his -- he recently did some research with
a team about voter behavior -- use in verifying -- verifying vote behavior. Half of the voters didn’t inspect their ballot cards; the other half inspected them for an average of 3.9 seconds.

When you're given a summary that you have to check, human beings just don't do a good job at that. So please listen to the IT experts. I think they have the best advice.

REPRESENTATIVE FLEMING: Thank you, Susan.

Liz Throp (ph)? Liz?

MS. THROOP: Hi, it’s Throop, Liz Throop.

REPRESENTATIVE FLEMING: Throop, T --

MS. THROOP: Hi. I live in DeKalb County --

REPRESENTATIVE FLEMING: Hold -- hold -- hold on a second now. T-H-R --

MS. THROOP: Yeah.

REPRESENTATIVE FLEMING: -- O-O-P.

MS. THROOP: Yeah. The H is silent.

REPRESENTATIVE FLEMING: Oh, okay. There we go. Throop. All right.

MS. THROOP: Good.

REPRESENTATIVE FLEMING: Like Troop County.

MS. THROOP: It’s pronounced the same.

REPRESENTATIVE FLEMING: There we go. Thank you, Liz.
MS. THROOP: Yeah. So I -- we heard a lot of
good presentations this morning and have had a lot of
good discussions. Obviously, hand-marked paper ballots
are a very popular choice among public commenters, but I
think it’s important to be very specific with these things.

So hand-marked paper ballots could conceivably still
involve barcodes or QR codes. One of the more important
things I’ve heard this morning from Garland Favorito was
that the barcodes -- that even -- are supposed to be
signifying something as simple as the precinct number could
introduce malware into a digital system. And -- and, for
that reason, I think it’s very important that we get
proposals from vendors where it’s unambiguous that there
are no barcodes on the ballots.

It's been a little while since I've looked at those
proposals, but it was very hard for me to discern exactly
what some of those ballots were going to look like. And it
-- and it brings me back to the idea that this excellent
set of presentations we heard today should have happened at
the first meeting. I -- I would be very sorry if anyone
were to vote today on a proposal where they don’t know what
those ballots are going to look like.

And I know that it’s -- everyone’s tired of the DREs,
they’re very old; we -- we want to move ahead but it’s
important to get this stuff right, especially now that we
are the focus of national press attention as one of the worst states for voting integrity.

REPRESENTATIVE FLEMING: I’m going to go ahead and allow you to wrap up, Liz.

MS. THROOP: All right. Thank you.

REPRESENTATIVE FLEMING: Thank you, Liz. Okay.

Kathy Lynne Sanderson? Kathy Lynne? Welcome. Good to have you.

MS. SANDERSON: Thank you.

REPRESENTATIVE FLEMING: Please tell us where you're from.

MS. SANDERSON: I’m Kathy Lynne Sanderson from Athens-Clarke County, and I just want to talk about one thing really quickly.

The goal here is for the voters to have confidence in the -- the voting system and we can’t have confidence unless there’s an auditing system that’s mandated that they have confidence in also. And I feel very strongly that, at the same time the voting system is voted on by the legislature -- at that same time, they have to decide on the auditing system. They can’t push it off until the next session or something because you know how hard that is, that things don't get done that way.

And as one speaker said: You don't have to deal -- detail the exact system; you -- you detail the standards,
that this is what we want the auditing system to accomplish, and that should all be done in one package when the legislature decides on the system.

And I also wanted to say, as somebody else did, that the auditing has to be done precertification, that people aren’t going to have confidence in a system that says, Oh, guess what? We did an audit and we found out the wrong guy got elected. That’s -- that’s not going to build confidence, so that’s all I have to say.

REPRESENTATIVE FLEMING: Thank you very much.

George Ballbona (ph)?

MR. BALBONA: Close enough.

REPRESENTATIVE FLEMING: Close enough. All right, George.

MR. BALBONA: Balbona.

REPRESENTATIVE FLEMING: Balbona. George, thank you for being here today.

MR. BALBONA: I'm from Georgia, a concerned citizen; I live in Cobb County.

REPRESENTATIVE FLEMING: Thank you, George.

MR. BALBONA: Most people think barcodes are just those lines that tell you what things cost at the store, but that isn't entirely accurate. Barcodes never tell anyone what something costs; barcodes tell machines what something costs.
No person can read a barcode. That is an empirical fact and the reason why these machines are not verifiable. Anything else you hear is barcode snake oil, and the cost of those proposed voting machines are not merely 100 or 150 million dollars, they will cost us our democracy itself.

This is not a partisan issue. The most important issue here is the sanctity of our votes. And if these politicians don't believe in getting the votes we cast accurately, transparently and verifiably, then, quite simply, these politicians should not be our political representatives anymore.

A barcode also tells a machine what an item is. If you didn't know whether you put -- in your coffee this morning was sugar or rat poison, you wouldn't drink it [sic], and with the barcode voting system, that is exactly the situation it will give us.

Ed Setzler, Chairman of the House of Science and Technology Committee, an architect, assured the government affairs committee -- Barry, you were there -- quote, If there’s a discrepancy between the electronic information and a ballot, the manual tally ballot would be the preeminent expression of voter intention for official elections in this state, unquote.

However, how would we ever know that a discrepancy exists? This is more political maneuvering to ensure that
Georgia elections remain unverifiable. Setzler then stated, The paper is the ballot. Then why the hell do we need to force an entirely superfluous and ridiculously expensive step upon Georgians with these barcode voting machines?

Senator Bruce Thompson’s main comment was, quote, Don’t let the pursuit of greatness -- and this -- be derailed for the demand for perfect, unquote. There is no chance of this occurring since the only greatness achieved by this system is its level of unverifiability (ph) and the amount it sucks. As for perfect, this is a perfect scam against the citizens of Georgia.

Lastly, why would other elected officials -- machines -- want the voting machines that cannot be verifiable [sic]? Two words: job security. And, lastly, you have the brazen hypocrisy to name this commission SAFE, but I’d like to know safe for whom? Because it sure isn’t Georgia voters.


MS. ELSNER: Thank you.

REPRESENTATIVE FLEMING: Good -- good to have you.

MS. ELSNER: I’m from Clarke County, and -- and I want to be civil, but make it cheap, make it paper. It’s --
it’s the least expensive option. And everybody’s saying --
Hello, Mr. Lee. You’re the dude who says it’s
scientifically and computerized, the safest thing.

Georgia doesn't have the money to throw a whole -- you
know, an extra 100 million dollars into some machines that
y’all are sitting here listening that aren’t really going
to do the job. And you already know that your county
boards of elections, they don’t have the money to roll out
all kinds of extra training and -- and somehow upgrade
things and, all of a sudden, three -- four years from now,
it needs upgrading.

But Georgia simply doesn't have that kind of money.
They don't do that. They say, You are now mandated to
update your thing and it is now your financial
responsibility to do it, and this is what happens.

So I’m just saying I’ve listened to all of this. I
came in thinking, Okay, the paper ballot. It -- that's the
way it needs to go. You can afford that. You could even
tell the legislature, We selected the most economical,
trustworthy thing we could present to you. By jingo. We
saved you 100 million dollars right now. Thank you.

REPRESENTATIVE FLEMING: Thank you. Commission
members, we are going to take a 5-minute break and, at
about 2:30, I’m going to ask you to return promptly and
we’ll begin the discussion portion of our meeting and the
final portion. Okay? We’ll stand in recess for 5 minutes.

Thank you.

(A recess is taken from 2:25 p.m. to 2:35 p.m.)

REPRESENTATIVE FLEMING: Okay. As our commission members come back to the -- to the front, we will begin the final segment of our discussion today as -- as a panel.

I certainly do appreciate all of you coming today, and showing your interest here and -- and we had a very good public-input section of our meeting.

I would ask you, as you have done at every meeting and -- and have done today, I would appreciate your respecting the conversations here now as we have them at this table. I do want you to be able to hear and I do want everybody here at the table to be able to hear each other. So you may approve, you may disapprove, you may want to yell, you may want to clap and jump up and down when somebody makes a comment, but I’m going to ask you to please refrain from doing that. But you’ve done a good job so far, and I want to thank you for your public participation.

Members of the commission, I certainly do intend for this to be a free-flowing discussion as we move forward. There is an awful lot of expertise and experience at this table and we certainly want to tap into that.

As I mentioned when we started today, I think a good goal for us to think about would be the possibility of
having one more meeting before the legislature goes into session. The legislature starts relatively late this year as far as the scheduling normally goes. We don’t start until mid-January on the 14th. That’s the day that we’re all sworn in so we can then be sworn at, and the governor is inaugurated.

And so, we’ll have a couple of weeks before that. Not two full weeks, but I’m thinking probably that first week in January might be a time that we’re looking for a meeting. Although it has not been set in stone yet, I would think that that may be in Atlanta at the Capitol. There are some meeting rooms there that are very available and can accommodate people this size.

Folks will already be coming to Atlanta at that time period anyway. We will get back to you on that as we have every time we put one of these meetings together. Secretary Crittenden and I have had this discussion and agreed upon some of those general thoughts. We would certainly welcome your input on that as well.

However, what I think I’d like to do is I’d like to throw out maybe five or six questions and -- and just give you those all at once and then go back to the start and move through them so that you’ll know what’s coming in the discussion. Once again, not limiting any input that you would want to give on any of those, and I’m sure that I
will have -- we will have missed something. Madam Secretary and I, like I said, kind of put our heads together on some of these questions, but you feel free to jump in as -- as you will.

Some of the -- the -- the things though that I would like for us to cover -- and, of course, the goal being for us to be able to bring a recommendation back to this table, have a final discussion on that, whatever input we think we might need to have and -- and probably, ultimately, have a vote so that we, as a -- as a commission, could make a recommendation to the legislature.

And, of course, that's all it will be, is a recommendation. The four of us members of the legislature that have been here today will be four of 180 on the House side and 56 on the Senate side and, of course, the governor gets the final say-so because he has to sign the bill.

So all it is is going to be a recommendation, but I think the kind of input and discussion -- I know it’s been valuable to me to be able to go back to my colleagues, when we debate this and discuss this, as to how would be the best way to move forward.

Those questions that I’ve mentioned to throw out to you, to think about: Should Georgia put in place a new voting system? We -- we’ve taken for granted that, but I -- but I think we should at least pass through that
thought. Should the new system provide a paper-vote record when -- and when should we seek to have it in place?

Should Georgia remain a uniform state? And, of course, that term -- we've almost glossed over that because you’ve heard Secretary -- former Secretary of State earlier this morning, Kathy Cox, tell us that we were not at one time.

Whatever system we recommend, should the state include funding through a comprehensive education for voters, and county election officials and poll workers? I think that's an assumption that we make, but it would be good to hear from our election officials on how important that could be.

Should we be looking for a fully-integrated system? In other words, should we be looking to update electronic poll books, scanners, in addition to vote-casting devices if that’s the kind of system that we were to choose. In other words, top-to-bottom replacement of the whole system.

Of course, one of the most important questions that we have asked and has been focused on a lot: What should be the primary means of vote casting in the new system? Should it be primarily utilized ballot-marking devices or should it be hand-marked paper ballots? A lot of discussion has been here today on that.

Should Georgia require postelection audits? And, if we do that, how are we going to implement that given our
traditional timeframes for certifying elections? And when should that be done? What level should it -- at which should it be done? State board of elections, legislators writing it into code or not.

And -- and, finally, what other procedures in the election code and/or state election board rules should Georgia look at when we update this new system? We are going to have to open up the code section, as we refer in the legislature, on this issue.

And, while we have it open, what else should we do there? Have we learned lessons from several years of elections -- not just this past election -- for potential changes which we might be able to make? Just -- just some thoughts on my discussions with the Secretary of State as to the summary that we need to begin to work toward our discussions.

So, with those things in mind, now what I will do is I’m going to go back through and repeat those questions and invite you to begin this discussion, which I said I’m happy to be free-flowing.

The threshold question though that I mentioned initially: Should Georgia put in place a new voting system? Should the new voting system provide a paper-vote record of some sort and when should we seek to have them in place? Pretty -- pretty easy question; right? Comments?
I’ll open it to the floor. Senator?

SENATOR JACKSON: Mr. Chairman, if I may, I -- I think that we do need a new voting system. I think that a voting system should be in place by 2020. I think that we should have some sort of hand-marked paper ballot system but, even before then, I think we should have a -- a test run or a trial run in some local-election entity to make sure it actually works and -- and -- and how it works.

I think the test should not just be -- I think the test should be an actual municipal or local election to make sure before we implement a statewide system to see how it works and -- and -- and how it benefits us as a state.

REPRESENTATIVE FLEMING: Thank you, senator. Senator?

SENATOR STRICKLAND: As the other senator here, I would have to agree with my colleague. We sit on different sides of the aisle. What I hope is that we have a consensus with this commission that’s -- that’s nonpartisan and then hope, as someone said earlier today, that what the legislature does is also not partisan because it’s important that we all can trust what we come up with as a plan together.

I’ll say this: I don’t remember if -- for the first time I voted, I think it was with these systems. I think I’d be the only person that may have always voted with this same system my whole life. And so, I don’t share the lack
of trust that I’ve heard today, honestly. I’ve never doubted, when I handed my card, my vote was counted. Maybe it’s because it’s the only thing I’ve ever known.

But I can’t help but obviously note there is a lack of trust, and I think it’s important that we go to a system that has the ability to be audited. And how that -- what that looks like, I don’t know the answer; what that system looks like, I don’t know the answer.

But I think it’s important that we start, in my mind, with the idea of an audit because that helps us to gain that trust and regain that trust to have a system we all can believe in.

But I hope that -- the thing I’ve been most proud with this commission, in the middle of a very contentious election year, I love that we are a nonpartisan group that all have the exact same goal in mind, and that’s to make sure that we have a -- a safe, secure and trustworthy election process where every single person’s vote is counted.

REPRESENTATIVE FLEMING: Thank you, Senator. We caught the fact that you’re bragging that you’re young.

SENATOR STICKLAND: Yes, sir.

REPRESENTATIVE FLEMING: He didn’t tell us he was good-looking, but that’s coming later I bet. No, we -- we appreciate your comments. I think they’re dead on. Other
comments from the commission? Lynn?

MS. BAILEY: Thank you, Mr. Co-chair. Lynn Bailey out of Richmond County. I agree with what I’ve heard. I think Georgia does need a new system. The system that we have now is -- is -- without a doubt, has a lot of age on it. As local election officials, we’re finding it impossible to replace them without buying from a secondhand market from previously-owned units in other states and other jurisdictions around the country and that’s -- you know, it’s worked okay, but it’s not something that we can sustain or continue.

Based on what we’ve heard, I think as a community, over the last year, year and a half or so in particular, voter trust is something that we need to reestablish and I concur wholeheartedly that a good audit pre-election -- good testing pre-election and a postelection audit is the way to achieve that or at least it certainly sets us on the right path.

REPRESENTATIVE FLEMING: Okay. Other comments? Senator?

SENATOR JACKSON: Mr. Chairman --

REPRESENTATIVE FLEMING: Certainly.

SENATOR JACKSON: -- along with the comments, I -- and -- and -- and my colleague from -- from the Senate [sic], I think an audit should be pre-certified. I think that the
audit should be done before we certify the general
election.

JUDGE MCCOY: Absolutely.

MS. BOREN: Concur.

JUDGE MCCOY: Absolutely.

MS. BOREN: We agree.

REPRESENTATIVE FLEMING: So, along those lines -- very
-- very good point, you -- those of you who, back in the
counties, run these elections, tell me what that does to
the date you certify on?

Because here’s my -- here’s my -- there’s a pro and
con to everything you discuss, and there’s no doubt they’re
great ideas. If they didn’t have any cons to them, we’d
implement them all. But -- but there’s something to be
said for the fact that when the elections had it certified
fairly quickly, I think that’s a confidence-building thing.
The audit sounds like a great idea, but won’t it slow down
that certification and how much?

MS. BAILEY: Most certainly.

REPRESENTATIVE FLEMING: Yeah.

MS. BAILEY: You know, just -- if I may.

REPRESENTATIVE FLEMING: Please.

MS. BAILEY: Just with this election we had this past
November, just in our jurisdiction, we had nearly 300
provisional ballots to consider, and that’s important work.
It’s not something that needs to be rushed or hurried.

The audit would also be important work not to be rushed or hurried but to be done in an adequate amount of time. Now, it’s easy to sit here and say or contemplate that but, when you consider Georgia’s election schedule and the fact that we have runoffs just like we had this past November, a mere four weeks later, our window really is tight. And so, all of that needs to be taken into consideration.

I don't know exactly what the answer is, but -- and I've never been involved intimately with a postelection audit. I’ve -- I've read a lot about them; I know that they take time; I know that they can take as much time as you want them to depending on how far you want to go down that path.

But, you know, I would say we would need at least a three- or four-day window in addition to what we have now in order to accurately perform an audit that we can have any faith in. And, again, it depends on the parameters of it.

REPRESENTATIVE FLEMING: See, I like the sound of three or four days. I mean, I -- I worry about you -- you were going to say weeks.

JUDGE MCCOY: No.

MS. BAILEY: No. I think -- you know, right now, we
have, I guess, four working days to certify the election but that does build in a weekend which is good. So, if we had another four working days in addition to that, it’s -- it’s possible that we could get it done depending on how the audit is structured.

REPRESENTATIVE FLEMING: Okay. Yes, ma'am?

MS. WELCH: When we talk about after the election, what election officials do, there are three things that we have to do before we reach the certification process:

Number 1 is a reconciliation of the votes. Although we count votes on election night, the next day, we reconcile those votes; we reconcile the number of votes to the number of people that voted. We also have to account for those unused ballots. You know, you hear about ballots found in the trash and so forth -- we have to account for those unused ballots.

The second thing that we have going on is we are validating provisional ballots and, from there, we’re -- we’re still waiting on the UOCAVA ballots by that Friday. So if we now add auditing in, we have to talk about at what time, at what period that we do this auditing, because are we going to wait until we validated provisionals?

Are we going to also include the ballots -- military ballots that we receive on Friday? So does that auditing process start after that period? And, if that’s the case,
we’re definitely going to need four or five -- maybe six
days to do an audit. So it -- the law would need to be
very clear as to when we start the auditing process and
does that include all ballots.

REPRESENTATIVE FLEMING: I think -- I think those are
good points, and you mentioned something early in that that
made me think of what we refer to in -- in legal cases as
chain of custody.

When we go from a system like we have now to one where
paper could be involved, then who touches that paper and
when becomes extremely important in confidence of the
system, and we don’t really, I guess, have as much of a
focus on that now as we would need to if we change the type
system that we have to something that dealt with more
paper.

So I would think that, you know, some rules and
guidelines on the chain of custody of those ballots to keep
them from popping up out of a closet somewhere is exactly
something that would need to be focused on and thought
about as well. Judge?

JUDGE MCCOY: I just want to focus on what my
colleague in Rockdale County was saying because we were
obviously thinking on the same line. As she was saying
that, I had thought about the audits auditing what had
happened on election day and with what we had counted prior
to provisionals.

Because, generally, they are not thousands, and thousands and thousands of provisionals and UOCAVA ballots, and if -- I think we should consider the audit covering what we do through election night and at -- at that point, we know there's 200 -- 300 ballots and provisionals and we know how many we count at that point and then just review the figures to make sure that everything balances when we add the provisional in but the audit focus on what is done from election night prior -- all the way back to the start of voting.

REPRESENTATIVE FLEMING: Okay. Other thoughts?
SECRETARY CRITTENDEN: Can I add something?
REPRESENTATIVE FLEMING: Yes, Madam Secretary.
SECRETARY CRITTENDEN: Thank you.
REPRESENTATIVE FLEMING: I don’t think it stretches.
SECRETARY CRITTENDEN: That’s all right. I think --
REPRESENTATIVE FLEMING: Oh, hold on. There it goes, there it goes. (Provides microphone.)
SECRETARY CRITTENDEN: Oh, okay. I know we're going to talk about audits a little more later on, but I just wanted to make sure we’re also thinking about exactly which races we would be auditing and whether we would audit all of them each time and -- and how that would work, because that’s an additional amount of time to add.
Also, I believe when Kevin presented, he mentioned the possibility of having someone external come in and do the audits and whether they would be being done by the elections staff or whether we would have somebody external. And so, there's really a couple of different kinds of audits to think about as we're doing this.

With -- with the machines and -- and with the optical -- with the -- not the optical, but with the scanning of the audits -- of the ballots, there's a certain amount of auditing that can take place right there but then, if you want to do more in depth audits, you may want to consider having a third party come in to do that. So we just need to keep that in mind.

REPRESENTATIVE FLEMING: Mr. Russo?

MR. RUSSO: Yeah. Thank you, sir. You know, we’ve -- I think we’ve focused a lot on security and having a verifiable -- a verifiable voting system; I think that's important. I think the other half though that -- I heard at least one gentleman speak about, during public comment, use the phrase security and inclusion.

And, from my perspective, I think we’ll -- we’re not discussing what’s been left out of -- out of a number of the presentations was how -- how is a paper ballot -- will a paper-ballot system disenfranchise any particular groups of voters. And I think we need to be cognizant of that
because our -- our -- you know, we might be putting one
type of litigation aside by having the most secure voting
system out there, but we’re just inviting another -- other
types of lawsuits.

REPRESENTATIVE FLEMING: Because there are basically,
generally speaking, federal requirements for having that
access of a -- the most similar ballot possible for all
people, whether or not they’re -- they have disabilities or
not. Is that a general statement that’s correct?

MR. RUSSO: Well, I would say from both a disability
standpoint and, you know, any racial groups or, you know,
groups with -- that speak different languages, what have
you. I think that there are a number of different reasons
why a paper ballot could possibly have a discriminatory
impact on certain voters versus others.

And that is something, I think, that’s -- that -- that
we just need to be cognizant of because a 100-percent
secure voting system that has a disproportionate effect on
certain groups is not necessarily -- is not going to be the
best voting system for the state of Georgia. So I think we
need to keep that -- keep that in mind.

And -- and, you know, I don't think we’ve heard from
any -- any of the groups -- we have not heard from the
NAACP or any other groups that might have an interest in
that aspect of the -- of our review and the new system.
So -- and also, with regard to audits, I think that some -- some level of audit prior to certification is -- is fine, so long as it doesn't hold up the process. Obviously, getting absentee ballots out to voters if there's a runoff election and getting early voting started for runoff elections is extremely important and -- and, if that -- if that process doesn't start in a timely manner, we're just -- again, we're inviting additional litigation upon us.

You know, regarding whether an audit is going to make sure we have the -- the right person, the person who actually won, as the -- you know, determined, you know, there's still going to be a process for an election contest, and some of the audit -- you know, maybe a deeper-dive audit is something that could come out in an election contest if there are irregularities. I don't think the state's initial audit though needs to be the equivalent of an election-contest proceeding.

REPRESENTATIVE FLEMING: Thank you, Vincent. Yes, sir, Michael?

MR. JABLONSKI: In fact, following up on Vincent's comments, it seems to me that there are several different things that can trigger a level -- should be different things that trigger specific levels of auditing. One of which could be, if there is an election contest, one of the
remedies of that contest would be to allow the court to
order a deeper-dive audit.

But it -- it seems to me that most elections in the
state, there's no -- no real question as to the -- as to
the outcome. In those cases, there still should be an
audit but it doesn't need to be as big an audit or as deep
an audit as something that's relatively close.

REPRESENTATIVE FLEMING: When -- when you win by -- by
73 percent, there's a difference --

MR. JABLONSKI: Exactly.

REPRESENTATIVE FLEMING: -- than winning by, you know,
51.1 percent. Yeah, yeah.

JUDGE MCCOY: You know, we may --

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: We may want to think about -- now, under
current law for a recount, a candidate has to lose -- you
know, there has to be less than 1 percent, but there's also
discretion in the law for recounts and for challenges where
the elections superintendent, on their own motion, when
they suspect an irregularity, can call for these things.

And, you know, there may be some thought that we need
to put into -- to the auditing to leave some discretion
about the superintendent calling on particular races or
whatever where they've -- where there could be a
discrepancy or something.
REPRESENTATIVE FLEMING: Okay.

JUDGE MCCOY: And -- and, speaking of runoffs and the rush for the primary or whatever: For a runoff, seriously, maybe we need to reconsider our runoff laws in the state. You know, municipalities have the discretion to put in their charter that they don’t have runoffs. Some do and some don’t, but -- in our law for -- for city elections, the charter is what governs whether there has to be a runoff. And, personally, I really think we should review our laws on -- on runoffs.

REPRESENTATIVE FLEMING: Nancy?

MS. BOREN: Two things: What are we going to do if the audit shows that it doesn't match, and is there a margin of error that will be allowed and will that need to be determined? And then, secondly, I’m like Darin, I think runoffs need to be revisited. I -- I don’t know if rank-choice voting is anything that could ever happen in the state of Georgia, but there are other solutions other than a runoff and, perhaps, we should look at some of those other solutions.

DR. LEE: Mr. Chairman?

REPRESENTATIVE FLEMING: Dr. Lee?

DR. LEE: Can -- can someone explain to me what the pre-election audit means? Are we just certifying the system --
MS. BOREN: Pre-certification.

REPRESENTATIVE FLEMING: Who --

JUDGE MCCOY: Precertification.

SECRETARY CRITTENDEN: Precertification.

(Crosstalk.)

JUDGE MCCOY: Yes.

DR. LEE: What are we certifying?

MS. BOREN: The election.

JUDGE MCCOY: We’re certifying the election.

(Crosstalk.)

DR. LEE: But what I heard pre -- pre-election or precertification.

COMMISSION MEMBERS: (Collective.) Precertification.

REPRESENTATIVE FLEMING: Precertification.

JUDGE MCCOY: Yes. Before we certify, we conduct the audit.

DR. LEE: Yeah. So I just want to add one comment, that I don’t think we can audit anything if there’s no -- there’s no paper, so that everybody’s on the same page; right?

Because, when you go back to the system, if everything is kept -- kept on a computer, if the system has been hacked, the malware now can just go away and we won’t -- won’t be able to find any evidence whatsoever one way or the other; right? So it’s -- I want to make sure we
understand that if we’re doing one audit, we want to have a paper trail.

      REPRESENTATIVE FLEMING: Nancy?

      MS. BOREN: But you do have to test it prior to putting it in the field, and I think that’s what some of us are talking about with the pre-audit --

      DR. LEE: Okay.

      MS. BOREN: -- is that you test the equipment to ensure that it operates and functions as you -- as you intend it to do in the field. And perhaps that was the pre-audit that you heard that we have to do prior to the field.

      DR. LEE: Okay. All right.

      REPRESENTATIVE FLEMING: And, if it’s a electronic system like we have now, you test the machine; if it’s a paper-based system, you test the scanner, I would think --

      JUDGE MCCOY: Correct.

      REPRESENTATIVE FLEMING: -- for example.

      JUDGE MCCOY: That’s correct.

      REPRESENTATIVE FLEMING: Okay.

      MS. BOREN: We test everything.

      REPRESENTATIVE FLEMING: Right.

      JUDGE MCCOY: And -- and might I add that all of this is done in public and it’s publicly advertised, and --

      REPRESENTATIVE FLEMING: People can come watch, is
your point.

JUDGE MCCOY: Absolutely. And I don’t know whether everybody in my county just trusts me or -- but nobody shows up to these public things and then you hear these stories about the distrust and, you know, that makes you wonder if -- if -- if there's so much distrust, why are the people -- the voters not showing up to observe what we’re doing pre-election and postelection?

REPRESENTATIVE FLEMING: Okay. Madam Secretary?

SECRETARY CRITTENDEN: I had a question, Dr. Lee. Under -- I know there’s been a lot of discussion about ballot-marking devices, but I just want to clarify: With a ballot-marking device, there are systems that still produce a piece of paper; correct?

DR. LEE: Yes.

SECRETARY CRITTENDEN: And then the voter can look at the piece of paper and see if it accurately reflects how they voted --

AUDIENCE MEMBERS: No.

SECRETARY CRITTENDEN: -- and then that would be auditable. No?

DR. LEE: So --

SECRETARY CRITTENDEN: Because you said there are no papers --

DR. LEE: No, so -- so, I mean, I think you’re
correct. So I think if the ballot-marking devices print --
prints out a paper ballot. So -- so, in order for that to
be auditable, it depends on several conditions; right?

One is that it has to clearly print out every single
vote as the voter has -- has cast; right? And then we also
have to rely on the fact that the voter -- the voter also
has to verify every single vote on the paper ballot.

And so, to me, one of the major discomforts that I had
with this kind of solution is that there’s no proof,
there’s no sort of a study that suggests that the majority
of the voters would do that.

So that’s the major concern, is that -- the point is
that if the voter believes their printout does not really
accurately reflect the vote, what’s the point of auditing?
You could be auditing the wrong -- kind of wrong votes.

Because, you know, if the printout has been wrong, has
not been verified by voters, your audit doesn’t mean
anything. So that’s my main concern. I mean, so that’s
the major -- I mean, as -- as I said in my report, that’s
the major difference, is between paper hand-marked ballot
versus printout ballot.

Because, you know, a hand-marked ballot -- I mean, as
-- as -- as those of us who have taken a standardized test,
you -- you mark and you -- you verify and then you pass
basically, because you actually -- the -- the act of hand
forcing yourself to hand-mark forces you to verify, Hey, that's me, my vote.

So -- so that's really the subtle difference, but it's very critical. So my point is that, when you audit, you want to audit based on data that's already accurate. Otherwise, you'll -- your auditing result will not be accurate.

SECRETARY CRITTENDEN: Okay. Thank you.

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: If we provide the voter with a paper ballot of what they've done and they don't take the time to look at that and verify, there's really nothing we can do. That's the voter's responsibility. If we provide them with -- with a receipt or with paper as to what they've done and, if they don't want to take the time to do that and just drop it in the box, we -- we can't help that.

AUDIENCE MEMBERS: No, no, no.

REPRESENTATIVE FLEMING: All right. Hold -- hold on. Stop. Now, you've been pretty good so far, but I do -- I want to stress to you this is not the last meeting that we'll have; there will be other chances for public input, but I do not want to end up having to ask someone to leave this room.

So I'm going to ask you -- once again, this discussion that's taking place now is among the members on the panel,
and I'm going to ask you to be respectful toward their
discussion just like they listened to you when you had your
chance to talk and they didn’t interrupt you. Okay?

Nobody made catcalls, nobody hollered no on this panel
when you were having the discussion that you had with us,
so I want you -- to ask to have the same respect up here.
Okay? Thank you very much. John?

MR. MONDS: I want to make a comment on the lack of
certainty and -- versus distrust or -- the being a
difference. For example, just as a layperson, you know,
I’ve never really had confidence in the system that we have
right now.

And -- but I do -- I do trust my election officials,
you know, locally, and I think they do a wonderful job.
But there's just something about not having that -- that --
that paper, you know, trail after I vote that just makes me
question, you know, whether my vote is recorded accurately.

And -- and I think, from a lot of what we've heard,
there's a lot of people, you know, with that sentiment that
-- they're not necessarily saying that there's something
wrong, that it’s not being done, but it's just not really
feeling confident in knowing.

So I think, from what I have definitely learned, we do
need a new system. I -- I think we can concur on that, you
know. And -- and, what it entails definitely some type of
hand-marked paper ballot, and we spoke in a previous meeting about being able to accommodate those who are disabled and making sure, whatever the system is, has to -- to be able to accommodate everyone.

So, you know, what that entails, I guess we have to, you know, get in -- in the details of that, but a new system, hand-marked paper ballots -- and -- and then the audit process. It was very interesting, with the discussion that was had earlier about, you know, how do you go about and what level of audit do you include.

So, you know, there’s definitely more, I guess, information that I would need, you know, to try to find out -- we know that, you know, a large number of states are doing this type of audit, and then there’s some new things out there that states are trying and, you know, we just have to -- you know, personally, I have to look at that a little bit closer to say, Hey, you know, what -- what’s going to be best for Georgia?

REPRESENTATIVE FLEMING: The -- the other -- one of the questions that I -- I mentioned to you probably goes without saying that is needed, and that’s voter-education training and whatnot. I would envision that I certainly would make the argument to my colleagues in the legislature that there be a budget just like there was last time for whatever system that we go to for training.
If it is very similar to the current system, you obviously don't have as much voter education; if it's very different, you obviously have a whole lot more. Any kind of new system though, particularly for those of you who run elections, will require training of the people that work for you to -- to use that new system.

But maybe just a few comments on the importance of that component of whatever we do, the training and education, whether it be voters or workers. Thoughts? Lynn?

MS. BAILEY: Thank you, Mr. Co-chair. I -- you know, I said it earlier and I’ll -- I’ll stand by that comment: I think education is one of the most critical components to the whole thing, and we’re talking about implementing a system just prior to the beginning or at the beginning of a major presidential-election year which, no doubt, will be a very controversial election in the best of situations.

If we’re going to change voting systems in Georgia -- and it, you know, looks like we are -- we need to get out ahead of that. The presidential primary will be the first week in March of 2020 and, if it is our intention to roll out a statewide system to implement for that election, you know, we would need to get on that, I would think like November -- by November, which is when we’re talking about piloting.
And, you know, as we -- as we get within that two-month-or-so window prior to the election, that’s going to be more or less a blackout period for the election officials, because that’s when we’re in the trenches doing the other important work. So we need to have the education component fairly well buttoned up at that point.

But it does need to be well-funded; we’re going to need some help with it. You know, we’re -- we’re fortunate. In my jurisdiction, our League of Women Voters has re-banded after being disbanded for years and they’re very eager to help. I hope that that’s true across the other places in Georgia as well, that there are volunteer groups out there that are ready to help.

I know that it was federally funded in -- with the implementation of the system in 2002. But, no, I agree completely. It’s a very important part, it needs to be funded and it needs to be a part of any legislation or any report that we come up with.

JUDGE MCCOY: Agree.

REPRESENTATIVE FLEMING: John?

MR. MONDS: I think maintaining uniformity is important also. Dean Cox in -- in her presentation just talked about, you know, how it was like when -- when systems are different all over the place.

So, if you look at education, we have educating the
poll workers and then educating the voters and, with uniformity, if -- if a voter, you know, lived in south Georgia where I live and moved, you know, to north Georgia, you know, it wouldn’t -- we wouldn’t have to learn something new or do something different.

And the same thing with a poll worker. You know, if they were working in one precinct in one county and moved and they wanted to continue their service, they would have to relearn, you know, some different type of system. So I think uniformity is -- is definitely important.

REPRESENTATIVE FLEMING: And -- and, John, you touched directly on the third thing that I threw out there for us to talk about. Most of our conversations have made the assumption that uniformity -- we’re a uniform state now; we were not before the current system was rolled out, but that we would maintain this uniformity.

So it may be worth a -- a comment, or more or two on that one before we move past it. I will throw out one thing: You talked about different parts of the state and all using the same system. I’ve heard several times, from the Secretary of State’s staff, it’s so much easier for them to help when particularly smaller counties call with problems. Lynn, you’re surrounded by much smaller jurisdictions. I know they call you regularly for help.

MS. BAILEY: Well, it’s just as helpful for us --
REPRESENTATIVE FLEMING: Yeah.

MS. BAILEY: -- to feel like we can -- we can share procedures and processes. And, as John said, the voters -- there’s continuity where ever they move in the state for poll workers --

REPRESENTATIVE FLEMING: Well, and -- and -- and probably one of the best examples was the hurricane that hit southwest Georgia. I am told that -- that those jurisdictions reached out to some of the unaffected places and got help in all kind of ways and, because you’re all using the same machines, the same procedures, it was easy to help. Is that a fair statement?

JUDGE MCCOY: Exactly.

MS. BAILEY: Yes.

REPRESENTATIVE FLEMING: Okay.

JUDGE MCCOY: Prior to --

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: Prior to 2002, there was absolutely no way that there could be statewide poll-worker training or voter-education training because of the mixed systems that the state used prior to ’02.

REPRESENTATIVE FLEMING: Okay. Madam Secretary?

SECRETARY CRITTENDEN: Yeah, I think that’s going to be really key to -- to rolling out the system and being able to roll it out quickly, is -- is having the uniform
system because of the whole education piece which several of you mentioned already.

But it’s -- it’s -- in order for us, at the Secretary of State’s office, to be able to really assist and provide the necessary training, the system really has to be the same every place. And then that also recognizes that, when you go around the state, Georgia’s a large state and different areas have different resources. And -- and so, making sure that everything is consistent and the same, I -- I think adds to the integrity of the election itself, so thank you.

REPRESENTATIVE FLEMING: Okay. Yes, Michael?

MR. JABLONSKI: While we’re talking about uniformity, let me throw in another perspective, and that is for the people outside the system. I think Sara told you we deploy hundreds of poll watchers. There is no way you can train poll watchers if it was a different election in every county, and I think part of the integrity in the system is based upon the fact that it is uniform.

REPRESENTATIVE FLEMING: Okay. Good. I don’t think there’s much disagreement on that issue. Judge?

JUDGE MCCOY: Being we’re on the uniformity discussion, let me throw out that the municipalities were able to dodge the legislation, and the current legislation -- the current laws do not require the municipalities to --
to be uniform in their voting equipment. And that --
that's something that needs to be considered whenever we
go to rewrite the code.

REPRESENTATIVE FLEMING: And -- and -- and that might
be a good question. In our -- in our state structure,
counties are creatures of the state. There is a direct
connection there between the responsibility of the state
and the county and what is required.

Cities are a little different. They are created by
the legislature, but they are created specifically with the
idea of more independence in a lot of different ways.
Their terms can be different, when they have their
elections can be different, not having runoffs can be
different and they do have the ability to choose to use
different voting methods if they so desire.

I -- I do have a question, and maybe some folks in
our Secretary of State's office could shed light on this:
Most of the municipalities I am familiar with do contract
with their counties to use the voting machines so they are
using the same system. Is -- is that a true statement? I
think it's an overwhelming amount; isn't that true? It is
very few cities that do something different.

MR. HARVEY: I think --

REPRESENTATIVE FLEMING: Chris?

MR. HARVEY: I think it's -- a large number do. I
don’t know that it -- that I’d say it’s a super majority.

REPRESENTATIVE FLEMING: Okay.

MR. HARVEY: There’s still a number of cities that use their own staff and use paper or use something like that.

REPRESENTATIVE FLEMING: Right. Particularly, smaller cities with very small votes.

MR. HARVEY: (Nonverbal response.)

REPRESENTATIVE FLEMING: Yeah. Okay. All right.

JUDGE MCCOY: None of my four municipalities use the county equipment.

REPRESENTATIVE FLEMING: Okay.

JUDGE MCCOY: And -- and the main reason is cost.

REPRESENTATIVE FLEMING: Cost, because the county requires them to be reimbursed for the use of that equipment?

JUDGE MCCOY: Well, no -- no, there’s no charge for the use of the equipment, but the cost is -- is much greater when you consider the programming of the DREs and the optical-scan units. The printing of the optical-scan ballots compared to the printing of regular paper ballots and just ballot strips for machines.

REPRESENTATIVE FLEMING: Early voting and absentee issue then is what that sounds like. Yeah, not day of or early in person. Yeah. Okay.

JUDGE MCCOY: Because, I mean, they basically vote on
hand-counted paper ballots that are counted by people --

REPRESENTATIVE FLEMING: Yeah.

JUDGE MCCOY: -- for early voting and -- have a team counting ballots and then let the other team count behind them and see if the numbers were the same.

REPRESENTATIVE FLEMING: Yeah. Most folks don’t realize, but we have somewhere at 4 to 500 cities in Georgia, many of them very small. And -- and so, has that been a problem in your county with those cities doing that?

JUDGE MCCOY: (Nonverbal response.)

REPRESENTATIVE FLEMING: They -- they’ve done fine.

JUDGE MCCOY: They -- they've done fine. Now, they contract with me to be the supervisor over their old equipment.

REPRESENTATIVE FLEMING: So they can blame you if something goes wrong?

JUDGE MCCOY: Exactly.

REPRESENTATIVE FLEMING: Okay. All right.

JUDGE MCCOY: But, I mean, I have two cities that only have 100 registered voters each.

REPRESENTATIVE FLEMING: Yeah.

JUDGE MCCOY: So...

REPRESENTATIVE FLEMING: Good. All right. The -- one of the other things that I threw out there early on I’ll bring to your attention now. I asked the question: Should
we be looking for a fully-integrated system? In other words, should we be looking to update electronic poll books and scanners in addition to vote-casting devices?

In other words, when -- when the layperson thinks quite often of voting, they think of the machine they go touch now or they -- the absentee vote -- the ballot they fill out, but there's a bunch of other things that go into making that system work. When they walk in there and I say, I’m Barry Fleming, they have to look up and see am I in the right place, and that means me being registered.

So comments on other parts of the system besides that machine, quote, unquote, that needs to be replaced. Judge?

JUDGE MCCOY: I am very much for the electronic -- the Express Poll like what we use today.

REPRESENTATIVE FLEMING: Flesh that out for -- for -- for us.

JUDGE MCCOY: The Express Poll is -- is the term for our electronic poll book, and --

REPRESENTATIVE FLEMING: When -- when I walk in there, that’s where my name is --

JUDGE MCCOY: That’s where --

REPRESENTATIVE FLEMING: -- to know I’m in the right place.

JUDGE MCCOY: -- where your card is encoded and a full-time county registrar’s work is -- is what is shown in
that poll book, not a part-time temporary poll worker. And
that person registers you to vote -- that works at the
courthouse every day -- determines what district you live
in for legislative purposes, for county commission, for
school board and you are programmed into that poll book so
you are given the correct ballot.

That's what the yellow card is -- you're handed. That
card tells the machine which ballots you use. That is the
only data that is used on that yellow card, is for the
machine to give you the correct ballot. And I -- I am very
much for some sort of system similar to that to continue.

REPRESENTATIVE FLEMING: How about the scanners that
we currently use? No matter what system we go to, even if
it's similar to the current one, the scanners that we use
now are a little dated -- are they?

MS. BAILEY: Well, they --

REPRESENTATIVE FLEMING: Lynn?

MS. BAILEY: -- seem to be working fine, quite
frankly. They're just a --

REPRESENTATIVE FLEMING: Okay.

MS. BAILEY: -- barcode scanner. And you're talking
about the little handheld barcode scanner that sits up
beside the poll book that scans the driver's license? Is
that what you're talking about?

REPRESENTATIVE FLEMING: Tell -- tell me about that.
MS. BAILEY: Well, it’s a -- it’s just an attachment, a critical attachment to the electronic poll book.

REPRESENTATIVE FLEMING: Okay.

MS. BAILEY: But, you know, that scanner, there’s nothing particularly sophisticated about it; it’s a barcode reader, but it does read the barcode on a Georgia driver’s license, and the benefit of that is it helps the voters very accurately get the right voter their proper ballot rather than having to depend on the manual list, as judge said.

So, you know, back in the day, before we had the electronic poll books, which were not all that long ago, you know, I’m sure many of us sat there and were tortured by poll workers looking down the list when we could see upside down where our name was. So that’s an important -- an important thing to keep included in the system.

Another important aspect of it, in my opinion, is to have -- is to make sure that our system continues to communicate with the election-night reporting system so we can facilitate efficient and quick election results. Right now, those -- those systems all talk amongst each other; they communicate with each other.

They’re separate. You know, we -- we take information from the tabulation system to the election-night reporting system. It's done in a secure manner. There is an air gap
there, so there's no direct connection between the server
that tabulates votes and the server that releases votes.
They’re two different -- two different pieces of equipment,
and that should certainly stay in place as well.

REPRESENTATIVE FLEMING: Michael?

MR. JABLONSKI: I want to point out that the state is
required to maintain a centralized database of everybody
who’s registered to vote because that is a requirement when
there’s a federal candidate on the -- on the ballot
pursuant to the Help America Vote Act. And that’s why we
-- we moved away from the paper system onto the electronic
express vote system. I don’t think we can do away with
that.

REPRESENTATIVE FLEMING: Okay. Judge?

JUDGE MCCOY: Just as important with -- with this
system is the system determines the right ballot for the
voter --

MR. JABLONSKI: Right.

JUDGE MCCOY: -- and you remove the high percentage of
human error of that poll worker, who’s part time who
doesn’t work very often, of giving the voter the wrong
ballot.

REPRESENTATIVE FLEMING: Michael?

MR. JABLONSKI: The problem with the database has been
that there are a lot of people -- a lot of voters we’ve
encountered, particularly in the last election, who -- you know, they were issued a precinct card and were told on the system that they were entitled to vote but then, when they actually showed up, they could not be found.

Frankly, I don't know how that could happen, and that’s something somebody is going to have to look into actually fairly quickly. But that -- the fact that there is that problem means that maybe there -- you know, there should be greater reliance on a paper backup system or some way to immediately appeal any failure to appear on the --

REPRESENTATIVE FLEMING: So -- so if the state does go out for an RFP on a -- on a -- some sort of new system, all of these things -- security requirements, how these systems are going to work with one another, how do you patch them, how do you update them going forward, regular testing of them, the encryption that goes on between these systems -- all of these things have to be taken into account, I would think, when we go out there to any vendor for any type of new system to say, How is this all going to work together.

Doctor -- well, hold on a second. Senator Jackson and then I’ll come back to Dr. Lee.

SENATOR JACKSON: Mr. Chairman, I’d just like to make a comment about the voting ID system. Currently, we mostly assume that everybody gives a driver’s license, you know, so it certifies who you are. There are a number of people
who don’t drive and that require a ID card and, usually, it’s a state-issued ID card.

I think that we should consider that we, somehow, disenfranchise a number of voters because that ID card you go to the driver’s license places to get, costs $30 and I think some people may be disenfranchised to pay $30 to get a ID card.

REPRESENTATIVE FLEMING: The voting ID is free.

(Crosstalk.)

REPRESENTATIVE FLEMING: It’s free.

SENATOR JACKSON: It’s free?

MS. BOREN: Yes.

JUDGE MCCOY: There is legislation where they can go to the voter-registration office and be provided a voter ID card for purposes of voting at no charge.

SENATOR JACKSON: At no charge. Okay.

JUDGE MCCOY: Right, correct.

SENATOR JACKSON: All right. Thank you.

MS. BOREN: There’s also a state election board rule that provides if a person signs that they are indigent or cannot afford the ID card from the Georgia State Department of Driver Services, but they can get for voting purposes -- they can also get that one free.

SENATOR JACKSON: Okay. I had some complaints --

MS. BOREN: It’s an opportunity that --
SENATOR JACKSON: -- that -- that they -- they didn't want to vote because they had to pay $30. Okay. Thank you.

REPRESENTATIVE FLEMING: Dr. Lee?

DR. LEE: So --

JUDGE MCCOY: We can work that in the education part.

DR. LEE: So I don’t know -- I don’t know if we need the new system for the voter registration and the poll book because my experience of checking myself online or going to polling stations seem to be working fine, but I -- I just want to say that --

REPRESENTATIVE FLEMING: You know how to work that computer, I bet.

DR. LEE: Yes. But -- but I want to make sure that, you know, if we don’t have it already, I think we should recommend to the legislature that we need to have a line-item budget to maintain the cyber security and reliability of these systems because we have heard reports about, you know, these systems may not be as secure as -- as they should be, so...

REPRESENTATIVE FLEMING: The -- the funding is an annual thing because of all of the changes that occur regularly. Yeah, I think that’s what you were saying basically. Yeah.

SENATOR STRICKLAND: Mr. Co-chair, do we --
REPRESENTATIVE FLEMING: Absolutely.

SENATOR STRICKLAND: Do we have any idea about what the cost of new poll books would be? I don’t think those poll books are very -- very old. The scanners --

REPRESENTATIVE FLEMING: It -- now -- now, y’all correct me if I’m mistaken. When we have talked to different vendors about all sorts of systems, when we’ve asked them for potential costs, we will be asking them for an integrated system; right? It’s -- it’s top to bottom; right? Is that correct? So -- so -- yes, go ahead, Kevin.

MR. RAYBURN: So, from the RFI responses we received, the range for like one single poll book was 900 to maybe $1300. So you’ve got to figure out how many you need. It might be, you know, about -- it could be a 10 million dollar procurement to get, statewide, new poll books.

MR. RUSSO: We have, what, about 3500 precincts?

MR. RAYBURN: I think we have about 23 -- 2300 precincts.

MR. HARVEY: And at least two per precinct, so about 7,000.

REPRESENTATIVE FLEMING: Okay. But -- but what Brian and I were discussing is, if we get a new system, then those new poll books will have to come with it. So it could be inside the cost of the whole system but, certainly, a significant component of it. Judge?
JUDGE MCCOY: And, Mr. Chairman, that was included in our information from the vendors. Some vendors can provide us with the poll book and the voting equipment and then some vendors -- we would have to deal with two vendors depending on who -- who we choose. Some had it all; some, we may have to deal with more than one vendor, but the specs were all included in -- into the information we were presented.

REPRESENTATIVE FLEMING: The -- one of the other things that we spent a lot of time talking about was audits, and it seems to me a consensus -- and I’m -- I’m quickly to be corrected by you if I’m wrong that -- that an audit is a good thing; it just depends on -- the devil’s in the details. How often, when, where and can it be done in such a fashion that it’s meaningful because you could actually do it in a timely fashion. Thoughts on audits in the discussions that we’ve had? Lynn?

MS. BAILEY: Just a quick thought. The point was not lost on me earlier when someone said that Georgia needs to define its own audit and not to make the legislation so restricted that we can't have it be an evolving system.

We heard earlier -- and I’m -- I’m going to use Colorado again as an example. It took Colorado 10 years to get to where they are now through an evolving process that
involved assessment, and testing and input from all kinds of individuals to get to the point where they are now, and I would expect the same could be true for the state of Georgia.

I think, you know, we also, as I said earlier, need to be very mindful of the fact that Georgia is -- is a precinct-count based system, meaning we’re not collecting all of the ballots at one location to scan them through. They’re being scanned at 2300 locations around the state at the same time.

REPRESENTATIVE FLEMING: I watched with interest Arizona in the last elections and it -- a week later, they were still telling us that somebody had pulled ahead and somebody was behind --

MS. BAILEY: Because --

REPRESENTATIVE FLEMING: -- because batches of things came in from the counties and were all being counted, it seemed like, in once place. Is that...?

MS. BAILEY: Well, I -- I can’t speak to Arizona.

REPRESENTATIVE FLEMING: Yeah.

MS. BAILEY: I’m not familiar with that. But, you know, there are -- there are states out there that are all-mail jurisdictions, and the ballots come into one central --

REPRESENTATIVE FLEMING: M-A-I-L --
MS. BAILEY: -- location --

REPRESENTATIVE FLEMING: -- mail, right?

MS. BAILEY: Yes, yes.

REPRESENTATIVE FLEMING: I knew what you were talking about. Yeah.

MS. BAILEY: So we just need to be mindful of that as we -- as we contemplate legislation. There’s no doubt that we need it; we just need to figure out what’s going to work best for Georgia and not let the legislation drive that, but let us figure out a way that’s going to work for Georgia.

REPRESENTATIVE FLEMING: Judge?

JUDGE MCCOY: I think it was said earlier that the legislation could require an audit and leave the particulars on when and how the audit was conducted to the state election board to put into rules, and -- and that may be the -- the best move to require it and then not have to pass legislation every time, wait a year to change it.

REPRESENTATIVE FLEMING: I'm sure my senators can -- can weigh in here, but that is something that we struggle to deal with, contemplate, all of the time at the legislative level: How specific do we get in the code with the instructions that we give to whoever we’re regulating at that time?

And -- and the goal is to be specific enough to
accomplish the task, but not so specific that you
micromanage it into difficulty. And where that line is, is
always a hard thing for us to decide, but it’s a very
important part. Judge?

JUDGE MCCOY: My office deals with vital records also,
and a lot of the legislation that is geared toward vital
records refers to as rules passed by DPH. And -- and you
-- that’s just something that we need to consider, maybe
look at, to model.

REPRESENTATIVE FLEMING: We’ve talked about -- focused
on a lot of discussions here about the machine, or the
paper or the -- the books and whatnot but, as was given to
us -- touched on with the -- with the update on the legal
aspect of it, several of the -- the lawsuits that pop up
that we want to try to avoid as much as possible going
forward, deal with other things.

Are there other things in our election process that
we’re going to need to update when we do this somewhat
major overhaul of the election system besides just talking
about machines and audits? Dr. Lee?

DR. LEE: So I’m trying to discuss something outside
of my comfort zone and say something that may be completely
-- doesn't make any sense, so --

REPRESENTATIVE FLEMING: You would be qualified to be
in the legislature if you did that.
DR. LEE: So -- so, I mean, hearing some of the concerns from the county election directors saying that, when we move to a new system, their concern is that their costs is going to go up. So I just don't know whether, you know, the state would reconsider the funding model.

Like, for example, we go -- go into a -- a particular uniform system, can the state essentially fund everything? Like, for example, the county has been saying that, Okay, they have to pay the cost of paper. I don’t know how much paper costs but, suppose it be -- I don’t know, tens of millions of dollars, I doubt it, but can the -- can the state actually fund it instead of having to burden the counties individually to -- to fund some of these operations?

REPRESENTATIVE FLEMING: When my -- when my -- my son is now 17 but, when he was -- I don’t know -- five, you know, we -- we started trying to teach him how to manage money and we gave him some money that he could spend how he wanted to. And every time we went near McDonald’s, he wanted to get a Happy Meal. And, when I started making him pay the difference in the cost of the Happy Meal versus just a hamburger and fries, he stopped wanting the Happy Meal quite as much because, now, he was spending his money.

So one of the things that we struggle with at the state level is that, quite often, the people who are having
to raise the taxes are best at making sure the money is spent wisely.

So this relationship between the state and the county on many levels, not just voting, where we require the counties to have skin in the game because they fund part of it, quite often results in a second watchdog making sure the taxpayers' fund are spent wisely because those commissioners will holler loudly to you when you require them to do something that doesn't make sense in their jurisdiction.

So I hear what you're saying and -- but that is the tension that we constantly deal with, this idea that good government quite often is the government that's most local to you, and we have to have some uniformity to make the system work, but we also want the local input.

And, when the commissioners have to, in their county, fund the board of elections, I think we probably get a lot more feedback on different ways to build better mousetraps. So it's -- it's a balancing act with many things. It's not so simple that just the state pay for everything.

Nancy?

MS. BOREN: And just a little bit of an example of expense, since you brought it up: We went to ballot-on-demand printing about six years ago, so we print them on demand. But, in a primary, our typical ballot cost -- and
this is just for mail out, and absentee and provisional ballots -- is about $25,000 per primary. The reason it’s so expensive for our primaries, you have to have republican, democratic and non-partisan ballots.

REPRESENTATIVE FLEMING: Three ballots.

MS. BOREN: Correct. And you’re supposed to have a ballot in each precinct for whatever a voter may choose since we don’t register by party in Georgia.

So a primary was extremely expensive for us. When we went to ballot-on-demand, we reduced our ballot cost -- again, just for absentees, and provisionals and challenge -- from 25,000 to about 3 or $4,000 in that first primary. So it was a huge savings for us to go to ballot on demand in a primary. So I can only imagine, if we were printing ballots for the entire election to be a paper election, how expensive that would be unless we have some kind of ballot-on-demand component --

JUDGE MCCOY: What --

MS. BOREN: -- especially in the primary.

JUDGE MCCOY: What was the cost of the equipment --

the ballot-on-demand equipment?

MS. BOREN: The ballot-on-demand equipment was $25,000, but we saved it in that first year in a primary. We implemented it in a primary and our net expense, based on previous years’ expenses from primary printing, it was
equal. And, now, all we’ve done is save money.

JUDGE MCCOY: Exactly.

REPRESENTATIVE FLEMING: Ms. Bailey?

MS. BAILEY: I’m just piggybacking on Nancy’s comments. We’ve had a very similar experience with ballot on demand. It -- it really kept us from having to print so many -- so many unneeded ballots.

But the one thing that this group should think about and just chew on between now and the next time we meet, is advanced voting and how we can successfully administer making sure that voters get their correct ballot.

Just in Richmond County -- and we’re a medium-sized county -- we have 68 different precincts in -- in our county. You times that times three in a primary and you’ve got 200 or so ballot styles out there, and we’re depended upon, right now, not having ballot -- if we didn't have ballot on demand, we would be depended upon poll workers to dig through thousands of ballots, pick the right one for each and every one of the thousands and thousands that come through. I see that as being a big problem.

Using ballot-marking devices would, of course, alleviate that because you would have an electronic ballot on some type of an access card that would bring up the right ballot every time.

Even if we had ballot on demand, we would have to
ensure that it did more than just print a ballot. It would
almost need to have the voter’s name on a detachable stub
or some -- some way that you could be assured that the
voter was going to get their correct ballot, and that’s --
I think that’s something we need to give a lot of thought
to.

Coming from a county that formerly administered punch
card back in the day, I know. Even in -- on a -- even on
election day when you may only have three ballot styles and
even those they’re color-coded by party, still, poll
workers are -- I mean, I can’t say it was an overriding
problem, but it happened even in the most -- in a situation
where you couldn’t conceive that somebody could make a
mistake like that, it’s still made.

And, certainly, if they’re digging through generic
pieces of paper that are all the same size, and the only
differential between any of them is a small, little code
that’s down at the bottom of the card, it’s fraught for
mistakes.

REPRESENTATIVE FLEMING: Some of the issues that we
heard after the election, absentee-ballot processing,
provisional-ballot processing. Things that we heard before
and after the session that the -- the HAVA match system;
all of these were things that -- that brought controversy
and, sometimes, lawsuits.
And -- and the -- you know, what could be or may be done to try to eliminate some of those problems going forward to the extent that they could be, I think is also something that -- that we should -- we should think about.

Madam Secretary?

SECRETARY CRITTENDEN: Yes. Thank you. I know our discussion today has -- has centered very much about the equipment, but we’ve had a lot of discussion on some other issues as well. And whatever is chosen, how -- whatever way we go, they’ll need to be some changes in terms of the code and SEB procedures and things.

So with the commission’s okay, I’d like our team, as we’re working on putting these recommendations together, to also take a look at some of the law changes that are necessary while, at the same time, addressing some of what you were mentioning in terms of some areas that we had some issues with -- with the recounts, with the absentee ballots -- making sure that we’re staying compliant with federal laws, we’re looking at things -- all of those kinds of things that need to go into this and we can take a look at it when we meet again and look at the recommendation so that we’re looking at everything.

REPRESENTATIVE FLEMING: Okay. Judge?

JUDGE MCCOY: Mr. Chairman, just food for thought:

There -- it’s a house or a senate race had been ordered
REPRESENTATIVE FLEMING: Two votes separate out of 7,000 or something.

SECRETARY CRITTENDEN: Uh-huh.

JUDGE MCCOY: And there were voters that were given the wrong ballot that could have made the difference in the outcome and, because the voters were given the wrong ballot, that whole house race is about to be re-held.

REPRESENTATIVE FLEMING: Right. And it was -- okay. You're talking about -- it was re-held.

JUDGE MCCOY: It was?

REPRESENTATIVE FLEMING: And now there's two votes' -- (Crosstalk.)

REPRESENTATIVE FLEMING: -- difference between the two.

JUDGE MCCOY: Oh, wow.

REPRESENTATIVE FLEMING: And now -- and there are additional, now, talk about people having been given the wrong ballot.

JUDGE MCCOY: So it may have to be re-held again.

REPRESENTATIVE FLEMING: We don't -- we -- we don't -- we don't know. We don't know.

JUDGE MCCOY: These are the things that we lay awake at night worrying about --

REPRESENTATIVE FLEMING: Right. Absolutely.
JUDGE MCCOY: -- and that’s why we speak of them.

REPRESENTATIVE FLEMING: Of course, the -- the last question that I’ll -- I’ll focus us back along, which is one of the ones I brought out earlier: What should the primary means of vote casting in the new system be? Should it be primary ballot-marking devices or should it be hand-marked paper ballots?

Most of the discussion amongst the public particularly that have participated and -- has been on that -- that central issue that affects many of the other questions that we’re talking about. Your thoughts on that big question?

MS. ROSS: Can I start with a question?

REPRESENTATIVE FLEMING: Absolutely, Ms. Ross.

MS. ROSS: How long do we anticipate this change that the General Assembly approves, let’s say, presumably, next session? How long do we envision using the system that we decide upon?

REPRESENTATIVE FLEMING: Very -- very good question. I mean, obviously, the system that was used before the current one evolved from paper ballots, to punch hanging chads, to -- to optical scans, to lever machines in there. This system’s been in place now since the 2002 --

JUDGE MCCOY: 16 years.

REPRESENTATIVE FLEMING: 16 years, so hard -- hard to say. Technology’s changing faster than it used to.
MS. ROSS: Because when we think about the future and disenfranchising voters -- potential voters, I mean, if it -- it lasts as long as the current system that we have, that means a child born two years from now will be voting on a system that we decide on today.

And that is -- not expressing an opinion one way or the other on paper versus machines, and I understand the cyber-security angle, but we do -- we must balance security with disenfranchising citizens and I don't know a single child -- so we’re talking about children. Children today will be using the system that we are deciding upon.

Who -- who uses paper? I mean, they take all of their tests on computers. Our little toddler already knows how to use an iPad or an iPhone, and I’m not saying one way or another. I just think we need to consider that if this system is going to last as long as the last system has lasted us. We’re talking 16 to 18 years. I think we need to maximize the flexibility, and that’s why I was asking Dean Cox, you know, what is your biggest regret.

I think if we can envision -- and we may be looking for a unicorn, but we need to envision flexibility for our future because the majority of the voters, if this system lasts around 16 -- 18 years, will be young people who vote very differently, take tests very differently, do things very differently than most of the people in this room.
REPRESENTATIVE FLEMING: Okay.

MR. RUSSO: Yeah, I’ll --

REPRESENTATIVE FLEMING: Counsel?

MR. RUSSO: I’ll add just a comment. You know, for -- we -- we obviously have a lot of folks here that do not trust electronic voting systems. I hear from -- from people all of the time that say, If I had to put it on paper, I would not trust that system.

So I think we’re going to get -- there’s always going to be someone out there who’s not going to necessarily trust the system we’re looking at, which is why it is -- or, excuse me, the system that we’re voting on. So -- so that’s why there’s an important balance here.

And I do think, you know, between the -- the administration of the election, for election officials, but also the -- the voter experience -- and, you know, at -- at the end of the day, we do have a difficult decision here to make in terms of what we’re recommending, but I think we also just have to keep in mind that there’s not going to be a perfect system.

REPRESENTATIVE FLEMING: Dr. Lee?

DR. LEE: So I just want to say that the -- I mean, the system that I recommended, as I documented in the -- in the report I sent around -- so -- so it was, as you can see, a consensus from the computer scientists and cyber-
security experts that hand-marked paper ballot, you know, is the best available approach right now.

And I also want to say that I didn’t -- I didn’t take that at wholesale value when it was assigned to -- when I was asked to serve on this commission. I actually took my time to actually digest the study and talked to a lot of computer scientists and cyber-security experts to arrive -- to arrive at the same conclusion; right?

So what I’m saying is that, from a cyber-security point of view, that’s the best available solution. Now, if you say we don’t want that, we want to justify why; right? Justify and answer the concerns from the citizens. So that’s -- so that’s my -- my number one comment.

I think the second one, I think I -- I echo what Sheila just said, is that I don't think we should -- with any solution, even the solution that I had recommended, I don’t think we should have to find a solution and then use it for the next 15 -- 20 years because that would be several generations of -- several lifetimes of computer technologies.

I really think that we should -- we should have this ongoing basis every couple of years to review what’s available, and what has been working for us, and what needs to be improved and then have a new round of selection of new systems.
So that may add prudence to -- to us, but I think that’s a cost that we should -- we should take. I mean -- in fact, in the -- in IT -- you know, and anybody who was in IT will tell you that not very rarely do we buy -- actually sign a contract to buy a system. It’s all based on leasing; right? Subscription.

I think that’s something that we should also consider, you know, maybe work with the legislation process and, say, instead of buying something and spending 150 million dollars -- when you spend that much money, you are -- you are more inclined to get stuck with it; right?

Whereas, if we say, Hey, we’re going to spend a little bit of money, just lease it, and then, a couple of years later, maybe the consideration -- all of the factors will change, our calculators would change, and then say, You know what? Let’s select something that’s a little bit -- a little bit better. So that would be my -- my second comment.

REPRESENTATIVE FLEMING: I think that the leasing thought is a good one. The -- the complexity of doing anything with the government is the limitations upon our flexibility to be flexible.

And -- and when we make, quite often, large purchases at the state level, we bond them and we could easily, with the senators’ help, do away with the requirement that --
that we not lease something when we bond it at the state level.

But there’s a bigger, more complicated picture involved in that Georgia has one of the best bond ratings in the nation. In other words, when we have to borrow money to build roads, and bridges and -- and whatnot for taxpayers, we get an incredibly good rate because we follow the best practices of bonding.

And the best practices of bonding in the nation, to oversimplify it, is -- is that you don’t bond things, you lease. And so -- and so, that’s one of the things that we’d have to -- we need to be thinking about. Because, I agree with you, this concept of leasing is very -- I’ve leased vehicles before for -- for some of the reasons that you’ve just discussed, so -- Dr. Lee?

DR. LEE: So then a follow up. So, I mean, if leasing is not a viable option, you know, particularly speaking, then I think we should really just go with the safest -- safest solution possible because we cannot afford to have -- to -- you know, we should should err on the safe side; right?

You know, even if we have a solution that we’re going to get stuck with the next 20 years, I want the most secure solution possible because there’s no way out.

You know, what if, five years from now, there was a
actual hack that actually results -- you know, now it’s actually proved that somebody hacked the system and then the outcome of the election is changed, then what do we do? You -- we’re stuck with this 150 million dollars system that we cannot back out, then we’re screwed for the next 10 years.

I -- I don’t think we should restrain ourselves in that situation; right? So, bottom line, either we go with the best solution possible that we know from the consensus of the -- of the computer scientists or we lease so that we can back out in a couple of years.

REPRESENTATIVE FLEMING: Other thoughts on paper, and machines and differences? Lynn?

MS. BAILEY: I have a quick thought, and I would like to go to advanced voting real fast. Yeah, I’ve talked about the need or the concern about inaccurate ballot styles being deployed and talked about using ballot-marking devices at a minimum, at least for that part of the process, to ensure an accurate ballot is issued.

We know that every precinct in the state of Georgia, by law and rightly so, would be equipped with a ballot-marking device to accommodate voters with disabilities. The way the ballot-marking devices work are different from the equipment that we have now.

The ballot-marking devices that are engineered and
produced now don't record votes. They're just a blank slate. They put the ballot up there, you mark it, it prints something -- whether that’s a ballot or a -- or a sheet of paper, whatever it is, it prints something and it doesn’t retain any votes.

And so, those same machines that we’ve used for election day that we’re required to have anyway, we could easily use during advanced voting and then deploy them on election day, and that would be a way to use that equipment in multiple ways -- that very expensive equipment in multiple ways.

So, as I look down the options, you know, Option 3 has an appeal to me, Option 3 being using ballot-marking devices during advanced voting with paper being used for mail ballots, of course; provisional ballots, of course, and possibly even on election day. But for those voters who may not like to vote using paper on election day, give them the option of using the ballot-marking device if they would like to do that.

We heard from disability groups earlier that they had a concern of their privacy of their vote. If you have -- if the only person who uses a ballot-marking device-marked ballot is a disabled or sight-impaired voter, and that’s the only ballot then in that ballot box that looks like that, then, you know, they’ve lost a degree of privacy with
that. And so, you would want multiple votes in the box that looked -- with -- you know, that looked different so that one doesn’t stand out among the others.

REPRESENTATIVE FLEMING: Cynthia?

MS. WELCH: Thank you. As -- as being one of the -- well, the only county that has tested and piloted a ballot-marking system in Rockdale -- we did it for the City of Conyers. Although it was a small city election, we also elected to allow those voters that did not reside in the city, we -- we set up demo units for them to also test out the system, so it was a demo ballot.

And I can tell you that the feedback that I received from the voters, the feedback that I received from the poll workers, the feedback that I received from my staff, all loved the system. The only drawback that we had, in which we have already heard, is about the barcode that's on the ballot. The voter actually made their choice on a ballot-marking system which did not record anything on the ballot-marking system.

It just electronically marked their ballot. It fed the ballot -- marked ballot back to the voter. The voter was able to verify the ballot. If they did not vote for a race, it -- it indicated no selection. So, if the voter wanted to go back and vote for a particular race, they could get a new ballot and go back and vote for the race.
The tabulation side was really, really easy. We were -- we was really nervous about the tabulation side because that was our responsibility, but it was such a easy transition for us. This was a system that was able to be used by any voter -- a blind voter, a person that could not read, as well as a regular voter.

So if you ask me what my vote would be today, I would like to see us move to a ballot-marking system, but -- and it -- and it actually was a voter-verifiable paper receipt that they received. The difference is it had the barcodes on it which, I believe, that’s what the talk is, about them.

I’m not sure if that’s something that can change -- that the vendors would change. However, in the testing that we did with the system prior to using the system for early voting on election day, we tested that system and the results came out just as we intended those test results to come out. So on -- on election day and for early voting, we felt comfortable with the results.

We talk about cyber security of the system. This is a system, again, that has no connection whatsoever to the Internet. We were still able to use poll books; we were still able to use a lot of the equipment -- as the -- the Express Polls that we have now, we was able to actually use those with this system. So I think, for me, I would like
to see us move to a ballot-marking system where all voters
would use the same system.

REPRESENTATIVE FLEMING: The Chair’s intention is to
-- is to begin to end this thing as we get close to the 4
o’clock hour. Although, I’m not going to stick close to
that if you’re talkative, but that’s my thoughts. But
let’s continue. So, if you want to get something in, now’s
the time to do it. Judge?

JUDGE MCCOY: I believe we were told at a previous
meeting that some states did lease the voting equipment,
and I think if we were able to obtain that information from
the other states that would be helpful to this commission
and the legislature.

REPRESENTATIVE FLEMING: I agree, yeah. Other
thoughts from members of the commission? Okay. You have
been here and now it’s your third meeting.

As I mentioned, I anticipate that we have asked the
Secretary of State’s staff to begin to put together some
conclusions and possible recommendations from us based upon
the discussions that we have heard here today and at the
previous meetings so that we can return sometime probably
that first week in January -- not the first full week, but
maybe the first week. We’ll get back to you on that date
exactly. Not in stone yet, but the Secretary and I have
discussed the possibility of maybe doing it at the Capitol.
There are large rooms set up there that would very well accommodate this.

The -- as you have more thoughts as we go through this process, please don't hesitate to communicate with the Secretary and her staff. I know a lot of good thought has gone into where we are now and we all want to do the same thing, and that is make the best recommendation possible to the legislature because they and the governor will have to make -- and the next Secretary of State -- some big decisions about how we’re going to vote going forward in Georgia.

Thank you again to the members of the public that have come and participated in this. I never wonder if you care. I know you feel strongly about this and -- and I can tell you right now: If all citizens cared as much about the workings of our government as I have seen expressed here, we would have far less problems than we do. So thank you for caring enough to be here today.

Once again, to the members of the commission, thank you for your input and we look forward to talking with you again. We stand adjourned.

(Whereupon, the proceedings were concluded at 3:54 p.m.)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT

I, Patrick Stephens, hereby certify that the foregoing record taken down by me, as a certified court reporter, is a true, correct and complete record of the above-entitled Secure, Accessible and Fair Elections Commission meeting.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing proceedings, unless said disassembly is done by the undersigning certified court reporter and original signature and raised seal is attached thereto.

This the 9th day of  _ _  January___ _, 2019.

Patrick Stephens

PATRICK A. STEPHENS, CCR, CVR

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