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THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD MEETING

Tuesday, May 7, 2024,
9:30 a.m.

APPEARANCE OF THE PANEL

John Fervier, Chair
Sara Tindall Ghazal
Rick Jeffries (by phone)
Janice Johnston
Ed Lindsey
Michael Coan, Executive Director

Mary K McMahan, CCR
Steven Ray Green Court Reporting LLC
Atlanta, Georgia 30324
(404) 733-6070

1 Transcript Legend
2 (sic) - Exactly as said.
3 (phonetic) - Exact spelling unknown.
4 -- Break in speech continuity.
5 . . . Indicates halting speech, unfinished sentence
6 or omission of word(s) when reading.
7 Quoted material is typed as spoken.
8
9

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P R O C E E D I N G S

MR. FERVIER: We'll call to order the May 7, 2024, meeting of the State Election Board of Georgia. We'll start with our invocation.

Vice chairman Lindsey, if you would like to lead us in prayer, please.

(Invocation)

MR. FERVIER: Member Johnston, would you lead us in the Pledge of Allegiance.

(Pledge of Allegiance)

MR. FERVIER: Thank you for being here today. For those of you that don't know me and that's -- would be just about everybody in this room, my name is John Fervier. I'm the -- been the nominated -- actually appointed as the chairman of the State Election Board back in January by Governor Kemp and have served since then.

I want to welcome all of our guests today. Many of you are here as respondents and I appreciate your attendance today for this meeting. I'm not one for long-winded dissertations, but I do think it's appropriate to recognize and thank the thousands of election workers that are out there and managers that are

1 out there today, ensuring that Georgia has free,
2 safe, and fair elections. They all deserve our
3 gratitude.

4 I also want to thank this board, our
5 administrator Alexandra, and our executive
6 director Mike Coan for all the hard work that
7 they do. I've grown to appreciate that a lot
8 over the last four months. I now have me a
9 second job in addition to my primary one
10 apparently.

11 While we may not always agree, I've learned
12 that every member of this board is dedicated to
13 serving the citizens of Georgia and I am honored
14 to serve with each of them.

15 We have a long two days ahead of us, so
16 let's get started with the meeting. Our first
17 item on the agenda is approval of board meeting
18 minutes from the State Election Board meeting in
19 hearings February 13, 2024, a copy of which is in
20 the board members' packets and hopefully they
21 have reviewed. Are there any questions from the
22 board pertaining to the -- yeah, I'm -- I'm not a
23 technology guy, so we'll have to figure this out
24 as we go.

25 **DR. JOHNSTON:** Corrections to the minutes,

1 Mr. Chairman, from February 13th: SEB2022-109,
2 Fulton County primary recertification. The vote
3 was three yea and one nay for correction.

4 **MR. FERVIER:** Okay.

5 **DR. JOHNSTON:** SEB2022-348, statewide
6 precincts scanner issues. The vote was three yea
7 and one nay.

8 SEB2022-222, certifica -- EAC certification.
9 The vote cast three to one, correction.

10 **MR. FERVIER:** Are there any other
11 corrections that the board sees? Mr. Lindsey?

12 **MR. LINDSEY:** Subject to those -- those
13 corrections, Your Honor -- Mr. Chairman, I move
14 to accept the minutes to Dr. Johnston's
15 amendments.

16 **MR. FERVIER:** We have a motion to approve
17 the minutes subject to Dr. Johnston's
18 corrections. Is there a second?

19 **DR. JOHNSTON:** Second.

20 **MR. FERVIER:** Second by Dr. Johnston. Any
21 discussion? Hearing no discussion, all those
22 members in favor of approving the minutes with
23 the corrections signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. FERVIER:** Any opposition? Hearing no

1 opposition, so moved.

2 The next item on the agenda is the approval
3 of the board minutes from the State Election
4 Board emergency meeting on March 28, 2024, a copy
5 of which is in the board's binder. Are there any
6 comments or corrections about those minutes?

7 **MR. LINDSEY:** Move to accept the minutes.

8 **MR. FERVIER:** We have a motion from board
9 member Lindsey to accept the minutes as
10 presented. Is there a second?

11 **DR. JOHNSTON:** Second.

12 **MR. FERVIER:** We have a second by member
13 Johnston. Any discussion? Hearing no
14 discussion, all those in favor of approving the
15 minutes of the State Election Board emergency
16 meeting on March 28, '24, signify by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** Any opposition? Hearing no
19 opposition, so moved.

20 The next item on the agenda is public
21 comments. There was a sign-up sheet prior to
22 your entrance today for this.

23 **MR. LINDSEY:** Yes.

24 **MS. GHAZAL:** Mr. Chairman, if I have your
25 leave, I would like to make a motion under a new

1 business prior -- prior to going to public
2 comments.

3 **MR. FERVIER:** The chair will hear a motion.

4 **MS. GHAZAL:** I would like to move that our
5 currently scheduled meeting in October, which is
6 currently on the calendar for October 15th, that
7 we move the date of that to October 8th because
8 October 15th is the first day of early voting for
9 the general election.

10 So my motion is that our October meeting be
11 held on Tuesday, October 8.

12 **MR. FERVIER:** There is a motion by board
13 member Ghazal to change the date of the October
14 meeting from October 15th to October 8th.

15 **MR. COAN:** Yes.

16 **MR. FERVIER:** Is there a second?

17 **DR. JOHNSTON:** Second.

18 **MR. FERVIER:** There is a second by board
19 member Johnston. Any discussion? Hearing no
20 discussion, all those in favor of moving the
21 October 15th board meeting to October 8th signify
22 by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. FERVIER:** Any opposition? Hearing no
25 opposition, so moved. Thank you.

1 **PUBLIC COMMENT**

2 The next item on the agenda is public
3 comment. We have received a list of people that
4 have signed up for public comment that will be
5 called out by our executive director. I ask that
6 each of you limit your comments to two minutes.
7 I -- I'm a person that believes in brevity and I
8 think that hopefully we can get as many people in
9 as possible. We'll limit the total time to one
10 hour.

11 I have been provided this -- with a stop
12 clock that tells me when the two minutes is over,
13 and in two minutes I will lightly tap the gavel
14 so that you know that your time has expired. And
15 I ask you to please be considerate of those
16 others here and limit your -- your time to two
17 minutes.

18 **MR. COAN:** All right. We want to again
19 thank everybody for being here. We're going to
20 start with -- and I want to apologize in advance
21 if I butcher your name. I'm trying to read your
22 writing, so please forgive me if I mess your name
23 up. But Susan Opra -- Opraseth(pronouncing)?

24 **MS. OPRASEUTH:** Susan Opraseuth?

25 **MR. COAN:** Opraseuth? Just come over here

1 to the podium, please.

2 **MS. OPRASEUTH:** (off microphone,
3 indiscernible)

4 **MR. FERVIER:** I -- I have the stopwatch.
5 And at the end of two minutes, I'll --

6 **MS. OPRASEUTH:** (off microphone) But I can't
7 visually see (indiscernible).

8 **MR. COAN:** David Sumrall, will you be next?
9 You'll be next.

10 **MS. OPRASEUTH:** Good morning. My name is
11 Susan Opraseuth from Fulton County. Last spring
12 I was elected to what I thought was a political
13 party position at the state level. I later
14 discovered that the powers that be in the state,
15 including your body and your bosses, have
16 authorized a private corporation of like name to
17 run the show and my name was never added to the
18 state governing committee list for any Republican
19 apparatus at all.

20 This is against, as you know, strict
21 requirements of Georgia election law. In fact,
22 there are no governing members -- body members
23 registered with your elections division. So what
24 we have here is a missing political party. We
25 have no legally filed state Republican party in

1 the -- in Georgia. So how is it that we are even
2 discussing the requirements of election
3 compliance in this room today upon what is
4 literally a private corporation.

5 We have sent numerous OLRs to the Secretary
6 of State requesting the required documents of our
7 political party. We have never received them. I
8 have personally visited the Secretary of State's
9 general counsel's office requesting assistance.
10 She sent me to the archives in Morrow, Georgia.
11 I found nothing.

12 Then trying to push further, I was
13 instructed by the attorney of the corporation in
14 writing not to contact my government any further
15 regarding my concerns of our missing political
16 party records. Every time you meet under these
17 conditions to -- not disclosing this to the
18 people of Georgia, it perpetuates harm upon us
19 and makes us think you are part of the show.

20 This is corporate theater and does not
21 belong in the elections of Georgia at all. You
22 are putting yourselves at risk. You are not
23 immune from these acts outside the law of
24 Georgia. Every time you sit in this room, you
25 pretend. You have been given written notice. I

1 know that. It is exhausting to keep track of the
2 consequences of this fraud that your body and
3 your bosses are conflicting upon the people of
4 the great state of Georgia.

5 The resistance of the corporation to comply
6 with the law disqualifies every single one of our
7 ballots under Georgia 21-2-110 and 21-2-154. Our
8 ballots are totally spoiled again thanks to the
9 negligence and failure to perform your duties for
10 the great citizens of Georgia.

11 Complacency is acceptance. Thank you.

12 **MR. FERVIER:** Thank you.

13 **MR. COAN:** Thank you.

14 All right, next we have David Sumrall. On
15 deck is Jamie Parrish.

16 **MR. SUMRALL:** My name is David Sumrall. I'm
17 an elector from Bibb County, Georgia. I request
18 the Georgia State Board of Elections to give
19 guidance to county board of elections on
20 adjudicating voter challenges.

21 Last week I submitted three voter challenges
22 to the Bibb County Board of Elections totaling
23 791 voters. All three challenges were rejected
24 by the Bibb County Board of Elections citing a
25 conflict with Federal Voting Rights Act's

1 requirement that no changes be made to the voter
2 rolls within 90 days of a federal election.

3 Now, such interpretation makes voter
4 challenges practically useless since knowledge of
5 a problem with a voter's registration would have
6 to be known at least three months in advance even
7 though Georgia law allows voter challenges up to
8 election day. This year such voter challenges
9 would not be admissible except for a couple weeks
10 in late June due to the number of federal
11 elections this year.

12 Before rejecting the challenges, the Bibb
13 County Board of Elections was questioning whether
14 a residential address specifying where a voter
15 actually lived was required for a voter
16 registration even though I cited Georgia law and
17 Judge Simpson's interpretation of law in an
18 April 3, 2018, State Election Board hearing when
19 he advised that post office boxes and commercial
20 addresses were not acceptable addresses.

21 Furthermore they were questioning the
22 evidence of voters who moved out of state and
23 were registered out of state and even voting out
24 of state. What evidence does the State Board of
25 Elections consider valid for such challenges and

1 when can such challenges be brought? Please tell
2 us. I've submitted a request for an
3 investigation in the hope you will give us
4 guidance.

5 Also I'd like to briefly express my concern
6 about the discovery of how and where the master
7 cryptographic encryption keys are stored in the
8 Dominion system. As you're probably aware, Bibb
9 released the database where they were discovered.
10 I have some concerns about the potential for our
11 elections. And so if you could please address
12 that and give us guidance on that. Thank you.

13 **MR. FERVIER:** Thank you very much.

14 **MR. COAN:** Thank you, David.

15 Next we have Jamie Parrish. On deck we have
16 Sarah Thompson.

17 **MR. PARRISH:** Hello, I'm Jamie Parish, Sandy
18 Springs, Georgia. We Republicans like to throw
19 around words like election integrity and party
20 like it's candy. It's now the go-to political
21 jargon that is our entree into and, if
22 appropriate, our escape from any real meaningful
23 conversations happening all over this state.

24 I've been embarrassed by my own county
25 party, the Fulton County Republican Party, for

1 the last year, watching as witch hunts against
2 people like me, whistleblowers -- if you're lucky
3 they'll maybe return your phone call. It's
4 become the norm. We may as well be smack in the
5 middle of Maricopa County.

6 But today we sit in front of the body in
7 charge of our elections here in Georgia
8 statewide. Not a single one of them by Georgia
9 law have jurisdiction over any Republican
10 lawmaker, organization, or voter in this state.
11 Why, you ask? That's because there's not a real
12 Republican party here in Georgia, only a
13 nonprofit corporation posing as a party.

14 There are several flagrant violations of
15 chapter 21 election law happening. And the
16 Georgia GOP itself is calling itself the party
17 when it suits them and the corporation when it
18 does not.

19 I beg of you, before this state is embroiled
20 yet again in another hot, stinking pile of
21 elector shenanigans, please insist that the
22 Georgia GOP is forced to rectify their filing to
23 be compliant under Title 21 which starts off,
24 bare minimum, by listing our state committee
25 members on the filing of the Secretary of State,

1 which to date it has not.

2 The Georgia GOP doesn't even have members
3 and that is a violation of my state
4 constitutional rights. Thank you.

5 **MR. COAN:** Thank you, Jamie.

6 Next we have Sarah Thompson. On deck we
7 have Joseph Rossi.

8 **MS. THOMPSON:** My name is Sarah Thompson.
9 I'm from Bullock County. As members of the State
10 Election Board, you have obtained your positions
11 through state public officials who have gained
12 their seats through so-called state political
13 parties or the so-called state political parties
14 themselves.

15 You claim to desire to strictly follow our
16 Georgia election laws under our Georgia
17 Constitution. Article I is our public rights to
18 protect us. Immediately next is Article II,
19 Section 1, which is why we're purported to be
20 here.

21 Chief Justice Bethel of the Georgia Supreme
22 Court has recently reminded Georgians in *Camp v*
23 *Williams* the absence of statutory authority is
24 the absence of legal authority to act. You are
25 in dire straits, along with our candidates, their

1 fees, and our ballots. You have not only failed
2 to protect us but actively support a private
3 Republican cooperation in conducting state
4 election actions where there is no legal
5 authority for the state to grant it.

6 False allegations of state authority clearly
7 egregiously hurts all citizens. We're con -- we
8 have told you all the way from the state
9 government to the AG's office two years ago, down
10 to election officials and staff recently just
11 prior to qualifying.

12 I rise with direct First Amendment and
13 Article I grievances against your body and the
14 Secretary of State. Your actions appear to be
15 outside state and federal laws, including 52 USC.
16 Our system of government is being actively
17 subverted by this corporate scheme that used to
18 be a political party prior to 2014.

19 Here are the documents for this corporation.
20 As was mentioned there are no members. We, now,
21 are in our tenth year with no members of a state
22 political party lawfully operating in the state
23 of Georgia.

24 Please end the corporate election
25 interference immediately. Thank you very much.

1 **MR. COAN:** Thank you, Sarah.

2 Next we have Joseph Rossi and on deck we
3 have Tim Waters.

4 **MR. ROSSI:** I got a little shaking hand
5 problem but I'll do my best here. All right.
6 Good morning, Board, and I thank you for your
7 service. And good morning other Georgia
8 patriots.

9 I've got just two quick points to make.
10 First I'd like to speak directly to the board
11 about SEB-BI2023-0001. As you may recall, this
12 complaint was filed 3/21/22. Yes, believe it or
13 not, almost two years ago. It requests an
14 independent investigation of the Secretary of
15 State's election division. And that's changed
16 over time due to some constitutionality
17 questions, but we're asking you to not
18 investigate an elected official, rather to
19 investigate the election office of the Secretary
20 of State, none of whom are elected officials.
21 That's important and you guys know why you voted
22 last time for some reasons relevant to that.

23 Regarding this case, the complainants want
24 to offer our support. It is critically important
25 to the integrity of the upcoming November

1 election. Per our earlier request, the
2 complainants will provide all factual data, full
3 disclosure, including e-mails and transcripts
4 that will 100 percent prove that that election
5 office violated Georgia election code.

6 Okay, number 2. Now, I'd like to speak
7 directly to those who have fought factually,
8 respectfully, and relentlessly for the truth over
9 the last three years. As of 4/10/24, I got
10 another one of these certified letters from the
11 State Election Board. Every time I get one of
12 those letters, my wife sets it on my desk and she
13 says, You got another one of those certified
14 letters. I hope you're not being indicted this
15 time.

16 But anyways, as of that letter, it's now
17 been factually proven that both the hand audit --
18 this is really, really important -- and the
19 certified machine count -- yes, the certified
20 count -- have both been found to be in violation
21 of Georgia election law based on these findings,
22 for those that have fought factually,
23 respectfully, and relentlessly.

24 I'll close with one word: vindicated.

25 **MR. COAN:** Thank you, Joe.

1 Next we have Tim Waters and Jeff Jolly on
2 deck.

3 **MR. WATERS:** Thank you. Thank you,
4 Mr. Chairman. Thank you, patriots.

5 I wanted to follow on what Joe's line of
6 thinking with this. And that is there are a
7 hundred and fifty-nine counties in Georgia;
8 correct? There are a hundred and fifty-nine
9 election offices, false. There are a hundred and
10 sixty election offices in Georgia. The 160th
11 resides in the Secretary of State's Office. And
12 at the time of the 2020 election, election --
13 Gabriel -- Gabe Sterling was the chief election
14 implementation manager for this 160th state
15 election office.

16 A hundred and fifty-nine election offices in
17 Georgia are subject to investigation by the SEB.
18 I'll -- Nadine Williams from Fulton County or
19 Debra Presswood in Houston County, any of them
20 can be investigated by the State Election Board.
21 Now it's time for the board to treat Gabe
22 Sterling as an unelected -- an unelected official
23 the same way these county officials are treated.
24 If he and this a hundred and sixty off -- office
25 violated election law, which we can prove they

1 did, they need to be investigated.

2 With our backs to the wall, Secretary of
3 State officer Sterling take -- took to Twitter
4 and called millions of Georgia patriots liars.
5 Mr. Sterling likes to hide behind his tweets, but
6 when challenged he will -- will he have the
7 courage to face the public? Will he accept an
8 invitation to participate in a respectful
9 discussion? So far he has not. He has hid and
10 only -- his only method of reaching out to anyone
11 is Twitter where he said in late 2023: We are
12 dealing with the lies. Some spread them because
13 they believe them, despite all the facts. Others
14 spread them for one of three reasons:
15 distraction, creative division, and continue
16 grifting for dollars.

17 That's his accusations at us. We know the
18 truth, folks. We know the truth. It's time to
19 embrace the truth. Thank you, Board.

20 **MR. COAN:** Thank you, Tim.

21 Next up -- next up we have Jeff Jolly and on
22 deck we have Bill Henderson.

23 **MR. JOLLY:** No prepared remarks. Just here
24 to tell you can tell with this gray hair I've
25 been doing this for a while. I started working

1 in elections when I was 20 years old in the state
2 of Mississippi. I have worked in campaigns all
3 over the Southeast and Midwest.

4 I can tell you that paper ballots that are
5 hand counted are the only fair elections that are
6 possible. We have a government who admitted at
7 the Perry fish fry that any computer can be
8 hacked. It's on video. You can see it. I
9 suspect most of you in here have seen it.

10 Cheating is always going to occur, but we've
11 got to eliminate it where we can. Paper ballots
12 is the quickest and easiest way to do it and the
13 least expensive. Thank you.

14 **MR. COAN:** Next up we have Bill Henderson.

15 On deck is Earl Ferguson.

16 **MR. HENDERSON:** Good morning. I'm Bill
17 Henderson from Doraville. And I come here with
18 one simple question about our voter roll to
19 address to the board. And I also address this to
20 the people gathered here who have a wealth of
21 knowledge about Georgia elections and Georgia
22 laws.

23 My question is this. How can there be
24 entries, electors, registrations, or whatever you
25 want to call them on the Georgia roll that have a

1 date of last contact that's more than ten years
2 old? Okay. I'm a private citizen of this state
3 and I'm not a lawyer, but it seems very apparent
4 to me that there are two Georgia laws -- 21-2-234
5 and 21-2-235 -- and they were designed to keep
6 the voter roll concise and accurate and prevent
7 that from happening. I ask the board and the
8 people in this room to correct my logic in this
9 question if I -- if I'm wrong.

10 Briefly, since I'm just given two minutes
11 here, Georgia law 21-2-234 mandates that the
12 Secretary of State in odd number years compile a
13 list of electors that have no contact for five
14 calendar years and process them. If they do not
15 respond to the process, they are moved to
16 inactive status on the voter roll.

17 Georgia law 21-235 says that any elector in
18 inactive status that has not voted or made
19 contact for two general election cycles should be
20 processed and if no response is received should
21 be removed from the voter roll, okay?

22 By my research, which anyone -- anyone who
23 looks at the voter roll can easily do, it is
24 apparent that 21-2-234 was not compliant within
25 the year 2019. And subsequently the inactive

1 voters subject to that law in 2019 were given a
2 two-year grace for 21-235.

3 The result of this is that right now there
4 are up to 80,000 and maybe up to a hundred and
5 thirty thousand rows on the Georgia voter roll
6 that should not be on it. They have had no date
7 of last contact for the past ten years. And many
8 in this room can testify better than me that
9 presents a distinct vulnerability in the upcoming
10 elections.

11 There is a wealth of knowledge in this room
12 about Georgia election law and our voter roll. I
13 ask anyone to approach me and correct me in my
14 analysis. But if I'm not corrected, I will ask
15 the board and the Secretary of State to address
16 this issue with haste.

17 Thank you.

18 **MR. COAN:** Thank you, Bill.

19 Next up we have Earl Ferguson. On deck we
20 have Kevin Muldowney.

21 **MR. FERGUSON:** Am I on?

22 **MR. COAN:** You're on.

23 **MR. FERGUSON:** Earl Ferguson. I'm a Fulton
24 County resident and I challenge voters in Fulton
25 County. I'm convinced that we have a problem

1 that is going to result in major voter fraud
2 during the November election, and I want to tell
3 you why.

4 In 2020 I challenged a number of voters who
5 had left Georgia and moved to North Carolina and
6 registered to vote there. According to Georgia
7 law they are no longer eligible Georgia voters.
8 And in 2020 the Fulton County Registration and
9 Election Board approved my challenges and those
10 people were removed.

11 In 2023, in December, I submitted a list of
12 about 1800 Fulton County voters who had moved to
13 North Carolina and registered to vote there. My
14 challenges were rejected by the board. There are
15 two Democrats on the board who were on both of
16 those events.

17 I am convinced and I have heard that there
18 is words being sent out by the Democratic Party
19 not to remove people from the rolls. I believe
20 that to be correct from my experience. If this
21 is the case, we will probably be using the
22 national voter -- excuse me, the national
23 change-of-address list as a directory of
24 individuals who are less likely to vote in
25 Georgia and are therefore targets for fraudulent

1 voting.

2 This is not the only challenge we will get,
3 but it is one that I feel is very important. I
4 have submitted a complaint to the State Election
5 Board regarding what Fulton County has done, and
6 I would encourage them to process that before the
7 November election.

8 Thank you very much.

9 **MR. COAN:** Next up we have Kevin Muldowney,
10 followed up by Matt Rowenczak.

11 **MR. MULDOWNEY:** Kevin Muldowney, Milton,
12 Georgia. France banned mail-in voting in 1975
13 due to fraud. Mexico banned mail-in voting in
14 1992 due to fraud. Belgium banned mail-in voting
15 in 2018 due to fraud. Sweden, Italy, Ukraine,
16 Russia, and Japan do not permit mail-in voting.
17 No Middle Eastern country permits mail-in voting.
18 No Latin country permits mail-in voting.

19 Some of these countries may allow this in
20 some extreme conditions. But for the most part,
21 they realize how problematic no-excuse mail-in
22 voting can be.

23 There was a resolution put forth by this
24 board to stop no-excuse mail-in voting and Ed
25 Lindsey cast the deciding vote, defeating this

1 resolution. Ed is a paid lobbyist for Cobb and
2 DeKalb counties as well as many other entities.
3 I have an extensive list right here.

4 Mr. Lindsey was on the payroll of the
5 National Vote at Home Coalition previously. I'm
6 quite sure they would not have looked favorably
7 on good old Ed voting in favor of a resolution
8 that would threaten absentee voting in the state.
9 No doubt that would have impacted any chance of
10 his getting back on that gravy train.

11 Ed, dude, the time has come. You're a paid
12 lobbyist. Your presence on this board is the
13 very definition of a conflict of interest. Do us
14 all a favor and resign today. Thank you.

15 **MR. COAN:** Next up we have Matt Rowenczak.
16 And next --

17 **MR. ROWENCZAK:** Good morning, Board. Matt
18 Rowenczak. As we grow up, especially in our
19 adult lives, we often have to take an ethics
20 class, whether that be in school, in business,
21 and in law and in public service.

22 One of the frequent issues that are brought
23 up in these classes is the issue of potential
24 conflicts of interest, especially when we're
25 talking about boards and committees. When you

1 take a government ethics course, they speak to
2 this issue. They say one should avoid even the
3 appearance of a conflict of interest.

4 Mr. Lindsey, not only do you have an
5 appearance of a conflict of interest, but you
6 actually have a conflict of interest. You have
7 multiple conflicts of interest. To do this -- or
8 because of this, you've had to recuse yourself
9 from votes. There have been other instances
10 where it relates to Cobb, DeKalb, or a statewide
11 issue when you should have recused yourself which
12 means we do not have a fully functioning board
13 member.

14 We appreciate your service, but at this
15 point, we need you to do the right thing and as
16 to allow for someone to be seated into this
17 position by someone who can fully function in
18 this role and does not have multiple conflicts of
19 interest. Thank you.

20 **MR. COAN:** Are you Katie?

21 **MS. BURSON:** Katie, here from Fulton County.

22 **MR. COAN:** Okay, you could hear me. I
23 didn't know if you could hear me or not. Thank
24 you.

25 Next, on deck, we have Michael Gordon.

1 And, Katie, thank you for your -- I'm glad
2 you could hear me. That's good.

3 **MS. BURSON:** Okay. First I'd like to make a
4 request that the SEB move to meeting once a month
5 during this presidential year.

6 In light of the recent revelations regarding
7 Ed Lindsey's actions as a member of Georgia State
8 Election Board, it is imperative that he resign
9 from his position immediately.

10 The evidence presented clearly shows that
11 Lindsey has violated the board's own code of
12 conduct by participating in and voting on cases
13 involving counties for which he is a registered
14 lobbyist. This blatant conflict of interest not
15 only goes against the ethical standards expected
16 of a public official but also undermines the
17 integrity of the electoral process in Georgia.

18 Georgia law explicitly prohibits members of
19 state boards from engaging in any business with a
20 government that is inconsistent with their
21 government duties. Yet Lindsey has repeatedly
22 failed to recuse himself from matters involving
23 DeKalb and Cobb counties despite being a
24 registered lobbyist for these counties and a
25 partner at a law and lobbying firm representing

1 them. This represents a serious breach of trust
2 and raises serious questions about Lindsey's
3 ability to impartially fulfill his duties on the
4 SEB.

5 Additionally, Lindsey's connections to
6 DeKalb County which has been a major proponent of
7 mail-in voting policies and accepted a
8 significant grant from left-wing nonprofits
9 further call into question his objectivity and
10 integrity as an SEB member.

11 His failure to address concerns -- to address
12 concerns about election integrity issues in
13 Georgia while representing clients involving
14 questionable electoral practices is deeply
15 troubling and undermines public confidence in the
16 electoral process.

17 In conclusion, Ed Lindsey's actions as a
18 member of the Georgia State Election Board
19 represent a serious breach of trust and a failure
20 to uphold the principles of impartiality and
21 integrity that are essential to the functioning
22 of our democracy.

23 Therefore I urge Lindsey to resign from his
24 position immediately to restore public trust and
25 ensure the integrity of future elections in

1 Georgia. Anything less would be a disservice to
2 the citizens of Georgia and a betrayal of the
3 public trust.

4 **MR. COAN:** Next up we have Michael Gordon,
5 and on deck we have George Balbona.

6 **MR. GORDON:** Thank you. Michael Gordon,
7 Fulton County resident.

8 Ed Lindsey is a paid lobbyist. The General
9 Assembly has made their collective rule known
10 that they do not want paid lobbyists on the State
11 Election Board. He must resign now and if he
12 does not then he should be removed in compliance
13 with the will of the people and expressed through
14 their representatives in the General Assembly.

15 Furthermore, we do not have honest and
16 secure elections today. What we do have is
17 notoriously inaccurate voter rolls, no-excuse
18 absentee ballots, untrustworthy hackable
19 machines -- just think of the DeKalb polls,
20 Democratic primary 2022 -- and we have ample
21 evidence of ballot box stuffing.

22 We need automatic address validation during
23 registration to clean up our voter rolls. We
24 need valid IDs to prevent ballot box stuffing.
25 We need all ballots to be made public record so

1 voters can verify the results. We need to hand
2 count, hand mark paper ballots in the precinct on
3 election day. Nothing -- nothing less will
4 restore confidence in our elections. Stop
5 pretending we have honest and secure elections.

6 Please fix this. Thank you.

7 **MR. COAN:** Next up we have George Balbona
8 and on deck Casey Cunningham.

9 **MR. BALBONA:** All right. I'll be brief.
10 The primary duty of the SEB is uniformity. This
11 seems impossible since the SEB and SOS have more
12 turnovers than a pastry shop. Earlier this year
13 the SEB announced that they had voted to not
14 allow complainants to speak on their behalf
15 during SEB case hearings. There is no
16 documentation of this code for such a drastic and
17 unconstitutional change to the fundamental
18 operations of the SEB.

19 Now more than ever the SEB relies upon the
20 information gathered during SOS investigations.
21 However, there are no standardized procedures for
22 conducting SOS investigations nor are there
23 standardized training requirements for SOS
24 investigators.

25 Sara Koth claims that SOS is currently

1 updating and changing standard operations. The
2 SEB and the public should be hearing about this.
3 According to SOS they do not maintain a database
4 or spreadsheet of submitted complaints, SOS
5 investigations, or SEB cases. Prior to the
6 recent hiring of Alexandra Hardin, the SEB did
7 not keep a complaint sheet, a spreadsheet either.

8 In short the SEB reinvents the wheel each
9 time they hear a case against a Georgia county
10 without any knowledge of previous rulings
11 regarding similar cases and without any notice or
12 notion about patterns of previous violations.
13 Given the SOS and SEB's current M.O. of
14 self-inflicted amnesia, I believe that the least
15 that should be done is to create a public facing
16 database of SEB cases and outcomes which would
17 greatly alleviate the SOS from having to process
18 so many open records requests.

19 Lastly, the only constant at the -- at all
20 SEB meetings are the binders which all SEB
21 members are provided and which are never retained
22 or made available to the public. I think it
23 would be a far better use of taxpayer money if
24 these binders were retained as well as made
25 available to the public.

1 Thank you.

2 **MR. COAN:** Thank you, George.

3 Next we have Casey Cunningham. On deck we
4 have Mary Belle Hodges.

5 **MS. CUNNINGHAM:** Hi. My name is Casey
6 Cunningham. I'm from Milton, Georgia.

7 You know, I -- I run a company and we serve
8 our customers. And when we don't serve our
9 customers, well, our companies go away.

10 And today I'm asking you as a board to serve
11 us, your customers, your constituents well. And
12 it begins with making a hard decision but an easy
13 one. Why is it easy? Because you want the
14 integrity to not be questioned by what you do
15 every day. But it's in question right now in
16 multiple ways as you just heard.

17 So I'm representing the fact that Ed Lindsey
18 needs to resign and you need to force that
19 resignation. And I'll give you three reasons
20 why. The first one is Ed Lindsey's recent vote
21 against halting no-excuse mail-in voting reeks of
22 a blatant conflict. He serves as a paid lobbyist
23 for numerous entities, and so how can we trust
24 that his decision-making is impartial when his
25 financial interests are so deeply entwined with

1 those he purportedly represents.

2 Ed Lindsey, your conflict undermines the
3 foundation of our democracy and it erodes the
4 public trust in our institutions. You need to
5 resign.

6 Number 2, the ties between Ed Lindsey and
7 the National Vote at Home Coalition cannot be
8 ignored. The organization advocates for absentee
9 voting, directly benefiting from policies that
10 Mr. Lindsey supports. It's abundantly clear that
11 his allegiance lies not with us, the constituents
12 you serve, but it lies with the special interests
13 that line your pockets, sir. So that blatant
14 favoritism has no place in our halls of
15 government.

16 The third reason you need to resign, the
17 final one, this board. It is tarnishing you and
18 your integrity and your credibility. How can we
19 expect fair and unbiased decision-making when one
20 of our own is beholding to outside influences?
21 Your actions betray the trust of our community
22 and it's casting a shadow of doubt over the
23 legitimacy of our proceedings.

24 The time for action is now. Restore public
25 trust. We cannot allow the corruption to

1 continue and to loom over the board any longer.
2 So I implore each and every one of you to join me
3 in demanding Ed Lindsey's resignation. Let us
4 send a clear message. Let you send a clear
5 message that you will not tolerate self-serving
6 interests any longer.

7 **MR. COAN:** We have Mary Belle Hodges. Next
8 is Richard Schroeder on deck. Thank you.

9 **MS. HODGES:** Good morning. Mary Belle
10 Hodges, Gwinnett County.

11 Georgia State Election Board and Secretary
12 of State, please take notice that you may
13 exercise due care. Please take notice that I, as
14 one of the people, have assembled with other
15 people in order for the common -- to consult
16 about the common good and by necessity demand
17 that you give an open and public point of clarity
18 as trustees and servants.

19 Please take notice that the people have all
20 political power and all power that you have as
21 trustees, servants, and agents of the people is
22 delegated and granted through various
23 constitutions as trusts.

24 Georgia Constitution, Section 2, paragraph
25 1: All government of right originates with the

1 people. It is founded upon their will only and
2 it's instituted solely for the good of the whole.
3 Public officers are the trustees and servants of
4 the people and are at all times amenable to them.

5 Please take notice that the people have a
6 right to regulate their internal government and
7 have the guaranteed right to investigate,
8 scrutinize, and make certain not only that an
9 election isn't stolen but that it is administered
10 in the manner prescribed by law.

11 If an election wasn't conducted or
12 administered lawfully and correctly, John Locke
13 and his two treatises for government declares
14 that the whole election is invalidated and
15 therefore no government is able to interfere with
16 the inherent rights and remedies.

17 Please take notice that the people have a
18 right to consult together for the common good,
19 monitor, and instruct public servants and to
20 receive assistance from others in America to
21 better understand how to correct their service
22 which must show that they are carried -- that
23 they have carried out elections in a way
24 prescribed by the people through law. You have
25 the duty, you have a sworn oath to the people.

1 And I say let lord -- Lord, let justice run
2 down like water and righteousness like a mighty
3 river in Jesus' name.

4 **MR. COAN:** Thank you, Mary.

5 Next we have Richard Schroeder, on deck
6 David Cross.

7 **MR. SCHROEDER:** Richard Schroeder from Hall
8 County. Two minutes. I'm here today on behalf
9 of my grandchildren. They deserve the same
10 freedom and rights that were afforded me as I
11 grew up in the United States of America. There's
12 no justice in our nation. The Lord has given us
13 dominion over everything in the first book of the
14 Bible.

15 These Dominion voting machines have taken
16 our dominion and stolen our votes for two
17 decades. Our republic is in a serious downfall
18 because of this.

19 I have given the Halderman report to you,
20 Members of the Board. I hope that you have read
21 it and know that these Dominion machines were
22 designed and built to control elections. They
23 are more insecure than the DRE system that they
24 replaced.

25 I have the code book here where I find

1 multiple infractions of the law that are being
2 totally ignored. This makes our current system
3 of voting totally unconstitutional.

4 You are here to stand in the gap between a
5 hundred and fifty-nine counties and the Secretary
6 of State who certified his own election. You
7 have taken an oath to prevent fraud and deceit.
8 We, the electors, have no transparent vote in
9 this system. It seals our paper readable ballots
10 and elects winners through a QR code that is
11 unreadable and proprietary to Dominion.

12 This is criminal. You need to vote today to
13 unseal our paper ballots, count them, and if, in
14 fact, there are discrepancies with the results of
15 the 2020 and the 2022 elections, you must
16 decertify these elections and do your job to
17 restore our republic.

18 Let's -- let's pray. Heavenly Father, we
19 come to you today in great distress over our
20 state of our nation. We here in the state of
21 Georgia have jeopardized the entire world for our
22 corruption and justice and the Dominion Voting
23 System.

24 You gave us dominion over everything on
25 earth in the first chapter of the Bible. Lord,

1 we want our dominion back today. Lord, we pray
2 for Dr. Jan Johnston who has stood strong for
3 what is right while serving on this board. We're
4 recruited to touch the hearts of the members of
5 this board, sear their consciousness as they vote
6 on issues regarding the integrity of our
7 elections.

8 Lord, we pray for our new chairman. Give
9 him the wisdom, discernment, and courage to make
10 righteous decisions as he leads us forward.
11 Lord, return our dominion. We pray in the mighty
12 name of Jesus.

13 And I would like to have ten minutes. I've
14 got more, but it is what it is.

15 **MR. COAN:** Thank you, Richard.

16 Next we have David Cross. On deck we have
17 Marisa Pyle.

18 **MR. CROSS:** Be careful when you pray for
19 wisdom. The Lord will give you problems to
20 solve.

21 My name is David Cross. I'm from Gwinnett
22 County. Ladies and gentleman, I want you to know
23 that I appreciate you being here today, everybody
24 here. I also appreciate the service of our board
25 members, truly. I know it's an unpaid job.

1 However, I was informed recently that one of
2 my proposed rule changes to strengthen chain of
3 custody for mail-in ballots did not arrive in
4 time. I mailed all three letters for the three
5 rules with a return receipt request on
6 April 10th. Two arrived on the 16th and one
7 arrived on the 20th. It took ten days for one
8 letter to arrive by mail to show how mail ballots
9 securely arrive from the same state. I could
10 have crawled here faster from Suwanee, Georgia.

11 Chain of custody is lost when ballots are
12 mailed. To prove this, think about when -- on
13 election day when you go in to vote, you hand
14 somebody your ID to prove who you are so that
15 they then give you a ballot or they give you a
16 ballot card. You then go vote. You then put
17 your ballot into -- or deposit it into a secure
18 receptacle. Never once is it ever lost. I mean,
19 you've always got eyeballs on you.

20 And when we vote by mail, there is no
21 guarantee that a ballot mailed is actually
22 received by the person it's addressed to. When
23 ballots are mailed, they're sent on a regular
24 size -- on an irregular-size envelope with a logo
25 on the outside advertising "I'm a ballot," okay?

1 If I return -- if -- if a return receipt
2 request document is mailed to this election board
3 and it can't be received in less than ten days,
4 why should I believe that a first-class postage
5 stamp is going to guarantee delivery of a ballot?
6 We should be using Federal Express or UPS for
7 guaranteed delivery, and they also have
8 repercussions if they don't deliver it in time.

9 Opponents will say that mailing ballots with
10 secured delivery is just too expensive. If the
11 state paid for mailed ballots in 2022 for the
12 election and for the runoff, it would've cost
13 about \$6 million. Granted that's not a -- that's
14 not a trifling amount of money, but it is a
15 rounding error in Georgia's \$77 billion budget.

16 The board has a duty not to the people who
17 appointed you but to the people of Georgia. I
18 ask you is \$6 million too high a price for secure
19 elections? Is this cost too high for the price
20 of freedom? Thank you.

21 **MR. COAN:** Thank you very much.

22 Next up -- next up we have Marisa Pyle. On
23 deck we have Lana Paz.

24 **MS. PYLE:** Hi, Board Members. My name is
25 Marisa Pyle. I am a senior democracy defense

1 manager at All Voting is Local Action which is a
2 nonpartisan organization that advocates for
3 policies and legislative priorities that expand
4 voter access, not limit it.

5 I'm here today in opposition to proposed
6 amendment of recount rule 183-1-15-.03 which
7 focuses on hand counting for audits and recounts.
8 As an observer I've spent over 20 hours
9 monitoring hand recounts in counties that have
10 opted to perform them in recent elections.

11 My experience, along with an overwhelming
12 weight of expert evidence, makes it clear that
13 hand recounts as a main tool for audits and
14 recounts, either discretionary or mandated as
15 covered under this rule proposal, would make
16 results more subject to confusion, less accurate,
17 take longer, contribute directly to burnout from
18 election officials and county offices, and open
19 the door for election subversion.

20 The simple fact remains that humans, experts
21 that we are in many things, are very bad at
22 sequentially counting pieces of paper, something
23 anyone who has tried to count pages, dollar
24 bills, or any other seemingly simple task can
25 prove.

1 A study from Rice University showed that
2 with only 120 ballots, an exponentially lower
3 total than any recount would contain,
4 participants accurately counted the results of
5 two races only 58 percent of the time.

6 In the real world of elections, in Mojave
7 County where Arizona's hand-count test run took
8 place, a deck of 850 ballots with 36 races for
9 ballots produced errors in 46 cases. In Spalding
10 in the March 2024 presidential primary with only
11 one race on the ballot, it took poll workers
12 three days to count only 6,700 ballots.

13 The manpower, funding, time, and patience
14 hand counting would require to conduct on such a
15 large scale is not only daunting, but it would
16 add also an impossible task to the plate of
17 election officials where they were already facing
18 unprecedented scrutiny, potential staffing
19 shortages, and increasingly contentious
20 certification processes.

21 It shouldn't be lost that in November with
22 state, local, and federal races on the ballot, we
23 will see hundreds of ballot styles, which will be
24 lengthy, along with higher turnout than the
25 8.8 percent seen by Spalding in the March

1 primary.

2 As Georgia heads toward the general election
3 where we are again poised again with the watchful
4 eyes of the nation, this rule would delay
5 results, inject uncertainty due to inevitable
6 human error that could easily be exploited by bad
7 or insincere actors and result in not only
8 state-level but national ramifications.

9 For the sake of democracy, I urge you to
10 reject this proposal. Thank you.

11 **MR. COAN:** Thank you, Marisa.

12 Next up we have Lana Paz. And on deck we
13 have Rachel Lastinger.

14 **MS. GOITIA-PAZ:** Good morning, Mr. Chairman
15 and members of the State Election Board. My name
16 is Lana Goitia-Paz and I'm the Georgia campaign
17 manager for All Voting is Local.

18 I want to address the position -- the
19 petition to amend rule 183-1-2-.02 regarding
20 election certification. While the proposed
21 amendment's intent may appear commendable at
22 first glance, I believe its implementation would
23 introduce unnecessary complications and risk to
24 elections in Georgia.

25 First, the requirement for election

1 officials to conduct a reasonable inquiry for
2 certifying election results could significantly
3 burden already stretched resources and staff.
4 Our election officials work tireless --
5 tirelessly to ensure fair and accurate elections
6 within tight timelines. Introducing an
7 additional layer of inquiry could slow down the
8 certification process, leading to delays in
9 finalizing election results and potentially
10 undermining public confidence in the outcome.

11 Worth noting is that the subjective nature
12 of the reasonable inquiry standard opens the door
13 to interpretation and inconsistency across
14 jurisdictions. What one official deems as a
15 thorough inquiry may differ from another's,
16 leading to disparities in certification standards
17 and creating confusion among voters and
18 stakeholders.

19 Additionally the potential for disputes and
20 legal challenges arising from disagreements over
21 the sufficiency of the inquiry could further
22 exasperate tensions and undermine public trust in
23 our elections process. We cannot afford to
24 introduce uncertainty and contention into an
25 already polarized political landscape and provide

1 further cover for conspiracy theories to arise.

2 In conclusion, while promoting transparency
3 and confidence in our election process is
4 admirable, the proposed amendment is not the
5 appropriate means to achieve it. Instead I urge
6 the board to focus on supporting our election
7 officials with the resources and guidance they
8 need to carry out their duties effectively
9 without imposing unnecessary burdens.

10 Thank you.

11 **MR. COAN:** Thank you, Lana.

12 Next we have Rachel Lastinger. On deck we
13 have Anne Grey Herring.

14 **MS. LASTINGER:** Good morning and thank you
15 for this opportunity to speak and to share my
16 concerns with you. My name is Rachel Lastinger
17 and I'm the associate director of The Voter
18 Access Project with the ACLU of Georgia.

19 The Voter Access Project works to ensure
20 voting is easy and accessible for all Georgians.
21 And I am here today to address several of the
22 petitions to amend the rules that will be the
23 focus of tomorrow's agenda.

24 While we are in opposition to each of the
25 petitions, I -- there are three that I want to

1 specifically highlight. The petition to amend
2 rule 183-1-2-.02, addressing the definition of
3 certifying of a primary election or runoff seeks
4 to provide more clarity to the process, which is
5 appreciated, but the proposed definition is far
6 too vague.

7 As the code stands, board members play an
8 active role in our certification process by
9 certifying that the results presented to them by
10 the elections supervisor represent a complete and
11 accurate count of the ballots. The supervisor of
12 elections and their teams are the ones directly
13 overseeing the counting and tabulation process.
14 If an election is voted to not be certified,
15 there needs to be a very legitimate reason borne
16 out by the evidence and based on specific reasons
17 delineated by the legislature.

18 When an election is not certified based on
19 speculation, this sows fear and distrust in our
20 democratic process. This increase of fear and
21 mistrust also creates more harassment towards our
22 election officials.

23 The definition proposed in this petition
24 includes "after reasonable inquiry" without a
25 definition of that phrase. It is very vague what

1 type of inquiry could be done in the time frame
2 that it probably has to happen within. This
3 could give reason for speculation and rumors of
4 incidences of election fraud to be used as cover
5 to not certify important election results, giving
6 legitimacy to these false claims.

7 At a minimum "reasonable inquiry" should be
8 more specifically defined. The definition also
9 requires certification to assess that all votes
10 cast in that election were counted. This also
11 needs to be more clear as it could require all
12 provisional ballots, for example, to be counted
13 even if not cured. It also doesn't account for
14 absentee votes and UOCAVA votes being counted on
15 a different timeline than in-person votes.

16 The petition to adopt new rule 183-1-14-.02
17 on the increased requirements for drop boxes and
18 absentee ballots creates requirements above and
19 beyond what is required by statute to use a drop
20 box. The petition creates, in effect, a third
21 check of ID when a voter chooses to submit their
22 absentee ballot by an available method other than
23 utilizing the USPS services.

24 It would essentially create a new class of
25 ballots to be treated as provisional ballots as

1 it is unclear who is making sure everyone that
2 votes by drop box shows their I.D. first when
3 those ballots should just be counted as a regular
4 absentee ballot under Georgia Code.

5 This rule change could easily disenfranchise
6 absentee voters because of an administrative
7 error and creating unnecessary burdens on voters
8 who need to cure their ballots by proving their
9 identity for the third time in order to vote.

10 (Gavel)

11 **MS. LASTINGER:** The petition for amendment
12 of recount rule 183-1-15-.03 --

13 **UNIDENTIFIED SPEAKER:** Time.

14 **MS. LASTINGER:** All right.

15 **MR. COAN:** Thank you.

16 **MS. LASTINGER:** That's all. My colleagues
17 already spoke. I'll let them (indiscernible).

18 **MR. COAN:** Thank you, Rachel.

19 Next up we have Anne Grey Herring. On deck
20 we have Tom Talbot.

21 **MS. HERRING:** Good morning. My name is Anne
22 Grey Herring and I'm the policy analyst for
23 Common Cause Georgia. We're a nonpartisan
24 grassroots organization with over 26,000 members
25 across the state.

1 As a nonpartisan organization, we care about
2 the process not the results. And what we have
3 seen about the process in Georgia is that our
4 elections are safe and secure.

5 And the --

6 (Audience sounds)

7 **MR. FERVIER:** Let's be respectful to all of
8 our speakers or we'll cut off the public comment.

9 **MS. HERRING:** The biggest danger comes from
10 unnecessary and sometimes unlawful interference
11 with that process. We strongly caution against
12 the proposed rules concerning the certification
13 process. There is significant danger in
14 disrupting and unnecessary -- unnecessarily
15 delaying it.

16 We also want to speak to a couple of other
17 areas that we think the State Elections Board
18 could give further guidance on. One is voter
19 challenges. These have become a significant
20 issue in our state. We expect more in the lead
21 up to November. And counties are handling them
22 differently.

23 There's ambiguity on the proper procedure
24 and the proper threshold at two different levels.
25 One for the challenge to receive a hearing and

1 then again whether the challenge should be
2 sustained. We think the State Election Board
3 could provide clarification on these.

4 And another area of clarification is that a
5 board cannot invert a challenge from a 229 to a
6 230. That's what we've seen in a number of
7 counties. The onus is on the challenger to bring
8 it under that area of the statute.

9 Additionally we think the SEB could provide
10 guidance on SB-222 that passed the last -- in
11 last year's legislative session. This is about
12 the appropriation of funds for election offices.
13 To properly prepare for the 2024 elections,
14 officials in our counties need a clear
15 understanding of what resources are available to
16 them. As a specific example, federal government
17 funds are specifically allowed as an acceptable
18 funding source under this law, but the law also
19 states that counties cannot solicit funds. So
20 counties who didn't know what the process is to
21 ensure --

22 **MR. COAN:** Thank you.

23 **MS. HERRING:** Thank you very much.

24 **MR. COAN:** Thank you, Anne.

25 Okay, next up we have Tom Talbot. On deck

1 we have Sandra Burchardt.

2 **MR. TALBOT:** Good morning. First I'd like
3 to thank the volunteers that serve on this board.
4 It's a very, very responsible position. Having
5 served on several nonprofits, I -- I take that
6 responsibility and I hope you do with the gravity
7 that is imposed upon you when you select -- being
8 selected to do this.

9 I was unaware of the conflict-of-interest
10 issue, but I would really have a problem in my
11 own world being on a board if I had any conflict
12 of interest. But let me get to the point.

13 Last year I came and I testified and I made
14 my point. I went to lunch with friends and I
15 said, I made -- I asked the wrong question
16 because when I asked the question all I really
17 received was smug looks from the board. And
18 coming from the private sector, define a problem,
19 fix the problem.

20 My question to the board today is you're
21 familiar with the Halderman report, you're
22 familiar with the Rossi report, you're familiar
23 with the issue with the voter rolls, how much
24 evidence do you need to see before you do
25 something?

1 Your re -- your responsibility is
2 representing the population of this state to do
3 the very important job you are given, and that's
4 oversight of our election system.

5 Thank you.

6 **MR. COAN:** Thank you, Tom.

7 Next we have Sandra Burchardt. On deck
8 Jason Frazier.

9 **MS. BURCHARDT:** Thank you. My name is
10 Sandra Burchardt and I am passionate about truth.

11 When I witnessed the videotape of the State
12 Farm Arena and watched my vote and the votes of
13 many people who died be tarnished, it struck me
14 to my core. And I pray that this board will have
15 the courage to make a difference because you have
16 been placed in such a time as this to do
17 something. I thank you and I pray for your
18 courage.

19 I want to thank you for volunteering. It's
20 a very courageous thing you can do. You are
21 watchdogs over the Georgia elections. Without
22 fair and transparent elections, we all lose our
23 freedom.

24 On March 18th of this year, you, Ed Lindsey,
25 recused yourself from voting on a major issue

1 brought before the SEB by Mark C. McCarthy, the
2 chairman of the Republican Party. Why? Was it
3 because you recognized that you could not be an
4 effective member of the SEB because you are well
5 paid by lobbyists with conflicting interests?

6 I believe you even notified house speaker
7 Burns about recusing yourself from voting on that
8 issue. Well, I appreciate you coming forward
9 with that recusal. I believe that it is evidence
10 that you need to resign and be replaced as soon
11 as possible. Important elections are coming up
12 and people in Georgia need credible people in
13 positions to protect our vote, not compromised
14 ones. Thank you.

15 **MR. COAN:** Okay. Go ahead, you're on.

16 **MR. FRAZIER:** Yes. My name is Jason Frazier
17 from Fulton County. I definitely wanted to echo
18 what a lot of people have been saying. We need
19 guidance. This board desperately needs to give
20 counties guidance on how to properly maintain the
21 voter rolls, how to properly adjudicate voter
22 challenges, how to clean the voter rolls
23 themselves so that we -- myself and many others
24 in here -- do not have to spend countless hours
25 trying to find the tens of thousands of people

1 registered multiple times within the state.

2 And as many of you saw when I wrote -- I
3 testified in the state ethics committee a few
4 months back, I showed evidence that in an
5 afternoon I found 37,000 people that lived in
6 Georgia, filed a change of address to either
7 Florida or North Carolina, and are then
8 registered at their new address.

9 These people have done nothing wrong.
10 However, Georgia failed to take them off the
11 voter rolls in Georgia. They should not be
12 registered in two states. And as you heard
13 Mr. Ferguson say, he turned in several people in
14 Fulton County who moved out of Fulton County --
15 great, people move all the time -- they now live
16 in North Carolina. Fulton County refused to take
17 them off the voter rolls. They said, Well, you
18 know what, they've lost their residency but not
19 their registration. I view that as a problem. I
20 mean, last time I checked, I need residency to
21 have a registration in this state.

22 And furthermore, I did more analysis on --
23 on many of those and I did find people that were
24 given credit for voting in both Georgia and
25 Florida. This is what you're enabling. This is

1 what Fulton County's enabling. We need this
2 cleaned up.

3 We talked about investigating the Secretary
4 of State's Office. It needs investigating
5 because they -- if I can find in an afternoon
6 30-some-thousand people registered in two states,
7 the Secretary of State's Office damn well ought
8 to be able to figure that out too. We've got a
9 problem.

10 I am unpaid. The Secretary of State's
11 Office is paid. They have employees. They need
12 to be cleaning these rolls. And I only looked at
13 two states at that point in time. There are a
14 lot of other states. People move everywhere.
15 And we have to pay for voter rolls in Georgia,
16 whereas Florida and North Carolina, Ohio, and
17 many other states have free voter rolls which
18 allow this to happen.

19 But long and short of it is I shouldn't be
20 doing this. The state needs to. I expect your
21 help in that.

22 Thank you.

23 **MR. COAN:** Thank you, Jason.

24 All right. Next up Lucia Frazier and on
25 deck we have Garland Favorito.

1 **MS. FRAZIER:** Good morning, everybody. Good
2 morning, Board.

3 Like everybody else said, Mr. Lindsey,
4 really appreciate your service, but the votes as
5 I've seen in the last couple years that you've
6 made are not aligned with our conservative
7 values.

8 Another note, open records requests, voter
9 rolls, the prices are going up. That's an issue.
10 In other states they're free. That's something I
11 think you guys need to take up and help drive
12 down whatever's doing that.

13 And the voter rolls are full of errors
14 anyway, just like you just heard. So what are we
15 paying for?

16 And finally I feel like the biggest theme
17 that's been going on for, I guess, four years
18 now, it would -- in people of positions of power,
19 it's stonewalling. And that's all that's been
20 going on.

21 You have Mr. Rossi's case. It's been
22 ongoing for the last few years. I've come in
23 here and listened to some of the meetings, and
24 you've spent hours discussing minute details,
25 like was someone standing a hundred and

1 forty-nine feet or a hundred and fifty feet from
2 the poll? You strain a gnat, yet you swallow the
3 camel.

4 We are poll workers, many of us in here.
5 We're data analysts. We've shown you
6 indisputable data. So it's easy to see when you
7 close your eyes. If someone is pulling your
8 strings, resign and let someone else try.

9 Both parties have corruption. We simply
10 need people who can make good choices
11 independently. And in response to some of the
12 ladies about the rules tomorrow, I will say any
13 error in hand counting is minuscule compared to a
14 black box computer that's manipulated and our
15 paper ballots are hidden.

16 The work to hand count is minuscule when our
17 republic is at stake. And the money to hand
18 count is minuscule compared to the cost of the
19 machines and maintenance.

20 Thank you very much.

21 **MR. COAN:** Thank you, Lucia.

22 Next up we have Garland Favorito and then
23 Bob Coover.

24 **UNIDENTIFIED SPEAKER:** Who?

25 **MR. COAN:** Well, it looks Coover,

1 C-o-o-v-e-r-t.

2 **MR. FAVORITO:** Coover not Coovit.

3 **MR. COAN:** Co -- okay, Coover.

4 **MR. FAVORITO:** Thank you, Mr. Chair. I
5 am -- have written -- I'm co-founder of Voter GA.
6 I've written two letters to you about
7 SEB2022-348, the complaint that explains how
8 Georgia's voting system has a QR code counting
9 error that caused the Tennessee Secretary of
10 State to stop using the same system we use here.

11 At the December 19th SEB meeting, the
12 complaint was postponed because deputy director
13 Michael Barnes was un -- unable to answer
14 questions about it. At the January *Curling v*
15 *Raffensperger* trial, Mr. Barnes admitted under
16 oath that he is by no means an expert in voting
17 system applications, cybersecurity, malware, or
18 how malware can defeat logic and accuracy
19 testing.

20 In my February 11th letter to you, I tried
21 to alert you that Mr. Barnes' sworn testimony
22 proves he would not be qualified to answer
23 questions about this complaint.

24 At the February 13 SEB meeting, I planned to
25 alert you again before the case was heard, but

1 the former chair had removed all public comments
2 on the agenda. At that meeting Mr. Barnes
3 answered questions about the complaint anyway and
4 the board voted three to one to dismiss it
5 without hearing from the complainants.

6 It's clear to us who saw that that
7 Mr. Barnes had not read the complaint, did not
8 understand its contents, had not spoken with the
9 complainants, and did not perform an
10 investigation. He did not know that the
11 complaint showed audit logs had 65 of 67 counties
12 surveyed had that error. He didn't do a root
13 cause to find the problem, didn't perform a
14 system evaluation. He was not aware that
15 thousands of errors were found in Gwinnett,
16 Floyd, and DeKalb, the county where the system
17 declared the wrong winners.

18 Dr. Johnston had to explain to Mr. Barnes
19 that the QR code error causes the system to
20 accept a ballot and not count it and that is
21 undetectable with our current reconciliation
22 procedures.

23 So therefore because of the importance of
24 this complaint, I ask you to reopen this case,
25 conduct a legitimate investigation with your own

1 investigator, and hear from the complainants just
2 as the board used to do before the former chair
3 eliminated complainant testimony to suppress the
4 evidence.

5 Thank you.

6 **THE BOARD MEMBERS:** Thank you, Garland.

7 Next up is Bob Coover and on deck is Paul
8 Hersay. Paul Hersay?

9 **MR. COOVERT:** Good morning, Board. Thank
10 you for the opportunity and thank you for your
11 efforts. There's a lot of themes going around
12 this room today and one of them is the
13 investigation of the Secretary of State's Office.

14 Now, I would encourage each of you if you
15 haven't read the closing arguments from the
16 *Curling v Raffensperger* case, it helps you
17 understand why these things exist. I'd like to
18 shed light on one. I was recently having a
19 discussion with somebody in Gilbert County, an
20 election official, and the courthouse was
21 recently hacked there about a month ago, the
22 election office hacked. Fulton County hacked,
23 shut down for days, sometime -- some departments
24 weeks. But we don't have any cybersecurity
25 issues with our election systems, right?

1 So in the closing arguments, who was
2 actually responsible for cybersecurity? They
3 asked Mr. Sterling. Mr. Sterling said, Oh, it's
4 is a component of securing our election systems.
5 Mr. Barnes says it's not him. He's not
6 responsible. Mr. Sterling said it's not him.
7 He's not responsible. Mr. Barnes has no
8 responsibility at all which is quite odd since he
9 is a person -- the guy who is responsible for the
10 machines and the administration of the system.

11 It must be able Merritt Beaver, the CIO,
12 right? He would be the person in charge. Well,
13 under testimony he said, No, I'm not in charge.
14 I've outsourced it all to Dominion. This is
15 under testimony in front of Judge Totenberg.
16 Look it up. It's in the closing arguments.

17 He says he would not have been involved in
18 the security of the Dominion systems, so
19 Mr. Barnes was also wrong about that.

20 Mr. Hamilton also said, as the CISO of the
21 Secretary of State's Office, that he handed it
22 over to the Dominion company. However, Dominion
23 disagrees with that.

24 Mr. Sterling also said it is Dominion, but
25 then he said, Well, it's also the responsibility

1 of the county, suggesting the state itself has no
2 responsibility for cybersecurity of our election
3 systems. The counties I've talked to don't agree
4 with that.

5 Well, Blake Evans, who's the state election
6 director, says, No, no, it's not really Dominion
7 because when Dominion recommends that we do
8 things and we disagree, we just make our own
9 decision.

10 Now, here's the important piece of all of
11 this. In -- in testimony all of these leaders in
12 the Secretary of State's Office stated that
13 they're -- they have not identified one person in
14 the Secretary of State's Office with any
15 cybersecurity training, any computer science
16 background who was involved in any decision on
17 how the system gets used.

18 So, Board, I ask you how can you do your job
19 when the Secretary of State's Office nefariously
20 does theirs?

21 Thank you.

22 **MR. COAN:** Thank you, Bob.

23 Next up we have Paul Hersay. On deck -- on
24 deck we have Ginger Hurmence.

25 **MR. HERSAY:** Thank you, Board Members, for

1 your service and I appreciate everyone here
2 today. I just have some brief points because
3 everything I wanted to say has probably already
4 been said before.

5 But profiting from any decision by any state
6 election board member is at the very minimum
7 unethical. No-excuse absentee ballot voting has
8 been proven to be rife with fraud and abuse.
9 Early voting causes chain-of-custody issues that
10 cannot be resolved. And the state of Georgia
11 needs to move to election day voting with
12 hand-counted paper ballots.

13 Thank you.

14 **MR. COAN:** Thank you, Paul.

15 Next up we have Ginger Hurmence.

16 **MS. HURMENCE:** The word is
17 maladministration. I was minding my own
18 business, working to pay the bills, going to
19 church, raising my family, paying taxes, you
20 know, just living. I had no interest in
21 politics. I always took an effort in vetting my
22 choices and always voted. For four decades
23 that's about all I did. Shame on me.

24 I trusted that my representatives that we
25 placed in office would represent us. Then 2020

1 happened. The fraudulent election in Georgia in
2 our state -- not Michigan, not Ohio but
3 Georgia -- I've lived in Georgia for over 40
4 years. I know my state.

5 I started reading, listening, talking about
6 what happened. Then I read a document and
7 summary from the testimony from then-Senator
8 William Ligon which presented. On the bottom of
9 page 12, it says -- and I paraphrase -- the 2020
10 election was so fraught with systematic
11 irregularities and voter fraud that it should not
12 be certified.

13 So I thought surely the governor would
14 intercede and get this straight, right? But he
15 didn't. I thought surely Senator Loeffler
16 wouldn't certify it, but she did. Surely the
17 most G-O -- most of the GOP legislators would
18 hold a special session and come to rescue, but
19 they didn't. Surely the Georgia courts would
20 intervene and straighten things out, but they
21 didn't.

22 So surely the State Board of Elections would
23 hear our evidence and take action. But no, you
24 haven't. Most would say -- even our own party
25 have said, Oh, we must move forward. But we

1 can't and we will not let this slide. This is
2 the moment -- it is the most pressing issue in
3 our state and our country and therefore the
4 world.

5 If we change from the untrusted BMDs and QR
6 code system to a secure grade hand-marked paper
7 ballot system like Florida, Alabama, Idaho,
8 Montana -- the ones they're using -- you'd see
9 people begin to trust our system again. But, no,
10 here we are four years later to trust the system.
11 And we are stuck with this crap.

12 So I will end with this. Here's the word,
13 maladministration, again. And there are -- there
14 are consequences for this failure to act and that
15 is what you're doing.

16 Thank you.

17 **MR. FERVIER:** At the beginning of the
18 meeting, the chair announced that there would be
19 one hour of public comment. Thirty people would
20 be allowed to speak. However, 44 have signed up
21 to speak today which should not have happened,
22 but without dissent the chair will allow the
23 additional speakers to have two minutes each.

24 Hearing no dissent, the chair would
25 entertain a motion for a five-minute recess.

1 **MR. LINDSEY:** (indiscernible)
2 **MR. FERVIER:** Is there a second?
3 **DR. JOHNSTON:** Second.
4 **MR. FERVIER:** All in favor?
5 **THE BOARD MEMBERS:** Aye.
6 **MR. FERVIER:** So moved. We'll recess for
7 five minutes, then we'll continue with comment
8 for the last 14 speakers.
9 (Recess)
10 **MR. COAN:** All right.
11 **MR. FERVIER:** Thank you. That was a little
12 bit longer than five minutes. We seem to be
13 going over more -- yeah, we do have 14 more
14 speakers. The board has been very generous in
15 allowing several people to go over their time. I
16 ask you to please, please, please, keep it to two
17 minutes.
18 And when you hear that first light tap, that
19 means your time is up, so please wrap it up
20 pretty quickly after that. And if we keep down
21 the clapping and standing and all that stuff, it
22 will help get us back on track a little bit too,
23 please.
24 **MR. COAN:** Okay. All right. So next we
25 have Field Searcy on deck and then we've got Sam

1 Carnline in the hole on deck. So appreciate you
2 guys.

3 **MR. SEARCY:** Good morning. My name is Field
4 Searcy. I'm from Grady County. I'm with
5 Georgians for Truth. We've been before this
6 board several times about a solution for our
7 unsecured election system.

8 And we're going to repeat it again today,
9 that Georgia provides in three three two --
10 21-2-334, that our county supervisors can, for
11 any reason, go to hand-marked paper ballots. And
12 we have the hand-marked paper ballots already.
13 It's called the absentee provisional emergency
14 ballot. It's the same ballot. It's just the
15 procedure's handled and the chain of custody is
16 handled differently.

17 But we can go to hand-marked paper ballots
18 today. We can scan them on the current scanners
19 and get results that night. But we can also do a
20 hand count before we certify these elections so
21 we can have -- so we can have confidence and
22 trust back in our elections.

23 We often go complain about Washington D.C.
24 is the swamp. We have a swamp right here in
25 Atlanta, Georgia. It starts with our election

1 system, our Secretary of State's Office. It
2 needs to be investigated. We have members of
3 this board that need to resign for a conflict of
4 interest. We've got lot of problems.

5 But, folks, you can make a difference here.
6 You can clarify the rules for these counties.
7 You can say, You can go to hand-marked paper
8 ballots. It's in the rules. Let them do it.
9 Give us the freedom.

10 And we also have corruption here in Fulton
11 County. The counties are not being held
12 accountable to the election laws. That needs to
13 stop. Let's drain the swamp.

14 Thank you.

15 **MR. COAN:** Thank you, Field.

16 Next up we have Sam Carnline and then
17 Russell Carlisle on deck.

18 **MR. CARNLINE:** Thank you. My name is Sam
19 Carnline. I'm from Grady County. We grow
20 cotton, peanuts, and pine trees in Grady County,
21 and you can make a lot of paper ballots out of
22 the pine trees in Grady County.

23 21-2-300 states that the elector will be
24 able to read their ballot. What we have is a
25 spoiled ballot because it's going into a QR code.

1 In 2024 we will be voting still where the
2 tabulator counts the QR code. I cannot tell if I
3 voted for Mickey Mouse where it says Micky Mouse
4 was in my QR code or not. And how can any
5 election superintendent in any county certify an
6 election to where they can't tell if it says
7 Mickey Mouse in the QR code either.

8 Now, our legislators have let us down. Our
9 judicial system has let us down. Our executive
10 branch has let us down and the Secretary of State
11 never picked us up.

12 Now, if it's all right for the former
13 president of the United States to be raked over
14 the coals and be investigated, then why is it not
15 all right to have the Secretary of State's Office
16 in the state of Georgia investigated? He can
17 certify his own election. That needs to be
18 addressed.

19 Now, here it is. It's one word. It's
20 called trust. 62 percent of Georgians, according
21 to a Rasmussen poll, do not trust the election
22 system in the state of Georgia. As my friend,
23 Field Searcy, just said, in 21-2-334, it states
24 that if it's impracticable to vote on the
25 machines -- and, by golly, if Eric Holdeman in

1 that crowd hadn't shown us that it's
2 impracticable to vote on these machines, then I
3 don't know what impractical means -- we need to
4 go to the hand-marked paper ballot, count it on
5 election day at the precinct to bring trust back
6 to the Georgia voter because, frankly, folks,
7 there's no way to clean the swamp.

8 And our republic is a farce if we don't have
9 the representative form of government that our
10 forefathers designed for us.

11 Thank you.

12 **MR. COAN:** Thank you, Sam.

13 Next up -- thank you. Next up, we have
14 Ginger -- oh, no, excuse me. We have Russell
15 Carlisle is up and then we have Nancy Saunders on
16 deck. I'm sorry? Oh, you signed up twice.
17 Sneaky devil you are.

18 **MR. FERVIER:** That'll make it two minutes
19 shorter.

20 **MR. COAN:** Yes. Thank you.

21 All right, next up is Nancy Saunders.

22 Nancy, please come up.

23 And then on deck we have Gary Coates,
24 please. Thank y'all.

25 **MS. SAUNDERS:** Nancy Saunders, Fulton

1 County. And first of all, I thank you all for
2 the work that you do here. And I'm also sorry
3 that I'm here because I've known Ed Lindsey for a
4 long, long time.

5 And as a state -- as a member of the State
6 Board of Elections, you're required to avoid any
7 appearance of conflict or impropriety, and we all
8 know that. Unfortunately, Ed, you voted on cases
9 that involve counties where you were also a hired
10 lobbyist and it certainly appears to be a
11 conflict of interest. I've read the arguments.
12 But it's impossible to come away with anything
13 but that. That's resulted in a breach not only
14 of the SEB code of conduct but really more
15 importantly and you've heard it, it's a breach of
16 trust for the very voters you were appointed to
17 serve and cannot do that.

18 Georgia voters must trust that we have free
19 and fair elections. We must. And, Ed, you've
20 broken that trust. And for that reason I
21 respectfully ask you to step down. Thank you.

22 **MR. COAN:** Thank you, Nancy.

23 Next up we have Gary Coates and on deck we
24 have Allyson Rose Becker.

25 **MR. COATES:** Good morning. Thank you. This

1 is going to be really brief because most of what
2 I wanted to say has already been said, and I
3 don't want to repeat myself -- or them.

4 First I'd like to address -- there was a
5 young lady up here that spoke, the lobbyist.
6 Process is not more important than results, okay?
7 So I don't know what school you went to, but
8 maybe you ought to go demand a refund, okay?

9 I would just like to say that, you know,
10 this board and our legislators have effectively
11 stonewalled us. They've run the clock out.
12 There has been absolutely nothing meaningful done
13 at all in three years.

14 Our voter rolls are still not cleaned up.
15 The QR codes are still on the ballot and they're
16 illegal. The software has still not been
17 updated. By the way that would've cured the QR
18 code problem. Not that I endorse Dominion, but
19 at a minimum that software had to be updated.

20 Now we're being told that this will all
21 happen in 2025. Wow. I kind of -- I don't know,
22 I find that kind of interesting. And I don't
23 think you need to put two and two together to
24 figure that out. It's a disgrace.

25 We want our state back. It's criminal what

1 is happening in this state. And I came down here
2 from a pretty darn corrupt state. They can't
3 hold a candle to you. When I came down here, I
4 didn't want to get involved in this stuff
5 anymore, but here I am. I'm retired. My wife is
6 at home on Saint Simons Island.

7 This has got to end. Got to end.

8 **MR. COAN:** Thank you, Gary.

9 Next up we have Allyson Rose Becker and on
10 deck we have Derrick Blasingame.

11 **MS. BECKER:** Hi. I have worked in the --
12 for the last three years for some of the nation's
13 top election integrity experts. And you know
14 what? I can tell you from a national perspective
15 your state is one of the most egregious I've
16 seen.

17 People -- I have heard incident after
18 incident after incident of things that shouldn't
19 be happening in any state. They do happen in all
20 the states, but they're happening way too much in
21 this state.

22 You want to know why two-thirds of the
23 country didn't trust the results of the 2020
24 election? Right here. Georgia. I mean, you've
25 got a small county like Floyd County, they had

1 under 3,000 votes not counted. Oh, but you want
2 to tell us that, oh, that wouldn't have affected
3 the presidential election. It did. It's also
4 affected the down ballot races. How many people
5 should be serving -- regular people, we the
6 people serving and their not because of
7 fraudulent elections?

8 And you want to know what? People in
9 Georgia, they don't know if their votes even
10 count anymore. Do they count? If they are
11 counted, are they going to be canceled out by a
12 dead voter or duplicate ballot counts or anything
13 else?

14 And you do know what? I was a lifelong
15 Republican, but you know what? The Democrats and
16 the Republicans, they're the same. The Democrats
17 at least tell you what they're going to do to
18 you. The Republicans say, We're for election
19 integrity, we're your friend, and they stab you
20 in the back.

21 Now, you want to know what? I do have hope
22 today. The people, we the people, as the
23 founding fathers intended, are going to take back
24 our elections and we're going to take back our
25 government.

1 And you know what? We're not going to be
2 beholding to career bureaucrats like Ed Lindsey.
3 And we're not going to be beholding to career
4 politicians like Raffensperger and Brian Kemp.

5 Mr. Lindsey, please resign.

6 And, everybody, we need to vote Amish. Get
7 rid of the machines. They're the big problem.
8 And you know what? God will win in the end and
9 we will win. You people are the refounding
10 fathers.

11 **MR. COAN:** Thank you, Allyson.

12 Next up -- next up we have Derrick
13 Blasingame and on deck is Ginger Bradshaw.

14 **MR. FERVIER:** She left.

15 **MR. COAN:** Okay. Is there -- is Derrick
16 Blasingame here? He left, okay. So how about
17 Ginger Bradshaw? You're here, okay. You're up.

18 Okay. And on deck after Ginger we've got --
19 is it Kirk Pumphrey? Thank you.

20 **MS. BRADSHAW:** Hey, my name is Ginger
21 Bradshaw. I live in Sandy Springs. And first of
22 all, I want to say to y'all and I want to say to
23 everybody, we are in favor of every legal vote to
24 count. We're not here to try to disenfranchise
25 anyone. We want the homeless to count if they --

1 to vote if they want to vote. We want every
2 legal person to count.

3 But we don't want 15 people in a house
4 that's boarded up that's vacant to count. We
5 don't want people registered to post office boxes
6 to count. But that's just my overall thing.

7 But I want to thank all of you for serving.
8 I know it's a lot of work. I see some of you at
9 lots of different meetings to learn and to see
10 what's going on.

11 But as you know, our elections are a mess.
12 I don't think there's anybody in here that can
13 say that they aren't. So -- and the way I look
14 at it, we need to clean our voter rolls, we need
15 to go to paper ballots, and we need to have an
16 ethical State Board of Election.

17 And the first up is easy. And, Mr. Lindsey,
18 I -- I don't like -- this isn't mean-spirited,
19 but just please resign. And then you can go play
20 golf, go do whatever it is you want to do
21 because -- because of your conflicts of interest.
22 And I don't blame you for giving up a lucrative
23 job to do this nonpaying job, you just can't do
24 both.

25 And so as of now, we do not live in a banana

1 republic but we're very close. If -- if we don't
2 have our elected and appointed officials -- I
3 mean because this is a huge gargantuan mess.
4 It's not like we've got this little problem over
5 here, we can clean it up and everything will be
6 wonderful.

7 But like I said, the first thing we can do
8 is have an -- okay.

9 But anyway, thank you very much.

10 **MR. COAN:** Thank you, Ginger.

11 Next up we have Kirk Pumphrey. Is it
12 Pumphrey? Anybody? Is it Kirk? He doesn't want
13 to speak. Okay. Thank you. Yes. Oh, okay,
14 okay. No problem.

15 All right. Next up we have Gail Lee and on
16 deck we have Joan Webb.

17 **MS. LEE:** Hi, I'm Gail Lee. The notice
18 letter the State Election Board sent Mr. Moncla
19 was posted on social media. And that letter
20 states he will not be given an opportunity to
21 speak to the case or refute the statements made
22 by investigators.

23 This, I realize, is standard but although
24 questionable SEB policy. But you're not dealing
25 here with a felon voting or person registering to

1 vote using a nonresidential address. You're
2 dealing with the viability of the state's
3 election and it has consequences for our entire
4 nation.

5 To only consider the facts presented by
6 investigators employed by the Secretary of State
7 who bears responsibility for elections and who
8 has a vested interest in exonerating judgment
9 would be an obvious stacking of the deck in the
10 politician's favor.

11 Therefore as a citizen who is concerned that
12 my civil rights may have been violated by
13 election systems and/or personnel, I strongly
14 recommend the plaintiff or complainant be granted
15 a fair hearing, be allowed to speak, and if
16 necessary refute or supplement investigator
17 findings.

18 We the people want the truth and we do not
19 trust processes that suppress our voices. And
20 thank you for extending the time.

21 **MR. COAN:** Thank you, Gail.

22 Next up we have Joan Webb. On deck we have
23 Pamela Reardan.

24 **MS. WEBB:** This is basically a "me too"
25 speech. I've met Ed Lindsey. I like him as a

1 person. And then I found out that he works for
2 DeKalb County as a consultant as well as Cobb
3 County. And its difficult for anyone to serve
4 two -- two bosses, two supervisors.

5 And on those instances when a recusal was
6 done, it's has hindered the board in making a
7 decision as far as two against two and in making
8 any important decisions. So I do reiterate what
9 others have asked. Thank you.

10 **MR. COAN:** Thank you so much, Gail. I mean
11 Joan.

12 Okay. Next up is Pam Reardan. On deck
13 is -- and last but not least is Amanda Prettyman.

14 **MS. REARDAN:** All right. Thank you very
15 much. I'm Pam Reardan. I'm actually a
16 candidate. So it's important that -- to me it's
17 been important all my whole -- my whole life that
18 we have fair and proper elections and only legal
19 votes count.

20 I am desperately afraid that illegals are
21 going to be allowed to vote. I have talked to
22 the Secretary of State's Office to their face.
23 Oh, yeah, we're good. You know, we get the
24 information from the DDS.

25 I have gone to the DDS and tried to do an

1 open records request. It's impossible. It's
2 impossible to find out if they're registering
3 illegals. The other -- I'm -- I was -- I'm --
4 I'm legal. I'm from Canada, but I'm legal, okay?
5 So I want you to know I went through the process.
6 So this is a real sore point with me when people
7 who are not legal vote.

8 So I have found out some information that
9 the -- all those apartment buildings, a lot in
10 Johns Creek that are -- been built, 30 percent of
11 those are being bought by NGOs and the people you
12 see illegally coming into our country and the UN
13 and the NGOs are providing their airfare, they're
14 living in those. And they're getting work
15 permits. And they are going to vote. I -- sure
16 as I'm standing up here, they're going to vote.

17 Now, let me just say on Ed Lindsey, the code
18 is 21-5-74. Do I have to read the code? I have
19 the code. You must resign.

20 The other -- the last thing is I want to say
21 I have a real good solution to the voter roll
22 problem. Let's delete the whole voter roll and
23 and everybody -- everybody sign up with your
24 legal address and your legal ID to vote this
25 time. So let's do that. We can do it.

1 Thank you very much.

2 **MR. COAN:** Thank you, Pamela.

3 All right. Next up we have Amanda
4 Prettyman.

5 **MS. PRETTYMAN:** Good morning. My name is
6 Amanda Prettyman. I'm in Bibb County.

7 And I want to make two points, then read
8 Federalist 53. One point is 62 percent of voters
9 not trusting our elections. You could argue that
10 our government is engaged in voter suppression by
11 not addressing our concerns.

12 Number 2, the encryption keys discovered
13 from my county and others with the databases
14 really suggests perhaps every county is this way
15 and tells me that we're in a state of emergency.
16 You have the complaint before you. I believe
17 it's been submitted. And it shows that they are
18 in plain text, unprotected, and gives access to
19 all tools and information, all -- to manipulate,
20 fabricate, produce, replace election results.

21 And so I think we're -- Georgia is in a
22 state of emergency. Our code already provides a
23 solution for that. As Field said, hand-marked
24 emergency paper ballots scanned in our machines
25 and then hand counted with proper chain of

1 custody.

2 And so now I'll go to Federalist 53. And
3 that was written by James Madison. I'm just
4 going to read a portion of it. February 1788:
5 It is an inconvenience mingled with the
6 advantages of our frequent elections even in
7 single states where they are large and hold but
8 one legislative session in a year that spurious
9 elections cannot be investigated and annulled in
10 time for the decision to have its due effect. If
11 a return can be obtained no matter by what
12 unlawful means, the irregular member who takes
13 his seat of course is sure of holding it a
14 sufficient time to answer his purposes.

15 (reading): Hence, a very pernicious
16 encouragement is given to the use of unlawful
17 means for obtaining irregular returns. Were
18 elections for the federal legislature to be
19 annual, this practice might become a very serious
20 abuse, particularly in more distant states. Each
21 house is, as it necessarily must be, the judge of
22 the elections, qualifications, and returns of its
23 members; and whatever improvements may be
24 suggested by experience, for simplifying and
25 accelerating the process in disputed cases, so

1 great a portion of a year would unavoidably
2 elapse, before an illegitimate member could be
3 dispossessed of his seat, that the prospect of
4 such an event would be little check to unfair and
5 illicit means of obtaining a seat. All these
6 considerations taken together warrant us in
7 affirming that biennial elections will be useful
8 to the affairs of the public as we have seen that
9 they will be safe to the liberty of the people.

10 And so as you can see, to our founders it
11 was presumptive that election irregularities, be
12 it error or fraud, would be investigated and
13 acted upon quickly. And that has not happened
14 here. So I urge you to -- to consider it as you
15 would if you went to the emergency room with
16 chest pain because this is one of the most
17 fundamental rights and it deserves the
18 seriousness and expediency that you would be
19 given there.

20 Thank you.

21 **MR. COAN:** Thank you.

22 We appreciate every one of your comments,
23 and -- and thank you for being here and
24 participating.

25 And now I'm going to turn it back over to

1 the chairman. Thank you.

2 **CASES RECOMMENDED TO BE DISMISSED**

3 **MR. FERVIER:** That concludes our public
4 comment section of the agenda. We'll move into
5 investigative reports.

6 And the first section on investigative
7 reports is cases recommended to be dismissed. We
8 will vote on these en masse with the exception of
9 those reports to be discussed by individual board
10 members if they want to remove some of them.

11 Member Ghazal.

12 **MS. GHAZAL:** SEB case 2021-054[sic], tab
13 number 4, please.

14 **MR. FERVIER:** Are there any other cases to
15 be discussed?

16 **MR. LINDSEY:** Yes, Mr. Chairman. I would
17 like to pull SEB2022-038, Gwinnett County case.
18 That's number 5 on your tab.

19 **MR. FERVIER:** Any other cases that the board
20 would like to discuss in the first section? We
21 will pull SEB2021-058 and SEB2022-038 for further
22 discussion.

23 The remaining cases recommended to be
24 dismissed are -- let me go through these:
25 SEB2021--048, Sumter County failure to open poll;

1 SEB2022-129, Muscogee County problems at the
2 polling place; SEB2022-182, Long County absentee
3 ballot issue; SEB2022-194, Fulton County
4 Alpharetta branch library ABA; SEB2022-204,
5 Forsyth County residency issue; SEB2022-253,
6 Fulton County early closing at advance polling
7 location; SEB2022-275, Fulton County improper
8 campaign sign postings; SEB2022-368, Fulton
9 County prohibited personnel practices by poll
10 officials; SEB2023-002, Morgan County failure to
11 open polls; SEB2023-010, Gwinnett County
12 ineligible board member; SEB2023-047, Fulton
13 County, city of Milton improper polling location
14 changes; SEB2023-093, Fulton County, city of
15 Roswell Johns Creek water treatment plant delayed
16 poll opening.

17 All of those cases have been recommended for
18 dismissal by the investigators. The board has
19 had their briefing books for about a week now and
20 has had an opportunity to look at those cases.
21 Do we have a motion on those cases?

22 **MR. LINDSEY:** So moved, Mr. Chairman.

23 **MR. FERVIER:** And your motion is --

24 **MR. LINDSEY:** To dismiss.

25 **MR. FERVIER:** -- to dismiss the cases --

1 **MR. LINDSEY:** Yes.

2 **MR. FERVIER:** -- previously listed. Do we
3 have a second?

4 **MS. GHAZAL:** Second.

5 **MR. LINDSEY:** We have a motion -- yes?

6 **UNIDENTIFIED SPEAKER:** (inaudible, off mic
7 in gallery)

8 **MR. LINDSEY:** Mr. Chairman, since she's
9 here, I would move -- I would move to amend my
10 motion to hear separately 2023-10.

11 **UNIDENTIFIED SPEAKER:** I appreciate that.

12 **MR. FERVIER:** We have a motion by -- an
13 intervening motion by board member Lindsey to
14 remove SEB2023-010, which will be removed. The
15 remaining ...

16 **MR. LINDSEY:** I would move that the
17 remaining cases that you cited -- that you listed
18 be dismissed, Mr. Chairman, that -- with that
19 change that I --

20 **MR. FERVIER:** There is a motion to remove
21 the remaining cases that have been listed. Do we
22 have a second?

23 **DR. JOHNSTON:** Second.

24 **MS. GHAZAL:** We have a motion and a second.
25 Any discussion? Hearing no discussion, all those

1 in favor of moving the cases previously listed,
2 with the exception of the three, signify by
3 saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. FERVIER:** Any opposition? Hearing no
6 opposition, so moved.

7 The board will now hear from investigators
8 on SEB2021-058, multi-county excess voting.

9 **MR. BRUNSON:** Following the November 2020
10 presidential general election, several states
11 received complaints alleging cross-state double
12 voter fraud. The Georgia Secretary of State
13 initiated an investigation into voter fraud
14 following this complaint.

15 The Georgia Secretary of State's Office
16 initiated this investigation after 60 Georgia
17 voters were identified by name and date of birth
18 as voting in the Georgia and another state for
19 the same November 2020 general election which is
20 a potential violation of O.C.G.A. 21-2-572 that
21 prohibits repeat voting in the same primary or
22 election.

23 On February 8, 2021, we received a
24 spreadsheet containing 60 names. According to
25 the voter registration system, ElectionNet, also

1 known as ENet, 19 of the 60 people potentially
2 voted in Georgia. The investigator inspected the
3 documentation and noticed that 18 of the 19
4 alleged double voters had already been
5 investigated under case number SEB2021-138.

6 One of the individuals, Nathaniel Brown, was
7 not investigated. Further investigation into
8 Mr. Brown's situation revealed that he voted
9 absentee by mail for the Georgia 2020 general
10 elections on September 25, 2020. Richmond County
11 was able to locate the oath envelope for Brown.
12 It is indicative that Brown did not vote. They
13 could not locate it. So it's indicative that
14 Brown did not vote and a clerical error was most
15 likely made, giving this voter credit.

16 During the investigation Richmond County
17 received vital records information on August 14,
18 2023, confirming that Brown is now deceased. The
19 South Carolina Election Commission confirmed
20 there was a match and that Brown voted early in
21 person on October 28, 2020, in Lee County, South
22 Carolina for the November 2020 general election.

23 The allegation that Georgia voters voted
24 more than once in the same election was
25 unsubstantiated. The spreadsheet initially

1 identified 60 alleged double voters in Georgia
2 and another state by name and date of birth only.

3 Following the Georgia Secretary of State's
4 data match requests using name, date of birth,
5 and adding the Social Security number that number
6 was reduced down to the 19th that I talked about
7 earlier. And ultimately Mr. Brown was identified
8 as having not been previously investigated. And
9 based on that, this case was unsubstantiated.

10 **MS. GHAZAL:** Thank you. I just wanted to
11 highlight a couple of points. So based on
12 publicly identifiable information on public
13 databases, there were 60 potential matches; is
14 that correct?

15 **MR. BRUNSON:** Yes.

16 **MS. GHAZAL:** But then using data that's only
17 available to government databases because these
18 are unique identifiers and this -- this is
19 nonpublic information, so two-thirds of the
20 potential matches were eliminated; is that
21 correct?

22 **MR. BRUNSON:** Yes, just about. Yes. From
23 60 down to --

24 **MS. GHAZAL:** I wanted to make that point,
25 that the data that's available to the public is

1 really incomplete. And when two-thirds of those
2 were false matches, we're looking at a very
3 dangerous practice if are trying to use solely
4 public databases to identify individuals. And
5 that's why I wanted this case brought up. It's
6 when the private, unique identifiers are matched,
7 that is when we have a high level of confidence
8 that we have matching voters, not using public
9 databases.

10 Thank you. I have no further questions on
11 this.

12 **MR. FERVIER:** I want to clarify. Eighteen
13 of the nineteen have previously been disposed of;
14 correct? The 18 of the 19 voters have previously
15 been heard or disposed?

16 **MR. BRUNSON:** Yeah. They're in other cases.
17 Some different cases and they have not been
18 heard.

19 **MR. FERVIER:** They have not been heard.

20 **MR. BRUNSON:** Those are upcoming. Yes.

21 **MR. FERVIER:** Okay. Right.

22 **MS. GHAZAL:** So I would -- I would move to
23 dismiss this complaint with the rest of them.

24 **MR. FERVIER:** Are there any other questions
25 from --

1 **DR. JOHNSTON:** Yeah, I have a question for
2 Michael, Mr. Chairman. A question for the
3 investigator.

4 I see that the absentee by mail application
5 was found, but the oath for Mr. Brown was not
6 located. Did the investigator go further and
7 look at the absentee voter list? Like the
8 numbered voter list that goes -- that is provided
9 with absentee voters?

10 (Microphone feedback)

11 **MR. FERVIER:** We have a problem here. Okay.

12 **DR. JOHNSTON:** So not finding an absentee
13 ballot oath envelope is just not finding
14 something. But was it confirmed that this
15 voter's name was not on the absentee voter list?

16 **MR. BRUNSON:** I'd have to take a look at the
17 ...

18 **DR. JOHNSTON:** And Mr. Chairman?

19 **MR. FERVIER:** Yes.

20 **DR. JOHNSTON:** I would also like to say that
21 having the tools available in election offices
22 that are much more detailed and accurate than
23 what may be available to the public should be
24 further encouragement that election offices will
25 utilize that data -- utilize that data to

1 maintain accurate rolls.

2 And I -- I don't understand why challenges
3 continue to be made with voters that have
4 allegedly moved to other states and registered to
5 vote in other states or actually voted in other
6 states and our election offices are unable to
7 corroborate the information. Thank you.

8 **MR. BRUNSON:** No, I don't see it.

9 **MS. GHAZAL:** Can I also just add a point of
10 clarity. Mr. Brown passed away; correct?

11 **MR. BRUNSON:** Yes, he did.

12 **MS. GHAZAL:** Okay. He's --

13 **MR. BRUNSON:** After.

14 **MS. GHAZAL:** -- he cannot be a -- a
15 respondent.

16 **MR. FERVIER:** Any other questions from the
17 board?

18 **DR. JOHNSTON:** No further questions. I move
19 that we dismiss.

20 **MR. FERVIER:** Do we have a motion on this
21 case?

22 **MS. GHAZAL:** I renew my motion to dismiss.

23 **MR. FERVIER:** We have a motion --

24 **DR. JOHNSTON:** Second.

25 **MR. FERVIER:** -- to dismiss. And a second

1 to dismiss this case. Any discussion? Hearing
2 no further discussion, all those in favor of
3 dismissing case SEB 2021-058, multicounty excess
4 voting, please signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. FERVIER:** Any opposition? Hearing no
7 opposition, so moved unanimously.

8 Next case is SEB2022-038, Gwinnett County
9 ballot harvesting. Member Lindsey pulled that
10 case.

11 **MR. LINDSEY:** Yeah. In particular I'd like
12 to ask you about one particular individual who
13 refused to cooperate. And that would've been
14 Joyce Lynn Lofton. And let me ask you this -- is
15 Miss Lofton here by chance?

16 Here's the reason that I want -- and I'll
17 ask you to confirm with this, is that, you know,
18 when -- when you -- the investigators approached
19 Miss Lofton, she basically refused to cooperate
20 and she hired an attorney who said that she would
21 not cooperate; correct?

22 **MS. KOTH:** Yes.

23 **MR. LINDSEY:** And that the film did show
24 that she dropped off three ballots. You checked
25 to determine whether or not there were any other

1 residents -- residents living in her household
2 who were registered to vote and there were none;
3 correct?

4 **MS. KOTH:** At that time, that's true. But
5 it doesn't go back to 2020. When it was checked
6 it was 2022. So that information was there was
7 no other registered voters in 2022.

8 **MR. LINDSEY:** Okay. My concern is that, you
9 know, there may very well have been a very
10 legitimate reason why Miss Lofton dropped off the
11 ballots. She may been doing so for an elderly
12 person or someone else that she had charge over,
13 someone else living in the household. But her
14 refusal to cooperate doesn't tell us one way or
15 the other.

16 And I'm not prepared to dismiss a case
17 because someone refuses to cooperate. And --
18 but, you know, she was not given a notice that we
19 would be taking up her case for the possible
20 adjudication as to a penalty.

21 So for that reason, Mr. Chairman, I would
22 move as to Joyce Lynn Lofton that we continue
23 this matter to our next hearing to give Miss
24 Lofton an opportunity and her attorney -- since
25 she's hired one, just give her a chance to use

1 him -- and -- and let's see what the facts are in
2 that case whether or not some type of misconduct
3 took place.

4 For that reason I would move to continue
5 that particular matter as to Miss Lofton.

6 **MR. FERVIER:** We have a motion from member
7 Lindsey to continue case SEB2022-038. Do we have
8 a second?

9 **MR. LINDSEY:** As to Miss Lofton only.

10 **MR. FERVIER:** As to Miss Lofton only.

11 **MR. LINDSEY:** Yeah.

12 **MR. FERVIER:** Do we have a second?

13 **MS. GHAZAL:** Second.

14 **MR. FERVIER:** We have a motion and a second
15 to continue SEB2022-038 as it pertains to Miss
16 Lofton only. Is there any discussion?

17 **DR. JOHNSTON:** I would agree with the motion
18 to continue and ask Miss Lofton to appear. But I
19 also would like to make a motion to continue
20 another of these cases.

21 **MR. LINDSEY:** Yeah. Like I said, I just
22 wanted to start there and we can take up some --
23 any other ones too.

24 **MR. FERVIER:** We have a motion and a second
25 to continue SEB2022-038. All those in favor

1 signify by saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. FERVIER:** Any opposition? Hearing no
4 opposition, so moved by a vote of three to zero.

5 The next case that was pulled was SEB2023-0

6 --

7 **MR. LINDSEY:** Mr. Chairman, I think
8 Dr. Johnson wanted to address one other matter
9 within the ...

10 **DR. JOHNSTON:** So I -- I am -- I am
11 interested -- more interested in number 4 of this
12 case, the video showing a -- a woman, a female
13 dropping off multiple ballots. And the video --
14 a review of the video shows maybe 15 or 20
15 ballots and the person in the video appears to be
16 an election worker.

17 **MR. FERVIER:** Are you referring to the same
18 case?

19 **DR. JOHNSTON:** Same case. The -- in the
20 investigative report, it says they could not
21 identify the woman. You know, looking at the
22 video, I -- minus the mask right here, she seems
23 to be easily identifiable by somebody if she's an
24 election worker, has worked in an election
25 office.

1 So I think it would bear further
2 investigation. There -- there is a -- there are
3 two cases that are described just like this in
4 Connecticut and New Jersey and where there is
5 absentee ballot harvesting by election workers
6 and deposited into drop boxes.

7 So I think it would bear further
8 investigation to see if we could identify who
9 this person is and establish that these were
10 legitimate ballots that she was dropping off.

11 **MR. FERVIER:** Thank you. A portion of this
12 -- this case will be continued to the August
13 meeting at which time there will be plenty of
14 time between now and then to further send
15 questions to the investigative team.

16 **MR. LINDSEY:** I think that our investigator
17 would like to comment.

18 **MS. KOTH:** I didn't know if you wanted to
19 hear what the investigator did for this case. So
20 ... like, that they -- what they tried to -- that
21 they tried to find her. Do you want me to go
22 through what they did? Okay.

23 So the investigator reached out to Gwinnett
24 County Elections Director Zach Manifold. He was
25 shown the photo of the female and he advised he

1 did not know who she was. They did confirm that
2 the lanyard appeared to be a Gwinnett County
3 election ID.

4 The director passed around the photo in his
5 office, but the identity of the women was not
6 determined. The investigator requested the list
7 of Gwinnett County election workers for the 2020
8 election and they provided that spreadsheet.

9 The investigator conducted a driver's
10 license check on 293 subjects to compare the
11 driver's photo to the security footage. The
12 investigator located a possible match. The
13 female was interviewed in person but ruled out as
14 she was much taller than the female in the video
15 surveillance and she also advised that the photo
16 was not her. And he didn't believe so when he
17 interviewed her.

18 The investigator also learned of an incident
19 where a Gwinnett County Sheriff's Office wanted
20 poster was circulated on the Internet using the
21 photo of this female. And the incident was
22 reported by 11 Alive News. The poster displaying
23 the Gwinnett County Sheriff's Office emblem was
24 confirmed by a representative of the Gwinnett
25 County Sheriff's Office to be false. But the

1 creator of the fake wanted poster was not
2 investigated by the sheriff's office and not
3 identified.

4 But the incident didn't uncover any leads
5 leading to the identity of the respondent as
6 well. And when they tried to do facial
7 recognition software, because she's wearing a
8 mask, DMV said that they needed the full face.
9 So that was not an option for recognition
10 software.

11 So that is why they weren't able to identify
12 that individual. But all of that on the Internet
13 didn't lead to her identity either.

14 **MR. FERVIER:** Thank you. This case has been
15 continued to August. Let's move on and hear --

16 **MR. LINDSEY:** Mr. Chairman, I think we want
17 to dismiss the others, except for those two.
18 There were others that were listed. I think we
19 would -- I think we wanted to dismiss the others
20 but to simply continue those two -- thank you.
21 To continue those two that were cited by me and
22 Dr. Johnston, but to -- to dismiss the
23 remainders.

24 **MR. FERVIER:** Do we have a motion?

25 **DR. JOHNSTON:** So moved.

1 **MR. FERVIER:** We have a motion and a second
2 to dismiss the remaining respondents for
3 SEB2022-038 and with the one respondent being
4 continued to August. Any discussion? Hearing no
5 further discussion, all those in favor signify by
6 saying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. FERVIER:** Dr. Johnston?

9 **DR. JOHNSTON:** So this case will be
10 continued?

11 **MR. FERVIER:** The case will be continued to
12 August for the one respondent, yes.

13 **MR. LINDSEY:** The two.

14 **DR. JOHNSTON:** The two respondents.

15 **MR. FERVIER:** Two respondents, yes.

16 **DR. JOHNSTON:** Two respondents. Yes, aye.

17 **MR. FERVIER:** So moved. Now, we'll move on
18 to the next case which is SEB2023-010, Gwinnett
19 County ineligible board member.

20 **MS. KOTH:** The Secretary of State's Office
21 opened this investigation in February of 2023
22 following a complaint from a Gwinnett County
23 resident. The complaint was regarding board
24 member Anthony Rodriguez. The complaints were
25 regarding his attendance at board meetings,

1 voting history during Gwinnett County election
2 board meetings, and his personal voting record,
3 and publicly and openly campaigning for Stacey
4 Abrams.

5 The complaint that had the purview of the
6 Secretary of State's Office was that of the
7 improper campaigning activity by a county board
8 member, a potential violation of O.C.G.A. 21-20
9 -- 221-4(c).

10 The findings were the allegation that the
11 complainant while being on the Gwinnett -- from
12 the complainant that while being on the Gwinnett
13 County Board of Elections and Registration
14 publicly and openly campaigned for a particular
15 candidate was unsubstantiated. The investigation
16 revealed the respondent did not engage in any
17 political activity on behalf of the candidate
18 while conducting the duties of the Gwinnett
19 County Board of Elections and Registration board
20 member.

21 The respondent is a cofounder of the theater
22 where he was observed expressing support for the
23 particular candidate. While showing his support,
24 the respondent was acting in the capacity of a
25 private citizen, appearing to be exercising his

1 First Amendment rights. There's no evidence
2 presented to show or prove the respondent engaged
3 in any political activity on behalf of a
4 candidate while in the performance of conducting
5 board member duties.

6 **MR. LINDSEY:** If I may, Mr. Chairman, ask
7 the complainant the question.

8 **MR. FERVIER:** Yes.

9 **MR. LINDSEY:** Just briefly. You heard the
10 investigation. The investigation was that the
11 board member didn't engage in political activity
12 for a particular candidate while serving on the
13 county election board but was -- but did support
14 a candidate in that individual's private capacity
15 outside of the boardroom. I just wanted to give
16 you a chance -- do you have any evidence to
17 contradict that?

18 **UNIDENTIFIED SPEAKER:** (off microphone)
19 Evidence that turns up -- and I submitted quite a
20 bit of evidence with photos. Some of the photos
21 were on -- on his business site where she
22 visited, but many of them were on his personal
23 Instagram or Facebook page. (indiscernible).

24 The issue with this board member is that he
25 is our nonpartisan member-at-large board member,

1 okay? He is meant to be impartial just like the
2 chair up here. That is what we expect our board
3 members to be. Two appointed from each party and
4 one nonpartisan.

5 The issue that we have with this current
6 board member -- the first case she's talking
7 about a complaint I filed last year in 2023. I
8 filed a new case this year, 2024, which has
9 additional evidence, including his personal
10 voting history for a dozen or more years,
11 including this past presidential primary.

12 **MR. FERVIER:** Sure.

13 **UNIDENTIFIED SPEAKER:** He is highly
14 partisan. He's not -- he's not -- not
15 nonpartisan at all. He votes 100 percent. We
16 have a ringer. That's not the heart and the
17 intent of our county board of elections, okay?
18 We don't get to voice our opinions
19 (indiscernible) people just like behind this desk
20 here, okay? You're all appointed. We the people
21 do not elect any of you.

22 But what is our recourse? Where do we go
23 when there is misjustice or maladministration?
24 He was reappointed, a second appointment, clearly
25 understanding his role on the Gwinnett County

1 Election Board. He is there to represent us as a
2 nonparty. I would consider that false swearing.
3 I would consider that breaching his oath of
4 office that he took as he swore that he was going
5 to represent Gwinnett County as a nonpartisan
6 member-at-large and that has not happened.

7 Right now we have a three to two Gwinnett
8 County board. As citizens in Gwinnett, that is
9 not acceptable. That is not acceptable. We
10 don't want anybody to weigh on either side.

11 What we want, what I ask is that you take a
12 look at it, that there be some instruction. The
13 letter I got back is that he didn't break the
14 law, so no action will be taken. And he would be
15 recommended for dismissal.

16 So what law -- my point of information is
17 what law does he have to break to do that if
18 you're not representing your oath of office and
19 the heart of the position that you took? He
20 clearly understands at this point.

21 **MR. FERVIER:** Yeah. I --

22 **UNIDENTIFIED SPEAKER:** It's bold. It's in
23 your face. We see it every month. And what are
24 we supposed to do? I submit it you. My
25 understanding is you have authority over these

1 county boards. Many of us fight the same thing
2 with our county boards. You know, they're rogue.
3 They're -- every two years they just reappoint
4 themselves. Many of them have made pseudocareers
5 out of this. Stayed on boards for dozens of
6 years. Sorry.

7 **MR. FERVIER:** Thank you for your comments.

8 **UNIDENTIFIED SPEAKER:** (indiscernible)

9 **MR. LINDSEY:** Yeah, I understand. I -- the
10 most frustrating thing sometimes is to say that
11 our -- our jurisdiction is limited, but it is.
12 But however I did hear you -- and -- hold on,
13 hold on. I do hear you and I do agree with you.

14 **UNIDENTIFIED SPEAKER:** (indiscernible) --

15 **MR. LINDSEY:** That's -- let me -- let me
16 finish.

17 **UNIDENTIFIED SPEAKER:** (indiscernible)

18 **MR. LINDSEY:** Let me finish. When you're
19 winning, be quiet.

20 **UNIDENTIFIED SPEAKER:** (indiscernible)

21 **MR. LINDSEY:** And I'm -- and I'm -- I hope
22 you understand I'm joking.

23 I would, Mr. Chairman -- I do move to
24 dismiss but with a letter of instruction to the
25 board chair that as a nonpartisan he should

1 refrain from partisan activities in order to
2 instill greater confidence in the people of
3 Gwinnett County. That's my motion.

4 **MR. FERVIER:** Let me understand. Your
5 motion is to not dismiss it, to offer a --

6 **MR. LINDSEY:** Offer.

7 **MR. FERVIER:** -- letter of instruction?

8 **MR. LINDSEY:** Yeah, offer a letter of
9 instruction.

10 **MR. FERVIER:** So we have a motion from
11 member Lindsey to offer a letter of instruction
12 to this individual for SEB2023-010. Do we have a
13 second?

14 **DR. JOHNSTON:** Second.

15 **MR. FERVIER:** We have a motion and a second.
16 Any discussion? Hearing no discussion, all those
17 in favor of offering a letter of instruction on
18 SEB2023-010, Gwinnett County ineligible board
19 member, please signify by saying aye.

20 **THE BOARD MEMBERS:** Aye.

21 **MR. FERVIER:** Any opposition?

22 **MS. GHAZAL:** Nay.

23 **MR. FERVIER:** The vote is two for and one
24 against. The motion carries.

25 **UNIDENTIFIED SPEAKER:** Thanks very much.

1 And I appreciate you letting me be heard. And I
2 appreciate (indiscernible).

3 **MR. FERVIER:** Thank you. That concludes our
4 portion concerning cases recommended to be
5 dismissed. I think that it's an appropriate time
6 to take a short lunch break. No? It's not time?

7 (The chair conferred with staff.)

8 **CASES RECOMMENDED FOR LETTERS OF INSTRUCTION**

9 **MR. FERVIER:** Okay. We'll move into
10 violation cases recommended for letters of
11 instruction for -- the first case on the agenda
12 is SEB2021-156, Clayton County failure to record
13 assistance information.

14 I do want to say that we're going to go
15 slightly out of order. And the last case on the
16 agenda, SEB2023-025, Fulton County tabulator
17 results will be heard immediately after lunch.
18 So ...

19 **MR. LINDSEY:** Mr. Chairman?

20 **MR. FERVIER:** Yes.

21 **MR. LINDSEY:** A point of inquiry. Should we
22 treat this -- and this is truly an open question,
23 should we treat this similar to how we treat a
24 dismissal where there's no -- there's no
25 contention or there's no disagreement within the

1 board as to how to handle it or necessity for a
2 greater discussion, that can we simply deal with
3 these en masse with a letter of instruction
4 rather than going one by one?

5 That's a question for the board. I mean,
6 I'm sure that there may be one or two that folks
7 want to pull to have them heard separately but
8 most of these would appear to be things that we
9 could deal with en masse.

10 **MR. FERVIER:** The -- the issue is if there
11 are respondents here that may want to respond to
12 these --

13 **MR. LINDSEY:** Well, okay, if there is some
14 respondent here that wants to hear or be heard,
15 then we do them individually. But if there's not
16 someone who wants to be heard, those perhaps we
17 could dispose of en masse.

18 **MR. FERVIER:** Are there respondents here --
19 is there a respondent here for SEB2021-156?

20 **MR. REED:** Mr. Chair, Charles Reed for
21 Clayton County.

22 **MR. FERVIER:** We're -- we don't -- I just
23 want to go through the list right now and see
24 which ones have respondents and then we can take
25 care of the rest of them.

1 Okay. So that one will be heard.

2 Is there a respondent here for SEB2022-042?

3 That is Bacon County.

4 Is there a respondent here for SEB2022-043,

5 Fulton County election night reporting?

6 **MS. BRUMBAUGH:** (off microphone) Yes. Ann

7 Brumbaugh, Fulton County. And I'll save you some

8 time. I'm here for '22-356 and (indiscernible)

9 but not 370.

10 **MR. LINDSEY:** For just 356?

11 **MS. BRUMBAUGH:** (inaudible)

12 **MR. FERVIER:** So you're 356, 370, and 043?

13 **MS. BRUMBAUGH:** Not 370.

14 **MR. FERVIER:** Not 370.

15 **MS. BRUMBAUGH:** Fulton County's not listed

16 (indiscernible). It happened in Fulton County.

17 It was listed on the -- on the agenda

18 (indiscernible).

19 **MR. LINDSEY:** Understood.

20 **MR. FERVIER:** Right. Is there a respondent

21 here for SEB2022-090, Bibb County?

22 **MR. NOLAND:** William Noland for the Bibb

23 County cases but I don't intend to say anything.

24 We'll be happy to be included in the en masse.

25 **MR. FERVIER:** Okay. That's outstanding.

1 **DR. JOHNSTON:** Mr. Chair?

2 **MR. FERVIER:** Yes.

3 **DR. JOHNSTON:** Mr. Chair, thank you. Since

4 these are all cases of violation, I think they

5 all deserve to be heard. If we're -- whatever we

6 do, we dismiss, that's great for the respondent.

7 But if we're suggesting that violations have been

8 found, I think it's -- it's the proper thing to

9 do to hear these cases. Some may be referred to

10 the Attorney General. Some may be issued letters

11 of instruction or reprimand and some may be

12 dismissed. But I would like to hear all of them.

13 **MR. LINDSEY:** In which case, Mr. Chairman,

14 if a member thinks we should hear them all, we

15 should hear them all.

16 **MR. FERVIER:** Move to hear them all. Let's

17 start with SEB2021-156, Clayton County failure to

18 report assistance information.

19 **MS. KOTH:** Investigations received a

20 complaint that alleged that the translators who

21 were hired by the city of Morrow to assist voters

22 needing translation services were not properly

23 filling out the voter assistance portion of the

24 voters.

25 The investigator interviewed the poll

1 manager, Gloria Collins, who advised that she was
2 under the impression that since the translators
3 were hired by the city of Morrow for translation
4 services that they were not required to fill out
5 the voter assistance forms. She advised that she
6 was corrected in this thinking and would make
7 sure they fill out the forms.

8 The investigator interviewed the
9 translators. Frank Soto advised that he has
10 assisted one voter and thought since he was --
11 only helped with the initial translation at the
12 polling location and did not help the voter cast
13 a ballot, so he believed that he did not need to
14 fill out the form. Trang Tran advised that she
15 had assisted approximately four to five people
16 per day and did not fill out the forms.

17 Potential violations: O.C.G.A. 21-2-590
18 pertaining to poll officer permitting
19 unregistered or unqualified persons to vote,
20 refusing to permit registered and qualified
21 persons to vote, and unlawful rendering of
22 assistance.

23 **MR. FERVIER:** Is there a respondent for
24 SEB2021-156?

25 **UNIDENTIFIED SPEAKER:** (off microphone)

1 Would you like for me to come here or --

2 **MR. FERVIER:** Please come to the podium.

3 Oh, well, I guess you can go right there.

4 **UNIDENTIFIED SPEAKER:** Hit your button.

5 Now, hit the button. There's only two in there.

6 **UNIDENTIFIED SPEAKER:** Should be on there.

7 On the -- on the table.

8 **UNIDENTIFIED SPEAKER:** On the table.

9 **UNIDENTIFIED SPEAKER:** There it goes.

10 **MR. REED:** All right. You can -- okay.

11 Good afternoon now, Mr. Chair. Charles Reed for
12 Clayton County and I have here elections director
13 Shauna Dozier. Her registration manager is Scott
14 Brown and also Ms. Collins was the poll manager
15 here.

16 For this matter we are okay with a letter of
17 instruction, although we do believe that there's
18 some question as -- actually it should actually
19 be dismissed because it's not clear that there
20 was actually a violation of the law.

21 First on October 21, 2021, Director Dozier
22 reached out to the Secretary of State's
23 investigator Francis Watson via e-mail to inquire
24 about a sign because she had received some
25 comments or questions from Morrow people talking

1 about the role of the translator at the voting
2 precinct.

3 And she had -- so after some back and forth,
4 Investigator Watson asked whether translators
5 were reading the ballots of those who do not
6 speak or read English. And, if so, she asked for
7 confirmation whether the translators and poll
8 workers were completing the assistance portion
9 for each person that provided translation service
10 for the ballot.

11 Director Dozier stated -- this is all in the
12 e-mail -- that not only had staff been trained to
13 have anyone who assisted to sign the application,
14 she had a staff member physically go out that day
15 to verify that that was being done.

16 Mr. Scott Brown, he went to the polling
17 location and confirmed that there was no
18 translator that had accompanied anybody to the
19 voting booth. He observed the translators
20 sitting alongside the wall and not near any
21 machine and that there may have been some
22 translators who assisted voters in the
23 instruction portion prior to going to the -- to
24 the machine but no voter -- no translator
25 actually assisted their voter in making their

1 vote.

2 And at that time, because the -- the -- it
3 was physical forms. They would've had to sign
4 the form, signing the oath of assistance. And
5 Gloria, who is a long time poll manager, she is
6 well-known for, as we say, running a tight ship.
7 She does not let anybody just roam around. She
8 had all of the translators sitting alongside the
9 wall.

10 So we do not believe that there was any
11 issue with a translator physically walking up
12 next to or assisting someone and actually casting
13 their vote. And if you look at the language of
14 21-2-409, subsection (a) says: No elector shall
15 receive any assistance in voting at any primary
16 or election unless she is -- he or she is unable
17 to read the English language.

18 Subsection (b) specifically also says: Any
19 elector who is entitled to read -- I'm sorry,
20 entitled to receive assistance in voting under
21 this code section shall be permitted by the
22 managers to select any person of the elector's
23 choice except such elector's employer or agent of
24 that employer or officer or agent of such
25 elector's union to enter the voting compartment

1 or booth.

2 So there's no question that the -- that none
3 of the translators entered the compartment or
4 booth to assist the voters and therefore it's
5 reasonable to -- to believe that there was no
6 requirement for them to sign the assistance of --
7 the oath of assistance simply by allowing them to
8 read the instructions or help translate the
9 instructions on giving their license or anything
10 along those lines.

11 But in an abundance of caution, what we have
12 done since 2021 is that we have trained the poll
13 managers that even if there is someone who is
14 assisting in helping to translate the
15 instructions, that they are also to sign the oath
16 of assistance. And so while we requested it be
17 dismissed in -- based on that, we are okay with
18 receiving a letter of instruction if that's the
19 will of the board.

20 And I have the interested parties here to
21 answer any questions of any board members. Thank
22 you.

23 **DR. JOHNSTON:** Thank you, Mr. Reed. I have
24 one question. Did the voters need assistance in
25 reading the ballot actually?

1 **MR. REED:** In actually reading the ballot?
2 That's -- not -- not to --

3 **DR. JOHNSTON:** The candidates on the ballot?

4 **MR. REED:** Not to my knowledge but the only
5 issue that was -- that had come to the -- to the
6 county's question was whether they -- whether the
7 translators had actually accompanied the voters
8 to the booth. And we had no -- we went there.
9 The poll manager said that that had not happened
10 and there was only the initial conversations with
11 the -- outside of the polling booth that the
12 translators had assisted a handful of people.

13 **DR. JOHNSTON:** Thank you.

14 **MR. FERVIER:** Yes, member Ghazal.

15 **MS. GHAZAL:** I think it's important to -- to
16 highlight the fact that both state and federal
17 law require that the state allow voters to have
18 this assistance if they need it.

19 And I would also -- so I will move to issue
20 a letter of instruction in this case. I would
21 also ask that the Secretary of State's Office and
22 the general counsel's office provide formal
23 guidance to all of the counties regarding when
24 the signature of a translator or assistant is --
25 is needed, at what point in the process so that

1 every county is able to understand exactly what
2 this law requires and are able to train your poll
3 managers and poll workers accordingly within --
4 early in this -- in this stage. So that was a
5 two-part -- one motion and one request.

6 **MR. FERVIER:** Your request will be
7 forwarded.

8 **MS. GHAZAL:** Yes.

9 **MR. FERVIER:** Your motion is to offer a
10 letter of instruction.

11 **MS. GHAZAL:** Yes.

12 **MR. FERVIER:** On SEB2021-156, Clayton County
13 failure to record assistance information. Do we
14 have a second?

15 **DR. JOHNSTON:** Second.

16 **MR. FERVIER:** We have a motion and a second.
17 Any discussion? Hearing no discussion, all those
18 in favor of offering a letter of instruction to
19 Clayton County on SEB2021-156 signify by saying
20 aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MR. FERVIER:** Any opposition? Hearing no
23 opposition, so moved.

24 The next case on the agenda is SEB2022-042,
25 Bacon County intentional interference with

1 election duties.

2 Is there a respondent here for Bacon County?

3 You may proceed.

4 **MS. KOTH:** It was reported that Tony
5 Kirkland created a disturbance at a polling
6 location during the advance voting period.
7 Mr. Kirkland was displeased with the ballots and
8 how he could not just vote for anyone. There is
9 evidence to suggest that Tony Kirkland disrupted
10 the flow of the election when he became verbally
11 upset, raising his voice inside the polling
12 location.

13 This was witnessed by several poll staff
14 members who claimed Mr. Kirkland's actions
15 disrupted voters who were actively voting. It
16 was reported that his -- he continued to be
17 disruptive even after the poll staff explained
18 why he was unable to vote for a particular
19 candidate.

20 This occurred during the advance voting
21 period of May 24, 2022, general primary election.
22 There's evidence to suggest Tony Kirkland
23 violated O.C.G.A. 21-2-569, interfering with
24 electors.

25 **MR. FERVIER:** Are there any questions from

1 the board?

2 **DR. JOHNSTON:** Mr. Chairman, I have a
3 question. Were the voters unable to vote because
4 of Mr. Kirkland?

5 **MS. KOTH:** No. It didn't say. It just says
6 they were actively voting at the time.

7 **DR. JOHNSTON:** Okay. And is it -- is there
8 a definition of disruptive that is employed in
9 the investigation.

10 **MS. KOTH:** What's the question?

11 **DR. JOHNSTON:** I guess the question is is --
12 disruptive is a descriptive term and does that
13 mean disruptive -- verbal disruption or loud
14 speaking or actual physical act or physical
15 behavior?

16 **MS. KOTH:** In this report they advise that
17 he was loud and very boisterous, but he was
18 disruptive to the point that the voters were
19 inquiring what was happening.

20 **DR. JOHNSTON:** Mr. Chairman, I think even
21 verbal disruption is -- is not following decorum
22 in a voting place. It's -- you know, we should
23 be respectful and go -- and go into the voting
24 facility, the polling place, and make our vote
25 and -- and leave.

1 If there's a problem as we -- as -- as our
2 code instructs, the superintendent is to be
3 notified if there are issues and not to take out
4 some frustration and anger on poll managers and
5 poll clerks. So decorum is important.

6 And elections I know are sometimes close and
7 contested, but I would -- I would move that we
8 issued a letter of instruction for Mr. Kirkland.

9 **MR. FERVIER:** We have a motion to issue a
10 letter of instruction on SEB2022-042. Do we have
11 a second?

12 **MR. LINDSEY:** Second.

13 **MR. FERVIER:** We have a motion and a second.
14 Any discussion? Hearing no discussion, all those
15 in favor of issuing a letter of instruction on
16 SEB2022-042 signify by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** Any opposition? Hearing no
19 opposition, so moved.

20 Let's try one more before we have a break.
21 Let's SEB2022-043, Fulton County election night
22 reporting, May 3, 2022.

23 **MR. BRUNSON:** Okay. 2022-043, Fulton County
24 election night reporting. The Secretary of
25 State's Office investigated Fulton County after

1 it did not submit the election results to the
2 Secretary of State's Office by the deadline and
3 by the method dictated by the Secretary of
4 State's election office.

5 The results were due for the May 3, 2022,
6 House District 45 special election runoff by
7 10 p.m. The results were not sent until May 5,
8 2022, at 2:49 p.m. Nadine Williams, the director
9 for Fulton County elections, was asked why the
10 results did not get submitted and she indicated
11 that the spreadsheet was not recognized and
12 forwarded.

13 Later, during the investigation, she
14 forwarded an e-mail to the investigator from one
15 of her staff members, Robert Gilstrap, that
16 showed the results being sent on May 3rd at
17 8:21 p.m. which is before the required deadline.
18 However, Gilstrap sent the results to the deputy
19 director of the SOS elections division and the
20 county liaison instead of the designated e-mail:
21 electiondata@SOS.ga.gov.

22 So based on the evidence, this is a possible
23 violation of SEB rule 183-1-12(c)(1)(c) which
24 states in part that data shall be transmitted to
25 the Secretary of State in a manner determined by

1 the Secretary of State.

2 **MR. FERVIER:** So there is proof that it was
3 sent. It was just sent to the wrong place.

4 **MR. BRUNSON:** Yes.

5 **MR. FERVIER:** Is there a respondent here on
6 this case?

7 **MS. BRUMBAUGH:** (off microphone, inaudible).
8 Yes. Good afternoon. I'm Ann Brumbaugh. I'm
9 here on behalf of Fulton County. I brought
10 (inaudible) with me: Cathy Woolard who's the
11 chair, Nadine Williams who's the director, and
12 (inaudible). I don't think the facts are in
13 dispute here. Yes, Secretary of State wanted it
14 in a certain form to a certain place. Fulton
15 County sent it in a different form to a different
16 place. (inaudible)

17 **MR. FERVIER:** Is there any other questions
18 from the board?

19 **DR. JOHNSTON:** How has this been corrected
20 for future elections?

21 **MS. BRUMBAUGH:** (off microphone) To my
22 knowledge it has been corrected. (inaudible)
23 since. This was in 2022, May 2022. So we had
24 the June 2022, the November 2022. We had the
25 December 2022. We had the November 2023 and we

1 had the March 2024.

2 **DR. JOHNSTON:** Thank you.

3 **MR. FERVIER:** Any further questions from the
4 board? Do we have a motion on this case?

5 **MR. LINDSEY:** So moved, Mr. Chairman.

6 **MR. FERVIER:** What is the motion?

7 **MR. LINDSEY:** Move for a letter of
8 instruction.

9 **MR. FERVIER:** I have a motion from member
10 Lindsey for a letter of instruction. Is there a
11 second?

12 **MS. GHAZAL:** Second.

13 **DR. JOHNSTON:** Second.

14 **MR. FERVIER:** We have a second to issue -- a
15 motion was made to offer a letter of instruction
16 on SEB2022-043. All those in favor signify by
17 saying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. FERVIER:** Any opposition? So moved by a
20 unanimous vote.

21 Is the board's pleasure to continue or take
22 a break?

23 (Board members conferring off microphone.)

24 **MR. FERVIER:** All right. We'll now hear
25 SEB2022-090, Bibb County early voting results

1 printed.

2 **MS. KOTH:** Allegation 1: The poll watchers
3 allege that they witnessed the advance voting
4 tabulation results being printed on three
5 scanners at the Bibb County Board of Election
6 advance voting location. The results were
7 allegedly printed by the chief registrar and
8 other poll workers who followed her directions.

9 Poll watchers said this occurred while they
10 were getting the final advance voting number on
11 May 20, 2022.

12 Allegation 2: A poll watcher alleged proper
13 protocol was not followed when the poll manager
14 printed advance voting tabulation results on two
15 scanners located at the Elaine Lucas Center
16 advance voting location. This allegedly occurred
17 at the close of polls on May 20, 2022.

18 The investigation revealed that the
19 tabulation result sheets were printed early at
20 both the Bibb County Board of Election advance
21 voting location and the Elaine Lucas Center
22 advance voting location. This was witnessed by
23 poll watchers in each of the locations who
24 apprised the office of the Secretary of State as
25 to what had occurred.

1 The individuals responsible for the
2 tabulation results being printed early at the
3 Bibb County Board of Election advance voting
4 locations were identified as the chief registrar.
5 The individual responsible for the tabulation
6 results being printed early at the Elaine Lucas
7 Center was identified as a poll manager. Both
8 admitted to printing the tabulation results early
9 and have since been educated on the proper
10 procedure.

11 The investigator spoke with Bibb County
12 elections supervisor who advised that the early
13 tabulation was a mental lapse on the part of the
14 poll managers and had not been done in prior nor
15 subsequent elections. The election supervisor
16 took precautions and secured the bags containing
17 the tabulation result tapes in a lock drawer in
18 his office where they remained until after the
19 close of polls on election night.

20 The potential violations are for the Bibb
21 County Board of Elections and Registration;
22 Veronica Seals, former chief registrar; and
23 Barbara White, poll manager.

24 There's evidence to suggest that Bibb County
25 Board of Elections and Registration and Veronica

1 Seals violated SEB rule 183-1-14-.14(5)(b), early
2 absentee ballot processing. And there's evidence
3 to suggest that Bibb County Board of Elections
4 and Registration Barbara White violated the same
5 rule.

6 **MR. FERVIER:** Are there any questions from
7 the board?

8 Is there a respondent here for this case?

9 **MR. NOLAND:** (off microphone) I stated
10 earlier (inaudible). William Noland (inaudible).

11 **MR. FERVIER:** Thank you.

12 Are there any questions from the board?

13 **MS. GHAZAL:** I have a -- I have a -- just a
14 point of clarification and I don't know whether
15 you're better positioned or -- or Investigator
16 Koth. Just to clarify that once the tabulator
17 tapes were printed, they were secured properly?

18 **MS. KOTH:** Yes.

19 **MS. GHAZAL:** From that night on until --
20 until --

21 **MS. KOTH:** Yes.

22 **MS. GHAZAL:** -- election night? Thank you.

23 I -- I would -- I would move at the proper
24 time to issue a letter of instruction.

25 **UNIDENTIFIED SPEAKER:** (off microphone,

1 inaudible) I was a watcher. My name is
2 (inaudible). (inaudible) give some more
3 information on that.

4 **MR. COAN:** Push your button, please.

5 **UNIDENTIFIED SPEAKER:** (off microphone) I
6 was one of the watchers, one of the two watchers
7 that was there at the board of elections that
8 night.

9 **MR. COAN:** Push your button. Button.

10 **UNIDENTIFIED SPEAKER:** (microphone on) And,
11 yes, I'd like to speak to that. I witnessed it.
12 And when I was there, the manager told me that
13 this is the way it had always been done. So I
14 did an open records request of the 2020 poll
15 tapes to see what the date was on those.

16 They had not saved the early poll tapes.
17 They were not in the proper box for open records
18 requests and no Bibb County resident has ever
19 been able to see those early poll tapes after
20 2020. And I asked the clerk if we could get them
21 from the superior court. They would not release
22 them.

23 So anyway going back to 2022, we had to get
24 our board members involved to make sure they were
25 properly sealed. And then this has since -- I

1 haven't submitted a complaint but this has since
2 occurred again in this presidential preference
3 primary at Theron Ussery. We have three early
4 voting locations, two satellites, and one being
5 the central. So just it seems that we're
6 struggling with following proper protocols.

7 And this time also the watcher who was there
8 at Theron Ussery reported it to me. She had been
9 the one that also witnessed this in 2022. So she
10 knew what needed to happen with these being
11 properly sealed. And her supervisor did not
12 initially tell the person to seal them. We had
13 to get our board member involved again to get
14 them properly sealed so that the early results
15 couldn't be leaked.

16 **MR. FERVIER:** Thank you.

17 **UNIDENTIFIED SPEAKER:** (inaudible)

18 **MR. FERVIER:** Any further comments from the
19 respondent?

20 **MR. NOLAND:** No, none here.

21 **MR. FERVIER:** Thank you. Any questions from
22 the board?

23 **DR. JOHNSTON:** Yes, a quick -- a question.
24 I'm not sure if the Secretary of State's election
25 office has a step-by-step guideline for all

1 election offices when there's an inadvertent
2 closing at the polls because that's -- that's
3 inadvertently tabulating results and that should
4 not happen in any county ever.

5 And it happens every election. And it's a
6 Dominion problem because it's very easy to --
7 rather than shutdown the tabulator, to close the
8 polls. And if it's not an experienced poll
9 manager, it -- apparently it happens frequently
10 enough.

11 So I would -- I would re -- kindly request
12 the Secretary of State's election office provide
13 a certified letter to every county defining
14 proper procedure for instructing poll managers
15 what to do as far as shut down versus closing and
16 a step-by-step guide for inadvertent closing of
17 the polls resulting in tabulation tapes,
18 including tape storage, memory card management,
19 notification to the superintendent, and -- and
20 make a record of that action taken.

21 **MR. FERVIER:** If you'll supply that
22 recommendation to Alexandra, she'll forward that
23 to the Secretary of State for you.

24 **DR. JOHNSTON:** I will do that.

25 **MR. FERVIER:** Thank you. Any further

1 questions?

2 **MS. GHAZAL:** Do we have your assurance that
3 Bibb County will do remedial training for your
4 early voting managers to ensure that this is not
5 a recurrent event throughout the rest of the
6 cycle?

7 **MR. NOLAND:** Certainly as the attorney for
8 the board, I can recommend that to the board
9 members and the staff. And practically
10 speaking --

11 **MR. LINDSEY:** And if I may, first time you
12 get a letter of instruction. Second time it goes
13 to the attorney general. Okay?

14 **MR. NOLAND:** Understood. Thank you.

15 **MR. FERVIER:** Any further questions from the
16 board? Do we have a motion?

17 **MS. GHAZAL:** I move that we issue a letter
18 of instruction to the county.

19 **MR. FERVIER:** We have a motion to issue a
20 letter of instruction to Bibb County. Do we have
21 a second?

22 **MR. LINDSEY:** Second.

23 **MR. FERVIER:** We have a motion and a second
24 to issue a letter of instruction to Bibb County
25 on case SEB2022-090. Any discussion? Hearing no

1 discussion, all those in favor signify by saying
2 aye.

3 **THE BOARD MEMBERS:** Aye.

4 **MR. FERVIER:** Any opposition? Hearing no
5 opposition, so moved.

6 The chair at this point would entertain a
7 motion to recess for 45 minutes for a lunch
8 break.

9 **MS. GHAZAL:** So moved.

10 **DR. JOHNSTON:** Mr. Chairman, I move that we
11 recess 45 minutes for a lunch break.

12 **MR. FERVIER:** We have a motion and a second.
13 All those in favor?

14 **THE BOARD MEMBERS:** Aye.

15 **MR. LINDSEY:** Could the young lady who
16 raised the complaint about a Gwinnett County
17 board member come -- come up? Yeah. Could you
18 come up?

19 (Recess)

20 **MR. FERVIER:** We'll call back to order the
21 meeting of the State Election Board. And as
22 promised, we're going to start with a -- out of
23 order with SEB2023-025, Fulton County tabulator
24 results 2020 general election.

25 Do we have a respondent here for that case?

1 **MS. BRUMBAUGH:** Yes.

2 **MR. FERVIER:** Thank you.

3 Would the investigator please -- we'll
4 recognize Charlene McGowan with the Secretary of
5 State's Office.

6 **MS. MCGOWAN:** Thank you, Mr. Chairman. I'm
7 going to assist Investigator Brunson in the
8 presentation of this case. It's -- as you know,
9 this case has presented -- or generated a great
10 deal of speculation online, and there's been a
11 lot of chatter about it. So I just want to start
12 out the presentation of this case by giving the
13 board some big picture context of what happened
14 here.

15 So the complainants in this case claim that
16 there is missing documentation for about 42,000
17 votes for the recount of the presidential contest
18 in the 2020 general election. This is simply not
19 true and it's not corroborated by the findings of
20 this investigation.

21 We know there are not missing votes because
22 we have the paper ballots that document those
23 votes for this election. The paper is the record
24 of the vote. It is the most important document
25 and it is what is used to tabulate the vote and

1 to tabulate the results. So as long as we have
2 that paper ballot, we have the paper trail that
3 accurately records the voter's choices.

4 Now, we have all of the paper ballots for
5 Fulton County for the 2020 election. And we know
6 that because we have counted those paper ballots
7 three times. They were counted in the original
8 tabulation, they were counted by hand in the
9 risk-limiting audit, and then they were counted
10 again during the machine recount which is what is
11 at issue in this case.

12 And all three counts confirmed the results
13 of the presidential contest in 2020. So you will
14 hear a great deal during this presentation about
15 documents such as ballot images, batches loaded
16 reports, and tabulator tapes. And all of those
17 documentation, they're all very important. And
18 we expect that the counties will keep those,
19 maintain those, and make sure that they are
20 complete.

21 But it's important to note that they play no
22 role in the actual tabulation of results in an
23 election. Again, those results are determined by
24 the paper ballots which we have for 2020.

25 And the conclusion of this investigation

1 which we will get into the details of in a minute
2 is that Fulton County used improper procedures
3 during the recount of the presidential contest in
4 2020.

5 The investigation also shows that there are
6 some duplicate ballot images in the ballot images
7 that Fulton County provided. And this suggests
8 that some ballots may have been scanned more than
9 once. But what cannot be decided conclusively or
10 confirmed conclusively is whether or not those
11 duplicative ballot images were included in the
12 count. So we don't know for certain whether or
13 not those were in the tabulator results. And we
14 will get into why that is during the case
15 presentation.

16 I also think it's important to note that
17 what happened during the recount was documented
18 in real time. So we know what happened back in
19 2020. And the results of this investigation
20 don't change any of the things that we already
21 knew back then. It simply confirmed what
22 everyone already knew. And the reason we already
23 knew that is because there's contemporaneous
24 documentation of what happened back in 2020.

25 This very board appointed an independent

1 monitor to monitor Fulton County throughout the
2 2020 election including during the recount. And
3 the monitor's report notes what happened during
4 the recount and we have that as part of this
5 investigative file.

6 The Secretary of State's Office was aware of
7 what happened at the time. And the secretary's
8 office worked with Fulton County to make sure
9 that they got to the -- the final and correct
10 results of the recount. And what happened is
11 also recorded in the board meetings -- or the
12 board minutes of Fulton County's board of
13 elections meetings that they had to certify the
14 results of the recount.

15 So we know what happened at the time. The
16 investigation has confirmed what we already knew,
17 and there's nothing new that we have learned as a
18 result of this investigation. And most
19 importantly nothing about this case changes the
20 results of the 2020 election. Those results are
21 accurate. They were accurate at the time, in
22 2020, they are still accurate now, and nothing
23 about this investigation changes that.

24 And I will turn it over to the investigator
25 now to present the details.

1 **MR. BRUNSON:** Okay. The Georgia Secretary
2 of State opened this investigation after the
3 State Election Board referred this complaint
4 filed by complainants Kevin Moncla and Joseph
5 Rossi alleging Fulton County did not properly
6 perform a recount of the presidential contest in
7 the 2020 general election, quote/unquote, called
8 the recount.

9 In this complaint dated July 8, 2022, the
10 complainants allege, number 1, they identified
11 irregularities in the recount, namely 17,852
12 votes of unknown providence. Number 2, there
13 were 3,125 duplicate ballot images contained in
14 the ballot images from the recount produced by
15 Fulton County. Number 3, the original tabulation
16 includes results for ten advance voting
17 tabulators for which Fulton County does not have
18 the tabulator tapes. And, number 4, that an
19 individual by the name of Ryan Macias had
20 communication with former Fulton County elections
21 director Richard Barron about the alleged
22 discrepancy with the election night and recount
23 results but was not a Fulton County employee or
24 contractor.

25 Complainants allege that collectively there

1 appeared to be no paper documentation of ballots
2 for nearly 42,000 votes, a potential violation of
3 recount procedures in O.C.G.A. 21-2-495 and SEB
4 rule 183-1-15-.03(1).

5 So as a result of background information in
6 the 2020 general election, the original certified
7 results from Fulton County included 528,777 total
8 ballots cast. There was a reported total of
9 524,659 votes cast in the contest for president
10 of the United States, including 137,240 or
11 26.16 percent votes for then-incumbent president
12 Donald Trump and 381,144 or 72.65 percent votes
13 for Joseph Biden and 6,275 or 1.2 percent of the
14 votes for Jo Jorgensen.

15 Following a recount of the presidential
16 contest requested by then-president Donald Trump,
17 Fulton County recertified the results on
18 December 7, 2020. The recertified results
19 reported 527,925 total ballots cast, a difference
20 of 00.16 percent, and 523,779 total votes cast in
21 the presidential contest, a difference of
22 .16 percent including a 137,247 votes for
23 then-incumbent president Donald Trump, a net gain
24 of seven votes; 380,212 or 72.59 percent votes
25 for Joseph Biden, a net loss of 932 votes and

1 6,320 votes for Jo Jorgensen for a net gain of 45
2 votes.

3 In preparation for the 2020 general election
4 and pursuant to an October 2020 consent order,
5 the State Election Board contracted with Seven
6 Hills Strategies to serve as an independent
7 monitor for the 2020 general election. One --
8 one of Seven Hills Strategies' responsibilities
9 was to observe tabulation on election day and any
10 postelection audit or recount.

11 On January 12, 2021, following the general
12 election and subsequent runoff elections, Seven
13 Hills Strategies prepared and submitted a
14 postelection executive summary which is Exhibit
15 Number 3 in the investigation. The summary
16 indicated the monitor observed every aspect of
17 the respondent's election processes and at no
18 time was dishonesty, fraud, intentional
19 malfeasance observed.

20 Under the topical heading, quote, The
21 Recount, the executive summary noted several
22 issues that included poor recordkeeping which led
23 to other procedural problems for Fulton County
24 throughout the recount process, namely Fulton
25 County failed to properly follow protocols for

1 backing up and uploading data to servers
2 resulting in errors. And Fulton County
3 inadvertently named two scanners with the same
4 name causing delays in the completion of the
5 recount.

6 In August 2021, pursuant to a request from
7 the members of the Georgia General Assembly, the
8 SEB appointed a performance review board to
9 examine issues with Fulton County's election
10 process.

11 On January 13, 2022, the PRB issued a report
12 of its findings which is Exhibit Number 4 in the
13 complaint. On page 9 of the report, under the
14 topical heading, Double Scanning of Ballots, the
15 PRB noted one of the allegations leading to the
16 General Assembly's August 2021 request for this
17 review was that ballots were being
18 double-scanned.

19 The PRB further referenced this report in
20 part and a contributing factor to the possible
21 double-scanning of ballots likely included poor
22 batch management and storage practices, quote,
23 also a contributing factor in errors in the
24 hand-count audit and the recount.

25 The Seven Hills Strategies and the PRB

1 provided their findings to the SEB in 2021 and
2 2022 respectively for review. The SEB voted not
3 to pursue further legal actions against the
4 respondent.

5 In July 2022, complainants Joseph Rossi and
6 Kevin Moncla filed a complaint with the State
7 Election Board alleging several anomalies that I
8 discussed in the introduction.

9 So now we'll get into the investigative
10 summary. So our attorney already talked about
11 some of the background. So we'll get into
12 complaint number 1. The complainants allege they
13 observed 3,125 duplicates in the ballot images
14 for the recount produced by Fulton County. The
15 SOS investigations division reviewed the
16 documentation submitted with the complainant and
17 subsequently sent three investigators to the
18 Fulton County elections office to conduct an
19 independent review of the batches of ballot
20 images identified by the complainants.

21 The SOS investigators confirmed, as a result
22 of this review, that the batches of ballot images
23 matched the description provided by complainants
24 and that there were sequence of ballot images
25 that appeared to repeat but in a different

1 sequential order in the second batch.

2 While at Fulton County, SOS investigators
3 observed a total of 3,182 ballot images meeting
4 this description. Of the 3,182 ballot images,
5 the votes in the presidential contest included
6 1401 votes for Donald Trump, 1713 votes for
7 Joseph Biden, 52 for Jo Jorgensen, and 16 ballots
8 on which the presidential contest was left blank.
9 The respondent subsequently provided the SOS with
10 approximately five thousand -- 518,960 ballot
11 images in response to a subpoena.

12 The SOS investigations division conducted an
13 in-house review of the same identified batches of
14 ballot images to further determine how many
15 alleged repeated ballot images were hand marked
16 and how many were BMD-printed ballots or machine
17 ballots. The results of that analysis came close
18 to the results the complainant reported in the
19 initial complaint. However, in the complaint the
20 complainants listed two batches of ballot
21 images -- images in tabulator 5162, batch 001,
22 with 20 ballot images and batch 002 with 97
23 ballot images that were reportedly repeated
24 images. Both batches combined totaled 117 ballot
25 images.

1 Following a comparison of the images
2 identified in tabulator 5162, only 20 of the a
3 hundred and seventeen were identified as repeated
4 images, thereby resulting in the final total of
5 3,075 repeated ballot images of which 1806 were
6 images of BMD ballots and 1269 were images of
7 hand-marked paper ballots.

8 The hand-marked paper ballot images appeared
9 to be repeated because of unique identifying
10 marks. The BMD printed ballots contained the
11 same selections, but because there were no
12 distinct markings on these ballots -- ballot
13 images, investigators could not definitively
14 identify them as duplicate or repeated ballots.

15 SOS supervisor, Investigator Gilbert Humes
16 and Investigator Lance Patterson subsequently met
17 with and interviewed Richard Barron who's the
18 former director of elections for Fulton County.
19 They asked him about his recollection of the
20 recount process and his communication with the
21 Secretary of State's Office regarding the delay
22 in completing the recount. Barron indicated
23 during that interview that he could not recall
24 specifics of what occurred.

25 He stated that Dwight Brower was number 2,

1 second-in-command, and that -- and as the acting
2 elections director during the recount, he placed
3 warehouse manager Nadine Williams in charge of
4 the recount.

5 Investigator supervisor Hume subsequently
6 spoke with Nadine Williams who's the current
7 elections director and inquired about the ballot
8 images identified in the complaint. Williams
9 confirmed she managed the recount. However,
10 Barron was regularly kept informed of everything
11 and all the processes that were established for
12 the recount were established by the executive
13 leadership team, and ultimately he made the
14 executive decisions on how things were to operate
15 and proceed.

16 Director Williams told investigators because
17 the same groups of sequentially ordered ballot
18 images were found in two separate batches but in
19 a different sequential order in the second batch,
20 it was most likely the result of poor batch
21 management during the recount. This was an issue
22 that was brought to light in 2021 and changes
23 have since been made by Respondent to the ballot
24 scanning process.

25 During the recount Respondent had one person

1 assigned per scanner and that person was
2 responsible for scanning the batches and after
3 scanning each batch, placing the scanned batches
4 in a box marked "completed batches."

5 According to Williams, when she became
6 elections director, she assigned two persons to a
7 scanner to scan batches. This method allowed one
8 person to focus on their prescanning
9 responsibilities which was to make sure each
10 batch was properly named and required scanning.
11 And the second person was to focus on their
12 postscanning responsibilities which was to assure
13 scanned batches were scanned properly, labeled
14 correctly, and stored in its correct location to
15 avoid double-scanning, misplacing batches, or
16 missing a batch that required scanning.

17 Williams further reported the implementation
18 of this process was successful as the 2022
19 general election process experienced far fewer
20 problems than in 2020.

21 Director Williams further reported
22 employees' resignations and/or not reporting to
23 work due to the COVID-19 pandemic resulted in a
24 decrease in available staff in 2020.

25 The SEB-appointed monitor's executive

1 summary described the recount process by the
2 respondent as follows: Quote, generally poor
3 recordkeeping led to a multitude of procedural
4 problems throughout the recount process. For
5 example, the monitor observed that Fulton County
6 leaders were sending out individual ballot
7 batches instead of full boxes. And with this
8 process, it would not be difficult for a batch to
9 be forgotten or fall to the wayside as it changed
10 hands.

11 When this practice was discussed with
12 director Williams, she acknowledged such
13 practices as those identified by the monitor
14 could have potentially led to ballot images being
15 uploaded twice during the recount but could not
16 state for certain whether that was the cause of
17 the potential duplicative ballot images.

18 Respondent reported that since 2020, they
19 have implemented processes to make sure that
20 after full batches of ballots are scanned, they
21 are immediately secured in an area designated for
22 already scanned batches.

23 So that's complaint number 1 as far as
24 the -- the investigation.

25 Complaint number 2. The complainants allege

1 that in reporting results to the Secretary of
2 State for the recount, respondent initially
3 submitted vote totals of 511,543 which is lower
4 than that of the original count from election
5 night which was 528,777.

6 Complainants further allege that
7 approximately 12 hours after reporting the
8 recount vote of 511,543, the respondent's
9 reported a recertified vote count total for the
10 recount of 527,925, an alleged increase in votes
11 counted of 16,382.

12 It is important to note throughout the
13 complaint, the complainants erroneously conflate
14 the number of total ballots cast and the total
15 votes counted in the presidential election. The
16 distinction between the two is important because
17 there were nearly 4,000 ballots cast in Fulton
18 County that left the presidential contest blank.
19 So the number of total ballots cast would be
20 greater than the votes cast in the presidential
21 contest.

22 According to the complainants, they allege
23 the respondents submitted election night vote
24 count totals of 528,777, which is inaccurate
25 because that number is the total ballots cast,

1 not the total votes counted in the presidential
2 contest.

3 According to the original certified results,
4 the correct number of total ballots cast in
5 Fulton County for the 2020 general election
6 presidential contest with 528,777 and the total
7 votes counted was 524,659. And that's part of
8 Exhibit Number 5. Approximately 4,118 ballots
9 did not record a vote in the presidential contest
10 either because the voter left it blank or the
11 ballot contained an overvote.

12 In support of complaint 2, the complainants
13 relied on two batches loaded reports they
14 received from Fulton County in response to an
15 open records request. Complainants alleged that
16 the first batches loaded report, BLR-1, indicated
17 511,543 votes were tabulated and published. And
18 the second batches loaded report indicated
19 527,741 votes were tabulated and published.
20 Complainants questioned how the respondent was
21 able to, quote/unquote, find more than 16,000
22 votes between BLR-1 and BLR-2.

23 The complainants pointed out that a batch
24 loaded report is a product of the Dominion
25 Election System's server, EMS, that shows all

1 batches of ballots that have been counted along
2 with the status of each batch. However, a county
3 is not mandated or required to use the BLR
4 feature in EMS, nor is the BLR used to report
5 election results to the Secretary of State's
6 Office. Rather it's a mechanism that exists to
7 any counties for the tracking and reconciling of
8 batches and number of ballots scanned.

9 The BLR is also a running document, meaning
10 it is one document in which the totals will
11 constantly change when updated and each update
12 overrides the previous total amount. In column H
13 of the BLR in the complaint, the column reads
14 "published." It should be noted for the record,
15 published means the data can be viewed and/or
16 printed in report format.

17 Respondents provided the SOS investigation
18 division with a final BLR and the final tally on
19 the BLR for the recount was 527,925, which is
20 Exhibit Number 6 in the report. Through the
21 com -- throughout the complaint, the complainants
22 incorrectly referred to ballots cast as votes
23 counted and referenced that a BLR was used by
24 Fulton County to report official vote count
25 results when such report is not used for that

1 purpose.

2 The question remained as to how Fulton
3 County reconciled the discrepancy between BLR-1
4 and BLR-2. Counties report all official election
5 results through the Election Night Reporting or
6 ENR system. Each county will gather all the
7 election results, prepare a report, and upload
8 the final official results into Dominion's
9 Election Management System or EMS Results Tally
10 Reporting, RTR, System.

11 The RTR is the main application for
12 postvoting activities. It receives election
13 results from the tabulators, allows for
14 validation of the results, and reports the
15 results. The counties are then required to
16 export and upload the RTR results into the ENR at
17 which time the election results are received by
18 the Secretary of State's Office.

19 This is the process that all counties follow
20 when reporting election results information to
21 the Secretary of State. During the recount,
22 Fulton County performed three uploads reporting
23 results with the first being on December 3, 2020,
24 at 12:16 a.m., showing total ballots cast as
25 525,365 with total votes cast in the presidential

1 contest as 521,452, which is Exhibit Number 7.

2 The second upload was on December 3, 2020,
3 at 11:04 p.m., showing total ballots cast as
4 527,925, the total votes cast in the presidential
5 contest as 523,779. That's Exhibit Number 8.

6 And the third upload was on Friday,
7 December 4, 2020, at 12:27 p.m., showing total
8 ballots cast as 527,925 with total votes in the
9 presidential contest 523,779, same as the second
10 upload, Exhibit Number 9. Respondents also
11 provided the corresponding reports to support the
12 numbers uploaded into the ENR.

13 SOS investigators interviewed director
14 Williams regarding the BLR and the uploads to the
15 RTR for the recount. She reported that certain
16 batches of the ballots were initially scanned
17 with an ICC or ImageCast Central scanner
18 programmed with the same tabulator and batch
19 number. So the RTR interpreted them as one and
20 rejected scanned ballots as a duplicate batch.

21 Respondents looked into the cause of the
22 discrepancy and eventually isolated the
23 discrepancy to the duplicative programming of the
24 ICC scanner. This issue was corrected by
25 separating all 97 batches scanned on the

1 duplicate ICC and rescanning them for accurate
2 reporting on the RTR.

3 Prior to rescanning, Fulton County made sure
4 representatives -- representatives from each
5 political party, the SEB's independent monitor,
6 and others were aware of the discrepancy, what
7 caused the discrepancy, and were present to
8 witness the rescan. Respondent's confirmed at
9 that point they had a total of 506,127 scanned
10 ballots. After they rescanned the initial
11 rejected batches of ballots totaling 21,798 votes
12 from the tabulator 816, Exhibit 10, the final
13 total of ballots scanned was 527,925.

14 Respondents acknowledged BLRs were
15 referenced during the status update discussion
16 about the discrepancy but only used them as a
17 reference in trying to determine what went wrong
18 and how far off they were in the count. There is
19 no record of the respondents submitting official
20 results to the Secretary of State's Office on
21 December 2, 2020.

22 Complainants have further alleged that
23 Respondent failed to provide all ballot images
24 from the recount in response to an open records
25 request. In response to an investigator's

1 subpoena, Respondents provided to the SOS
2 investigations division a thumb drive that
3 contained 518,906 ballot images from the
4 December 2020 recount, which is Exhibit Number
5 11.

6 Respondent reported during the recount
7 Dominion Voting Systems loaned Fulton County four
8 scanners for the recount. Respondent was unsure
9 exactly which counties Dominion had borrowed the
10 scanners from and those scanners have since been
11 returned. The SOS investigations division asked
12 Respondent to provide documentation to
13 corroborate this account.

14 Respondent further noted that the memory
15 cards that were used in the borrowed scanners
16 have since been redistributed and used in
17 subsequent elections.

18 As noted in the SEB monitor's January 2021
19 executive summary, Fulton County acknowledged
20 that technical issues during the recount that
21 include failure to properly follow -- follow
22 protocols for backing up data to servers, as a
23 result, while Respondent may not have all the
24 ballot images, they do have all of the physical
25 ballots which are still being preserved under

1 seal due to a pending litigation hold.

2 Complainants allege that ballot images
3 should have been available, claiming in a
4 separate e-mail to SOS investigators that all
5 ballots of an entire batch must be scanned
6 successfully for it to be accepted and processed,
7 Exhibit Number 12.

8 The system would only accept ballots in a
9 batch -- and this is -- this is from the
10 complainants. The system would only accept
11 ballots in a batch and not just single ballots.
12 There is no way in which an election worker could
13 choose to save or not save ballot images as the
14 only prompt they're given is to either accept or
15 reject the batch by selecting yes or no. If the
16 worker selects yes, then the entire batch,
17 including the ballot images for every ballot in
18 the batch, is process as one unit. If the worker
19 selects no, then the worker must start over and
20 scan the entire batch.

21 This assertion is partially correct as this
22 only applies to counties whose central scanners
23 and servers are housed at the same location.
24 With Fulton County, their central scanners and
25 EMS results tally and reporting workstation

1 during that time was housed at different
2 locations. And therefore the respondents had to
3 follow a different process to import election
4 results.

5 This process required county workers to
6 first download the results onto a form of
7 removable media. They then had to upload the
8 results from the media into the RTR workstation
9 at the second location. During the upload
10 process, the RTR provides the users three options
11 which to choose. The user can select the box for
12 load results file, load ballot images, load log
13 file, or choose all three.

14 If the load result file is the only option
15 selected, which was a required option, then no
16 ballot images would be uploaded into the RTR.
17 Therefore, it is important to note that ballots
18 can be scanned and tabulated without capturing
19 ballot images.

20 Fulton County further highlighted that their
21 new location now houses both the central scanners
22 and the EMS results tally reporting workstation
23 server, therefore every ballot scanned will
24 automatically create the results file, ballot
25 image file, and log files at the time is scanned.

1 They no longer have to go through the import
2 process.

3 Furthermore, the preservation of ballot
4 images was not required in 2020. It was not
5 until the passage of Senate Bill 202 in 2021 that
6 ballots images were deemed public records subject
7 to public inspection under the Georgia open
8 records act.

9 Finally the complaint -- or not finally but
10 complaint number 3, the complainants allege the
11 original election night vote count included
12 results for ten advance voting tabulators --
13 tabulators, also called precinct scanners, for
14 which Fulton County has no records. In support
15 of this claim, the complainants reported that
16 they submitted an open records act request for
17 the tabulated tapes for ten advance voting
18 precinct scanners in response -- in response to
19 an open records act request. And a Fulton County
20 employee responded to the request by stating the
21 requested documents do not exist.

22 Complainants thus concluded that no
23 documentation for the ten advance voting
24 tabulator exists and that no documentation of the
25 ballots tabulated on those scanners exist.

1 It is important to note the purpose of the
2 tapes. The tapes are produced by the precinct
3 scanner after the polls have closed. They serve
4 as a paper back-up to the memory card that stores
5 ballot tabulation and are not part of the process
6 by which official results are reported by
7 counties to the Secretary of State.

8 On January 8, 2024, the respondent advised
9 SOS investigators that they have all
10 documentation for their precinct scanners in
11 question. However, storage issues have been
12 complicated after Fulton County relocated all of
13 its records to its new warehouse. The respondent
14 escorted SOS investigators to the location where
15 the 2020 election records were being stored and
16 said that they would search for supporting
17 documentation and provide it to investigators.

18 Between March 5, 2024, and May 3, 2024, the
19 respondent provided the Secretary of State's
20 investigators with documentation on the ten AB
21 tabulators, and that is in Exhibit Number 13(a)
22 through (j) in the file.

23 This evidence consists of zero tapes opening
24 the polls, zero count forms, daily recap sheets,
25 and result tapes. The respondents also provided

1 photographs of nine of the ten scanners,
2 including their serial numbers.

3 She also provided sworn affidavits from
4 eight poll managers who attested that the ICP
5 scanners in question associated with the advance
6 voting locations that they managed existed and
7 were utilized by voters to scan their ballots
8 during advance voting for the November 3, 2020,
9 election. Accompanying each affidavit was a copy
10 of a tape, either zero or results or a recap
11 sheet to -- to show signatures on the affidavits
12 matched those on the election record.

13 Fulton County provided documentation to
14 evidence the existence of the ten tabulators in
15 question which show 12,799 of the 20,713
16 in-question ballots. Respondent advised they
17 were still in the process of searching through
18 approximately 700 boxes of 2020 records for the
19 recap sheets and results tapes for the AB
20 locations. The actual paper ballots are also
21 still preserved.

22 The complainants assumption that because
23 tabulator tapes have not been produced and the
24 paper ballots themselves are unaccounted for is
25 simply incorrect.

1 Complaint number 4: The complainant alleged
2 that an individual by the name of Ryan Macias had
3 communications with former Fulton County
4 elections director Richard Barron about the
5 discrepancy with the election night -- the
6 recount vote results.

7 Complainant stated Macias was not a Fulton
8 County employee, Happy Faces employee, Fulton
9 County contractor, nor a Fulton County vendor.
10 Respondent provided a memorandum of understanding
11 between The Elections Group, LLC where Macias was
12 employed and Fulton County Board of Elections and
13 Registration which was signed off by the Fulton
14 County manager and Fulton County attorney
15 approving The Elections Group to serve as a
16 consultant for the 2020 general election.

17 So we can get into the investigative
18 findings. For complaint number 1, the
19 complainant's allegation that Fulton County had
20 multiple batches of ballot images that were
21 repeated in another batch was partially
22 substantiated. The investigation identified a
23 series of BMD printed ballots and hand-marked
24 ballots repeated in the same order in a separate
25 scanned batch from the first batch. A review of

1 the hand-marked ballot images appeared to be
2 duplicate ballot images based on the unique -- on
3 the unique markings on the ballot. However,
4 regarding the BMD-generated machine ballots, the
5 selections were the same but there was no
6 distinct markings on these ballot images to
7 positively identify them as duplicate ballot
8 images.

9 The investigation also submit --
10 substantiated that resident -- respondents did
11 not follow proper batch management procedures for
12 the recount in violation of SEB rule
13 183-1-15-.03.

14 Following the submission of the initial ROI,
15 or report of investigation, the investigation
16 division conducted further inquiry with technical
17 experts and learned if an error occurs while
18 images are moved over to the results tally
19 reporting system for processing, it will require
20 that the particular batch with the error to be
21 rescanned. When those images are rescanned, the
22 second scan creates a new batch with the same
23 previously scanned images.

24 At this point there are repeated images as a
25 batch was required to be rescanned. However,

1 only the batch that is published and validated is
2 included in the results. As a result of this,
3 there are instances where a county may have
4 repeated images without the repeated images being
5 included in the tabulated results.

6 Complaint number 2: The allegation that
7 Respondent uploaded vote totals of 511,543 which
8 was 17,234 votes fewer than the votes counted on
9 election night was unsubstantiated. The
10 investigation uncovered that the complainant
11 conflated ballots cast with total votes. As a
12 ballot can be cast without a vote for the
13 presidential contest, the two terms cannot be
14 considered interchangeable.

15 Furthermore the investigation revealed
16 Respondent reported its recount results late due
17 to a count discrepancy caused by a scanner
18 programming error. As a result, the respondent
19 did not submit official results until December 3,
20 2020, which was after the December 2, 2020,
21 deadline.

22 Lastly, the document that complainants
23 relied upon to suggest the respondent submitted
24 official results on December 2, 2020, was a
25 batches loaded report. However, counties are not

1 required to use those forms and the BLR is not
2 used to report official results.

3 Respondent acknowledged BLRs were used in
4 discussions about the discrepancy but only as a
5 reference in determining what the totals were and
6 should have been and determined the cause of the
7 discrepancy. There is no record of the
8 respondents submitting official results to the
9 SOS on December 2, 2020.

10 Complaint number 3: The allegation that
11 Fulton County did not have records for ten
12 advance voting locations for the November 2020
13 general election was unsubstantiated. The
14 respondent provided documentation to establish
15 the existence of the ten tabulators.

16 Number 4: The allegation that Ryan Macias
17 was not a contractor with the Fulton County Board
18 of Elections and Registration or employee center
19 was unsubstantiated. The respondents provided a
20 memorandum of understanding signed by the county
21 attorney's office and the county manager's office
22 approving Ryan Macias to serve as a consultant
23 for the respondent during the 2020 election
24 cycle.

25 So for potential violations, there is

1 sufficient evidence to suggest Respondent
2 violated SEB rule 183-1-15-.03, regarding recount
3 procedure, when respondent failed to ensure the
4 recount was completed through a precise
5 controlled process that is sure for each ballot
6 scanner used in the recount, no more than one
7 ballot container was unsealed at any given time,
8 and failed to ensure a clear audit trail was
9 maintained at all times during the recount.

10 And that's the case.

11 **MR. FERVIER:** Thank you very much. I think
12 that what we'll do is hear from the respondents
13 first and then if the board has questions, they
14 can ask questions.

15 Would respondents like to -- if you'd press
16 your button, then I will turn on the mic. Okay.

17 **MS. BRUMBAUGH:** Hello? Well, thank you for
18 that very thorough analysis of the allegations.
19 I'd just like to say on behalf of my client that
20 they have cooperated fully with the
21 investigation. They've spent countless man-hours
22 on it of their own, searching through old boxes,
23 looking for all this documentation from 2020.

24 We don't really disagree with the findings
25 of the Secretary of State's Office. We would

1 simply request that this board issue a letter of
2 reprimand in this case, consistent with what this
3 board did in February with another Fulton County
4 case about the 2022 election.

5 In both cases the issues did not involve
6 anyone's vote being denied. And so the decision
7 was made in February that a letter of reprimand
8 was -- was sufficient and that it was not
9 necessary to send this to the Attorney General's
10 Office. So we would ask for a consistent
11 response in that -- in that -- because of that.

12 If y'all have specific questions as to the
13 facts, I'm happy to answer them or refer to
14 several members of senior staff here. I'm not
15 going to go into each factual allegation except
16 to say that, as has been stated several times,
17 this has been addressed -- this is now the third
18 time we're addressing these issues.

19 The first time was the -- I think it's the
20 Seven Hills independent monitor that was on-site
21 the night of the recount. He actually noted -- I
22 think it's allegation number 2 where there was an
23 ICC scanner -- well, there were two scanners that
24 were named the same thing so that when the second
25 scanner was uploaded, it basically deleted the

1 first scanner's results.

2 And so that's why there was a discrepancy
3 and that's why there was a -- a second -- you
4 know, Fulton County figured out: We've got a
5 problem, several thousand votes. What's the
6 problem? They figured out what had happened and
7 they reloaded the votes and we had the results
8 that were consistent with both election night and
9 the hand audit. That's already in the Carter
10 Jones report at pages 6 and 13 if you want to go
11 look at it. So that is not new.

12 The other issues were also brought up in
13 both the Carter Jones report and the performance
14 review. So these are not new things.

15 As a result of those two independent
16 investigations; we now have a new board; a new
17 senior staff; a new location, which is enormous
18 and beautiful and can fully handle the five or
19 six hundred thousand votes that will be coming in
20 in November, which was not the case in 2020. And
21 because it was not the case in 2020, there were
22 some workarounds and there were some -- as the
23 investigator stated, you know, not everything was
24 being done in one location. And we had to do it
25 in different locations and that meant there had

1 to be some patchwork things, which may have led
2 to some of these problems.

3 So we have a new board, we have a new senior
4 staff, we have a new place where we can do
5 everything in one location, and we have multiple
6 new standard operating procedures which have been
7 put in place over the last six elections since
8 the 2020 election.

9 So we have three and a half years of a
10 compliant, cooperative, new elections board that
11 is making changes, it's succeeding at those
12 changes, and we just need to go forward now and
13 think about 2024 and let Fulton County --

14 **MR. FERVIER:** Let's be respectful to our
15 speakers, please.

16 **MS. BRUMBAUGH:** Let Fulton County
17 demonstrate that it has got the right operating
18 procedures, that it has got the right stuff, and
19 it has got the right location which will enable
20 them to -- to go through these processes
21 smoothly, transparently, and accurately.

22 Thank you.

23 **MR. FERVIER:** Thank you. Does the board
24 have any questions?

25 **MR. LINDSEY:** (off microphone) Let's take it

1 up (inaudible) corrections if I may,
2 Mr. Chairman. I think there's some questions
3 about --

4 **MR. COAN:** I just turned on the mic.

5 **MR. LINDSEY:** Thank you, guys. Sorry about
6 that.

7 I think perhaps there are two different
8 directions. One is -- is -- any questions about
9 the 2020 and then there's some questions about
10 2024 in terms of making sure that we have a --
11 have a accurate election in Fulton County in
12 2024.

13 So I'm going to yield to somebody who wants
14 to first start off by asking questions about
15 2020, and I'm going to focus on 2024.

16 **MR. FERVIER:** Member Ghazal.

17 **MS. GHAZAL:** Yes. I think I'm the only
18 person involved in this who was actually on the
19 board and heard of this already in 2021,
20 including from Fulton County. Everything has
21 changed since then. But is it my under -- it's
22 my understanding that the same underlying
23 activity here that was in -- that was
24 investigated here, was reported investigated, was
25 part of Carter Jones' report and also part of

1 what instigated the performance review board; is
2 that correct?

3 **MR. BRUNSON:** Yes.

4 **MS. GHAZAL:** So all of these have already
5 been investigated. They have been exhaustively
6 gone -- gone through, including the
7 double-scanning. And I understand that the
8 double-scanning did not lead to double-counting
9 in terms of the vote totals. But just for sake
10 of argument, assuming it were counted, it were
11 included in the tabulations, what is the total
12 net difference that we would see in the counts?

13 **MS. MCGOWAN:** So that is noted in the
14 report.

15 **MR. BRUNSON:** Yeah.

16 **UNIDENTIFIED SPEAKER:** (off mic, inaudible)

17 **MS. GHAZAL:** No. I -- no, sir.

18 **MS. MCGOWAN:** There was -- there was
19 actually a net gain for -- for Donald Trump of
20 seven -- seven votes, net gain for Donald Trump.
21 And then Joe Biden had a net loss of 932 votes in
22 the recount.

23 **MS. GHAZAL:** Thank you.

24 **MR. BRUNSON:** Are -- are you -- are you
25 talking about 31 -- 3,000 roughly?

1 **MS. GHAZAL:** Right.

2 **MS. MCGOWAN:** Oh, okay. I thought you
3 meant the recount as a whole.

4 **MS. GHAZAL:** Assuming -- just for argument
5 sake. If they were actually counted, what --
6 what's the net difference that we would be
7 talking about?

8 **MR. BRUNSON:** Let me find out. Okay, so
9 there were 1,401 votes for Donald Trump and 1,713
10 for Joseph Biden, 52 for Jo Jorgensen, and 16
11 which were left blank.

12 **MS. GHAZAL:** So roughly a net -- the net
13 difference would be about 300 in terms of the --
14 the difference between.

15 **MR. BRUNSON:** Yeah. Three -- 312.

16 **MS. GHAZAL:** Right. Thank you. Thank you.
17 Can I also assume that there were poll watchers
18 from all parties involved in all of the early
19 voting locations, contemporaneously? So the
20 early voting locations where the tabulators --
21 where -- in question? Did they have poll
22 watchers? If that's --

23 **MR. BRUNSON:** I'd have to defer.

24 **MS. GHAZAL:** At that time?

25 **MS. WILLIAMS:** Yes. Poll watchers were

1 present at all advance voting locations from both
2 parties.

3 **MS. GHAZAL:** Did you receive any
4 contemporaneous reports of problems with the
5 scanners or anything like that?

6 **MS. WILLIAMS:** No, I did not.

7 **MS. GHAZAL:** So were there -- were poll
8 watchers able to be present when these early
9 voting locations were closed down?

10 **MS. WILLIAMS:** They were -- if they were
11 present, I do not know, but they would've been
12 permitted to be present. Yes.

13 **MS. GHAZAL:** And were monitors available to
14 observe the tabulation process on election day
15 during the -- when the early voting tabu -- when
16 the early voting totals are tabulated back in the
17 headquarters, is that -- are there opportunities
18 for poll watchers to be there?

19 **MS. WILLIAMS:** Yes.

20 **MS. GHAZAL:** Were there any contemporaneous
21 reports or problems with any of these scanners at
22 the time?

23 **MS. WILLIAMS:** No.

24 **MS. GHAZAL:** Thank you. I have no other
25 questions.

1 **MR. FERVIER:** Member Johnston.

2 **DR. JOHNSTON:** I do have a number of

3 questions. I'd like -- I'd actually like to

4 break it down into each complaint. And let's

5 start with complaint number one: the 700 machine

6 count --

7 **MR. FERVIER:** Member Johnston, would you --

8 **DR. JOHNSTON:** I'm so sorry.

9 **MS. GHAZAL:** Would you identify who you're

10 addressing the question to.

11 **DR. JOHNSTON:** I will.

12 **MR. FERVIER:** Thank you.

13 **DR. JOHNSTON:** I will. So machine count 2,

14 so 700 -- 17,352 ballots counted without ballot

15 images is the complaint. Does the count -- for

16 the investigator, does the count -- or

17 Ms. McGowan, does count 528,777 represent the

18 ballots casts from the November 3rd election day?

19 **MS. MCGOWAN:** Yes. That's what's in the

20 report.

21 **MR. BRUNSON:** Yeah.

22 **DR. JOHNSTON:** Okay. And that's correct.

23 So what is the reason for the difference found by

24 the November 14th hand count of 525,293?

25 **MS. MCGOWAN:** I would say because hand

1 counts are notoriously less accurate than machine
2 counts. And so they were done by -- it was done
3 very -- the risk-limiting audit actually confirms
4 the results. I mean, the result you noted is a
5 fraction of a percent off.

6 So the point of a risk-limiting audit not to
7 get a completely -- it's not to redo the
8 certified results. The point of the
9 risk-limiting audit is to confirm the accuracy of
10 the certified results. And in this case, the RLA
11 did that.

12 **DR. JOHNSTON:** Accurate is not 3,484.

13 **MS. MCGOWAN:** The risk-limiting audit was
14 counting total votes cast for president. So
15 again you are confusing total votes cast for
16 president with the total ballots cast. And so
17 the total ballots cast are the 528,777.

18 As we already noted, not everybody cast a
19 vote for president. And so the risk-limiting
20 audit was only an audit of the presidential race.
21 And so those were the total votes cast for
22 president that were counted.

23 **DR. JOHNSTON:** Did we not account for every
24 single ballot that we had in the risk-limiting
25 audit?

1 **MS. MCGOWAN:** Yes, of course. Every --
2 every ballot was counted.

3 **DR. JOHNSTON:** So there should've been
4 528,777 ballots with an accounting for each
5 candidate and no votes?

6 **MS. MCGOWAN:** The results of the
7 risk-limiting audit are posted up on the
8 Secretary of State's website. They're just not
9 all included as a result of -- for this
10 particular report, but those numbers are there.
11 And again the risk-limiting audit was only off by
12 a fraction of a percent by the certified -- from
13 the certified results. And it did confirm that
14 it was accurate.

15 **DR. JOHNSTON:** I'm sorry. Over 3,000 is not
16 a fraction. And it's not minute?

17 **MS. MCGOWAN:** It actually is.

18 **DR. JOHNSTON:** All right, next question.

19 **MR. LINDSEY:** Hold on, hold on. She -- she
20 was going to respond (indiscernible).

21 **DR. JOHNSTON:** Go ahead.

22 **MS. MCGOWAN:** It is a fraction of a percent.

23 **DR. JOHNSTON:** What accounts for the
24 difference between the next count of machine
25 count 2 of 527,925?

1 **MS. MCGOWAN:** That is not something that is
2 necessarily answerable as a result of this
3 investigation. The investigation was merely to
4 confirm whether or not a violation of the
5 election code occurred. In this case we made the
6 determinations and those findings are in the
7 report. It wasn't necessarily to explain
8 everything that happened in 2020. The point --
9 the point was to investigate the complainant's
10 allegations.

11 **DR. JOHNSTON:** Well, there's three counts
12 and there's three different numbers. And I would
13 think that the third count, machine count 2,
14 which is the third count coming right off of the
15 hand count that took those very same ballots and
16 ran them through the big ICC fast scanners
17 should've come up with the same number. And it
18 did not come up with the same number.

19 So -- so the counts don't agree. One, two,
20 and three, they don't agree.

21 For the investigator, do you agree that
22 every vote should have a ballot -- ballot image?

23 **MR. BRUNSON:** At this point in time, no, it
24 wasn't required.

25 **DR. JOHNSTON:** I didn't ask if it was

1 required. Do you agree that it should have a
2 ballot image?

3 **MS. MCGOWAN:** Again, the -- the ballot
4 images should be recorded, but, again, the -- the
5 vote is captured in that paper ballot. The
6 ballot image is not the vote. It is merely a --
7 an electronic picture of the ballot so that we
8 can go back and people can review them. So it's
9 part of the paper trail that we do -- that we use
10 to contain the accuracy of the results.

11 So, yes, right now ballot images are
12 required to be uploaded and preserved so that
13 they can be produced in response to a public
14 record. So we would expect there should be
15 ballot images for every ballot.

16 But, again, in 2020 this was brand-new
17 equipment the counties were getting used to
18 using. They weren't necessarily always doing
19 things correctly. Some of the -- the ballot
20 images were not necessarily preserved, but,
21 again, the purpose of this investigation was to
22 determine whether or not a violation of the
23 election code occurred. And we have presented
24 our findings.

25 **DR. JOHNSTON:** Great. That -- that still

1 doesn't answer the question should every vote
2 have a ballot image?

3 **MR. LINDSEY:** Mr. Chairman --

4 **MS. MCGOWAN:** Under SB202, yes.

5 **MR. LINDSEY:** Mr. Chairman -- wait a minute.
6 During -- during the time of the public getting a
7 chance to respond, we get rattled when it comes
8 to applaud and everything else. But we're now in
9 the investigative phase, Mr. Chairman. And I
10 would ask that you -- respectfully ask that you
11 ask the audience to be respectful, be quiet, and
12 allow the -- the folks who are asking the
13 questions and the folks that are answering the
14 questions do so without disturbance from the
15 audience.

16 I think it's great when we have it at the
17 beginning, when we have public comment. I kind
18 of enjoyed it. But we're now in the
19 investigative time, Mr. Chairman.

20 **MR. FERVIER:** Thank you, member Lindsey.
21 The --

22 **DR. JOHNSTON:** Thank you.

23 **MR. FERVIER:** This -- this board --

24 **DR. JOHNSTON:** Thank you.

25 **MR. FERVIER:** -- needs to clearly hear and

1 understand the questions and answers that are
2 getting asked. And when you interrupt that, it
3 creates a problem for the board. So if you'd
4 please just keep your comments and your clapping
5 to a minimum so we can get through this. Thank
6 you.

7 **DR. JOHNSTON:** Does the investigation
8 confirm that there are missing ballot images?

9 **MR. BRUNSON:** Yes.

10 **DR. JOHNSTON:** Do you know why 380,761
11 ballot images from election day machine count are
12 not available?

13 **MS. MCGOWAN:** We subpoenaed Fulton County
14 for all of their ballot images. We received
15 approximately 518,000 ballot images.

16 **DR. JOHNSTON:** From election day?

17 **MS. MCGOWAN:** Those are from the recount.

18 **DR. JOHNSTON:** Those are from the recount.
19 But we -- we have no ballot images for 380,761
20 ballots from election day; correct?

21 **MS. MCGOWAN:** What was subpoenaed was the
22 ballot images for the recount because that's what
23 this -- this case was about, not the election
24 day.

25 **DR. JOHNSTON:** Does Fulton County know why

1 there are not 380,761 ballot images from election
2 day?

3 **MS. BRUMBAUGH:** (off microphone) That's with
4 the investigators. We've not been apprised of
5 this allegation. This is the first time I'm
6 hearing about. And I have no idea what's the
7 basis of that allegation. And so we would have
8 to -- we would have to -- we can't answer that at
9 this time.

10 **DR. JOHNSTON:** Would Fulton County agree
11 that every vote should have a ballot image?

12 **MS. BRUMBAUGH:** (off microphone) Under the
13 laws and the rules of 2024, yes. And if
14 (inaudible) best practices in 2020, it would've
15 been the same thing. There seems to have been
16 some scanners that were borrowed. Again, we were
17 dealing with multiple locations and new equipment
18 and a pandemic. And there were workarounds. And
19 some of the workarounds involved scanners that
20 were borrowed from other counties. The scanners
21 were then returned.

22 There has not been the recordkeeping,
23 perhaps, that we would do in 2024, having been
24 through the Carter Jones monitoring for the
25 performance review. And certainly we will

1 endeavor to keep every record that anyone could
2 ever ask for going forward. And I wish that we
3 had them, but we can only tell you what we have.

4 **DR. JOHNSTON:** Thank you. And actually I'm
5 asking about images from election day. I haven't
6 even gotten to the recount yet.

7 All right. So I would like to -- to read
8 State Election Board Rule 183-1-12-.13, storage
9 and returns. This was adopted January 23, 2020,
10 and made effective February 12, 2020. After
11 tabulating and consolidating the results, the
12 election superintendent shall prepare an
13 electronic file which shall contain a copy of the
14 information contained on each memory card which
15 shall include all ballot images as well as vote
16 totals and a copy of the consolidated returns
17 from the election management system.

18 Further, the electronic file shall be stored
19 on a secure medium, placed in a sealed envelope
20 or container. It shall become a part of the
21 election materials which shall be deposited with
22 the clerk of the superior court along with the
23 signed results tape, along with the paper ballots
24 given to the clerk of the superior court.

25 So are the -- were ballot images required to

1 be kept and stored?

2 MS. MCGOWAN: Who are you directing that
3 question to?

4 DR. JOHNSTON: The investigator.

5 MR. FERVIER: Which -- I have a question,
6 the chair.

7 MS. MCGOWAN: Yes.

8 MR. FERVIER: Was this requi -- was this a
9 part of the complaint?

10 MS. MCGOWAN: No.

11 MR. BRUNSON: No.

12 MR. FERVIER: No. Okay.

13 DR. JOHNSTON: Okay. Do the --

14 MS. MCGOWAN: If the board wants to consider
15 additional rules or additional possible
16 violations, you're certainly free to do that.

17 DR. JOHNSTON: Thank you.

18 For the investigator, did the investigator
19 find the 17,852 ballots that correspond to the
20 missing ballot images in the recount?

21 MS. MCGOWAN: I'm not sure you un -- we
22 understand your question. Could you please
23 restate that.

24 DR. JOHNSTON: So if -- if there has to be a
25 ballot for each vote or a ballot image -- a

1 ballot image or a ballot for each vote and there
2 are 17,852 missing images, did -- did the
3 investigators look further to find those actual
4 ballots?

5 **MR. HUMES:** What the investigation
6 determined was that there were 21,798 missing
7 ballots when you do not conflate ballots cast and
8 votes cast. So because they had an ICC tabulator
9 that had -- we had a duplicate name and those
10 images were rejected. When it was rescanned, it
11 was 21,798 ballot images that were found and
12 added to the 506,000 -- or the 527,000 -- 527,925
13 ballot cast total.

14 **DR. JOHNSTON:** Thank you.

15 **MR. HUMES:** So tabulator 816 would've had
16 the 21,798 ballots.

17 **DR. JOHNSTON:** Thank you. I'm -- I'm trying
18 to get to the point of finding evidence that
19 17,852 ballots actually exist. So there either
20 need to be ballot images or we need to go look at
21 the ballots, the paper ballots.

22 **MR. HUMES:** Well, that was --

23 **DR. JOHNSTON:** It's very simple.

24 **MS. MCGOWAN:** As we -- I explained at the
25 beginning, we have the paper ballots. The paper

1 ballots exist. There's no 17,000 missing
2 ballots. The discrepancy -- the 17,000
3 discrepancy was because of that scanner error,
4 the programming error in the scanner that got
5 corrected. The results were recertified and
6 re-reported and that accounted for the -- the
7 17,000 difference. There was no missing ballots.
8 Like I said, we have hand counted every single
9 ballot.

10 **DR. JOHNSTON:** Great. Can -- can -- then
11 let's look at the paper ballots. The ballot
12 image is supposed to be accompanied by a Shaw
13 file which proves that the ballot image has not
14 been tampered with. Did Fulton County -- this is
15 a question for Fulton County -- find and confirm
16 the Shaw files for all of the ballot images?

17 **MS. BRUMBAUGH:** Respectfully, this is
18 outside the scope of the original complaint. And
19 as Ms. McGowan has stated, if there are further
20 investigations or further complaints to be made,
21 that's one thing. But today we need to stay
22 within the confines of this complaint. So we
23 don't have an answer to Shaw files. Shaw files
24 were not part of the complaint. They're not a
25 part of the investigation.

1 **DR. JOHNSTON:** Thank -- thank you very much.
2 This is about the vote totals in an election and
3 the Shaw files are part of the evidence that
4 shows that the vote has -- was not tampered with,
5 that the ballot or the image of the ballot was
6 not tampered with. And it actually exists.

7 And actually I did request the Shaw files.
8 I asked for that four months ago and I'm sorry
9 that you were not informed.

10 So were the Shaw file -- and that -- to go
11 further, the Shaw files are part of the
12 electronic record that should have been kept
13 according to State Election Board Rule
14 183-1-12-.13. So it's simply a matter -- and --
15 and those are retained by the superintendent and
16 the clerk of the court. So an unanswered
17 question, okay.

18 For the investigator, do you agree that a
19 Shaw file -- there's a Shaw file for every
20 ballot?

21 **MS. MCGOWAN:** I'm admittedly not a technical
22 expert. I -- as legal counsel to the Secretary
23 of State's Office, I expect there would be, but,
24 again, that was not part of this investigation.

25 **DR. JOHNSTON:** Okay. I asked for a

1 technician to be here to answer some of these
2 questions. Is there a technician here that could
3 answer these questions?

4 **MS. MCGOWAN:** No. We have a primary going
5 on right now and our technical experts are busy
6 administering that.

7 **DR. JOHNSTON:** For the investigators, do we
8 need to go to the clerk of the court and examine
9 the electronic file and the physical paper
10 ballots?

11 **MS. MCGOWAN:** No. This has been an
12 exhaustive investigation. We have spent hundreds
13 of man-hours on it. As counsel for Fulton County
14 reported, they have been very cooperative. They
15 have spent hundreds of man-hours while they have
16 been administering this primary that is going on
17 right now.

18 So we feel like this has been exhaustive.
19 We've researched all of the documentation that we
20 needed to reach our conclusions.

21 **DR. JOHNSTON:** It's hard for me to reach a
22 conclusion that thousands of ballots actually
23 exist. So the -- the only thing I would
24 recommend is that we go to the clerk of the
25 court, obtain the electronic file that should

1 contain all of the ballot images and the physical
2 paper ballots for review.

3 So MC -- machine count 2 has 17,352 votes
4 for which there are no ballots and no -- and
5 still no ballot images.

6 Let's move on to complaint number 2. It's
7 duplicate scanned ballots. For the investigator,
8 do you agree that ballots were double-scanned and
9 counted in the record -- in the recount?

10 **MS. MCGOWAN:** We would agree that the
11 evidence suggests that there batches of ballots
12 that were double-scanned. We cannot conclusively
13 state that they were included in the tabulated
14 results.

15 **DR. JOHNSTON:** They were scanned but not
16 counted?

17 **MS. MCGOWAN:** We cannot conclusively state
18 that they were included in the tabulated results.
19 And this was discussed in the report materials
20 that you received.

21 **DR. JOHNSTON:** The -- I'm not sure I
22 understand that conclusion. How did you conclude
23 that?

24 **MS. MCGOWAN:** Again, we didn't conclude
25 anything with respect to that. We could not

1 conclusively state whether or not that was --
2 that those possibly duplicative ballot images
3 were included in the count because it is
4 possible, noting that there were some errors in
5 the scanning process -- or -- or mishaps during
6 the scanning process.

7 The way the system is is that as -- as
8 counties are loading results to the RTR, if there
9 is a -- an error message for a particular batch,
10 the county will have to rescan that batch. And
11 before uploading it to the RTR, they will have
12 the option to delete that scan so that they can
13 redo it so it's not duplicated. They have to
14 delete both the -- the ballots -- or the results
15 as well as the ballot images.

16 It's possible in this case that they were
17 re -- having to redo a batch that they deleted
18 the results part of the file but not the image
19 part of the file. And so there is a way that it
20 is possible for there to be duplicative ballot
21 images that appear within the images but not
22 necessarily with the count.

23 Again, we can't say conclusively one way or
24 the other because ballots are anonymous and
25 there's no way to -- to know for sure.

1 **DR. JOHNSTON:** Well, that sounds very
2 confusing. There were over 6,000 errors or
3 duplicates in the RLA and three -- over 3,000 --
4 I -- I -- I have three numbers now, over 3,000
5 duplicate scanned ballots in machine count 2.
6 But you're saying they may not be duplicate
7 ballots -- or duplicate counts?

8 **MR. HUMES:** When we reached out to our
9 technical representatives, they basically
10 explained it this way. When the results are
11 being uploaded into the RTR, if an error is found
12 after the scan, the initial scanned ballots, the
13 images will be there. But once they rescan it,
14 you will have a second set of ballots scanned
15 during the second scan. But the second scan or
16 the second batch that's scanned, those results
17 are tabulated when those results are tabulated
18 and published.

19 So you can have multiple scans but the
20 second batch that's included in the results are
21 the ones that are tabulated and published.

22 **MR. FERVIER:** So the first, second, third,
23 however many prior ones are discarded and only
24 the final scan will be counted?

25 **MR. HUMES:** Well, they -- they will be in

1 the system unless deleted, but they won't be
2 included in the results. So the images are there
3 but they're not counted in the results.

4 **MR. FERVIER:** Right. Because they recognize
5 it was duplicates.

6 **MR. HUMES:** Correct. And then the user has
7 to accept, tabulate, and publish.

8 **MR. FERVIER:** Is there any way for them to
9 accept all of the duplicates?

10 **MR. HUMES:** That's a little more technical,
11 but that -- I do know that the system allows a
12 user, given the option to rescan, accept, and
13 then you have double images -- repeating images,
14 I should say, but it doesn't necessarily mean
15 that all of the images were included in the
16 results.

17 **MR. FERVIER:** Let me ask you a question.
18 There were three counts on this, right? You had
19 the original election night, you have a hand
20 recount, then you have a machine count. All of
21 them came up with substantially the same numbers,
22 within a thousand or two votes or whatever;
23 correct?

24 **MR. HUMES:** Correct.

25 **MR. FERVIER:** So in order for somebody to be

1 duplicating counts, they would've had to do it in
2 all three of the counts -- election night, plus
3 the hand recount, plus the final count --
4 correct?

5 **MR. HUMES:** To be consistent --

6 **MR. FERVIER:** They had to have the same
7 fraud --

8 **MR. HUMES:** Correct.

9 **MR. FERVIER:** -- the same collusion --

10 **MR. HUMES:** Correct.

11 **MR. FERVIER:** -- on all three counts --

12 **MR. HUMES:** Correct.

13 **MR. FERVIER:** -- in order for that to be the
14 case.

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

16 **MR. FERVIER:** Was there any evidence of that
17 happening?

18 **MR. HUMES:** No, sir.

19 **MR. FERVIER:** Thank you.

20 **DR. JOHNSTON:** Does Dominion have the
21 ability to detect duplicate ballots?

22 **MS. MCGOWAN:** The way the system works is
23 that it is setup to reject what appear to be
24 duplicate batches. So if they have the same
25 scanner and batch number, the -- the -- our

1 results system, our printing system is designed
2 to not accept duplicates and to reject one of
3 them. And that is exactly what happened and why
4 you have that 17,000-vote discrepancy is because
5 of that duplicate -- the results system was
6 reading it as duplicate batches even though they
7 weren't because the scanners had the same number.
8 So that is where it is designed to prevent
9 duplicates in the results.

10 **MR. FERVIER:** Let me ask a question about
11 the hand recount, please. So in the hand
12 recount, they had physical ballots that were
13 counted.

14 **MS. MCGOWAN:** Correct.

15 **MR. FERVIER:** Every one with a paper
16 physical ballot, they were counted; correct?

17 **MS. MCGOWAN:** Yes, that's correct.

18 **MR. FERVIER:** Was that -- when that hand
19 recount happened, was it witnessed by poll
20 watchers from both parties?

21 **MS. MCGOWAN:** Yes. Poll watchers,
22 observers, media, lot of people present
23 witnessing the -- the hand count in Fulton
24 County.

25 **MR. FERVIER:** Did anybody find any evidence

1 of duplicate counting during that hand recount?

2 **MS. MCGOWAN:** Not the same thing that we're
3 seeing here. We -- we did have a prior case that
4 the board took up that involved some -- some
5 issues with the RLA. But the board already
6 addressed that in a prior case.

7 **MR. FERVIER:** But the hand recount had
8 substantially similar results to the original
9 election and the machine count.

10 **MS. MCGOWAN:** Correct.

11 **MR. FERVIER:** Thank you.

12 **DR. JOHNSTON:** Question for the
13 investigator. How would you identify a
14 double-scanned ballot?

15 **MR. HUMES:** Oh, so basically what we did, as
16 indicated in the report, we identified all of the
17 hand-marked ballots. We sent a team of
18 investigators to review and analyze each ballot,
19 and they had distinct markings to show that they
20 were repeated ballots on the hand-marked ballots.
21 We looked in -- we determined if there was a
22 write-in, the bubbling of the circles. If there
23 were distinct characteristics of the circling or
24 the filling in of the bubbles on the ballot, then
25 that's how we determined repeated ballots.

1 **DR. JOHNSTON:** Thank you. So those -- those
2 would have been counted; correct?

3 **MR. HUMES:** Not necessarily. Only because
4 if those ballots were scanned and were part of a
5 batch that was rejected, the images were captured
6 in the system but once rescanned and then it was
7 tabulated and published, then those ballot images
8 would have been captured. So you can have
9 multiple ballot images without being included in
10 the results.

11 **DR. JOHNSTON:** So Dominion machines are so
12 smart that they can detect a duplicate ballot?

13 **MR. HUMES:** A duplicate batch.

14 **DR. JOHNSTON:** A duplicate --

15 **MS. MCGOWAN:** Yeah. It detects the -- the
16 scanner number and the batch number and it can
17 reject things that have the same combination of
18 those numbers.

19 **DR. JOHNSTON:** Did that occur during this
20 recount?

21 **MS. MCGOWAN:** Yes. That's exactly what is
22 detailed in our report.

23 **DR. JOHNSTON:** That all of the duplicate
24 batches were detected and deleted?

25 **MS. MCGOWAN:** No, that there was an incident

1 where because two scanners were programmed with
2 the same number, that certain batches of -- of
3 ballots were rejected because of that programming
4 error.

5 **DR. JOHNSTON:** Oh, I understand. But the
6 report -- the allegation is, from Mr. Rossi, that
7 3,125 duplicate ballots were counted. I'm -- I'm
8 not talking about the ICC-14 scanner that -- that
9 ballots were misnamed and reloaded on it, I'm
10 talking about 3,125 duplicate ballots that were
11 counted.

12 **MS. MCGOWAN:** And again, as we concluded and
13 it's in the report, we did partially substantiate
14 that we believe that there are duplicate ballot
15 images. Whether or not those were actually
16 included in the tabulated results is
17 inconclusive.

18 **DR. JOHNSTON:** Well --

19 **MR. FERVIER:** Well, next question --

20 **DR. JOHNSTON:** Well, what do you believe?
21 What do you believe?

22 **MR. FERVIER:** Let me ask a question. You
23 made a comment you didn't know whether they were
24 included, but you just told me that you had three
25 different counts that came up substantially --

1 one of them was a hand recount. So if there were
2 duplicate ballots, it would've shown in the hand
3 recount along with the other two; correct?

4 **MS. MCGOWAN:** I think that's a reasonable
5 assumption. Also because the results of the
6 recount were actually lower, somewhat lower,
7 marginally lower than the originally certified
8 results. So if you had 3,000 ballots that were
9 counted twice, you would expect the results to be
10 larger by that amount.

11 **DR. JOHNSTON:** Right. So in the hand re --
12 in the hand count, Governor Kemp's team found
13 6,653 errors or duplicates. So -- and that was
14 in the count and the totals were given. And to
15 my knowledge those count totals have never been
16 amended or -- or reversed. And likewise the
17 3,125 that Mr. Rossi found are -- are duplicate
18 counted ballots.

19 Could I ask Mr. Rossi, is -- am I stating --
20 am I interpreting this correct?

21 **MR. ROSSI:** I can really help with this and
22 all due respect if I can have just a couple
23 minutes, I think I can clear everything up.

24 **MR. COAN:** Hit your microphone.

25 **MR. FERVIER:** Can -- can you --

1 **DR. JOHNSTON:** Please, in two minutes.
2 **MR. FERVIER:** Please --
3 **MR. ROSSI:** Two minutes. Two minutes.
4 **DR. JOHNSTON:** Okay.
5 **MR. ROSSI:** Okay. I'm an expert on the hand
6 audit, okay? And as Dr. Johnston said, it's been
7 vetted and found factual by Governor Kemp's team
8 who investigated it for over six weeks. The
9 numbers did match. You were right, Mr. Chairman.
10 The reason they matched is because they
11 include the duplicated -- duplicated counted
12 ballots. The duplicates are over 6,000. The net
13 difference for candidate Biden are four
14 thousand -- 4-0-8-1 net false absentee ballots
15 counted for candidate Biden over candidate Trump
16 in the hand audit.
17 And that is only a subset of the 527,000
18 that were looked at. That was only the hundred
19 and forty-eight thousand absentee ballots. For
20 those of you that do math, if you do four
21 thousand -- 4-0-8-1 and divide it by 148,000
22 that's almost a 3 percent -- much more than a
23 fraction, a 3 percent error rate.
24 So to answer you question, yes, the hand
25 audit got to 527, but how they got to 527 was

1 over 6,000 duplicated and the net difference
2 being 4-0-8-1 for candidate Biden. I hope that
3 clarifies this.

4 **DR. JOHNSTON:** Thank you.

5 **MS. GHAZAL:** Excuse me. Excuse me. This
6 has been adjudicated and the numbers are entirely
7 different that were -- that were found by our
8 investigators two years ago. I cannot let those
9 numbers stand on the record because they are
10 incorrect and our investigators found the numbers
11 and it was in the hundreds not in the thousands.

12 **MR. ROSSI:** I know this is not meant to be
13 a --

14 **MS. GHAZAL:** No, sir, I'm sorry --

15 **MR. ROSSI:** This is not meant to be a back
16 and forth, but when Dr. Johnston asked the
17 investigators when they did their investigation,
18 Tell me -- tell me the totality of the errors --
19 you can go back and look at the transcript --
20 Investigator Sagorin said -- and you can almost
21 quote me -- We did not go into that for this
22 investigation. Look at the transcript, please.

23 **MS. GHAZAL:** There is a concept called res
24 judicata which is the civil equivalent of double
25 jeopardy. We have already heard this. It has

1 been done. It is finished. This is not the case
2 at hand.

3 The audit, which is never intended to have
4 an equal total, the audit is intended to identify
5 the candidate who won and whether or not the
6 totals accurately identify that. I want to make
7 sure that we're doing the right thing, that we're
8 actually talking in the correct language here.
9 And that the record reflects accuracy and truth.

10 **MR. FERVIER:** Thank you.

11 **DR. JOHNSTON:** Thank you. Thank you.

12 More questions. Dominion Voting System
13 company says that Shaw files cannot be deleted.
14 Is there a Shaw file for each ballot in the
15 recount?

16 **MS. MCGOWAN:** Again, that was not part of
17 the complaint and that is not part of this
18 investigation.

19 **DR. JOHNSTON:** It is a part of the total
20 count. This was the -- the recount became the
21 certified count for the election. So anything
22 that has to do with the certified count of the
23 votes and the ballots for the election is part of
24 this complaint and the recordkeeping thereof and
25 the documentation and authentication that this is

1 a valid count.

2 So the Shaw files have everything to do with
3 it. And actually they should be part of the
4 electronic file that is kept with the clerk of
5 the court and the superintendent of the county.
6 Are there Shaw files for all 527,925 ballots in
7 the recount?

8 **MR. BRUNSON:** We didn't obtain the Shaw
9 files.

10 **MS. MCGOWAN:** But that -- that's not part of
11 this investigation and maybe Fulton County can
12 shed more light on your question. But that was
13 not, that was not part of this investigation.

14 **DR. JOHNSTON:** Thank you. Because I asked
15 for that four months ago. So it is -- and I'm --
16 I'm -- I'm given the duty to investigate. So it
17 is part of the investigation. So I'm -- I'm
18 sorry that it's not available.

19 Is -- do you find that Dominion machines are
20 prone to or vulnerable to -- to double-scanning
21 of ballots?

22 **MS. MCGOWAN:** No, not at all.

23 **DR. JOHNSTON:** Okay. Is the results --

24 **MS. MCGOWAN:** Well, you said
25 double-scanning. I -- I explained before how

1 they are intended to reject what the results
2 program interprets to be duplicates. There's
3 certainly -- election workers can certainly scan
4 things twice. It's just a matter of when they
5 accept the scan and accept the results and that
6 those results are uploaded. That is where the
7 system is designed to detect duplicates.

8 **DR. JOHNSTON:** Right. So it detects a
9 duplicate named batch but it doesn't really
10 detect a duplicate ballot; correct?

11 **MS. MCGOWAN:** Correct.

12 **DR. JOHNSTON:** All right. Is Results Tally
13 Reporting prone to -- prone to or vulnerable to
14 double-scanning of ballots, uploading of ballots?

15 **MS. MCGOWAN:** You're mischaracterizing what
16 the RTR is. The RTR is to -- is to report
17 results so it doesn't --

18 **DR. JOHNSTON:** I'm sorry, votes, to be
19 correct. So MC-2 has missing Shaw files, missing
20 ballot images. So without a ballot image,
21 without a Shaw file it's really not a valid vote
22 until proven otherwise, which means asking for
23 the paper ballots.

24 So let's move on to the third complaint.
25 It's the issue of ten tabulators with inadequate

1 documentation from election -- the election day.
2 It appears that the investigators were able to
3 find some document over -- concerning ten
4 tabulators. How were they found?

5 **MS. MCGOWAN:** I think Fulton County can
6 provide the answer for that.

7 **MS. BRUMBAUGH:** (off microphone) There was
8 extensive (indiscernible) going through boxes and
9 boxes and boxes and more boxes. And so that's
10 how they were found. Obviously that's how the
11 zero tapes were found. That's how the results
12 tapes were found. That's how the scanner recaps
13 were found.

14 There have been poll manager affidavits
15 which were filled out (indiscernible). You all
16 have copies of those. And then there are photos
17 of these scanners which were identified from the
18 zero tapes and results tapes which would've had
19 serial numbers and then taking those serial
20 numbers and then finding those scanners. So
21 that's how the documents (indiscernible) to be
22 found.

23 **DR. JOHNSTON:** Thank you. Thank you for
24 finding the serial numbers. The complaint --
25 four months ago, I asked for supporting

1 documentation that showed the use of the scanners
2 in the election and the evidence provided
3 included seven opening zero tapes, ten -- I'm
4 sorry, two closing results tapes, two daily recap
5 sheets.

6 But these ten scanners have no ballot images
7 associated with the ballots that were scanned on
8 those -- on those scanners. They have no memory
9 cards with the ballot data, the ballot images.

10 So the question is associated with each --
11 each action of the scanner, which is actually our
12 ballot box -- so it -- it's the voter counter and
13 the ballots box were rolled into one, there
14 are -- there's a chain of custody, a
15 documentation that every ballot that's put in
16 there and scanned should be validated,
17 documented, reported, and documented. And that
18 election material should -- the document should
19 be preserved.

20 So I -- I did a spreadsheet, a chart and --
21 of all the things that are needed, from
22 acceptance testing of the scanner to serial
23 numbers to logic and accuracy testing proof, a
24 scanner test security form, a transport manifest,
25 opening seal numbers on scanners -- the little

1 seal tag, protective tag -- opening zero tape
2 proving that there are zero counts on those
3 scanners and opening protective count number
4 which is the count on the scanner of total
5 ballots that have been -- been run through that
6 scanner to date, also a chain-of-custody form
7 should the ballots be taken out of the ballot box
8 because it gets too full, a daily recap form, a
9 security seal on the memory card, closing results
10 tape which is a closing tape that's printed out
11 that says this many ballots have been scanned on
12 this scanner so you have a match from a zero tape
13 to the closing of the poll tape, closing
14 protective count number to make sure that the --
15 protect the total ballots that have ever gone
16 through that machine equal the same thing, along
17 with the votes, the ballot re -- ballot recap, I
18 mentioned, an envelope that would -- would be
19 transmitted with the tapes, the memory card and
20 along with the scanner, consolidated return
21 sheet, ballot images, voter binder certificate,
22 and a numbered voter list to match with how many
23 people voted at that polling place with the
24 number of ballots that were -- were made and the
25 number of votes that were -- and the number of

1 votes that were counted along with Shaw files,
2 log files, and the electronic file in the memory
3 card.

4 There are over 150 missing pieces of
5 information that I have asked for on these ten
6 scanners. And all of these have an associated
7 log -- code number or a State Election Board
8 rule. So I would consider this over a hundred
9 and fifty violations if these are not produced,
10 if they're not available.

11 **MS. BRUMBAUGH:** (off microphone) Well, we
12 weren't asked for them. The complaint did not
13 allege that. The complaint alleged that ten
14 tapes that should've been run the night of the
15 election or at the end of the advance voting were
16 missing.

17 We have provided documentation that shows
18 those scanners existed, that they were taking
19 votes, and that chain of custody, at least
20 insofar as what happened at the precinct, was
21 followed. We gave you that information. We have
22 given as much information as we have been asked
23 for. We've gone above and beyond.

24 We are certainly welcome should people ask
25 for information more. We can provide it if we

1 can find it.

2 But, again, we are running an election now.
3 We will be running an election in November. And
4 doing what's right in 2024 is more important than
5 coming back and rehashing 2020 when it was
6 counted three times and then there was a Carter
7 Jones review -- Mr. Jones was there that night.
8 Mr. Jones who observed some of these problems but
9 didn't observe them all -- and the performance
10 review.

11 So I would respectfully ask that you issue
12 us a letter of reprimand. We understand that we
13 were not perfect in 2020. We are committed to
14 being much better in 2024 as, again, we have a
15 new board, new staff, new building, and new
16 procedures. We have had six elections since 2020
17 in which these problems have not presented
18 themselves. And we'd ask that we move on with
19 the rest of this agenda.

20 **MR. FERVIER:** This investigation has been
21 going on for four years now by multiple different
22 agencies and groups and state election boards and
23 everybody else in the world. The chair would
24 entertain a motion at this point.

25 **MS. GHAZAL:** I would move that we dismiss

1 this because we have already heard this case
2 multiple times. We have referred it. We have
3 had a performance review board. So I would
4 submit a motion to dismiss.

5 **MR. FERVIER:** There is a motion to dismiss
6 this from member Ghazal. Is there a second?
7 Hearing no second, the motion does not move. The
8 chair will entertain any other motion a member
9 might have.

10 **DR. JOHNSTON:** I would like to make one.

11 **MR. FERVIER:** Pardon me?

12 **DR. JOHNSTON:** Certainly, Mr. Chairman.

13 **MR. FERVIER:** Yes.

14 **DR. JOHNSTON:** Okay. There is enough
15 evidence to suggest that the respondents violated
16 Georgia election laws and State Election Board
17 rules to such an excess that we should be
18 embarrassed for the Fulton County registration
19 and elections, we should be embarrassed for the
20 chief election official of Georgia and its
21 election division, and, yes, we should be
22 embarrassed for the State Election Board and its
23 dysfunction in handling this case.

24 The facts tell the story of a county's
25 negligent conduct of an election and reveals the

1 reality of how difficult it is to have one's
2 grievances addressed in a timely manner, if at
3 all. When -- but this complaint, especially
4 coupled with the full hand-count audit complaint
5 by the same complainants suggests election
6 conduct that is unacceptable.

7 And the State Election Board should address
8 each complaint and then consider the appropriate
9 action. First, the problem with election day
10 count and the failure to properly secure,
11 protect, and document the safety and authenticity
12 of the votes from ten advance voting locations is
13 appalling. Record -- recordkeeping is abysmal.
14 Proper documentation to ensure the public that
15 votes or ballot boxes have not been tampered with
16 is shamefully poor.

17 The opportunity to electronically stuff the
18 ballot box was obviously available and that has
19 left a film of doubt and suspicion over Fulton
20 County that may be impossible to wipe away unless
21 something is done to ensure that it's not --
22 there's not a repeat of multiple violations.

23 Second, as far as the complaint of the
24 recount, someone should be held accountable for
25 the adding votes electronically or failing or

1 refusing to produce ballot images to the
2 complainants and maybe even the court or for
3 double-scanning of ballots. Dominion claims its
4 machines do not allow double-scanning of
5 thousands of votes.

6 The question remains how did that happen?
7 Did Dominion lie to the state of Georgia?
8 Double-scanning and double-counting of votes is
9 fraud. It may be unintentional or just
10 negligence, but nevertheless it's vote fraud.
11 The FBI states that voting twice is a violation
12 of law, and officially counting votes twice is
13 also a violation.

14 It's a federal election crime and a part of
15 the public corruption unit of the FBI. The
16 election official counter that was counting
17 should be identified -- counting erroneously and
18 held accountable. The results of the RLA hand
19 count or machine recount should be officially
20 amended and reflect the correct totals.

21 The recount with 17,852 ballot images and
22 more than 16,000 electronically added votes
23 should have -- should have those votes expunged
24 or the paper ballots should be investigated by an
25 independent investigator.

1 Ballot images were required to be made and
2 preserved as of February 2020. Would the failure
3 to retain 380,000 ballot images from the
4 November 3rd election be indicative of gross
5 negligence? Ten scanners from advance voting
6 have failed to provide the required documentation
7 necessary to confirm that they were used in the
8 elections, were safely secured from tampering, or
9 that the votes attributed to the ten scanners
10 were authentic.

11 Election supervisors must provide
12 documentation and demonstrate correct procedure
13 for maintaining memory card security. The county
14 broke the necessary audit trail to validate the
15 authenticity of the votes. Either the votes
16 should be invalidated or the paper ballots must
17 be investigated to prove their veracity.

18 If this is the way to conduct an election,
19 then no election should be certified as true and
20 accurate. And there's no way that this election
21 or recount should have been certified.

22 Mr. Chairman, I make a motion to amend the
23 RLA totals to reflect the correct totals, amend
24 all records at the county and state level
25 election totals for this election in question to

1 designate that the accurate and correct vote
2 totals may not be accurate.

3 **MR. FERVIER:** Do you have that written down
4 where I can repeat it?

5 **DR. JOHNSTON:** I do. I do. I also -- but I
6 have -- further make a motion to request the
7 Secretary of State either invalidate 17,852 votes
8 from the official certification or initiate an
9 independent investigation to determine if 17,852
10 ballots are authentic.

11 In addition to the motion, I request that
12 the Secretary of State initiate an independent
13 investigation of the authenticity of the ballots
14 from ten advance voting scanners or expunge the
15 votes from -- from those scanners for the record.

16 Knowing these inconsistencies and
17 irregularities and being responsible for
18 providing oversight of the supervisor and the
19 conduct of election, I'm concerned about the --
20 anyone that would -- would have signed to certify
21 that election.

22 And finally I recommend that we refer it to
23 the Attorney General for immediate review of this
24 case and recommend a monitored team to provide
25 investigative oversight of Fulton County

1 elections for 2024 to consist of certified public
2 accountants, independent investigators, and state
3 auditors to be funded by Fulton County.

4 **MR. FERVIER:** We'll deal with these one at a
5 time. Board member Johnston has made a motion
6 that the amended RLA totals reflect the current
7 totals, amend all records at the county and state
8 level election totals for this election in
9 question to designate that the accurate and
10 correct vote totals may not be accurate and
11 investigate who told Mr. Barron to reconcile --

12 **DR. JOHNSTON:** You can leave that out.

13 **MR. FERVIER:** Okay. So let me amend that.
14 the motion by member Johnston is to amend the
15 RLA -- RLA totals to reflect the correct totals,
16 amend all records at the county and state level
17 election totals for this election in question to
18 designate that the accurate and correct vote
19 totals may not be accurate.

20 We have a motion. Do we have a second?
21 Hearing no second, that motion fails to move
22 forward.

23 Member Johnston has made a motion to request
24 the Secretary of State either to invalidate one
25 thousand -- 17,852 votes from the official

1 certification or initiate an independent
2 investigation to determine if 17,852 ballots are
3 authentic.

4 The motion has been made. Is there a
5 second? Hearing no second, that motion fails to
6 move forward.

7 Member Johnston has made a motion to request
8 the Secretary of State to initiate an independent
9 investigation of the authenticity of ballots from
10 ten advance voting scanners to expunge the votes
11 from those scanners from the record.

12 The motion has been made. Is there a
13 second? Hearing no second, that motion does not
14 move forward.

15 Member Johnston has made a motion to refer
16 to the AG for immediate review of this case and
17 recommend a monitor team to provide investigative
18 oversight of Fulton County elections for 2024 to
19 consist of certified public accountants,
20 independent investigators, and state auditors to
21 be funded by Fulton County.

22 Is there a second? Hearing no second, that
23 motion doesn't move forward.

24 The chair would like to exercise --

25 **MR. LINDSEY:** Mr. Chair --

1 **MR. FERVIER:** -- its right to make a motion.
2 **MR. LINDSEY:** I'll make a motion.
3 **MR. FERVIER:** The chair would like to
4 exercise its right to make a motion. The chair
5 would make a motion to refer to the AG for
6 immediate review of this case and recommend a
7 monitor team to provide investigative oversight
8 over Fulton County elections for 2024.
9 A motion has been made by the chair. Is
10 there a second?
11 **DR. JOHNSTON:** Second.
12 **MR. FERVIER:** A motion and a second has been
13 made to -- for the AG to immediately review this
14 case and recommend a monitor team.
15 **MR. LINDSEY:** Mr. Chairman, if I may. I
16 have been in discussions with the Secretary of
17 State's Office and with Fulton -- thank you,
18 sorry, guys.
19 I've been in discussions with the Secretary
20 of State's Office, Fulton County. And -- and I
21 believe Fulton County was prepared -- at least
22 the chair was prepared to recommend to its
23 board -- to her board that a monitor be created
24 consisting of entities mutually agreeable to the
25 Secretary of State, to the State Election Board,

1 and to Fulton County. Am I correct, Madam Chair?

2 (No audible response)

3 **MR. FERVIER:** The chair will withdraw its
4 motion if you'd like to make an alternative
5 motion.

6 **MR. LINDSEY:** And -- and my alternative
7 motion would be a -- a letter of reprimand. I
8 mean -- my alternative is a letter of reprimand.
9 There is clear evidence that in 2020 there were
10 numerous violations of regulations and statutes
11 and the county has to acknowledge that.

12 I think that the letter of reprimand needs
13 to -- needs to lay those issues out. I think as
14 part of that, the reason I'm going for a letter
15 reprimand is to move this forward rather than go
16 through the Attorney General's Office where
17 things get slower and that by -- as part of that
18 motion that we would -- that we will have an
19 agreement -- a memorandum of understanding with
20 Fulton County and with the Secretary of State's
21 Office and with the State Election Board that
22 will be approved by those three entities by our
23 next hearing -- which I believe we're going to
24 have a special hearing in July anyway in order to
25 take up sort of additional regulations.

1 And my -- my -- the reason for wanting to go
2 through a letter of reprimand rather than
3 referring it to the Attorney General's Office is
4 to move this along so that we can get a proper
5 monitoring in place as quickly as possible rather
6 than go through the delay that often takes place
7 by sending it to the Attorney General's Office.

8 For that reason -- for that reason, I am
9 recommending a letter of reprimand with the
10 understanding that the respective parties will
11 reach an agreement as to a monitor, mutually
12 agreeable monitor, by the next hearing which is
13 presently being contemplated in July.

14 **MR. FERVIER:** A question of clarification.
15 Are you -- would the letter of reprimand detail
16 violations of SEB Board Rule 183-1-15-.03(1)(e)
17 and SEB Rule 183-1-15-.03(1)(f) as detailed in
18 the investigative report?

19 **MR. LINDSEY:** Yes.

20 **MR. FERVIER:** Okay. So please correct me if
21 I get this wrong. We have a motion from member
22 Lindsey to issue a letter of reprimand to Fulton
23 County in case SEB2023-025, related to violations
24 of SEB Board Rule 183-1-15-.03(1)(e) and
25 violation of SEB Board Rule 183-1-15-.03(1)(f)

1 and also recommend and work with Fulton County in
2 the acquisition of a monitor for the --

3 **MR. LINDSEY:** Fulton County, Secretary of
4 State, and this office.

5 **MR. FERVIER:** Fulton County, Secretary of
6 State, and the State Election Board in the
7 establishment of a monitor for the 2024
8 elections.

9 **MR. LINDSEY:** Correct. And if I may, as a
10 part of that, let the board know that should an
11 agreement not be reached as to a monitor in July,
12 that I will come back with a motion to reconsider
13 and send it to the Attorney General. So that's a
14 little bit of emphasis for all of us to reach
15 somebody -- reach an agreeable monitor by July.

16 **MR. FERVIER:** We have a motion which I will
17 not restate. Do we have a second?

18 **MS. GHAZAL:** For the sake of moving things
19 along and having closure, I will second this.

20 **MR. FERVIER:** We have a motion and a second.
21 Are there any discussion?

22 **DR. JOHNSTON:** Yes. Mr. Chairman, I don't
23 see why we could not issue a cease and desist and
24 a letter of reprimand with the recommendation of
25 Mr. Lindsey to send this to -- for more immediate

1 application or implementation of a monitor team
2 in coordinating with the Secretary of State.

3 But additionally this should be sent to the
4 Attorney General also. With over a hundred and
5 forty violations of election code laws and rules,
6 it would be a travesty not to refer this to the
7 Attorney General and let this ride.

8 **MR. LINDSEY:** (off microphone) With all due
9 respect, Mr. Chairman, I'm not -- I'm not letting
10 it ride. I'm trying to get it moved forward with
11 an expedite, getting a proper monitoring system
12 in place.

13 Get a proper monitor -- (Microphone on)
14 Thank you. I'm on sorry, guys. You're
15 absolutely right. I need to lean forward.

16 My -- my purpose here is not to let it ride
17 but to move this matter forward so that we can
18 have some -- some assurance regarding the '24
19 election. That's why I'm doing it the way I'm
20 doing it.

21 So for that, Mr. Chairman, I call.

22 **MR. FERVIER:** We have an intervening motion
23 that we will need to rule on before we vote on
24 the original motion. The intervening motion is
25 to add -- I'm sorry, Dr. Johnston.

1 **DR. JOHNSTON:** Add a cease and desist, a
2 letter of reprimand, and a referral to the
3 Attorney General for the violation of over 100
4 code violations.

5 **MR. FERVIER:** So the intervening motion is
6 to add a referral to the Attorney General for the
7 violation of over 100 codes as outlined by member
8 Johnston.

9 Do we have a second? Hearing no second,
10 that motion does not move. We're now back to the
11 original motion stipulated by member Lindsey. We
12 have a motion and a second.

13 Any further discussion on that motion?
14 Hearing no further discussion, all those in favor
15 of the motion that originally stipulated, signify
16 by saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** Any opposition?

19 **DR. JOHNSTON:** No.

20 **MR. FERVIER:** The vote is two ayes and one
21 no. The motion passes. Thank you.

22 I want to -- I want to recognize that
23 several people have had to travel quite a way to
24 get to this meeting today, and I don't see any
25 way that we're going to make it fast or finish

1 with a hard stop at 5:00.

2 So I do want to go outside the order of the
3 agenda and those individuals that have come from
4 some of these further away counties, we're going
5 to move them up on the agenda and hear them
6 first.

7 But the first thing I want to hear is the
8 AG's report. Mr. Willard, you are recognized.
9 Thank you, Mr. Willard. You are recognized.

10 **ATTORNEY GENERAL REPORT**

11 **MR. WILLARD:** Thank you, Mr. Chairman. We
12 have two proposed final orders for the board's
13 consideration today, both arising out of
14 2014-014, the board has previously considered and
15 adopted negotiated consent orders for respondents
16 in this matter.

17 We have two additional respondents that we
18 are proposing for final orders. The first arises
19 out of Terrell County. The respondent is April
20 Hilliard. There was an allegation that during
21 the voter registration process that she failed to
22 sign on the appropriate line showing that she
23 assisted her children and her mother in
24 completing their voter registration application.

25 We are proposing a final order incorporating

1 a cease and desist and a public reprimand to
2 resolve this allegation against Ms. Hilliard.

3 The second proposed order is for
4 Santasia(ph) Logan. It is out of Douglas County.
5 Miss Logan worked as a voter registration
6 canvasser during the 2014 election cycle. We
7 have resolved every previous respondent dealing
8 with these allegations, but I have assigned four
9 different attorneys trying to locate Miss Logan
10 since this matter was first turned over to our
11 office.

12 We have been unable to locate Miss Logan.
13 The Office the State Administrative Hearings
14 cannot proceed with a contested case in this
15 matter unless they know that notice has been made
16 on the respondent. They will dismiss any case
17 that we refer over there.

18 And so rather than continuing the case in
19 abatement, we are suggesting the board exercises
20 its plenary authority and issue a final order in
21 this case incorporating a cease and desist to
22 prevent the future violation of election law as
23 well as a public reprimand for Miss Logan.

24 And I'll entertain any questions the board
25 may have at this time.

1 **MR. FERVIER:** Does the board have any
2 questions for Mr. Willard?

3 Dr. Johnston? No.

4 Is there a motion from the board on this?

5 **MS. GHAZAL:** I move we accept the
6 recommendations from the Attorney General's
7 Office.

8 **MR. FERVIER:** Oh, let me ...

9 **MS. GHAZAL:** I move that we accept the
10 recommendations of the Attorney General's Office.

11 **MR. FERVIER:** We have a recommendation from
12 member Ghazal to accept the Attorney General's
13 recommendations. Do we have a second?

14 **DR. JOHNSTON:** Second.

15 **MR. FERVIER:** We have a second. Any
16 discussion? Hearing no discussion, all the
17 members in favor of accepting the Attorney
18 General's recommendation on the Terrell County
19 case please signify by saying aye.

20 **THE BOARD MEMBERS:** Aye.

21 **MR. FERVIER:** Any nays? Hearing no nays, so
22 moved.

23 **MR. WILLARD:** Okay, I think you mentioned
24 the Terrell County case. The second one was a
25 Douglas County case.

1 **MR. FERVIER:** Right. I said Terrell County,
2 didn't I?

3 **MR. WILLARD:** So both of those have been
4 accepted by the board?

5 **MR. FERVIER:** No. You just did Terrell,
6 right?

7 **MR. WILLARD:** No. I did Terrell and I did
8 Douglas. I did them in sequential --

9 (Cross-talking)

10 **MS. GHAZAL:** And I moved them both.

11 **MR. FERVIER:** Yes. Yes, yes.

12 **MR. WILLARD:** Okay.

13 **MS. GHAZAL:** So Terrell and Douglas County.

14 **MR. FERVIER:** Sorry. Sorry about that.

15 **MR. WILLARD:** Thank you, Mr. Chair.

16 **MR. FERVIER:** And so we're going to move
17 this around a little bit for the -- the
18 respondents that had to come from far away.

19 The next case we'll hear is SEB2022-112,
20 McIntosh County interference with performance of
21 election duties. It's tab 22.

22 Is there a representative here from McIntosh
23 County?

24 **MR. EVANS:** (off microphone)

25 **MR. FERVIER:** Can we ...

1 **MR. EVANS:** Mr. Chairman, can you hear me?
2 **MR. FERVIER:** Yes.
3 **MR. EVANS:** So Jake Evans on behalf of
4 Mr. Garner and Mr. Garner Jr. And that is the --
5 who is the respondent in the case.
6 **MR. FERVIER:** Okay. Would the investigator
7 please make the case.
8 **MR. BRUNSON:** This case involved a father
9 and son, Tim Garner and Tim Garner, Jr., who
10 allegedly disrupted tabulation at a polling site.
11 Mr. Garner, Sr. was a candidate on the ballot for
12 county commissioner, District 5 at-large, for
13 McIntosh County.
14 On the night of May 24, 2022, he and his
15 son, Tim Jr., came to the polling site at Darien
16 Church of God in McIntosh County after 8:30 p.m.
17 as the results of the election were being posted
18 and the poll workers were preparing to leave.
19 The Garners were upset that a county
20 commissioner, David Stevens, was allowed to enter
21 the location after the polls closed. One of the
22 workers there, a Miss Gail, indicated that
23 Commissioner Stevens was not on the ballot for
24 that particular election.
25 According to witnesses, the Garners began to

1 knock on the doors and windows of the church.
2 Once Mr. Garner entered, he began screaming and
3 yelling and was very irate. According to the
4 assistant poll manager, Garner Jr. used profanity
5 and said the polling staff had lied and cheated.
6 According to another poll worker, Mr. Garner
7 approached election staff and ask why Dan[sic]
8 Stevens was allowed to enter the polling location
9 and that the election had been rigged.

10 According to Mr. Garner, Sr., when
11 interviewed by investigator Blanchard, the staff
12 was not working when he entered the building to
13 talk with Mrs. Brimmer, one of the election
14 workers there. Mr. Garner replied they were
15 boxing stuff up, the tally sheet was on the
16 floor. Garner, Sr. said his son told Allie
17 Meekin(ph) that y'all are trying to f-word my dad
18 out of this election.

19 Investigator Blanchard sought further
20 clarification on whether the door was locked or
21 not when the Garners arrived. And Mr. Garner
22 confirmed that the door was locked when he first
23 approached the building and was not unlocked
24 until the results tapes were posted on the front
25 door.

1 Investigator Blanchard spoke with Tim
2 Garner, Jr. who recalled when he and his father
3 arrived, a poll worker, Allie Meekin was posting
4 the results tapes on the door. Mr. Garner and
5 his father received word that Mr. Stevens was
6 inside the building at that point -- or had been
7 earlier.

8 So basically based on their actions, as far
9 as Mr. Garner and Mr. Garner, Jr., we found that
10 there was evidence to suggest that they violated
11 O.C.G.A. 21-2-597, interference -- intentional
12 interference with the performance of election
13 duties and O.C.G.A. 21-2-569, interfering with
14 poll officers.

15 Now, there was one poll worker there who
16 claimed that they were still conducting election
17 duties and then some of the other witnesses said
18 that they were finished, they were packing up.
19 But just based on their actions, that's what
20 we're suggesting that this is a potential
21 violation.

22 **MR. FERVIER:** Are there any -- the
23 respondents?

24 **MR. EVANS:** Thank you, Mr. Chairman. I --
25 we appreciate -- on behalf of the Garners, we

1 appreciate the investigation staff. They've been
2 very accommodative through this process.

3 There's a number of disputes of fact about
4 what happened on this night. I'll will give a
5 brief overview and then I'll kind of get to the
6 law and what really matters for the board and the
7 board's consideration.

8 What -- what happened was around 8:30 p.m.
9 Mr. Garner, who ran a very highly contested
10 race -- it was ultimately decided by 36 votes --
11 for county commission down in McIntosh County,
12 got word that there was an individual that was in
13 the voting precinct that was not supposed to be
14 there. That individual was a supporter for his
15 opponent and as a result he became very
16 concerned.

17 As a result of his concern, he drives down,
18 he knocks on the door -- he does not knock on the
19 door in a violent way -- and he inquires with the
20 staff about whether or not this individual was
21 there, whether or not the individual was supposed
22 to be there. And the conclusion was the
23 individual was not supposed to be there and the
24 individual earlier in the night had been exited
25 and removed from the premises.

1 But what's important is that the statute
2 that's alleged to be violated, which is 21-2-569,
3 which says any person who willfully prevents any
4 poll officer from performing duties imposed on
5 him or her by this chapter.

6 So if we look at the findings here, now
7 first this was at 8:30 p.m. All of the work had
8 been done. The only remaining thing that was
9 left to be done was actually taping the results,
10 the tabulation, on the door which the poll worker
11 had completed. I believe Mr. Garner, in fact,
12 helped her complete taping that on the door.

13 The investigative report suggests that the
14 violation, if there was any violation, was
15 Mr. Garner delaying them from exiting the polling
16 location. Now, notwithstanding any dispute of
17 facts, because there is a lot of core disputes of
18 facts about cussing and everything else, which
19 I'll get to in a second, if we look at the
20 statute as it's read, there was no action that
21 was taken by Mr. Garner or Mr. Garner, Jr., who
22 is his son. He was unable to make it today. He
23 is a young professional, he's working. But
24 nothing is suggested that they did violate any of
25 the law. And that is affirmed by the

1 investigative findings which is before you all
2 which says: After re -- after interviewing the
3 polling staff, none claimed that the actions of
4 the candidate nor his son hindered them from
5 completing their election duties. That is
6 virtually dispositive of the issue about whether
7 we have a violation of the only statute that's
8 alleged to have potentially been violated, which
9 is 21-2-569.

10 Taking it further, there were multiple
11 police reports that were filed. They were filed
12 with Glynn County Sheriff's Office, they were
13 filed with Camden County Sheriff's Office. By
14 virtue of those, there was a robust amount of
15 investigation that was done. And I believe the
16 police report may be before you all as well,
17 which talks about whether or not there was
18 profanity used, whether the door was hit.

19 And the ultimate conclusion was the assault
20 and disorderly conduct as alleged in this case
21 were both unfounded. This case is closed.

22 So for Mr. Garner, I understand there's only
23 been a letter of instruction that's been
24 recommended. He takes this case very seriously.
25 He drove up from McIntosh County today, showing

1 how seriously he takes the case. Looking at the
2 law, even -- looking at the law, even
3 notwithstanding the disputed facts, the law shows
4 that -- this is 8:30 p.m. The law shows -- or
5 the facts show there was no remaining duties to
6 perform and the investigative report from the
7 Secretary of State says: After interviewing the
8 polling staff, none claimed that the actions of
9 the candidate nor his son hindered them from
10 completing their election duties.

11 And so as a result of that, there has been
12 no violation. There was undoubtedly a contested
13 election which there's actually a pending lawsuit
14 in the Southern District of Georgia about which
15 results in people filing claims that may not be
16 meritful.

17 But we would respectfully submit to the
18 board that looking at the law, applying the law
19 to the facts shows that there was not a
20 violation. And as a result the claim should be
21 dismissed. So thank you guys for your
22 consideration.

23 **MR. FERVIER:** Are there any questions from
24 the board?

25 **MR. LINDSEY:** I somewhat disagree with you

1 because the duties of a poll worker doesn't end
2 when the polls close, duty of the poll worker
3 particularly. The poll manager ends when they
4 drop everything off at the office where things
5 are being tabulated. Having sat up late at night
6 waiting for those to come in, I can attest to
7 that.

8 And I realize it was a hotly contested race
9 and folks in the heat of the moment.
10 Particularly with a 36-vote difference, I can
11 well understand.

12 Let me, if I may, be so bold to your client
13 and ask your client something directly. If you
14 had the situation come up again, would you have
15 just gotten somebody else to go and see -- see
16 rather than you? Given -- given the heat of the
17 moment. Would've kept a lot of police reports
18 back and forth done if somebody else had been
19 monitoring rather than you.

20 **MR. GARNER:** If I had to do it again, I
21 probably would. But all I went in and asked was
22 why was David Stevens allowed to come in there?
23 And I -- I -- that was the only question I asked.
24 It wasn't like it was a -- and, you know, like I
25 was cussing and -- I just wanted to know how

1 come -- and the poll watchers was removed at
2 7:00, if you've got it in front of you. They was
3 removed at 7:00 and how come he was allowed to go
4 in and the doors were locked and nobody else
5 could? And that was all my question was. When
6 they opened it up, I just walked in. I didn't,
7 you know, force my way in. I just
8 (indiscernible) and asked. When she said, Go see
9 Miss Gail, I turned around and went to the
10 election board.

11 **MR. LINDSEY:** If he -- if he'd been here,
12 I'd have asked him the same thing, I assure you
13 that, okay?

14 **MR. GARNER:** Yeah, but to answer your
15 question, I probably would have.

16 **MR. LINDSEY:** And, you know, I'm not -- I'm
17 not necessarily finding a violation here, but I
18 do think that those -- I'm a former elected
19 official, you're an elected official by 36 votes.
20 I won by a slightly larger margin but not too
21 much. You know, particularly elected officials,
22 we need to be respectful of our poll workers.
23 And sometimes we need to let other people do our
24 fussing and so as not to -- and so as not to
25 intimidate poll workers, particularly when

1 they've still got to get the numbers to the
2 place.

3 And so I recognize your situation. I do
4 think you could have handled the situation a
5 little better. That's why I'm not doing a -- but
6 I don't think that there is a clear violation, so
7 I'm not going to do any kind of motion for a
8 letter of reprimand anyway.

9 But I do think that a simple letter of
10 instruction, saying, you know, let somebody else
11 in the future. And if your opponent was here,
12 I'd have told him the same thing. Maybe even --
13 I don't know if we have jurisdiction, but I'd
14 like to tell him the same thing.

15 And for that reason, at the appropriate
16 time, I'll simply do that with otherwise a
17 dismissal but it's a bit of a letter of
18 instruction.

19 **MR. FERVIER:** As was clarified to me
20 earlier, during lunch, a letter of instruction is
21 not found -- is not a found violation. It is
22 simply a restatement of what the law says or what
23 the rule says so that individuals will know in
24 the future what that rule or law might be. It is
25 not a violation found.

1 **MS. GHAZAL:** Mr. Chairman, I think this is a
2 good opportunity to remind the counties that the
3 tabulation process is -- and the closing of a
4 poll is -- is rightly observed by poll watchers.
5 And poll watchers must be allowed to observe that
6 whole process. That is critical to make sure
7 that we do have public trust in the process
8 moving forward.

9 So counties must do that. And if that was
10 not the case here, then I'm sorry and that was
11 wrong and it should not have been. And counties
12 moving forward will be accountable if they are
13 not allowing poll watchers to observe every step
14 of the process. That is just absolutely
15 critical. It just wanted to put that on the
16 record.

17 **MR. FERVIER:** Do we have a motion from the
18 board on this issue?

19 **MR. LINDSEY:** So I'll move for a letter of
20 recommendation.

21 **MR. FERVIER:** A letter of recommendation?

22 **MS. GHAZAL:** Instruction.

23 **MR. LINDSEY:** A letter of instruction. It's
24 late, guys. It's -- letter of instruction.
25 We've still got time to go. Letter of

1 instruction.

2 **MR. FERVIER:** We have a motion --

3 **MS. GHAZAL:** Second.

4 **MR. FERVIER:** -- from member Lindsey --

5 **MR. LINDSEY:** If I could --

6 **MR. FERVIER:** -- that we have a --

7 **MR. LINDSEY:** -- amend slightly because --

8 **MR. FERVIER:** Do we have a second?

9 **MR. LINDSEY:** Yeah.

10 **DR. JOHNSTON:** Second.

11 **MR. FERVIER:** Second from member Johnston.

12 Any discussion? Hearing no discussion, all those

13 in favor of issuing a letter of instruction

14 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. FERVIER:** Any nays? Hearing no nays,

17 the vote passes four to zero.

18 Member Jeffries is on the phone now.

19 **MR. EVANS:** Okay, thank you for each of you

20 guys.

21 **MR. FERVIER:** I think that the next one

22 we'll hear is Ben Hill County. Is there a

23 respondent from Ben Hill County here? No? I'm

24 going to try and hit the ones where the

25 respondents are here. So I mean --

1 Walker County? Is the respondent from
2 Walker County here?

3 **MR. SNYDER:** Yes.

4 **MR. FERVIER:** Are you ready?

5 **MR. SNYDER:** Yes.

6 **MR. FERVIER:** Okay. Next case we'll hear is
7 SEB2023-041, Walker County, Chickamauga
8 qualifying fee issue.

9 **MS. KOTH:** The Secretary of State's Office
10 opened an investigation after receiving a
11 complaint regarding improper qualifying fees
12 being set in the city of Chickamauga during
13 November 7, 2023, for the city council general
14 election.

15 The complainant alleged the qualifying fee
16 set by the city is more than the amount allowed
17 by the statute, a potential violation of O.C.G.A.
18 21-2-131.

19 The findings are -- the code section
20 stipulates that a qualifying fee shall be
21 3 percent of the total gross salary of the office
22 paid in the preceding calendar year including all
23 supplements authorized by law at the salaried
24 office.

25 The point of contention is how all

1 supplements authorized by law should be defined
2 and interpreted and what compensation and
3 benefits should be included in the calculation of
4 qualifying fees. The city of Chickamauga
5 interpreted the law to include benefits offered
6 the position, such as health insurance and
7 retirement in addition to the base salary of the
8 position.

9 The potential violations are -- that the
10 city of Chickamauga levied improper qualifying
11 fees remains undetermined pending review and
12 interpretation of the election code by the board.

13 **MR. FERVIER:** Respondents, please.

14 **MR. SNYDER:** Thank you, Mr. Chairman and the
15 board. And I'm Mitchell Snyder and I'm here with
16 the mayor of the city of Chickamauga and the city
17 manager. And we're -- we're glad to be heard on
18 this matter and the question is -- as the
19 investigator has -- has posed, it is correct.

20 I don't think there is a single factual
21 dispute factual here with the facts. We can
22 explain it, although I think in the
23 investigator's report the way we calculated the
24 qualifying fees is correct and accurate.

25 I believe that it's correct and accurate

1 under the law. It's been the same way since 2017
2 when my law firm issued an opinion to the city
3 that they calculate with the phrase in the
4 statute cited by the investigator,
5 21-2-131(a)(1)(a), "including all supplements
6 authorized by law," includes any other benefits
7 including supplements which is undefined in the
8 election code as his salary.

9 And I think that what's notable here too
10 is -- is that they both are undefined. And it is
11 different when you go through that statute. The
12 other -- the other election offices, for
13 instance, the clerk of the superior court, the
14 judge of the superior court, it is 3 percent of
15 the minimum salary specified.

16 Similarly, in -- in election qualifying fees
17 set by the Secretary of State, it's 3 percent of
18 the annual salary of the office. The only
19 positions -- the only qualifying fees that are
20 set by the governing authority in this case of a
21 municipality, it includes this extra phrase. And
22 so when we're doing a statutory interpretation,
23 we have to assume that there's some meaning for
24 that extra phrase.

25 And the phrase, "including all supplements

1 authorized by law" would indicate that there has
2 to be some additional amount authorized. So we
3 look, what are municipalities allowed to pay
4 their -- in this case -- city council members by
5 law.

6 If we go back to the -- this is one of the
7 Home Rule statutes. If we go to 36-35-4,
8 subsection (a), it specifically says: The
9 governing authority of each municipal corporation
10 is authorized to fix the salary, compensation,
11 and expenses of its municipal employees and the
12 members of its municipal government authority and
13 to provide insurance, retirement, and pension
14 benefits. That is a supplement that is
15 authorized by law under O.C.G.A. 36-35-4.

16 Additionally, in that section there is a
17 definition of salary that is provided and it
18 says, among other things: Any form of payment or
19 reimbursement of expenses.

20 So I think the city does take this very
21 seriously. We are asking for a dismissal of
22 this. In these types of matters, the work you do
23 is very important. It's also heard very loud and
24 clear, especially in places when we go home.

25 If the city receives a letter of

1 instruction, that's interpreted a certain way.
2 Here, the statute, I believe, was interpreted
3 correctly. Certainly the city did this in 2017
4 and has uniformly applied the rules. This is not
5 any particular candidate. This is not a
6 particular party. This is not any particular way
7 other than they honestly came to their legal
8 counsel for an interpretation. That
9 interpretation was given. I believe that
10 interpretation was reasonable and is correct.

11 And I would ask if you would -- if -- if
12 you're inclined, if we need clarification, then
13 the legislature, the Secretary of State's Office,
14 or the Attorney General's Office needs to give an
15 opinion on that. But we -- this case should be
16 dismissed. The city has -- the investigation --
17 the investigator said that it was undetermined
18 whether there was a violation.

19 If it's that difficult that lawyers and
20 investigators can't do it, the city of
21 Chickamauga is doing a lot of good work and they
22 have a lot to do with elections and outside of
23 elections, and we would respectfully ask that
24 this complaint be dismissed.

25 **MR. FERVIER:** Are there any questions from

1 the board? The chair will entertain a motion.

2 **MS. GHAZAL:** I -- I actually have one
3 question. Do we know how this statute has been
4 interpreted by other municipalities?

5 Investigator Koth, do you have any idea?

6 **MS. KOTH:** We do have another case similar
7 to this.

8 **MS. GHAZAL:** Yeah. And -- and --

9 **MR. WILLARD:** (off microphone) Mr. Chairman,
10 may I be recognized?

11 **MR. FERVIER:** Yes.

12 **MR. WILLARD:** (off microphone) There is no
13 provision in Georgia law that I have heard of
14 that I've been able to find that equates benefits
15 with gross salary or salary compensation. In
16 fact the code provision that respondent's
17 attorney has said supports their position
18 actually (indiscernible) because O.C.G.A. 36-35-4
19 dealing with compensation and benefits for
20 employees and members of governing authority
21 specifically splits out salary, compensation, and
22 expenses of its municipal employees and then
23 separately can provide insurance, retirement, and
24 pension benefits. Benefits are not portions of
25 salary, especially in regards to qualifying fees.

1 The only time a gross salary is used outside
2 of Title 21 is in the retirement provision of the
3 state code. And it is clear. And the Employees
4 Retirement System and the Teachers Retirement
5 System interpreted it this way: That salary and
6 the compensation you are paid and your retirement
7 benefits are determined by how much is permitted
8 based on your salary, not your salary plus
9 benefits.

10 This is not a case that's being referred
11 over to our office for sanctions, but at a
12 minimum a letter of instruction needs to come
13 about because right now the city of Chickamauga
14 is imposing an erroneous qualifying fee on
15 candidates for its office.

16 **MR. SNYDER:** (off microphone) If I may --

17 **MR. FERVIER:** Yes.

18 **MR. SNYDER:** -- respond to that --

19 **MR. FERVIER:** Please.

20 **MR. SNYDER:** -- Mr. Chairman.

21 First of all, the key issue is the statute
22 doesn't stop with salary. It also says including
23 all supplements authorized by law. If the
24 legislature had just wanted gross pay, they
25 could've just said gross pay. They also could

1 have said they used salary, again, because
2 certain positions -- not council members, certain
3 positions do have salary supplements.

4 Here, the fact that there are include --
5 that the word "supplement" is used as a different
6 word than salary, would lend itself to support
7 the argument. There's no definition in the
8 section. And, in fact, other municipalities
9 close to Chickamauga charge similar fees. It's
10 in the investigative report. Fort Oglethorpe
11 which is in northwest Georgia with us charges
12 very similar fees as we do. These are not
13 abnormally high fees. These are fair.

14 And the statute is somewhat unclear, but our
15 interpretation is fair and reasonable. And we
16 respectfully request that no letter of
17 instruction be issued. We will of course submit
18 and do whatever you tell us to though.

19 **DR. JOHNSTON:** Mr. Chair --

20 **MR. WILLARD:** Mr. Chairman, may I be heard
21 further on this point?

22 **MR. FERVIER:** Yes, you're recognized.

23 **MR. WILLARD:** (off microphone) The inclusion
24 of supplement there is to clearly include the
25 salary side as he referred to in determining

1 qualifying fees because a candidate for superior
2 court judge in Cobb and in Fulton is paid at a
3 different amount than a superior court judge in
4 Walker County and down in McIntosh because of the
5 salary supplement that are over and above what
6 the statutorily set salary for that position is.
7 And the General Assembly has made clear that for
8 those salary supplements, they are to be factored
9 into the 3 percent qualifying fee.

10 **DR. JOHNSTON:** Mr. Chair --

11 **MR. WILLARD:** This is the epitome of a case
12 that needs a letter of instruction because they
13 have admitted that they are uncertain about the
14 application of the law. I don't believe that
15 they should have been uncertain about the
16 application of the law but it cries out for a
17 letter of instruction so they do not continue to
18 unfairly penalize candidates who qualify.

19 **MR. LINDSEY:** And if I --

20 **MR. FERVIER:** Member Johnston.

21 **DR. JOHNSTON:** Mr. Chair, three -- 3 percent
22 is a modest amount, but I think the easy solution
23 would be just take the W-2 of the incumbent's
24 previous year salary as it states in the statute,
25 a previous year's compensation. The --

1 whatever's on the W-2 is what that person is --
2 is benefiting from and so if -- if there are --
3 are very nice supplements that are attributed
4 that -- that candidate who may become the elected
5 official benefits from that amount of -- of
6 compensation. So it would solve problems in most
7 of these cases.

8 **MR. FERVIER:** Member Lindsey.

9 **MR. LINDSEY:** You know, directed to my
10 counsel, I understand superior court judges get
11 some -- I don't know what the supplement means
12 for superior court. Maybe to -- this is maybe to
13 both of y'all, but what kind of supplement would
14 a city councilman get? Because the supplement
15 for a superior court judge is -- is, you know,
16 what the county has in -- in addition to what the
17 state is paying.

18 But I -- I'm trying to figure out what is a
19 supplement?

20 **MR. SNYDER:** (off microphone) Supplement
21 would be -- is it some -- no municipality --
22 they -- by Home Rule they set what they're going
23 to pay. A supp -- but what they don't -- what
24 changes, some offer health insurance, some offer
25 retirement benefits and some do not. That's the

1 supplement. It cannot be gross salary -- or it
2 cannot be gross pay because they set that.
3 That's the salary.

4 A supplement has to be something different
5 because the legislature used a different word.
6 And a supplement set by a municipality would be
7 what is supplemented. Sometimes it includes
8 health insurance, disability insurance, and
9 retirement benefits. Sometimes it doesn't.

10 **MR. FERVIER:** I -- I can only speak from
11 private industry but I know that there are
12 supplements for phone allowances or supplements
13 for gas allowances, for car allowances, for
14 things like that.

15 **DR. JOHNSTON:** Or is it a stipend?

16 **MR. FERVIER:** Huh?

17 **DR. JOHNSTON:** Is that a stipend?

18 **MR. FERVIER:** No, they're called
19 supplements.

20 **MS. GHAZAL:** Mr. Chairman, I would move for
21 a letter of instruction to make sure that the
22 counties understand. But I would also request
23 that we get legal guidance from the Secretary of
24 State's Office to very specifically define what
25 should be included and not, whether employee

1 benefits are not included as opposed to
2 supplements so that moving forward municipalities
3 are not put in this position to have to interpret
4 whether or not benefits, which are a legal
5 category, are -- should be considered supplements
6 which I believe is a separate legal category.

7 So a letter of instruction to the county and
8 a request to the Secretary of State's Office for
9 clarifica -- legal clarification.

10 **MR. FERVIER:** Okay, my only -- I'll bring
11 that up.

12 We have a motion to issue a letter of
13 instruction and a recommendation to the Attorney
14 General's Office. Do we have a second?

15 **MR. LINDSEY:** Second.

16 **MR. FERVIER:** We have a motion and a second.
17 Any discussion? I have some discussion. I think
18 that there is an issue with the fact that there's
19 some confusion on what exactly should be in this.

20 **MS. GHAZAL:** Right. Which is what the
21 letter of instruction, which is not a -- is not a
22 reprimand, is to instruct the -- the
23 municipality, moving forward, how they need to
24 behave.

25 And then a broader legal instruction from

1 the Secretary of State's Office so that other
2 counties -- because only the municipality of
3 Chickamauga will receive this letter of
4 instruction, we want to make sure that every --
5 every municipality moving forward gets the same
6 instructions through the Secretary of State's
7 Office.

8 **MR. FERVIER:** How do we go about sending a
9 letter of instruction if we don't know exactly
10 what the outcome is going to be before the -- we
11 get a ruling from the A.G.'s Office?

12 **MS. GHAZAL:** I'm going to defer to the
13 A.G.'s Office who has pretty definitively stated
14 that benefits are not supplements for purposes of
15 this code section.

16 **MR. FERVIER:** Did you want to make a
17 comment?

18 **MR. SNYDER:** (off microphone) That was the
19 point that I was going to raise. I don't know
20 what would be the instruct -- I mean, the
21 investigation -- investigator determined that
22 there was a violation, we certainly do not
23 believe there is a violation. We would ask for
24 the opinion --

25 And member Ghazal, I think that is correct,

1 the whole state needs to know and have this
2 interpreted. But we shouldn't have a notice put
3 on -- in our file, on our record when it is so
4 unclear that the -- the investigators can't
5 determine. And I think there is room for
6 reasonable minds to interpret it the way the city
7 did, and I would ask that it be dismissed.

8 **MR. LINDSEY:** Mr. Chairman, can we -- and --
9 and if I'm -- I'm not asking you to come back by
10 what I'm asking. Can we just continue this, get
11 a letter from the Attorney General as to their
12 opinion, and then include that and then take this
13 up at our July meeting and with the simple thing
14 of doing that letter of instruction based on the
15 interpretation from the Attorney General.

16 Mr. Attorney General -- Russ, you know --

17 **MR. FERVIER:** We continue this?

18 **MR. LINDSEY:** Is there a -- is there --

19 **DR. JOHNSTON:** Continue.

20 **MR. LINDSEY:** Is there some type of urgency
21 that would hurt us from not sending the letter of
22 instruction with the interpretation till -- till
23 July? Is there anything --

24 **MR. SNYDER:** (shaking head)

25 **MR. LINDSEY:** And so for that reason, I'm --

1 you know, I'm not asking you guys to even have to
2 come back. Particularly not pay your high priced
3 counsel to come back, but to simply allow us to
4 get something from the Attorney General that we
5 can issue not just to you guys but to everybody
6 else in the state. Maybe that's probably the
7 best way --

8 **MR. FERVIER:** And I have to sign the letter
9 of instruction. I'd like to know what I'm
10 signing, so ...

11 **MR. LINDSEY:** For that --

12 **MR. SNYDER:** (off microphone) There's no
13 reason that -- that that cannot wait. We don't
14 have any elections (indiscernible) --

15 **MR. LINDSEY:** That's -- that's what I'm --
16 I'm thinking, is that let's get this right.
17 Let's get an interpretation between you. It may
18 even be just us issuing -- approving what -- the
19 letter from the Attorney General and then move on
20 from there so that all local -- all local
21 municipalities need to know what to do at this
22 point.

23 **MR. FERVIER:** Member Lindsey, are you
24 withdrawing your original motion?

25 **MS. GHAZAL:** I am withdrawing my original

1 motion.

2 **MR. FERVIER:** Oh, I'm sorry --

3 **MS. GHAZAL:** Yes.

4 **MR. FERVIER:** -- member Ghazal.

5 **MS. GHAZAL:** Yes, I am.

6 **MR. FERVIER:** You're withdrawing it.

7 Member Lindsey, would you like to make a
8 motion?

9 **MR. LINDSEY:** Just a motion to continue in
10 order to get instruction from the Attorney
11 General so that we can send it to interested
12 municipalities throughout the state.

13 **MR. FERVIER:** We have a motion from member
14 Lindsey to continue this to our next scheduled
15 meeting. Do we have a second?

16 **DR. JOHNSTON:** Second.

17 **MR. FERVIER:** We have a motion and a second
18 from member Johnston. All those in favor signify
19 by saying aye.

20 **THE BOARD MEMBERS:** Aye.

21 **MR. FERVIER:** Any opposition? Hearing no
22 opposition, the ayes have it four to zero. Thank
23 you.

24 **MR. SNYDER:** Thank you.

25 **MR. FERVIER:** I want to let you know

1 SEB2022-106, DeKalb County missing certification
2 date has been continued also to the next meeting.
3 If I remember my Georgia history right, Ben Hill
4 County is pretty far from here too. Is there a
5 respondent here from Ben Hill County? Then we'll
6 wait on that one.

7 **MR. WILLARD:** Mr. Chairman?

8 **MR. FERVIER:** Yes.

9 **MR. WILLARD:** If I could suggest, given the
10 declining population we have in here, it might be
11 easier just to go and see if we have respondents
12 here so we can capture anybody who's actually
13 present.

14 **MR. FERVIER:** Sure. Washington County? Is
15 there a respondent here from Washington County?
16 Clayton County? All right. I'm just seeing
17 who's here. We know Ben Hill is not. Bibb
18 County? Yes. Cobb County?

19 **MR. LINDSEY:** Mr. Chairman, I believe that
20 there's also an individual here on the Buckhead
21 library interference. Is he still here? He was
22 here.

23 **MR. FERVIER:** Fayette County? No. Fulton
24 we know. Walker's been continued. And there's
25 one more from Grady County under the "Recommended

1 for referral to the Attorney General's Office."
2 I don't know if -- is Grady County here? Chatham
3 County? No.

4 All right, we'll just move down the list
5 then. The next item on the agenda is
6 SEB2022-133, Washington County districting issue.
7 It's tab 23.

8 **MR. BRUNSON:** Okay. Mr. Bart Sheldon Milam
9 alleges that he was assigned to the incorrect
10 precinct and when he went to vote on June 21,
11 2022, in Washington County, he did not see any of
12 the candidates he expected to see on his ballot.
13 Mr. Milam believed he should have been assigned
14 to District 2 and he was repeatedly told his
15 correct district is District 3. Mr. Milam
16 alleges that he was not allowed to vote.

17 When Mr. Bart Sheldon Milam went to vote on
18 June 21, twenty -- you know what, that's a
19 repeat. Hold on.

20 Okay. Once he realized he was in the wrong
21 district, he brought it to the attention of the
22 poll worker's managers. After a disagreement
23 over the matter and a telephone call to the
24 Washington County election supervisor, Cathy
25 Hagans, it was determined that Mr. Milam was

1 listed as being in the incorrect district.
2 Mr.[sic] Hagans reports that before Mr. Milam
3 could be offered the opportunity to vote a
4 provisional ballot for the correct district, he
5 threw his voter card at the poll worker and
6 stormed out of the building.

7 Mrs. Hagans documented in a written
8 statement that Mr. Milam used profanity towards
9 her during the telephone conversation that she
10 attempted to have with him when he left the
11 polling precinct. Mrs. Hagan[sic] reports that
12 she ended the phone call.

13 Mr. Milam told the investigator that he
14 didn't receive a telephone call informing him he
15 could vote a provisional ballot until he had
16 already left Georgia for South Carolina.

17 He also alleges that another person was told
18 they were in District 3 when they should've been
19 listed in District 2 also. However he wouldn't
20 provide any information for that person whom he
21 only described as a female.

22 Regarding the telephone conversation between
23 him and Mrs. Hagans, Mr. Milam described his own
24 behavior as, quote/unquote, ugly and stated that
25 Mrs. Hagans acted ugly as well.

1 So based on the incorrect designation for
2 Mr. Milam, there is sufficient evidence to show
3 that Cathy Hagans and the Washington County board
4 of elections violated O.C.G.A. 21-2-226(b)(c),
5 duties of the county board in determining the
6 eligibility of voters. Subsection (b) states:
7 The county board of registrars shall have the
8 duty of determining and placing the elector in
9 the proper congressional district.

10 And that's it.

11 **MR. FERVIER:** Was Washington County properly
12 notified of this hearing today?

13 Alexandra, was Washington County properly
14 notified of this hearing today? The respondents?

15 **MS. HARDIN:** (off microphone) They
16 should've been (inaudible).

17 **MR. FERVIER:** Are there any questions from
18 the board?

19 **DR. JOHNSTON:** No questions.

20 **MR. FERVIER:** Do you have a motion from the
21 board?

22 **MR. LINDSEY:** So move to issue a letter of
23 instruction.

24 **MR. FERVIER:** We have a motion from chairman
25 Lindsey to issue a letter of instruction. Do we

1 have a second?

2 **MS. GHAZAL:** Second.

3 **MR. FERVIER:** We have a motion and a second.
4 All members in favor of issuing a letter of
5 instruction signify by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. FERVIER:** Any nays? Hearing no nays, so
8 moved by a vote of four to zero.

9 **MS. HARDIN:** (off microphone, indiscernible)

10 **MR. FERVIER:** Okay.

11 The next item on the agenda is SEB2022-136,
12 Clayton County tabulation sheets. Is the
13 respondent here from Clayton County? Thank you.
14 That is tab 24.

15 **MR. BRUNSON:** So this is a continuation
16 case. We heard most of the elements of the case
17 from the previous meeting. That was back in
18 February. There was a question as it related to
19 the posting of the tapes, and so we had our
20 investigator go back and follow up and try to
21 obtain -- there were 18 tabulation tapes.

22 This originally started from a candidate who
23 claims the tapes weren't posted as they were
24 supposed to be at the end of the night. He was
25 able to obtain 15 of 18 tabulation tapes. We

1 were not able to prove that the tapes were not
2 posted, however, they weren't able to provide 3
3 of the 18 tapes.

4 And so based on our investigation, we
5 determined that there was a potential violation
6 of O.C.G.A. 21-2-73, preservation of primary and
7 election records, which states all primary and
8 election documents on file in the office of the
9 election superintendent of each county, municipal
10 governing authority, superintendent, registrar,
11 committee of a political party or body or other
12 officer shall be preserved therein for a period
13 of at least 24 months and then the same may be
14 destroyed unless otherwise provided by law.

15 **MR. FERVIER:** Respondents, please.

16 **MR. REED:** Good afternoon again, Chair and
17 Board. Charles Reed from Clayton County. Just
18 wanted to do -- we don't really have a
19 disagreement with the facts there but I just want
20 to provide additional context.

21 First, the -- this is really a matter of
22 three closing tapes, not anything related to
23 votes or whether it was calculated properly or
24 anything like that. And I believe the initial
25 issue was relating to a vote that took place in

1 the school and the candidate had stated that he
2 was expecting to see the voted -- the tapes at
3 the door at the entrance to the school as opposed
4 to in the gym where the voting actually took
5 place. And our typical practice is to not post
6 it at the front door to the entrance to the
7 school but at the location where the voting
8 actually took place.

9 And so we normally present -- or print three
10 tapes. One stays on the door and we bring two
11 back to the main office. At the time, in May of
12 2022, director Dozier was out on maternity leave.
13 And so we had a -- another person who was
14 present, a Mr. Golden, who was handling the
15 day-to-day responsibilities of the office.

16 Mr. Golden -- oh, well, now is an employee
17 of the Secretary of State's Office. We reached
18 out to him to find out whether he was aware of
19 what happened with the two tapes that were
20 supposed to be retained. He said he did not
21 remember anything specific to -- to that.

22 Our normal practice when we get back is
23 there's a checklist for all of -- documents that
24 are going to be retained which basically start
25 Tuesday evening. Three boxes are made, one that

1 goes to the Secretary of State's Office. Two,
2 one is retained with the clerk's office and one
3 is retained internally.

4 The checklist -- what we've been doing is
5 once we fill out that checklist, we've been
6 throwing the checklist away. Since this
7 incident, we're now going to keep that checklist.
8 So even if this -- for some reason, there isn't
9 an ability to find that -- will at least show
10 that as of the date that we started the
11 retention, all these items have now been part of
12 the retention records.

13 So again we're not contesting the facts that
14 we're -- oh, I do want to add one other thing.
15 We looked through when we were asked for these
16 tapes -- we looked through our box for the
17 Novem -- the May election, the June election, and
18 I believe it was the November election as well.
19 We looked through all those. We were unable to
20 find those three. And unfortunately because the
21 memory tapes have been written over, we weren't
22 able to reproduce them when those was asked for
23 just earlier this year.

24 So we would ask for a letter of instruction
25 but just wanted to give the board additional

1 context as it relates to what we've done since
2 this event.

3 **MR. FERVIER:** Are there any questions from
4 the board? Yes.

5 **MS. GHAZAL:** I actually have more of a
6 comment than a question. My apologies for that.
7 But reading the investigation file, the line in
8 this that frightened me the most was that -- it
9 was during the L&A, the -- Mr. Golden discovered
10 that you were short on supply of tabulation tape.
11 And that is a management issue and that is a
12 supply management issue that counties need to be
13 planning for right now and make sure that
14 nobody's running low on supplies. Because if you
15 discover during L&A testing that you're low on
16 supplies, you may not have time to get it.

17 So that is a best practices point that I
18 want to make sure that not just Clayton County
19 but all hundred and fifty-nine counties are
20 making sure that they have what they need to
21 fulfill their statutory and regulatory
22 obligations by the end of every single election
23 period. Because that's -- that is -- that's a
24 really bad management practice and I know that
25 you were -- you were out and you were not

1 responsible for that.

2 But you are responsible for this year along
3 with all of your colleagues. So I just wanted to
4 make that point.

5 **MR. FERVIER:** Thank you. Any other
6 questions from the board?

7 **DR. JOHNSTON:** Thank you, Mr. Reed and
8 Ms. Dozier. I really like the -- the checklist
9 and retaining the checklist. So please do that.

10 And the other question is some of the
11 tabulator tapes were put on the door, but they
12 were not visible to the public, like the bottom
13 end of the tape was below the window part of the
14 door. So would you make sure that the poll
15 managers are instructed that the whole tape needs
16 to be visible when it's taped up on election
17 night.

18 **MS. DOZIER:** Absolutely. And we'll go a
19 little bit further. When we go out to deliver
20 the equipment, we'll make sure that we identify
21 where the tapes need to be located on the doors.

22 **DR. JOHNSTON:** Okay. A good supply of
23 Scotch tape too.

24 **MR. FERVIER:** The chair will entertain a
25 motion.

1 **MS. GHAZAL:** I move that we issue a letter
2 of instruction to Clayton County.

3 **MR. FERVIER:** We have a motion to issue a
4 letter of instruction. Is there a second?

5 **DR. JOHNSTON:** Second.

6 **MR. FERVIER:** There's a second. There's a
7 motion to issue a letter of instruction in
8 SEB2022-136, Clayton County. All those in favor
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. FERVIER:** Any opposition? Hearing no
12 opposition, so moved. Thank you.

13 The next item on the case -- or next case to
14 be heard is SEB2022-23[sic], Ben Hill County
15 voter using a business address to register to
16 vote, tab 25.

17 **MS. KOTH:** The Ben Hill County election
18 supervisor, Cindi Dunlap, filed a complaint about
19 a voter named Kelly Dossey. She reported Kelly
20 registered to vote in Ben Hill County using his
21 employer's business address as his residential
22 address.

23 The investigation revealed that on
24 August 23, 2022, Kelly submitted a voter
25 registration through DDS using his employer's

1 business address of 734 Benjamin Hill in
2 Fitzgerald, Georgia as his residence address.
3 Mr. Dossey stated he was going to move to
4 Fitzgerald, Georgia because of his work and so
5 his son could play football there.

6 He stated that when he submitted the voter
7 registration, he did not know he could not use
8 his work address. He advised he received a call
9 from Ben Hill County election supervisor Dunlap,
10 and he informed her that he did not -- he decided
11 not to relocate to Ben Hill County. Mr. Dossey
12 stated he was told to come in and fill out a form
13 to have his name removed from the voter
14 registration rolls which he did.

15 Potential violations: There's evidence to
16 suggest that Kelly Dossey violated O.C.G.A.
17 21-2-561(3), false registration.

18 That's it.

19 **MR. FERVIER:** Would you like to comment on
20 whether you view this as an act of fraud,
21 potential fraud or not?

22 **MS. KOTH:** Did we view it that way?

23 **MR. FERVIER:** Yes. From the investigation
24 standpoint?

25 **MS. KOTH:** No.

1 **MR. FERVIER:** Using a business address to
2 register?

3 **MS. KOTH:** No. I think he didn't -- he
4 thought he could do it and he couldn't and he
5 changed it.

6 **MR. FERVIER:** Okay. The board have any
7 other questions?

8 **MS. GHAZAL:** Mr. Dossey's not here; correct?

9 **MR. FERVIER:** Correct.

10 **MS. GHAZAL:** I move we issue a letter of
11 instruction to Mr. Dossey.

12 **MR. LINDSEY:** Second.

13 **MR. FERVIER:** We have a motion and a second
14 to issue a letter of instruction on case
15 SEB2022-238. All those in favor signify by
16 saying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. FERVIER:** Any opposition? Hearing no
19 opposition, so moved by a vote of four to zero.

20 Next item on the agenda is SEB2022-318, Bibb
21 County child not allowed in the voting booth with
22 their parents. Tab 26.

23 **MR. BRUNSON:** Okay. So the complainant,
24 Jessica Sargent, reports that when she went to
25 vote at the Bibb County Lake Wildwood precinct on

1 November 8, 2022, her four-year-old son was not
2 allowed in the booth with her.

3 Mrs. Sargent states a poll worker instructed
4 her that her son had to sit at a table while she
5 voted. She advises thankfully a booth opened
6 near the table the poll worker had her son sit
7 at. Mrs. Sargent states she feels this was a
8 violation of the rights of parents and their
9 children during the voting process and it should
10 not happen again.

11 This is a potential violation of
12 21-2-413(f), conduct of voters, campaigners, and
13 others at polling places generally.

14 So after an investigation was conducted, our
15 investigator spoke with the poll worker,
16 Mr. Robert Holzendorf. And he advised on
17 election day that he instructed the voters which
18 voting booth to use. He said that if a voter
19 came in with a child that he instructed the voter
20 their child could not accompany them to the booth
21 when they voted. He advised them that there was
22 a designated area for children to sit at while
23 their parents were voting, and he claims that he
24 learned this from some training he attended.

25 Now, the investigator spoke with the poll

1 manager, Joyce Humphrey; spoke with an election
2 supervisor, Thomas Gillon; and also another poll
3 work there, James Vandiver. And they all
4 correctly knew that children are allowed as the
5 law states.

6 So based on this investigation, there is
7 evidence to suggest that Macon-Bibb County board
8 of elections specifically and Mr. Holzendorf
9 violated O.C.G.A. 21-2-413(f), conduct of voters,
10 campaigners, and others at polling places
11 generally, and that they did not permit the voter
12 to take her four-year-old son to the voting
13 compartment when she voted.

14 **MR. FERVIER:** Respondent.

15 **MR. NOLAND:** Got it, thank you. William
16 Noland again for the respondents, on behalf of
17 the Macon-Bibb County board of elections. This
18 happened. This poll worker, Mr. Holzendorf, was
19 mistaken. All of the others in the precinct knew
20 this.

21 It was addressed in training and
22 specifically with -- with him. And it was -- it
23 was a mistake and he was wrong and the voter is
24 right that that shouldn't have happened as we've
25 endeavored to make sure that it does not happen

1 again.

2 And we understand and accept a letter of
3 instruction if that's the board's decision.

4 **MR. FERVIER:** Thank you.

5 Are there any questions from the board? The
6 chair will entertain a motion.

7 **DR. JOHNSTON:** I move to -- to dismiss.

8 **MR. FERVIER:** We have a motion to dismiss.
9 Do we have a second?

10 **MR. LINDSEY:** Second.

11 **MR. FERVIER:** We have a motion to dismiss
12 and a second. Any discussion?

13 **MS. GHAZAL:** I want to say that I think
14 that's a little bit -- this is not just a
15 regulation but this is statute that was violated.
16 So I think that at a minimum a letter of
17 instruction is -- is called for.

18 **MR. FERVIER:** We have a motion that we need
19 to vote on. We have a motion to dismiss and a
20 second motion to dismiss. We'll hear that
21 motion. All those in favor --

22 **MR. LINDSEY:** (off microphone) Can we have a
23 discussion for a minute, Mr. Chairman?

24 **MR. FERVIER:** I'm sorry, yes.

25 **MR. LINDSEY:** I -- I think she's right. And

1 so for that reason even though I seconded that, I
2 have to vote no. I think a letter of instruction
3 is probably a little bit more appropriate given
4 the fact that, you know, we want to encourage
5 teaching children about voting and quite frankly
6 it's in the statute.

7 So I think a letter of instruction --
8 doesn't necessary find a violation but just sort
9 of let it -- make sure that all the counties
10 know, make sure that they have this -- that --
11 that -- that they honor that law and that they
12 do -- are welcoming to parents with children. So
13 for that reason, I'm going to not vote for the
14 motion I just seconded.

15 **MR. FERVIER:** Do you want to withdraw your
16 second?

17 **MR. LINDSEY:** That or -- one way or the
18 other but you don't --

19 **DR. JOHNSTON:** Take it back.

20 **MR. LINDSEY:** Yeah, I'll take back my second
21 and let's go with a motion -- I'll make a
22 countermotion now, motion for a letter of
23 instruction.

24 **MR. FERVIER:** I'll have to get out my book
25 here in a minute.

1 Would you like to withdraw your motion?

2 **DR. JOHNSTON:** I'll -- I'll withdraw my
3 motion.

4 **MR. FERVIER:** Member Johnston has withdrawn
5 her motion. We have a -- the chair would
6 entertain a new motion.

7 **MR. LINDSEY:** Motion for a letter of
8 instruction -- a letter of instruction,
9 Mr. Chairman.

10 **MR. FERVIER:** We have a motion from member
11 Lindsey for a letter of instruction. Do we have
12 a second?

13 **MS. GHAZAL:** Second.

14 **MR. FERVIER:** We have a second from member
15 Ghazal. Any discussion on it? Hearing no
16 discussion, all those in favor of issuing a
17 letter of instruction please signify by saying
18 aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. FERVIER:** Any dissents? Hearing no
21 dissents, the motion passes four to zero. Issue
22 a letter of instruction on SEB2022-318.

23 I'm going to go out of order again for a
24 minute. We have a request to move up the case
25 because the respondent will not be able to be

1 here tomorrow.

2 So we're going to call SEB2022-137, Fulton
3 County campaigning within a hundred fifty feet.
4 It'll be tab 38.

5 **MS. KOTH:** On 6/23/2022, a complaint was
6 submitted to the Secretary of State's Office
7 regarding a candidate in violation of O.C.G.A.
8 21-2-414. The complainant advised Jake Evans
9 wore a shirt that displayed "Jake Evans, U.S.
10 Congress," in a voting precinct. The complainant
11 saw this televised on Fox 5 News on Tuesday
12 6/21/22.

13 The investigator viewed the video and
14 confirmed Jake Evans went to the East Roswell
15 branch library voting precinct in a shirt that
16 displayed the words: Jake Evans, U.S. Congress.
17 The investigator took a screen shot of Jake Evans
18 in the video. The video clip showed Jacob Evans
19 with his wife casting his vote at the East
20 Roswell branch library voting precinct.

21 The investigator made a minimum of six calls
22 to Jake Evans and some of those calls that she
23 was able to leave a voice mail message. The
24 investigator went to his house and his wife
25 answered the door and asked why the investigator

1 was at their house. The investigator explained
2 why she was there and his wife advised that she
3 would let Jake Evans know the investigator
4 stopped by.

5 Since the last meeting, the investigator
6 made two more attempts to contact Mr. Evans by
7 phone. The allegation that Jacob Evans was in
8 violation of O.C.G.A. 21-2-414 was substantiated.

9 **MR. FERVIER:** Respondent, please.

10 **MR. EVANS:** Yeah, absolutely. Jake Evans,
11 pleasure to be here before you guys. Let me --
12 first I want to say I appreciate your work. I
13 chaired that -- this commission for three years.
14 You guys are true public servants. It's a
15 thankless job. I saw earlier the comments and I
16 remember taking those.

17 Second, you know, I fought for election
18 integrity about as hard as anyone in our state as
19 an election lawyer, something that's very dear
20 and close to me.

21 As far as the allegations, I will say I
22 honestly cannot recall. And I believe these are
23 about the runoff in 2022. It was probably one
24 the most stressful periods of my life. I was in
25 a daze at that point in time. I can't recall if

1 I went in, voted with a campaign shirt, didn't
2 vote with a campaign shirt. I do know there was
3 no possibility of me ever doing anything like
4 that intentionally.

5 To the extent that I did do it, you know,
6 I -- I apologize to each of you guys because what
7 you do and also election integrity in Georgia is
8 something very important to me. It's something
9 that I fight for.

10 And as far as the responsiveness, I
11 apologize for those inconveniences. I -- I
12 changed jobs in 2023. We moved houses. I do
13 recall my wife did say someone came by the house.
14 Outside of that, I didn't hear anything for
15 probably a year, a year and a half. I did hear
16 before the last hearing that my case may be
17 noticed up. I believe it was sent to the old
18 address and so as a result I immediately
19 requested a continuance and then I've made
20 multiple outreaches to the investigators. And I
21 eventually did talk to the investigator multiple
22 times in the past couple weeks. And so I
23 apologize for that inconvenience.

24 But, you know, in short I say in no way was
25 this a knowing violation to the exhibit it

1 happened. I honestly do not recall. I do know
2 that there was multiple interviews done. I do
3 not recall anyone videotaping me while I was
4 voting with a Jake Evans shirt on. I don't think
5 that happened, but I'm not entirely certain.

6 To the extent it did happen, I was a
7 first-time candidate in a daze, in a blitz of a
8 final two weeks of a campaign. And I know board
9 member Lindsey's ran campaigns, and at that
10 point, you're just getting up every day, putting
11 on whatever you can do and get out and touch as
12 many voters as you can.

13 So I ask for you guys's sympathy. I ask
14 that you accept my apology, dismiss the case, and
15 issue a letter of instruction given the
16 circumstances. And I appreciate the opportunity
17 to appear before you all.

18 **MR. FERVIER:** Any questions from the board?
19 Member Lindsey.

20 **MR. LINDSEY:** Mr. Evans, damn good election
21 attorney. Knows better. But he's in the middle
22 of an election. People make mistakes. Can I
23 have your absolute guarantee that that -- this
24 will never happen again?

25 **MR. EVANS:** You can, on the record, assuming

1 I run again. But outside of that, you can.

2 **MR. LINDSEY:** Assuming that you -- that you
3 go against your wife's wishes and run again --
4 and I don't mean to make light of it, you're not
5 supposed to do this and you know that and I know
6 that, but mistakes do happen. We just finished
7 with another man who probably let the moment get
8 away from him as well.

9 But with that assurance from you that it --
10 that it will not happen again -- and I do
11 particularly appreciate the apology that you've
12 made to our investigators because we could've
13 wrapped this up a lot quicker if you -- if we --
14 if you'd talk to them sooner.

15 I'm going to make a motion at the proper
16 time, Mr. Chairman, to simply issue a letter of
17 instruction and let's move on to other matters.

18 **MS. GHAZAL:** With due -- with due respect,
19 we've -- I have been on the board long enough
20 that I've heard several other cases with
21 candidates not going inside polling places but
22 simply standing outside polling places with their
23 campaign shirts. In every -- consistently every
24 single one of those, we have referred over to the
25 Attorney General's Office.

1 I believe that we have in the case of at
2 least two people that -- that I -- that the
3 representative from House District 61 and a
4 former representative from Brookhaven, both of
5 whom were referred to the Attorney General's
6 Office and both paid fines and the Attorney
7 General reports were approved and disposed of by
8 this body.

9 **MR. LINDSEY:** I'm not aware of that. I'm
10 not aware of that.

11 **MS. BRUMBAUGH:** (off microphone) If I could
12 be heard just for a minute.

13 **MS. GHAZAL:** Yes.

14 **MS. BRUMBAUGH:** (off microphone) Fulton
15 County is also a respondent in this case. I'm a
16 little bit confused about the report because as I
17 heard the report, there was a stream -- there was
18 television video of Mr. Evans voting with his
19 T-shirt on which there shouldn't be any video of
20 that because that's also against the law.

21 So I'm going to assume that that is not
22 accurate and that Mr. Evans -- the video shows
23 Mr. Evans outside of the East Roswell library in
24 his T-shirt. And that is where I think that
25 Fulton County can offer some information which

1 hopefully gets this case dismissed for both
2 Mr. Evans and Fulton County. And that is that we
3 have a statement from the poll worker who said
4 that yes -- and we didn't know it was Mr. Evans
5 until this morning, but, yes, there was a
6 candidate who appeared at the East Roswell
7 library. He was wearing his T-shirt. He was
8 outside. The poll watcher came up to him, said:
9 I'm sorry, sir, you can't wear your T-shirt.
10 That's against the law. And the candidate zipped
11 up his jacket.

12 So according to that evidence, Mr. Evans
13 was -- did comply once he was given the
14 information and also Fulton County did what it
15 could do to prevent this from happening. So I
16 would ask that the case be dismissed as to both
17 respondents.

18 **MR. FERVIER:** We appreciate that
19 information.

20 **MS. GHAZAL:** Investigator Koth, did you have
21 something else?

22 **MS. KOTH:** Yes. The photos, the stills of
23 that doesn't show that. He's not wearing a
24 jacket and he's voting at the booth.

25 **MS. BRUMBAUGH:** (off microphone) But how

1 could that be (inaudible)?

2 **MS. GHAZAL:** Media can be given -- given
3 permission by the -- by the county or by the poll
4 manager to film.

5 **MS. KOTH:** Do you want to see pictures?

6 **MR. FERVIER:** May I see it?

7 The pictures actually -- Jake Evans wearing
8 a button-down shirt with a sticker on -- a Jake
9 Evan's sticker on his chest right here. It's not
10 a T-shirt. Do you want to see this?

11 **MR. LINDSEY:** (off microphone) I see it.
12 I'm going to stay with my motion, Mr. Chairman.
13 And quite frankly, you can call me out the next
14 time because if -- I don't -- I can't recall ever
15 simply having somebody show up with a T-shirt,
16 being told to leave, and they -- and they -- and
17 going as far as issuing a link to an Attorney
18 General for further action. And --

19 **MR. FERVIER:** There's been a --

20 **MR. LINDSEY:** If -- if we ever did find it,
21 then I'll write a letter of apology to that
22 candidate because I do think that's a little
23 extreme because we need to send matters to the
24 Attorney General that have a lot more gravity
25 than this.

1 Now mind you -- partic -- now, if it's a
2 repeated situation or if they bring in a lot of
3 people and they start disturbing the polling
4 place, I can see that. But simply this sort of
5 situation, I think, for a first offense calls for
6 a letter of -- whatever (inaudible) call it --

7 **MR. FERVIER:** Letter of instruction.

8 **MR. LINDSEY:** Letter of instruction. And so
9 I would renew my motion at this point.

10 **DR. JOHNSTON:** Mr. Chair, I --

11 **MR. FERVIER:** Member Johnston.

12 **DR. JOHNSTON:** I reviewed -- I was looking
13 at a past meeting and there was the exact same
14 scenario and a letter of instruction was issued.
15 The candidate was not sent to the Attorney
16 General and it was either December or the meeting
17 before, last -- last year.

18 Also I would recommend dismissal of this
19 case, secondary to improper action of the State
20 Election Board during the investigation. So I
21 would make a motion to dismiss this case.

22 **MR. LINDSEY:** I mean, what -- what improper
23 action are you referring to?

24 **DR. JOHNSTON:** The -- well, the action is
25 that someone from -- someone contacted the

1 newspaper media and tipped off that this case was
2 going to be presented before the case was
3 actually presented.

4 **MR. LINDSEY:** How do you know --

5 **DR. JOHNSTON:** And officially it's under
6 investigation until it's presented here.

7 **MR. LINDSEY:** (off microphone) I agree with
8 you. How do you know it wasn't -- excuse me --
9 someone -- I'm not accusing Fulton County. It
10 could've been the complainant who obviously cared
11 enough about this matter to bring a complaint.
12 How do you know it wasn't someone from there
13 versus here? And I will tell you right now that
14 you're casting aspersions upon your fellow
15 members for that (inaudible). I'm a little
16 disappointed to hear.

17 There's several other entities that could
18 very easily have reported that to the press. And
19 I think, quite frankly, more likely to have
20 reported it to the press than members of this
21 board.

22 **MR. FERVIER:** We're going to rule on the
23 motion. We have an original motion to offer a
24 letter of instruction. We had an alternate
25 motion to dismiss the case.

1 The original motion will be heard first
2 since it was made first. The original motion is
3 to offer a letter of instruction.

4 **MR. LINDSEY:** Letter of instruction.

5 **MR. FERVIER:** A letter of instruction, yes.
6 Do we have a second on offering a letter of
7 instruction?

8 **DR. JOHNSTON:** Second.

9 **MR. FERVIER:** Second from -- member Johnston
10 has seconded. Any discussion? Hearing no
11 discussion, all those in favor of offering a
12 letter of instruction on SEB2022-137, campaign
13 within a hundred feet -- hundred and fifty feet
14 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. FERVIER:** Any nays? Hearing no nays,
17 the motion passes four to zero.

18 **MS. GHAZAL:** Nay. Three one.

19 **MR. FERVIER:** Oh, I'm sorry, I didn't hear
20 it. I'm sorry.

21 **MS. GHAZAL:** Okay.

22 **MR. FERVIER:** Motion passes three to one.

23 **MR. EVANS:** All right, thank you very much.

24 **MR. FERVIER:** Thank you.

25 We'll get back on the agenda. The next item

1 on the agenda is SEB2022-327, Cobb County early
2 voting tabulation issue. It's tab 27.

3 **MR. BRUNSON:** Okay. So this case was heard
4 in the previous SEB meeting. And this case dealt
5 with memory cards that were removed by Cobb
6 County based on capacity issues. One was at
7 8149, another was at 6807. We looked at that and
8 based on the removal of those items, there is a
9 specific State Election Board rule that prohibits
10 that. However, there was a memo sent out by the
11 Georgia Secretary of State's Office basically
12 saying that once they get near the 10,000 number,
13 then there's two ways to handle it: remove it or
14 deploy additional scanners to the advance voting
15 precincts. Cobb County acknowledged that there
16 were not enough scanners to deploy to the advance
17 voting precincts, so they implemented the first
18 option.

19 During that investigation, in looking at how
20 they categorized what they did on the recap
21 sheets, therein is where the violation of
22 additional State Election Board rules came in.

23 So during the follow-up investigation, we
24 determined there was sufficient evidence to prove
25 that State Election Board Rule 183-1-14-.02(9)

1 and 183-1-14-.02(10) were violated in the
2 following manner. At the close of voting each
3 day during the advance voting period, the
4 registrar shall document the election counter
5 numbers from the ballot scanner on the daily
6 recaps and, (10), after turning on the ballot
7 scanners, the registrar shall verify the election
8 counter number with the number recorded on the
9 daily recap sheet from the previous day of
10 advance voting.

11 And so because they removed that, one of the
12 poll managers did not start the recap over at
13 zero on October 29, 2022, because the poll
14 workers thought they needed to continue adding
15 the numbers together to show the total number of
16 votes cast on that particular scanner.

17 Therefore the election counter number was
18 not correctly noted on the daily recap sheet at
19 the close of voting each day nor for the previous
20 day of advance voting from October 29, 2022,
21 until November 1, 2022, when they caught it and
22 they reconciled everything at that point.

23 So that -- that's it for that case.

24 **MR. FERVIER:** For the respondent?

25 **MS. FALL:** Good afternoon, almost good

1 evening. Thank you for having us here and
2 hearing this. This is one of three cases for me
3 today.

4 Although you will note that this did occur
5 under my predecessor's tenure, I feel comfortable
6 enough with the case to discuss. I was not aware
7 of the addition of subsection 10 because that's
8 not listed in the summary of investigation I was
9 provided. So I wasn't aware of that, however, I
10 don't dispute that. That was a human error.

11 I discussed with the investigators that is
12 the first time that had happened for us. And so
13 the satellite site manager was just a little
14 confused about what to do. So we've corrected
15 that for the future. However, I do ask that the
16 subsection 9 be recommended to be dismissed.

17 As mentioned by the investigator, we did
18 receive guidance from the Secretary of State's
19 Office to not allow our scanners to approach
20 10,000 because we would get an error message that
21 would read "maximum ballot capacity reached." So
22 that guidance was sent from CES on 10/26 and I
23 believe the date that we swapped out the memory
24 cards was 10/28. I don't know if you have that,
25 but that's what I have written down. We did not

1 close the polls. We did not do any tabulation.
2 We simply followed the exact option 2 that was
3 provided in the memo from CES to ensure that we
4 did not approach 10,000. That is one of our
5 busiest sites and they were concerned that it
6 would.

7 In addition to that, we received a secondary
8 memo for the runoff, saying that based on
9 experience in a general election, we recommend
10 not letting the ICP collect more than
11 8,000 ballots cast. So that number has been --
12 now been decreased. If the board does not feel
13 in a place to recommend for that section to be
14 dismissed, I think myself, the other large
15 counties would appreciate clear guidance of what
16 we should do as we are receiving conflicting
17 information and the limitations of the machines.
18 Thank you.

19 **MR. FERVIER:** Thank you. This case has
20 bothered me from the very start. And I feel like
21 clear guidance hasn't been provided to the
22 counties as what to do in this case and it's
23 obviously an issue for the larger counties that
24 have a significant amount of voters. And we
25 really need to provide some guidance from either

1 the SEB or the Secretary of State on what to do
2 in those circumstances. I've had some issues
3 with this one from the very start, frankly.

4 Any questions from the board?

5 **MS. GHAZAL:** Mr. Chairman, if I may. When
6 this case was first presented, I had said we need
7 to rewrite the rule.

8 So I would ask that you work with us because
9 we will hold a new meeting -- another meeting in
10 July that we'll -- we'll be looking at rules and
11 that rule clearly is -- is out of date according
12 to the usage. So I would -- if we can have your
13 help doing that and whatever -- the more you can
14 put on paper, the more likely we are to actually
15 have it right and get it right.

16 **MS. FALL:** Absolutely. I'll work with my
17 fellow metro directors that are a little bit more
18 tenured than me to make sure that we get you guys
19 what you need to get that fixed. So thank you.
20 I appreciate that.

21 **MR. FERVIER:** Any questions from the board?

22 **DR. JOHNSTON:** So the statute's clear that
23 the memory cards should not be removed until --
24 until the close of polls. So you -- you do need
25 better instruction. Do you have enough scanners

1 to bring a new scanner into one of the early
2 voting sites?

3 **MS. FALL:** We did not at the time. And so
4 based on the memo that was provided by CES, that
5 was their Option 1, their Recommendation 1. But
6 then Option 2 is if you do not have additional
7 ICP devices to deploy, follow these steps. And
8 that's what we followed. So unfortunately we did
9 not have additional ICPs.

10 **DR. JOHNSTON:** Right. Which is counter to
11 what the code says. So do you have enough
12 scanners now?

13 **MS. FALL:** I would have to check. I know
14 right now we have to deploy two scanners to all
15 of our AIP sites due to having to split our
16 precincts. So I -- I would not be surprised if
17 we only have a few spares.

18 **MR. LINDSEY:** Mr. Chairman, if I may.

19 **MR. FERVIER:** Yes.

20 **MR. LINDSEY:** Given some of the things that
21 were said in opening comments today, I think
22 given the fact that this is a matter involving
23 the Cobb election board, I think this is an
24 appropriate time for me to -- to say something
25 about conflicts of interest and my involvement on

1 the board.

2 And I -- and I had hoped that this -- this
3 case might come up when more of the people that
4 were concerned about this were here, but I
5 respect that. Issues of conflict of interest is
6 not an issue that I take lightly, either as a
7 lawyer or as a member of the State Election
8 Board.

9 And when I was asked to join the board by
10 the speaker David Ralston and by the Georgia
11 House, I looked carefully at this issue,
12 particularly given the fact that my firm does
13 represent the Cobb County commission and the
14 DeKalb County commission. We do not represent
15 the Cobb County election board. We do not
16 represent the DeKalb County election board.

17 I reviewed the law regarding county election
18 boards' creation. They are creations of the
19 state. They're not creations by the county
20 governments. I also consulted with -- with
21 experts and individuals who run the county
22 election boards throughout the state.

23 I also consulted with other experts on
24 elections to determine where should I draw the
25 line between what I could and could not get

1 involved in. And the final result -- and I've
2 done this for the last two and a half years --
3 if -- if it involves not just, for instance, Cobb
4 and DeKalb County election boards but also
5 election officials or any officials outside of
6 those two respective boards of county officials,
7 I -- I recuse myself. I've done that in the past
8 and I'll continue to do that in the future.

9 I did that, for instance, in March where
10 there was a matter involving the Cobb County
11 election board but also a matter involving the
12 Cobb County commission. I also indicated there's
13 a matter now pending involving DeKalb County
14 which also involves the action of DeKalb County
15 commission.

16 I have also taken that same position on a
17 couple matters in the past, I believe in my first
18 year here. I have also on rare occasions where
19 my firm may have a representation of someone
20 directly before this board, I have recused
21 myself, I think, maybe out -- I don't know,
22 several hundred -- seven or eight hundred maybe
23 cases, I think I've recused myself seven or eight
24 times during that period of time.

25 So I believe that I have throughout my

1 tenure upheld the honor of this board and have
2 tried to make sure that if I get involved in a
3 matter, it does not involve something that --
4 that a client is involved in. I have taken
5 position that the Cobb County election board as a
6 creation of the state, I can, if the Cobb County
7 commission and other aspects of Cobb County are
8 not involved, get involved. Same thing with
9 DeKalb.

10 If I did have a conflict, I think some of my
11 clients may be upset with me because on many
12 occasions I have either recommended things to the
13 Attorney General or letters of reprimand or other
14 sanctions all the time. And for that, I want to
15 make sure that that's stated on the record.

16 Like I said, I would've loved for this
17 matter to have come up when the folks who were
18 concerned about this were here, but I know that
19 this is out there in the neverlands on the
20 Internet. So perhaps they can hear it.

21 And I hope that resolves this matter and
22 let's folks know where I stand in terms of the
23 ethics -- ethical issues involved in these cases
24 in the future. And I will -- I will continue to
25 try to do so in an honorable manner before this

1 board into the future.

2 For that matter, I will be involved in this
3 case. But I didn't want to -- I did think it
4 needed to be stated on the record.

5 Thank you, Mr. Chairman.

6 **MR. FERVIER:** Thank you, member Lindsey.

7 Any other questions from the board in this
8 case? The board will entertain a motion -- I
9 mean the chair will entertain a motion.

10 **MS. GHAZAL:** I move that we issue a letter
11 of instruction based on a potential violation of
12 rule 183-1-14.02(10).

13 **MR. FERVIER:** We have a motion to issue a
14 letter of instruction. Is there a second? It is
15 seconded by member Jeffries. It was seconded by
16 member Jeffries. We have a motion and a second
17 to issue a letter of instruction.

18 **MR. WILLARD:** Mr. Chairman?

19 **MR. FERVIER:** Yes.

20 **MR. WILLARD:** (off microphone) Yes, we would
21 clarify with unanimous consent it's actually
22 183-1-14-.02 subparagraph 10. There's a dash
23 before the .02. It's just a naming convention --

24 **MS. GHAZAL:** Yes.

25 **MR. WILLARD:** -- used in Georgia rules and

1 regulations.

2 **MR. FERVIER:** With unanimous consent we will
3 make that change to the motion; correct? So we
4 have a motion and a second to issue a letter of
5 instruction. Any discussion? Hearing no
6 discussion, all those in favor signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. FERVIER:** The ayes have it, four to
10 zero. The motion is moved.

11 We have a hard stop at 5:00 today and
12 there's no way we're going to get through the
13 rest of this list. Are there any respondents
14 that are unable to attend tomorrow? Cobb County?
15 Because we -- I think we can hear maybe two more
16 cases today if you are unable to -- yes.

17 **MS. FALL:** Cobb County is happy to move
18 forward with a letter of instruction for our
19 other two cases. And we don't necessarily feel
20 the need to be heard. We accept what the
21 findings brought for our end.

22 **MR. FERVIER:** We'll do those in a second.
23 Is there anybody else? Any other respondents who
24 are unable to attend tomorrow?

25 **MR. LINDSEY:** There was an individual from

1 Fulton County.

2 **MR. FERVIER:** Pardon me?

3 **MR. SIBLEY:** (off microphone) I'm -- I could
4 do mine in four minutes.

5 **MR. FERVIER:** Okay. And which case is that?

6 **MR. SIBLEY:** 370.

7 **MR. LINDSEY:** I tried to bring you up
8 earlier.

9 **MR. SIBLEY:** Do what?

10 **MR. LINDSEY:** I said I tried to bring you up
11 earlier.

12 **MS. BRUMBAUGH:** (off microphone) Not to
13 interrupt. There are two additional Fulton
14 cases. I will be able to attend tomorrow.
15 Ms. Williams and (indiscernible) will not. I
16 don't think it'll -- they are necessary, but just
17 to let you know.

18 **MR. FERVIER:** Okay. You -- you will be able
19 to attend?

20 **MS. BRUMBAUGH:** (off microphone) I can come
21 tomorrow, yes.

22 **MR. FERVIER:** Okay. We'll hear 370 in a
23 minute. We'll hear Cobb County. Is there
24 anybody else that won't be able to be here
25 tomorrow? Okay. Let's -- let's go with the two

1 Cobb County cases. SEB2022-340 Cobb County,
2 voter privacy issue.

3 Does the board need to hear from the
4 investigator on that case?

5 **DR. JOHNSTON:** What's his number?

6 **MR. FERVIER:** I'm coming to you in a second.

7 **DR. JOHNSTON:** Oh. Just -- (conferring with
8 respondent).

9 **MR. FERVIER:** Okay. The -- SEB2022-340,
10 Cobb County, voter privacy issue. Does the board
11 need to hear the investigator's findings on that
12 case?

13 **DR. JOHNSTON:** No. Just some questions.

14 **MR. FERVIER:** Do we have a -- do you have a
15 question?

16 **DR. JOHNSTON:** Just a question.

17 **MR. FERVIER:** Yes.

18 **DR. JOHNSTON:** Is there a corrected diagram?

19 **MS. FALL:** So I don't have a diagram but we
20 did place a -- one of the privacy films on -- on
21 the one that's off to the side, and the other
22 station we've just closed. So we're not
23 utilizing that at all. So the situation has been
24 rectified. Don't have a diagram with me. I
25 should've taken a picture of it --

1 **DR. JOHNSTON:** That's all right.

2 **MS. FALL:** -- but there were voters.

3 **DR. JOHNSTON:** But it's corrected?

4 **MS. FALL:** Yes, ma'am.

5 **DR. JOHNSTON:** And have you checked all of
6 your other voting locations?

7 **MS. FALL:** Yes, ma'am. I think the -- the
8 privacy issue with the ICXs is kind of an ongoing
9 target. But these specifically, you definitely
10 could see how an individual was voting just by
11 standing in our lobby, looking into the doorway
12 of our END room. So definitely agree and have
13 rectified it.

14 **DR. JOHNSTON:** Right, okay. I -- I visited
15 two locations, not in Cobb County, but two
16 locations in November, and I could watch somebody
17 vote all day long. And when I voted earlier this
18 week, the same thing, there were four BMDs flat
19 in front of the poll workers and -- and the
20 handicapped BMD was not three feet from --

21 **MS. FALL:** Yeah. Yeah. It's -- we try to
22 fit as many machines in there as we can.

23 **DR. JOHNSTON:** Right.

24 **MS. FALL:** And sometimes the space doesn't
25 allow.

1 **DR. JOHNSTON:** Right.

2 **MS. FALL:** And since the larger counties
3 utilize the carriers, it really limits our
4 ability to --

5 **DR. JOHNSTON:** Right.

6 **MS. FALL:** -- to work on that. The privacy
7 screens do help a lot. They come at a pretty --
8 pretty penny, but we're trying to invest in those
9 and some of those specific concerns that have
10 been brought to our attention.

11 **DR. JOHNSTON:** Right. So angling -- one --
12 one place I visited earlier this week, they
13 angled it just beautifully. And I heard DeKalb
14 County also has privacy screens.

15 **MS. FALL:** Yeah. That's who we got that one
16 from.

17 **DR. JOHNSTON:** Thank you very much.

18 **MS. FALL:** Thank you.

19 **MR. FERVIER:** The board will entertain a
20 motion on SEB2022-340.

21 **MR. LINDSEY:** Move for a letter of
22 instruction.

23 **MR. FERVIER:** We have a motion to issue a
24 letter of instruction. Is there a second?

25 **DR. JOHNSTON:** Second.

1 **MR. FERVIER:** We have a second. Any
2 discussion? Hearing no discussion, all those in
3 favor of issuing a letter of instruction on
4 SEB2022-340 signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. FERVIER:** Any opposition? Hearing no
7 opposition, so moved, four to zero.

8 The next case we'll hear and the last Cobb
9 County case is SEB2024-016. Does the board need
10 to hear the investigative report on that case?
11 It's the last one, tab 34. Do you want to hear
12 the investigator's report?

13 **DR. JOHNSTON:** Oh. No.

14 **MR. FERVIER:** No.

15 **MR. LINDSEY:** No.

16 **MR. FERVIER:** The board will entertain a
17 motion on SEB2024-016. Do you have a motion?

18 **MR. LINDSEY:** Second.

19 **MR. FERVIER:** No, we need a motion.

20 **MR. LINDSEY:** I thought she motioned it. A
21 letter of instruction.

22 **MR. FERVIER:** We have a motion from member
23 Lindsey to issue a letter of instruction. Do we
24 have a second?

25 **MS. GHAZAL:** Second.

1 **MR. FERVIER:** We have a -- we have a motion
2 and a second to issue a letter of instruction in
3 SEB2024-016, Cobb County, improper issuance of
4 ABM. Any discussion? Hearing no discussion, all
5 those in favor signify by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. FERVIER:** Any opposition? Hearing no
8 opposition, it's moved four to zero. Thank you.

9 The next case we'll hear is SEB 2022-370,
10 Fulton County, Buckhead library interference by
11 poll watcher. Does the board need to hear the
12 investigator's notes on that case? It is tab 31.

13 **MR. LINDSEY:** No, but I --

14 **MR. FERVIER:** We'll allow the respon --

15 **MR. COAN:** Hit your button.

16 **MR. FERVIER:** Push your button.

17 **MR. COAN:** Push the button on the desk.
18 You're good.

19 **MR. FERVIER:** Okay. Just -- just want to --

20 **MR. SIBLEY:** (off microphone) Yeah, I --

21 **MR. FERVIER:** Wait just one moment, please.
22 Does the board need to hear the investigator's
23 notes on that case?

24 **MR. LINDSEY:** No. It's pretty
25 straightforward.

1 **MR. FERVIER:** Member Ghazal?

2 **MS. GHAZAL:** No, I'm good.

3 **MR. FERVIER:** Member Johnston?

4 **DR. JOHNSTON:** No.

5 **MR. FERVIER:** No. The respondent?

6 **MR. SIBLEY:** That's me.

7 **MR. FERVIER:** Yes.

8 **MR. SIBLEY:** My name is Mike Sibley. I was

9 a poll watcher back -- and I've done it multiple

10 times. In 2022 I was at the Buckhead library.

11 What Mr. Lindsey asked the man back here if you

12 had it to do over again, would you change

13 anything? My answer is absolutely not. I did

14 everything by the book and all of a sudden, I got

15 kicked out. I got kicked out and I'm being

16 investigated.

17 But you know what Paul Harvey says about now

18 here comes the rest of the story? Said

19 respondent interfered with the conduct of an

20 election when he failed to follow the

21 instructions of the poll official, causing an

22 election worker to have abandoned their

23 workstation -- his workstation during active

24 voting. And the answer is yes, I did.

25 So if you go to the -- to the poll workers

1 manual, there's two -- a hundred and five pages,
2 and nowhere -- and I've read this twice, nowhere
3 did I ever find anything that said that a poll
4 manager can tell a poll worker where to sit.

5 But if you go to the poll watchers
6 instructions from 2022, it says a poll manager
7 may show you a place to sit. You don't have to
8 sit there all day. You can be anywhere in the
9 poll as long as you do not interfere with voting.

10 So he came in at the behest of the manager,
11 the poll manager. And so when she said he had to
12 leave his workstation, it's true, but whose fault
13 was that? I was following the rules. She
14 didn't. And it all started from there.

15 Even -- this is the newest -- this is the
16 newest poll watchers frequently asked questions.
17 And one of the questions is do I have to sit in
18 the area where the poll manager has set up a
19 chair for me? No. Official poll watchers may
20 enter the enclosed space. You could observe an
21 election as long as you do not interfere or
22 violate a voters right of privacy.

23 So I had -- I made a little map for you of
24 the Buckhead library. When I first went in, I
25 gave my credentials to the lady. She took them,

1 made a copy. The DRE is here, the second room.
2 And I went to the third room where the drop box
3 is. And I wanted to be in there virtually by
4 myself. She sent the -- the poll worker in and
5 said: Chairs are prohibited in this room. I
6 said: Prohibited? What for? Well, we don't
7 want you to sit in here to watch the -- the drop
8 box. So I followed her out.

9 Oh, one more thing. She said, You know, my
10 main concern is the health and welfare of my
11 workers here. And I looked at her and said:
12 Well, why do only three people have on masks?
13 There were 20 people in there. So she said:
14 Well, follow me. I want to put you in a chair
15 where I can watch you. And I thought okay. So
16 walked into the room 1, back to room 1 where all
17 of the voting booths were. She rips off a little
18 poster off the wall and said: Here, this will
19 tell you where you can sit.

20 So I read the poster. And it just so --
21 just so turns out that it's the Georgia voter
22 voting rights poster. And I read it and I said:
23 This doesn't say anything. And she got mad
24 again. So I sat down where she told me. I was
25 this far (indicating) from the voter. I was

1 sitting behind him. I -- you know, I was sitting
2 there counting the thread count on the yoga
3 pants. It was that close. So I went like this
4 (indicating), you know, you put me too close.
5 She comes in, gets up -- gets me up and said: Go
6 into the room that you wanted to be, which was
7 the last room.

8 So I'm sitting there and she comes over and
9 she says: You can sit here but you can't go
10 count the votes off the DRE until 7:00. And I
11 knew that was wrong. So if you look at O.C.G.A.
12 21-2-408, a poll watcher is a person named by a
13 political party, political body, or a candidate
14 who is authorized to enter the enclosed space to
15 observe the conduct -- conduct of an election in
16 the county and recording of votes. Says nothing
17 about I can only do it after 7:00.

18 Then notwithstanding any other provisions in
19 this chapter, a poll watcher may be permitted
20 behind the enclosed space for the purpose of
21 observing the conduct in the election and
22 counting and recording the votes. That's what I
23 did. So I went -- I recorded -- I think it was
24 714 votes.

25 I went back to room 3, sat down, two

1 minutes, three minutes later, police officer
2 comes in and said: You're being escorted out.
3 Grab your stuff, you're going to be escorted out.
4 And I said: What for? Well, he said, for the --
5 I forgot the term she said for the -- for the
6 incident. I said: What incident? And she
7 didn't answer me. I said: What incident?
8 Either she wouldn't tell me or didn't know. So
9 she escorts me out to my car, tells me to get off
10 the property, and I'm sitting there in my car
11 making a phone call to our headquarters. Bam,
12 bam, bam. Get off the property.

13 So, you know, she's right. I -- I caused
14 the man to come in to -- to have me move, but
15 it's not my fault because she has no supervision
16 over where I sit.

17 And then it told me that after I sat down
18 back in room 3: He was subsequently observed
19 walking through the voting area within the
20 immediate area of voters attempting to scan
21 ballots, scan ballots when specifically told that
22 he could not be in that area.

23 I'm sorry but if you look at this, it said
24 we're allowed to be in the enclosed space.
25 There's several -- several places that it tells

1 you that. So that's it.

2 I -- I wrote a -- I called our headquarters.
3 I wrote a complaint to Brad Raffensperger. Here
4 it is almost 18 months later. I still don't know
5 what the incident is and I'm being investigated.
6 Why am I being investigated? I was the offended
7 party.

8 So anyway, I would like the following things
9 for the state BOE for causing some -- a lot of
10 duress: Stamp my parking ticket -- I've been
11 here all day -- a letter of exoneration, and --
12 this is very important to me -- assurance that
13 Mrs. Daniels will never again be allowed in a
14 supervisory position as a poll worker. She seems
15 very indig -- vindictive and ignorant of the laws
16 and the rules of poll watchers.

17 It's funny that the -- the witnesses are no
18 longer responding to the investigators requests
19 for follow-up information. You know, how
20 convenient can it be? The investigator in the
21 matter does -- seems to not know the laws of
22 Georgia and the rules of poll watching. Wouldn't
23 it be better if she knew the laws before this
24 thing started?

25 If she had known the laws -- two laws,

1 that's all she had to know, two items, I wouldn't
2 be -- I wouldn't be standing here before you.
3 But I -- I don't think -- I mean, I'm not perfect
4 but I followed the laws and she didn't.

5 And that's it. Thank you.

6 **MR. LINDSEY:** (off microphone) We don't have
7 the case involving Fulton County before us. I'm
8 sorry, I keep doing this. (Mic on) we don't have
9 the case -- we don't have the case involving
10 Fulton County before us, just the case involving
11 you. I -- but I understand your situa -- is
12 there a case pending on this matter involving the
13 poll worker?

14 **MR. BRUNSON:** What was that?

15 **MR. LINDSEY:** Is there a case now pending on
16 the poll supervisor on this that you know of?

17 **MR. BRUNSON:** No, not right off the top of
18 my head that I know of.

19 **MR. FERVIER:** Have you filed a complaint,
20 Mr. Sibley?

21 **MR. SIBLEY:** We had a Zoom meeting last
22 January. I guess it was --

23 **MR. LINDSEY:** Involving you or -- I was
24 asking if there was one involving the poll
25 supervisor.

1 **MR. FERVIER:** Have you filed a complaint?
2 **MR. LINDSEY:** I'm just curious.
3 **MR. SIBLEY:** I am going to because I -- I
4 let go --
5 **MR. FERVIER:** But you -- but you have not
6 yet. Okay.
7 **MR. SIBLEY:** I wrote to Brad Raffensperger
8 and I said: This is what happened and it's not
9 right to treat somebody, a volunteer, like this.
10 I didn't do a darn thing wrong.
11 **MR. FERVIER:** Okay. I was -- but you
12 haven't filed any formal complaint yet --
13 **MR. SIBLEY:** No, I haven't.
14 **MR. FERVIER:** -- for the SEB, okay.
15 **MR. LINDSEY:** Miss Williams, you --
16 **MR. SIBLEY:** (off microphone, inaudible)
17 **MR. LINDSEY:** Understand, understand. It's
18 getting toward five and I've got somebody who's
19 got to get to a doctors appointment, okay? So
20 let me -- let me slightly rush this.
21 Miss Williams, I know that you -- you're not
22 on notice on this. Do you know anything at all
23 about this? Either one of you? I mean, I --
24 I'm --
25 **MS. BRUMBAUGH:** (off microphone) I'll be

1 brief. I have a statement. And I think the
2 facts are, shall we say, in dispute. This is a
3 statement from someone at the time. There was
4 some stuff that happened before which I won't get
5 into, but then the manager returned and was
6 accompanied by Mr. Sibley. He was allowed to
7 present his credentials and remain despite his
8 conduct. The manager informed Mr. Sibley that he
9 would be allowed to stay but instructed him to
10 follow her instructions and to comply with the
11 poll watcher guidelines posted in their
12 designated seating area. However, shortly
13 thereafter, Mr. Sibley began frequently leaving
14 the poll watcher area. Although voters were
15 attempting to vote, Mr. Sibley would repeatedly
16 get up to check numbers on the BMD machines and
17 the scanner over short intervals, sometimes
18 maneuvering among voters as the location remained
19 busy and voters were actively voting.

20 On one occasion I observed and asked
21 Mr. Sibley to remove himself from where he was
22 standing because it was as close as three feet
23 away from where the standalone scanner was
24 located and some voters were having to navigate
25 around Mr. Sibley. Space was very limited where

1 the scanner was located in the room and his
2 presence created an interference to voters.

3 After repeated warnings at various times by
4 a manager which he recurrently flouted (phone
5 ringing), Mr. Sibley's removal was demanded by
6 the manager. Mr. Sibley angrily complied but
7 only after speaking aggressively and
8 disrespectfully to the manager Mrs. Daniels.

9 Certainly the code section does allow poll
10 managers to make reasonable regulations to
11 prevent the interference of voting
12 (indiscernible).

13 **MR. SIBLEY:** (off microphone) One thing
14 that -- there's another regulation in there. It
15 said after -- four oh eight, after duly warning,
16 which means you got a warning the first time and
17 this is the second time. There was no warning.
18 Absolutely no warning. I was shocked when she
19 came and said: You're out of here. And I checked
20 the numbers twice. So there's a term for that
21 but I'm not going to say it.

22 **MR. LINDSEY:** Have you had a chance to -- to
23 interview the poll -- the poll manager?

24 **MR. BRUNSON:** Yes.

25 **MR. LINDSEY:** I can't remember. I'm looking

1 back in my notes --

2 MR. BRUNSON: They both submitted
3 statements, but --

4 MR. LINDSEY: Yeah, okay.

5 MR. BRUNSON: -- ultimately they didn't --
6 you know, they're not here, I guess, to speak to
7 the -- their side of things.

8 MR. SIBLEY: (off microphone) Four times.
9 Four times I made her mad because I didn't
10 obey -- I want -- I said: I want to sit here so
11 I can watch over -- watch the drop box. And she
12 said: Why do you need to watch the drop box?
13 We've got a camera over there. And I said: I
14 don't know if it works and I'm by myself in this
15 room. I'm not interfering with anybody.

16 And the second time was when I went like
17 that (indicating). I said: You put me right
18 here behind the -- a voting box. Right there.
19 And then when I pulled -- she pulled the poster
20 off the wall and I read it, and I said: This
21 says nothing about where I'm going to sit. Made
22 her mad again.

23 So that's it. I mean, I'm -- I'm there as
24 a -- you know, a volunteer. I'm not making any
25 money like she -- the poll manager is. So I do

1 it because I want to do it. So anyway ...

2 **MR. FERVIER:** Any further questions from the
3 board? The chair will entertain a motion.

4 **MR. LINDSEY:** We're kind of handicapped by
5 the virtue of the fact we've got one of the
6 persons here and we don't have the other persons
7 here.

8 **MR. SIBLEY:** And the witnesses disappeared.

9 **MR. LINDSEY:** No, no, no. The poll
10 manager's not here. Is the poll --

11 **MR. SIBLEY:** I'm talking about the
12 witnesses. She --

13 **MR. LINDSEY:** Is the poll -- is the poll
14 manager still around? She's still a poll
15 manager? Frankly, I'd like to -- to hear -- I
16 mean, we've got two totally different versions
17 here. And I respect yours. And I'm not --

18 **MR. SIBLEY:** I was there 20, 25 minutes at
19 most.

20 **MR. LINDSEY:** Yeah. You're here.

21 (Cross-talking)

22 **MR. SIBLEY:** (indiscernible).

23 **MR. LINDSEY:** She's not here. I'm feeling
24 handicapped by that. You're not going to like
25 what I'm about to do but I'm also going to

1 recommend that we put you at the front of the
2 line in August. But I would like to hear from
3 both of these people, given the fact -- I don't
4 want -- I don't want -- I don't want polls
5 disturbed, okay?

6 **MR. SIBLEY:** Yeah.

7 **MR. LINDSEY:** But at the same time, I want
8 poll watchers to be able to do their -- their
9 duty because they -- they are a very important
10 part of democracy.

11 By the same token, I don't want to see
12 disruptions in our poll places. And -- and I
13 consider this somewhat a little bit serious
14 because somebody either interfered with a poll
15 watcher or somebody -- or a poll watcher
16 interfered with the operation of a poll. And the
17 poll manager wasn't put on notice to come today.

18 So I'm going to move to continue this, but I
19 am going to ask that the chair -- because you sat
20 here all day, that we put it somehow close to the
21 front of the next hearing --

22 **MR. SIBLEY:** I've been last twice.

23 **MR. LINDSEY:** -- and then we hear from her.
24 What?

25 **MR. SIBLEY:** I said I've been last twice.

1 **MR. LINDSEY:** You've been here --
2 **MR. FERVIER:** We'll -- we'll move you up.
3 (Cross-talking)
4 **MR. SIBLEY:** (off microphone, indiscernible)
5 **MR. LINDSEY:** Oh, you're not last.
6 Nevertheless, I'm going to move you -- I'm going
7 to ask the chair for that discretion because I --
8 I respect the fact that you've been here to
9 defend yourself and I -- I find that to be very
10 compelling.
11 By the same token I want to be fair to make
12 -- and I want to make sure that -- that this gets
13 aired out and that, quite frankly, everybody gets
14 to hear poll watchers have a duty, poll managers
15 have a duty. We want to make sure that we have
16 our elections fair.
17 So for that reason, I'm going to move at
18 5:00 -- and I have got a -- I've got a -- a
19 member who needs to leave to -- for a medical
20 reason and I apologize (indiscernible).
21 **MR. FERVIER:** We have a -- we have a
22 motion -- we have a motion to continue this case
23 to the August calendar?
24 **MR. LINDSEY:** Yeah.
25 **MR. FERVIER:** Is there a second?

1 **DR. JOHNSTON:** Second.

2 **MR. FERVIER:** We have a motion and a second
3 to continue this case to the August calendar.
4 Any discussion?

5 Hearing no discussion, all those in favor of
6 moving this case to the August calendar --
7 continuing this case to the August calendar
8 signify by saying aye.

9 **THE BOARD MEMBERS:** Aye.

10 Would you please have the manager here next
11 time?

12 **MR. FERVIER:** Any opposition? Hearing no
13 opposition, so moved. It carries four to zero.

14 We have a hard stop today at 5:00. I'm
15 sorry we didn't get through all the rest of the
16 cases. We will hear them in the morning.

17 We'll be changing locations in the morning.
18 This has already been spoken for. So tomorrow
19 we're meeting at --

20 **MS. HARDIN:** (off microphone) We'll be
21 meeting in room 450.

22 **MR. FERVIER:** Room 450?

23 **MS. HARDIN:** 450, right? In this building?

24 **MR. FERVIER:** 450 at this building. Room
25 450 at 9:30 in the morning.

1 You have the motion to adjourn?
2 **MR. LINDSEY:** So moved.
3 **MR. FERVIER:** We have a motion to adjourn.
4 A second?
5 **DR. JOHNSTON:** Second.
6 **MR. FERVIER:** We have a second. All those
7 in favor signify by saying aye.
8 **THE BOARD MEMBERS:** Aye.
9 **MR. FERVIER:** Motion carries.
10 Thank you for your attendance today.
11 (Adjourned at 5:02 p.m.)
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CERTIFICATE

STATE OF GEORGIA

I hereby certify that the foregoing meeting was taken down and was reduced to typewriting under my direction; that the foregoing transcript is a true and correct record given to the best of my ability.

The above certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of the undersigned and electronic signature is attached thereon.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I financially interested in the action.

This, the 7th day of June, 2024.

****Mary K McMahan****

Mary K McMahan, CCR
Certified Court Reporter
Certificate Number 2757