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THE OFFICE OF SECRETARY OF STATE  
STATE OF GEORGIA

IN THE MATTER OF:  
STATE ELECTION BOARD MEETING

Tuesday, December 19, 2023  
Georgia State Capitol, Room 341  
Atlanta, Georgia  
8:30 a.m.  
Day 1 of 2

**APPEARANCE OF THE PANEL**

- Matt Mashburn, Acting Chair
- Sara Tindall Ghazal
- Janice Johnston
- Ed Lindsey

MARY K MCMAHAN, CCR, 2757  
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1 Transcript Legend  
 2 [sic] - Exactly as said.  
 3 (ph) - Exact spelling unknown.  
 4 -- Break in speech continuity.  
 5 . . . Indicates halting speech, unfinished sentence or  
 6 omission of word(s) when reading.  
 7 Quoted material is typed as spoken.

8  
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**P R O C E E D I N G S**

**MR. MASHBURN:** So I'm going to call this meeting to order. It now appears that we have a quorum.

I'm Matt Mashburn, the acting chair of the board. We have Sara Ghazal to my right who's present and we have Dr. Johnston to my left who is also present. And we're expecting Edward Lindsey, but he has not arrived at this time.

So at this time, we will begin with an invocation. So I ask you to be respectful for the invocation, please. We'll pray.

(Invocation)

**MR. MASHBURN:** And next have the Pledge of Allegiance. So please stand and face the flag.

(Pledge of Allegiance)

**MR. MASHBURN:** Please be seated.

Okay. We're going to do a couple of housekeeping items. Then I'll turn it over to Sara for a special presentation that she has. But just a couple of items that we would normally handle if the board had its own -- had a website when we asked for it. If we would get it, we would -- we would be able to post things such as this. But we'll do it -- we'll do it now.

1           First of all, some of you who are regulars  
2 to the meeting might notice that there is not a  
3 court reporter present in the room with us. The  
4 reason for that is the court reporter is sick and  
5 the court reporter's family is sick. So it is  
6 something that is very contagious. And so  
7 therefore I asked that rather than us become a  
8 super-spreader event that the court reporter will  
9 report this remotely from the live stream.

10           So if you see that there is not a court  
11 reporter, don't be alarmed. There is a court  
12 reporter. Just in the interest of safety and  
13 health, we've asked the court reporter to do it  
14 remotely.

15           The second question that I get frequently is  
16 does the chair participate in the meeting? Does  
17 the chair get to vote? And we do not -- we have  
18 not adopted *Roberts Rules of Order* as a -- as a  
19 firm procedure but we follow *Roberts Rules of*  
20 *Order* as a guidance. And from the official  
21 *Roberts Rules of Order* webpage -- you can look it  
22 up if you wish. It's [robertsrules.com](http://robertsrules.com). But in a  
23 small board, the chair is a -- when the board --  
24 when the chair is a member of the board, the  
25 board -- the chair has all the powers of any

1 member of the board. The chair can make motions.  
2 The chair can vote. The chair can participate.

3 What has been the tradition in this board is  
4 that so as not to unduly influence the discussion  
5 and to let the other members be free to discuss,  
6 the board[sic] usually defers to the end and  
7 usually either might not vote or might not  
8 comment until the very end. But to answer the  
9 question, according to *Roberts Rules of Order*, on  
10 a small board the chair participates, the chair  
11 votes.

12 A lot of you might be familiar with the  
13 rules of the Senate. And in the Senate, United  
14 States Senate, the vice president is the  
15 presiding officer but is not a member of the  
16 Senate. The vice president is not a senator. So  
17 the vice president only votes to make -- in the  
18 event of a tie.

19 Now, Roberts Rules -- that's a special  
20 Senate rule and Roberts Rules has a different  
21 rule in that even in a large body where the chair  
22 does not participate, the chair can either make a  
23 tie or break a tie, either one. But we are a  
24 small board and so the chair participate -- the  
25 chair is a member and so the chair participates

1 fully in all aspects of the board. Let's see if  
2 there's anything else on that. No.

3 The next thing is we've had a frequent --  
4 we've had a frequent question about continuances.  
5 And for those who don't follow the board or are  
6 not familiar with the board's processes, the  
7 board members receive reports on the cases prior  
8 to the meeting so that the board members can  
9 study in great detail -- the board members put a  
10 lot of, lot of work into these cases, and  
11 sometimes they'll have questions about issues  
12 that they would like to have answered.

13 Now, you can do that one of two ways. You  
14 can have the case presented, the board member  
15 asks their questions, the presenter go back and  
16 find the answer and come back a second time, and  
17 you end up hearing the case twice. So to make  
18 efficiency the primary goal, the board members  
19 ask their questions and sometimes the questions  
20 can be answered in advance of the meeting and  
21 sometimes they can't. And so if a question has  
22 been asked that can't be answered in time for the  
23 meeting, the matter is continued so that the  
24 answer can be -- can be found and reported back  
25 as part of the presentation of the case.

1           We will also grant continuances very freely.  
2           And quite often if an attorney has been retained  
3           at the very last minute, it's unfair for that  
4           attorney to be required to present a case that  
5           they're not familiar with. And so we will  
6           frequently grant continuances of that nature.

7           So you will see both types of continuances  
8           today. For the board it is a relatively common  
9           and routine event. But if this is your first  
10          time attending a board meeting, it might strike  
11          you as odd or weird. To just go ahead and  
12          answer -- answer that question.

13          The next is to remind you once again if you  
14          don't have a seat, we have in the Coverdell  
15          Legislative Office Building, which is immediately  
16          across the street, Room 606 we've made available  
17          for overflow seating. And the good news is it is  
18          a lot warmer than this room. So if you're  
19          freezing -- if you're freezing in this room, I  
20          offer you relief instead of a free ticket on our  
21          next flight, like the airlines might be able to  
22          do. So Coverdell Legislative Office Building,  
23          606, is an overflow that we've made available for  
24          you.

25          So with that, I'm going to turn the program

1 over to Sara Ghazal for a special presentation.

2 **MS. GHAZAL:** Thank you, Mr. Chairman.

3 I just wanted to take the opportunity to  
4 acknowledge the tremendous loss that Georgia  
5 suffered about a month and a half ago with the  
6 passing of Stephen Day.

7 Stephen Day was a husband, a father, a very  
8 proud Georgia Tech graduate, and engineer. But  
9 he was also a long-standing board member in  
10 Gwinnett County's Board of Elections.

11 Stephen was the democratic appointee to the  
12 board for more than ten years. And in that time,  
13 he dedicated hundreds and hundreds of hours to  
14 make sure that the citizens of Gwinnett had an  
15 opportunity to cast their ballot and that that  
16 ballot would be counted. He spent his time  
17 looking at engineering schematics, going to MIT,  
18 trying to make sure that everything was done in  
19 the best and most efficient way.

20 When I called Stephen a couple of years ago  
21 to ask if he would be willing to participate on  
22 the county review board for Fulton County, he was  
23 reluctant to do it because he wasn't sure whether  
24 or not it would be addressed in a way that it  
25 should be. And he agreed to participate in that

1 exercise under the condition that he was allowed  
2 to operate with no undue influence, that the  
3 panel would operate in good faith, and that the  
4 goal of it was to approve the processes for the  
5 people and the voters of Georgia. And that is  
6 how he addressed and faced everything.

7 Stephen received a diagnosis of pancreatic  
8 cancer and passed three weeks later. He was a  
9 good friend and he was a good and faithful  
10 servant. And Georgia is poorer for his loss. My  
11 heart and my prayers go out to his family and to  
12 the state for his loss. And I want to  
13 acknowledge the contributions that he made to all  
14 of us in this room and across the state of  
15 Georgia. Thank you.

16 **MR. MASHBURN:** Thank you very much. Thank  
17 you very much, Sara, for that presentation. And  
18 we do appreciate the servant -- service that was  
19 provided by this dedicated person in that he  
20 spent just untold hours on the review of Fulton  
21 County. And all of the citizens of Fulton County  
22 who voted have been the beneficiary of his work  
23 and the improvements that were made as a result  
24 of it. So we appreciate that.

25 The next item on the agenda will be the

1 approval of the board meeting minutes.

2 Has the board had the opportunity to review  
3 the minutes?

4 **DR. JOHNSTON:** Yes.

5 **MR. MASHBURN:** Are there any adjustments or  
6 changes to the minutes?

7 **DR. JOHNSTON:** I have a change,  
8 Mr. Chairman.

9 **MR. MASHBURN:** Okay. Looks like you're  
10 toward the end --

11 **DR. JOHNSTON:** Toward the end --

12 **MR. MASHBURN:** -- of the last page.

13 **DR. JOHNSTON:** -- under procedure matters.

14 **MR. MASHBURN:** Okay.

15 **DR. JOHNSTON:** The L&A petition vote reads:  
16 The board voted to reject all of the  
17 aforementioned.

18 I would like to record my vote in favor of  
19 the logic and accuracy testing petition.

20 **MR. MASHBURN:** Okay. A motion has been made  
21 to amend the minutes to reflect Dr. Johnston's  
22 affirmative vote for a logic and accuracy testing  
23 petition. Is there a second?

24 **MS. GHAZAL:** Second.

25 **MR. MASHBURN:** Any discussion? All those in

1 favor of amending the minutes to record  
2 Dr. Johnston's affirmative vote for logic and  
3 accuracy testing would say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. MASHBURN:** All those opposed would say  
6 no. Okay. With that amendment, are there any  
7 other amendments or adjustments to the minutes?

8 **MS. GHAZAL:** I move that we accept the  
9 minutes as amended.

10 **MR. MASHBURN:** There's been a motion to  
11 accept the minutes as amended. Is there a  
12 second?

13 **DR. JOHNSTON:** Second.

14 **MR. MASHBURN:** Is there a discussion? We  
15 had discussion, so hearing no discussion, all  
16 those in favor would say aye. All those opposed  
17 would say no.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. MASHBURN:** Aye. So the minutes are  
20 adopted.

21 **Attorney General Report**

22 The next item on the agenda will be the  
23 Attorney General's report. And this is normally  
24 something that we take up at the end of the  
25 meeting, but the Attorney General is busy with

1 numerous lawsuits that they need to prepare for.  
2 So we need to get their report heard and let them  
3 be on their way.

4 So if I ask Russ to come up for the Attorney  
5 General, please. And I've turned on your mic.  
6 So you should be ready to go.

7 **MR. WILLARD:** Reverb a second to ...

8 **MR. MASHBURN:** It might be me. So let's try  
9 and see if I use this one if that works better.  
10 Okay, the floor is yours.

11 Consent Orders

12 **MR. WILLARD:** The first case on the Attorney  
13 General's report is out of DeKalb County. It is  
14 a proposed resolution to seven state election  
15 board cases: 2015-85, 2016-42, 2018-39, 2020-45,  
16 2020-160, 2020-175, and 2020-215.

17 These cases involve DeKalb County's  
18 configuration of a ballot and the handling of  
19 absentee ballots from the 2014 election. It  
20 involves failing to provide adequate training  
21 regarding the set up and operation of express  
22 polls for the 2016 election; it involves the  
23 failure to place eligible voters in the correct  
24 house district; it involves the failure to issue  
25 absentee ballots upon proper request for the 2020

1 primary election; it involves delayed openings in  
2 2020; and it involves the processing of -- and  
3 handling of absentee ballots for the 2020  
4 election cycle.

5 The proposed resolution of that case is the  
6 imposition of a \$7,000 civil penalty, a  
7 cease-and-desist, a public reprimand, and a  
8 requirement to provide documentation of the  
9 DeKalb County Board's updated process for  
10 handling and storage of absentee ballots and  
11 additional training.

12 Second case on the Attorney General's report  
13 is Chatham County 2020-62.

14 **MR. MASHBURN:** Hang on. Hang on just a  
15 second.

16 Does the -- is the board's desire that we  
17 handle these one at a time or just let the  
18 Attorney General present them all and we'll take  
19 them as bulk?

20 **DR. JOHNSTON:** One at a time.

21 **MR. MASHBURN:** One at a time?

22 **MR. WILLARD:** All right.

23 **MR. MASHBURN:** One at a time? Okay. So  
24 without objection, so ordered. Is there a motion  
25 to accept the consent order -- or finalize the

1 consent order in DeKalb County 2015-085,  
2 2016-042, 28 -- 2018-039, 2020-045, 2020-160,  
3 2020-175, and 2020-215?

4 **MS. GHAZAL:** So moved.

5 **MR. MASHBURN:** Okay. There's been a motion.  
6 And I'd like the record to reflect that we've  
7 been joined by board member Edward Lindsey.

8 So welcome to you. Your mic is on and give  
9 you a second to settle in.

10 So there's been -- there's been a motion to  
11 adopt or finalize or approve this consent order.  
12 Is there a second?

13 **DR. JOHNSTON:** Second.

14 **MR. MASHBURN:** Okay. There's been a motion  
15 and a second. Is there any discussion? Hearing  
16 -- okay, Dr. Johnston has a question.

17 **DR. JOHNSTON:** Mr. Chairman, a question if  
18 there's a DeKalb County election official here.  
19 Represented?

20 **MR. MASHBURN:** Seeing none --

21 **MS. SMITH:** Right there.

22 **MR. MASHBURN:** Oh, wait. Seeing -- seeing  
23 one. Still don't see them. Okay, there we do.  
24 Okay.

25 **DR. JOHNSTON:** Might I ask confirmation that

1 the deceased vo -- deceased registrants in the  
2 DeKalb County voters rolls -- were they removed?

3 **MR. MASHBURN:** I see a nodding in the  
4 affirmative while she moves closer to a  
5 microphone. Let's see if we can get you a mic.  
6 If you'll -- on the -- right in front of, you'll  
7 see a panel that has a button that says either  
8 "speak" or "talk." Right in front of you, you'll  
9 see a panel that says "speak" or "talk." Okay, I  
10 see you. You are now live.

11 Please introduce yourself for those who  
12 don't know you. We know you, but, please, for  
13 those who don't know you, please introduce  
14 yourself.

15 **MS. SMITH:** Good morning. I'm Keisha Smith.  
16 I'm the executive director for DeKalb County  
17 Voter Registration and Elections.

18 **MR. MASHBURN:** Thank you.

19 Okay, Dr. Johnston asked if the decedents  
20 had been removed from the rolls and I saw you nod  
21 in the affirmative. If you'd like to expand on  
22 that answer.

23 **MS. SMITH:** Yes. It is my understanding  
24 that those measures have taken place. And so  
25 thank you, yes. Yes.

1           **MR. MASHBURN:** Further discussion? Prepared  
2 to vote? All those -- it has been motioned and  
3 seconded, all in favor would say aye.

4           **THE BOARD MEMBERS:** Aye.

5           **MR. MASHBURN:** All those opposed would say  
6 no. Passes unanimously.

7           Thank you, Miss --

8           Attorney General's Office, if you would --  
9 Russ, if you would proceed to the next case,  
10 please.

11          **MR. WILLARD:** Thank you, Mr. Chairman.

12           The next case is Chatham County 2020-62.  
13 This involves the June 2020 general primary  
14 election. There are a number of violations  
15 against the Chatham County Board of Elections.

16           The board had an incorrectly placed board of  
17 education race on the ballot that was submitted  
18 to the election center; they failed to properly  
19 notify the Secretary of State in advance of the  
20 early processing of absentee ballots during the  
21 primary election; they had a late opening  
22 precinct; election workers violated the  
23 prohibition on cell phone usage during the early  
24 days of the pandemic in terms of they retained  
25 their cell phones during election administration

1 because of medical issues with family members  
2 during the early days of the pandemic; they  
3 changed certain polling locations due to the  
4 requirements of the pandemic -- they maintain  
5 that they sent workers to post notices at all the  
6 old locations, but some of the old locations did  
7 not have the notices physically posted at them --  
8 and there was a failure to maintain records of  
9 certain clerks' oaths.

10 This resolution calls for a consent order  
11 with a \$400 civil penalty against the Chatham  
12 County Board of Elections.

13 In addition, there is an individual  
14 respondent who is a member of the Chatham County  
15 Board of Elections. And during the general  
16 primary election, he did a Facebook live video to  
17 his personal Facebook page during the absentee  
18 ballot processing. And the proposed consent  
19 order for him calls for a \$100 civil penalty, a  
20 cease-and-desist, and a public reprimand.

21 Those are the two consent orders for  
22 2020-62.

23 **MR. MASHBURN:** Questions by the board?  
24 Questions by the board? Hearing no questions, I  
25 will entertain a motion to adopt this consent

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order.

**DR. JOHNSTON:** I move that we adopt the consent order.

**MR. MASHBURN:** There's been a motion. Is there a second?

**MS. GHAZAL:** Second.

**MR. MASHBURN:** There's been a second. Any discussion? Hearing no discussion, I'll put it to the vote. All those in favor of approve (mic feedback)-- hearing no discussion we're ready for a vote. All those in favor would say aye.

**THE BOARD MEMBERS:** Aye.

**MR. MASHBURN:** All those opposed would say no. Motion passes unanimously. We'll move to the next case.

**MR. WILLARD:** Thank you, Mr. Chairman.

This is Stephens County. And this consent order proposes to resolve four state election board cases: 2020-15, 2020-33, 2020-156, and 2021-56.

These cases entail the board -- the local board's failure to provide notice of the physical location of the drop box on the county election website and for not having the signage at that location designated by the Secretary of State;

1 the board failed to maintain the documentation  
2 regarding the opening and the closing of polls;  
3 the board failed to maintain the documentation  
4 regarding the training provided to poll  
5 officials; the board failed to timely enter voter  
6 data during the 2020 election cycle; the board  
7 failed to provide absentee ballots to two  
8 Stephens County voters who had made timely and  
9 proper application; the board failed to register  
10 three Stephens County voters after submission of  
11 registration forms; the board failed to  
12 adequately secure a single absentee ballot in the  
13 election office; the board failed to maintain  
14 proper absentee ballot drop box logs and ballot  
15 recap sheets for the January 2021 runoff  
16 election; and they failed to respond to several  
17 timely open records requests related to the 2020  
18 election cycle.

19 Stephens County also for 2021-56  
20 self-reported three double voters for the general  
21 election runoff.

22 The proposed resolution calls for a  
23 cease-and-desist, a public reprimand, a civil  
24 penalty of \$3,000, \$536.28 in assessed  
25 investigative costs, and additional training for

1 Stephens County election officials.

2 **MR. MASHBURN:** Questions from the board?

3 **MR. LINDSEY:** If I may, Mr. Chairman. Given  
4 what they didn't do, did they at least have a  
5 monitor of the drop boxes in place? A camera  
6 drop box? Or do you know?

7 **MR. WILLARD:** I believe the only issue  
8 regarding the drop boxes that the investigation  
9 sustained was that they failed to provide the  
10 physical location on their website and the  
11 signage by the Secretary of State. There were no  
12 additional violations regarding the drop box.

13 **MR. LINDSEY:** Just curious.

14 **MR. MASHBURN:** Other questions from the  
15 board? No further --

16 **DR. JOHNSTON:** Did the --

17 **MR. MASHBURN:** Oh, sorry.

18 **DR. JOHNSTON:** Question. Is there  
19 documented evidence that they will maintain  
20 election documents in the future?

21 **MR. MASHBURN:** That would be part of the  
22 cease-and-desist, right?

23 **MR. WILLARD:** Yes. Because that  
24 maintains -- that is a continuing obligation  
25 going forward. That's part of the

1           cease-and-desist, to commit no further violations  
2           of the election code or election regulations.

3           **DR. JOHNSTON:** That's great.

4           **MR. MASHBURN:** Okay. Questions from the  
5           board? Okay. If there's no questions, we're  
6           ready to entertain a motion? Is there a motion?

7           **MR. LINDSEY:** So moved.

8           **MR. MASHBURN:** There's been a motion to  
9           adopt or accept this consent order. Discussion?  
10          All those in favor would say aye.

11          **THE BOARD MEMBERS:** Aye.

12          **MR. MASHBURN:** All those opposed would say  
13          no. Motion passes unanimously. Thank you.

14          If you could move to the next one, please.

15          **MR. WILLARD:** Thank you, Mr. Chairman. Next  
16          case is 2020-147, Paulding County. This resolves  
17          a complaint against the respondent April  
18          Keene(ph). She was a poll worker who allowed a  
19          voter to vote twice, once in an absentee election  
20          and -- once via absentee ballot and once in  
21          person on the ballot marking devices.

22          This resolution against this former poll  
23          worker calls for a cease-and-desist, a public  
24          reprimand, and imposes a civil penalty of \$250.

25          **MR. MASHBURN:** Got any question from the

1 board? Dr. Johnston?

2 **DR. JOHNSTON:** I'm sorry, Mr. Chairman. No  
3 question but I would like to make a comment for  
4 the record that a majority of these consent  
5 orders involve problems with absentee voting and  
6 absentee ballots. So that at the earliest  
7 convenience, maybe new business, a motion could  
8 be made for us to consider recommending to the  
9 General Assembly to no longer have no-excuse  
10 absentee voting.

11 (Applause)

12 **MR. MASHBURN:** And I don't -- I don't know  
13 if anyone remembers our last meeting, but we  
14 adopted the theory of jazz hands rather than  
15 applause. So those that are familiar with our  
16 process, please demonstrate jazz hands. Thank  
17 you. So that's -- that's how we do it. So thank  
18 you very much, appreciate it. Thank you. Okay.

19 So if -- let's see -- no further questions  
20 or comments from the board. I'll enter -- would  
21 there be a motion to adopt?

22 **MR. LINDSEY:** So moved.

23 **MS. GHAZAL:** So moved.

24 **MR. MASHBURN:** There's been a motion that we  
25 approve this consent order. Is there any

1 discussion? Oh, wait, I need a second. There's  
2 been a second, a motion and a second. Any  
3 discussion? Hearing no discussion, we're ready  
4 to vote. All those in favor would say aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. MASHBURN:** All those opposed would say  
7 no. Motion carries unanimously. Please proceed  
8 to the next case.

9 **Final Orders**

10 **MR. WILLARD:** Thank you, Mr. Chairman. The  
11 next case is Long County 2020-36. It has  
12 multiple resolutions in the case.

13 The first is a consent order against  
14 Hamilton Evans, Jr. Mr. Hamilton -- or Mr. Evans  
15 requested an absentee ballot and then asked for a  
16 second ballot because, quote, He wanted to test  
17 the system. He was bound over to the district  
18 attorney's office for potential criminal  
19 prosecution. And the consent order here calls  
20 for a \$1,000 civil penalty, a public reprimand,  
21 and a cease-and-desist.

22 There is also a proposed final order against  
23 other double voters for that general primary  
24 election who voted twice but did so because of  
25 confusion regarding the fact that they were

1 issued absentee ballots earlier in the cycle.

2 If you'll recall, 2020 was -- you had the  
3 presidential preference primary scheduled in  
4 March, absentee ballots had gone out for that.  
5 Then the election was postponed and held in  
6 conjunction with May, the May general primary.  
7 And then the May general primary was delayed  
8 until June. As part of that, these five  
9 individuals inadvertently voted five times as  
10 opposed to Mr. Evans who intentionally voted a  
11 second time.

12 **MR. MASHBURN:** Just to correct --

13 **MR. WILLARD:** I'm sorry. Five voters voted  
14 twice --

15 **MR. MASHBURN:** Thank you.

16 **MR. WILLARD:** -- not five times. That's on  
17 me.

18 **MR. MASHBURN:** I appreciate that  
19 clarification. Any questions from the board?

20 **MR. LINDSEY:** Yeah, Mr. Chairman, if I may.  
21 You know, our jurisdiction is -- and our scope is  
22 generally limited to civil penalties and -- and  
23 that's what you guys take up for us when we  
24 report to the Attorney General.

25 If there's a criminal conduct that we

1 believe has taken place, it goes to the DA and  
2 the DA handles it. Given the fact that someone  
3 was intentionally voting twice, not out of  
4 confusion but intentionally voting twice, you had  
5 mentioned that that was referred to the D.A.  
6 What, if anything, has happened with that?

7 **MR. WILLARD:** Our office has no involvement  
8 in that.

9 **MR. LINDSEY:** I know. I know. I just  
10 wondered what you knew or not.

11 **MR. WILLARD:** I do not have knowledge as to  
12 what the DA's office may have done with it.

13 **MR. LINDSEY:** I'm sorry. It says so in the  
14 book --

15 **MR. WILLARD:** Actually --

16 **MR. LINDSEY:** -- that it was declined. I'm  
17 sorry. I missed that in the journal.

18 You know, I think maybe we need to sort of  
19 push on that a little bit harder when it comes to  
20 someone who intentionally violates our laws and  
21 votes twice for whatever reason as opposed to  
22 someone who simply gets confused.

23 **MR. WILLARD:** I understand. I will state  
24 from personal experience that may be an issue for  
25 the General Assembly because election criminal

1 violations, I think, in many prosecutors' offices  
2 are considered lower priority issues.

3 **MR. LINDSEY:** I understand. Thank you.

4 **DR. JOHNSTON:** Mr. Chairman?

5 **MR. MASHBURN:** Dr. Johnston's recognized.

6 **DR. JOHNSTON:** I'd like to point out that  
7 the violation for double voting does not include  
8 intent. The violation for the statute, 572,  
9 merely says double voting is a felony.

10 It's our job to investigate and report, and  
11 it's up to the D.A. or the Attorney General to  
12 decide the circumstances of the case. So, you  
13 know, unless and until we enforce the statutes  
14 rather than just considering them suggestions of  
15 how we should conduct elections, I think we are  
16 not doing our proper job.

17 (Applause)

18 **MR. MASHBURN:** Come on now. Help me out  
19 here.

20 All right. Let's see. Further comments or  
21 questions from the board? Hearing none, we'll  
22 entertain a motion to accept the final order in  
23 case number 2020-036. Is there a motion?

24 **MR. WILLARD:** Actually, Mr. Chairman --

25 **MR. MASHBURN:** Sorry.

1           **MR. WILLARD:** -- remember there is a consent  
2 order as well as a final order.

3           **MR. MASHBURN:** Thank you for that  
4 clarification.

5           So is there a motion to accept the consent  
6 order and the final order in case number 2020-36?

7           Thank you for that qualification.

8           Is there a motion?

9           **MS. GHAZAL:** So moved.

10          **DR. JOHNSTON:** So moved.

11          **MR. MASHBURN:** Is there a second?

12          **DR. JOHNSTON:** Second.

13          **MR. MASHBURN:** There's been a motion and a  
14 second. Is there a discussion? Hearing no  
15 discussion, we're ready to vote. All those in  
16 favor would say aye.

17          **THE BOARD MEMBERS:** Aye.

18          **MR. MASHBURN:** All those opposed would say  
19 no. Carries unanimously.

20          Okay, if we could move to the next case,  
21 please.

22          **MR. WILLARD:** Thank you, Mr. Chairman.

23          This is a final order, proposing to resolve  
24 2020-69[sic], Pickens County. This involves a  
25 poll watcher who attempted to move from the

1 designated area for poll watchers to a vantage  
2 point closer to the registration table. When  
3 asked to return to the designated area, she  
4 engaged in a verbal altercation between the poll  
5 manager and herself and the sheriff's department  
6 was called to the polling location.

7 This final order proposes to resolve the  
8 matter with a cease-and-desist and a public  
9 reprimand.

10 **MR. MASHBURN:** Comments, questions from the  
11 board? Hearing no comments or questions, we're  
12 ready to entertain a motion to approve and  
13 enter -- and execute this final order. Is there  
14 such a motion?

15 **MR. LINDSEY:** So moved.

16 **MR. MASHBURN:** There's been a motion to  
17 approve and execute the final order in case  
18 number 2020-269. All those in favor -- is there  
19 -- is there --

20 **DR. JOHNSTON:** A second?

21 **MR. MASHBURN:** Is there a second? Thank  
22 you. Is there any discussion? Hearing no  
23 discussion, we're ready to vote. All those in  
24 favor would say aye.

25 **THE BOARD MEMBERS:** Aye.

1           **MR. MASHBURN:** All those opposed would say  
2 no. Passes unanimously.

3           We're ready to continue to the next case,  
4 please.

5           **MR. WILLARD:** The final item on the Attorney  
6 General's report concerns respondent Sherdon(ph)  
7 Rusome(ph) Reynolds, SEB case number 2021-328.  
8 It involves a finding that this individual  
9 engaged in photography at the polls and the  
10 proposed final order incorporates a  
11 cease-and-desist and a public reprimand so that  
12 this individual does not engage in photography at  
13 the polls going forward in violation of the  
14 election code.

15           **MR. MASHBURN:** Are there any questions or  
16 comments from the board? Hearing no questions or  
17 comments, the board is ready for a motion to  
18 adopt this consent order, final order. Consent  
19 or final order?

20           **MR. WILLARD:** Final order.

21           **MR. MASHBURN:** Final order. All those -- is  
22 there a motion?

23           **MR. LINDSEY:** So moved.

24           **MR. MASHBURN:** There's been a motion to  
25 adopt the final order and execute it. Is there a

1 second?

2 **DR. JOHNSTON:** Second.

3 **MR. MASHBURN:** Okay, there's been a motion  
4 and a second. Any discussion? Hearing no  
5 discuss --

6 **DR. JOHNSTON:** Brief discussion.

7 **MR. MASHBURN:** Okay.

8 **DR. JOHNSTON:** As far as photography, I  
9 totally agree that there should be no photography  
10 while voting is taking place. But I would like  
11 to make a point. Once the election is over and  
12 the polls have closed, that photography in areas  
13 that don't involve personal identifying  
14 information or photography of private information  
15 like passwords that -- photography in my opinion  
16 is okay with regards to, you know, photographing  
17 tabulation or processes that are going on in the  
18 election area. It should all be public. So why  
19 not allow photography?

20 (Applause)

21 **MR. MASHBURN:** George Balbona had jazz hands  
22 on that one.

23 **DR. JOHNSTON:** I saw that, George.

24 **MR. MASHBURN:** I think I -- okay, so if  
25 there's no further discussion, we are ready to

1 take a mo -- we are ready to vote. All those in  
2 favor would say aye.

3 **THE BOARD MEMBERS:** Aye.

4 **MR. MASHBURN:** All those opposed would say  
5 no. Okay, motion passes unanimously.

6 **MR. WILLARD:** That concludes the Attorney  
7 General's report, Mr. Chairman.

8 **MR. MASHBURN:** That concludes the Attorney  
9 General's report and we thank you very much for  
10 your service and the excellent presentations and  
11 the hard work that's gone into resolving these  
12 issues on behalf of the board. We couldn't --  
13 literally couldn't do this without you. So thank  
14 you very much. We appreciate your hard work.

15 **MR. WILLARD:** Thank you, Mr. Chairman. And  
16 I will -- even though you have been dismissed as  
17 a defendant, I will apprise the board of how  
18 tomorrow's hearing goes in front of Judge Jones.

19 **MR. MASHBURN:** Well, thank you on both  
20 counts, for having us dismissed and keeping us  
21 informed. Thank you very much.

22 **DR. JOHNSTON:** (indiscernible) special.  
23 Thank you.

24 **MR. MASHBURN:** Now, one of the things that  
25 the board does very frequently -- if you're not

1 an avid watcher of the board's meetings, you  
2 don't know -- probably don't know about this, but  
3 one of the things we do is frequently we'll take  
4 cases out of order in order to accommodate  
5 requirements of lawyers who have to be in  
6 courtrooms throughout the state. So we do that  
7 as an accommodation to judges that are working  
8 hard for the public and keep their calendars  
9 on -- on schedule and to not increase the burden  
10 on respondents that they have to pay additional  
11 attorneys' fees in addition to whatever -- there  
12 might a penalty or a fine that's imposed, so that  
13 we don't increase that.

14 **Case Recommended for Referral to the Attorney**

15 **General's Office**

16 **MR. MASHBURN:** So one of the cases that the  
17 board has asked and has been granted by unanimous  
18 consent to be taken out of order is case number  
19 2020-263, Monroe County. 2020-263, Monroe County  
20 case.

21 And Mr. Olens is here. Sara's here. I  
22 forgot --

23 **UNIDENTIFIED SPEAKER:** (inaudible)

24 **MR. MASHBURN:** -- is here. Normally we  
25 would let y'all present from your desk. If

1 you're at a desk, you have a microphone. So I'll  
2 turn on your microphone at the appropriate time.  
3 And if somebody who has a desk would make  
4 available for our counselor here to be able to  
5 speak, that be a big favor to the board. We'd  
6 appreciate it.

7 Okay. So this matter is, for the board's  
8 purposes, tab number 40. Tab number 40. Tab  
9 number 40. Give you a second -- give you a few  
10 minutes to get there.

11 Mr. Cross has offered up a microphone.  
12 Thank you, Mr. Cross. Appreciate that.

13 On the brass panel in front of you, you'll  
14 see a little button that says "speak" or "talk"  
15 or something. So at the appropriate time, if  
16 you'll just press that button. Yeah, he's going  
17 to use one next. Okay.

18 Okay. So if the Secretary of State's Office  
19 is ready to present, we are ready to hear. The  
20 floor is the Secretary of State's.

21 **MS. KOTH:** Case number 2022-63, Monroe  
22 County nomination petition. On December 16,  
23 2020, the investigator received a complaint  
24 alleging various procedural violations during the  
25 circulation of a nomination petition for

1 independent Monroe County commissioner candidate  
2 Lamarcus Davis. These allegations consisted of  
3 Lamarcus Davis falsely declared he was the sole  
4 circulator of a 15-page nomination petition;  
5 Lamarcus failed to certify each page of the  
6 nomination petition with a circular affidavit;  
7 the forged signatures on nomination petition;  
8 duplicate signatures on the petition; forged and  
9 duplicate signatures.

10           There were three citizens -- Prentice  
11 Shannon, Bree Shannon, and Wanda Shannon who  
12 denied having signed the nomination petition. It  
13 was strongly suspected that a family member named  
14 Kimberly Shannon signed their names. Although  
15 she denied that she actually signed the names,  
16 her signature closely resembled the signatures  
17 appearing on page 4, lines 2, 3, and 4, of the  
18 petition.

19           Candidate Lamarcus Davis falsely swore that  
20 he was the sole circulator of the nomination  
21 petition. He completed one circular affidavit  
22 for all names to be considered for the name to  
23 appear on the ballot as an independent candidate  
24 for Monroe County commissioner.

25           The investigation revealed that Davis and

1 his mother, Barbara Davis, and others obtained  
2 names for the petition.

3 Miss Furlow(ph) accidentally signed in two  
4 places on the nomination petition. That was page  
5 5, lines 5 and 6.

6 Kaye Warren and the elections and  
7 registration office qualified candidate Lamarcus  
8 Davis using a nomination petition with errors and  
9 defects. It was stated that this was a training  
10 issue and more training was requested so this  
11 error would not happen again.

12 Ms. Taylor Bittick signed her husband's  
13 name, Lawson Bittick, on a nomination petition  
14 with his express consent and permission. The  
15 potential violations found were that Monroe  
16 County Board of Elections and Registration, Kaye  
17 Warren, violated O.C.G.A. 21-2-171, the  
18 examination of a nomination petition.

19 Lamarcus Davis and Barbara Davis violated  
20 O.C.G.A. 21-2-170(d) by failing to complete  
21 circulatory affidavit for each page of the  
22 obtained signatures.

23 Lakeisha(ph) Furlow violated O.C.G.A.  
24 21-2-170(c), nomination of candidates by a  
25 petition, by signing the nomination more than

1 once.

2 Kimberly Shannon and Taylor Bittick,  
3 respectively, violated O.C.G.A. 21-2-170(d)(2) by  
4 manually signing a name on the petition other  
5 than their own.

6 **MR. MASHBURN:** Does that --

7 **MS. KOTH:** That's it.

8 **MR. MASHBURN:** -- complete your  
9 presentation? Any questions by the board for the  
10 Secretary of State's investigators? Okay.  
11 Hearing none, Mr. Attorney -- we have the honor  
12 of having the former attorney general with us  
13 today, Sam Olen.

14 So by virtue of your public service, you get  
15 to go first among your other attorneys. So,  
16 please, let's hear what you have to say.

17 **MR. OLENS:** (inaudible)

18 **MR. MASHBURN:** You should be on now.

19 **MR. OLENS:** Okay, thank you. Thank you very  
20 much. It's a pleasure to be in front of you  
21 today.

22 I have the pleasure to represent Kaye  
23 Warren, the election supervisor (mic feedback).

24 **MR. MASHBURN:** Hang on. That's me. Okay.

25 **MR. OLENS:** Her one colleague is also here

1 today. It's a two-person office, small rural  
2 county. The county chair, Greg Tapley, is also  
3 here today to show his seriousness about this  
4 matter as well as his support, frankly, of the  
5 election supervisor. And, of course, Ben Vaughn  
6 is here. He is the county attorney. So if I  
7 mess anything up, he'll tell me and you.

8 So in essence --

9 **MR. MASHBURN:** I've got a -- I've got a  
10 little bit of a technical dilemma here in that if  
11 I try to turn your volume up, I'm going to get  
12 the feedback. So I'm going to need you to hold  
13 it closer.

14 **MR. OLENS:** Okay.

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

16 **MR. OLENS:** I'll make believe I'm a --

17 **MR. MASHBURN:** Thank you very much.

18 **MR. OLENS:** Thank you. So in essence, as it  
19 relates to the registrar for elections, it states  
20 she accepted a petition with forged and duplicate  
21 signatures.

22 Now, I would suggest to you, sir and ma'am,  
23 there's no way a registrar has any training to  
24 know a forged signature. She has no background  
25 on signatures. She has no ability to do that.

1 With regard to duplicate signatures, Miss Warren  
2 went through page by page. The candidate needed  
3 a hundred thirty-six signatures to qualify. He  
4 submitted 15 pages with 210 signatures.

5 After going through each page, he still had  
6 more than a hundred and thirty-six signatures.  
7 So she did, in fact, look at duplicate signatures  
8 and, in fact, disregarded them which is exactly  
9 what's required by 21-2-171(a)(3). That's the  
10 express meaning of that subsection.

11 She did talk to him when he first told her  
12 that he wanted to run as an independent  
13 candidate. He did give her a package with  
14 materials, but Miss Warren also called all of her  
15 neighboring community registrars. Not one had  
16 ever dealt with an independent candidate before.

17 And once again let me mention we're not  
18 talking about Cobb, DeKalb, Fulton, Gwinnett.  
19 We're asking an awful lot of a small, rural  
20 county registrars office.

21 She then called the individual that she  
22 generally would ask questions to in Macon. Now  
23 keep in mind this is during the heat of COVID.  
24 No return calls. Several attempts, no return  
25 calls. I'm not for a second criticizing the

1 Secretary of State's Office. I think they had  
2 more on their plate at that point in COVID than  
3 any office should ever have. As you recall, the  
4 elections were -- the dates were changed, the  
5 number of signatures were lessened. Clearly the  
6 Secretary of State's Office was under an awful  
7 lot of pressure and stress at that time.

8 Now, if you look at 21-2-170(d), it does use  
9 the word "sheets." So technically the only  
10 mistake Miss Warren made was she did not require  
11 a separate certification sheet per page. There  
12 was one certification page signed by the  
13 independent candidate.

14 But if you go on the Secretary of State's  
15 website and if you look up the nominating  
16 petition for independent campaigns, at the bottom  
17 of each page it says page number and then there's  
18 a blank line where you put 1, 2, 3, 4. But when  
19 you print the petition, it's two pages. One page  
20 is the nominating petition, the next page is the  
21 certification.

22 If you follow the statute, the signature for  
23 certification is either supposed to be at the  
24 bottom of the page or it's supposed to be on the  
25 back of the page. So when you print the page

1 from the Secretary of State's website, that page  
2 is inconsistent with the statute. So we're now  
3 asking the Monroe County registrar to do better  
4 than what the website regarding independent  
5 candidates does.

6 Miss Warren and her assistant were both in  
7 Athens last week for a four-day training. The  
8 acting chair, in his infinite public service,  
9 attended that meeting in Athens. Zero minutes of  
10 that multi-day training was on independent  
11 candidates.

12 Now, let's be honest. How often does a  
13 county deal with an independent candidate? I'm  
14 sure there are a lot of other sections of  
15 Georgia's election law that take a lot more time.  
16 But once again we're asking the small, rural  
17 county to know every little indicia of Georgia  
18 law in this regard.

19 When an investigator came to Miss Warren's  
20 office and asked for copies of documents, she  
21 readily gave it to him and he told her not to  
22 worry about it. And she didn't worry about it  
23 until she got a one-page letter from the  
24 Secretary of State's -- from the State Election  
25 Board telling her that there would now be a

1 hearing for today.

2 Of note, that one page, it's not dated, it's  
3 not signed. So once again we want the registrar  
4 of Monroe County to act like a 20-year lawyer on  
5 election law. But I can't imagine any state  
6 agency is supposed to be sending out documents  
7 without a date and without a signature. But  
8 that's what we have.

9 Now, we acknowledge that she made a clerical  
10 mistake. It should've been fifteen  
11 certifications rather than one. That's the only  
12 thing she did wrong. And I would suggest to you  
13 that the solution to that mistake is training.  
14 Not more and better training, but training  
15 because frankly she's never received training to  
16 date on independent candidates.

17 So I think the result of this matter as it  
18 relates to Miss Warren is that when all of the  
19 registrars next get together, noting next year is  
20 going to be a different election year, there's  
21 got to be specific training on independent  
22 candidates. And Miss Warren and her assistant  
23 are readily available to come to either Macon or  
24 Atlanta, any day in between then that the State  
25 Elections Board and the Secretary of State's

1 Office wants, to get separate training on  
2 independent candidates.

3 We all know that training helps you do a  
4 better job for the citizens of our state and  
5 Miss Warren and her office want to do an  
6 exemplary job for the citizens of Monroe County  
7 and the state of Georgia.

8 So you'll now be hearing from other counsel  
9 with regard to other parts of the case. The only  
10 part that really relates to Miss Warren is what I  
11 mentioned before, the certification and the fact  
12 it was one versus fifteen. And I would suggest  
13 to you that's not a matter that should be  
14 referred to the Attorney General's Office.  
15 That's a matter where there should be a letter  
16 stating you've agreed to training on independent  
17 candidates; we're giving you training on  
18 independent candidates. But at the same time, I  
19 think this board should suggest that all  
20 registrars receive training on independent  
21 candidates.

22 Thank you very much for your time.

23 Yes, Mr. Chair?

24 **MR. MASHBURN:** Questions for Mr. Olens by  
25 the board? Any questions by the board for

1 Mr. Olen? You are -- Dr. Johnston.

2 **DR. JOHNSTON:** Mr. Olen, to your knowledge,  
3 or maybe somebody from the Secretary of State, is  
4 there a training video for independent candidate  
5 petitions?

6 **MR. OLENS:** I would defer to the office. If  
7 there is one, we'd love to view it. I'm not  
8 being sarcastic. We -- we all agree training  
9 would be helpful, training would be necessary.  
10 But Miss Warren has been the registrar, I  
11 believe, since 2017. And in that time frame she  
12 hasn't had training with regard to independent  
13 candidates.

14 **DR. JOHNSTON:** Or even in a procedural  
15 manual or some written instruction available?

16 **MR. OLENS:** She gave the candidate what was  
17 on the website which includes the petition and  
18 certification that's inconsistent with the  
19 statute.

20 **DR. JOHNSTON:** Thank you.

21 **MR. OLENS:** Thank you, Doctor.

22 **MR. MASHBURN:** Other questions by other  
23 members of the board? Sara Ghazal?

24 **MS. GHAZAL:** I would move that we -- that we  
25 take this case apart and -- for each individual

1 respondent and dispose of -- dispose of each  
2 individual respondent separately.

3 **MR. MASHBURN:** Okay. There's a unanimous  
4 consent motion on the floor to allow this case to  
5 be bifurcated or trifurcated and the individual  
6 respondents be treated individually.

7 Is there any objection? Without objection,  
8 so ordered. So do you have questions or a  
9 motion?

10 **MS. GHAZAL:** I have a motion that we issue a  
11 letter of instruction to the county because it is  
12 clear in the statute that individual signatures  
13 for each page are necessary. And I -- but I do  
14 not see this as rising to a need for a referral  
15 to the Attorney General's Office.

16 **MR. MASHBURN:** Okay. There's been a motion  
17 that this be handled by letter of instruction.  
18 Is there a second to that motion?

19 **DR. JOHNSTON:** I would second.

20 **MR. MASHBURN:** There's been a second. Is  
21 there discussion?

22 **DR. JOHNSTON:** If there is training  
23 available for independent candidates, I would ask  
24 that in the letter of instruction there be a  
25 requirement to obtain training for such. And if

1 there's not, then this would be a good suggestion  
2 to make to the Secretary of State's Office, to  
3 provide this.

4 **MR. MASHBURN:** Okay. There's been a  
5 unanimous consent motion that the motion be  
6 amended to provide -- that training either be  
7 obtained or be made available. Any objection to  
8 that unanimous consent motion?

9 **MS. GHAZAL:** I can say that was a very  
10 friendly amendment.

11 **MR. MASHBURN:** Okay. The motion is now  
12 amended to provide for a letter of instruction  
13 and that the county should either obtain training  
14 or that training should be made available.

15 Any further discussion? Hearing none, we're  
16 ready to vote on the motion to adopt a letter of  
17 instruction against Monroe County with a further  
18 instruction to obtain training or that if  
19 training is not available, that it be made  
20 available. All those in favor -- oh, sorry.

21 **MR. LINDSEY:** For the record, I have to  
22 recuse myself from this particular individual.

23 **MR. MASHBURN:** Okay. Since this part of the  
24 case has been trifurcated or bifurcated out,  
25 separated out, board member Lindsey has recused

1 himself from this particular part of the aspect  
2 of the case and that does not require a motion  
3 and so that is granted.

4 So now we restate the question. The  
5 question before the board is to issue a letter of  
6 instruction to Monroe County and that Monroe  
7 County either obtain training on the issue or  
8 that it be made available to them.

9 Any further discussion? Hearing no further  
10 discussion, we're ready to vote. All those in  
11 favor would say aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. MASHBURN:** All those opposed would say  
14 no. That part of the case has been concluded.

15 Thank you, Attorney General Olens, and  
16 unless you'd like to stay for the remainder of  
17 this case, you are dismissed and free to go.

18 **MR. OLENS:** Thank you very much.

19 **MR. MASHBURN:** Okay. Of our assembled,  
20 esteemed counselors, who'd like to go next?

21 Please identify yourself for the record.  
22 Thank you, sir.

23 **MR. VAUGHN:** I was here with Mr. Olens on  
24 the county's portion of the case. I think it's  
25 probably Mr. Welch is next or either the

1 gentleman standing --

2 **MR. MASHBURN:** I didn't even look in your  
3 direction. I'm so sorry. You -- were you up  
4 first? Did you stand first? We should take  
5 you -- I didn't even look in your direction. I'm  
6 so sorry. Please identify yourself for the  
7 record and press the button and I'll turn your  
8 mic on. You're good to go. I'm sorry I didn't  
9 look in your direction. I was faced to my left.  
10 I apologize.

11 **MR. HALL:** Not a problem. My name is Travis  
12 Hall. I'm the attorney for Mrs. Taylor Bittick  
13 and Mr. Lawson Bittick named in the petition.  
14 Ms. Bittick is accused of putting her husband's  
15 name on the petition, which she did. She was at  
16 home and her friend Lamarcus Davis came to the  
17 door, asked if she'd like to sign his petition,  
18 which she did. And she happened to have her  
19 husband on the phone at that time and asked him  
20 on the phone, Do you want to put your name on  
21 this petition? He said yes. And so she wrote  
22 his name. She didn't sign it. She printed his  
23 name. She did not know that was in violation and  
24 had no intent to deceive anyone, had Mr. --  
25 Mr. Bittick's express consent to do so.

1           And we believe that a letter of instruction  
2 would be appropriate. This is not a matter that  
3 I think needs to be referred to the Attorney  
4 General's Office. Ms. Bittick did not  
5 disenfranchise anybody. Mr. Bittick is here and  
6 more than willing to state that he was on the  
7 phone at the time and asked her to put his name  
8 down.

9           And I believe the investigator's report is  
10 accurate as to Mr. and Mrs. Bittick. And that's  
11 really all that we have.

12           **MR. MASHBURN:** Questions from the board?  
13 Mr. -- board member Lindsey is recognized, has  
14 the floor.

15           **MR. LINDSEY:** What does your client do for a  
16 living?

17           **MR. HALL:** She's an attorney. I -- I would  
18 point out to the board that Ms. Bittick is a  
19 civil defense attorney. She is not an election  
20 law expert. And in our profession, we routinely  
21 sign with express permission from others,  
22 particularly others in your firm. This was not  
23 something that seemed out of line or out of the  
24 ordinary in the normal course of practice.  
25 Pleadings are often signed by somebody else with

1 express permission.

2 **MR. MASHBURN:** Mr. Lindsey still has the  
3 floor.

4 **MR. LINDSEY:** Yeah. I'm still trying to  
5 figure it out -- that out, you know, given the  
6 fact that it is a petition. And I do recognize  
7 that -- you know, it is helpful that she had her  
8 husband on the line at the time, but I do think  
9 lawyers are held to a higher standard. I hope  
10 you understand that.

11 I don't think her intent was to deceive, as  
12 shown by the fact that she asked her husband.  
13 But I do hold lawyers to a higher standard and  
14 that's sort of a comment on my part. And that's  
15 what I'm struggling with here. If she was a  
16 layperson who had talked to her husband and then  
17 printed his name, I'd -- I'd be a lot -- I'd be a  
18 lot more understanding. But as an attorney I  
19 must admit I'm struggling a bit with that. You  
20 can respond or you cannot. I'm just -- that's  
21 just -- I'm just letting you know what I'm trying  
22 to figure out here.

23 **MR. HALL:** Ms. Bittick would like to  
24 respond.

25 **MR. LINDSEY:** Sure.

1           **MS. BITTICK:** Good morning. Sure, I'm an  
2 attorney. I certainly was not thinking like one  
3 when my friend -- Mr. Davis is a family friend of  
4 ours.

5           **MR. LINDSEY:** Yeah.

6           **MS. BITTICK:** We knew he was trying to run  
7 for office. I believe it was a Friday evening he  
8 came by. I was on the phone with my husband,  
9 said, Hey, Lamarcus is here at the door. He  
10 said, Yeah, you know, I'm trying to run for  
11 office; I was just trying to collect -- trying to  
12 get this petition signed. I put my name down.  
13 My husband said, Yeah, put me down.

14           Certainly I was not thinking about a  
15 lawyer -- like a lawyer or thinking about  
16 election law. Certainly now I've been educated  
17 that what I did was wrong. I'm embarrassed; I'm  
18 apologetic. I apologize to the board and I  
19 apologize to Lamarcus. It was certainly not my  
20 intent to cause any flaws in his nomination  
21 petition.

22           **MR. LINDSEY:** Understand. Thank you.

23           **MR. MASHBURN:** Mr. Lindsey still has the  
24 floor.

25           **MR. LINDSEY:** (indicating)

1           **MR. MASHBURN:** Okay, Mr. Lindsey yields the  
2 floor. You said that Mr. Bittick is here?

3           **MR. HALL:** Yes. Yes, Mr. Bittick is right  
4 here.

5           **MR. MASHBURN:** Mr. Bittick, I hate to put  
6 you on the spot against your will, but I know  
7 Dr. Johnston always like to hear from the other  
8 person. So I'll go ahead and anticipate her  
9 question and let you have -- you have a time. Do  
10 you have the same microphone or do you need  
11 another --

12           **MR. BITTICK:** The same microphone.

13           **MR. MASHBURN:** Okay, very good. Was the  
14 representation that you were on the phone -- do  
15 you agree with that and all?

16           **MR. BITTICK:** It was accurate, yeah.

17           **MR. MASHBURN:** Give us kind of your side of  
18 the story on that issue if you would.

19           **MR. BITTICK:** Well, I was working. We  
20 were -- I was talking to my wife, like any other  
21 time. She said somebody's knocking at the door.  
22 And it was Mr. Lamarcus, wherever he went, and  
23 that was it. She just simply asked would I sign  
24 the petition. And I would. I would tomorrow.

25           **MR. MASHBURN:** And so had you been there at

1 the house, you would've -- you would've gladly  
2 signed it your own self in person?

3 **MR. BITTICK:** Absolutely. Absolutely.

4 **MR. MASHBURN:** All right. Other members of  
5 the board like to ask --

6 Thank you, Mr. Bittick, I appreciate it. I  
7 don't know if you were -- you were prepared to be  
8 on the spot, but I appreciate ...

9 **MR. LINDSEY:** At the appropriate time.

10 **MR. MASHBURN:** Okay. Any other discussion,  
11 comments by the board? Mr. Lindsey has the floor  
12 for a motion.

13 **MR. LINDSEY:** Yeah, two things that I was  
14 taught as a young lawyer: Lawyers should never  
15 make a mistake. Number two, lawyers do make  
16 mistakes. And when you do, you have to own up to  
17 it. And I appreciate the fact that you've owned  
18 up to it. It is -- however was a mistake. I  
19 don't believe it rises to -- given the fact that  
20 you were talking with your husband and you had  
21 his express consent, I don't necessarily think it  
22 rises to the level of sending it to the Attorney  
23 General's Office. In part, quite frankly,  
24 because we send a lot more serious matters to the  
25 Attorney General's Office and I like to try to

1 handle things right here and now.

2 So for that matter, I am going to make a  
3 motion for a letter of reprimand to -- and to  
4 complete the case.

5 **MR. MASHBURN:** And that -- would that  
6 include both Kimberly Shannon and Taylor Bittick?  
7 Or ...

8 **MR. HALL:** I'm not here on behalf of --

9 **MR. LINDSEY:** No, that didn't include  
10 Shannon.

11 **MR. MASHBURN:** Okay. Okay.

12 **MR. LINDSEY:** We'll deal with them  
13 separately and that may -- I may have a different  
14 opinion on them.

15 **MR. MASHBURN:** All right. So give me the  
16 name of the defendant so I can state the motion  
17 accurately.

18 **MR. HALL:** Taylor -- Taylor Bittick.

19 **MR. MASHBURN:** Okay, Taylor Bittick. So  
20 we're only dealing with Taylor Bittick right now.  
21 There's been a motion by board member Lindsey to  
22 issue a letter of reprimand for Taylor Bittick.  
23 Any -- is there a second?

24 **MS. GHAZAL:** Second.

25 **MR. MASHBURN:** There's been a motion and a

1 second. Discussion? Hearing no discussion,  
2 we're ready to vote. All those in favor would  
3 say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. MASHBURN:** All those opposed would say  
6 no. Okay, the motion carries and a letter of  
7 reprimand will be issued to Taylor Bittick.

8 **MR. LINDSEY:** Accept as a learning  
9 experience.

10 **MR. MASHBURN:** Thank you for your  
11 presentation, counselor. You did a good job for  
12 your client. So, well done. Thank you.

13 Next attorney on the list, please identify  
14 yourself for the record. And I'll -- I think  
15 you're going to share Nadine's microphone. If  
16 Nadine -- Nadine is the keeper of microphone  
17 number one. So let's please identify yourself  
18 for the record.

19 **MR. WELCH:** Good morning, Mr. -- members of  
20 the board.

21 Nadine, thank you for the microphone and  
22 letting me occupy a little of your space here.

23 My name is Andy Welch. I represent  
24 Commissioner Lamarcus Davis. I'm with the law  
25 firm of Smith, Welch, Webb, and White.

1           And we are here today to discuss the  
2 concerns that the board and the investigators  
3 have had with the petition signing process that  
4 underwent the election in Monroe County in 2020,  
5 during the height of COVID. Commissioner Davis,  
6 at the time running for his first time in office,  
7 was running as an independent candidate. Never  
8 had run for office before.

9           He was running against a multi-term  
10 commissioner of the Democratic party. He  
11 obtained 210-plus signatures on the petitions.  
12 He did that with the help of his mother and his  
13 step-grandmother -- Is that right? -- and  
14 himself. It is 74 more signatures than what was  
15 required by law at the time with the COVID  
16 executive orders.

17           Now, mind you, of course, remember in the  
18 executive orders we had social distancing,  
19 six-foot separation, executive orders that  
20 precluded nonfamily members from gathering with  
21 ten people or more. And you're trying to go  
22 around and secure signatures during the election  
23 process to be on the ballot.

24           And we already know that our First Amendment  
25 rights and our Fourteenth Amendment rights

1 entitle our citizens to engage in the electoral  
2 process and to be on the ballot provided they  
3 follow the processes that are set by state law.

4 During the pandemic the -- Mr. Davis went  
5 around and secured signatures for his petition.  
6 Prior to that, he had approached the registrars  
7 office of Monroe County and asked for  
8 instructions on what to do in that regard, not  
9 having done that before.

10 The registrars office gave him an envelope.  
11 Again, social distancing, keeping separation.  
12 The envelope is here. It contained a petition,  
13 the forms that come off of the Secretary of  
14 State's website. It has three stickers with  
15 instructions. And I'll bring it to you in a  
16 minute. I'll read them off. First it says,  
17 "Monroe County Board of Elections," sticker  
18 number one. Sticker number two: "Petitions may  
19 be submitted no earlier than June 22, 2020, at  
20 9 a.m. and no later than July 14, 2020, at 12  
21 noon."

22 **MR. MASHBURN:** Sorry to interrupt you,  
23 counselor. Do you want the board to see that?

24 **MR. WELCH:** I do, yes.

25 **MR. MASHBURN:** Okay. I'm going to have Alex

1           come up to you --

2           **MR. WELCH:** I was reading it for you --

3           **MR. MASHBURN:** -- and bring that to the  
4 board so the board can have a look at that.

5           **MR. WELCH:** Yes. And then the last sticker  
6 says, "Petitions must have 250 names of  
7 registered voters." This is the extent of the  
8 instructions that Mr. Davis was given in terms of  
9 what to do with petitions. This is the envelope.

10           And then I'll also give you a certified  
11 copy -- Alex, if you would -- of all of the  
12 petitions that are in the record from Monroe  
13 County. And you'll notice the certification is  
14 particular.

15           Certification says that these are the  
16 documents received, both front and back. And  
17 that is important because as was -- attorney  
18 Olens had mentioned earlier, the statute requires  
19 that the form that is produced by the registrar's  
20 office or the Secretary of State's Office, that  
21 each sheet of a petition -- a petition can be  
22 multiple sheets, but each sheet shall have at the  
23 bottom or on the back of the sheet the circular's  
24 affidavit.

25           Now, why is that important? Well, the

1 circular's affidavit in and of itself provides  
2 instructions on what is required. The circular's  
3 affidavit under our code section -- that's under  
4 code section 21-2-170(d) is the requirement for  
5 the circular's affidavit to be on the sheet and  
6 on the petition, which it is not. And that's  
7 what we -- that's what you have before you.

8 On that circular's affidavit, it says -- it  
9 gives instructions to who circulated it. It  
10 could be anyone. Doesn't have to be the  
11 candidate. He can have people do it for him as  
12 long as they're signing the circular's affidavit.  
13 But it provides instructions. One, it says that  
14 they're duly sworn under oath; that they  
15 personally circulated the foregoing sheet,  
16 singular; and that he resides at the address  
17 below; and that he saw the signer manually sign  
18 his or her name on the sheet with full knowledge  
19 of contents; and that to the best of knowledge  
20 and belief, the signers are registered electors  
21 in the state of Georgia, qualified to signed such  
22 a petition; and that they -- and their residences  
23 are the correct residences.

24 So that affidavit provides much-needed  
25 instructions that clearly the envelope does not

1 provide. And so with that document, had that  
2 been available on each sheet, then obviously  
3 there would've been instructions to follow. And  
4 then when dispersing those petitions, if it was  
5 on the front of the petition or even on the back  
6 of each petition, then the person receiving it,  
7 whoever that may be -- his mother or someone  
8 else -- would know, okay, I have to watch these  
9 signatures, I have to confirm this information,  
10 and then I can sign the affidavit. None of that  
11 information is provided here.

12 And I think the board is well aware. We  
13 have a constitution that says that we -- we  
14 provide certain due processes of notice to each  
15 and every person that's engaged in an activity.  
16 And in the context if a statute requires that  
17 there be language on a particular government  
18 document and it is not there, there is a failure  
19 of due process in that. There is a failure  
20 that's a vagueness, if you will, with the form  
21 and it makes it near impossible for someone to  
22 follow the law if the form presented by the  
23 government is defective.

24 So with that, what we have looked at for  
25 you -- and there are numerous cases that we've

1 dealt with in our state where notice and forms  
2 are required, notice to the individuals of what  
3 is being demanded present a due process violation  
4 if it's not there, that notice is not given.  
5 It's in the context of zoning, in the context of  
6 criminal law, in the context of state school  
7 board law, all requiring that notice be  
8 available, especially when the statute says it  
9 shall be there.

10 So with that before you, I would want to  
11 turn to a couple of things. One is that there  
12 are two cases that I would like you to be aware  
13 of. First, that deals with irregularities. In  
14 1988 the Georgia Supreme Court looked  
15 specifically at a petition that had signatures on  
16 it. And in that petition the court had found  
17 that the -- that there were some irregularities.  
18 There were signatures that weren't supposed to be  
19 on there. There were -- let me get to the right  
20 page. Yeah, in *Parker v McCants*, 258 Ga 364, the  
21 election superintendent of Taylor County appealed  
22 the judgment that validated a petition. There  
23 were irregularities in the petition. The  
24 petition had circulars that -- signed that were  
25 not -- should not have signed the petition.

1 There were electors in the petition that -- that  
2 signed. They were circulating and they signed  
3 the petitions. They should not have. There was  
4 other defects in that petition.

5 But the Georgia Supreme Court upheld the  
6 petition and upheld the moving forward with the  
7 ballot petition and it being voted on. And  
8 that's because they concluded that the  
9 irregularities were technical in nature -- and  
10 then these are clerical in this particular case  
11 as well -- that they were -- that the person was  
12 afforded the opportunity to be on the ballot.

13 Now, it's difficult -- what I would ask is  
14 this, is that -- the investigators also went  
15 through and checked the signatures that are on --  
16 that are on the petition. And I think they found  
17 a few that were erroneous. And I think the point  
18 of having that affidavit is so that when the  
19 petitioner submits it, the state, the people can  
20 have some reasonable assurance that all the  
21 signatures, they were witnessed.

22 Mr. Davis did witness signatures on some of  
23 the petitions but not all of them. His mother  
24 witnessed some of them but not all of them. His  
25 step-grandmother witnessed some of them but not

1 all of them. And so the signed -- the signed  
2 oath is the signed oath that he did witness the  
3 signatures on at least one sheet. And that's  
4 what the oath requires. And our state has been  
5 very clear and the decisions of the court of  
6 appeals have been very clear that if the oath --  
7 you can only swear to what the oath says. You  
8 can't make affirmations or declarations or  
9 swearing beyond the scope of the actual oath.

10 And Mr. Davis, then candidate Davis -- or  
11 trying to be a candidate Davis -- had only sworn  
12 to the one single sheet and that's what the oath  
13 says. And I think you may have a copy of that in  
14 your records, of what the oath says in its  
15 entirety. And it only speaks to one sheet. It  
16 does not speak to multiple sheets, the whole  
17 petition, or anything of the same.

18 And to the extent that you would like to --  
19 if you don't have a copy of it, I have a copy  
20 here for you to look at if you needed it. You do  
21 have it?

22 **MR. LINDSEY:** Yes, we've got it.

23 **MR. WELCH:** Okay. So you'll see there that  
24 the oath itself speaks that -- speaks to the  
25 foregoing sheet and it is singular. It is not

1 multiple. With that, we would ask that -- that  
2 the board consider the circumstances. We would  
3 ask the board consider the exact language of the  
4 statute and the oath itself and that in your  
5 wisdom we would ask that you look at a letter of  
6 instruction to Commissioner Davis.

7 I don't think that this is going to ever be  
8 a problem for Commissioner Davis now that he's an  
9 incumbent, but I think that to the extent the  
10 board needs to make a public statement to the  
11 commissioner and to the public as a whole that  
12 each and every form must be signed with a  
13 circulator's affidavit, that does make sense to  
14 us.

15 With that I'll close and ask that I hope you  
16 do not penalize Mr. Davis for what amounts to be  
17 a clerical problem with the form. Thank you.

18 **MR. MASHBURN:** Thank you for your  
19 presentation.

20 Comments or questions from members of the  
21 board?

22 **MR. LINDSEY:** Yeah.

23 **MR. MASHBURN:** Mr. Lindsey has the floor.

24 **MR. LINDSEY:** Thank you.

25 You know, there are two very separate issues

1 here. One is whether or not there's enough  
2 petitions here to put him on the ballot. And  
3 then there's a -- and there's no question about  
4 that.

5 The second question is whether or not he, in  
6 obtaining the number of signatures, engaged in an  
7 irregularity that made it more difficult for the  
8 registrar to determine whether or not he should  
9 be on the ballot.

10 And therein lies the problem. If I  
11 understand correctly, this is the only sheet that  
12 he submitted; is that right?

13 **MR. WELCH:** That's correct. When he went to  
14 the office, she asked him to sign that --

15 **MR. LINDSEY:** Yeah. So it was either -- so  
16 it -- you know, it either led her to believe that  
17 he had, in fact, actually personally witnessed  
18 all of the signatures rather than the  
19 technicality that the word "sheet" is singular  
20 rather than plural.

21 And, you know, therein lies the difficulty  
22 that we have here, in that by virtue of how he  
23 chose to do so. But all he really had to do was  
24 to get his -- his wife? --

25 **MR. WELCH:** Mother and step-grandmother.

1           **MR. LINDSEY:** -- mother and step-grandmother  
2 to also sign on, would have assisted the  
3 registrar in determining that these were, in  
4 fact, a valid petition. And therein lies the  
5 problem with simply dismissing the case.

6           **MR. WELCH:** Yes. May I --

7           **MR. LINDSEY:** Yes.

8           **MR. WELCH:** -- respond, Mr. Chairman?

9           Yes, I do believe that the candidate-elect  
10 Davis did communicate to the registrar's office  
11 that other people were helping with the  
12 circulation of petitions. I don't think there  
13 was any -- there's nothing intentional about it.  
14 There certainly wasn't anything knowingly because  
15 the certificate's not on the forms. And in  
16 addition he disclosed that to her.

17           And I think this was part of the questions  
18 that were trying to be relayed back and forth and  
19 get instructions from the Secretary of State's  
20 Office. But it was COVID. I mean, we just --  
21 it's just near impossible to make those contacts.  
22 And it made it difficult, but surely was --

23           **MR. LINDSEY:** I do recognize -- I didn't  
24 mean to cut you off. I do recognize that there  
25 certainly does appear to be some additional need

1 for instructions to be given to the -- both the  
2 candidate and to the local officials on how to  
3 handle these petitions. That's very clear and  
4 abundant.

5 But given the fact that we've already seen  
6 one irregularity and we're likely to see a couple  
7 of others, you know, this sort of adds to the  
8 importance of having the person who witnessed the  
9 sheet to actually be the one who signs off on it.  
10 I think what has happened here sort of shows why  
11 that's so important.

12 **MR. MASHBURN:** Mr. Lindsey yields the floor.  
13 Member Ghazal has the floor.

14 **MS. GHAZAL:** Thank you, Mr. Chairman. Did  
15 Mr. Davis have any formal advisors in this  
16 process? Did he secure an attorney or anyone to  
17 help in this process?

18 **MR. WELCH:** No.

19 **MS. GHAZAL:** So he did it all on his own?

20 **MR. WELCH:** This was a do-it-yourself, DIY.

21 **MS. GHAZAL:** And there were no further  
22 instructions aside from these stickers and that's  
23 all the guidance that you received. When you  
24 turned this in, did you get any other feedback  
25 from the registrar's office about the -- about

1 the completeness of the petition package?

2 **MR. DAVIS:** No, ma'am, not to my knowledge.

3 **MS. GHAZAL:** Thank you. I don't have any  
4 other questions.

5 **MR. MASHBURN:** Member Ghazal yields the  
6 floor.

7 Dr. Johnston, would you like to be  
8 recognized?

9 **DR. JOHNSTON:** Yes, Mr. Chairman.

10 **MR. MASHBURN:** Dr. Johnston has the floor.

11 **DR. JOHNSTON:** I guess the issue I probably  
12 agree with Mr. -- with my colleague, member,  
13 Mr. Lindsey that it's -- somebody needs to attest  
14 to the signatures that are obtained with  
15 petitions. So the technicality of signing for  
16 one sheet is okay, but then someone needs to sign  
17 for all of the other sheets to attest that these  
18 are true and accurate, qualified voters,  
19 electors.

20 So that's the issue. It's sort of like you  
21 can't have it both ways.

22 **MR. WELCH:** Dr. Johnston, I couldn't agree  
23 more. That's what the statute requires. But it  
24 needs to be on the forms. The statute mandates  
25 that it's on the form and that's our problem. We

1 have a form that when you go to the Secretary of  
2 State's website and you pull it up, it's a  
3 two-page form. They're separate.

4 And so if you're circulating a petition, you  
5 hand that -- the petition form out, which is what  
6 you have before you, and it doesn't have it at  
7 the bottom which the law mandates or on the back.  
8 And frankly I would prefer that it be on the  
9 front of the page, you know, because that way if  
10 you photocopy it, somebody doesn't make another  
11 clerical error which is they don't photocopy both  
12 sides, right? So if it's photocopied and it's on  
13 the front, it's clear.

14 And so I do understand what you're saying,  
15 Dr. Johnston. I just -- I think under these  
16 circumstances it truly is a mistake and it's a  
17 clerical one on sort of a group effort  
18 unfortunately.

19 One other thing is that I do think it's  
20 important that we -- that in the process of  
21 investigating this, it's my understanding that  
22 the investigators went through the signatures to  
23 determine if there were forgeries there. And so  
24 what they found was that out of the 210, I think  
25 there was only -- there was a handful of those

1 that had that affidavit been on there, on the  
2 form, than those things, I think, would've been  
3 eliminated, those problems would be eliminated.

4 Thank you, Dr. Johnston.

5 **MR. MASHBURN:** Dr. Johnston yields the  
6 floor.

7 **DR. JOHNSTON:** Yes.

8 **MR. MASHBURN:** We have now reached the  
9 chance where we all -- the board members have had  
10 a chance to ask comments -- ask questions, make  
11 comments. We are ready for a motion.

12 **MR. LINDSEY:** One -- one last comment,  
13 Mr. Chairman.

14 **MR. MASHBURN:** Mr. Lindsey has the floor.

15 **MR. LINDSEY:** It's apparent that we need to  
16 clean up this process in that -- in terms of  
17 making sure that folks running for office, folks  
18 administering the office, and folks being asked  
19 to sign off on a petition have a much clearer  
20 understanding as to what they can and cannot do.

21 I have a difficult time necessarily faulting  
22 the candidate or the registrar for a mistake when  
23 there wasn't any clear instructions given. And  
24 for that -- but that being said, I do think at  
25 least a statement needs to be made that this --

1 because that this sort of thing cannot happen  
2 again. I don't think it will happen again.

3 And so I would move for a letter of  
4 instruction. And I hope my friends at the  
5 Secretary of State's Office are here to go back  
6 and figure out a way to make sure that this is  
7 clarified for folks trying to run for office.  
8 Because my suspicion is this will not be the last  
9 time someone decides to run as an independent.  
10 And we need to be able to have folks be able to  
11 go through the process without there being some  
12 kind of unforeseen landmine out there.

13 So for that reason, I move to -- for a  
14 letter of instruction.

15 **MR. MASHBURN:** Okay, there's been a motion  
16 made for a letter of instruction. Is there a  
17 second?

18 **MS. GHAZAL:** Second.

19 **MR. MASHBURN:** There's been a motion and a  
20 second for a letter of instruction to be issued  
21 to Lamarcus Davis and Barbara Davis. Any  
22 discussion? Hearing no discussion, we're ready  
23 to vote. All those in favor would say aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. MASHBURN:** All those opposed would say

1 no. Motion carries.

2 **MR. WELCH:** Thank you, members of the board.  
3 Thank you for your time and service.

4 **MR. MASHBURN:** Counselor, unless anybody in  
5 this case needs your input, you are excused. And  
6 we have your evidence here. You're free to go.  
7 (Handing documents to Mr. Davis)

8 **UNIDENTIFIED SPEAKER:** (indiscernible)

9 **MR. MASHBURN:** Wait a minute.

10 **UNIDENTIFIED SPEAKER:** (indiscernible)

11 **MR. MASHBURN:** Wait. Wait.

12 **UNIDENTIFIED SPEAKER:** (indiscernible)

13 **MR. MASHBURN:** All derogatory comments  
14 overheard by the meeting are stricken from the  
15 record. Okay. Thank you for bringing that to  
16 our attention. I'll check and make sure that  
17 nobody's got an open mic but the board right now.  
18 Thank you for bringing that to my attention.

19 Okay. In the same case we have Lakeisha --  
20 I hope I'm pronouncing that correct. Ms. Furlow?

21 **MS. FURLOW:** Yes.

22 **MR. MASHBURN:** Okay. If somebody would make  
23 available a microphone for Ms. Furlow.

24 Would you like to join the -- microphone 1?  
25 Nadine's been a true public servant today,

1 providing the microphone. I'll turn you on and  
2 if you would identify yourself for the record,  
3 please.

4 **MS. FURLOW:** My name is Lakeisha Furlow.

5 **MR. MASHBURN:** Lakeisha Furlow.

6 **MS. FURLOW:** That's correct.

7 **MR. MASHBURN:** Thank you. Welcome.

8 **MS. FURLOW:** Thanks.

9 **MR. MASHBURN:** The floor is yours.

10 **MS. FURLOW:** Okay. Basically on the --

11 **MR. MASHBURN:** We're going to ask you to  
12 speak up.

13 **MS. FURLOW:** Okay. Well, basically on the  
14 petition, I did accidentally put my name down  
15 twice, in error. It wasn't anything that I  
16 deliberately tried to do. And so when the  
17 investigator came out, they did point that out to  
18 me. And I wasn't sure how to correct that. So  
19 basically he just told me to put a line through  
20 it and initial it. And that's what I did with no  
21 problem.

22 **MR. MASHBURN:** Okay. Questions from the  
23 board?

24 **MR. LINDSEY:** Let me get this straight. You  
25 simply signed your own name --

1           **MS. FURLOW:** My own name, yes.

2           **MR. LINDSEY:** -- twice.

3           **MS. FURLOW:** Yes.

4           **MR. LINDSEY:** Which was clearly your own  
5 name twice.

6           **MS. FURLOW:** Yes, my name. No one else's  
7 name.

8           **MR. LINDSEY:** So then anybody who was going  
9 through it could see that --

10          **MS. FURLOW:** My name spelled the same way,  
11 exactly like I do when I write it. So no one  
12 else's. Mine.

13          **MR. LINDSEY:** At the appropriate time,  
14 Mr. Chairman, I have a motion.

15          **MR. MASHBURN:** Okay. Other questions from  
16 the board? Mr. Lindsey has requested the floor  
17 for a motion.

18          **MR. LINDSEY:** In as much as clearly if you  
19 were engaging in fraud, you did a very poor job  
20 of it.

21          **MS. FURLOW:** I could never.

22          **MR. LINDSEY:** And you weren't. No, ma'am.  
23 Ma'am, understand I'm making a joke. And I hope  
24 you took it that way.

25          **MS. FURLOW:** I did. Certainly did.

1           **MR. LINDSEY:** You know, that clearly -- if  
2 anyone looked -- and folks who did look at the  
3 petition -- and I think the registrar even  
4 mentioned that they saw some irregularities in  
5 terms of people, that sort of thing. There's no  
6 fraud here and there's no intent here and there's  
7 no attempt to sign someone else's name.

8           **MS. FURLOW:** Correct.

9           **MR. LINDSEY:** And you were clearly not an  
10 attorney.

11          **MS. FURLOW:** Correct.

12          **MR. LINDSEY:** From what I understand you're  
13 not an attorney.

14          **MS. FURLOW:** I'm not.

15          **MR. LINDSEY:** I understood earlier that you  
16 weren't one. So for that reason, I move to  
17 dismiss.

18          **MS. FURLOW:** Okay, all right. Thanks.

19          **MR. MASHBURN:** There's been a motion to  
20 dismiss. Is there a second?

21          **MS. GHAZAL:** Second.

22          **MR. MASHBURN:** There's been a motion to  
23 dismiss and a second. Any discussion?

24          **DR. JOHNSTON:** I'd like to ask Ms. Furlow,  
25 do you know that in the future you should not

1 sign the same petition twice?

2 **MS. FURLOW:** Never. Lesson learned. That  
3 won't even happen again.

4 **DR. JOHNSTON:** We don't vote twice and we  
5 don't sign petitions twice.

6 **MS. FURLOW:** Right. Right. Lesson learned.

7 **DR. JOHNSTON:** Thank you.

8 **MS. FURLOW:** Thanks.

9 **MR. MASHBURN:** Okay. So there's been a  
10 motion and a second. Any further discussion?  
11 Hearing none, we're ready to vote. All those in  
12 favor of the motion to dismiss Lakeisha Furlow  
13 would say aye.

14 **THE BOARD MEMBERS:** Aye.

15 **MR. MASHBURN:** All those opposed would say  
16 no. And the motion carries unanimously.

17 And my records show that I still have  
18 Kimberly Shannon open. Are you Kimberly Shannon?  
19 Welcome. If you would step up, please. Would  
20 you please identify yourself for the record.

21 **MS. SHANNON:** I'm Kimberly Shannon.

22 **MR. MASHBURN:** Do you have any comments to  
23 the board that you'd like to make?

24 **MS. SHANNON:** No, sir.

25 **MR. MASHBURN:** Okay. Any questions for

1 Miss Shannon from the board?

2 **MR. LINDSEY:** If I may, this has been a  
3 number of people. What was the allegation  
4 against ... I apologize. I just, you know  
5 (indiscernible).

6 **MS. KOTH:** The allegation was that she  
7 signed her family members' names on the petition.

8 **MR. MASHBURN:** So, Miss Shannon, the  
9 Secretary of State's investigators have reported  
10 that there were three citizens -- Prentice  
11 Shannon, Bree Shannon, and Wanda Shannon -- who  
12 signed the -- who denied having signed the  
13 nomination petition but their names were on it.  
14 So do you have any information that you could  
15 give to the board to explain what happened?

16 **MS. SHANNON:** Well, I do not recall signing  
17 their names, but I know if I would've called them  
18 and asked them, they would've gave me their  
19 permission.

20 **MR. MASHBURN:** Mr. Lindsey looks like he's  
21 going to want to have the floor in a second.  
22 We've just got to give him a second to study.

23 Dr. John --

24 **MR. LINDSEY:** Why do you think that your --  
25 your family --

1           **MR. MASHBURN:** Mr. Lindsey --

2           **MR. LINDSEY:** -- denied either signing the  
3 petition or wanting to sign the petition?

4           **MS. SHANNON:** They -- they advised that  
5 they -- as did they sign the petition. But if I  
6 were to call them, they would've said that's  
7 fine.

8           **MR. LINDSEY:** To my investigator: Did you  
9 ask that second part of the question, regarding  
10 the family members willingness to sign the  
11 petition if they'd been asked?

12           **MS. KOTH:** I don't believe they asked that.  
13 They just asked if they signed the petition.  
14 They said no.

15           **MR. LINDSEY:** And Miss Shannon denied that  
16 she had signed the petitions for her family  
17 members; correct?

18           **MS. KOTH:** Pardon me?

19           **MR. LINDSEY:** Miss Shannon denied that she  
20 had -- she had signed the petitions of the other  
21 family members; correct?

22           **MS. KOTH:** Yes.

23           **MR. LINDSEY:** See, Miss Shannon, therein  
24 lies, quite frankly, a more serious aspect, you  
25 know. As we've seen, you know, if people come

1 here and they admit they made a mistake and,  
2 quite frankly, in some cases are here with their  
3 family members who said that they had consented  
4 to them signing it, you know, we're far more  
5 willing to dispose of the matter quickly.

6 But in this situation, you've made the role  
7 of the investigator all the more harder because  
8 you've denied even signing the petition.

9 **MS. SHANNON:** I told him I didn't recall.  
10 He came over twice. And I had to fill out a form  
11 the second time.

12 **MR. MASHBURN:** Hold the microphone really  
13 close to your face.

14 **MS. SHANNON:** He came over twice. And I had  
15 to fill out a form the second time, advising that  
16 I did not recall.

17 **MR. LINDSEY:** Okay.

18 **MS. KOTH:** Mr. -- or Prentice did -- he did  
19 make statement, though, that he would've signed  
20 had he been asked to. He would've signed the --  
21 for Mr. Davis.

22 **DR. JOHNSTON:** Investigator Koth, were the  
23 signatures the same on the petition?

24 **MS. KOTH:** They appear so.

25 **DR. JOHNSTON:** Was the handwriting the same?

1           **MS. KOTH:** Yes. They -- they look the same.  
2 Do you want to see them?

3           **DR. JOHNSTON:** Uh-huh.

4           **MS. KOTH:** Do you want to see?

5           **MR. MASHBURN:** Yeah. I'll pass this down.  
6 Okay, and Mr. Lindsey still has the floor.

7           Okay. Any questions or comments from the  
8 board? At this time, the chair is ready to hear  
9 a motion, if there's one to be made.

10          **MS. GHAZAL:** Mr. Chair?

11          **MR. MASHBURN:** Member Ghazal has the floor.

12          **MS. GHAZAL:** I move that we refer this to  
13 the Attorney General's Office. I think there is  
14 sufficient question of fact remaining here that  
15 I'm not satisfied.

16          **MR. MASHBURN:** There's been a motion to  
17 refer to the Attorney General. Is there a  
18 second?

19          **DR. JOHNSTON:** Second.

20          **MR. MASHBURN:** There's been a motion and a  
21 second. Discussion? Hearing no discussion,  
22 we're ready to vote. All those in favor would  
23 say aye.

24          **THE BOARD MEMBERS:** Aye.

25          **MR. MASHBURN:** All those opposed would say

1 no. Okay, the matter -- the motion passes. The  
2 matter will be referred to the Attorney General.  
3 And according to my records, that completes this  
4 case. Does anybody have anything that says  
5 that's wrong? Everybody agree that that case  
6 is -- that completes that case?

7 **DR. JOHNSTON:** I agree.

8 **MR. MASHBURN:** Okay. The board agrees that  
9 that case is dismi -- not dismissed, that case is  
10 completed. So the Monroe County nomination  
11 petition, SEB 2020-263 is closed and has been --  
12 all aspects of it have been resolved.

13 With regard to housekeeping, I should have  
14 announced that case number SEB 2020-292, Richmond  
15 County voter registration, SEB 2020-292, Richmond  
16 County voter registration, that case has been  
17 continued.

18 Okay. If anybody was here for Richmond  
19 County case number 2020-292, you are free to go.  
20 That case has been continued to the next  
21 calendar.

22 **Public Comment**

23 **MR. MASHBURN:** Okay. At this point we will  
24 move to the public comment section of the  
25 meeting. I'm going to ask that you keep your

1 com -- this has been scheduled for one hour. So  
2 I'm going to ask you to keep your comments to two  
3 minutes apiece because if you go over your time  
4 you will be cutting off somebody who wants to  
5 speak who won't get the chance to. So please --

6 **UNIDENTIFIED SPEAKER:** (inaudible)

7 **MR. MASHBURN:** A couple of points to remind  
8 everyone about public comment. It's limited to  
9 two minutes. It is free to the public. So you  
10 will hear public comments that you don't agree  
11 with. And so everybody is to treat everyone here  
12 with respect and dignity that they would like for  
13 themselves. And so there is no cheering or  
14 booing or comments made to the public comment.  
15 The citizens are free to make their comment  
16 without harassment or intimidation or statement  
17 otherwise.

18 Also, the board does not answer questions  
19 during public comment. This is your time to be  
20 heard. The board will not answer questions. So  
21 all questions posed to the board are deemed to be  
22 rhetorical in nature and the board will not  
23 answer.

24 So with that, we'll begin our public comment  
25 session for one hour, beginning with George

1 Balbona.

2 The floor is yours.

3 **MR. BALBONA:** (inaudible)

4 **MR. MASHBURN:** Thank you, sir. The floor is  
5 yours for two minutes.

6 **MR. BALBONA:** I'll try to be quick. My  
7 name --

8 **MR. MASHBURN:** Your microphone is on.

9 **MR. BALBONA:** -- is George Balbona. I'm  
10 from Cobb County. I just want to go over a few  
11 things.

12 Last year Georgia counties spent nearly  
13 \$3 million just to have their Dominion hardware  
14 warranty agreements. Fulton County spent over a  
15 half a million dollars. DeKalb County spent  
16 418,000, right? (indiscernible).

17 Can you hear me? Sorry about that. I  
18 should know better.

19 All right. So how much do you think  
20 Gwinnett and Cobb paid? Fifty-four and almost  
21 forty-two. That's nearly ten times less. Huh.  
22 It's because they didn't have their -- they  
23 didn't have their test screens on their -- on  
24 their account. So that's something they can do.  
25 I wonder if Fulton and DeKalb knew anything about

1 that. So 84 counties have complete coverage, 49  
2 counties have no coverage, and 26 have partial  
3 coverage. These are the crazy amounts for the  
4 units and amount to have them on the warranty.

5 Dominion reserves the right to adjust the  
6 annual hardware fee within 3 percent of the  
7 current fee. They exercised that right. Same  
8 coverage is going to cost Georgia \$90,000 more  
9 this year. What's funny is if you look at their  
10 contract that they sent out to the elections  
11 directors, it says that by enrolling in the  
12 initial extended warranty and renewing  
13 consecutively each year, the customer is  
14 guaranteed this price for the balance of the  
15 ten-year contract with Georgia with no price  
16 increases. I guess they forgot that part.

17 All right. So they jacked up a lot of  
18 stuff. Memory card went up 25.7 percent, USB  
19 flash drives went up 36.48 percent. Really,  
20 yeah, these are the highest hikes and it happens  
21 to be on that. If you look at just the four  
22 items that are covered by the Dominion hardware  
23 warranty agreement, HWA, seventy and a half  
24 million dollars worth of equipment. Yeah.

25 But that doesn't cover everything because

1 there's ICC units. Those are the central  
2 scanners. They cost \$25,000 a pop. Every county  
3 has at least one. Hundred and forty-three  
4 counties have one. All right? There's eight  
5 counties that have two, three counties that have  
6 three, and three counties that have four. That  
7 would be Fulton, Cobb, and DeKalb. Clayton has  
8 six. I'm not sure about that one.

9 But even crazier, Gwinnett County has nine  
10 that they used last year, 2022. But they  
11 actually own 23, which boggles my mind. Why?  
12 Why do they have 23? There's no rational reason  
13 for that. Why don't we ask the SOS, because they  
14 approved it?

15 All right. So there was a bill a while back  
16 to have Georgia counties adjust the number of  
17 BMDs -- that's the test screen -- deployed on  
18 election day based on early voting ballots cast.  
19 It didn't pass by the way. All right.  
20 Nonetheless, only eight counties deployed all  
21 hundred percent of their touchscreens in 2022.  
22 The amount that the BMDs that weren't deployed in  
23 2022 on election day: 11.6 million. Just sitting  
24 around.

25 All right. So if you look at the appearance

1 versus reality, you have the total number of BMD  
2 units -- and that should be the law -- is one for  
3 every 250 registered voters. If you look at  
4 that, it looks pretty good. You only have 11  
5 counties that are violating O.C.G.A. But if you  
6 actually look at the units that were deployed,  
7 the facts on election day, that jumps up to a  
8 hundred and three counties violating O.C.G.A. and  
9 some of them, eight of them --

10 **MR. MASHBURN:** Thank you. Thank you,  
11 Mr. Balbona. Thanks.

12 **MR. BALBONA:** Two minutes goes awfully  
13 quick.

14 **MR. MASHBURN:** It does, doesn't it?

15 **MR. BALBONA:** And I spent months doing  
16 research for you guys.

17 **MR. MASHBURN:** I know. I know. You always  
18 do. Thank you for your comments, Mr. Balbona.  
19 Thank you for your comments, Mr. Balbona.

20 The next will be David Callahan. The floor  
21 is yours for two minutes.

22 **MR. CALLAHAN:** David Callahan from Fulton  
23 County. In 2021 I worked in the municipal  
24 election and I had a gentleman -- we'll call him  
25 Vance -- he came to my window and he wanted to

1 make sure that he was still registered to vote.  
2 When I checked, I found out that he was, yes,  
3 still registered to vote. He actually had three  
4 voter registrations, although one of the three  
5 had been canceled. As I looked further, I found  
6 out that the other two registrations that he had  
7 had been voted in the 2020 presidential election.

8 Now, I'm not accusing him of voting both of  
9 those. I'm just saying they were two  
10 registrations and both of them were voted. All  
11 three of those registrations had the same  
12 driver's license number, had the same social  
13 security number, had the same date of birth.  
14 What I really want to know is how the -- how the  
15 Secretary of State's Office can allow duplicate  
16 registrations.

17 As I dug further, I found page after page  
18 after page of duplicate registrations in Georgia  
19 at the same time that there was an election going  
20 on. Over 20 thou -- my understanding there were  
21 20,000 registrations that were canceled between  
22 the 2020 election and the 2021 municipal  
23 election.

24 So I filed a FOIA request, asking how many  
25 of those ineligible registrations were voted in

1 the 2020 election. The response I got was that  
2 we do not keep that data. I find it very  
3 disturbing that our voter rolls are so dirty. I  
4 find it very disturbing that people can have  
5 multiple registrations and vote on multiple  
6 registrations or have them voted on multiple  
7 registrations.

8 I also -- when I knocked on doors, I went to  
9 the home of a Jehovah's Witness pastor. I don't  
10 know if you know but the Jehovah's witnesses do  
11 not vote by their religion. This pastor  
12 explained to me why they don't vote. But then I  
13 found -- I knew he was registered to vote because  
14 that's why I was at his door. And then I found  
15 that somebody had voted his registration.

16 **MR. MASHBURN:** Thank you, Mr. Callahan.  
17 Thank you for your comments.

18 The next commenter will be Shawn Cross, it  
19 looks like.

20 **MS. CROSS:** I am Shawn Cross.

21 **MR. MASHBURN:** The floor is yours --

22 **MS. CROSS:** On October 11th --

23 **MR. MASHBURN:** -- for two minutes.

24 **MS. CROSS:** I'm sorry?

25 **MR. MASHBURN:** The floor is yours for two

1 minutes.

2 **MS. CROSS:** Thank you. On October 11, 2022,  
3 Kevin Moncla and David Cross requested an  
4 emergency review by you of two issues found in 65  
5 of the 67 Georgia counties that they obtained  
6 records from. The voting machine QR code  
7 signature mismatch and ballot format or ID  
8 unrecognizable error pair is a triggering event  
9 for an error known as the Williamson incident.  
10 The Election Assistance Commission validated this  
11 error in Dominion machines.

12 A second error was identified when a voter  
13 attempts to scan their ballot. The scanner  
14 returned it to the voter but then accepts it.  
15 Their investigation revealed the same  
16 rejected-then-accepted pattern occurs in concert  
17 with several other errors and in an alarming  
18 volume affecting approximately 20 percent of all  
19 ballots cast across the state of Georgia.

20 Please help the citizens of Georgia  
21 understand why we are voting on machines that  
22 have errors validated by election officials and  
23 citizens. Fair, legal, and orderly elections are  
24 the board's watchwords for your service to the  
25 people of Georgia. You are committed to the

1 highest standards of integrity in your service to  
2 our state and as citizens and all matters related  
3 to the election process. These are the values to  
4 which you commit. It is your responsibility as a  
5 state election board to investigate and correct  
6 this.

7 Why are you and the Secretary of State  
8 continuing to ignore this nefarious condition?  
9 This is a violation of Georgia code, a violation  
10 of your oath, and, in addition, to you failing  
11 the citizens of Georgia. Thank you.

12 **MR. MASHBURN:** Thank you for your comments.  
13 Janelle Clodfelter. Hope I pronounced it  
14 correctly.

15 **MS. CLODFELTER:** Yeah. Janelle Clodfelter  
16 unplugged.

17 **MR. MASHBURN:** The floor is yours for two  
18 minutes, plugged or unplugged.

19 **MS. KLODFELTER:** All of this information,  
20 research, SEB meetings, legislative committee  
21 meetings, press conferences, lawsuits, et cetera,  
22 I've been paying attention and I can no longer  
23 ignore. At a previous SEB meeting, John  
24 Paulus(ph) testified to verify tabulators the  
25 best thing to do is count the ballots. They are

1 what is not hackable. What is hackable? Am I  
2 supposed to ignore that comment? He testified  
3 here.

4 Expert Alex Halderman reports that machines  
5 must go because people like me can hack them.  
6 And he stated that the machines we have were not  
7 designed for security and can't be retrofitted.  
8 Should I ignore that?

9 Gabe Sterling testified before a legislative  
10 committee: Machines do what we tell them to do.  
11 Well, I agree with that but the machine's  
12 software is proprietary. How do you audit that?  
13 Mr. Sterling testified that SOS supports more  
14 audits. If that is the case, why has the SOS  
15 done everything over the past three years to  
16 prevent the audit of 150 pristine Fulton County  
17 ballots? And why has he written magical legalese  
18 letters to county boards preventing attempts to  
19 audit? Should I ignore that?

20 Legislators in committee state our  
21 vulnerabilities have been announced to the world.  
22 Should I ignore that? What has happened with the  
23 mini poll pad issue has set us back a year. And  
24 we can't update software until we address the  
25 vulnerabilities that have been announced to the

1 world.

2 One of the legislators stated he would  
3 cancel the contract if it's for his own private  
4 company. Why can't we cancel it for we the  
5 people?

6 **MR. MASHBURN:** Thank you, Ms. Clodfelter.

7 The next speaker is Tim Waters. Tim Waters.  
8 The floor is your, Tim Waters. Two minutes.

9 **MR. WATERS:** Thank you, Mr. Chairman.

10 **MR. MASHBURN:** You're welcome.

11 **MR. WATERS:** So with regards to the delay in  
12 SEB 2023-025, justice delayed is justice denied.  
13 The -- and I want to speak of the errors, the  
14 lie, and the coverup.

15 The errors, at this point it is indisputable  
16 that errors exist in the RLA hand-audit report  
17 for Fulton County, posted on the Secretary of  
18 State's website. Thirty-six errors were  
19 identified in this report by the Rossi-James  
20 team. The totality of these errors netted Biden  
21 four thousand one hundred -- 4,081 false absentee  
22 ballot votes out of 147,000 absentee ballot votes  
23 counted. That's a 2.7 percent error rate. These  
24 errors were validated by the governor's team, by  
25 Governor Kemp's team.

1           In the governor's letter, letter dated  
2 11/17/21, two important statements are made.  
3 Thirty-six errors noted by Mr. Rossi are factual  
4 in nature and data that exists in public view on  
5 the Secretary of State's website on the RLA  
6 report does not inspire confidence. It is sloppy  
7 and inconsistent.

8           Post Governor Kemp's letter, with their  
9 backs to the wall, assistant attorney general  
10 McGowan's SOS investigator Mr. Zagorin, SOS  
11 attorney Ryan Germany, the SEB, Fulton County,  
12 and even Mr. Raffensperger himself had to admit  
13 the Fulton County hand audit was erred.

14           During the radio interview, dated on  
15 2/22/22, Mr. Integrity states: When we did  
16 100 percent hand recount, we found three counties  
17 that messed up. You know, fairly significant.

18           Number 2 was Fulton County. All of a  
19 sudden, they were off by several thousand  
20 ballots. Well, it's because you scanned some of  
21 these ballots twice. Does integrity count?

22           **MR. MASHBURN:** Thank you, Mr. Waters.

23           **MR. WATERS:** Thank you.

24           **MR. MASHBURN:** The next speaker is Lisa  
25 Neisler. Either Neisler or Neisler. Lisa? Lisa

1 Neisler or Neisler?

2 **MS. NEISLER:** It's Neisler.

3 **MR. MASHBURN:** Neisler. Lisa Neisler. Two  
4 minutes. The floor is yours.

5 **MS. NEISLER:** All right, thanks. Well, I'm  
6 going to speak about the lie. And I'm going to  
7 start by talking about the e-mail from Gabriel  
8 Sterling's office from the Secretary of State  
9 Office and where he states: We know with a  
10 hundred percent certainty that the ballots --  
11 100 percent certainty that the ballots were not  
12 tallied multiple times because the hand tally  
13 shows that.

14 Flash forward to the first quarter of 2022  
15 when Raffensperger admits Fulton double counted  
16 thousands of ballots. And in his radio  
17 interview, with his back to the wall, after  
18 Governor Kemp's stunning rebuke of the Secretary  
19 of State's so-called accurate hand audit, in that  
20 statement he admits to significant ballot  
21 counting errors in Fulton County.

22 And, you know, I'm just going to quote  
23 again. What he said was: When we did the 100  
24 percent hand recount, we found three counties  
25 that messed up. You know, fairly significantly.

1 Number 2 was Fulton County. All of a sudden,  
2 they were off by several thousand ballots. Well,  
3 it's because you scanned some of these ballots  
4 twice. That's how that got messed up.

5 Fulton County, though, continues to mess up.  
6 The RLA hand audit for Fulton County, posted on  
7 the Secretary of State website, cannot be both  
8 100 percent certain and off by thousands because  
9 they were scanned twice. You can't have it both  
10 ways. Thank you.

11 **MR. MASHBURN:** Next speaker is -- thank you  
12 for your comments.

13 Next speaker is Amanda Prettyman.

14 **MS. PRETTYMAN:** Hi.

15 **MR. MASHBURN:** The floor is yours for two  
16 minutes.

17 **MS. PRETTYMAN:** Thank you. All right, well,  
18 let's talk about the coverup. The errors and the  
19 lie are back. But what is worse is the coverup,  
20 an effort by the Secretary of State's Office, the  
21 Attorney General's Office, and this state  
22 election board to work to exonerate the Secretary  
23 of State of any responsibility for his erred  
24 recounts.

25 On December 4, 2021, there was -- there's an

1 unsolicited phone call from Ms. McGowan,  
2 assistant attorney general to complainant Jack  
3 James. James transcribed notes from the call  
4 which state, quote: The purpose of her call was  
5 apparently to convince me that the Secretary of  
6 State has no responsibility for his errors  
7 exposed in Fulton.

8 On December 16, 2021, there is a Secretary  
9 of State's investigator meeting in which  
10 Investigator Zagorin says to complainant Rossi:  
11 What I think you are saying, because it's on our  
12 website it's our responsibility.

13 In the March 16, 2022, state election board  
14 hearing on SEB 2021-181, whenever complainant  
15 Rossi brings up the issues with the Secretary of  
16 State, he's shut down by acting Chairman Mashburn  
17 who states: All right, Mr. Rossi, I'm going to  
18 have to -- I'm going to have to caution you  
19 again. Fulton County is the respondent. This is  
20 not a hearing about the Secretary of State.

21 There is one more shutdown that took place  
22 on July of 2023 by none other than Ms. McGowan,  
23 who moved over to become the Secretary of State's  
24 attorney. This shutdown involves an  
25 investigation case against the Secretary of State

1 for election code violations, SEBBI 2023-0001.  
2 This case will be discussed today and is arguably  
3 the most important case before the board.

4 I hope that you will hold the Secretary of  
5 State accountable, for no one is above the law in  
6 a democracy and in this republic. And that  
7 includes the Secretary of State. And if you  
8 don't hold him accountable, who will? Is he  
9 accountable to no one or is he accountable to  
10 someone? Thank you.

11 **MR. MASHBURN:** Thank you. Thank you for  
12 your comments.

13 Next speaker is Joe Rossi.

14 **MR. ROSSI:** Given me a second to get  
15 situated.

16 **MR. MASHBURN:** Okay, we won't start you  
17 until you get situated, Mr. Rossi. Let me know  
18 when you're ready.

19 **MR. ROSSI:** I'm ready.

20 **MR. MASHBURN:** Ready? All right. Two  
21 minutes. The floor is yours.

22 **MR. ROSSI:** Good morning, Board. Good  
23 morning, fellow Georgia patriots. SEBBI  
24 2023-001, perhaps the most serious case that I  
25 can think of before the board. And to verify

1 that, I'm happy to say that Mr. Mashburn agrees  
2 this is fairly serious also. And thank you for  
3 that, Mr. Mashburn. Thank you for this letter.

4 To remind you, this case, as mentioned  
5 earlier, is one of a kind. It is whether the  
6 board has the authority to investigate the  
7 Secretary of State for election code violations.  
8 If the board doesn't do it, who can?

9 But again the seriousness of it.  
10 Mr. Mashburn sends me a certified letter in  
11 October of 2023. He says: There was no deadline  
12 for when the board would decide the matter.

13 That's the only thing I can disagree with  
14 you on, Mr. Mashburn. Sometimes deadlines are  
15 important.

16 But he does say the matter would be  
17 diligently, thoroughly, and responsibly  
18 considered. Then he goes on to say: The matter  
19 is one that is unprecedented in Georgia history.  
20 So let me move on and remind the board y'all have  
21 already opened up a case on this. As a matter of  
22 fact -- y'all know Chairman Duffey, right? He  
23 opened up a case in July of 2023 only to be shut  
24 down by none other than Ms. McGowan,  
25 Raffensperger's attorney.

1           How do I know that? I got this e-mail from  
2 Chairman Duffey, August 6, 6:23 a.m., on a Sunday  
3 morning. Must have been troubled by it to do it  
4 that early, right? I'll tell you what's in the  
5 body of the e-mail. But more importantly, this  
6 is Ms. McGowan's attachment. He didn't have to  
7 send me the attachment between her and him but he  
8 did, obviously troubled by it.

9           In the attachment, Ms. McGowan says: Judge  
10 Duffey, I understand that you have asked Sara to  
11 open up a new case on Mr. Rossi's complaint  
12 against the Secretary of State's Office regarding  
13 the posting of the county level RLA results for  
14 the 2020 election. I have instructed our  
15 investigations division that this office will not  
16 be opening up a case on this complaint for  
17 several reasons.

18           And finally at the end -- I don't know if  
19 this is a threat or instruction, but I don't  
20 think Judge Duffey took it too well. It says: I  
21 trust with this information that the board will  
22 inform Mr. Rossi that no case will be opened on  
23 this matter.

24           And finally, Mr. Duffey, he did not accept  
25 that shutdown. Thank him for that. And now it's

1 time for the board to move on. He says in an  
2 e-mail to me: We are evaluating our options on  
3 how we can proceed in this matter.

4 So I would ask the board to build public  
5 confidence back into our elections.

6 Specifically the Secretary of State's  
7 Office, I want to remind you what Governor Kemp  
8 said: The data that's posted on the RL -- on the  
9 Secretary of State's website for the RLA report  
10 is sloppy, it's inconsistent, and it does not  
11 build public confidence.

12 The board has an opportunity to put some  
13 public confidence back into our election office  
14 --

15 **MR. MASHBURN:** Thank you.

16 **MR. ROSSI:** -- by voting yes on BI2022.  
17 Thank you very much.

18 **MR. MASHBURN:** Thank you, Mr. Rossi.

19 The next speaker is David Cross. David  
20 Cross. If you'll let me know when you're ready.

21 **MR. CROSS:** All set.

22 **MR. MASHBURN:** All set.

23 **MR. CROSS:** Mr. Rossi --

24 **MR. MASHBURN:** The floor is yours.

25 **MR. CROSS:** -- appreciate your work and I

1 appreciate you continuing my work and the work of  
2 other folks here.

3 For today's SEB meeting, we're supposed to  
4 hear the details of SEB 2023-025 regarding the  
5 errors in the second machine count which revealed  
6 17,852 missing ballot images and 3,125 duplicate  
7 counted ballots in Fulton County. The case was  
8 categorized as no -- as violations found to be  
9 referred to the Attorney General's Office for  
10 further action.

11 On Friday afternoon, last week, at around  
12 4:30, Mr. Rossi was notified by e-mail by the  
13 SEB's paralegal. It said: Good morning -- or  
14 good afternoon, please accept this e-mail as  
15 notice that case SEB 2023-025 has been continued  
16 from the agenda and will not be heard on the  
17 December 19th SEB meeting.

18 So what happened? So per the SEB paralegal,  
19 board members are provided a case review package  
20 approximately a week in advance of these  
21 meetings. Somehow between the receipt of the  
22 review package and this past Friday, the item was  
23 pulled from the agenda. Could it be that the  
24 review package contained an inadequate report on  
25 the case by the investigative team? Was it going

1 to be another attempt by the Secretary of State's  
2 Office to move this case along and push it under  
3 the rug and get it closed out with minimal damage  
4 to the Secretary of State's narrative that: We  
5 did count three times and everything was  
6 accurate.

7 The bottom line is this a serious case and  
8 the public deserves answers as to why this case  
9 was pulled. And what are the next action steps  
10 regarding 2023-025? Investigators took ten  
11 months to deliver an incomplete report that one  
12 can only surmise the case was not  
13 discussion-ready or ready for investigators to  
14 discuss or have the expertise to be able to  
15 discuss it.

16 We the people demand answers. We want to  
17 see the investigation reports because we have no  
18 confidence in the investigation process.

19 **MR. MASHBURN:** Next commenter is Bob  
20 Covert? Covert? Did I pronounce that  
21 correctly?

22 **MR. COOVERT:** That's correct. Bob Covert,  
23 Blue Ridge, Georgia.

24 **MR. MASHBURN:** Covert. Welcome. Two  
25 minutes. The floor is yours.

1           **MR. COOVERT:** Thank you, sir. Most people  
2 in here are very familiar with the Ligon report  
3 that came out in December, just following the  
4 election of 2020, especially my friend Sam back  
5 there. What he said in that was there is ample  
6 evidence that this cannot be certified.

7           Now, why is that important? Because Judge  
8 Ligon -- Senator Ligon was a judge for 16 years  
9 in Brunswick, Georgia. If anybody knows what  
10 evidence looks like, it's Judge Ligon. So  
11 shortly after that, on December 17th -- I'm  
12 sorry, December 22nd, Secretary Raffensperger had  
13 a press release that said: I bring in together  
14 all of government to go after 250 credible cases  
15 of fraud in the state of Georgia. 250 credible  
16 cases.

17           Two weeks later, he went to the United  
18 States Congress. He wrote a letter to vice  
19 president Pence, all the members of Congress and  
20 said: Nothing is wrong in Georgia. There's no  
21 fraud.

22           In three weeks, we solved all these 250, at  
23 that time, known issues of fraud. So you tell me  
24 where the fraud is. Many of us, including some  
25 attorneys, look at the letter, a ten-page letter

1 to the U.S. Congress. It had 42 false statements  
2 in it. Our Secretary of State told 42 false  
3 statements to the United States Congress and the  
4 vice president.

5 So within that document was the Pro V&V  
6 audit. He told us, the citizens; he told the  
7 SEB, he's told many courts that this Pro V&V  
8 audit took place. I worked with Governor Kemp.  
9 I worked with Evan Meyers, one of his attorneys.  
10 I worked with the Inspector General Scott McAfee.  
11 And they tried to convince me that the Secretary  
12 of State and Pro V&V told them that this audit  
13 took place.

14 Well, I asked them: How many counties told  
15 you the audit took place? Zero. We did open  
16 records requests to the counties and it came back  
17 where zero audits were done by Pro V&V.

18 So now, we're making decisions, our  
19 legislators are making decisions on an audit that  
20 never took place.

21 **MR. MASHBURN:** Thank you for your comments.  
22 Thank you.

23 Merry Belle Hodge. Merry Belle Hodge.

24 Welcome. The floor is yours for two  
25 minutes.

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**MS. HODGE:** I'm ready.

**MR. MASHBURN:** All right.

**MS. HODGE:** So when a person convicted of a felony loses their right to vote, they can lawfully restore that right by completing their sentence, their parole, pay their fines, and deliver paperwork in person to the elections office. I'm certain the board's aware of this.

We are discovering ongoing manipulation of voter IDs of felons in Georgia. In 2022, voter IDs of felons were used to cast votes and then immediately after the election were canceled and removed from the rolls. Some of them were canceled November 4, 2020, less than 24 hours after the election.

This is clearly identity theft that could cause serious ramifications for felons who desire to restore their right and they are unaware this is going on. Let me tell you about Mr. Hickman.

Mr. Hickman appeared on the Gwinnett voter rolls in April 2023 with a registration date of April 28, 2023, and an address of 3900 Satellite Boulevard, Duluth, Georgia. This is a nonresidential address.

I challenged this voter in Gwinnett County,

1 due to the nonexistent res -- nonresidential  
2 address. On August 16, 2023, Mr. Manifold,  
3 election supervisor responded via letter stating,  
4 and I quote: The challenges will not be  
5 scheduled for hearing because both voters are no  
6 longer Gwinnett County registered voters.  
7 Mr. Hickman registered in Muscogee County on  
8 April 28, 2023, end quote.

9 A quick review of the data is remarkable.  
10 April 28, 2023, registration for Mr. Hickman,  
11 Muscogee County, 3900 Chattooga Road. May  
12 through August, voter roll registration address:  
13 3900 Satellite Boulevard, Duluth, Gwinnett.  
14 Mr. Hickman was and is currently incarcerated at  
15 3900 Chattooga Road, Columbus.

16 Who is manipulating these voter IDs? These  
17 felons do not know it. Has someone made  
18 Mr. Hickman aware that he has been registered in  
19 several counties more than once while he's still  
20 incarcerated? How could the Department of Driver  
21 Services send a motor vehicle -- motor voter  
22 application to Gwinnett County with an inaccurate  
23 address from an individual who's sitting in jail  
24 in another county?

25 **MR. MASHBURN:** Thank you, Ms. Hodge. Thank

1 you.

2 **MS. HODGE:** Thank you. Unjust rights is an  
3 abomination to the Lord.

4 **MR. MASHBURN:** Our next speaker is Ben  
5 Eskew. Ben Eskew. Ben Eskew. Welcome. The  
6 floor is yours for two minutes.

7 **MR. ESKEW:** Okay. Hello. My name is Ben  
8 Eskew. I want to share some election trends from  
9 the Republican areas of the Atlanta suburbs where  
10 trends may be a bit off the line.

11 The biggest off trend is in North Fulton  
12 County which has been a Republican stronghold for  
13 a very long time. And so the safest and most  
14 secure election, when you define the five cities  
15 north of the Chattahoochee River, Joe Biden won  
16 that area by a 51-to-47 margin.

17 According to my estimates, that is the first  
18 time a Democrat won that area since Harry S.  
19 Truman did in 1948. It even voted for Gerald  
20 Ford in 1976, according to my estimates. I do  
21 not have precinct data before 1984. I do not  
22 know if I can get it by ORR in Fulton County for  
23 that data.

24 But anyways it's just shocking. According  
25 to my estimates these are just -- I get this from

1 other counties' data, like surrounding data,  
2 because I get county data back to the nineteen --  
3 early 1900s. He became the first Democrat since  
4 Carter to win Roswell, Stevenson to win Johns  
5 Creek, and FDR to win Alpharetta. I'm not sure,  
6 based on this data if I had the precinct file  
7 because I have it back to 1984 because I got it  
8 via a online source.

9 And we're going to go to some other  
10 counties, mainly Cobb County and Gwinnett County,  
11 which again has historically been Republican  
12 counties until Hilary Clinton won them in  
13 major -- in a major upset in 2016. They last  
14 voted Democrat for Jimmy Carter in 1976 when he  
15 swept every county in the state.

16 In Gwinnett County -- I'm a Gwinnett County  
17 resident by the way -- what seems suspicious is  
18 every office flipped from Republican to Democrat  
19 in the 2020 election cycle, one election cycle.  
20 It usually takes counties a few election cycles  
21 to flip from one party to another. Republicans  
22 won most of them unopposed in 2016. I understand  
23 that Gwinnett's been changing, but it makes no  
24 sense.

25 Get ready for this. Donald Trump received

1 more votes than George W. Bush did in Gwinnett  
2 County despite him, Bush, winning the county by a  
3 2-to-1 margin and Trump losing it by 18  
4 percentage points.

5 **MR. MASHBURN:** Thank you, Mr. Eskew. Thank  
6 you.

7 **MR. ESKEW:** Oh, my time's up. Thank you  
8 very much.

9 **MR. MASHBURN:** Thank you.

10 The next speaker is Jeff Fulgham. Jeff  
11 Fulgham. I hope I'm pronouncing that correctly.

12 **MR. FULGHAM:** Yes, sir, you did. Thank you.

13 **MR. MASHBURN:** You have two minutes. The  
14 floor is yours.

15 **MR. FULGHAM:** Thank you.

16 My name is Jeff Fulgham. I live in Fargo,  
17 Georgia. I'm retired military and I served 20  
18 years in the military and I have 14 years of  
19 experience as a research historian.

20 In December of 2021, I file a fraud report  
21 with CISA, the cybersecurity agency of DHS,  
22 concerning Fulton County 2020. I then briefed  
23 the FBI on this report on three occasions. What  
24 I told the FBI was that I believed that the  
25 duplicate batches that Mr. Rossi proved were

1 actually entered intentionally. They had been  
2 altered and then duplicated. And I did six  
3 months of research on this.

4 Following my discussion -- these were 6,000  
5 gross fake votes added to the Fulton hand count.  
6 Following my discussion with the FBI, two months  
7 later the Georgia Secretary of State made the  
8 following admission. He said that the Fulton  
9 hand count was actually off by several thousand  
10 because they count -- they scanned ballots twice.

11 Immediately after that, though, at the March  
12 hearing here at the State Election Board for the  
13 Mr. Rossi hearing, the investigators concealed  
14 that evidence from the board and the people. So  
15 I again filed my second fraud report. This one  
16 with the AG who also buried this evidence.

17 Now, I filed a complaint with the Office of  
18 the Inspector General. And I have requested that  
19 they investigate the Georgia Secretary of State  
20 as well as the A.G. for mishandling and  
21 concealing evidence from 2020.

22 And if the media would like to look into my  
23 complaint with the I.G., the complaint number is  
24 71933C143F. And at my last name is Fulgham,  
25 F-u-l-g-h-a-m. Thank you.

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**MR. MASHBURN:** Thank you, Mr. Fulgham.  
Next speaker is Helen Strahl. Helen Strahl.  
Did I pronounce that correctly?

**MS. STRAHL:** Yes, you did. That's correct.  
Thanks. Good morning, everybody.

Several data analysts have studied the Secretary of State 2020 voter rolls, the absentee ballot files, and the voter history files. This analysis reveals hundreds of thousands of unlawful ballots.

During 2019 and 2020 the law said you could not request an absentee ballot earlier than a hundred and eighty days prior to an election. That was May 6th in 2020. There is a well-established process for processing early ballots but it was dramatically changed in 2020. The Secretary of State told all hundred and fifty-nine counties that he was going to take over the ballot request process until some time in mid September because he was going to do a mass mailing. And he did September 18th.

At this point you need to realize that no county official across the entire state was involved in the early ballot process, either with the issuance, the acceptance until sometime in

1 mid-September. This is key that county officials  
2 knew nothing about this.

3 Starting in January 2019 -- yes,  
4 January 2019 -- the ballot requests were coming  
5 in for the November election in large batches  
6 with an almost hundred percent acceptance rate.  
7 This is a year and a half before the election.  
8 Says no human ever while wrapping Christmas  
9 presents in 2019: I think I'll request a ballot  
10 for next year's election. That didn't happen.  
11 Deals were made.

12 March 2020, COVID hit, drop boxes were  
13 created, and absentee ballot rules were relaxed  
14 without the state legislators' authorization.  
15 The number of unlawful early ballots was over  
16 250,000 and they were turned into votes.

17 **MR. MASHBURN:** Thank you, Ms. Strahl. Thank  
18 you.

19 **MS. STRAHL:** How do you hide those --

20 **MR. MASHBURN:** Thank you.

21 **MS. STRAHL:** Thank you.

22 **MR. MASHBURN:** Lisa Rutherford. Lisa  
23 Rutherford. Lisa Rutherford.

24 **MS. RUTHERFORD:** Thank you. I have  
25 personally been before Gwinnett B.R.E. many times

1 over the past few years. They know me well.  
2 You've already heard plenty of disturbing  
3 information on election issues.

4 In August of 2020 a gentleman in Gwinnett  
5 sold his home -- and we know this from the deed  
6 of sale in canvassing -- and he moved and  
7 purchased a home in North Carolina. Yet he  
8 submitted an absentee mail ballot request to the  
9 NCOA address and voted illegally in the 2020 and  
10 2021 elections, thereby voiding a legal vote.

11 We challenged this voter along with many  
12 others in 2022 with sworn affidavits and  
13 documents -- documentation, but they were  
14 dismissed without review by our B.R.E.  
15 October of 2022 we alerted the board and staff as  
16 voters and others were again requesting absentee  
17 mail ballots to the same out-of-state addresses  
18 they had been made aware of earlier.

19 No action was taken to determine if these  
20 requests are legitimate. It's a literal  
21 free-for-all with no checks and balances on your  
22 end. The absentee mail ballot was easily mailed  
23 to him and he again voted illegally in this past  
24 election attesting under penalty of law that he  
25 still resides at the home he sold years before.

1           This is not an isolated incident and we  
2 bring these before the board often. I challenged  
3 this voter again in September with over a dozen  
4 irrefutable data points of proof: affidavits and  
5 canvassing deeds of home sale and purchase, SOS  
6 corporate division information, your own SOS data  
7 from his voter history, a professional location  
8 report widely recognized in the court system and  
9 much, much more.

10           This information would rival anything you  
11 would receive from your investigators here.  
12 However, our board voted down party lines and the  
13 result was no action taken. So he is still  
14 active on the roll today. I believe this  
15 breached their oaths of office.

16           I was looking to see if any amount of  
17 evidence would yield a favorable outcome and two  
18 board members failed miserably. In the next  
19 vote, the motion to send the challenges to you  
20 for further criminal investigation passed. So  
21 they would not make the right decision but they  
22 want you to.

23           Will you do the right thing now since they  
24 wouldn't? Many cases that go before you end up  
25 in a black hole. I'll be watching to see if he

1 and others vote illegally again this year. I  
2 will now hold you accountable as well. Remember  
3 your oaths. The evidence demands a verdict.

4 **MR. MASHBURN:** Thank you, Ms. Rutherford.

5 The next voter is Sam -- Sam Cardine or  
6 Carnine. Carnine. It looks like a "d" is in  
7 there. I'm sorry. Cairo, Georgia.

8 **MR. CARNINE:** Thank you, Board.

9 **MR. MASHBURN:** The floor -- the floor is  
10 Cairo, Georgia's for two minutes.

11 **MR. CARNINE:** We -- down in Cairo, Grady  
12 County, we grow cotton, peanuts, and pine trees.  
13 You can make lots of paper ballots out of the  
14 pine trees in Grady County. Thank you, Board,  
15 for hearing me today. Thank you, all, for  
16 showing up.

17 Members of the State Election Board and  
18 other attendees, upon reviewing the official  
19 duties of the State Election Board, we noticed  
20 your responsibilities include investigations, the  
21 administration of elections and frauds and to  
22 report findings to the Attorney General or  
23 responsible district attorneys, making  
24 recommendations to the General Assembly regarding  
25 elections, and developing rules and regulations

1 about what constitutes a vote that will be  
2 counted.

3           You have seen many such complaints since the  
4 2020 general election. Yet the public and the  
5 state General Assembly has seen very few results  
6 from investigations or recommendations. On  
7 December 2020, Secretary of State Raffensperger  
8 ordered the supervisor of elections of Fulton  
9 County to reconcile their totals because based on  
10 the count of physical ballots, Fulton County was  
11 17,000-plus votes below the total reported on  
12 election night. This was not made public.

13           What is clearly proven from the complaint is  
14 the recount did not confirm the report totals  
15 from election night. Votes were simply added to  
16 batches or discovered to make up the difference.  
17 Sometimes the same ballots appear to have been  
18 added in two places. With the additional 20,700  
19 votes counted from unidentified tabulators that  
20 had already been added to the initial count,  
21 there is no paper documentation of ballots for  
22 nearly 42,000 votes.

23           In all due respect, your decisions to act or  
24 not act can and are contributing to the  
25 destruction of the confidence of we the voters

1 and the destruction of one of our most sacred  
2 rights, the right of a free and fair election.

3 **MR. MASHBURN:** Thank you, Mr. Carnine.

4 **MR. CARNINE:** This board has had this  
5 evidence for over 16 months. Reflect on the  
6 destruction of our rights and confidence in our  
7 friends since the 2020 general election conducted  
8 on an independent and -- since the general  
9 election and conduct -- please conduct -- an  
10 independent investigation of the Secretary of  
11 State of Georgia.

12 If the president of the United States is not  
13 beyond investigation, the Secretary of State of  
14 the state of Georgia is not either. Thank you.

15 **MR. MASHBURN:** Linda Mink. Linda Mink.  
16 Linda Mink.

17 I see one jazz hands. Thank you. One  
18 faithful -- one faithful jazz-hander. I  
19 appreciate that.

20 Linda Mink. Linda Mink. Linda Mink.

21 **MS. MINK:** First of all, Mr. Mashburn, I  
22 would like to sincerely thank you for a much  
23 improved prayer. Thank you. God bless you.

24 By the way, is there a clock that shows us  
25 where our two minutes are up? You -- you -- I'm

1 going to trust you to do it.

2 **MR. MASHBURN:** Mr. Cross was right dead on  
3 the money for two minutes.

4 **MS. MINK:** Okay. All right. Here we go.  
5 (Cross-talking)

6 **MR. MASHBURN:** He's a good -- he's a good  
7 solid timer. He had it right on the money.

8 **MS. MINK:** I'll crank it up.

9 On November 17, 2021, Governor Kemp sent a  
10 letter to each state election board member  
11 concerning the Joe Rossi findings. The end of  
12 the letters stating: It is a responsibility of  
13 the State Board of Elections to safeguard the  
14 confidence I and all of my fellow Georgians have  
15 in our elections.

16 This is one issue where I believe this board  
17 must act swiftly and I urge you to do so in this  
18 case. Members of this board have had vitally  
19 important issue information for 761 days. That's  
20 over two years.

21 And now, according to the agenda, you're  
22 calling for another continuation. This has got  
23 to stop. You are all responsible professionals  
24 and we are responsible voters in the state of  
25 Georgia. We the citizens of Georgia and I'm sure

1 Governor Kemp want the answers from the  
2 governor's original three requests: Direct  
3 investigators to review Mr. Rossi's findings,  
4 find as many as my office has and order  
5 corrective actions as needed to address any  
6 verified issues and errors. Where are the --  
7 where's the corrective action? It hasn't  
8 occurred.

9 He also asked whether any changes should be  
10 made to the risk limiting audit report. If so  
11 the board should determine whether such changes  
12 adversely impact the integrity of the RLA report  
13 as originally reported. What changes have you  
14 made to the RLA? We haven't seen any.

15 The third direction that he asked of you, by  
16 the governor, review the audit methodology using  
17 counties across Georgia and create a prescriptive  
18 and uniform set of rules that ensure one process  
19 is followed by all counties that result in the  
20 clear presentation of data. Is there a draft  
21 report? Have you -- have you done it?

22 Our will is that you reflect on your  
23 professional careers as responsible  
24 professionals. How is this lack of action  
25 impacting the citizens of Georgia? Is this

1 incompetence a conspiracy or a coverup?

2 In closing, let me remind you that the  
3 penalty for doing nothing is often greater than  
4 the penalty for doing something. And a  
5 continuation is doing nothing for the past 761  
6 days. How long will you repeatedly do nothing?  
7 And I close.

8 **MR. MASHBURN:** Thank you for your comments.  
9 Kim Brooks. Kim Brooks. Kim Brooks.

10 **MS. BROOKS:** My name is Kim Brooks, DeKalb  
11 County. Have you had enough about hearing about  
12 2020 crimes yet? You're going to hear some more.

13 I work with a team of data analysts across  
14 the state and we've been analyzing Georgia  
15 Secretary of State files. We're doing things  
16 with those files he never thought we would do.  
17 We're finding fraud in every corner that we look.  
18 You've heard about several things today. I will  
19 add to that.

20 Absentee ballots mailed to purposeful bad  
21 addresses so there's return to sender. I don't  
22 believe we have New York City in Georgia and it  
23 was mailed to New York City, Georgia and  
24 Louisville, Georgia and San Diego, Georgia and  
25 Venice, Georgia. And you get the idea.

1           We have manipulation of inactive voters that  
2 were turned active, voted, and put back inactive,  
3 which is impossible per our laws. If you vote,  
4 you get turned inactive. And my mic is off.

5           **MR. MASHBURN:** No, it's turned on.

6           **MS. BROOKS:** We also have infrequent active  
7 voters that were activated voted. That looked  
8 proper until you looked two more voter rolls and  
9 they put back the date last voted from two months  
10 prior to the election. It is a cover-up of a  
11 crime.

12           We have double voting via duplicate IDs.  
13 And, yes, the gentleman that talked about all of  
14 the cancellations in October, November, December,  
15 and January of 2020 to cover up the crime is  
16 mind-boggling.

17           We are getting smarter. We're not going  
18 away. And there's more nerds in the group and  
19 the nerds will save Georgia with the fraud we are  
20 finding.

21           We expect this board to investigate the  
22 Secretary of State. But I'm going to leave you  
23 with the most important thing that we are  
24 uncovering in 2023 and that is synthetic identity  
25 theft via the Department of Driver Services. We

1 have copies of the motor voter application that  
2 is fraudulent with fraudulent signatures, where  
3 they're stealing people's social, their birth  
4 date. It's inaccurate signatures. And it is  
5 being -- it is a fraudulent government document  
6 sent to the election official to unknowingly  
7 commit fraud --

8 **MR. MASHBURN:** (indiscernible)

9 **MS. BROOKS:** -- on the voter rolls in the  
10 United States of America.

11 **MR. MASHBURN:** Thank you --

12 **MS. BROOKS:** -- and that feed is coming via  
13 GRVIS.

14 **MR. MASHBURN:** Thank you --

15 **MS. BROOKS:** God bless America.

16 **MR. MASHBURN:** Thank you, Ms. Brooks.

17 Bill Henders. Bill Henders. Bill Henders.  
18 Hey, Mr. Henders. Welcome. Let me know when  
19 you're ready.

20 **MR. HENDERS:** Thank you, Mr. Chairman.

21 **MR. MASHBURN:** The floor is yours. Two  
22 minutes.

23 **MR. HENDERS:** Okay. Our law says that in  
24 odd numbered years the Secretary of State is  
25 supposed to do list maintenance on the voter

1 roll. One law addresses active voters being  
2 moved to inactive status and the other law  
3 addresses inactive voters being purged from the  
4 voter rolls. Per the Secretary of State's own  
5 files, he is far from following that law.

6 Active voters should be made inactive if  
7 there is no contact in the last five years.  
8 Currently on the voter rolls, there are over  
9 340,000 registrants that are active -- inactive  
10 status with no contact in over five years. And  
11 what's even worse, one registrant literally has  
12 had no contact since 1972. 1972. Inactive  
13 voters should be purged if there is no contact  
14 after two election cycles.

15 Currently on the voter rolls, there are over  
16 280,000 registrants that should've been purged  
17 this year but weren't. We have one inactive  
18 registrant with no contact since 2000. Why isn't  
19 the Secretary of State doing his job and  
20 following the law? But it gets worse.

21 Data analysts, which I am one of them, have  
22 found that in 2020 registrants that actually were  
23 purged in 2019 were suddenly brought back on the  
24 voter roll in October and November, get credit  
25 for voting, and then disappear again. This

1 appears to be more election crimes and coverup in  
2 2020. The 2020 election should never have been  
3 certified.

4 But I am -- I am concerned about the next  
5 election. If we don't -- if we don't fix these  
6 voter rolls and clean them up, we're going to  
7 have this same controversy, same legal and  
8 political trauma over the next four years. We  
9 need to get it done.

10 And the people demand an investigation into  
11 the Secretary of State's Office. Thank you,  
12 Mr. Chairman.

13 **MR. MASHBURN:** Thank you, Mr. Henders.

14 Next speaker is Nancy Curd. Nancy Curd.  
15 Nancy Curd. Welcome.

16 **MS. CURD:** That's me. Thank you.

17 **MR. MASHBURN:** Let me know when you're  
18 ready.

19 **MS. CURD:** Okay, I'm ready.

20 **MR. MASHBURN:** All right. Two minutes. The  
21 floor is yours.

22 **MS. CURD:** Thank you. I proudly was born  
23 and raised in the beautiful state of Georgia.  
24 Our law stipulates the last day you can register  
25 to vote or change a registration address prior to

1 an election.

2           However, in the November 2020 election,  
3 being that the last day was October 5th, we had  
4 over 45,000 registrants after that date, between  
5 October 6th and the 22nd, which was the date of  
6 the voter roll. Of those illegal applicants, we  
7 have over 5,000 that have a date last voted on  
8 November 3, 2020. They're unlawful votes.

9           If you drill down and just look at the ones  
10 that registered on November 3rd, again illegal,  
11 we have over 3,000 registrants that show a  
12 registration and a date added of November 3rd.  
13 Several hundred of them received credit for  
14 voting.

15           First, it's implausible to believe that  
16 election officials were adding thousands on the  
17 voter rolls on election day. And it's unlawful  
18 for any of them to have actually voted. I think  
19 we can agree on that. As you might imagine, the  
20 votes were cast in person on election day. Are  
21 these even real people? Or are they registrants  
22 just inserted into the count? It gets worse.

23           We have over 1,300 registrants that  
24 registered after November 3, 2020. Again I think  
25 we can agree that's not lawful. But they

1 received credit for voting in the election.  
2 There are data analysts continuing this analysis  
3 and believe the numbers are much higher. This  
4 data is found across multiple counties in the  
5 state. These are unlawful votes. Where do these  
6 registrants come from? Are they even real?

7 We the people demand an investigation into  
8 the Secretary of State's Office. And frankly  
9 this is not new information, basically, to any of  
10 y'all. You've heard this for three years. I'm  
11 stunned that this data doesn't at least tickle at  
12 least the spirit of inquiry from my board of  
13 electors. Thank you.

14 **MR. MASHBURN:** Thank you, Ms. Curd.

15 Next speaker is Ginger Hurmeier. No, Ginger  
16 Hurmenze. Hurmenze. Sorry.

17 **UNIDENTIFIED SPEAKER:** (inaudible)

18 **MR. MASHBURN:** We are number 22 of -- we are  
19 number 22 of 30. And just to let you know, we  
20 are going to take a break at the end of public  
21 comment so that -- we've been going for three  
22 hours without a break. So we're going to take a  
23 bathroom break at the end of public comment.

24 **UNIDENTIFIED SPEAKER:** (inaudible)

25 **MR. MASHBURN:** It's -- yeah, it's limited to

1 30. We have one hour allocated. So it's going  
2 to be 30 speakers.

3 Okay. The next speaker is Ginger Hurmenze.

4 **MS. HURMENZE:** Yes. My name is Ginger  
5 Hurmenze. And today I'd like to talk to you  
6 about DeKalb County ballots. Keep that in mind.  
7 DeKalb County ballots.

8 Mr. Moncla sent another complaint to this  
9 board that has not been addressed or brought up  
10 for this -- for a hearing. He states in his  
11 findings that an ongoing investigation and  
12 comparison of ballot images and data from the  
13 original November 3, 2020, count and those of the  
14 recount significant irregularities have been  
15 identified, one of which is the discovery of five  
16 DeKalb County ballots which were included in the  
17 counted Fulton County original count, number one,  
18 the hand count audit, and the machine recount.

19 An impossible succession of multiple  
20 failures would have to precipitate a ballot from  
21 one Georgia County to be counted in a different  
22 county, much less five ballots for five different  
23 precincts at three -- of three counts.

24 Mr. Moncla then goes on to detail out of a  
25 list election failures, including the ballot

1 barcode scan, voter signature verification, the  
2 tabulator programming adjudication, hand count  
3 audit, and machine recount of 2020. He concludes  
4 this complaint with this statement: The  
5 implication of five ballots at issue is -- in the  
6 complaint are indicative of a much larger problem  
7 than is of a grave concern.

8 This is not someone asleep at the switch,  
9 but at every switch for three different counts.  
10 Furthermore, there is no way that the tabulators  
11 could've been able to read these ballots for  
12 either a machine count and there is no way that  
13 they could've been read accurately. There is  
14 nowhere the signatures from the voters from  
15 another county would verify nor could those  
16 voters have received credit for voting.

17 This begs the question, what voters were  
18 these ballots attributed to and how? Is a  
19 corresponding voter even necessary? There is no  
20 suitable, theoretical, or even remotely plausible  
21 explanation for all systems, protocols, and  
22 procedures to have failed for each one of these  
23 ballots for all three separate counts. There's  
24 no excuse but there is one conclusion.

25 Georgia's electronic system -- election

1 system has completely and astoundingly failed.

2 **MR. MASHBURN:** Thank you, Ms. Hurmenze.

3 Thank you.

4 **MS. HURMENZE:** Thank you.

5 **MR. MASHBURN:** Next speaker is Maxwell  
6 Britton. Maxwell Britton.

7 **MR. BRITTON:** Good morning. Maxwell  
8 Britton, Coweta County.

9 And David Cross and Kevin Moncla were forced  
10 to resubmit their emergency review as a final  
11 effort before the 2022 election to urge you to  
12 address machine flaws identified and reject the  
13 unsupported comments of an anonymous state  
14 technician in response to their original  
15 complaint.

16 Why would anyone be willing to accept an  
17 anonymous technician? Quote, several individuals  
18 in different capacities have witnessed the biased  
19 reversal of balance. Independent benchmark  
20 testing recreated the scenario under controlled  
21 conditions and yielded the same overwhelming  
22 biased result.

23 Republican voted ballots were reversed at a  
24 ratio of 7 to 1 over Democrat voted -- voted  
25 ballot reversals. Because the distribution of

1 ballot reversals was not random suggests  
2 intentional influence is at play.

3 In essence, ballots are being reversed for  
4 error conditions that do not exist. This testing  
5 and testimony showed that the ballot reversals  
6 are not random. Significant numbers of ballot --  
7 paper ballots were scanned but not counted and  
8 consistent with the Williamson anomaly and remain  
9 otherwise unexplained.

10 For whatever reason, your state technical  
11 consultant mischaracterized their presentation.  
12 We believe that the documents and reports  
13 provided are sufficient to establish that Georgia  
14 scanners are malfunctioning in mass if analyzed  
15 by an independent examiner.

16 No matter if caused by defect, malware, or  
17 malfeasance, the results remain and persist.  
18 This alone is sufficient to cause immediately --  
19 this is sufficient to cause and immediately  
20 suspend the use of Dominion voting systems in  
21 Georgia.

22 Once again the voters in Georgia are  
23 silenced by an anonymous technician or anonymous  
24 report. Where is the leadership demanding  
25 transparency in the use of experts? Isn't this

1 your job? This report has the evidence and once  
2 again, you ignore it. Thank you.

3 **MR. MASHBURN:** Thank you. Thank you,  
4 Mr. Britton.

5 The next speaker is Nancy Arnold. Nancy  
6 Arnold. Nancy Arnold. Welcome.

7 **MS. ARNOLD:** Thank you. I'm Nancy Arnold.  
8 I'm a DeKalb County resident.

9 Several weeks ago a member of the State  
10 Board of Elections, Dr. Janice Johnston, attended  
11 a DeKalb County elections board meeting,  
12 addressing challenges to the voter rolls. At the  
13 end of the meeting, Dr. Johnson -- Johnston  
14 commented on the frustration surrounding the  
15 process and promised that the state board would  
16 come up with new guidelines for the process of  
17 challenges, guidelines to clarify and improve the  
18 process.

19 Thank you, Dr. Johnston, for your  
20 willingness to help and for your time and  
21 attention to this important matter.

22 I've sent two e-mails since that DeKalb  
23 meeting to the members of the state board, asking  
24 about when the guidelines would be available. I  
25 received no response. Can you give us an update

1 today on the status of those new guidelines?

2 Thank you.

3 **MR. MASHBURN:** Thank you for your comments.

4 Next commenter is Paul Hershey. Paul  
5 Hershey. Welcome. Let me know when you're  
6 ready.

7 **MR. HERSHEY:** I think I'm ready now. My  
8 name is Paul Hershey. I'm in Fulton County. And  
9 I'd like to be very direct and pointed.

10 Number one, the audit that the Secretary of  
11 State said took place in six counties, there's  
12 e-mails validating that that never took place.

13 **MR. MASHBURN:** If you could -- if you could  
14 step just a little bit away from the mic. You're  
15 coming in really loud.

16 **MR. HERSHEY:** How about now?

17 **MR. MASHBURN:** Much better. Thank you.  
18 Thank you so much.

19 **MR. HERSHEY:** The other thing is is all  
20 protocol inside our voting -- inside the state of  
21 Georgia violates HB 316, line 536 and 535,  
22 because the elector cannot verify 100 percent who  
23 they're voting for.

24 Number two, we're also in violation of U.S.  
25 Code 450, section 45297, because by the time

1 they -- they mark their ballots, they go over to  
2 the scanner, every Tom, Dick, and Harry can see  
3 who they voted for. You guys are mandated and  
4 you've taken an oath to support and defend the  
5 Constitution, both federal and state. You, a  
6 board of education[sic] have -- are mandated that  
7 you can go to the state I.G., the Inspector  
8 General for the state of Georgia, ask for an  
9 independent audit of the Secretary of State and  
10 you haven't done it. Why?

11 My question is why? When are you going to  
12 do what you need to do and support the  
13 constituents in your state? You are responsible  
14 for the elections of the state of Georgia.  
15 You've got the ability to do those things and  
16 you're not doing it. What are you doing?

17 That's it.

18 **MR. MASHBURN:** Thank you, Mr. Hershey.

19 The next speaker is Victoria Cruz. Victoria  
20 Cruz. Welcome.

21 **MS. CRUZ:** Good morning. Victoria --  
22 Victoria Cruz from Athens, Georgia --

23 **MR. MASHBURN:** You're good to go.

24 **MS. CRUZ:** -- in Oconee County.

25 **MR. MASHBURN:** The floor is yours.

1           **MS. CRUZ:** Thank you. Let's see. The facts  
2 of the Joseph Rossi and Jack James complaint, SEB  
3 2021-181, and its resolution by consent order  
4 with Fulton County in 2022 are well known to you.  
5 And because of the extensive social media  
6 coverage of that case, they are also now known to  
7 large numbers of American citizens.

8           Another Rossi complaint, 2023-25 has again  
9 been continued, presumably because its  
10 allegations have serious implications about the  
11 validity of the 2020 presidential election  
12 outcome which the board appears loath to explore.

13           All eyes are on Georgia and on Fulton County  
14 for good reason. Fulton County was not the only  
15 county with voter election anomalies in 2020, but  
16 it is the county with the most egregious errors  
17 that by themselves if proven could reverse the  
18 results of the 2020 presidential election.

19           And yet the Secretary of State, his legal  
20 and investigative staff, and the Attorney  
21 General's Office have failed to conduct honest  
22 and transparent investigations of complaints. In  
23 fact, the response of both offices in many cases  
24 has been to attack the complainants, some of whom  
25 have lost their jobs as election workers or

1 election directors. Are these appropriate  
2 actions for those who claim that the 2020 Georgia  
3 election was the safest and most secure in the  
4 history of the state?

5 The citizens of Georgia are essentially  
6 being held hostage by these offices and are  
7 depending now on the State Election Board to  
8 uphold its responsibilities and perform its  
9 duties which are listed in the code. I urge the  
10 board to initiate an independent investigation of  
11 the Secretary of State's Office because they are  
12 proven -- they have proven that they are not  
13 motivated to and/or capable of investigating  
14 themselves.

15 **MR. MASHBURN:** Thank you, Ms. Cruz.

16 The next speaker is Dan Gasaway. Dan  
17 Gasaway.

18 **MR. GASAWAY:** Thank you, Mr. Chairman. Am I  
19 too far or too close?

20 **MR. MASHBURN:** You're right on the money --

21 **MR. GASAWAY:** All right.

22 **MR. MASHBURN:** -- Mr. Gasaway. Thank you.

23 **MR. GASAWAY:** I'm back this month on State  
24 Election Board case 2018-104.

25 Last month I was with my friend Catherine

1 Engelbrecht out of True the Vote up in the  
2 federal courthouse in Gainesville on a case. And  
3 she brought it to my attention that y'all had  
4 sued her for evidence. So I brought some  
5 certified evidence of felony criminal activity  
6 just in case so y'all don't have to sue me for  
7 evidence. I will give you as many felonies as  
8 you can find somebody to prosecute.

9 But I was with Ms. Engelbrecht because I am  
10 the person who challenged the lone real plaintiff  
11 in that case. And that was about election  
12 challenges as well.

13 But I'd ask y'all today to do two things.  
14 If we could dispose of 2018-104 and move it to  
15 the Attorney General's Office, that would be  
16 helpful. I asked for an FBI referral. That's  
17 not going to happen, it don't look like. But if  
18 you could go ahead and do it, it looks like I'm  
19 going to have to fund and bring the quo warranto  
20 of all quo warrantos in the history of Georgia,  
21 and I'd like for that case to be disposed of  
22 before I've brought that quo warranto.

23 But I'd also for you to consider, you know,  
24 withdrawing the suit against Ms. Engelbrecht's  
25 group. They've done good work in Georgia. I

1 think the federal case made it clear that the  
2 person I challenged was an illegal voter. We put  
3 her on the stand. There's really no way around  
4 it. In fact, of the 50 I challenged -- really I  
5 think all 50 were illegal voters -- 44 have now  
6 confessed to being illegal voters. The other six  
7 won't admit it.

8 But two things. Consider withdrawing the  
9 case against True the Vote because otherwise  
10 let's prosecute all of the felonies. And I'd  
11 liked to leave this certified evidence with your  
12 lawyer if you can tell me who that is.

13 Which one? Raise your hand. Okay.

14 And please dispose of 2018-104 because if  
15 I've got to fund this protracted litigation with  
16 these big lawyers again and spend all this money  
17 that I've spent -- and y'all know my record. I  
18 am the only person in the history of the state to  
19 throw out the same elections twice.

20 And nobody -- I wish I had a crowd like  
21 this, donating to me back then. I wouldn't be  
22 down a hundred and thirty-eight thousand bucks.  
23 But I am.

24 So I want to see some change. I'm going to  
25 fund this quo warranto if I have to and we're

1 going to take out the illegal sheriff. See, they  
2 don't even know we're the only state in America  
3 with an illegal, unconstitutional sheriff roaming  
4 our state, and he's the president of the  
5 sheriff's association. You can't make it up.

6 Thank you for your service to the citizens  
7 of Georgia.

8 **MR. MASHBURN:** Thank you, Mr. Gasaway.  
9 Thank you, Mr. Gasaway.

10 Alex, I'll take that from you.

11 Brenda Heidman. Brenda Heidman of Columbia  
12 County. I believe it's Heidman. Correct me if  
13 I'm wrong, please. Did I get it right?

14 **MS. HEIDMAN:** Yes, you did. You did.

15 **MR. MASHBURN:** Very good. Brenda Heidman,  
16 the floor is yours.

17 **MS. HEIDMAN:** Thank you. Thank you, State  
18 Election Board. Can you hear me? Okay, I can't  
19 hear myself.

20 **MR. MASHBURN:** Your mic is on.

21 **MS. HEIDMAN:** Can you hear me now?

22 **MR. MASHBURN:** Pull it a little closer.

23 **MS. HEIDMAN:** Little closer?

24 **UNIDENTIFIED SPEAKER:** Yeah.

25 **MS. HEIDMAN:** Okay.

1           **MR. MASHBURN:** All right.

2           **MS. HEIDMAN:** Thank you.

3           **MR. MASHBURN:** I think we can hear you.

4           **MS. HEIDMAN:** I'm here for paper ballots and  
5 to remove voting machines and to speak on the  
6 inaction of the Georgia state leaders, the  
7 elected leaders, the legislators, and the State  
8 Election Board as well.

9           The inaction hurts voters and citizens of  
10 Georgia. The inaction hurts the future of our  
11 children, grandchildren, great-grandchildren who  
12 aren't born yet because they will see how wrong  
13 the voting machine process is and how paper  
14 ballots were not instituted and they will come  
15 back and ask why.

16           Five, ten, fifteen, twenty years from now,  
17 we won't be here. But we'll be leaving our  
18 children, grandchildren, great-grand children to  
19 inherit a big mess that will be harder to fix.

20           So paper ballots, to me it's extremely  
21 simple. It hurts no one. It's for everyone  
22 regardless of political party, regardless of  
23 income level, socioeconomic status, education,  
24 regardless of race, religion. Paper ballots is  
25 for everyone and hurts no one. To me it's a

1 simple solution.

2 Please, I ask you please to push for the  
3 paper ballots, to remove the voting machines, and  
4 make the state legislators and the state leaders  
5 do what they're supposed to be doing.

6 **MR. MASHBURN:** Thank you, Ms. Heidman.  
7 Thank you. Thank you for your comments.

8 **MS. HEIDMAN:** Thank you.

9 **MR. MASHBURN:** Our penultimate speaker is  
10 Chairwoman Grubbs. Chairwoman Grubbs?

11 **UNIDENTIFIED SPEAKER:** She had to leave.

12 **MR. MASHBURN:** She had to leave?

13 Okay, so Diana Hopper. Diana Hopper. Diana  
14 Hopper. Two minutes. The floor -- let me know  
15 when you're ready. Take your time. Take your  
16 time. Okay, two minutes. The floor is yours.

17 **MS. HOPPER:** From Floyd County here,  
18 speaking on behalf of myself, Mr. Graham Grimes,  
19 and two of his poll workers, Sharon Settinger(ph)  
20 and Joy Battles. Mr. Grimes, he's a  
21 ten-years-plus poll manager and a poll worker  
22 prior to those years. Sharon has been a poll  
23 worker for -- since the 2016 election.

24 Mr. Grimes takes great pride in being very  
25 meticulous and organized running his precincts.

1 Yet he thought he was not going to be needed  
2 because he had not been contacted. Yet one week  
3 prior to the election, our election supervisor,  
4 Akyn Beck, called him. He was very upset but he  
5 went ahead because he loves our country and our  
6 county and went ahead. And it sent him into  
7 scrambling to contact his poll workers and to get  
8 himself organized.

9 At a special meeting, board of elections  
10 meeting, on Monday, November 13th, he was there  
11 speaking as myself and others and the two poll  
12 workers as I mentioned. And they were very, very  
13 upset. They had this -- I have the original of  
14 what I handed to you. There were more than a  
15 hundred voters that were disenfranchised.

16 As you see at the top, it says there were  
17 ten more before they even started this list.  
18 They started to get a barrage of people coming  
19 in. And that's just from two poll workers. The  
20 other two poll workers, I was not able to contact  
21 them but they also had lists of those that came  
22 in, that many of them -- most of them, it was  
23 their second time being directed to the new  
24 precinct.

25 And then there were more -- and there were

1 others that it was the fourth time. They were  
2 upset, threw their arms up, said: I'm sick and  
3 tired; I'm not going to go to one other precinct.  
4 They had been disenfranchised. Yet, it was --  
5 this election was certified. How can that be?

6 Ms. Virginia Harman, our county attorney, at  
7 a caucus of the county commissioners, said that  
8 the election went well and voter cards are not  
9 required to be mailed out. How were the voters  
10 supposed to know their new precinct if the  
11 voter -- they don't receive voter cards?

12 Myself, many others that were there at that  
13 meeting, we expressed our upsetness. We were  
14 very upset that I still to this day have not  
15 gotten my voter -- my new voter -- my voter card  
16 for the new precinct I'm supposed to attend to  
17 vote. If I had not gone to those meetings, I  
18 would not have known. I would have been just as  
19 those going from precinct to precinct.

20 Yet there was a -- I have a picture here of  
21 a -- of some signs showing where to go. It says  
22 if you have voted here to go to the location, and  
23 then on -- this is the building where the --  
24 where we have our election meetings, board of  
25 election meetings. And yet it didn't say come in

1 here and find out where are you to go. A lot of  
2 people just saw this and they left. So --

3 Just one more really quick.

4 **MR. MASHBURN:** Okay.

5 **MS. HOPPER:** So these precincts were  
6 consolidated because from 24 down to 19, but why?  
7 And whose idea was this? They claimed that it  
8 was to save money. Why not get rid of the  
9 outdated, expensive, compromised machines and go  
10 to the paper -- to the paper ballots?

11 **MR. MASHBURN:** Thank you, Ms. Hopper. Thank  
12 you, Ms. Hopper.

13 **MS. HOPPER:** This election should not been  
14 cer --

15 **MR. MASHBURN:** Thank you, Ms. Hopper. Thank  
16 you, Ms. Hopper.

17 That concludes the public comment section of  
18 the agenda. And just for planning purposes,  
19 we're going to take a restroom break for about 10  
20 to 15 minutes. We've been going solid since  
21 8:30. So I know that'll be appreciated. And  
22 then we will come back and do old business and  
23 new business items, agenda item number 5, then  
24 we'll break for lunch. And we'll come back and  
25 do investigations reports after lunch.

1           So that's -- that's the schedule.

2           **UNIDENTIFIED SPEAKERS:** (indiscernible)

3           **MR. MASHBURN:** I don't understand the  
4 question.

5           (Break taken)

6           **MR. MASHBURN:** If I could have your  
7 attention, please, we're going to come to order.

8           One of the things that we try to do is -- on  
9 this board is we try to be very family-friendly  
10 when we can. And I don't think I'm betraying any  
11 confidences in saying this, but we have a  
12 representative of Floyd County who is happily  
13 expecting a baby very soon. And so she shouldn't  
14 be up on her feet extended periods of time and so  
15 we're going to try and accommodate her request  
16 and take that case out of order.

17           So if everyone from Floyd County, Floyd  
18 County could -- I've got it as number 7 on the  
19 agenda and another one on 35. So we're going to  
20 do 7 -- we're going to do 7 and 35 right now.

21           Floyd County? Oh, you moved, okay. You  
22 shifted on me. I didn't see you. I had you back  
23 there. Okay.

24           So if Sara Koth -- Sara, if you're ready in  
25 case the board has any questions for these two

1 cases.

2 **Cases Recommended to be Dismissed**

3 **MR. MASHBURN:** But what we're going to do  
4 now is I'm going to call the case recommended to  
5 be dismissed, Floyd County case number 2020-086.

6 Are there any questions from the board? Any  
7 questions from the board? This has been a matter  
8 being recommended to be dismissed. Has the board  
9 had a chance to review the case? Is everybody  
10 comfortable with their knowledge of the case?  
11 (indiscernible) ready to go? Okay.

12 If so, I am ready to hear a motion that the  
13 case be dismissed, if there's one to be made.

14 **MR. LINDSEY:** (indiscernible)

15 **MR. MASHBURN:** A motion's been made to  
16 dismiss the case. Is there a second?

17 **MS. GHAZAL:** Second.

18 **MR. MASHBURN:** There's been a second.  
19 Discussion by the board? There's been a motion  
20 and a second to dismiss SEB 2020-086. Comment?

21 **MS. GHAZAL:** My only comment in the case is  
22 it is a good reminder to make sure that each  
23 county ensures that they have 10 percent of their  
24 registered voters -- emergency ballots  
25 representing at least 10 percent of each polling

1 place at each polling place on the opening of  
2 election day. This is just a really good  
3 opportunity to remind every county they are  
4 responsible for that. And if they are found to  
5 have not complied with that and that results in  
6 delayed voting or voters not being allowed to  
7 cast a ballot, they will be held responsible by  
8 this body.

9 But that was not the case here. It's just a  
10 really good opportunity to offer a reminder.

11 **MR. MASHBURN:** All right. Any further  
12 discussion? Any further discussion?  
13 Dr. Johnston?

14 **DR. JOHNSTON:** I would like to agree very  
15 much with my colleague and not only have those  
16 provisional emergency ballots ready at 7 a.m., at  
17 the beginning, but also know how to use them and  
18 be willing to use them. Thank you. It's a  
19 public service announcement.

20 **MR. MASHBURN:** Okay, public service  
21 announcement concluded. Any further comments  
22 from the board? We're going to vote then. All  
23 those in favor of dismissing SEB 2020-086 would  
24 say aye.

25 **THE BOARD MEMBERS:** Aye.

1           **MR. MASHBURN:** All those opposed would say  
2 no. Motion carries. So 2020-086 is dismissed.

3           Next we raise cases to be recommended for a  
4 letter of instruction, SEB 2020-249, Floyd  
5 County, improper ballot scanning. Questions?  
6 Would you like to give us a brief, just real  
7 quick *Reader's Digest* summary of the case --

8           **MR. BRUNSON:** Yes.

9           **MR. MASHBURN:** And then I'll ask the board  
10 if they're comfortable and have reviewed it.

11          **MR. BRUNSON:** Yes.

12          **MR. MASHBURN:** Okay.

13          **MR. BRUNSON:** So this is SEB 2022-249,  
14 improper ballot scanning. Secretary of State's  
15 Office opened this investigation based on the  
16 self-reported complaint received from the  
17 complainant on October 20, 2022.

18           The complainant shared the complaint that an  
19 employee of the Floyd County Elections and  
20 Registrations Office brought to the complainant's  
21 attention that two unattended ballots printed by  
22 the ballot marking device had been scanned into  
23 the absentee, in-person tabulator by the poll  
24 workers. The voters were not present at either  
25 occurrence. The voters placed the printed

1 ballots into the absentee ballot mail drop box as  
2 opposed to scanning it into the tabulator.

3 The employee who brought it to the  
4 complainant's attention witnessed this incident  
5 and was present when the poll workers retrieved  
6 the ballots from the ABM drop box and scanned  
7 them into the tabulator. The ballots were not  
8 scanned until after the poll location was closed  
9 for the day of each occurrence.

10 This is a potential violation of Georgia  
11 Election Rule 183-1-12-.11(3) which stipulates --  
12 and I'm quoting in part: Poll officers shall  
13 also check that no ballots are left in the  
14 printing -- in the printer or anywhere in the  
15 enclosed space of an appropriate ballot box. Any  
16 ballots found in the enclosed space that do not  
17 belong to a voter currently in the enclosed space  
18 shall not be counted but shall be secured and  
19 labeled as unattended ballots.

20 So that's what should've happened even  
21 though these individuals properly did everything  
22 except put it in the tabulator. They put it in  
23 the wrong place because they got confused  
24 apparently. And so the individuals for the  
25 county felt, well, this is a voted ballot; we're

1 going to scan it through. However, that's not  
2 the proper process to deal with these two ballots  
3 that were put through in that manner.

4 **MR. MASHBURN:** Okay. Questions by the board  
5 for the investigator? Okay.

6 Would Floyd County like to be heard? You  
7 have no burden of proof, so you don't have to be  
8 heard if you don't want to, but you are welcome  
9 to be heard if you'd like.

10 **MS. HARMAN:** Virginia Harman. I am the  
11 Floyd County attorney. No, we have no -- the  
12 investigator has done a thorough job. It was  
13 self-reported. Ms. Beck had just come to Floyd  
14 County at the time. We have since done a  
15 tremendous amount of training of all of our  
16 workers. We're -- we're continuing that process  
17 and hope we'll be in the position to never have  
18 this happen again. We've done that training.  
19 We're happy to receive the letter of instruction.  
20 We'll continue it and are just here to answer any  
21 questions that the board might have.

22 **MR. MASHBURN:** Thank you. Questions for  
23 Floyd County from the board? No questions. At  
24 this time, I'm -- entertain a motion.

25 **MS. GHAZAL:** I move that we issue a letter

1 of instruction.

2 **MR. MASHBURN:** There's been a motion to  
3 issue a letter of instruction. Is there a  
4 second?

5 **DR. JOHNSTON:** Second.

6 **MR. MASHBURN:** There's been a motion and a  
7 second to issue a letter of instruction. Any  
8 discussion? All those in favor would say aye.

9 **THE BOARD MEMBERS:** Aye.

10 **MR. MASHBURN:** All those opposed would say  
11 no. Motion passes. A letter of instruction will  
12 be issued. That completes Floyd County on the  
13 agenda, so y'all are free to go.

14 And just for the chair's education and  
15 information, are there any cases -- in the cases  
16 recommended to be dismissed, are there any cases  
17 that the board would like to pull from the cases  
18 to be dismissed?

19 **DR. JOHNSTON:** Yes.

20 **MR. MASHBURN:** Are there any that you would  
21 like to be pulled?

22 **DR. JOHNSTON:** Yes.

23 **MR. MASHBURN:** Okay. If you can give me  
24 your list, please.

25 **DR. JOHNSTON:** I'd like to pull case

1 2022-348.

2 **MR. MASHBURN:** 348.

3 **MR. LINDSEY:** Number 28.

4 **MR. MASHBURN:** Number 28. That's the only  
5 one?

6 **DR. JOHNSTON:** That's the only one.

7 **MR. MASHBURN:** Okay. That's the only one.

8 Board member Lindsey, any cases you'd like  
9 to pull?

10 **MR. LINDSEY:** Actually (inaudible).

11 **MR. MASHBURN:** Okay. Board Member Ghazal,  
12 is there any like -- you'd like to pull?

13 **MS. GHAZAL:** (shaking head)

14 **MR. MASHBURN:** Okay. What I will do to make  
15 the most use of our time as available is I will  
16 accept a motion at this time that the cases  
17 recommended to be dismissed, other than 28 and  
18 7 -- and 86 and 7 which we've already handled,  
19 all be dismissed. I'll entertain that motion if  
20 anybody's ready to make it.

21 **MR. LINDSEY:** So moved.

22 **MR. MASHBURN:** Okay.

23 **DR. JOHNSTON:** Second.

24 **MR. MASHBURN:** There's a motion been made  
25 and seconded. The board -- just for those that

1 this might be your first meeting, the board  
2 traditionally handles these in bulk unless a  
3 board member particularly wants one pulled out  
4 for particular discussion. There might be any  
5 reason -- any reason why. But there's been a  
6 motion made to dismiss all but eighty -- 2020-86  
7 which has been handled and 2022-348 which we're  
8 going to pull. And those have been a motion to  
9 dismiss in bulk.

10 Sara? Board Member Ghazal?

11 **MS. GHAZAL:** Was case 2022-011, Tybee  
12 Island, was that continued or not? I believe  
13 that was continued.

14 **MR. MASHBURN:** Yeah, Tybee Island was  
15 continued.

16 **MS. GHAZAL:** Okay.

17 **MR. MASHBURN:** That's right. That's 0-1-1,  
18 continued. Thank you for bringing that to my  
19 attention. You're absolutely correct. Thank you  
20 for bringing that to my attention.

21 So now we have -- we're going to exclude  
22 2020-086, 2022-011, and 2022-348 from a motion in  
23 bulk to dismiss. Is there -- is there such a  
24 motion?

25 **MR. LINDSEY:** So moved.

1           **MR. MASHBURN:** Been a motion. Is there a  
2 second?

3           **MS. GHAZAL:** Second.

4           **MR. MASHBURN:** Motioned and seconded.  
5 Discussion? Okay.

6           **DR. JOHNSTON:** Oh, I --

7           **MR. MASHBURN:** There's discussion?

8           **DR. JOHNSTON:** Mr. Chairman, one -- one  
9 comment to be noted in all of these that are to  
10 be dismissed is that more than the majority, the  
11 vast majority of these cases that are to be  
12 dismissed are complaints about absentee voting.  
13 All of these were investigated and merit being  
14 dismissed. I just think the public and maybe  
15 those listening should hear that we -- we have to  
16 deal with many, many complaints about absentee  
17 voting. Thank you.

18           **MR. MASHBURN:** Any further discussion? We  
19 will have a vote. All those in favor of  
20 dismissing all but 2020-086, 2022-011, and  
21 2022-348 in bulk would say aye.

22           **THE BOARD MEMBERS:** Aye.

23           **MR. MASHBURN:** All those opposed would say  
24 no. Motion carries unanimously. Okay. Since  
25 we've got a minute, are you ready with -- are

1 y'all ready with 2022? Are y'all ready with  
2 2022-348?

3 **UNIDENTIFIED SPEAKER:** 328.

4 **MR. MASHBURN:** 2022-348? The one you wanted  
5 to pull?

6 **UNIDENTIFIED SPEAKER:** 328?

7 **MR. MASHBURN:** 348.

8 **DR. JOHNSTON:** No, it's three twenty -- I'm  
9 sorry. You're right, 348. But I believe  
10 Mr. Barnes had planned to be here to answer  
11 questions about this case.

12 **MR. MASHBURN:** Oh, that's the one at 2:30.  
13 Okay. All right, so we're going to hold that.  
14 Yeah. Good job. Thank you. All right, so we're  
15 holding that at 2:30. Okay.

16 Are there any -- just for the board's  
17 edification, are there any letters of instruction  
18 cases that the board would like to have pulled?  
19 Are there any cases for letters of instruction  
20 the board would like to have pulled? We'll give  
21 board Member Ghazal a minute. I know this is  
22 catching you by surprise. I'm sorry.

23 **MS. GHAZAL:** Tab number 32.

24 **MR. MASHBURN:** Tab 32.

25 **MS. GHAZAL:** That is SEB 2021-102.

1           **MR. MASHBURN:** 2021-102.  
2           **MS. GHAZAL:** Tab 33.  
3           **MR. MASHBURN:** Tab 33.  
4           **MS. GHAZAL:** 2022-106.  
5           **MR. MASHBURN:** 2022-106.  
6           **MS. GHAZAL:** And finally tab 37, 2020-107.  
7           **MR. MASHBURN:** That's an Attorney General  
8 case, right?  
9           **MS. GHAZAL:** Okay. Hold.  
10          **MR. MASHBURN:** All right, so we'll do that.  
11 So you want to pull 32, 33.  
12          **MS. GHAZAL:** Yes.  
13          **MR. MASHBURN:** Okay. And, Dr. Johnston, do  
14 you have any that you'd like to pull?  
15          **DR. JOHNSTON:** Yes. Tab 34, case --  
16          **MR. MASHBURN:** Tab 34.  
17          **DR. JOHNSTON:** -- 217.  
18          **MR. MASHBURN:** Tab 34, okay.  
19          **MR. LINDSEY:** I'm sorry. Dr. Johnston,  
20 which one?  
21          **MR. MASHBURN:** Tab 34.  
22          **DR. JOHNSTON:** Right.  
23          **MR. LINDSEY:** Okay.  
24          **MR. MASHBURN:** Okay. So we've got 29, 30,  
25 and 31 cases, letters recommended for -- and

1 letter of instruction that have not been pulled.  
2 Is there a motion to issue letters of instruction  
3 for those in bulk?

4 **MS. GHAZAL:** So moved.

5 **MR. MASHBURN:** There's been a motion. Is  
6 there a second?

7 **MR. LINDSEY:** Second.

8 **MR. MASHBURN:** There's been a motion and a  
9 second. Is there any discussion? So there's  
10 been a motion. There's no discussion. Is there  
11 a -- so we're ready to vote. All those in favor  
12 would say aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. MASHBURN:** All those opposed would say  
15 no. So that motion carries and those are  
16 handled. Okay.

17 We're going to take a short recess of five  
18 minutes while I get my thoughts together on  
19 something. So we'll just take a short recess of  
20 five minutes.

21 (Break taken)

22 **MR. MASHBURN:** Okay. We're back on. So  
23 here's -- here's what we're going to do. The big  
24 case that everybody is interested in is under new  
25 business. SEB 2023-001. And they're outside

1 having a press conference right now.

2 **UNIDENTIFIED SPEAKER:** Just ignore them and  
3 start.

4 **MR. MASHBURN:** Just ignore them and start?  
5 I don't -- I don't think they'd like that.

6 **UNIDENTIFIED SPEAKER:** (indiscernible)

7 **MR. MASHBURN:** So what we're going to do is  
8 we're going to break for lunch. And we'll --  
9 we'll break for lunch for an hour and then we'll  
10 be back here in hour and that -- we'll pick that  
11 up first. Is there actually unanimous consent to  
12 that? So ordered.

13 (Break taken)

14 **MR. MASHBURN:** Okay, ladies and gentlemen,  
15 we're going to call the meeting back to order.  
16 Hopefully everybody had a good -- good lunch and  
17 a good press conference and they got everything  
18 done they needed to get done. So we'll try and  
19 get -- get moving on this afternoon's agenda.

20 **New Business**

21 **MR. MASHBURN:** First thing on the afternoon  
22 agenda is we're going to handle old business and  
23 new business items. There is no old business.  
24 So we have a new business item which is a  
25 discussion by the board members on SEBBI

1 2023-0001.

2 And this is an agenda item placed on the  
3 agenda by board member Edward Lindsey. And so he  
4 is going to lead that part of the discussion.

5 The floor is yours, board member Lindsey.

6 **MR. LINDSEY:** Thank you, Mr. Chairman.

7 And -- and, Mr. Rossi, I apologize. What I  
8 was thinking about before we came here and with  
9 the board's permission, is there something that  
10 you would like to say for a few minutes about the  
11 jurisdiction that's over -- our jurisdiction over  
12 the Secretary of State on this matter? Anything  
13 you want to add?

14 **MR. ROSSI:** (inaudible)

15 **MR. LINDSEY:** Yeah, I'm serious. Yeah.  
16 Just four or five minutes. You know, I think  
17 that obviously we've got a group here that's been  
18 very interested in the complaint and I think that  
19 in the interest of fairness that we ought to give  
20 you a chance to speak to it publicly for a few  
21 minutes.

22 **MR. MASHBURN:** So that's a unanimous --

23 **MR. ROSSI:** Well, I appreciate the  
24 opportunity --

25 **MR. MASHBURN:** That's a unanimous --

1 unanimous -- unanimous motion -- what --

2 **MR. LINDSEY:** Unanimous consent.

3 **MR. MASHBURN:** Unanimous consent motion.

4 Unanimous consent motion. So is there any  
5 objection?

6 Hearing no objection, Mr. Rossi, you have  
7 five minutes.

8 **MR. ROSSI:** Okay. I appreciate the  
9 opportunity to speak. I will say I'm not  
10 prepared because I didn't know I was going to get  
11 to do this.

12 **MR. LINDSEY:** And I apologize for that.

13 **MR. ROSSI:** That's all right.

14 **MR. LINDSEY:** As I looked at it --

15 **MR. ROSSI:** (indiscernible) --

16 **MR. LINDSEY:** Mr. Rossi, let me just say I  
17 apologize for that. I was looking at it as we  
18 walked in here. I was going, this is a serious  
19 matter. We've had several people to speak of it  
20 earlier. And that -- and you've worked very hard  
21 on this and fought very hard for this and I  
22 thought you ought to have a few minutes.

23 **MR. ROSSI:** I'll do my best. As  
24 Mr. Mashburn knows, I'm not an attorney, right?  
25 I'm an engineer.

1           **UNIDENTIFIED SPEAKER:** You had told me that.

2           **MR. ROSSI:** And a funny story, if I may for  
3 a second. I got an invite to brief the board on  
4 this matter and I started calling Miss Alex over  
5 there because I thought brief the board meant you  
6 come up and meet with them. And her and  
7 Mr. Mashburn corrected my nonlegal mind and said  
8 brief the board means you write something. They  
9 don't sit down and meet.

10           So anyways, I'll put it to you in nonlegal  
11 terms. So all along as we did this investigation  
12 of the errored recounts, both the Fulton County  
13 hand audit and what hopefully will become  
14 verification of the second machine count errors,  
15 attorney Jack James and I have had in the back of  
16 our mind that the errors obviously originated in  
17 Fulton County. However, we made it perfectly  
18 clear to every person we ever talked to that we  
19 can't just point fingers at Fulton County. There  
20 has to be some accountability for the chief  
21 election official of the state --

22           **UNIDENTIFIED SPEAKER:** Yes.

23           **MR. ROSSI:** -- who is Mr. Raffensperger.

24           So whether it was -- and to be honest, we  
25 felt like there was a conservative coverup effort

1 to protect the Secretary of State's Office for  
2 any accountability and to send this through to  
3 Fulton County, give them a little slap on the  
4 wrist and not do anything to damage the  
5 Raffensperger narrative which was both recounts  
6 were perfect so what are you arguing about?  
7 Because they're not.

8 So whether it's Ms. McGowan's unsolicited  
9 phone call to Jack James after -- she couldn't  
10 deny the errors after Governor Kemp's letter came  
11 out -- out of the clear blue, basically trying to  
12 strongarm and telling he and I to back off the  
13 Secretary of State and stay focused on Fulton  
14 County. Number one.

15 Number two, shortly after that, in December  
16 of the same year, when I was meeting with the  
17 investigators on the hand audit errors -- it was  
18 a good meeting, it was a long meeting -- it  
19 became obvious to me that they were not  
20 independent.

21 And at the beginning I asked them, I said,  
22 How do you guys ensure Jack and I that you're  
23 independent? And Mr. Baron who was with their --  
24 with them -- and this is a transcribed meeting,  
25 so you could all listen to my words and their

1 words -- Mr. Baron said, We're independent even  
2 though we work for the Secretary of State. And  
3 we will go wherever the data leads.

4 So about two or three hours into the  
5 meeting, it became obvious that Mr. Zagorin was  
6 getting frustrated because he couldn't convince  
7 me that there weren't errors. Because I knew  
8 there were. I studied them, you know, for  
9 months. Double, triple counts. I didn't bring  
10 that poster. I should've brought that today.

11 But he finally just was so frustrated, he  
12 made this comment, he said: So, Mr. Rossi, you  
13 think just because these errors are posted on  
14 our -- I'm not an English major, but when you say  
15 "our," o-u-r, you are referring to us, posted on  
16 our website, keep in mind, they're independent.  
17 And just because they're posted on our website  
18 does not make it our responsibility.

19 So right at that point I knew, okay,  
20 Ms. McGowan, now the Secretary of State's trying  
21 to protect his -- his position. And then came  
22 the board meeting. And I'm going to do this  
23 cautiously with Mr. Mashburn.

24 But I have learned some things since then,  
25 Matt.

1           When I went to that meeting, I went to that  
2 meeting knowing that the errors were created in  
3 Fulton County, that I also felt very  
4 uncomfortable with the way the Secretary of  
5 State's Office handled these audits. I gave them  
6 the opportunity after that hearing in December, I  
7 said, Why don't you just go back and ask the  
8 Secretary of State to simply put a footnote on  
9 that report and say, The governor's team has  
10 found this report to have errors -- you owe that  
11 to the public -- and just say you're  
12 investigating it? That's simple. Simple  
13 honesty. And they refused to do that.

14           So in that meeting on the 16th, I was  
15 determined to bring up all my e-mails that I had  
16 between myself, McGowan, Sterling because I  
17 wanted the public and the board to know that this  
18 is Fulton County originated errors, but we're not  
19 going to fix the problem unless we hold the  
20 Secretary of State accountable.

21           And in that meeting I was mad at  
22 Mr. Mashburn, to say the least, because he  
23 said -- every time I brought it up, he said,  
24 You're out of order. You're out of order.  
25 You're out of order. I had many people call me

1 after that and say, How did you feel like you  
2 were treated? And I said, I feel like I was  
3 disrespected.

4 Since then I kind of half understand what  
5 Matt did. So I'll give him kind of the benefit  
6 of the doubt, but I still wish I would've had the  
7 chance to bring up the Secretary of State.

8 So since then, as a lawyer, he has corrected  
9 me, as an engineer, that he gets the cases -- and  
10 Alex sent me the case sheet, you get a case  
11 sheet -- and when it comes to the board, it  
12 checks who is the respondent. So somebody -- I  
13 don't know who -- at the AG's office, the  
14 Secretary of State's Office, or the SEB office --  
15 checked Fulton County only. So he basically did  
16 what that case sheet said.

17 Now, I don't know if the board was involved  
18 in developing that case sheet or whether it came  
19 directly from the Secretary of State. So I kind  
20 of half understand why I was shut down a year  
21 later.

22 So after that meeting, I decided with Jack  
23 in a sloppy way -- it's not a very professional  
24 document, I apologize for that, we filed a  
25 complaint against -- directly against the

1 Secretary of State for election code violations.  
2 And the main one is that when errors are reported  
3 to the Secretary of State, which they were in  
4 February, they're supposed to do something about  
5 it. And they didn't do anything about it.

6 So that case -- that complaint was filed  
7 March 21st of '21. And there was a lot of  
8 confusion on that case as to whether it was tied  
9 to 181, was it a real case, was it closed? Judge  
10 Duffey and I went back and forth many, many times  
11 with -- I can't remember who the assistant  
12 attorney -- I think it was Elizabeth Vaughan from  
13 the Attorney General's Office, she finally helped  
14 us find it.

15 And Mr. Duffey at that time, in July, he  
16 didn't tell his he was going to open a case, he  
17 told me he was going to take it to the Secretary  
18 of State and look into it. He apparently -- I  
19 don't have my flipchart up here. He apparently  
20 opened up a case on an investigation of the  
21 Secretary of State for election code violations  
22 only to be shut down by none other than  
23 Ms. McGowan who moved from the Attorney General's  
24 Office to the Secretary of State's attorney.

25 And he didn't have to send me that e-mail.

1 He didn't have to send the attachment. He  
2 could've sent me an e-mail that said, Mr. Rossi,  
3 this case is closed. Looked at what Ms. McGowan  
4 just said. But, you know, thank goodness  
5 something -- I've got to believe -- I've never  
6 talk to him since -- something went off in his  
7 head and said something is not right here. The  
8 Secretary of State is not untouchable.

9 And so he did -- he sent me the e-mail with  
10 her attachments. Says, Mr. Rossi, here's what  
11 Ms. McGowan told me. And so she basically said,  
12 Judge Duffey, I hear that you have asked Sara,  
13 election director, to open up a case against --  
14 filed by Mr. Rossi for the Secretary of State's  
15 election code violations regarding the RLA hand  
16 audit posted on our website -- there's that word  
17 "our" again. We don't own it but it's on our  
18 website -- and I am letting our investigators  
19 know that they will no longer -- this case is  
20 closed basically.

21 And then at the end of her e-mail, she said,  
22 I trust -- Chairman Duffey, I trust that you will  
23 let Mr. Rossi know that this case is closed. So  
24 again -- I spoke earlier -- I'm not sure how  
25 Judge Duffey took that, but he didn't accept it

1 and in the body of his e-mail, his last sentence  
2 said, We're considering our options regarding  
3 this matter.

4 So then I began the communication with the  
5 board, Mr. Mashburn. He knew there was a case.  
6 He knew what Chairman Judge Duffey had done. And  
7 to his credit, he said, Hey, you know, we're  
8 going to take this seriously.

9 I don't agree on the unlimited time frame  
10 because I'm an engineer and I like things done.  
11 Done, done, done. But I understand sometimes the  
12 law does not go like that.

13 But I think that's where we're at today in  
14 the -- I'm not asking the board at this point to  
15 hear on the merits of the case. I'm asking them  
16 to rule that they have the authority to  
17 investigate the State Election Board [sic]  
18 because if -- if they don't rule like that, then  
19 the governor doesn't have authority over the  
20 Secretary of State's Office. He wrote me that  
21 night, great letter, but he made it very clear  
22 that that is not his lane. He's not the chief  
23 election official.

24 So anyways that's kind of where --

25 **MR. LINDSEY:** (inaudible) quick question.

1           **MR. ROSSI:** Yeah.

2           **MR. LINDSEY:** Did you ever file  
3 (inaudible) --

4           **MR. ROSSI:** Inspector General.

5           **UNIDENTIFIED SPEAKER:** We can't hear.

6           **MR. LINDSEY:** Did you ever file a complaint  
7 with the Inspector General?

8           **MR. ROSSI:** No, sir.

9           **MR. LINDSEY:** Okay. I'm just sort of  
10 curious.

11          **MR. ROSSI:** I'm a novice at this. I --

12          **MR. LINDSEY:** No, no. I understand. I'm  
13 just --

14          **MR. ROSSI:** I don't even know where to begin  
15 --

16          **MR. LINDSEY:** I'm just --

17          **MR. ROSSI:** -- with the Inspector General.

18          **MR. LINDSEY:** I'm just curious. Thank you,  
19 Mr. Rossi. I appreciate it. Thank you.

20          **MR. MASHBURN:** Thank you. Okay, thank you,  
21 Mr. Rossi. Just for the purposes of the court  
22 reporter, who -- who is taking down this, Miss --  
23 I think at the very end of your remarks you said  
24 that we should investigate the State Election  
25 Board. And I think you meant the Secretary of

1 State.

2 So such for the court reporter, I'm going to  
3 go ahead and authorize the court reporter to make  
4 that change from investigate the state election  
5 board to investigate the Secretary of State. So  
6 she'll take --

7 **MR. ROSSI:** Yeah.

8 **MR. MASHBURN:** The court reporter will take  
9 care of that.

10 Okay. The other thing is before we get to  
11 Mr. Lindsey continuing this discussion, out of a  
12 courtesy to our fellow citizens is -- Fulton  
13 County is here for a case, 2021-102, and there  
14 was a problem with a notice to one of the  
15 respondents. The respondent did not get notice  
16 of this hearing. So that case is going to be  
17 continued to give the respondent notice of a  
18 hearing and the chance to be here.

19 So Fulton County is excused. You're welcome  
20 to -- to listen to the debate or head off to --  
21 to other things if you wish, but just wanted to  
22 let you know that's been continued because one of  
23 the respondents didn't get notice.

24 Yes, sir, Mr. Rossi?

25 **MR. ROSSI:** (inaudible) more seconds,

1 please?

2 **MR. MASHBURN:** Sure. Well, let me ask  
3 unanimous consent for Mr. Rossi to have another  
4 couple minutes. Without objection, so ordered.

5 **MR. ROSSI:** (inaudible) I filed a brief.  
6 It's not a very good brief. I thought it was a  
7 meeting. I wrote what I did. I looked up the  
8 code. I felt comfortable that they had the  
9 authority. But there's some intelligent lawyers  
10 that have submitted -- I guess you call it an  
11 amicus letter with many, many documents, much  
12 information that has been provided to the board.  
13 I trust that y'all have gotten that. That  
14 basically states that they do have the authority.

15 So thank you for letting me have that last  
16 comment.

17 **MR. LINDSEY:** Thank you.

18 **MR. MASHBURN:** Certainly.

19 **MR. LINDSEY:** Appreciate it.

20 **MR. MASHBURN:** Okay. Mr. Lindsey has the  
21 floor.

22 **MR. LINDSEY:** Mr. Chairman and the other  
23 folks here today who are interested in this  
24 matter, you know, we -- the difficulty in this  
25 case is -- is that we have, for instance, a very

1 old attorney general's opinion from -- what? '05  
2 or '06? --

3 **MR. MASHBURN:** '05.

4 **MR. LINDSEY:** -- that says that we don't  
5 have jurisdiction over the Secretary of State.  
6 I'm just sort of giving you the history here,  
7 folks. Hear me out, okay?

8 **MR. MASHBURN:** It's not -- this is not a  
9 debate.

10 **MR. LINDSEY:** I understand. And we have --

11 **MR. MASHBURN:** Mr. Lindsey has the floor.

12 **MR. LINDSEY:** And we have that and I've read  
13 the other opinions as well. And we've asked for  
14 additional updated opinions. And so far we  
15 haven't received them yet. And therein lies the  
16 difficulty, is first trying to decide if we have  
17 jurisdiction over this matter.

18 At the end of the day, though, I come down  
19 to this. Back when I started considering whether  
20 or not we -- we either have or we should have  
21 jurisdiction. And we have jurisdiction over a  
22 hundred and fifty-nine election boards. We have  
23 a -- as well as their supervisors. We have  
24 jurisdiction over literally thousands of  
25 part-time and full-time election officials as you

1 guys have heard in the various hearings today.  
2 We have jurisdiction over 10 million Georgians if  
3 you step out of line as you've heard today.

4 And so if we don't have jurisdiction in --  
5 and one of our charges is to -- is to ensure  
6 that a -- fair and free elections. And if we  
7 don't have jurisdiction, then we damn well should  
8 in my opinion, or somebody should.

9 Whether or not the General Assembly wishes  
10 to give us that jurisdiction or wishes to bestow  
11 that on someone else, you know, I leave that up  
12 to the wisdom of the General Assembly, and having  
13 once been there.

14 And for that reason, I want to make a motion  
15 that we have jurisdiction so that a -- we can  
16 move forward with an investigation. And I say so  
17 without any references to the merits of -- of it.  
18 Having read it, I have certain questions about  
19 the merits. I'm not sure how I would vote. But  
20 I do think that -- that if we don't, somebody  
21 should have jurisdiction to -- to investigate the  
22 Attorney General[sic]. That's why I asked about  
23 the Inspector General.

24 **UNIDENTIFIED SPEAKER:** Secretary of State.  
25 Secretary of State.

1           **MR. LINDSEY:** No, that's why I asked --  
2 thank you. Secretary of State. That's why I  
3 asked about the Inspector General.

4           But there ought to be accountability by --  
5 by every elected official, particularly on  
6 election matters.

7           And for that reason, Mr. Chairman, I would  
8 move that we have -- that we have jurisdiction  
9 and that we move forward an investigation.

10          **MR. MASHBURN:** Okay. There's been a --  
11 there's been a motion that the board exercise  
12 jurisdiction over the Secretary of State to hear  
13 complaints against the Secretary of State. Did I  
14 correctly state the motion?

15           Is there a second?

16          **DR. JOHNSTON:** Second.

17          **MR. MASHBURN:** There's been a second. Okay.  
18 So now we move to discussion. The discussion  
19 will proceed in reverse order of seniority.

20           So Dr. Johnston, you have the floor first.

21          **DR. JOHNSTON:** Always good to go first.  
22 Thank you. Well, in anticipation of this  
23 discussion, I prepared some notes. So let me  
24 share these with all of you here and maybe those  
25 listening.

1           It is my view that the State Election Board  
2 has the power to direct an investigation of the  
3 Secretary of State, the election officials in the  
4 Secretary of State's Office, or both. A reading  
5 of the statutory provisions dealing with the  
6 board make this apparent.

7           Although the board and the secretary both  
8 address elections, their duties are different.  
9 The board was created by the General Assembly and  
10 given the statutory duty to ensure that election  
11 officials conduct elections in a legal, honest,  
12 and uniform manner.

13           It is the board's duty to investigate and  
14 report election violations, fraud, or  
15 irregularities, 21-2-31. The board has the power  
16 to examine under oath any person concerning any  
17 matter connected with or bearing on the proper  
18 discharge of its duties. The face of these  
19 provisions provides no limit.

20           Therefore, before the Secretary of State or  
21 his office can claim immunity from investigation,  
22 they must identify some provision of the law  
23 granting it to them. This, they have failed to  
24 do. Chapter 21 of Georgia code already provides  
25 for violations that might be part of an election

1 complaint against the Secretary of State in  
2 O.C.G.A. 21-2-586 and O.C.G.A. 21-2-596.

3 Many statutes in the election code refer to  
4 required conduct by an election official. The  
5 Secretary of State is the chief election official  
6 in the state.

7 O.C.G.A. 21-2-50 states the Secretary of  
8 State shall receive from the superintendent  
9 returns of primaries and elections and to canvass  
10 and compute the votes cast for candidates.

11 O.C.G.A. 21-2-499 provides the Secretary of  
12 State shall immediately proceed to tabulate,  
13 compute, and canvass the votes cast, and in  
14 event -- in the -- and in the event an error is  
15 found in the certified returns presented to the  
16 Secretary of State or in the tabulation,  
17 computation, or canvassing of votes is described  
18 in this code section, Secretary of State shall  
19 notify the county submitting the incorrect  
20 returns and direct the county to correct and  
21 recertify such returns.

22 O.C.G.A. 21-2-495 states: Any other  
23 provision of this code section to the contrary  
24 notwithstanding, a candidate for a federal or  
25 state office voted upon by the electors of more

1 than one county may petition the Secretary of  
2 State for a recount or recounts of votes as  
3 appropriate when it appears that a discrepancy or  
4 error, although not apparent on the face of the  
5 returns, has been made, a recount may be ordered  
6 in the discretion of the Secretary of State.

7 I believe that SEB 2023-025, which deals  
8 with the general election count and an official  
9 recount of the general election contest, is a  
10 case that pertains to the role and responsibility  
11 of the Secretary of State. The complaint is  
12 complex and -- and large in scope. It involves  
13 alleged inaccuracies, inconsistencies, and  
14 irregularities in counts for a presidential  
15 contest in one county that represents 10 percent  
16 of the votes in the state.

17 The findings in a prior complaint, SEB  
18 2021-181, that was concluded with a consent  
19 order, found 4,081 votes that were erroneously  
20 given to one candidate in a careful review of a  
21 third of the ballots by the governor's team and  
22 Mr. Rossi and Mr. Moncla. If one were to  
23 calculate the same error rate in a hundred  
24 percent review of that same county, there would  
25 be over 12,000 votes given to a candidate in

1 error.

2 Mr. Rossi and Mr. Moncla's complaint,  
3 2023-025, questions the accuracy of the recount  
4 and the original count of the presidential  
5 contest of 2020. They question the veracity of  
6 scanner vote totals because of lack of  
7 documentation. Mr. Rossi and Mr. Moncla allege  
8 the recount resulted in almost 18,000 votes short  
9 and over 3,000 duplicate vote counts.

10 According to the complaint, ten scanners  
11 have no election documents for 20,713 votes.  
12 Perhaps the county or other election officials  
13 can produce the proper documents or evidence.  
14 There is no foregone conclusion of the outcome of  
15 the investigation, but the board and the  
16 secretary need to answer the factual questions of  
17 Mr. Rossi and Mr. Moncla. Without documentation  
18 anyone should question the validity of results.  
19 Without proper investigation the allegations  
20 cannot be addressed, supported, or denied.

21 The legislature clearly provided in adoption  
22 of O.C.G.A. 21-2-33 that the board should have  
23 the resources available to conduct such an  
24 investigation with professional independent  
25 investigators. The Secretary of State shall

1 upon -- it states: The Secretary of State shall  
2 upon the request of the State Election Board  
3 provide any and all the necessary support and  
4 assistance that the State Election Board in its  
5 sole discretion deems -- determines is necessary  
6 to enforce this chapter to carry out or conduct  
7 its duties.

8 In conclusion, from the Attorney General's  
9 opinion of 2005-3, the State Election Board --  
10 this is a quote: The State Election Board  
11 fulfills its responsibilities in providing  
12 direction and oversight of the Secretary of State  
13 and other election officials when such discretion  
14 is necessary to ensure uniformity in their  
15 practices and procedures for the legality and  
16 purity of the electoral process.

17 And most importantly, from the office of the  
18 governor: The office of the governor does not  
19 have the authority to investigate election  
20 matters. Such authority resides with the State  
21 Election Board. Thank you.

22 **MR. MASHBURN:** Order, please. Can we have  
23 order, please.

24 Thank you for your comments, Dr. Johnston.

25 We now continue in proceeding in reverse

1 seniority. And Mr. Lindsey is up again if he  
2 wishes.

3 **MR. LINDSEY:** I believe I've stated my  
4 reason for my motion.

5 **MR. MASHBURN:** Okay.

6 **MR. LINDSEY:** No reason to prolong it.

7 **MR. MASHBURN:** Okay. We move -- we move  
8 therefore to -- we move therefore to member  
9 Ghazal.

10 **MS. GHAZAL:** Thank you. I take this  
11 responsibility on the board extremely seriously.  
12 I spend many hours researching the law,  
13 researching the facts, reading cases. And when I  
14 was sworn in, I swore to uphold the Constitution  
15 of the United States and the Constitution of  
16 Georgia. Under the Constitution of Georgia, the  
17 Secretary of State is a constitutional office.  
18 The State Election Board is created by a  
19 legislature, by legislation, and we are  
20 appointed.

21 Because of the constitutional constraints,  
22 their must be an extraordinarily explicit  
23 delegation of authority to the secretary -- to  
24 the State Election Board to give us authority to  
25 investigate a constitutional office and I do not

1 read that delegation of authority in the  
2 legislation as it currently stands.

3 The Georgia General Assembly has shown  
4 itself entirely capable of making this sort of  
5 explicit delegation of authority when in the  
6 previous legislative session they established a  
7 board to oversee constitutional officers in the  
8 form of district attorneys. They -- they also  
9 wrote legislation giving us more autonomy. They  
10 did not give us an explicit delegation of  
11 authority to oversee and investigate the  
12 Secretary of State's Office.

13 In fact, in the initial draft of the  
14 legislation, they had granted us authority to  
15 hire independently our own investigators. That  
16 language was removed from the draft legislation  
17 and is no longer in there. And the implication  
18 of that change before the legislation was put  
19 before the General Assembly is that the General  
20 Assembly chose not to give us the authority to  
21 hire our own investigators.

22 The state supreme court has also shown  
23 itself to view these delegations of authority  
24 extremely narrowly when they chose not to  
25 exercise the authority granted explicitly to them

1 in reference to another oversight commission.

2 Now, transparency and accountability are  
3 extremely important for every office, ours and  
4 every -- and every elected office, including  
5 constitutional officers. The Attorney General  
6 retains the authority to investigate violations  
7 of Georgia code, whether it's civil or criminal.  
8 We also have an Inspector General. And the  
9 ultimate authority is the voter.

10 Now, the underlying facts of the case at  
11 hand were already adjudicated in the case of  
12 Fulton County. It was reported on in 2022.  
13 Subsequently the Secretary of State was reelected  
14 by the voters of the state by a larger margin  
15 than any other -- excuse me.

16 **MR. MASHBURN:** Order. Order.

17 **MS. GHAZAL:** By a larger margin than any  
18 other statewide office. The voters --

19 **MR. MASHBURN:** Order. Order.

20 **MS. GHAZAL:** -- have demonstrated their  
21 faith and they're -- they have held account --  
22 they have held the office accountable.

23 And therefore I do not believe that at  
24 present we have the authority to oversee or  
25 investigate the Secretary of State.

1           **MR. MASHBURN:** Thank you, member Ghazal.  
2 Appreciate that. I'd like to remind everyone  
3 here that this is a -- an extremely serious  
4 matter. It's very solemn. It's a very solemn  
5 event. It's the closest I've been to a  
6 constitutional crisis in my lifetime. And so it  
7 needs to be treated as such. So I caution those  
8 that don't seem to think that this is the severe  
9 matter that it is.

10           Article IV, section 4 of the United States  
11 Constitution provides that United States shall  
12 guarantee to every state in the Union a  
13 Republican form of government and shall protect  
14 each of them against invasion; and on the  
15 application of the legislature or of the  
16 executive when the legislature is not -- cannot  
17 be convened against domestic violence.

18           So every state is guaranteed a Republican  
19 form of government and not a democracy. In my  
20 view, what we are called on today is to decide  
21 whether authority matters and whether it matters  
22 whether we're a republic or whether we're a  
23 democracy. And if it does matter, then why does  
24 it matter?

25           In a democracy whoever shows up gets their

1 way, a majority vote. To use the meme of the  
2 well-known movie, Wag the Dog, in a democracy if  
3 the State Election Board wanted to declare war  
4 against Albania and the people who showed up to  
5 the meeting of the State Election Board also  
6 wanted to declare against Albania, then the State  
7 Election Board could declare war against Albania.

8 But in a republic, authority matters. Only  
9 Congress has the power to declare war. In fact,  
10 authority might be the absolute essential  
11 question involved in every single aspect of a  
12 republic: authority between the people and the  
13 government, authority between the branches of  
14 government, authority of those answerable to the  
15 people and those with lifetime appointments,  
16 authority of those neither answerable to the  
17 people nor given lifetime appointments but are  
18 volunteer appointees like those on the board.

19 And so we trace the authority of the State  
20 Election Board and whether it has authority over  
21 constitutional officers and how they perform  
22 their jobs. In doing so it's important to review  
23 the history of the State Election Board.

24 The State Election Board was originally  
25 created in 1959 as the State Election Commission.

1 At the time Georgia had no uniform election code.  
2 The original members of the State Election  
3 Commission were the governor, the Secretary of  
4 State, and the Attorney General. The Secretary  
5 of State acted as the chair and all  
6 administrative staff for the commission was  
7 provided by the Secretary of State's Office.

8 In 1964 Georgia passed its first unified  
9 state election code. As a part of that  
10 legislation, the State Election Board was first  
11 created. The members of that original board were  
12 the Secretary of State who served as the chair  
13 and one member was chosen by each of the Georgia  
14 house and the Georgia Senate. The two major  
15 political parties were each given the privilege  
16 from time to time of appointing a member of its  
17 party to act as an advisor to the board.

18 In 1968 the two major parties' appointees  
19 were made full members of the board. Thereafter  
20 the board's composition remained completely  
21 unchanged for half a century.

22 Passed in the aftermath of the contentious  
23 2020 presidential election, the General Assembly  
24 in SB202 created the new office of chair. The  
25 chair was to be appointed by a majority vote of

1 both houses of the General Assembly and should  
2 the General Assembly not be in session, the chair  
3 could be appointed by the governor. The  
4 Secretary of State, who had previously been the  
5 chair, remained a member of the board by virtue  
6 of the office, ex-officio, but not a voting  
7 member of the board.

8 After the creation of the office of the  
9 chair, the board operated without a chair for  
10 over a year and is currently again without anyone  
11 occupying the office of chair for over three  
12 months. During those times of the absence of the  
13 chair, the job of chair was performed by an  
14 acting chair.

15 And Rebecca Sullivan was the first acting  
16 chair and did a tremendous job for the board in  
17 assuming a new role that had -- had never existed  
18 before. I moved into the role when Rebecca left  
19 the board to fulfill other public service for the  
20 citizens of Georgia.

21 Upon the resignation of Judge Duffey as  
22 chair on September 1st, I was again elected by my  
23 colleagues to the role of acting chair and I  
24 appreciate their confidence in me. Prior to the  
25 2020 election and SB202, the Georgia General

1 Assem -- the Georgia Attorney General in 2005 had  
2 been asked to give an official opinion with  
3 regard to whether the State Election Board had  
4 the power to hear complaints and cases against  
5 the Secretary of State and otherwise give  
6 official direction as to the relationship between  
7 the Secretary of State and the State Election  
8 Board.

9 In case you want to look it up, the  
10 reference to the Attorney General's opinion is  
11 Georgia Attorney General opinion number 2005-3.

12 And I ask a unanimous consent of the board  
13 to insert a copy of the Attorney General's  
14 opinion into the record.

15 **MR. LINDSEY:** Yes.

16 **MR. MASHBURN:** Dr. Johnston, okay with you?

17 **DR. JOHNSTON:** Yes.

18 **MR. MASHBURN:** Okay. Without objection, so  
19 ordered.

20 At the time the Attorney General's Office  
21 direction was, and I quote: There is no  
22 indication in the law that the constitutional and  
23 statutory authority of the Secretary of State  
24 should be limited or substantively controlled by  
25 a board of political appointees who are not

1 answerable to the electorate for their actions.

2 Up until today this would've been seen as a  
3 mainstream orthodox republican view on  
4 government. After reviewing the history of the  
5 State Election Board and the powers of the  
6 Secretary of State, the Attorney General went on  
7 to write: Given this legal framework, then,  
8 Georgia law provides for a symbiotic relationship  
9 between the office of the Secretary of State and  
10 the State Election Board but it does not provide  
11 either entity with authority over the day-to-day  
12 operations of or the ability to exercise direct  
13 control over the substantive policymaking role of  
14 the other.

15 SB202 made the Secretary of State a  
16 nonvoting, ex-officio member of the State  
17 Election Board. The General Assembly at that  
18 time did not make the State Election Board  
19 independent of the Secretary of State. Even  
20 then, as it has been for almost 60 years, the  
21 State Election Board was completely and utterly  
22 reliant upon the administrative staff of the  
23 Secretary of State office to complete its work.

24 Even after SB202, the State Election Board  
25 had no budget. It had no staff. And, in fact,

1 didn't even have stationery. As of July 1, 2023,  
2 as a result of SB222, not 202 but 222, the State  
3 Election Board is beginning to start the process  
4 of becoming an independent state agency. And  
5 again and, as always, we begin and end in a  
6 republic with a question of authority.

7 So let's look at authority of the new  
8 independent board of elections. In Georgia we  
9 don't have the legislative history that they do  
10 up in Washington D.C. So the place that we look  
11 for the purpose of legislation is the preamble to  
12 the bill.

13 A preamble of SB222 states that its purpose  
14 is to provide that the State Election Board shall  
15 be a distinct budget unit and an independent  
16 state agency attached to the office of the  
17 Secretary of State for administrative purposes  
18 only, to provide for an executive director of  
19 said board, to provide for venue and any action  
20 of said board and its members, to provide duties  
21 for state executive director.

22 There is no mention in the preamble of the  
23 2005 Attorney General's opinion or the intended  
24 impact on the 2005 Attorney General's opinion in  
25 the preamble or if it wasn't intended to impact

1 the 2005 Attorney General's opinion at all.  
2 There's no direction there.

3 A portion of the actual legislation,  
4 creating the independent State Board of Elections  
5 states as follows, and I quote: On and after  
6 July 1, 2023, the board shall be a separate and  
7 distinct budget unit as defined in part one of  
8 Article IV of chapter 12 of Title 45. The Budget  
9 Act provided, however, that the board shall be  
10 attached for administrative purposes only to the  
11 office of the Secretary of State as provided for  
12 in Code Section 50-4-3.

13 The board shall neither be under the  
14 jurisdiction of the Secretary of State nor shall  
15 it be considered a division of the office of the  
16 Secretary of State. And that is the sum and  
17 total of the legislation's statement about the  
18 board.

19 There's nothing in the legislation about the  
20 jurisdiction of the State Election Board over the  
21 Secretary of State. The General Assembly did  
22 provide for the first time ever staff for the  
23 State Election Board and we currently have one  
24 employee, the wonderful Alexandra Hardin, who  
25 does such a great job for us and for you all. I

1 know that many people out there have come to rely  
2 on Alex to be their daily contact for information  
3 for the board. And I think y'all'll join us in  
4 appreciation for a great effort.

5 The State Election Board also is budgeted  
6 for an executive director who we are in the  
7 process of attempting to hire and we have room in  
8 the budget for one investigator. We will hire  
9 that investigator after the executive director is  
10 on the board since that person will work directly  
11 under the executive director and have a very  
12 close relationship -- working relationship with  
13 them.

14 The current -- the board currently has no  
15 active case against any constitutional officer.  
16 And nobody that I've asked in many, many months  
17 of research on this can remember that the board  
18 has ever heard a case against a constitutional  
19 officer. And so here we are again at the issue  
20 of authority.

21 As a capital C, rock-ribbed conservative,  
22 I'm always very dubious of the idea of an  
23 appointed board not accountable to the people  
24 unilaterally granting itself authority that was  
25 not given to it by the people's representatives,

1 the General Assembly, and signed into law by the  
2 governor. An amicus letter sent to us from the  
3 Republican chairs of many county parties also  
4 pointed out the authority of the General Assembly  
5 over elections is plenary. And what that means  
6 is absolute and all-encompassing.

7 Where I am on this issue was well stated in  
8 the Attorney General's opinion and that is should  
9 the board believe that there are additional  
10 requirements that should be advanced in the area  
11 of election law but which are beyond the scope of  
12 its current authority, a board is authorized to  
13 make legislative recommendations to the General  
14 Assembly.

15 Accordingly my inclination and the motion  
16 that I will make at the appropriate time is for  
17 the board to officially ask for a resolution from  
18 the General Assembly or it could be in an act  
19 which is then sent to the governor for signature  
20 from both houses of the General Assembly to state  
21 explicitly whether it is the intention of the  
22 General Assembly that the State Election Board  
23 exercise dominion and authority over not only the  
24 Secretary of State but all other constitutional  
25 officers.

1           The next question that needs to be answered  
2 is if the board were to hear cases against  
3 constitutional officers, would that authority  
4 extend only to the constitutional officer or  
5 would it likewise extend to their staff and  
6 employees?

7           The State Election Board frequently hears  
8 complaints that an individual poll worker was  
9 rude to a voter. The board tries to determine in  
10 these cases whether this perceived rudeness  
11 actually prevented the voter from voting or  
12 otherwise suppressed the vote. If we were to  
13 hear cases against individual poll workers, are  
14 we also to hear cases against the Secretary of  
15 State's receptionist? What about the  
16 investigators that the board relies on who are  
17 all sworn law-enforcement officers? The board  
18 gets complaints all the time that the  
19 investigator showed up with a gun and a badge.  
20 But they're sworn law-enforcement officers. So  
21 that's how they present. Are we to hear  
22 complaints of this nature? And if we do, how  
23 will that impact the relationship between the  
24 investigators on whom the board is absolutely  
25 completely reliant and the board? Will we be

1 creating the same adverse relationship that the  
2 board is working so very hard on to repair with  
3 the counties that exist currently between the  
4 board and the counties? Are we creating the  
5 problem that we're trying -- are we creating the  
6 problem that we're trying to fix?

7 Next the board serves a very important due  
8 process function to protect the rights of those  
9 who are accused of an election code violation.  
10 One of the due process rights is the right to be  
11 represented by counsel. The board's lawyer is  
12 the Attorney General. The Secretary of State,  
13 the person who would be the respondent, the  
14 Secretary of State's lawyer is the Attorney  
15 General. The Attorney General cannot  
16 simultaneously represent the State Election Board  
17 in prosecuting a case against the Secretary of  
18 State and defend the case on behalf of the  
19 Secretary of State against the State Election  
20 Board.

21 And the way the conflict laws work, the  
22 Attorney General doesn't get to pick and choose  
23 which of the two clients to represent. The  
24 Attorney General would not be permitted to  
25 represent either party. So the taxpayers of

1 Georgia are going to be called on to foot the  
2 bill for two sets of lawyers in every single  
3 case. Not just one case, just as -- such as  
4 Mr. Rossi's case but upon scores, upon scores,  
5 upon scores of cases.

6 A minor question that everybody seems not to  
7 think is a big deal at this time, but in my  
8 opinion will be a gigantic deal the very first  
9 time the board votes to dismiss a case against  
10 the Secretary of State or otherwise votes to  
11 exonerate the Secretary of State is how can the  
12 board be expected to fairly investigate its own  
13 members? Of course they'll let the Secretary of  
14 State go. The Secretary of State is a member of  
15 the board. How can the board investigate itself?

16 We had an amicus letter stating this was not  
17 a great concern, but now I'm afraid that it will  
18 be.

19 Finally, in the event that the board does  
20 vote to grant itself the power to investigate  
21 constitutional officers and a subpoena turns out  
22 to be necessary, who would represent the board?  
23 Who would represent the constitutional officer?

24 **UNIDENTIFIED SPEAKER:** (indiscernible)

25 **MR. MASHBURN:** It's not -- speaking very

1 frankly and candidly in all sincerity when  
2 Republicans are fighting so hard in Washington  
3 D.C. against the administrative state and an ever  
4 expanding role by unelected bureaucrats who are  
5 not answerable to the people, I don't see it in  
6 creating that system here in Georgia.

7 So for that reason, I will vote against  
8 Mr. Lindsey's motion but would present a  
9 countermotion at the appropriate time after  
10 Mr. Lindsey's motion is voted on to ask the  
11 General Assembly for direction.

12 And then I have other comments, but I think  
13 we'll move on. Oh, I do want to say, there --  
14 from a lot of e-mails that I've received and the  
15 board has received, there is an overwhelming and  
16 mistakeable trend in these e-mails that the  
17 commenters desire that the State Election Board  
18 embark on an open-ended Miller(ph) style  
19 investigation of the Secretary of State. And I  
20 just don't see any authority in the General  
21 Assembly for a broad-ranging open-ended  
22 investigation. There's no staff for that,  
23 there's no budget for that, there's no -- there's  
24 no personnel to do that. So just to go ahead and  
25 address something that we've rece -- that I've

1 received maybe a hundred e-mails asking for.

2 So with that, unless there are other board  
3 members who would like to revisit the remarks and  
4 make additional remarks.

5 Dr. Johnston would like to make additional  
6 remarks. So the floor is Dr. Johnston's.

7 **DR. JOHNSTON:** Thank you, Chairman. Thank  
8 you for all of these remarks. Three points. The  
9 current code already provides for statutes of  
10 violations against the Secretary of State. If  
11 those statutes are on the books and then who  
12 presents the violations for those statutes? It  
13 names the Secretary of State explicitly. So are  
14 they on the books but nobody can file a complaint  
15 against a violation of that statute? So that's  
16 one point.

17 The other point is the Inspector General can  
18 oversee the Secretary of State, but the Inspector  
19 General is not a constitutional officer.

20 And three, I would entertain a motion to  
21 make this recommendation to the General Assembly  
22 for their action.

23 **MR. MASHBURN:** Okay. Dr. Johnston yields  
24 the floor.

25 Mr. Lindsey, you have the floor if you wish.

1           **MR. LINDSEY:** No, I think -- I think we've  
2 covered it.

3           **MR. MASHBURN:** Okay. Member Ghazal, any  
4 further comments?

5           **MS. GHAZAL:** (shaking head)

6           **MR. MASHBURN:** Okay. If there's no further  
7 discussion, we have a motion before the board to  
8 have jurisdiction over the Secretary of State to  
9 hear complaints against the Secretary of State.  
10 That motion has been seconded. It has been  
11 thoroughly discussed and we're ready to vote.  
12 We'll vote again in reverse seniority. So  
13 Dr. Johnston gets to go again first.

14           **DR. JOHNSTON:** I would vote in favor.

15           **MR. MASHBURN:** So Dr. Johnston votes aye.

16           **DR. JOHNSTON:** Aye.

17           **MR. MASHBURN:** Mr. Lindsey?

18           **MR. LINDSEY:** Aye.

19           **MR. MASHBURN:** Mr. Lindsey votes aye.

20           Miss Ghazal?

21           **MS. GHAZAL:** Nay.

22           **MR. MASHBURN:** Ms. Ghazal votes nay. And I  
23 vote nay. That motion fails for lack of  
24 majority.

25           There is now a motion that Dr. Johnston, I

1 believe, might have joined me in.

2 Or you can make it -- you can make the  
3 motion or you can join my motion to make -- use  
4 our enumerated power to request from the General  
5 Assembly that they state what -- clearly state  
6 what their intention is for the board. Does that  
7 fairly state where you and I are both kind of  
8 heading?

9 **DR. JOHNSTON:** So moved.

10 **MR. MASHBURN:** Okay. There's a motion. I  
11 will second that motion. Any discussion on that  
12 motion? Okay, if there's no further discussion  
13 on that motion, we're ready to vote. We'll go in  
14 reverse.

15 **DR. JOHNSTON:** Aye.

16 **MR. MASHBURN:** Dr. Johnston votes aye.  
17 Mr. Lindsey?

18 **MR. LINDSEY:** Aye.

19 **MR. MASHBURN:** Mr. Lindsey votes aye.

20 Ms. Ghazal?

21 **MS. GHAZAL:** Aye.

22 **MR. MASHBURN:** Ms. Ghazal votes aye. And I  
23 vote aye. So that motion will be carried. Okay.

24 We're now ready to move to the part of the  
25 board's agenda with regard to -- what time do we

1 have? It is 2:12.

2 **DR. JOHNSTON:** Can we (inaudible)?

3 **MR. MASHBURN:** Hm?

4 **DR. JOHNSTON:** Can we (indiscernible) other  
5 new business?

6 **New Business**

7 **MR. MASHBURN:** Oh, yeah. Yeah, yeah, yeah.

8 Ladies and gentlemen, can I have order for a  
9 second. We're in -- we're in the part of the  
10 agenda that Mr. Lindsey created, and I think is a  
11 tremendously valuable tool for the board, of new  
12 business. And so Dr. Johnston has some new  
13 business for the board that she would like to  
14 introduce.

15 **DR. JOHNSTON:** New business.

16 **MR. MASHBURN:** The floor belongs to  
17 Dr. Johnston.

18 **DR. JOHNSTON:** Thank you. I would make a  
19 motion that the board would consider a  
20 recommendation for the General Assembly to  
21 consider the end of -- or to consider having  
22 excuse only or removing no-excuse absentee  
23 voting. And this is my proposal: Whereas,  
24 absentee voting in Georgia has led to numerous  
25 complaints from the public and the numerous

1 reported errors are undermining public faith in  
2 the integrity of elections in Georgia; whereas,  
3 the centralization of absentee balloting and  
4 reporting results from the absentee ballots  
5 removes the tabulation of those votes from the  
6 local precincts; whereas, the State Election  
7 Board has received numerous complaints involving  
8 defects in the recording of absentee ballots  
9 involving tens of thousands of votes in some  
10 elections and often a number of sufficient --  
11 number sufficient to call into question the  
12 results of election results; whereas, the Supreme  
13 Court has held there is no constitutional right  
14 to vote absentee and Georgia for many years was  
15 able to conduct elections with no-excuse absentee  
16 voting -- without no-excuse absentee voting;  
17 whereas, there are many days authorized by the  
18 election code for early voting and electors who  
19 are out of the country may vote under federally  
20 mandated means of voting; and whereas, Georgia  
21 has had limited experience with no excuse -- has  
22 had limited no-excuse absentee voting.

23 And Georgia law, prior to 2010, allowed a  
24 reasonable amount of absentee voting but limited  
25 to an elector who is absent from his or her

1 precinct during the time of the primary or  
2 election he or she decides to vote in or perform  
3 any of the official acts or duties set forth in  
4 this chapter in connection with the primary  
5 election he or she desires to vote in because of  
6 physical disability or because of being required  
7 to give constant care to someone who is  
8 physically disabled; will be unable to be present  
9 at the polls on the day of such primary or  
10 election because the election or primary falls on  
11 a religious holiday observed by such an elector;  
12 will be unable to be present at the polls on the  
13 day of such a primary election; was required to  
14 remain on duty in his or her place of employment  
15 for the protection or the health, life, or safety  
16 of the public during the entire time the polls  
17 are open when such place of employment is within  
18 the precinct in which the voter resides or was 75  
19 years of age or older; whereas, no-excuse  
20 absentee voting was helpful during the recent  
21 pandemic but even during that period, voting  
22 appeared to be chaotic and untrustworthy.

23 Now, therefore be resolved to authorize  
24 Dr. Johnston on behalf of the State Election  
25 Board to work with the General Assembly to

1 restore Georgia law to allow absentee voting only  
2 for the reasons embodied in this section. Thank  
3 you.

4 **MR. MASHBURN:** Thank you, Dr. Johnston. I  
5 will move that that be published on the board's  
6 website so that it be considered for the public  
7 and it be accepted as a matter of new -- of new  
8 business at this meeting and be open for public  
9 comment up until the next meeting where we will  
10 treat it as old business and address it. And so  
11 that is my motion. If anyone would like to ...

12 **MR. LINDSEY:** So we'll address the merits of  
13 it at the next meeting?

14 **MR. MASHBURN:** Correct. We'll publish it  
15 now for public comment and address the merits of  
16 it at the next meeting; correct.

17 **MR. LINDSEY:** Thank you.

18 **MR. MASHBURN:** I still need a second though.

19 **MS. GHAZAL:** Second.

20 **MR. MASHBURN:** All right, the motion and a  
21 second. Any discussion? Okay. Ready to vote.  
22 All those in favor would say aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. MASHBURN:** All those opposed would say  
25 no. Motion carries. Okay.

1           Now, we're approaching 2:17. We're in the  
2 cases of -- we're now in the cases of pulled  
3 cases recommended for letters of instruction.  
4 We're going to -- excuse me -- we're going to  
5 take SEB 2022-217, Cobb County, records issue,  
6 item number 34 in your tabbed binders. We're  
7 going to pick up tab number 34, 2022-217.

8           Then the next case after this one will be  
9 DeKalb County 106. So y'all can go ahead and  
10 start getting -- getting ready.

11           Sara Koth, chief investigator, the floor is  
12 yours. (indiscernible)

13           **MS. KOTH:** (inaudible)

14           **MR. MASHBURN:** Be helpful if the chair would  
15 do his job. Sorry about that. Okay, you're  
16 ready to go.

17           **Cases Recommended for Letters of Instruction**

18           **MS. KOTH:** SEB 2022-217, Cobb County,  
19 records issue. Cobb County elections office --  
20 the complaint was that Cobb County elections  
21 office unlawfully retrieved boxes of election  
22 records from the January 2020 runoff election  
23 that were under seal by the Cobb County Superior  
24 Court, a potential violation of O.C.G.A.  
25 21-2-500.

1           The second complaint was that Erica  
2 Hamilton, while serving as the elections  
3 supervisor of the DeKalb County Board of  
4 Elections and Registration misappropriated DeKalb  
5 County funds, a potential violation of the  
6 O.C.G.A. 23-2-51.

7           The complainant advised that he observed a  
8 Cobb County elections office employee  
9 transporting approximately six boxes that were  
10 sealed and labeled. The investigator had  
11 requested documents pertaining to a different  
12 complaint filed by this complainant, SEB  
13 2020-077.

14           So what happened was the employee grabbed  
15 boxes from January of 2021 instead of the  
16 June 2020 boxes which was requested. There were  
17 complaints for both boxes but only the 2020  
18 complaint had the court order. The confusion was  
19 a complainant happened to be at the elections  
20 office when the investigator had requested boxes.  
21 It was determined later that the wrong boxes were  
22 pulled. However, they were not opened.

23           The county self-reported when speaking to  
24 the investigator and they reiterated a reminder  
25 to double-check the process when dealing with a

1 court order to all pertinent staff.

2 Complaint 2 was referred to the DeKalb  
3 County District Attorney's Office regarding the  
4 allegation of misappropriated county funds.

5 So potential violations for Cobb County:  
6 There is sufficient evidence to show that Cobb  
7 County Board of Elections and Registration  
8 violated O.C.G.A. 21-2-500 when they removed  
9 records from their designated location without  
10 the approval from the court.

11 That's it.

12 **MR. MASHBURN:** Questions from the board for  
13 the investigations? Questions from the board for  
14 the investigator?

15 Okay, is anybody here on behalf of the  
16 respondent? The respondent Cobb County is here.  
17 You should be good to go.

18 **MS. FALL:** Good afternoon, Board. My name  
19 is Tate Fall. I'm the brand-new elections  
20 director for Cobb County. This is my third week.

21 **MR. MASHBURN:** Welcome, welcome.

22 **MS. FALL:** So you're not giving me anything  
23 easy. I appreciate that.

24 **MR. MASHBURN:** Welcome.

25 **MS. FALL:** So I can't speak to when the

1 complaint was -- when it occurred since I wasn't  
2 there. But I'd also like to point out that our  
3 current board, none of the board members were on  
4 the board at that time. So there's not really  
5 anyone that can speak to this incident. I do  
6 have the e-mail traffic from our former director  
7 where she did explain kind of what had happened.

8 But I had maybe two questions probably for  
9 the investigator or for y'all. First, I want to  
10 make sure -- are we able to separate the  
11 complaint that's in regards to Erica Hamilton for  
12 DeKalb County? I just want to make sure because  
13 when we got our summons, they were together. And  
14 I just wanted to make sure that that will remain  
15 separated since she wasn't employed at Cobb  
16 during the time of --

17 **MR. MASHBURN:** That's -- I think board  
18 member Ghazal would like the floor on that.  
19 Yeah?

20 **MS. GHAZAL:** No, I believe that the finding  
21 in that case was that we don't have jurisdiction  
22 over that particular complainant.

23 **MS. FALL:** Great.

24 **MS. GHAZAL:** Isn't that correct?

25 **MS. KOTH:** So we referred that to the

1 District Attorney's Office.

2 **MS. GHAZAL:** Right. Correct.

3 **MS. FALL:** Okay. I just wanted to make  
4 sure. I know she was employed at our office  
5 so -- that was in a different time.

6 **MR. MASHBURN:** So you won your -- you won  
7 your first motion.

8 **MS. FALL:** All right. The second question I  
9 had was did anyone speak to the clerk of the  
10 superior court in the course of the  
11 investigation?

12 **MS. KOTH:** Yes.

13 **MS. FALL:** Okay. And did they have a  
14 response as to why they maybe allowed the  
15 incorrect records to be released into our  
16 custody?

17 **MS. KOTH:** That, I -- let me double-check.

18 **MS. FALL:** Okay. Right.

19 **MS. KOTH:** I believe what the mistake was  
20 that we -- there were two different sets of boxes  
21 and one of them was released and they were filed  
22 around the same time. So they grabbed the wrong  
23 boxes.

24 **MS. FALL:** Understood.

25 **MS. KOTH:** So that was -- it wasn't they

1 released the wrong ones, they -- the clerk  
2 grabbed the wrong ones.

3 **MS. FALL:** So the clerk grabbed the wrong  
4 boxes.

5 **MS. KOTH:** Yes.

6 **MS. FALL:** Okay.

7 **MS. KOTH:** So they grabbed the ones from '21  
8 when it was June of 2020 that had the unseal.

9 **MS. FALL:** Understood. So I know that there  
10 has been a breakdown in communication with our  
11 office and the clerk of the superior court in the  
12 past. So that's one of my focus areas in my next  
13 few weeks, to build that relationship. But I did  
14 want to make sure that it was pointed that --  
15 that they were the ones that released those boxes  
16 into our custody.

17 And then I just had two requests if I might.  
18 I'm sure I will be back here a lot over the next  
19 couple of months with other investigations that  
20 are ongoing. I was hoping there is a way that we  
21 could get a docket of all of the open  
22 investigations on our office and the status of  
23 those because even when we got the summons, I had  
24 no idea. I just went through to Janine's e-mails  
25 and was able to find.

1           And on kind of the same vein, if we could  
2 get the evidence that will be presented ahead of  
3 time because I could only find what was in  
4 Janine's e-mails. Otherwise I wouldn't have been  
5 able to even know kind of what the situation was  
6 before today.

7           So two requests for -- from one of your  
8 newbies. I know you guys are really busy, but I  
9 would really appreciate it if that's something  
10 that we could have.

11           **MR. MASHBURN:** I think Sara is pretty  
12 accommodating and will help you out as much as  
13 they can.

14           **MS. FALL:** I'll give you till after the  
15 holidays.

16           **MR. MASHBURN:** Okay, questions by the board  
17 for Cobb County? Okay, is --

18           **MS. FALL:** Thank you.

19           **MR. MASHBURN:** Is there any motion that a  
20 member of the board would like to make? I think  
21 Sara -- I think you pulled this one, right? No?  
22 Dr. Johnston pulled this one.

23           **DR. JOHNSTON:** (inaudible)

24           **MR. MASHBURN:** Who pulled this one then?

25           **DR. JOHNSTON:** Me? Oh. I move that a

1 letter of instruction be sent.

2 **MR. MASHBURN:** Okay, there's been a motion  
3 for a letter of instruction. Is there a second?

4 **MS. GHAZAL:** (indicating)

5 **MR. MASHBURN:** There's been a motion and a  
6 second that a letter of instruction be issued.  
7 Let me turn my -- I'm going to hit the  
8 microphone, sorry about that.

9 This is under the cases recommended for  
10 letter of instruction. So that matches the  
11 recommendation. So there's been a motion for a  
12 letter of instruction to issue and a second.

13 Is there any discussion? Hearing no  
14 discussion, we're ready to vote. All those who  
15 would vote in favor would say aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. MASHBURN:** All those opposed would say  
18 no. Motion carries.

19 Director Kirk, you might be here for SEB  
20 2021-102. Maybe? I think Bartow County had a  
21 part in that maybe. You're just here for the --  
22 you're just here for fun, to keep informed of all  
23 the -- of all the events, okay.

24 In case -- that had been continued because  
25 there was a notice issue to one of the

1 respondents. So if you were waiting for that, I  
2 wanted to be able to release you and let you go.  
3 But we welcome you. You're always a pleasure to  
4 have -- have him -- have with us. So grateful to  
5 have you with us.

6 So the next that we have up is DeKalb  
7 County, SEB 2022-106, tab number 33 in your -- in  
8 your books.

9 **DR. JOHNSTON:** (inaudible) Michael Barnes  
10 (inaudible)?

11 **MR. MASHBURN:** No, he -- he's -- they just  
12 got a message a second ago. He won't be able to  
13 be here. So we're going to have to go forward  
14 without him.

15 So inspector -- chief inspector Koth, the  
16 floor is yours.

17 Am I right everybody? 2022-106? Right?

18 **MS. KOTH:** Yes.

19 **MR. MASHBURN:** Okay. Inspector Koth, the  
20 floor is yours.

21 **MS. KOTH:** Okay.

22 **MR. MASHBURN:** Inspect -- not inspector,  
23 member Ghazal? Not even member Ghazal. Dr. --  
24 member -- member Dr. Johnston is recognized. You  
25 have the floor.

1           **DR. JOHNSTON:** In reviewing this case with  
2 the kindness of the investigators, the questions  
3 that I had were tech -- very technical in nature.  
4 And they, I believe, agreed that this should be  
5 presented when Mr. Barnes is able to answer those  
6 questions. So I would recommend that -- I would  
7 make a motion that we continue this case.

8           **MR. MASHBURN:** Okay. There's a motion to  
9 continue. Is there a second?

10          **MR. LINDSEY:** Second.

11          **MR. MASHBURN:** There's been a motion and a  
12 second. Any discussion? Hearing no discussion,  
13 we're ready to vote. All those in favor of  
14 continuing SEB 2022-106 would say aye.

15          **THE BOARD MEMBERS:** Aye.

16          **MR. MASHBURN:** All those opposed would say  
17 no. It's going to be continued. I do note that  
18 DeKalb County was here. I appreciate y'all's  
19 patience being with us all day.

20          **UNIDENTIFIED SPEAKER:** That's our only case,  
21 Mr. Chairman. May we be excused?

22          **MR. MASHBURN:** And I -- you are correct and  
23 thank you for asking to be excused. And you are  
24 excused. Thank you for y'all's attendance and  
25 appreciate DeKalb County being here today with

1 us.

2 Okay. On my record that completes cases  
3 recommended for a letter of instruction. And we  
4 will move into cases recommended for referral to  
5 the Attorney General's Office.

6 Cases Recommended for Referral to the  
7 Attorney General's Office

8 **MR. MASHBURN:** SEB 2019-038, City of  
9 Arlington, number 36 in your folders.

10 **MS. KOTH:** That was continued by the  
11 attorney.

12 **MR. MASHBURN:** That was continued, okay.

13 **DR. JOHNSTON:** (indiscernible)

14 **MR. MASHBURN:** Which one?

15 **DR. JOHNSTON:** (indiscernible)

16 **MR. MASHBURN:** Is it ... 28?

17 **MR. LINDSEY:** Can we take (inaudible)?

18 **MR. MASHBURN:** Yeah. There's been a request  
19 for a unanimous consent to take a short break.  
20 And so we will be adjourned and re -- we'll be  
21 not adjourned, we'll be in recess for 15 minutes.

22 (Break taken)

23 **MR. MASHBURN:** Okay. We're going to  
24 reconvene, come out of recess. And we're ready  
25 to pick up where we left off at cases recommended

1 for referrals to the Attorney General's Office.

2 Tab number 37, SEB 2020-107, Chatham County.

3 Inspectors from the Secretary of State's  
4 Office, the floor is yours.

5 **MR. BRUNSON:** So this particular complaint  
6 ...

7 **MR. MASHBURN:** Helps if the chair does his  
8 job.

9 **MR. BRUNSON:** So this case involves a couple  
10 of allegations that involve a number of  
11 individuals. The first allegation, Renee  
12 Schmidt(ph) alleged a U.S. postal worker stole  
13 two absentee ballots out of the mailbox on  
14 October 3, 2020. It was the first allegation.

15 The second allegation is Inger Bostic(ph)  
16 reported that Chatham County voters -- Mark  
17 Hiott, Julia Garcia, and Hattie Mobley(ph) --  
18 voted twice during the November 3, 2020, general  
19 election.

20 So we'll start with the first allegation.  
21 Peter and Renee Schmidt's absentee ballots were  
22 delivered on October 1, 2020. However, they were  
23 out of town and the ballots remained in the  
24 mailbox. The ballots were removed by a different  
25 mail carrier on October 3, 2020. They knew the

1 ballots had been delivered because they had  
2 subscribed to Informed Delivery. The same  
3 ballots were later redelivered on October 7,  
4 2020, and were sealed and had not been tampered  
5 with.

6 The Schmidt's have surveillance footage  
7 which showed the female mail carrier remove the  
8 absentee ballots on October 3, 2020. In the  
9 footage it appeared the mail carrier simply  
10 removed the ballots out of the mailbox as if it  
11 was believed to be outgoing mail.

12 Mr. and Mrs. Schmidt do not have a  
13 traditional mailbox and instead have a basket  
14 with no flag to indicate outgoing mail.  
15 Ultimately Mr. and Mrs. Schmidt were able to vote  
16 their absentee ballots without any further  
17 incidents. For this particular allegation, there  
18 is no evidence to support a violation of Georgia  
19 election code.

20 I can continue. Any questions on the first  
21 allegation?

22 **MR. MASHBURN:** Any questions from the board  
23 on the first allegation?

24 **MS. GHAZAL:** Yes.

25 **MR. MASHBURN:** Okay, Sara Ghazal. Member

1 Ghazal.

2 **MS. GHAZAL:** Was there any indication in the  
3 investigation file why voter credit was not in --  
4 at the time it was E-Net for Mr. Hiott when he  
5 went on election day? If he had already  
6 submitted a ballot, that credit should've shown  
7 up --

8 **MR. BRUNSON:** So the --

9 **MS. GHAZAL:** -- in -- in the file.

10 **MR. BRUNSON:** I was going to let the -- the  
11 first allegation was the mail.

12 **MS. GHAZAL:** Oh, sorry. I was looking at  
13 the allegation number --

14 **MR. BRUNSON:** Yeah, I was going kind of  
15 allegation by allegation.

16 **MS. GHAZAL:** Sorry.

17 **MR. MASHBURN:** Protocol foul.

18 **MS. GHAZAL:** Yes. Apology. I got ahead of  
19 you. I have no questions on number one.

20 **MR. MASHBURN:** Dr. Johnston.

21 **DR. JOHNSTON:** Did Mr. Schmidt notify  
22 U.S. -- the post office immediately that their --  
23 they saw their ballot had been removed by the  
24 postal worker from their mailbox?

25 **MR. BRUNSON:** You know we didn't ask them

1 that question. We did follow up with them later,  
2 asking him was that the only mail. We found that  
3 it was the only mail in his -- in his box at that  
4 time. He didn't -- he believed that it was the  
5 fact that the mail was left in the box for two  
6 days and that the mail carrier simply, oh,  
7 here's -- boom, and then took it back out.  
8 That's what he believes. I think it was his --  
9 his wife that filed the complaint.

10 **DR. JOHNSTON:** Okay. So -- so there was no  
11 other mail, just absentee ballots --

12 **MR. BRUNSON:** Yes.

13 **DR. JOHNSTON:** -- in the mailbox and those  
14 were the only things removed by the postal --

15 **MR. BRUNSON:** By the mail carrier.

16 **DR. JOHNSTON:** -- by the mail carrier.

17 **MR. BRUNSON:** Yes.

18 **DR. JOHNSTON:** Okay. And were you able to  
19 find out if the election office uses scanning  
20 capabilities of all their election mail,  
21 outgoing/incoming?

22 **MR. BRUNSON:** No. We weren't able to -- to  
23 get the answer to that.

24 **DR. JOHNSTON:** I'd love to know that. And  
25 actually that would be -- I'll consider a motion

1 to propose that all election mail be scanned and  
2 images made available to the public. But  
3 that's -- that's another -- another issue.

4 **MR. BRUNSON:** Okay.

5 **DR. JOHNSTON:** That's the only question I  
6 had.

7 **MR. BRUNSON:** Okay. Okay, so for allegation  
8 two --

9 **MR. MASHBURN:** Give me a second. We're  
10 ready for allegation two, okay.

11 **MR. BRUNSON:** Okay.

12 **MR. MASHBURN:** Please proceed.

13 **MR. BRUNSON:** All right. So for allegation  
14 two it was confirmed that voters Mark Hiott and  
15 Julie Garcia voted twice during the November 3,  
16 2020, general election.

17 Mr. Hiott admitted to voting both during the  
18 advanced voting period and on election day.

19 Mr. Hiott said he only voted a second time after  
20 his wife, Connie, discovered that his first vote  
21 had not been registered. He went to the polling  
22 precinct and the worker checked his system and it  
23 showed he had not voted. The worker told him he  
24 needed to vote. So he did as instructed. He  
25 indicated that his intention was not to commit

1 voter fraud. He only voted a second time because  
2 he thought his first vote was not accepted.

3 During the follow-up interview, he clarified  
4 that after she checked the computer -- that's his  
5 wife -- she spoke with her poll manager who  
6 advised her to contact the Chatham County  
7 election office for further assistance.

8 Mr. Hiott -- Mrs. Hiott did so but claimed  
9 the individual she spoke with advised that her  
10 husband should go to the polling location on  
11 Wheaton Street where they could check to see if  
12 her husband had received credit for voting.

13 Mrs. Hiott said her husband went to the  
14 Wheaton Street polling location. He voted after  
15 being told to do so by a poll worker. Mrs. Hiott  
16 did not recall the name of the individual she  
17 spoke with from the Chatham County election  
18 office.

19 Mr. Hiott explained he presented his  
20 driver's license, asked the poll worker to check  
21 and verify if he had voted or not. He claimed  
22 that the poll worker told him he had not yet  
23 voted. So he, in turn, asked what he was  
24 supposed to do. Mr. Hiott said at the direction  
25 of the poll worker he voted. The Wheaton Street

1 polling location was identified as the River  
2 Pointe Community Center.

3 Investigator Blanchard followed up with the  
4 Chatham County election supervisor, Billy Wooten,  
5 to identify the poll worker Mr. Hiott spoke with  
6 on election day. Unfortunately the 24-month  
7 retention period had passed and the poll worker  
8 information was no longer available.

9 Now, in doing something further review of  
10 the process, it appears that when he voted  
11 absentee in person, someone should have entered  
12 that information into E-Net, and that would've  
13 prevented him from being able to vote that second  
14 time.

15 So we did look into that and that would  
16 potentially be a violation on Chatham County's  
17 part of SEB rule 183-1-12.11(2) (A) which states:  
18 The poll officer shall verify the identity of the  
19 person and that person is a registered voter of  
20 the precinct and, if so, shall approve the voter  
21 certificate and enter an appropriate designation  
22 on the electors list for the precinct reflecting  
23 that the voter has voted in the primary,  
24 election, or runoff being conducted. The voter's  
25 name shall then be entered on the appropriate

1 numbered list of voters.

2 Do you want me to pause after each person or  
3 just continue to go through the other two  
4 individuals that were accused of double voting?

5 **MS. GHAZAL:** If you don't mind, I'd like to  
6 --

7 **MR. BRUNSON:** Okay.

8 **MS. GHAZAL:** -- address this because I'm not  
9 sure I will follow -- I will remember all of the  
10 details. And at the appropriate time, I would  
11 like to make a motion that we initiate a  
12 complaint against Chatham County on this basis  
13 because they -- they have not received notice  
14 because they're not a respondent in this case.

15 I would like a case opened in reference to  
16 this because it's very, very serious if a county  
17 fails to appropriately document when voters have  
18 cast a ballot. And it -- it gives them the  
19 opportunity to -- to cast two votes in the same  
20 election. So ...

21 **MR. MASHBURN:** I'll treat that as a  
22 unanimous consent request. Is there an  
23 objection? Without objection, so ordered.

24 **MR. BRUNSON:** Okay.

25 **MR. MASHBURN:** Thank you.

1           **MR. BRUNSON:** All right. So we're going to  
2 the second --

3           **DR. JOHNSTON:** I have a question.

4           **MR. BRUNSON:** I'm sorry.

5           **DR. JOHNSTON:** So I would -- would also  
6 point out that when one is voting absentee by  
7 mail, one has to be -- rely -- has to rely on the  
8 Postal Service also. So when you decide to vote  
9 by mail, you're subject to how many days it takes  
10 that ballot to be returned to the election  
11 office.

12           And if scanning were instituted of incoming  
13 mail, you would have a document of the evidence  
14 of the day that ballot was returned to the  
15 office, besides relying on the election office to  
16 document that also.

17           And also one has to rely on My Voter Page  
18 being accurate for people to refer to because  
19 voters refer to My Voter Page to see if their  
20 ballot, indeed, was received and accepted. And  
21 if it's not, they could become anxious every day  
22 thereafter. And some are led to voting a second  
23 time, innocently thinking it was lost in the mail  
24 or stolen or whatever. And they commit a felony.  
25 They double-vote. So this -- it's a

1 multiple-step potential problem.

2 **MS. GHAZAL:** Can I clarify? I had  
3 understood that this was an absentee in person.  
4 This was an advanced in-person vote.

5 **DR. JOHNSTON:** Oh.

6 **MR. BRUNSON:** Yes, it was.

7 **DR. JOHNSTON:** Oh, sorry. I thought it was  
8 a double vote.

9 **MR. BRUNSON:** The first one. The second  
10 two, though, are.

11 **DR. JOHNSTON:** Are the (indiscernible).

12 **MR. BRUNSON:** Yes. The first one was  
13 absentee --

14 **DR. JOHNSTON:** Apply those comments to the  
15 second two then.

16 **MR. MASHBURN:** Other questions for the  
17 investigator from the board? If not, I'm ready  
18 to hear a motion on one or both or all.

19 **UNIDENTIFIED SPEAKER:** Here. Mr. Hiott is  
20 here (indiscernible).

21 **MR. HIOTT:** I'm here but all that  
22 (indiscernible) just like it happened.

23 **MR. MASHBURN:** Mr. Hiott, press the button  
24 on the little metal thing in front of you.

25 **MR. HIOTT:** (inaudible). Is that right?

1           **MR. MASHBURN:** It says talk or speak or --  
2 there you go. I see you. Okay.

3           **MR. HIOTT:** Yeah. The description was  
4 pretty accurate. Actually I voted -- like he  
5 said, my wife was a poll worker. So I voted in  
6 advance. And then after the election the next  
7 Tuesday, I was at home. My wife, a poll worker,  
8 called and said, you know, my vote had not  
9 counted. So I said, What do I do?

10           And so she got with the poll worker  
11 supervisor and said I need to go down to Wheaton  
12 Street where I normally vote. So I did and I  
13 voted. She looked at my I.D. She said -- I  
14 said, What do I do? She said, Well, you need to  
15 vote. So I voted. So I went to the scanner and  
16 I just wanted to make sure how you put the vote  
17 in, you know, upside down or whatever. She said  
18 it doesn't matter. As long as it makes the beep  
19 and you see the little number change, your vote  
20 has been registered. So I did that.

21           So I go home. About three hours later  
22 Connie calls me from the poll, says, When are you  
23 going to vote? I said I voted three hours ago.  
24 She said, It's not in the system. I said, Well,  
25 how can that be? So I voted twice and no

1 recorded -- no recorded vote.

2 So I called the Secretary of State's Office,  
3 left a message. I called Buddy Carter's office.  
4 I didn't leave a message there. And I told  
5 Connie, I said, What we going to do? She said,  
6 I'm going to call the -- the head office -- poll  
7 office and let them decide.

8 So she did. They said they wanted to  
9 investigate. So about 5:00 I called and I said,  
10 I haven't heard anything. I want to talk to  
11 them. I'll be glad to call them or whatever.  
12 She said, No, they're on -- they're going to  
13 investigate.

14 So the election happened at seven. And far  
15 as I knew, I didn't have a vote. So the next day  
16 at 10:00, she gets a text and it's from the board  
17 office, saying that they were going to accept the  
18 Wheaton Street vote, which I didn't understand  
19 how you can add a vote after the election, or  
20 maybe it was before. I never heard.

21 So far as I'm concerned, I didn't really get  
22 a vote. I don't know. So that's -- it's either  
23 the machine or something. I don't -- I don't  
24 know.

25 **MS. GHAZAL:** Mr. Chairman?

1           **MR. HIOTT:** It was def -- it was definitely  
2 -- each one when I scanned it, it made the little  
3 noise and you could see the number flip over.  
4 And I never -- I never got a vote.

5           **MR. MASHBURN:** Thank you, Mr. Hiott.  
6 Member Ghazal?

7           **MS. GHAZAL:** Mr. Hiott, I'm very sorry that  
8 some of the people assisting you did not give you  
9 appropriate information. When you scan your  
10 ballot in the scanner, then your vote is added to  
11 the totals. So in fact, it -- from your  
12 description, you had -- not just one vote but two  
13 votes that you cast were counted and included in  
14 the vote totals.

15           Getting credit in the system for having cast  
16 your ballot is something that sometimes takes  
17 time. It should not take time, but it -- it --  
18 the system takes time to catch up. Particularly  
19 on election day. Because in the past -- in the  
20 past, election day votes were static in -- in  
21 the -- the poll pads.

22           In other words, that information would not  
23 get uploaded into the central system until  
24 afterwards. It has been updated now. We are  
25 looking at a new system where votes should be

1 recorded almost simultaneously. They should have  
2 during your early vote as well. And that is why  
3 we're going to initiate an investigation into the  
4 county to see why it did not get properly  
5 recorded.

6 But if any voter is casting a vote in  
7 person, they scan it in there, the scanner  
8 records it, that vote has been cast and has been  
9 counted. It may take time for that to show up on  
10 MVP, on -- on the rolls because some counties use  
11 a different interface that takes time to load  
12 that information up. And unfortunately you were  
13 not given the appropriate instructions in this  
14 case. And that's where --

15 **MR. HIOTT:** The only question I have is we  
16 voted at the same time and --

17 **MR. MASHBURN:** Mr. Hiott, I'm going to ask  
18 you a favor. If you'll hold the microphone a  
19 little closer, there's people watching on the  
20 Internet that want to -- want to hear you.

21 **MR. HIOTT:** We both -- we both voted at the  
22 same time in advance voting. I don't know why  
23 mine would not show up after -- you know, after  
24 five days.

25 **MS. GHAZAL:** And that's why -- that's why I

1 requested that we initiate an investigation into  
2 that as well.

3 **MR. HIOTT:** Gotcha.

4 **MS. GHAZAL:** But I just wanted to assure you  
5 that your vote counted not just once but twice.

6 **MR. MASHBURN:** Okay. What's the pleasure of  
7 the board? We have a -- we've already approved  
8 by unanimous consent opening an investigation  
9 into Chatham. But what's the pleasure of the  
10 board with regard to allegation one?

11 **DR. JOHNSTON:** When you put -- when you put  
12 your ballot into the ballot box, you have to  
13 trust that it's counted. Getting credit for it  
14 in the electronic system or on your My Voter Page  
15 is really a different step. And there was a flaw  
16 in the system that -- that required an add -- one  
17 additional step to send that credit for voting to  
18 the main server that -- that connects or syncs  
19 with My Voter Page.

20 So when you cast a ballot and you feed it  
21 into the ballot box, that's -- you have to trust  
22 that you have voted. And you cannot vote a  
23 second time if you don't see credit for it. If  
24 it's not on the webpage or in My Voter Page or  
25 even in somebody checking on your behalf to see

1 if the credit was given. So be careful. Do not  
2 vote twice.

3 **MR. MASHBURN:** Okay. What's the pleasure of  
4 the board with regard to allegation one? That --  
5 there was a recommendation of no violation. Do  
6 we accept that or reject that or what's --

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

8 **MR. MASHBURN:** Move to accept the  
9 recommendation of no violation with regard to  
10 allegation one. Is there a second?

11 **MS. GHAZAL:** Second.

12 **MR. MASHBURN:** Any discussion? Hearing no  
13 discussion, all those in favor would say aye.  
14 All those in -- all those in favor would say aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. MASHBURN:** All those opposed would say  
17 nay. Okay. So there's no violation is adopted  
18 on allegation one.

19 Is Julia Garcia or Hattie Mobley here?  
20 Julia Garcia, Hattie --

21 **MS. HARDIN:** They forwarded (indiscernible)  
22 that were forwarded to your (indiscernible).

23 **MR. MASHBURN:** Aw, yes. Aw, yes.

24 **MS. HARDIN:** (indiscernible) they were --  
25 they were unavailable (indiscernible).

1           **MR. MASHBURN:** Aw, yes. I recall. Thank  
2 you for refreshing my --

3           **MS. HARDIN:** (indiscernible)

4           **MR. MASHBURN:** Thank you for refreshing my  
5 recollection on that. Okay. What's the pleasure  
6 of the board with regard to allegation two?  
7 There's three -- three respondents. What's the  
8 pleasure of the board?

9           **DR. JOHNSTON:** I was (indiscernible) --

10          **MR. LINDSEY:** Take these separately.

11          **MR. MASHBURN:** As a unanimous consent  
12 request to take them separately. Any objection?  
13 Without objection, so ordered. So we'll do  
14 Mr. Hiott first.

15          **MR. LINDSEY:** I would move to dismiss with a  
16 letter of instruction.

17          **MR. MASHBURN:** So a motion to dismiss with a  
18 letter of instruction. Is there a second? Is  
19 there a second? That motion fails for lack of a  
20 second. What's the pleasure of the board?

21          **DR. JOHNSTON:** I move that this case be  
22 referred to the Attorney General.

23          **MR. MASHBURN:** Okay, there's been a motion  
24 to refer Mr. Hiott's case to the Attorney General  
25 for processing. Is there a second?

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**MS. GHAZAL:** Second.

**MR. MASHBURN:** There's been a motion and a second. Any discussion? Hearing no discussion, all those in favor would say aye.

**THE BOARD MEMBERS:** Aye.

**DR. JOHNSTON:** All those opposed would say no.

**MR. LINDSEY:** No.

**MR. MASHBURN:** The motion carries 2-1. With regard to respondent Julia Garcia, what's the pleasure of the board?

**DR. JOHNSTON:** I move that it be referred to the Attorney General.

**MR. MASHBURN:** A motion to refer to the Attorney General. Is there a second?

**MS. GHAZAL:** Second.

**MR. MASHBURN:** There's been a motion and a second. Any discussion? Hearing none, all those in favor would say aye.

**THE BOARD MEMBERS:** Aye.

**MR. MASHBURN:** All those opposed would say no. Motion to refer to the Attorney General passes unanimously.

With regard to respondent Hattie Mobley, what's the pleasure of the board?

1           **DR. JOHNSTON:** I move that it be referred to  
2 the Attorney General.

3           **MR. MASHBURN:** There's a motion to refer to  
4 the Attorney General. Is there a second?

5           **MS. GHAZAL:** Second.

6           **MR. MASHBURN:** Motion and a second. Is  
7 there any discussion? Hearing none, we're ready  
8 to vote. All those in favor of referring the  
9 respondent Hattie Mobley to the Attorney General  
10 would say aye.

11           **THE BOARD MEMBERS:** Aye.

12           **MR. MASHBURN:** All those opposed would say  
13 no. Motion carries unanimously.

14           We'll now move to case number SEB -- SEB  
15 2020-2017[sic], Clinch County, tab number 38.  
16 Tab 38.

17           Secretary of State's Office, the floor is  
18 yours.

19           **MS. KOTH:** On November 23, 2020,  
20 investigations received a complaint regarding  
21 Clinch County registrars office failed to mail  
22 out two UOCAVA ballots by the deadline regarding  
23 the January 5, 2021, runoff. The investigator  
24 contacted Ms. Ballance, the Clinch County  
25 Registrar, and she admitted she missed mailing

1 the ballots for voters Chandle(ph) Clark and  
2 Ms. Ford by November 2020 -- 21st, 2020 deadline.  
3 Ms. Ballance submitted sworn statements  
4 addressing each voter. She advised she would  
5 send the investigators the e-mails where she  
6 attempted to contact the two voters but the  
7 investigator didn't receive the copy of the  
8 e-mails.

9 The potential violations: O.C.G.A.  
10 21-2-384(a)(2) on mailing of ballots for  
11 Ms. Ballance.

12 **MR. MASHBURN:** Okay, any questions for the  
13 investigator by the board? Is anybody from  
14 Clinch County here? Clinch County? Clinch  
15 County? Clinch County? Okay. Hearing none,  
16 any -- what's the pleasure of the board?

17 **MS. GHAZAL:** I move that we refer this to  
18 the Attorney General's Office and use the  
19 opportunity to remind counties that when they are  
20 called as respondents, it is in their best  
21 interest to come and explain the situation.

22 **MR. MASHBURN:** Okay. There's been a motion  
23 to refer to the Attorney General with an  
24 admonition to those listening. Is there a  
25 second?

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**DR. JOHNSTON:** Second.

**MR. LINDSEY:** Second.

**MR. MASHBURN:** Multiple seconds. I'll take that as no discussion. So we're ready to vote. All those in favor would say aye.

**THE BOARD MEMBERS:** Aye.

**MR. MASHBURN:** All those opposed would say no. Motion carries to refer to the Attorney General. Carries unanimously.

Next case is 2020-247, Lowndes County. Lowndes County, tab number 39.

Secretary of State's investigator, the floor is yours.

**MR. BRUNSON:** Yes. Lowndes County elections supervisor Deb Cox submitted numerous voter registration applications that were deemed potentially problematic due to handwriting and signature issues. All of the voter registration applications came from an organization named Hard Knocks, LLC.

Special Agent Zachary Johnson of the GBI, Georgia Bureau of Investigation, interviewed all witnesses and respondents that he was able to locate. Through the information obtained in the interviews and supporting documentation, he was

1 able to identify three respondents who admitted  
2 to fraudulently completing voter registration  
3 applications.

4 The respondents were identified as Renee  
5 Brown, Jahniah Seawright, and Jewel Wims(ph). It  
6 should be noted that all Hard Knock, LLC  
7 canvassers were required to initial their  
8 completed voter registration applications in  
9 order to gain credit. The majority of canvassers  
10 interviewed said Hard Knocks, LLC set voter  
11 registration application quotas, and if not met,  
12 they were threatened with termination.

13 Renee Brown worked as a canvasser for Hard  
14 Knocks, LLC and was linked by her initials to  
15 voter registration applications for Malecia  
16 Pettway(ph) and Jennifer Lux(ph). Both Pettway  
17 and Lux reviewed their respective voter  
18 registration applications and both said they were  
19 fraudulent.

20 Jahniah Seawright identified herself as a  
21 friend of Hard Knocks, LLC canvasser Lakema  
22 Joyce(ph). In an effort to help Mrs. Joyce with  
23 her quota, Ms. Seawright admitted to fraudulently  
24 completing voter registration applications for  
25 various family members, including her mother,

1 grandmother, uncle, aunt, and a friend. All five  
2 registrants reviewed their respective voter  
3 registration applications and all said they were  
4 fraudulent.

5 Mrs. Seawright admitted to completing the  
6 applications without consent or speaking to any  
7 of the individuals listed above. Each of the  
8 applications Mrs. Seawright completed had the  
9 initials L.J. on the back except for Jessica  
10 Wright's.

11 Jewel Wims admitted to completing six voter  
12 registration applications for the following  
13 individuals: her father, her aunt -- actually  
14 three of her aunts, a friend, and two of her  
15 friends. Mrs. Wims claims she contacted each  
16 individual on the phone and received consent to  
17 use their information and sign their names. By  
18 her own admission, each of the six voter  
19 registration applications were completed outside  
20 the presence of the applicant.

21 And at the time of the investigation,  
22 initially, we could not find those applications,  
23 however, we did find one of them. Actually today  
24 we were able to find one of the applications that  
25 we couldn't find before.

1           So just as a note, GBI analysts ran  
2 investigation intelligence queries which showed  
3 that five out of the twenty-one names listed on  
4 voter registration applications were residents of  
5 Florida. And there are some names here.

6           So basically based on this investigation,  
7 some of the recommended or potential violations  
8 that we identified were against -- now there's  
9 Tisa(ph) Moore listed. She's a supervisor. We  
10 didn't have anything to specifically tie her to  
11 the fraud but we have other cases that were  
12 similar in nature and I know that the board would  
13 like to talk to some of the representatives. And  
14 so that's one of the reasons why we've listed her  
15 as a respondent for this particular complaint.

16           But obviously we listed Jahniah Seawright,  
17 Renee Brown and Jewel Wims as respondent's in  
18 this case based on their actions. And that's it.

19           **MR. MASHBURN:** Okay. Thank you. Questions  
20 for the investigator from the board?

21           Dr. Johnston has the floor.

22           **DR. JOHNSTON:** Is there any information from  
23 your investigation or the GBI's investigative  
24 report that suggests that Hard Knocks acts as an  
25 agency that directs the fraudulent voter

1 registrations?

2 **MR. BRUNSON:** No. That -- that tells their  
3 canvassers to ...

4 **DR. JOHNSTON:** Right. My question is are  
5 they encouraging or influencing or requiring  
6 these workers to obtain voter registrations  
7 whether they're legal or not?

8 **MR. BRUNSON:** I don't think we have any  
9 overt information that that's the case. I think  
10 it's -- you know, you have to have your ten folks  
11 or you're going to be fired. So I think from  
12 that pressure, obviously, individuals are  
13 unfortunately engaging in this type of conduct.

14 So I don't think we've found any evidence  
15 that, you know, overtly said bring us, you know,  
16 false or fraudulent. But it's just the pressure  
17 and people who work there want to get paid. So I  
18 think that's kind of the -- the impetus for this.

19 **DR. JOHNSTON:** Were the training documents  
20 that Hard Knocks uses to train these voter or  
21 registrations folks -- were those reviewed or did  
22 they have training documents or did they say what  
23 sort of training they underwent to register  
24 voters?

25 **MR. BRUNSON:** Let me look at the case file

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**DR. JOHNSTON:** Okay.

**MR. BRUNSON:** -- (indiscernible) just a --

**DR. JOHNSTON:** The question I'm wondering for this and possibly another case is whether to make a motion to add a complaint violation of conspiracy to commit election fraud, 21-2-603. If an entity is requiring people to commit acts such as false voter registration, maybe the account -- you know, there should be some accountability to an agency such as that.

**MR. LINDSEY:** Subject to hearing from the respondents, I might be willing -- might be -- add to that.

**DR. JOHNSTON:** I mean, if this was important enough for a GBI investigation, then that may suggest that they were concerned also. And we've certainly seen enough of -- similar cases that I think these need to be looked at seriously.

**MR. MASHBURN:** Is anyone from Hard Knock Strategies, LLC here? Tisa Moore, Jahniah Seawright, Renee Brown, Jewel Wims? Jewel Wims? Hard Knock Strategy? Tisa Moore, Jahniah Seawright, Renee Brown, Jewel Wims?

Hearing none -- hearing no response, what's

1 the pleasure of the board?

2 Member Ghazal?

3 **MS. GHAZAL:** I am -- I'm deeply disappointed  
4 that no one from Hard Knocks is here. This is  
5 the sort of behavior that gives good,  
6 hard-working organizations that conduct  
7 excellent, clean voter registration drives a  
8 terrible name. Quotas should never be used  
9 because it creates a perverse incentive.

10 And I don't see any evidence of an intent to  
11 commit voter fraud here. There's nothing in the  
12 record that would suggest that that was the goal  
13 here. And I think that's assuming facts that are  
14 not in evidence. But clearly quota systems are  
15 terrible. Quota systems make people who just  
16 want a paycheck make things up. And that's what  
17 leads to this kind of behavior. And that should  
18 not be allowed.

19 I have not done the homework to see whether  
20 or not that is illegal within the context of  
21 third-party voter registration drives. I will do  
22 that and if it is not explicitly prohibited in  
23 Georgia code, I will in the future make a  
24 recommendation that we prohibit that sort of  
25 organizational behavior because it creates

1 perverse incentives and -- and it creates an  
2 enormous amount of work for the counties to sort  
3 through this and have to come all the way up from  
4 Lowndes County to have to deal with this sort of  
5 thing.

6 And I am enormously frustrated when I see  
7 this. So I just wanted to put that on the  
8 record.

9 **MR. MASHBURN:** Okay. So the way --

10 **MR. LINDSEY:** If I may, while --

11 **MR. MASHBURN:** Member Lindsey.

12 **MR. LINDSEY:** -- there may not be direct  
13 evidence of fraud, there's certainly  
14 circumstantial evidence of fraud.

15 And for that reason at the appropriate time  
16 not only will I make a motion to send to the  
17 Attorney General but I'd also make a motion to  
18 send back to -- is it Lowndes County -- district  
19 attorney for further investigation as to criminal  
20 charges.

21 **MR. MASHBURN:** Are you ready to make that  
22 motion now?

23 **MR. LINDSEY:** Yep.

24 **MR. MASHBURN:** Okay. So member Lindsey has  
25 made a motion to sent the case to -- with all

1 defendants to the Attorney General and a  
2 recommendation to the district attorney.

3 Dr. Johnston has also spoken about adding a  
4 count for conspiracy to commit election fraud.  
5 The defendants didn't have notice of that, so  
6 that would -- that would be -- that would have to  
7 be noticed to them and we would have to hear that  
8 at a -- at a future hearing, but there's nothing  
9 that says we can't do that.

10 So right now -- so let's make two different  
11 motions: one to send to the Attorney General and  
12 the district attorney. Is that fairly stated?  
13 Somebody's motion?

14 **MR. LINDSEY:** Yes.

15 **DR. JOHNSTON:** Yes.

16 **MR. MASHBURN:** Mr. Lindsey's motion. Is  
17 there a second?

18 **DR. JOHNSTON:** Second.

19 **MR. MASHBURN:** Dr. Johnston seconds. Any  
20 discussion? All those in favor would say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MR. MASHBURN:** All those opposed would say  
23 no. There's no objection so it passes  
24 unanimously.

25 Now, there's a second motion pending from

1 Dr. Johnston to add a count of conspiracy to  
2 commit election fraud. Is there a second? That  
3 would need to be renoticed by the Attorney Gen --  
4 by the Secretary of State's inspectors. Is there  
5 a second?

6 **MR. LINDSEY:** Yeah, I'll second that. I'd  
7 like to have a further investigation on that.  
8 I'm not -- I hear the concern as to whether or  
9 not there's any direct evidence, but I would like  
10 some additional investigation.

11 **MR. MASHBURN:** And, Dr. Johnston, please give  
12 me that code cite again, please.

13 **DR. JOHNSTON:** It is 21-2-603.

14 **MR. MASHBURN:** 603. 21-2-603. So there's a  
15 motion to add a count that will be noticed to the  
16 respondents of conspiracy to commit election  
17 fraud under 21-2-603. Is there a second?

18 **MR. LINDSEY:** Second.

19 **MR. MASHBURN:** Okay. Any discussion?  
20 Hearing no discussion, we're ready to vote. All  
21 those in favor would say aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. MASHBURN:** All those opposed would say  
24 no.

25 **MS. GHAZAL:** Nay.

1           **MR. MASHBURN:** So there's 2 to 1.

2           Okay. We're ready to move on to the next  
3 one. Tab number 40, Monroe County, nomination  
4 petition.

5           **MR. LINDSEY:** We've already done that one.

6           **MR. MASHBURN:** Oh, great. Refresh my  
7 recollection how that was resolved. Do you  
8 remember?

9           **MR. LINDSEY:** Yeah, we dismissed some, we  
10 sent some to the Attorney General --

11          **DR. JOHNSTON:** Yeah.

12          **MR. LINDSEY:** -- and we sent some letters of  
13 instruct -- and one letter of instruction.

14          **MR. MASHBURN:** Aw, yes. The Sam Olens case.

15          **MS. GHAZAL:** Yes.

16          **MR. MASHBURN:** Okay. Thank you. I needed  
17 a -- I needed a hook to access that. You're  
18 absolutely right. Thank you so much. That's  
19 right. We sure did. Thank you so much. It's  
20 terrible getting old, isn't it?

21                 SEB 2020-265, Worth County. The floor  
22 belongs to the inspectors.

23          **MR. BRUNSON:** Okay. The Worth County Board  
24 of Elections was concerned that a person had  
25 intentionally tried to register to vote multiple

1 times and had requested multiple absentee  
2 ballots. The Worth County Board of Elections  
3 reported that Mr. Daniel Merle Crawford has three  
4 registration accounts and numerous absentee  
5 ballot applications.

6 It also reported that Mr. Crawford spells  
7 his first name with a "y" and an "ie" at the end,  
8 that he sometimes go by the name Donnie instead  
9 of Danny and there are discrepancies in the  
10 addresses used.

11 Mr. Crawford was interviewed by one of our  
12 investigators, and he indicated that the ballot,  
13 slash, applications kept coming in the mail. So  
14 he would complete them and send them back. The  
15 investigator asked Mr. Crawford how many absentee  
16 ballots he sent in, and Mr. Crawford stated he  
17 doesn't know how many he mailed in.

18 The investigator confirmed that Mr. Crawford  
19 was involved with establishing three voter  
20 registration accounts, each of the three  
21 spellings of his first name all maintain the same  
22 or similar pronunciation. Other than the three  
23 spellings of his first name, all maintain the  
24 same or similar -- you know, what, I just  
25 repeated that. Other than the spelling, all of

1 the pertinent information, identified  
2 information -- middle and last name, birth date,  
3 and address -- is the same on each account.

4 Worth County elections supervisor,  
5 Mrs. Brandy Harris, documented in her handwritten  
6 timeline, quote: We should've caught the  
7 duplicates. Mrs. Harris and the Worth County  
8 Board of Elections and Registration believe  
9 they've -- they have identified the problem that  
10 allowed the multiple voter registration accounts  
11 to be established and contend they have  
12 implemented measures to prevent it from occurring  
13 again.

14 A separate complaint, identified and made by  
15 Mrs. Harris during this investigation, is the  
16 fact that Mr. Crawford was able to cast two  
17 absentee ballots that were accepted. The ballots  
18 were cast by a voter registration account. Two  
19 separate ones, one with a registration date of  
20 7/27/2020 and the other 7/7/1980. These two  
21 accepted absentee ballots before the November 3,  
22 2020, general election.

23 During the recorded telephone interview with  
24 Mr. Crawford, he reiterated that the ballots just  
25 kept coming. So he filled them out and sent them

1 back.

2 Ultimately the only way that Mr. Crawford  
3 was able to have two absentee ballots accepted  
4 for the same election is because the Worth County  
5 Board of Elections and Registration allowed  
6 multiple counts to be established in  
7 Mr. Crawford's name.

8 So the potential violations for  
9 Mr. Crawford, O.C.G. 21-2-572, repeat voting in  
10 the same primary or election and also O.C.G.  
11 21-2-226(a), duties of the board in determining  
12 eligibility of voters -- maps of municipal  
13 boundaries, et cetera.

14 And then also Brandy Harris, Worth County  
15 elections supervisor, Worth County Board of  
16 Elections and Registration, there is evidence to  
17 suggest that Brandy Harris and the Worth County  
18 Board of Elections and Registration were in  
19 violation of O.C.G.A. 21-2-226(a) when he was  
20 able to establish three separate voter  
21 registration accounts, all under the same last  
22 name and other personal identifying information.  
23 One count.

24 **MR. MASHBURN:** Okay. Questions for the  
25 investigator by the board?

1           **MS. GHAZAL:** Mr. Chairman?  
2           **MR. MASHBURN:** Member Ghazal.  
3           **MS. GHAZAL:** Can you tell me how old this  
4 voter is?  
5           **MR. BRUNSON:** He is 63.  
6           **DR. JOHNSTON:** (indiscernible)  
7           **MR. MASHBURN:** For the record, Dr. Johnston  
8 just remarked on how young he was.  
9           **DR. JOHNSTON:** Are --  
10          **UNIDENTIFIED SPEAKER:** (inaudible)  
11          **DR. JOHNSTON:** Supervisor.  
12          **MR. MASHBURN:** (indiscernible). Is anybody  
13 here from Worth County? Worth County?  
14          Welcome. We're glad to have you here today.  
15 If you'll press on the button in front of you,  
16 I'll turn on the microphone for you. Okay.  
17 Great. Please identify yourself for the record.  
18 You are free to stand if you wish or sit. Either  
19 one. Whichever is your pleasure.  
20          **MRS. BOWLES:** Okay, thank you. Brandy  
21 Bowles now. I got married in 2021.  
22          **MR. MASHBURN:** Well, congratulations and  
23 best wishes. That's wonderful.  
24          **MRS. BOWLES:** Thank you. Thank you for  
25 having me. This is my first time at the capitol,

1           unfortunately under these circumstances. But I  
2           do have a statement I put together if I can just  
3           read that to you.

4           **MR. MASHBURN:** The floor is yours.

5           **MRS. BOWLES:** Thank you. I'm the  
6           supervisor, again, for the Worth County Board of  
7           Elections. This investigation actually began  
8           when I self-reported my concern of a person,  
9           Mr. Danny Merle Crawford. He sent in multiple  
10          registration forms and received multiple absentee  
11          ballots for the November 2020 and the  
12          January 2021 election.

13          As to the voter registration submissions,  
14          Mr. Crawford submitted voter registrations on  
15          July 6, 2004 in the name of Donnie, within an  
16          "ie." And on August 2016, in the name of Danny  
17          with a "y". In 2020 registrations were sent in  
18          the name of Dannie with an "ie" on July 27th,  
19          September 14th, September 20th, and  
20          September 23rd.

21          Although much of the information, such as  
22          the address and date of birth, remained the same  
23          on the registrations, the Worth County Board of  
24          Election and Registration provided three  
25          accounts. The first account was Donnie, one for

1 Danny with a "y," and one for Dannie within an  
2 "ie".

3 The first account appears to have been  
4 created in 2004 under Donnie. In 2016 when he  
5 filed at registration again, the registration at  
6 that time caught it and merged it. In 2020  
7 Mr. Crawford filed four different registrations  
8 within two months, providing the name with a "y"  
9 and an "ie." There were two different accounts  
10 created for each. On the account created for  
11 Dannie with an "ie," there's a different Social  
12 Security number in the system.

13 As to the absentee ballots, in the 2020  
14 election he requested five absentee ballots in  
15 the two elections of November 3, 2020, and the  
16 January 5, 2021 through a rollover and other  
17 applications. For the November 3, 2020,  
18 election, under the account of Danny with a "y,"  
19 a ballot was requested and issued. That vote was  
20 counted in the election. Under the account for  
21 Dannie within an "ie," a ballot was requested and  
22 issued. That vote was counted also in the  
23 election.

24 I discovered the issue of Mr. Crawford on  
25 December 9, 2020, and reported the issue to Blake

1 Evans, the elections director.

2 For the January 5, 2021, election, there  
3 were three ballots requested and issued, which  
4 were issued prior to December 9th. However, only  
5 one ballot was accepted under that account.

6 And also I want to state at that point, I  
7 put him in a challenge status. So if, you know,  
8 he were to come in and try to vote any other way,  
9 he would be flagged.

10 So the end result is that Mr. Crawford voted  
11 twice in the November 3, 2020, election. As I've  
12 explained, this occurred due to the two very --  
13 two registration accounts that were created due  
14 in part to the name variation.

15 As I know the board is aware -- I'm sure  
16 we're all tired of the word -- or the numbers  
17 "2020" -- it was the first general election  
18 conducted with the pandemic with the new  
19 equipment. We have one full-time and one  
20 part-time employee and a working board that  
21 usually comes in during elections. We're a --  
22 one of the smaller counties. The number of poll  
23 workers at that time went from 78 to 20. Board  
24 members, staff, myself, or our family members  
25 living in our homes with us were all in the

1 higher risk category.

2 The protocols for handling absentee  
3 ballot -- including sanitizing ballots, use of  
4 gloves, masks -- increased the time it took to  
5 handle those ballots. And as the board is aware,  
6 the number of absentee ballots was unprecedented  
7 throughout the state of Georgia during this  
8 election.

9 In Worth County we had a 533 percent  
10 increase in the number of absentee ballots. So  
11 the number of ballots dramatically increased, the  
12 time to process the ballots increased, and we had  
13 far fewer people performing work under very  
14 difficult circumstances.

15 I offer all of this information not to  
16 excuse anything, just to try to explain at least  
17 in part why it happened. Hopefully we will never  
18 have to experience it again, but with every type  
19 of experience we do learn from it. And we have  
20 learned from it.

21 So I do offer solutions. We have  
22 implemented many things since then. And I thank  
23 you for letting me --

24 **MR. MASHBURN:** That's music to board member  
25 Lindsey's ears.

1           **MR. LINDSEY:** Yeah.

2           **MRS. BOWLES:** Great.

3           **MR. MASHBURN:** He loves -- he loves  
4 solutions.

5           **MR. LINDSEY:** Yes. Because we have a lot of  
6 folks around the state who do listen in from  
7 boards. So what were some of your steps that you  
8 took? What do you think needs to be taken to  
9 make sure this sort of thing doesn't happen  
10 again?

11           **MRS. BOWLES:** Well, in our defense, there  
12 was not a lot of people -- there was only one to  
13 two people doing absentees and then everybody  
14 that came in to help us with the influx was, you  
15 know, trained on the fly.

16           **MR. LINDSEY:** Sure.

17           **MRS. BOWLES:** We're opening, sanitizing  
18 them. It was just insane. So I do have an  
19 absentee ballot clerk that she's the only one  
20 allowed to do it, but we do help stamp and  
21 process. But it's nothing like the amount of  
22 ballots we had been ...

23           We do now use Google forms and Google sheets  
24 that has a numbered list for the absentee ballots  
25 and the applications. And also we're using it

1 with the voters list. We're sending a voter list  
2 to a Excel spreadsheet and filtering it by date  
3 of birth and filtering it by the first name so  
4 that we can find any duplicates that way.

5 This makes it easier to find the duplicates  
6 and document any complications. With the  
7 implementation of SB202, only authorized people  
8 can send applications. This has helped in  
9 lowering voter confusion and clerical errors on  
10 our part. So we are happy about SB202 with that  
11 part because the voters were calling all the  
12 time. They were confused. They were getting  
13 applications from everywhere, including us. So  
14 everyone was confused.

15 Our office is more vigilant in preventing  
16 duplicate registrations. We check more than just  
17 the name. We check the date of birth, the  
18 address, and all the other pertinent information.  
19 It's important to be detail oriented.

20 I believe the state has changed to the GRVIS  
21 system and I believe that will help us catch some  
22 of them but we don't depend solely on the  
23 registration system.

24 Lastly, we have added the other ballot  
25 clerk.

1           That was my last one. And I just thank you  
2 again for let me speak.

3           **MR. MASHBURN:** Thank you for your comments.  
4 Just kind of one statement for the board with  
5 regard to institutional memory is that the board  
6 has traditionally treated self-reporting cases in  
7 two different manners. And one was "I did  
8 something wrong and I'm self-reporting that I did  
9 this," and in the other instance, "Somebody  
10 tricked me into doing something and I'm  
11 self-reporting it," and we've always wanted to  
12 not discourage people from self-reporting  
13 either -- either example of those instances.

14           So to just kind of bring us around to how we  
15 traditionally handle cases like this, but now  
16 turn it over to the board to find out what the  
17 board's thinking is, unless Mr. Crawford is here.  
18 Mr. Crawford is here? No?

19           **UNIDENTIFIED SPEAKER:** Not here  
20 (indiscernible).

21           **MRS. BOWLES:** I believe -- I believe he  
22 actually showed up at our office in Worth County,  
23 in Sylvester. He may have been a little  
24 confused --

25           **MR. MASHBURN:** Okay, so he --

1           **MRS. BOWLES:** -- of where to go.

2           **MR. MASHBURN:** Okay. So he was down in --

3 he was down in Sylvester. Okay. Well --

4           **MR. LINDSEY:** But he was only 63 so that's

5 not an excuse.

6           **MR. MASHBURN:** All of us up here that are 63

7 think -- think that's a perfect age.

8           **MR. LINDSEY:** In all seriousness, I'd like

9 to bifurcate and treat these two as separate.

10          **MR. MASHBURN:** Okay. There has a unanimous

11 consent request to bifurcate and treat these as

12 separate. Is there any objection?

13          **DR. JOHNSTON:** No.

14          **MR. MASHBURN:** Without objection, so

15 ordered. Mr. Lindsey has the floor.

16          **MR. LINDSEY:** As to the county, I would move

17 to dismiss with a letter of instruction.

18          **MR. MASHBURN:** There's been a motion to

19 dismiss with a letter of instruction as to the

20 county. Is there a second?

21          **DR. JOHNSTON:** Second.

22          **MR. MASHBURN:** It's been moved and seconded.

23 Is there a discussion? Dr. Johnston --

24          **DR. JOHNSTON:** Yeah, yeah.

25          **MR. MASHBURN:** -- has a discussion.

1           **DR. JOHNSTON:** So, you know, I'm kind of  
2 conflicted. It's a wonder that Mr. Crawford  
3 didn't vote about ten times from all the voter  
4 registrations -- five applications, three voter  
5 registrations, two votes, and one person.  
6 That's -- you know, I -- you know, maybe it's  
7 multiple personalities or something.

8           **MRS. BOWLES:** One other thing I do -- I can  
9 say to that is that was at the time period where  
10 Runbeck -- we could opt-in for Runbeck to send  
11 all of our rollover ballots. And since he was on  
12 the rollover on two of those accounts, it  
13 automatically sent him ballots and then it went  
14 from there.

15           **DR. JOHNSTON:** Bonus. I did check Worth  
16 County for your voter -- your citizen voting age  
17 population percentages and I commend you because  
18 you seem to have good voter rolls. And I agree  
19 that he should have not slipped through and your  
20 corrective measures I adore. I love hearing  
21 that. So I hope all of the counties are  
22 listening and will follow suit. Thank you.

23           **MR. MASHBURN:** Question -- motion from the  
24 board. We've got a motion. We got a motion to  
25 dismiss with a letter of instruction that has

1           been seconded. There was discussion. Now we're  
2           ready to vote. All those in favor would say aye.

3           **THE BOARD MEMBERS:** Aye.

4           **MR. MASHBURN:** All those opposed would say  
5           no. Motion carries.

6           And now we are -- what's the board's  
7           pleasure with regard to Mr. Crawford?

8           **MR. LINDSEY:** Mr. Chairman, I would move to  
9           refer the matter to the Attorney General.

10          **MR. MASHBURN:** A motion to -- to refer to  
11          the Attorney General for processing.

12          **DR. JOHNSTON:** Second.

13          **MR. MASHBURN:** Is there a second?

14          **DR. JOHNSTON:** Second.

15          **MR. MASHBURN:** It's been moved and seconded.  
16          Any discussion? With regard to discussion, I'm  
17          disturbed on this instance with the changing of  
18          the spelling of names. It shows some sort of  
19          culpable intent in my mind. So I agree with the  
20          referral to the Attorney General.

21          Any further discussion? If there's none,  
22          we're ready to vote. All those in favor of  
23          referring to the Attorney General would say aye.

24          **THE BOARD MEMBERS:** Aye.

25          **MR. MASHBURN:** All those opposed would say

1 no. Motion carries unanimously.

2 If you'll excuse me for just one second, I  
3 need to respond to an urgent e-mail that requires  
4 immediate attention. Excuse me for just a  
5 second.

6 (Pause)

7 **MR. MASHBURN:** Okay. It was always more  
8 sinister in your minds than what it actually was.  
9 It's a doctor's office wanting to know if I can  
10 make an appointment. So I needed to let them  
11 know that I was available so that I didn't lose  
12 the appointment. So thank y'all for y'all's  
13 indulgence.

14 Okay. We're ready to move to the next  
15 matter. I've got 42, Chatham County, poll  
16 watcher issue, 2020-279.

17 **MR. BRUNSON:** Okay.

18 **MR. MASHBURN:** Everybody agrees we're on tab  
19 42. Investigators, the floor is yours.

20 **MR. BRUNSON:** Okay. This complaint was  
21 brought by Russell Bridges who is the retired  
22 elections supervisor for Chatham County. And he  
23 indicated concern that a Kristina Malimon came in  
24 as a poll watcher and covertly filmed around the  
25 operations which is directly in violation of

1 O.C.G.A. 21-2-408(d) regarding poll watchers  
2 designation and duties.

3 He also provided a link to a video that was  
4 posted online by Mrs. Malimon with NTD news, New  
5 Tang Dynasty television, and there's a title --  
6 there's a link where the video is. I actually  
7 watched the video. And this was during the  
8 presidential race recount.

9 He also talks about some of the statements,  
10 the incorrect statements that she makes on her  
11 video. He lists the following: that she  
12 misidentifies network switch boxes as Internet  
13 modems; she also misidentifies a uninterruptible  
14 power supply, also known as a UPS, as a server;  
15 she also misidentifies a security key reader as a  
16 USB flash drive; and that she also alleges that  
17 these items were connected to the Internet.

18 Mr. Bridges states that she illegally filmed  
19 almost all of the footage that takes place at the  
20 annex within the private area while she was there  
21 in her capacity as a poll watcher. And --

22 **MR. ARCHIE:** (indiscernible). She was also  
23 on a vote review panel also. She took an oath to  
24 be on the vote review panel when she did these  
25 acts.

1           **MR. MASHBURN:** Okay. Step toward the  
2 microphone so that the court reporter can take  
3 this down, please.

4           **MR. ARCHIE:** Yes, sir.

5           **MR. MASHBURN:** Please identify yourself.

6           **MR. ARCHIE:** I'm Glenn Archie. I work for  
7 the Secretary of State's Office, investigations  
8 in Macon.

9           **MR. MASHBURN:** Welcome, Investigator Archie.

10          **MR. ARCHIE:** Yes, sir.

11          **MR. MASHBURN:** If you'd please repeat that  
12 for the court reporter so she can take it down.

13          **MR. ARCHIE:** Yeah. I just wanted to add  
14 that she was also a member of the vote review  
15 panel and she took an oath to be a member of  
16 that. That's how she gained access in those  
17 areas.

18          **MR. MASHBURN:** Okay, thank you, Inspector  
19 Archie.

20                 Questions from the board? Questions from  
21 the board?

22          **DR. JOHNSTON:** Question.

23          **MR. MASHBURN:** Dr. Johnston?

24          **DR. JOHNSTON:** Chair -- or for Mr. Archie.  
25 It says she was behind the enclosed space. Does

1 that mean she was within the enclosed space?

2 What does behind mean?

3 **MR. ARCHIE:** Well, the way they set up their  
4 annex --

5 **MR. MASHBURN:** If you'd move closer to the  
6 mic. I'm sorry to fuss at you.

7 **MR. ARCHIE:** They set up their --

8 **MR. MASHBURN:** I don't mean to fuss at you.

9 **MR. ARCHIE:** They set up their annex. They  
10 put, like, a two-by-four framed wall around the  
11 area. They put plywood on the bottom. The top  
12 area had plexiglass where people who just want to  
13 come in and watch, they would stay outside that  
14 location. All the workers would go inside the  
15 area where they had all the equipment when they  
16 did the recount. She was in that area as one of  
17 the members of the review panel.

18 **DR. JOHNSTON:** Looking through the plate --  
19 plexiglass?

20 **MR. ARCHIE:** No. She was inside the area --

21 **DR. JOHNSTON:** Insi --

22 **MR. ARCHIE:** -- working as a member of the  
23 review panel.

24 **DR. JOHNSTON:** Oh, she was working when she  
25 took the video?

1           **MR. ARCHIE:** Right. She -- she was on the  
2 review panel.

3           **DR. JOHNSTON:** And the election was over.

4           **MR. ARCHIE:** Right.

5           **DR. JOHNSTON:** It was during the recount.

6           **MR. ARCHIE:** Yes, ma'am.

7           **DR. JOHNSTON:** Well, my -- my opinion is  
8 once the election's over and the votes are cast,  
9 that I think photographing and recording is  
10 perfectly acceptable. I know that's not the --  
11 the rules that are written. Or they may vary  
12 depending on the action that's taking place or  
13 what -- what part of the election process is  
14 undertaken.

15           **MR. MASHBURN:** Mr. Lindsey?

16           **MR. LINDSEY:** While I respect Dr. Johnston's  
17 opinion, the fact of the matter is we can't have  
18 folks on their own violating the law. The remedy  
19 is very simple. You go to the General Assembly  
20 to change the law or you come to us if it's a  
21 rule. But you don't simply just take it upon  
22 yourself to -- to ignore a -- a written  
23 prescription -- prohibition.

24           **MR. MASHBURN:** Member Ghazal?

25           **MS. GHAZAL:** I think it's also important to

1 note that not only was it filmed but it was also  
2 posted with incorrect information,  
3 disinformation, with regard to the processes that  
4 were being witnessed and reported. And that  
5 disinformation is what has helped fuel a lot of  
6 the conspiracy theories about Internet  
7 connections with our -- with our system, and that  
8 is incredibly damaging.

9 **MR. MASHBURN:** Okay. Kristina Malimon.  
10 Kristina Malimon. Is Kristina Malimon here?  
11 Kristina Malimon. Okay. Any further questions  
12 by board members for the inspectors? Any board  
13 member would like to make a motion?

14 **MR. LINDSEY:** Move to refer to the Attorney  
15 General.

16 **MR. MASHBURN:** There's been a motion to  
17 refer to the Attorney General. Is there a  
18 second?

19 **MS. GHAZAL:** Second.

20 **MR. MASHBURN:** There's been a motion to  
21 refer to the Attorney General and that has been  
22 seconded. Any further discussion? We're ready  
23 to vote. All those in favor would say aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. MASHBURN:** All those opposed would say

1 no.

2 **DR. JOHNSTON:** No.

3 **MR. MASHBURN:** Okay. Richmond County was  
4 continued. That was number 43. Richmond County  
5 was continued. So we're now into Chatham County,  
6 residency issues, number 44. Forty-four in your  
7 tab, case number 2020-293.

8 Investigator Archie also on this one. So we  
9 might have you back at the mic in a minute.

10 But for the investigators, the floor is  
11 yours.

12 **MR. LINDSEY:** Mr. Chairman, before we do  
13 that ...

14 Alex, in one of our, you know, visits to  
15 various boards, it was re -- in one of our visits  
16 to various boards, I think it was me and  
17 Dr. Johnston, a request was made when we send out  
18 an agenda to specify whether or not the complaint  
19 is an individual complaint or a complaint against  
20 the county just to sort of make sure that's  
21 clarified so that the counties can know, okay, I  
22 don't need to attend.

23 It may say, for instance, Chatham County,  
24 but Chatham County knows that they don't have to  
25 attend because it's not their board. So we can

1 just sort of clarify that in terms of whether or  
2 not it's an individual com --

3 **MS. HARDIN:** (inaudible)

4 **MR. MASHBURN:** Yeah, just to -- if I may  
5 interrupt for a second if you don't mind,  
6 Mr. Lindsey.

7 **MR. LINDSEY:** Yeah.

8 **MR. MASHBURN:** I do remember this  
9 discussion. And the issue was that sometimes  
10 there's a reference to a county and that was the  
11 venue of the event that that happened --

12 **MR. LINDSEY:** Yeah.

13 **MR. MASHBURN:** -- but it gave the impression  
14 that the county had done something wrong.

15 **MR. LINDSEY:** Yeah, that's what I'm --

16 **MR. MASHBURN:** And so we're working on --  
17 we're going to work on trying to correct that.

18 **MR. LINDSEY:** Yeah. Anyway if we can figure  
19 out something with that.

20 **MR. MASHBURN:** Yeah.

21 **MS. HARDIN:** (inaudible)

22 **MR. LINDSEY:** Like I said, we can figure out  
23 something like that.

24 **MS. HARDIN:** Yes.

25 **MR. LINDSEY:** And I will leave it to you and

1 the discretion of the chair on how you do it.  
2 But just if you can figure something out.

3 **MR. MASHBURN:** Yeah. Thank you for -- thank  
4 you for the -- thank you for that reminder.  
5 That's a -- that was a good point when it was  
6 raised and -- yeah, well, I appreciate you  
7 bringing it up again so that we can --

8 **MR. LINDSEY:** Thank you.

9 **MR. MASHBURN:** -- continue to work on that.  
10 Thank you. Okay.

11 So now we're on to tab 44.

12 **MR. BRUNSON:** Okay.

13 **MR. MASHBURN:** 2020-293.

14 **MR. BRUNSON:** All right. The Secretary of  
15 State's Office received the following complaints  
16 during the November 3, 2020, general election and  
17 January 5, 2021, general election runoff in  
18 Chatham County.

19 So there were a total of four different  
20 complaints on individuals as it relates to them  
21 basically voting and not having the standing to  
22 vote. The first one -- and this is from an  
23 anonymous individual -- reports that Danica  
24 Rubenstein of Morgantown, West Virginia owns a  
25 home in Savannah, Georgia. The complainant

1 states that she has a full-time job in Morgantown  
2 and that they did not believe she met the  
3 residency requirement to be eligible to vote in  
4 Georgia.

5 Number two, the complainant reports that  
6 Islands Public Library was an early voting  
7 location and they were in violation of the law  
8 because they had campaign material inside of the  
9 library.

10 Mrs. Weeks advised the library had a focal  
11 display case dedicated to, quote, Black Lives  
12 Matter, antiracism, and other overtly partisan  
13 statements under the guise of social justice.  
14 She states the bookcase has a sign above it  
15 stating, Woke, quote, unquote.

16 The third complaint, a complainant, Lori  
17 Accettola reports Russell and Barbara Smart have  
18 residency in Ohio and California. She states the  
19 Smarts told him they are going to Georgia just to  
20 vote in the senate election and they have no  
21 intention to live in Georgia.

22 And then finally Totes Legit reports they  
23 were comparing election data between North  
24 Carolina and Georgia and they found a voter that  
25 might have voted in Georgia and North Carolina

1 during the November 3, 2020, general election.  
2 And they advised the voter's name is Marcos A.  
3 Morales.

4 As it relates to allegation one, the  
5 investigation revealed a reference that Danica  
6 Rubenstein and her fiancé purchased a home in  
7 Savannah, Georgia. She stated she had every  
8 intention of moving to Georgia. She obtained a  
9 driver's license, registered to vote. She  
10 applied for several jobs in Savannah, but at this  
11 time she has not found employment. She sold her  
12 home in West Virginia, moved in with her fiancé,  
13 and she indicated that as soon as she finds  
14 employment, she is moving to Georgia.

15 There's also a question of standing for the  
16 complainant for this complaint, and this  
17 allegation was not sustained.

18 As it relates to allegation two, the Woke  
19 display and the accompany -- accompanying books  
20 were not in the room where the early voting was  
21 being held at the Island Library. The location  
22 of the display was outside of the view of the  
23 voters. This allegation is not sustained.

24 The third revealed that the Smarts moved to  
25 Georgia in their motor home. They stayed at

1 their granddaughter's residence in Pooler,  
2 Georgia. They registered to vote there. Once  
3 they purchased a home in Guyton, Georgia, they  
4 moved their voter registration to Effingham  
5 County. That allegation is not sustained.

6 Allegation four, Marcos Morales voted in the  
7 November 3, 2020, general election in North  
8 Carolina and Georgia. He requested an absentee  
9 ballot from North Carolina. It was mailed to his  
10 residence in Albany, Georgia. He mailed the  
11 ballot back to North Carolina and it counted.

12 On November 3, 2020, Mr. Morales presented  
13 himself at a poll in Savannah, Georgia and he  
14 voted again. He voted more than once in the  
15 general election.

16 During the interview, he remembered  
17 requesting a ballot in North Carolina, but he did  
18 not remember voting that ballot. He advised he  
19 did not knowingly vote twice after he received  
20 multiple ballots from Georgia and North Carolina.  
21 He was informed that they were probably  
22 applications and then he advised he might've  
23 voted a real ballot on October 20, 2020, but it  
24 was his first time and he wasn't sure.

25 And he ultimately said he thought he was

1 requesting a ballot from North Carolina. So  
2 based on that, there is evidence to suggest that  
3 Marcos Morales violated O.C.G.A. 21-2-572, repeat  
4 voting in the same primary or election.

5 **MR. MASHBURN:** Member Ghazal?

6 **MS. GHAZAL:** I believe we received a letter  
7 from Mr. Morales and he had asked if it could be  
8 read into the record.

9 **MR. MASHBURN:** That's a unanimous consent  
10 request. Are there any objections?

11 **DR. JOHNSTON:** No.

12 **MR. MASHBURN:** Without objection, so  
13 ordered. Who wants to -- who wants to read it?

14 **MS. GHAZAL:** I've got --

15 **MR. MASHBURN:** Member Ghazal just  
16 volunteered.

17 **MS. GHAZAL:** I -- I remembered it. So this  
18 is from Mr. Morales who was not able to be here.

19 (reading) Thank you for the opportunity to  
20 explain myself on this situation. To initially  
21 start, I want to express that this was an utmost  
22 genuine mistake that was done unknowingly. The  
23 events started with me requesting a ballot from  
24 North Carolina and which I received shortly  
25 after.

1           (reading) The mistake that took place was  
2 believing that I had received in the mail was an  
3 official request form and not the ballot itself.  
4 My thought process was the form that arrived  
5 would have the selections of how you would want  
6 your official ballot to look like, i.e., if I  
7 selected Republican personnel, I would receive a  
8 Republican ballot. Or if I requested Democrat  
9 party, I would have requested a -- received a  
10 Democrat ballot.

11           (reading) I understand this thought process  
12 seems ignorant, but please understand this was my  
13 first time ever voting or ever seeing a ballot.  
14 Upon sending in the ballot, what I thought was  
15 the official request form, I never received  
16 anything in the mail. Due to the short voting  
17 period, I decided to go in person to a voting  
18 booth in Albany, Georgia.

19           (reading) Once this was done, at that point,  
20 I ended up voting twice by accident. I only was  
21 made aware of this incident when an agent from  
22 Georgia contacted me after the voting period.  
23 Once again, this was a mistake committed  
24 unknowingly, and I will make sure to review  
25 voting procedures prior to trying again.

1           Respectfully, Marcos Morales.

2           And his -- he is in the marines. He is an  
3 acting first sergeant of the U.S. Marine Corps.

4           **UNIDENTIFIED SPEAKER:** Wow.

5           **MR. MASHBURN:** Okay. What's the -- one  
6 thing I'd like to kind of clarify is that  
7 Mr. Morales's original complaint -- complainant  
8 is -- is Totes Legit which I don't believe is an  
9 organization. I believe it's just, like, an  
10 Internet handle.

11           So I want to go ahead and put Totes Legit on  
12 notice that it's the board's inclination that the  
13 board is going to take seriously the right to  
14 confront your accuser. And so Totes Legit, if  
15 they want to file complaints in the future, needs  
16 to have a human or an organization recognized by  
17 the state to be behind -- behind the motion -- or  
18 behind the complaint in order to satisfy the  
19 requirement that those that are accused of an  
20 offense should have the right to confront their  
21 accuser.

22           Now, since the investigation took place and  
23 was revealed by the inspector of the Secretary of  
24 State, the accuser is actually in this case the  
25 Secretary of State and not Totes Legit. So I

1 think -- I think you do have -- if Mr. Morales  
2 had been able to come, he would've had the right  
3 to confront his accuser because the accuser  
4 would've been the Secretary of State's  
5 investigators.

6 So -- but I do put -- want to put Totes  
7 Legit on notice that in the future the board is  
8 going to re -- require -- probably require -- if  
9 it's the board's will, require that you've got  
10 to -- if you're going to file a complaint against  
11 your fellow citizens, you better put your name on  
12 it.

13 So just my thought -- my thought on the  
14 topic. But having said that, what is the will of  
15 the board? Thoughts, ideas?

16 **DR. JOHNSTON:** I -- I make a motion to refer  
17 to the Attorney General.

18 **MR. MASHBURN:** Okay. There's been -- and  
19 this is only on Morales, the only one that was  
20 sustained, right?

21 **DR. JOHNSTON:** Correct.

22 **MR. MASHBURN:** Okay. So there's been a  
23 motion to refer Mr. Morales to the Attorney  
24 General. Is there a second? Okay, no second.  
25 So the motion fails for lack of a second. Is

1 there another motion?

2 **MS. GHAZAL:** I move that we issue a letter  
3 of reprimand from the board. I do not want any  
4 actions that could jeopardize this young man's  
5 professional future within the Marine Corps.

6 **MR. MASHBURN:** Okay. There's been a motion  
7 to issue a letter of reprimand. Is there a  
8 second?

9 **MR. LINDSEY:** A second but a question.

10 **MR. MASHBURN:** Okay. There's been a second.  
11 so we're ready for discussion.

12 **MR. LINDSEY:** Did he vote in both Georgia  
13 and North Carolina?

14 **MR. ARCHIE:** Yes, he did. He voted in both  
15 states.

16 **MR. LINDSEY:** He voted in both states.

17 **MS. GHAZAL:** He did.

18 **MR. MASHBURN:** Okay, is there any further  
19 discussion?

20 **DR. JOHNSTON:** Mr. Chairman?

21 **MR. MASHBURN:** Dr. Johnston?

22 **DR. JOHNSTON:** So O.C.G.A. 21-2-572 says  
23 repeat voting in the same election is a  
24 violation. It doesn't talk about intent. So  
25 intent is not considered and the circumstance is

1 up to the Attorney General to mitigate --

2 **MR. LINDSEY:** I'm going to --

3 **DR. JOHNSTON:** -- the allegation.

4 **MR. LINDSEY:** At the appropriate time, I'm  
5 going to move to reconsider Dr. Johnston's.

6 **MR. MASHBURN:** I'm going to actually make it  
7 a ruling from the chair and allow you to withdraw  
8 your second if you'd like.

9 **MR. LINDSEY:** Yeah, withdraw my second.

10 **MR. MASHBURN:** Okay. The second's  
11 withdrawn. So the -- the slate is now clean.  
12 We're ready for anyone to make a brand-new  
13 motion.

14 **MR. LINDSEY:** I'm -- I'd like to move to --  
15 to reconsider Dr. Johnston's motion.

16 **MR. MASHBURN:** Okay. There's a motion --  
17 there's a motion that's been remade to refer to  
18 the Attorney General's Office. Is there a  
19 second?

20 **DR. JOHNSTON:** Second.

21 **MR. MASHBURN:** No, you made the motion.

22 **DR. JOHNSTON:** Oh, it was my motion. I'm  
23 sorry.

24 **MR. LINDSEY:** I second.

25 **MR. MASHBURN:** Okay. So there's a motion

1 and a second. All right. Motion to refer to the  
2 Attorney General and second. Discussion?

3 **MR. LINDSEY:** Yeah. I -- I've struggled  
4 with this because he's in the marines and I don't  
5 want to -- and I -- and I respect folks who  
6 serve. But the fact that he voted in two  
7 different states, I've got two children who serve  
8 and I think they know not to -- not to vote in  
9 two different states. And we'll leave it to the  
10 Attorney General to sort of talk with him and  
11 figure out what's the best way to deal with this  
12 issue.

13 **MR. MASHBURN:** Yeah, there's -- there's no  
14 way we can fully appreciate and recognize those  
15 that have risked their lives for the rest of us  
16 and put their lives on the line to defend the  
17 country. But at the same -- at the same time,  
18 they've got to obey the laws that they defend.  
19 So we've got kind of a conundrum on that one,  
20 don't we?

21 So there's been a motion to refer to the  
22 Attorney General and it's been seconded. There's  
23 been discussion. Are we ready to vote? No  
24 further discussion?

25 **MR. LINDSEY:** Yeah.

1           **MR. MASHBURN:** Okay, we're ready to vote.  
2 All those in favor would say aye.

3           **THE BOARD MEMBERS:** Aye.

4           **MR. MASHBURN:** All those opposed would say  
5 no.

6           **MS. GHAZAL:** Nay.

7           **MR. MASHBURN:** Motion carries 2 to 1.

8           Okay, now we've got tab number 45, SEB  
9 2021-079, a voter problem.

10          **DR. JOHNSTON:** Mr. Chairman?

11          **MR. MASHBURN:** Dr. Johnston.

12          **DR. JOHNSTON:** Just a word if I may. For  
13 the record, I have a family full of marines and  
14 my son that's a marine would have agreed with me  
15 100 percent. So ...

16          **MR. MASHBURN:** Duly noted. Duly noted.  
17 Okay, we're ready to move on to 45. Tab number  
18 45.

19                 The inspectors, the floor is yours.

20          **MR. BRUNSON:** Okay. The Secretary of  
21 State's Office opened its investigation after  
22 receiving complaints --

23          **MR. MASHBURN:** Okay, I'm sorry. I'm sorry.  
24 I thought -- I thought we were going to interrupt  
25 you, but I interrupted you inadvertently. I'm

1           sorry.  So please begin again.  I'm sorry, my --  
2           my error.

3           **MR. BRUNSON:**  The Secretary of State's  
4           Office opened this investigation after receiving  
5           complaints from Gwinnett County voter Tyler Alvin  
6           Morris, reporting that someone illegally used his  
7           identity to cast a vote for the November 2020  
8           general election because he went to polls -- to a  
9           poll during the advance voting period on or about  
10          October 28, 2020, to vote.  While there poll  
11          officials informed him that he had already voted  
12          when in fact he had not.

13          So upon further investigation, on  
14          February 21, 2021, Kristi Royston, then-election  
15          supervisor of the Gwinnett County Board of  
16          Elections and Registration, conducted a follow-up  
17          inquiry and advised the Secretary of State's  
18          Office that the advanced polling site incorrectly  
19          marked advanced in-person applicant Tyler Rhyne,  
20          R-h-y-n-e, Morris as Tyler Alvin Morris and gave  
21          the credit to Tyler Alvin Morris.

22          Royston provided a copy of the voter  
23          registration and elections application for  
24          official -- official advance in-person voting  
25          completed by Tyler Rhyne Morris on October 14,

1 2020, which show a poll worker Susan Sharp  
2 printed a barcoded label from the Georgia Voter  
3 Registration System, better known as E-Net, in  
4 the name of Tyler Alvin Morris and affixed the  
5 label to the AIP application for Tyler Rhyne  
6 Morris.

7 Royston further advised that Tyler Alvin  
8 Morris was issued a provisional ballot on  
9 November 3, 2020. However, the provisional  
10 ballot was not counted though E-Net showed he  
11 received voting credit for an AIP ballot he did  
12 not cast.

13 On March 24, 2021, a review by  
14 then-investigator Humes of Tyler Alvin Morris's  
15 voter history in the Georgia Voter Registration  
16 System that Tyler Alvin Morris was erroneously  
17 given credit for Tyler Rhyne Morris's vote cast  
18 on October 14, 2020.

19 On March 29, 2021, Investigator Humes  
20 obtained and reviewed a copy of the ballot style  
21 for Tyler Rhyne Morris and Tyler Alvin Morris.  
22 Despite the fact that Tyler Rhyne Morris was to  
23 receive credit for voting, the ballots revealed  
24 that Tyler Rhyne Morris voted out of district and  
25 as a result of the error, Tyler Rhyne Morris was

1 not afforded the opportunity to vote for some  
2 local candidates that would have appeared on his  
3 correct ballot.

4 So ultimately the investigative findings,  
5 the investigation revealed that a Gwinnett County  
6 voter properly completed an application for  
7 official advance in-person voting to cast a vote  
8 in the November 2020 general election.

9 The voter also presented a valid  
10 identification with his application that was  
11 accepted. However, the poll worker at the  
12 advance voting site subsequently selected the  
13 name of a different voter with a similar name and  
14 went through the process.

15 So ultimately there is evidence to suggest  
16 that poll worker Susan Sharp violated SEB rule  
17 183-1-12-.11(2)(a) that says: When a person  
18 presents himself or herself at the polling place  
19 for the purpose of voting during the time during  
20 which the polls are open for voting, the person  
21 shall complete a voter certificate and submit it  
22 to the poll officer. The voter's certificate may  
23 be an electronic or paper record. The poll  
24 officer shall verify the identity of the person  
25 and that the person is a registered voter of the

1 precinct and if so, shall approve the voter  
2 certificate and enter an appropriate designation  
3 on the elector list for the precinct, reflecting  
4 that the voter has voted in the primary election  
5 or runoff being conducted. The voter's name  
6 shall then be entered onto the appropriate list  
7 of voters.

8 **MR. MASHBURN:** Okay. Questions for the  
9 investigator by the board? Okay.

10 Is anybody here from Gwinnett County?

11 **MS. WILSON:** (indiscernible), Mr. Chairman.

12 **MR. MASHBURN:** If you'd press your button.  
13 There you are. I see you.

14 **MS. WILSON:** I pressed my button.

15 **MR. MASHBURN:** There you go. We should have  
16 a good microphone for you.

17 **MS. WILSON:** I think I have a good  
18 microphone.

19 **MR. MASHBURN:** All right.

20 **MS. WILSON:** So, Mr. Chairman and members of  
21 the board, thank you for the opportunity to  
22 address -- address the board on this matter. As  
23 I understand it, the named respondents are Miss  
24 Sharp; Kristi Royston, former elections  
25 supervisor; and the Gwinnett County Board of

1 Registration and Elections. If the investigator  
2 would confirm that for me before I begin my  
3 comments to the board, that would be helpful.

4 Certainly Miss Royston's -- we sent  
5 correspondence to Gwinnett as well as the board.  
6 I cannot speak for Miss Sharp. I don't know if  
7 she was noticed; I would say that.

8 But there's three things I want to talk  
9 about because these are tough facts. Because at  
10 the end of the day two voters were  
11 disenfranchised. And that's not something that  
12 I'm here on behalf of the board to deny. I'm  
13 accompanied by the current elections supervisor  
14 Zach Manifold. Miss Royston left the county in  
15 March of 2021.

16 This matter arises from the November 2020  
17 election and it was first heard by this board in  
18 September of 2021. And I reviewed the transcript  
19 and at that time it was my understanding that,  
20 looking back at the transcript, a critical  
21 document that we thought was relevant for the  
22 board to have was not available. And that turned  
23 out to be the absentee -- the advance in-person  
24 application that shows the erroneous sticker on  
25 the wrong application.

1           So we have Tyler R. Morris of Buford turns  
2 out to vote during AIP. And the -- the poll  
3 worker would say that she scanned the driver's  
4 license. What -- whatever happened there,  
5 certainly the wrong voter was identified. That's  
6 the bottom line. And we're not here to -- to run  
7 away from that fact. But I am grateful that I --  
8 we have identified the document that tells the  
9 truth about what happened. This was not voter  
10 fraud. This was a human failure, a series of  
11 human errors and subsequent human failures. And  
12 I'll speak to all -- all three of those.

13           I think it might be helpful if you haven't  
14 seen it for me to give you a copy of the advance  
15 in-person application with the sticker on it.  
16 Because I have a copy of that if that would be  
17 helpful. (indiscernible).

18           **MR. MASHBURN:** Yeah, absolutely. I think  
19 this -- this might be the first time we've seen  
20 you in person. We -- we have heard you over the  
21 phone many times. So welcome. Good to see you.

22           (Ms. Wilson hands document to the board  
23 members.)

24           **DR. JOHNSTON:** Thank you.

25           **MS. WILSON:** Thank you.

1 I'm going to start first by acknowledging  
2 that there was a failure here. Two voters were  
3 disenfranchised. That failure was ours. It sits  
4 squarely on the shoulders of the Gwinnett County  
5 election officials.

6 I had the opportunity to attend GAVREO last  
7 week and I heard Chairman Mashburn -- Mashburn  
8 speak. And I made a note of something that he  
9 said. He said: Rigorous attention to the  
10 mundane can prevent problems. And that's going  
11 to stick with me, and I was glad that I was there  
12 with several members of the team, from Gwinnett  
13 County election officials' team, for us to hear  
14 reiterated over and over again the importance of  
15 what seems mundane, super important every time.  
16 The mundane, that's where the details -- the  
17 devil's in the details but we're called upon to  
18 get it right.

19 In Gwinnett County in 2020, we had  
20 approximately 416,000 voters cast ballots. Two  
21 hundred seventeen of those voted during AIP,  
22 73,000 voted on election day, and a hundred and  
23 twenty-four thousand voted on absentee ballot.

24 In 2022 we had a hundred and seventy-two  
25 thousand people voted. Over a hundred thousand

1 voted on election day and 20,000 people voted  
2 absentee. So we're in the business of, in our  
3 county, serving large numbers of people, hundreds  
4 of thousands of voters every cycle. But that  
5 doesn't matter, because in relation to this voter  
6 we failed, and that's something we have to take  
7 responsibility for.

8 Gwinnett County has a standard of excellence  
9 that it holds itself to. We fell short of that.  
10 And I can only offer an apology on behalf of the  
11 board. I think it's appropriate. We didn't  
12 serve the voters well.

13 So the first error was when the poll worker  
14 pulled the wrong voter -- whether that was in  
15 scanning the driver's license, identified the  
16 voter incorrectly, pulled the wrong sticker as  
17 you can clearly see. Tyler A.'s sticker was  
18 applied to the absentee -- the advance in-person  
19 application for Tyler R. That was the first  
20 mistake.

21 But there were points in the process later  
22 on that could've avoided the -- the  
23 disenfranchisement of the voter because there was  
24 an opportunity. Mr. Tyler A., when he then  
25 attempted to vote, he was given an absent -- a

1 provisional ballot. I want to come back to that  
2 issue, but he was given a provisional ballot.

3 There's no specific category that addresses  
4 a voter in that situation. So we know about out  
5 of precinct, we know about additional documents  
6 required. But a voter that gets to the polls and  
7 is told, Oh, our records show you've already  
8 voted, there's no specific category statutorily  
9 authorized. But that was a failsafe measure that  
10 was taken.

11 And it would've worked if when we were  
12 reviewing the provisional ballot during that --  
13 the validation process between election day and  
14 certification if we had pulled the documentation.  
15 There was a form that was generated when  
16 Mr. Tyler A. voted that specifically said: This  
17 voter is -- is authorized to receive an absentee  
18 ballot because he contends that -- that he didn't  
19 vote. But we -- when we pulled the provisional  
20 ballots, when we reviewed the documentation, if  
21 we had gone back to pull Tyler R.'s application,  
22 the story would've been revealed and we wouldn't  
23 be here.

24 So rigorous attention to the mundane makes  
25 all the difference. So, again, human error

1           compounded by subsequent human failure.

2           So it becomes important then that I address  
3 the second topic. What steps -- because this  
4 is -- this is -- it's critical to us to get it  
5 right because we want to get it right. The  
6 voted -- voters deserve that. What steps have we  
7 take subsequently, subsequent to November 2010 to  
8 prevent this from happening?

9           So there's been a technological advance  
10 that's going to help us. And I want to start  
11 with the -- the statewide deployment of poll  
12 pads. We can't claim responsibility for it, but  
13 we know it can save us. It can save us. The way  
14 the poll pad works in -- works is that the voter  
15 goes to the election site.

16           Let's start with AIP -- advance in-person  
17 voting, early voting, whatever you want to  
18 describe it. And so when the voter checks in,  
19 vast majority of people in the state using -- use  
20 a driver's license or that gets scanned, pulls  
21 back the voter from GRVIS. That's how it's  
22 supposed to work.

23           Alternatively if the voter produces some  
24 other form of identification, the poll man -- the  
25 poll worker would identify the voter. They're on

1 the screen, this little screen that sits on the  
2 desk. The poll worker finds it. They turn the  
3 screen around. And so the voter now is actively  
4 engaged in the process of confirming: I am  
5 Melanie Wilson of Peachtree City. That's me and  
6 I signed that form. So then I'm actively  
7 engaged -- engaged in the process.

8 The mistake that occurred in 2020 couldn't  
9 occur in the future that we are about to inhabit  
10 beginning -- you know, as we start our election  
11 cycle in January. So even though we won't take  
12 credit for that as a step that we've taken, it's  
13 technology -- it's the deployment of technology  
14 that we intend to take full advantage of.  
15 Because what we're going to do in Gwinnett  
16 County, we're going to have printers at the AIP  
17 location.

18 So that certificate's going to print out.  
19 So it gets signed by the voter. The voter can  
20 confirm: Yes, that's me. The certificate is  
21 generated by the poll pad. We'll print it out  
22 and then we'll have an audit process that matches  
23 the voter certificate with the correct advance  
24 in-person application. So that document there in  
25 the future not so distant would have attached to

1 it the correct voter certificate, signed by the  
2 voter. So were going to maximize the utility of  
3 the poll pad.

4 The other two measures that I can speak to  
5 that we've done in response to this incident,  
6 there is a -- an hourly count at advance  
7 in-person polling locations of -- of the  
8 voters who -- we count the number of applications  
9 that have come in, the advance in-person  
10 application, to see, okay, here we are every  
11 hour, how many people have come in? How many  
12 people have voted? And there's going to be a  
13 review on site to look at the fields, go back and  
14 make sure that the certificate that I just  
15 mentioned matches. That's going to happen at the  
16 AIP location.

17 So additionally that last failsafe measure  
18 that I spoke about, when we had the opportunity  
19 to check the paperwork before the provisional  
20 ballot validation process, we've added a step to  
21 the provisional ballot review worksheet that  
22 mandates, requires that any paperwork that speaks  
23 to the complaint or the underlying reason for why  
24 the provisional ballot was cast in here, it  
25 would've been cast because Mr. Morris said, Well,

1 I've been told I've already voted but I -- I  
2 haven't. It would force the poll worker who's  
3 working on that provisional ballot review to go  
4 put their hands on the application to  
5 double-check the story, to double-check that a  
6 voter like Mr. Morris isn't being  
7 disenfranchised.

8 So we think between the deployment of the  
9 poll pads and improved review process at the AIP  
10 location and this improvement to the provisional  
11 ballot research that happens before they're  
12 validated, that those three measures will  
13 minimize the risk of this happening.

14 The challenge that we have is we have to  
15 live with human error but it shouldn't  
16 disenfranchise a voter. So there should be  
17 layers in place to prevent a voter from being  
18 disenfranchised.

19 I think -- these are hard facts and what I  
20 would ask the board to consider doing here is  
21 certainly -- well, I want to talk about training  
22 because when we look at this issue, we feel  
23 comfortable and confident that we have good  
24 training in -- in effect, good -- a good training  
25 process, good manuals, good documentation.

1           And I can certainly speak to the individual  
2 poll worker here. We checked our records. She  
3 served in 2018, 2020. She served in May of 2022  
4 but hasn't served since then. But we know that  
5 in this particular situation, training was not  
6 the issue. But, of course, in training we  
7 constantly emphasize the importance of checking  
8 the details. Rigorous attention to the mundane  
9 can prevent big problems.

10           And so in relation to this situation, in the  
11 ideal world if I could leave here with a letter  
12 of instruction, that would be great. But I -- I  
13 don't -- I don't feel able to ask that of the  
14 board. I think I'd -- I'm asking for it on  
15 behalf of -- for Miss Royston because she is no  
16 longer in the elections business. I don't see  
17 that -- I wouldn't -- I don't see the point of a  
18 sanction against her for something like this.

19           But I think that we've offered an  
20 explanation for the failure, not a justification  
21 for it. The one thing -- one of the things that  
22 I'm grateful for is that we were able to put our  
23 hands on the documentation that tells the story  
24 because I think in an era of heightened scrutiny  
25 by active engaged citizens around election

1 administration, our ability to find documents to  
2 tell the story, that's -- that's worth something.

3 And so as you deliberate, I'd ask you to  
4 take all those -- those facts into consideration.  
5 I don't know if you have any other questions for  
6 me or any questions for Mr. Manifold. But I  
7 think that's the extent of my comments. Thank  
8 you.

9 **DR. JOHNSTON:** Thank you so much. I have a  
10 question.

11 **MR. MASHBURN:** Dr. Johnston has the floor.

12 **DR. JOHNSTON:** Is the sticker placed on the  
13 application before the voter signs or after the  
14 voter signs?

15 **MS. WILSON:** After the voter signs.

16 **DR. JOHNSTON:** Okay. So obviously the  
17 sticker -- sticker's wrong.

18 **MS. WILSON:** It is.

19 **DR. JOHNSTON:** And the address is wrong.

20 **MS. WILSON:** Well, the address belongs to  
21 Tyler A. Morris.

22 **DR. JOHNSTON:** Right.

23 **MS. WILSON:** But the address does not belong  
24 to Tyler R. Morris who presented himself to vote.

25 **DR. JOHNSTON:** Right. Right.

1           **MS. WILSON:** Absolutely.

2           **DR. JOHNSTON:** So who checks between the  
3 two? I mean, who checks the address on the  
4 sticker, the information on the sticker is the  
5 same that was filled out by the voter?

6           **MS. WILSON:** So the poll worker scans the  
7 driver's license --

8           **DR. JOHNSTON:** Right.

9           **MS. WILSON:** -- that's typically the form of  
10 ID that's presented. This situation occurred  
11 while we were using the E-Net system and so E-Net  
12 generates the sticker and the stickers is applied  
13 to the advance in-person application. It's  
14 supposed to be checked, Dr. Johnston. There's  
15 no -- there's no hiding from the fact that it's  
16 supposed to be checked.

17           **MR. MASHBURN:** Dr. Johnston, still have the  
18 floor? You're satisfied?

19           Okay, member Ghazal.

20           **MS. GHAZAL:** At the appropriate time, I'd  
21 like to make a motion.

22           **MR. MASHBURN:** Okay.

23           **MS. GHAZAL:** I would move that we dismiss  
24 Kristi Royston from the case and refer the county  
25 and Miss Sharp to the Attorney General's Office

1 with a request that they work closely with the  
2 county and to take into context the fact that  
3 they have taken tremendous steps to prevent this  
4 from recurring.

5 **MR. MASHBURN:** Okay, there's been a motion.  
6 Is there a second?

7 **MR. LINDSEY:** Yeah, I'll second it.

8 And usually, as you've seen before -- if I  
9 may, Mr. Chairman, you know, we usually -- we try  
10 to go with a letter of reprimand or a letter of  
11 instruction. But due to the fact that two voters  
12 were disenfranchised, I think we have to take  
13 that a little more seriously.

14 And -- but I do recognize the work that  
15 you've done to rectify that.

16 And, Zach, you've got a good lawyer here and  
17 you're a good supervisor. And I just simply ask  
18 that you work with the Attorney General's Office  
19 to work out a consent order.

20 **MS. WILSON:** Yes, sir.

21 **MR. LINDSEY:** And let's make sure it doesn't  
22 happen again.

23 **MS. WILSON:** Yes, sir.

24 **MR. LINDSEY:** Thank you. But that -- that's  
25 the reason why I'm going that extra length rather

1 than just simply a letter of reprimand is that  
2 two voters were disenfranchised.

3 **MS. WILSON:** I understand.

4 **MR. MASHBURN:** Okay. Let me make sure I've  
5 got the motion accurately stated. There's a  
6 motion to dismiss Kristi Royston.

7 **MS. GHAZAL:** Yes.

8 **MR. MASHBURN:** Okay. Motion to dismiss  
9 Kristi Royston and a motion to refer the county  
10 to the Attorney General.

11 And Dr. Johnston would like to have  
12 discussion, I believe, if I'm reading her  
13 incorrectly.

14 **DR. JOHNSTON:** I would've asked for a letter  
15 of instruction in this situation. I think the  
16 equipment has changed and they certainly  
17 recognize the error. I -- I suspect in a county  
18 as large as Gwinnett, inadvertent, totally  
19 unintentional errors can be made. Especially  
20 with people with similar names, with very similar  
21 names.

22 But you're exactly right, attention to  
23 detail. It's hurry up slowly, you know, which  
24 means, you know, you want to be efficient and  
25 process voters in a timely way but not make

1 mistakes. There's probably an acceptable error  
2 rate in an election if we were -- you know, if we  
3 looked into it. Not that it -- I mean, we want a  
4 hundred percent but it's looking at the -- the  
5 big problems or the patterns that I think really  
6 need to be sent to the Attorney General.

7 **MR. MASHBURN:** Okay, there's a motion on the  
8 floor that's been seconded. Any further  
9 discussion? Okay, so there's a motion to dismiss  
10 Kristi Royston and a motion to refer the county  
11 to the Attorney General with due consideration of  
12 the excellent presentation that the county put on  
13 with regard to what happened and what they've  
14 done to prevent it from happening in the future.  
15 And we request that that be taken into  
16 consideration. All -- any further discussion?  
17 All those in favor would say aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. MASHBURN:** All those opposed would say  
20 no.

21 **DR. JOHNSTON:** No.

22 **MR. MASHBURN:** 2 to 1. Motion carries. Now  
23 we move -- now we move to --

24 **MR. BRUNSON:** Tab 46.

25 **MR. MASHBURN:** -- 46, possible absentee

1 ballot fraud. Everybody agree?

2 **MR. BRUNSON:** Yes.

3 **MR. LINDSEY:** Yes.

4 **MR. MASHBURN:** 2021-104.

5 That was an excellent presentation,  
6 counselor. Well done.

7 **MS. WILSON:** Thank you, Chairman.

8 **MR. MASHBURN:** You -- y'all are excused  
9 unless you've got another one, and I don't think  
10 you do.

11 **MS. WILSON:** No, sir.

12 **MR. MASHBURN:** Y'all are excused.

13 The investigator has the floor.

14 **MR. BRUNSON:** Former chief investigator  
15 Frances Watson reports that during the  
16 November 3, 2020, general election, an absentee  
17 ballot was requested in the name of Mark Kendall  
18 Johns, and he requested it to be mailed to  
19 Kannapolis, North Carolina. The ballot was  
20 returned to the Chatham County elections office  
21 and the signature of the voter was verified and  
22 the ballot was counted. She later interviewed  
23 Mr. Johns and he denied requesting and voting an  
24 absentee ballot from Georgia.

25 So from there -- well, ultimately the

1 investigation revealed that Mr. Johns was listed  
2 as an active voter on the Chatham County voter  
3 list. An application for an official absentee  
4 ballot was mailed to Mr. Johns during the  
5 November 3, 2020, general election. Mr. Johns no  
6 longer resided in Georgia but he filled out the  
7 application anyway. He was found eligible to  
8 receive the ballot and he requested it to be  
9 mailed to his residence in North Carolina.

10 Mr. Johns voted the ballot and he mailed it  
11 back to the Chatham County elections office and  
12 it was counted. Mr. Johns was contacted by  
13 former chief investigator Watson about an  
14 allegation that he no longer resided in Georgia  
15 when he voted the absentee ballot. Mr. Johns  
16 submitted a statement that said, quote: I did  
17 not vote in Georgia. If a vote was cast in my  
18 name, then it was in error or possibly  
19 fraudulent. Please disregard. Thank you, Mark  
20 Johns, end quote.

21 Investigators interviewed Mr. Johns and he  
22 reported he did not remember voting an absentee  
23 ballot from Georgia. Mr. Johns stated he  
24 definitely voted and he thought he voted in North  
25 Carolina. Investigators informed Mr. Johns he

1 was not registered to vote in North Carolina,  
2 that he was a registered voter in South Carolina  
3 and Georgia.

4 Investigator advised Mr. Johns the statement  
5 he sent to chief -- former chief investigator  
6 Frances Watson that if a vote was cast in my  
7 name, then it was in error or possibly  
8 fraudulent. That investigator asked Mr. Johns  
9 what he meant by error, and he said he was  
10 peppered with a lot of requests to register to  
11 vote. He said he thought he was filling out  
12 something from North Carolina.

13 He advised he might've gotten something from  
14 Georgia and he certainly did not remember going  
15 out and asking for anything from Georgia.  
16 Mr. Johns stated he could've done it and that is  
17 why he says it's in error, because if he did it,  
18 he did not mean to.

19 So ultimately he hasn't lived in Georgia  
20 since 2018 and he voted. So based on that,  
21 there's evidence to suggest Mark Kendall Johns  
22 violated O.C.G.A. 21-2-573, absentee voting by an  
23 unqualified elector during the November 3, 2020,  
24 general election.

25 **MR. MASHBURN:** Is Mr. Johns here?

1 Mr. Johns? Mark Kendall Johns? Okay, questions  
2 for the investigator? Questions from the board  
3 for the investigator? Okay.

4 **MR. LINDSEY:** Just to start with a comment  
5 if I may. Starting to sound like the ol' three  
6 level defense to a dog bite case: Not my dog, my  
7 dog didn't bite, he bit my dog first.

8 At the appropriate time, I'll make a motion.  
9 I mean, he came up with (indiscernible) story  
10 too.

11 **MR. MASHBURN:** I believe this is the  
12 appropriate time if you have a motion.

13 **MR. LINDSEY:** Move to refer to the Attorney  
14 General.

15 **MR. MASHBURN:** There's a motion to refer to  
16 the Attorney General. Is there a second?

17 **DR. JOHNSTON:** Second.

18 **MR. MASHBURN:** It's been seconded by  
19 Dr. Johnston. A motion and a second. Is there  
20 any discussion? No discussion. We're ready to  
21 vote. All those in favor would say aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. MASHBURN:** All those opposed would say  
24 no. Motion carries 3-0. Refer it to the  
25 Attorney General.

1           And the last case we have for today's  
2 session is qualifying and residency in Grady  
3 County. Anybody here from Grady County? You get  
4 the award for the most patient. Okay. Nobody  
5 here from Grady County. So the floor belongs to  
6 the investigators.

7           **MR. BRUNSON:** On September 13, 2021,  
8 Investigator Miller was forwarded a complaint,  
9 alleging Jeremiah Horne qualified as a District 4  
10 city council candidate for Cairo -- the city of  
11 Cairo while residing outside the city limits.

12           Mr. Horne reportedly resides at 1911 Georgia  
13 Highway 93 North in Cairo. Yet he qualified for  
14 the District 4 city council race declaring 745  
15 U.S. Highway East in Cairo as his residence.

16           On August 25, 2021, an individual filed a  
17 challenge to the qualification of Horne based  
18 upon residency requirements. He mentioned  
19 Mr. Horne, having signed his notice of candidacy,  
20 an affidavit of his legal residence being  
21 745 Highway 84 East in Cairo and being a resident  
22 there for one year. It was discovered this  
23 address was zoned as commercial and it's the  
24 location XPT Battery Company which is his  
25 company.

1           A hearing was held concerning Horne's  
2 residency and the hearing transcript, along with  
3 the qualifying documents, were obtained from the  
4 city clerk in Cairo, Dana Barfield. Based on  
5 circumstances surrounding Horne's residency  
6 issues, it was determined his actual residence is  
7 located outside the Cairo city limits and not the  
8 business address inside the city of Cairo.

9           Mr. Horne was disqualified from the Cairo  
10 District 4 city council race. And the conclusion  
11 was Mr. Horne resided at 1911 State Highway 93  
12 North in Cairo which is outside the city limits.

13           On February 10, 2022, Mr. Horne responded  
14 and addressed the residency issue in an e-mail  
15 statement. Those statements were in 2011 he  
16 moved into the city of Cairo where he also opened  
17 a business. He registered to vote at the  
18 business address of 745 U.S. Highway 84 East.  
19 His first time voting in the city was the 2012  
20 presidential election.

21           A few years later, while building, he moved  
22 family in with his parents in the county. He  
23 listed his business address as his personal  
24 address on all accounts since 2011. He preferred  
25 to receive his mail at his business. In 2014 he

1 moved into the home located in the county. In  
2 2019 his office moved down the street into a  
3 different district. In June 2020, he renewed his  
4 driver's license, registering to vote, with  
5 documents listing his business address.

6 He does not own, lease, nor receive mail as  
7 his -- at his nightly resting place and he has no  
8 documents associated with his current residential  
9 address. Ultimately he was disqualified based on  
10 his own admission surrounding his residency.

11 On Wednesday, February 23, 2022, it was  
12 discovered -- supervisor Archie investigated a  
13 separate case, SEB 2021-182, city of Cairo,  
14 problems at polling place, and had gathered facts  
15 and evidence to cite Mr. Horne along with his  
16 wife for violating O.C.G.A. 21-2-561, false  
17 registration in that in 2020 they both registered  
18 to vote in Grady County using the address of  
19 their business, XPT Battery Company located at  
20 745 U.S. Highway 84 in Cairo. The Hornes did not  
21 reside at the business but they permanently  
22 reside at the location 1911 Highway 93 North in  
23 Cairo.

24 So ultimately determined that there is  
25 evidence to suggest that Jeremiah Horne violated

1 O.C.G.A. 21-2-565, making a false statement in  
2 connection with the filing for his notice of  
3 candidacy and that on August 18th, he filed his  
4 notice listing his residence address as 745 U.S.  
5 Highway 84 East in Cairo, Georgia, which was the  
6 address of his business, which is the XPT Battery  
7 Company.

8 **MR. MASHBURN:** Questions for the  
9 investigator from the board? Questions for the  
10 investigator from the board?

11 **MR. LINDSEY:** Just take -- just -- just one  
12 quick. In -- in Georgia, Houston is pronounced  
13 Houston, Milan is -- or Milan is pronounced  
14 Milan. And only in the state of Georgia could we  
15 pronounce Cairo as Cairo.

16 **MR. MASHBURN:** Cairo.

17 **MR. BRUNSON:** I was from Florida by way of  
18 Wisconsin, so ... I've been here three years, so  
19 ...

20 **MR. LINDSEY:** You're my -- you're my great  
21 investigator. Don't get me wrong. I'm just --  
22 I'm just trying to help you.

23 **MR. MASHBURN:** Is Mr. Horne here?  
24 Mr. Horne? Mr. Horne? Mr. Horne here?

25 Well, just for people listening out there in

1 the public, one of the questions that we always  
2 get is why does it matter if you use a business  
3 address or a -- or a residence address? And the  
4 law requires the residence address. And the  
5 reason why the law requires the residence address  
6 is you're to be voting for the local officials  
7 who represent the area where you live. And your  
8 business might very well be in a completely  
9 different commissioner district, for example, and  
10 you're voting on somebody else's commissioner and  
11 not voting on your own commissioner. So that's  
12 why it matters.

13 And so, you know, one of the questions that  
14 you always get is what -- well, why does it  
15 matter? And that's why. We want you voting for  
16 the officials that are closest to you.

17 Questions, comments from the board?

18 Comments from the board?

19 **DR. JOHNSTON:** Well, I'm -- I'm -- actually  
20 I'm thrilled that you said that because why does  
21 it matter? If it matters where you live to run  
22 for a contest, then certainly it should matter  
23 where you live to vote --

24 **MR. MASHBURN:** Exactly.

25 **DR. JOHNSTON:** -- so that a commercial

1 address would not be an acceptable residence  
2 address. But I think we have some  
3 inconsistencies in our -- our counties as far as  
4 how they treat voter registration addresses.

5 So I'm -- I'm delighted that you brought  
6 that up because we should be consistent and  
7 uniform in how we deal with -- with candidates  
8 for office and how we deal with registration of  
9 electors.

10 **MR. MASHBURN:** And if I might -- if I might  
11 append my remarks. One of the issues that we've  
12 come up with, is there were people that used  
13 addresses because somebody wanted to kill them.  
14 And so they're like, I don't want to put my real  
15 address because somebody's trying to kill me.  
16 But this -- in this case I'm bothered because it  
17 just says it's more convenient.

18 And so you shouldn't be voting for other  
19 people's elected officials just because  
20 something's convenient. So that's what bothers  
21 me on this one.

22 **DR. JOHNSTON:** Certainly. And -- and I  
23 think the situation, the rare situation that  
24 "somebody's trying to kill me" cannot possibly  
25 apply to the many, many people that are

1 registered to vote at nonresidential addresses.

2 **MR. MASHBURN:** And we -- and we -- and the  
3 board has publicized with the great help of the  
4 Atlanta Journal-Constitution. The AJC helped get  
5 out the word that there is a safe program where  
6 you can register and vote and participate if  
7 you're in a situation that's dangerous. So  
8 thanks to -- thanks to the Atlanta Journal for  
9 getting that out -- to get that information out.  
10 We appreciate it.

11 **DR. JOHNSTON:** That's great. We appreciate  
12 it.

13 **MR. MASHBURN:** Thoughts from the board?  
14 (indiscernible) from the board how you're going  
15 to treat this?

16 **MR. LINDSEY:** Motion to refer to the  
17 Attorney General.

18 **MR. MASHBURN:** There's been a motion to  
19 return it to -- to refer to the Attorney General.  
20 Is there a second?

21 **DR. JOHNSTON:** Second.

22 **MR. MASHBURN:** It's been motioned and  
23 seconded, moved and seconded. All in --  
24 discussion? All those in favor would say aye.

25 **THE BOARD MEMBERS:** Aye.

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**MR. LINDSEY:** Aye.

**MR. MASHBURN:** All those would -- what?

**MR. LINDSEY:** Aye.

**MR. MASHBURN:** Okay. All those -- all those opposed would say no. Okay.

That -- that concludes today's agenda. And we will stand in recess until tomorrow morning.

**MR. BRUNSON:** Excuse me.

**MR. MASHBURN:** (indiscernible)

**MR. BRUNSON:** Excuse me.

**MR. MASHBURN:** We will -- hang on.

**MS. KOTH:** I don't know what -- we tabled Tab 28.

**DR. JOHNSTON:** (indiscernible) because it needs Michael Barnes.

**MS. KOTH:** Okay. Just wanted to make sure we were (indiscernible).

**MR. MASHBURN:** Okay. Okay, we got that handled. So we will now stand in recess until 9:30 a.m. tomorrow morning in the same room. And since we are in recess, there's no need for a motion.

(Adjourned for the day at 4:42 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, pages 3 through 308, 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 19th day of January, 2024.

\*\*Mary K McMahan\*\*

Mary K McMahan, CCR, CVR, RPR, FPR  
Certified Court Reporter  
Certificate Number 2757