

(Whereupon, the meeting started at 10:03 a.m.)

**Chairperson Handel** - "All righty. Good morning, everyone. I'm going to go ahead and call our meeting to order, and if I could ask everyone to please stand for the invocation from Jeff, and then we'll follow that with the Pledge of Allegiance."

(Whereupon, Mr. Jeff Israel gave the invocation, immediately followed by the Pledge of Allegiance.)

**Chairperson Handel** - "I'll go ahead and do our roll call real quick. I forgot to do that. Mr. Evans."

**Mr. Randy Evans** - "Here."

**Chairperson Handel** - "Mr. Worley."

**Mr. David Worley** - "Here."

**Chairperson Handel** - "Of course, I'm here. Mr. McIver."

**Mr. Tex McIver** - "Yes, ma'am."

**Chairperson Handel** - "Mr. Israel."

**Mr. Jeff Israel** - "Here."

**Chairperson Handel** - "All right. We have a full house. Thank you, everyone, for being here. We will do some Public Comment. I do have the blue cards from folks, and if I can ask you to please keep your comments to two minutes or less. Our first speaker of John Evans. And I'll go ahead and call the speaker, too. It'll be Charlene Glover, so we can be sure everybody's ready. Good morning, Mr. Evans."

**Mr. John Evans** - "Good morning, Madam Chairperson, members of the Board. I'm here - you've got five on the Board?"

**Chairperson Handel** - "Yes, sir."

**Mr. Evans** - "I was going to ask the question, we don't have any African Americans on this Board do we, so I don't need to ask that right now, I know the answer. You've just got five. We're a little concerned about that. This is a State Elections Board and we should have some representations. But as you know, a special election - the general election is special this year. There's no question about why it's special, and we need to be fully equipped with equipment and other resources to make sure

we can handle the election, make sure we can stop people from using shenanigans. They're going to do everything they can to mess this election up. We're clear on that, so I think it's the Board's responsibility to make sure we minimize all of what can happen on November the 4<sup>th</sup>. And of course, one of the things I've heard is that across the State, the State Board of Elections sometimes decide when they're going to give out provisional voting ballots. We think in this election, because of the complications that are involved, that somebody who is registered to vote ask for a provisional ballot. If they're turned down there shouldn't be any question about them not getting it. So they can go ahead and make their provisions and then have 48 hours, I think, to come back and justify that they should be eligible to vote. What I'm really saying, can I say it in two minutes here, we have a challenge in Georgia. This election is serious, and we want to make sure that you all think it's serious and provide whatever is necessary in order to make this election work. There's no since in me kidding myself. I've been around the turnip truck a couple of times, and I know that they're going to pull some mess, not only in Georgia, but across this Country. It's obvious, the first time we've had a black from a major party to be running for president, and they're not going to take it sitting down. So you all need to be very careful about what you do, and how you do it, and I appreciate this opportunity. Thank you so much."

**Chairperson Handel** - "Thank you. Thank you very much, Mr. Evans. Next speaker is Charlene Glover, and after Ms. Glover will be Dave Kitchen - is it Kitchen?"

**Ms. Charlene Glover** - "My name is Charlene Glover, and I'm a member of the City Council in Greenville, Georgia. And my concern is with every election that Greenville has, there is some kind of mess. And I would just like to ask this Board to help us do what we need to do to try to make sure our registration list is, first of all, right. And so at each election somebody will not have to be coming before the Board because something has been done wrong. And I don't think that's asking a whole lot, but maybe it's a little more complicated than I think. And I realize some of the instructions on the absentee ballot, some of them are very vague and can be interpreted different ways, so I think if this Board would work with our legislators and get all of this in just simple terms where one couldn't say, well, it meant an apple and the other could say it meant an orange. And I think we would have a better election system throughout this State. Thank you so very much."

**Chairperson Handel** - "Thank you very much. Next speaker is Mr. Dave Kitchen, and following Mr. Kitchen is Bobbie Paul, I believe."

**Mr. Dave Kitchen** - "Good morning."

**Chairperson Handel** - "Good morning."

**Mr. Kitchen** - "I'm Dave Kitchen. I'm an ex-marine. My father's a marine, my son is in the Marines in Iraq right now, and why I'm here is I'm a citizen of McIntosh County. And I have grave concerns because of what's been happening in McIntosh County that the United States that we fight for and love is being changed into a place where people don't get the right to vote, and that's very important to us as citizens of the United States because that flag in this Country means a lot to me and my family, and has been. We've always had somebody in there for our country, and we love it, but we've had -- I'm sure you've already got a lot of details about what's going on, but I have some absentee ballots in case you all would like to look. They were dropped, and these people did not get the right to vote. We own a small horse farm, and I run a little website that speaks on different things, and we've been spoken (sic) to a lot of people in McIntosh so people were contacting us and we post it, and that's how I got involved. I'm not in politics in any way, shape, or form. I'm just a person. But there is a new lady who's been running and her last name is Dalby, so it's continuing and they dropped her off the roles, illegally, because she -- they didn't even give her 14 days, I believe it was, to register and she's supposed to have 180. So it's continuing to have a problem there, and as a citizen I'm concerned that our votes aren't being counted, and when they do get counted that we're not getting everyone in there who should be given the opportunity to run for the offices. And that's my concern as a citizen, and that's -- basically I'll keep it short to that."

**Chairperson Handel** - "Thank you. Are those documents -- I think that they're -- Ms. LaGrua...."

**Ms. LaGrua** - "I'll take care of it."

**Chairperson Handel** - "...is there an ongoing case that you have, will you take those for your --."

**Mr. Kitchen** - "Thank you, ma'am."

**Ms. LaGrua** - "We'll see if it applies to the ongoing need -- Mr. Brown, if you could get Mr. Kitchen's contact information so we can get a hold of him and take care of this."

**Chairperson Handel** - "Let the record show that we are accepting documents for the case."

**Mr. Evans** - "I move that they be made part of the minutes."

**Chairperson Handel** - "Second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Good morning."

**Ms. Bobbie Paul** - "Good morning. Hi. My name is Bobbie Paul, I'm a resident of Fulton County, and I voted on Monday. I've lived in this area for 26 years, and I'm the Executive Director of a women's organization called WAN, Women's Action for a new Direction, and part of our mission is to empower women to act politically. We are nonpartisan in this election, as we are always, and work on education. My concerns that I would like to raise is this is the first time that I've come here and I'm very happy to meet you all, is whether we are working in a precautionary measure looking to the number of voting machines that we have, that we're looking at every demographic that is being served equally across the State, and especially here in metropolitan Atlanta. I'm deeply concerned about the number of voting machines, and if we have enough personnel, and especially as I understand, the express poll books because, as I understand, we are looking at an 80 to 90 percent turnout. Is that what's been encouraged or predicted? So we're hoping that we're working in precautionary ways so that we don't have (inaudible) like we've seen in Ohio and Florida, and other places. I know that we do have some issues in our State as well, but my membership and the 26 hundred people that we communicate with weekly who are very involved in getting out the vote in a bipartisan fashion, are deeply concerned about this. So I hope we're taking measures to address that now rather than November 2nd. Thank you."

**Chairperson Handel** - "The next speaker is Christiane French, followed by Peter -- is it Isbister?"

**Mr. Peter Isbister** - "That's correct."

**Mr. Evans** - "Madam Chair, may I make one comment on our last speaker?"

**Chairperson Handel** - "Yes."

**Mr. Evans** - "If you have a list of items that you think are particular -- we should be really focused on, if you'll just drop us a note so that we can, and all of us -- I'll give the Chair great credit here. She is very good at taking information that we get, for example, the ratio of voting machines to anticipated voters on Election Day, taking that data and making sure that the data translates into equipment changes and personnel and resource changes. So if I could impose on you, if you could get to us within, what, a week? If you could get to us within a week where you think those issues are, that would be very helpful."

**Chairperson Handel** - "Great. We can get it done, because I'm assuming you're looking at numbers."

**Ms. Paul** - "We are."

**Chairperson Handel** - "And if you're able to stay around for the day, you'll hear a report on election's preparedness, and we'll be reporting what the counties have done."

**Ms. Paul** - "I don't know whether I can sit for the whole meeting because we're busy, but I'll try."

**Mr. Evans** - "Thank you so much."

**Chairperson Handel** - "Ms. French, good morning."

**Ms. French** - "Good morning, members of the Board. I appreciate the opportunity to speak. My name is Christiane French, and I'm a resident of DeKalb County. I've been here for the past five years. I'm also a Physician Assistant and Crawford Long Emergency Room right downtown here, and this morning my concern is -- I just wanted to have an idea of what is being done to ensure that all newly registered voters are being put on the roles in time. I speak to a lot of residents in the course of my work, and I know that many people are recently registered and have not yet received their cards in the mail. And I want to understand what's the time frame and what do if they don't, in fact, receive that card."

**Chairperson Handel** - "Thank you. Do you -- we've got your information. In addition to the report this afternoon, we'll -- you've got your email on here, we'll follow up on that and get the information in writing, as well."

**Ms. Paul** - "Thank you."

**Mr. Peter Isbister** - "Thank you, and good morning, members of the Board. My name is Peter Isbister. I'm speaking in my capacity as a prior resident of Fayette County, Georgia. I'm a very new resident to Georgia. I'm here in the state of kind invitation of my wife who's a proud graduate of the University of Georgia. This is my first election in the State, and I wanted to speak to the Board about my experience registering. I printed a registration form off the internet, sent it in, and several weeks later received a letter from the Fayette County Board of Elections, the first paragraph of which read something to the effect that in order to complete my registration because I was a first time registrant registering by mail, I needed to submit a copy of photo identification. The rest of the letter went on with other verbiage and a list of both, photo and non-photo bearing pieces of identification. There was some asterisks in the letter, et cetera. I'm a graduate of Georgetown University Law Center, I'm an attorney. I interpreted the very second sentence of that letter, regardless of what the rest of the letter may have said, to suggest that my registration was incomplete and would remain incomplete until I submitted photo identification. I called the Board of Elections and asked if that was true, was told that it was. They agreed with me that it might be a good idea to write my registration number that appeared on the letter as some sort of cross-referencing help for the office, and I photocopied my driver's license and sent it in. I've later come to understand that that communication, both the letter and the phone call I had with Fayette County Election Office was inconsistent with current State and Federal Law. So I'm concerned, regardless of what -- I mean, it's possible that someone could explain to me the rest of the text on that letter and say that it wasn't factually incorrect. But I can tell you, as an attorney, the first paragraph was factually misleading, and I'm concerned that that letter is going out and what it might do to new registrants, like myself, and their ability and they're important to go to this office and get registered. So I encourage this body to work closely, and on a quick time frame, both with the Secretary of State's Office and a consultation with 159 local offices to see why is that letter going out, what are the text of each individual letter that each county might be sending, and to do what we can to stop it from being sent. Like I say, I think it led me down the wrong path. Thank you."

**Chairperson Handel** - "All right. The next speaker is --."

**Mr. Worley** - "Madam Chair, if I could just say something. At this point, I have gotten a number of communications about this same problem in a number of counties, and I think Mr. Isbister is correct that the letter is, both misleading and not a correct statement of the law. There is no such requirement. All that person needs to do is to send the mail-in registration and show up on Election Day with their ID. So I think this is an issue, and I hope it's something we can discuss later in the meeting."

**Mr. Isbister** - "Would it benefit the Board for me to submit a copy of my letter, or does the Board already have access this letter?"

**Chairperson Handel** - "We have it, but if you've got it with you we'd be happy to take it. And I'll be happy to, at the appropriate time, Wes and I can address this issue because we have already addressed it. I want to assure folks that for everything that we have reviewed, that federal HAVA law is indeed being followed by the county on that issue."

**Mr. Isbister** - "Thank you."

**Chairperson Handel** - "Okay. Thank you. Ms. FitzGerald."

**Ms. Sally FitzGerald** - "I'm Sally FitzGerald. I'm a resident of Fulton County and am a Fulton County Poll Manager. And I testified last time at your meeting, and it is the minutes of that meeting that I would like to address and yet, your procedures indicate that I cannot speak in this period on any item agenda, so would you please guide me as to --."

**Chairperson Handel** - "Is there something that you want to ask to be edited in the minutes?"

**Ms. FitzGerald** - "Yes. Item number three which discusses my testimony."

**Chairperson Handel** - "All right. Okay. Let me pull up the minutes."

**Ms. FitzGerald** - "I've provided you a copy, Madam Chair, attached to the blue card with markings on page one. The subject of my testimony was young people age 16 and above which are permitted, by law, to work as poll workers. But there is currently no mechanism to deal with those students who might be absent from school because of that work. And my suggestion was not, as the current version of the minutes show, to give them an excused absence because that tends to make the school

administrators uncomfortable. The Federal Law measures schools on how many absences they have. But rather to treat that removal from school as a field trip, which is the way the current education law treats students who work as Capitol pages. And because that is -- that your minutes are a public document and that if you would accept my suggestion --."

**Chairperson Handel** - "I'll make that change when we get to the minutes. No problem."

**Ms. FitzGerald** - "It has to be right."

**Chairperson Handel** - "No problem. Thank you for mentioning that."

**Ms. FitzGerald** - "And also, if you'd capitalize the G in my name."

**Chairperson Handel** - "I saw that as soon as I looked at this. Yes, we can do that, too."

**Ms. FitzGerald** - "Thank you."

**Chairperson Handel** - "All righty. Thank you, everyone, for your comments. The next order of business is our minutes."

**Mr. Evans** - "Madam Chair, before we do that may I have a point of personal privilege. Consistent with the practice that I have adopted over the past couple of years, as many of you know, as I know the Board knows, I serve both, as the general counsel of the Georgia Republican Party, and I serve on this Board, one of the issues that sometimes will come up in the context of that is whether or not there might be the appearance of impropriety in serving in that dual capacity, and after consultation a few years ago with the Attorney General's office and with the Secretary of State, then Cathy Cox, came up with a protocol which involves me stepping aside and relegating all of my responsibilities as the general counsel for the party to someone else. And in order to perfect that, I'd like to introduce into the minutes just a letter where I sent to the Party confirming that the fact that I won't take part in none of the political activities or the legal political activities of the Party from this point until after the election so that any questions or appearances or issues relating to propriety might be put aside knowing that we've taken those protocols well in advance of the election and/or address it. So I would ask, Madam Chair, that this letter be made a part of the minutes."

**Chairperson Handel** - "So move."

**Mr. McIver** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Thank you, Mr. Evans. All right. The next order of business is the approval of our minutes from the June 17th meeting. We do have the requested changes from Ms. FitzGerald, are there any others? All right. Then I will make a motion that the minutes, as amended with the comments from Ms. FitzGerald, be approved."

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Next are the minutes from our Special Call Meeting on July 8th. Any changes or comments to that? All right, do we have a motion?"

**Mr. Evans** - "So move."

**Mr. Israel** - "Second."

**Chairperson Handel** - "I've got a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any questions? All righty. Okay. And the next order of business will be involving the various cases and complaints that we have, and just so everyone knows how this process works, this meeting essentially serves as a probable cause inquiry, and the Board will decide, at this point, whether there's enough evidence to refer particular case onto the Attorney General's office that will afford both parties an opportunity for a full evidentiary hearing. The Inspector General will have 15 minutes to present the result to her investigation to the Board, and then the respondent will have 15 minutes to present a response to that. And if I have individuals here who are interested parties that would like to speak on a particular case, if you could please let me know and we certainly will afford two minutes for those folks as well."

But just raise your hands or come over if you're interested in a case so that I don't overlook you, and if it looks like I'm moving on don't hesitate and just go like this so I can see you, okay? All right. Ms. LaGrua, Case No. 2007-000022 Fannin County."

**Ms. LaGrua** - "Thank you, Madam Chair. Myself and Deputy Harvey will be presenting the cases this morning. The first case on the calendar is involving Fannin County, Case 2007-000022 involving November, 2007 General Election. The complainant is Cedric Granada, and the respondent was Wanda Collins of the Fannin County Board of Elections. The allegations were that Ms. Collins improperly used her position on the Board for political personal use, and that she identified herself as a board member, had registration forms and applications available at said political meeting. As it turns out this was not a political meeting, this was a community meeting addressing two sides of a liquor-by-the-drink issue. Ms. Collins was actually invited by all the parties to bring registration forms. She did go, she did not participate at all. All she did was leave the registration forms. She's still in violation, potentially, of 21-2-215(e) regarding ultimate voter registration locations. They were not advertised as they would be by the Registrar's Office. She also may be in violation of State Election Board rule 183-1-6. It's my understanding, and I have a copy here that Ms. Calandra Almond and Ms. Lynn Daus -- the county attorney for Ms. Collins had negotiated a consent order essentially admitting to the violations and proposing a Cease and Desist as well as training. I believe -- I'd like to let Ms. Almond address the consent order, if I could, since she prepared it."

**Ms. Calandra Almond** - "Yes. She did sign off --."

**Chairperson Handel** - "Hold on just one second. Can the court reporter hear? Do you need her on the microphone? Yes."

**Ms. Almond** - "Yes. Ms. Collins did admit to violation of violation of O.C.G.A. 21-2-215, the consent order by receipt of the said reprimand. Also that she attends the Board of Election Officials Revocation Course by March, 2009."

**Chairperson Handel** - "Ms. Daus, does anyone want to speak on the other side?"

**Ms. LaGrua** - "Ms. Daus is not here. After signing consent, however, if the Board needed her she is available by phone and could be here within about 90 minutes if necessary."

**Chairperson Handel** - "Okay."

**Mr. Evans** - "Is it our position that the mere distribution of voter registration forms constitutes another meeting place or another place of circulation, or an additional registration place?"

**Ms. LaGrua** - "Mr. Evans, I think the question potentially for the Board is my understanding, after speaking with Mr. Ritter about this on a number of occasions, that while the case that's come down does not confine other groups that are participating in registration drives to the same things outlined in both the Code and the State Election Rules, that if, in fact, the Registrar's Office or the Registrars or Deputy Registrars are participating in registration drives, then those requirements attended by the statute and rules would apply. If I misunderstood that or am incorrect, I can see that, but that's our understanding. She did represent herself at this meeting as a member of the Board of Elections and Registrations, and there was no advertisement as would be demanded for this registration drive. Now, candidly, I don't believe Ms. Collins intentionally violated anything. She was not being political, there was not a side to the meeting. It wasn't a pro or con meeting. It was a community meeting to discuss the issue. Again, my understanding from Mr. Ritter is that if he is by the registrar or a deputy that they are required to follow those things outlined in the statute and rules."

**Mr. Evans** - "What concerns me is that that interpretation would put us in violation of a temporary restraining order that was issued in one of other cases, and I -- the only reason I bring this up is because the violation that you're identify is 215(e), in order to constitute a violation of 215(e) we would have to deem the distribution, but not the completion of registration forms, as creating the additional registration place. And I believe the distinction that was drawn was if the forms were both distributed, completed, and accepted by the Registrar, that is deemed to be an additional registration place. However, if forms are only distributed, but not permitted to be completed or to be received with a critical element I believe to be the order that the receipt by in a government capacity, actual receipt of the registration form, then it's not a registration place. And while I am less worried about the implications for this particular case, because I realize that we have somebody here that says, you know, candidly, I think they may be admitting to a violation which is not a violation, that's not my purview to second-guess that, I am a little concerned about the

implications given the pending litigation over voter registration and the extent of the boundaries that we can go under this phrase, additional registration places. So, I mean, I just share that with my colleagues on the Board. I'm reticent to find or accept a violation where there has not been a registrar accepting completed forms in their capacity as a government official just because I'm afraid of what implications that would have for our other litigation."

**Chairperson Handel** - "Were the forms accepted -- does that make sense? Were the forms, do we know --."

**Ms. LaGrua** - "Not by the registrar."

**Chairperson Handel** - "They were not."

**Ms. LaGrua** - "I do not know what happened after she appeared and left."

**Chairperson Handel** - "Okay. She did not accept --."

**Ms. LaGrua** - "Correct."

**Chairperson Handel** - "Was this particular issue discussed with Mr. Ritter?"

**Ms. LaGrua** - "In terms of her accepting and leaving, not that specific --."

**Chairperson Handel** - "In the context of the litigation."

**Ms. LaGrua** - "No. Just the litigation, generally."

**Chairperson Handel** - "Okay. Then if I might, could we table this and talk to Mr. Ritter because I think you raised a very valid point that we want to make sure that we're taking into consideration the current litigation that we have."

**Mr. Evans** - "I think that's a -- that's a pretty good -- my only worry is that we have a very (inaudible) interest in regulating the receipt of completed registration forms."

**Chairperson Handel** - "Right."

**Mr. Evans** - "We want the applications to stipulate as well as we can. I would move to table."

**Chairperson Handel** - "Second. Any other questions or comments on this one? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? Okay. Thank you. Next case. The City of Greenville, 2007-000028."

**Ms. LaGrua** - "Yes, ma'am. As you may recall, this case has been on the calendar a number of times. It was continued the last time because there was not a quorum with the City Council to appoint representation for the parties. It is my understanding that the city Council is in place at this point. This case involves complainant Johnnie Owens, the Election Superintendent as the complainant, and Esther Johnson, an elector as a complainant. The respondents in this case were Johnnie Owens, the former Elections Superintendent, and Ann Moreland the Poll Manager, JoeAnn Bray an Elector, Kim Bray, an Elector, and Linda Caldwell, an Elector. The allegations were numerous in this case. The allegations were that voters who lived outside the City were allowed to vote in the City Election, that there was illegal campaigning at the polls, that there was improper handling and certifying of the absentee and regular ballots, that there was improper list keeping and that persons were bringing intoxicated voters to the poll and assisting them. The investigative findings were essentially the following. That Ms. Owens failed to maintain a master list as required for the absentee voters. She included on the list the applications rather than the voters on the absentee list, and she did not keep a list of who was sent an absentee ballot. She didn't keep a rejected list, and she failed to require an application for the conditions of an absentee ballot. Further, during the tabulation process, Ms. Owens failed to designate a poll officer and an assistant to call and scrutinize the reading of the ballots, they failed to count properly the marked ballots, and failed to count all the ballots publicly. Ms. Owens and Ms. Moreland altered the votes cast on the consolidated municipal returns. Ms. Owens failed to forward the returns to the Secretary of State's Office and refused to certify them for some period of time. The poll workers did provide statements, however, that the electors at question did not appear to be intoxicated. No poll workers saw any illegal campaigning, and we did have a Secretary of State present monitoring that did not observe any violations in regard to illegal campaigning or intoxicated voters at the polls. There were three electors that were originally were thought not to have lived in Greenville. They were not challenged and there was no indication who they were, so we could not -- we tried to

follow up on that allegation but there was no one identified to find out if they had voted inappropriately. It's recommended that this case be forwarded to the AG's office with an imposition of fine, a mandate for training, a plan be submitted to this Board. I did check, I don't believe the City has any elections in November that'll be county elections, so it'll be next year before -- but I would suggest that they be required to send in a plan on how they're going to conduct their elections and make sure that the personnel they have been properly trained. We did receive -- I expect that there are number of people here this morning from Greenville representing different parties, and I'll answer any questions or defer to whoever is here from Greenville, Madam Chair."

**Chairperson Handel** - "Who do we have here from the City of Greenville? I know we heard from the Greenville City Council first -- come on up, folks. If I can ask you when the case is called, if you're going to be interested in speaking in it if I can get you to kind of work your way up so we could keep things moving. Come on up and tell us your name and address for the record. And unless you are the specific attorney -- is there an attorney on behalf of the City of Greenville --."

**Ms. Gia Compton** - "Yes."

**Chairperson Handel** - "Okay. Then if I might, let the attorney speak first so she can address the case, and then I'll take two minutes of public comment from each, okay? Good morning."

**Ms. Compton** - "Good morning Secretary of the State and Council Members of the Board, I'm Gia Compton. I was here before --."

**Chairperson Handel** - "Welcome back."

**Ms. Compton** - "I'm back. I'm glad to be back, thank you, for the City of Greenville. This is --."

**Chairperson Handel** - "Can you please pull the microphone toward you so -- there you go. Now they'll be able to hear you better, and then all of us can hear you. Thank you."

**Ms. Compton** - "This has been a very complicated case, and it was quite a complicated investigation, I believe, that Ms. LaGrua's office had to undertake in order to marshal the layers and layers of complaints. And my understanding, of course, is the Secretary of State's Office, does have the same limitations that all government agencies have. I respectfully have to submit to you that there were certain aspects of the complaints in the

investigations that are not accurately put forth in the investigation for your review, that I would ask you to consider. As a backdrop to this, I would like you to please understand that at the time in which Ms. Owens undertook this responsibility, she became the City's municipal elections clerk, pretty much by default. We were in a qualification period and found that there were a number of challenges that were being talked about, and in specific, raised at her with regard to one candidate. And anticipating that we would one day be here, we made every effort to try and get another election superintendent to stand in as opposed to have our City Clerk serve in those responsibilities, and we were unsuccessful in doing so. And the primary concerns that we had about that is that she had never, in any of her formal job responsibilities, had any election experience. And we anticipated that this was going to be somewhat of a contentious mayoral race. When those efforts to locate another superintendent from the region and using it as far as Athens and Atlanta, failed us, then she became our election superintendent. What we had hoped was that the veteran workers, who were individuals who had worked elections for the City of Greenville for many years, would be able to support her in that role successfully. However, one thing that was negated in our hope was that we had had an election superintendent that we had removed because she had caused us to come before you before, and we had found out that perhaps in her training and her knowledge that she was not the right person for the job and she had been removed. And the under-workings of this basically rested on the fact that the poll workers who had worked for her for many years didn't quite know what they were needing to do as well. So I want to preface everything that you hear today with that understanding that Ms. Owens was a first-time election superintendent and still had the full-time responsibility of the Clerk's Office for a demanding, small, but extremely demanding population in the City of Greenville. And at the time that this election took place there was not a lot of opportunity for her to get up to speed in the way that we would have liked. Now one of the things that I did last night in preparation for today is I went out to your website and I kept reflecting upon how many times Ms. Owens called me for advice during that period of time. And even on your website today, when I look at Municipal Election Code there's nothing there. There's not a lot of resources out there for the attorney trying to give guidance to the election superintendent at the time. The training materials don't always speak to an individual, particularly one that's new and inexperienced in the moment of trying to make certain decisions. The primary concern that we have is that for the City, that to the extent that your decision is or that the agreement that the City would need to put in a plan, we're 100

percent behind it. We do need a plan to train a mixture of our poll workers, and the election superintendent are appropriately trained and are knowledgeable about their responsibility. That is something I think that, without question, no one here would have any opposition to. But moreover, we have to be understanding that under these circumstances that some of the errors that were found were errors that were not intentional. They were errors that guidance would solve because we have numerous contacts with the Secretary of State's Office, email, certified letters, and telephone calls, some of which were responded to and some of which were not about how to proceed on these various issues when they arose. There was made mention in the report that there was an individual from the Secretary of State's Office that came to observe. The individual that came was new on the job and left before the end of the voting period, and as it is not uncommon, many people don't vote until they get off of work. So after this individual from your offices had left is when many of these things that were complained of were observed. So I don't doubt that she didn't observe them because she was not present to observe some of them. Throughout the day when questions arose, because she was new, many times she deferred to Ms. Owens who in turn called the County Elections Office, and in turn would call the Secretary of State's Office, and on an Election Day, quite understandably, was not always able to get in contact with someone who could answer her question. With regard to the certification, the issue of certification of the election for Ms. Owens, as she articulated to me was, being uncertain as to what the certification would really mean. And that's the question that she posed in writing by certified mail to the Secretary of State's Office. If I'm signing off on this, am I saying that everything that I observe meets the level of integrity that is represented by what a vote should mean, or am I saying that the number is just written on the page? I'm not sure what it means, and that question was never clearly answered. Ultimately, the election was not certified, and it was her position that she was never able to certify the election. As a result of the many layers of things that happened during this time, an election did go forward. We now have a case pending, still, before the Georgia Supreme Court that was argued on May 20th awaiting decision in which that underlying residency question will be resolved, hopefully, in some way. But in tandem with that, Ms. Owens was terminated by the apparent Mayor when he came into office. So in terms of her as individual being able to complete that, she is effectively not able to complete it. So our concern is that the record, in this matter, reflect those occurrences that can be charged to a lack of knowledge and perhaps more of a lack of knowledge, but not a lack of intent on her part to do the right thing, or the

part of the City to do the best that it could with limited resources. And if I have any time left I would like to say that, if that's permissible in your procedures."

**Chairperson Handel** - "Do you want to hear from the Public Comment or ask the questions first?"

**Mr. Evans** - "I'd be fine either way. I mean, I have a couple of questions."

**Chairperson Handel** - "Yes. I'm going to have some, too. Let's hear from the Public Comment, and then we'll come back. Okay. Sir, thank you."

**Mr. Rodney Garrett** - "Yes. My name is Rodney Garrett. I'm from Greenville, Georgia. I actually didn't know Ms. Compton was going to be here and that was one of the reasons I wanted to stand up here, is because through the turmoil and everything that has been going on in the City of Greenville since -- especially January the 1st. Ms. Compton, they've refused to pay her money owed to her. That's the reason I didn't think she was going to be here. We just got a City Council because the other City Council quit refusing to work with the elected mayor. One of them moved, left us with only one, so you can just imagine we've been under receivership having to pay bills out of our city. And everything has just been totally -- tee-totally in turmoil, and I know as to the election that Ms. Owens tried her best to get help. She was pushed into this, the County refused to help. They said something about, well, you should have give us 60 days, or something. Well, God knows, you know, when you don't have anybody, what do you do? You seek help. But when you seek help and you cannot get the help you're seeking, you're do the best with what you've got. And what we've got is we have people that have worked, and worked, and worked poll, after poll, after poll. And they understand, too, that when you try, and you try, and you try, but you can't get the help that you ask for. I'm not saying that it's -- it's done, you know, outright, but somewhere down the line in the wheel it's just not getting done. And when you don't know what to do, and when you ask and you seek help but you cannot get the answer you're looking for, you're never going to get anything right. I mean, it's just as simple as that. And like I said, everything has just been in total turmoil, and I don't see as to where there can be anything brought against anybody that's worked the polls. Because my God, all they've done is a job that nobody else wanted."

**Chairperson Handel** - "And I'm sorry. Did you state your name and address at the beginning?"

**Mr. Garrett** - "Rodney Garrett, Greenville, Georgia."

**Chairperson Handel** - "I need your street address, too."

**Mr. Garrett** - "1227 Terrell Street."

**Chairperson Handel** - "Thank you. All right. Thank you so much."

**Mr. James Bray** - "Good morning."

**Chairperson Handel** - "Good morning."

**Mr. Bray** - "I was elected Mayor of Greenville."

**Chairperson Handel** - "Could I just get your name and address?"

**Mr. Bray** - "My name is James Bray, 1202 Bray Drive, Greenville. I was the one that was elected Mayor of Greenville. And this case is very simple. The election was that people voted for me and I was elected. A few of them that didn't want me to be elected, and they just tried their best to stop me from coming into office. Now I've got -- I was now a resident as I say, I've been in Greenville all my life, which has been 55 years. I was mayor before from '89 to '96, so I'm still a resident of Greenville, but what it is based on is they didn't want me to take office. They like the previous mayor, and they just wanted to keep me out. I'm, right now, going to take this to the Supreme Court. This is at least going to cost me over \$25 thousand. So I'm going to fight it out because I'm going to provide and promote the City of Greenville. I'm going to support everybody, for or against me, I'm going to support the City of Greenville and that's all I wanted to say."

**Chairperson Handel** - "Thank you so much."

**Ms. Johnnie Owens** - "Good morning, Madam Chair and Board."

**Chairperson Handel** - "Good morning."

**Ms. Owens** - "I am Johnnie Owens and I was the elections superintendent. And I was --."

**Chairperson Handel** - "Address, please."

**Ms. Owens** - "City of Greenville. 2959 River Road, Manchester, Georgia. I was the City Clerk, I was the election superintendent, and I was the absentee ballot clerk. And I did these responsibilities because I was asked to do them. And like Rodney, I didn't know that the City Attorney was going to be here today. I made numerous calls trying to find somebody to represent me. So I did an email to each one of the Board Members trying to respond to these allegations that they had -- that's alleged against me. I don't know if you all got that email, but I do have a copy of the responses that I did to the allegation. There's one allegation that I would like to correct that Steve wrote, and he said that I said that there was people who appeared to be intoxicated. I don't know where you got that from, Steve, but I didn't say that because I was at another section in the election forum, and I couldn't even get close enough to the electors that was voting. So I'd just like to correct that. But I would like for the council, and I would like for the Board, I would like to just read my closing statement here. I ask that you give consideration to these matters real close. I'm no longer employed with the City. The City did not provide me meaningful representation, but I do care enough about the results in this matter that I wrote you, and I asked that you consider all of my responses to the allegations that they have alleged against me. Thank you."

**Chairperson Handel** - "Thank you very much."

**Ms. Gloria Morris** - "Good morning."

**Chairperson Handel** - "Good morning."

**Ms. Gloria Morris** - "I am Gloria Morris. Ms. Esther Johnston could not be here this morning because she fell, but I do know these are some of the things Ms. Johnston had --."

**Chairperson Handel** - "State your name and address."

**Ms. Morris** - "3705 Morning Creek Drive, College Park, Georgia. What was wrong with the election in Greenville, Georgia was the mayor -- the old mayor wanted to stay in. The old mayor and the attorney did everything they could to keep Mayor Bray from coming into office. We hear the same thing over and over, again, from the City of Greenville. Old, inexperienced, new. What it is is just cheating. That's all it is because if you don't know something, you ask. Some things you already know and you continue to do them wrong, but what I would like to ask is was the superintendent correct in making the decision that she couldn't certify the election, but yet she certified election by

sending it to the Superior Court in Greenville, Georgia? We haven't heard, yet. Also, she's new, but a Superior Court Judge in Meriwether County declared that James Curtis Bray was eligible to run for mayor -- was a candidate for mayor. He won, but the attorney here and the former Mayor Lula Bird (phonetic) are close friends, and they didn't want Mayor Bray in there. But thank God people got him there."

**Chairperson Handel** - "Thank you very much. If I can just ask one clarification from you, Ms. Compton. Who are you representing here, today, so that we're all clear?"

**Ms. Compton** - "I'm representing the City of Greenville. The City of Greenville actually had appointed a new City Attorney under the stipulation that I continue to handle this matter and the Supreme Court."

**Chairperson Handel** - "Okay. Okay. So you are here representing the City of Greenville, not Ms. Owens, the City?"

**Ms. Compton** - "That is correct."

**Chairperson Handel** - "Did you want to speak on this matter?"

**Ms. Ann Moreland** - "In a sense, I guess I should."

**Chairperson Handel** - "Okay. If I can, everyone, please, please, help me out. If you want to speak on a matter I need you to go on and stand up so that I can see because I'll miss somebody who wants to speak and I want to try to give everyone the opportunity."

**Ms. Compton** - "Well, Ann Moreland is a plain -- defendant in the case."

**Chairperson Handel** - "Yes. And let's try to do it ahead of time so we don't get in a back and forth, tit-for-tat about stuff, where someone says something and then you've got to -- so everybody that wants to speak, stand up straight away. Okay. Come forward and give us your name and address. Two minutes."

**Ms. Moreland** - "Good morning."

**Chairperson Handel** - "Good morning."

**Ms. Moreland** - "My name is Ann Moreland, and my address is 309 (inaudible) Road, Greenville, Georgia. I have an allegation here about the election concerning the counting of the votes."

What I just to say is that I think the allegation should be dropped against me because, just like they said, Ms. Owens was new at the job. I'm not new at the job, I'm new at the City. But I know what it counted for years and years -- but my superintendent counted the absentee ballots and things like that. I work the precinct. And just like the things that are alleged against me right here is things that I didn't know, Ms. Owens didn't know, because she was new. And I told her, you know, and she tried to get help with that. So I think that some of the allegations that shouldn't even be here. And another thing, some of them that are making the allegation shouldn't even be doing it. They don't live in Meriwether County, they don't vote in Meriwether County, and I don't think they should get up say things that's not right. And that's all I have to say."

**Chairperson Handel** - "Thank you."

**Ms. Charlene Glover** - "I'm Charlene Glover. City Council, Greenville, Georgia. My address is 2404 Ridge Street in Greenville. And my concern is, even though I was not an official member of the City at that time, what disturbed me was at times when she and some of the poll workers would just try to call the State to get assistance. And since Greenville had such a track record, seemingly, of having problems with elections, I just thought sure the Secretary of State would send somebody to that city that was very experienced. And on the day that I voted the young lady sat there, and she was new, this was the first time she had even come to oversee an election. And with the history that Greenville had, this wasn't the first time we've had to come here because of an election. With that history, I just really thought the Secretary of State's Office would have taken more interest in a time like that, and now I'm beginning to -- and maybe it is a law. I just wonder if this State is concerned with little small towns because it seems like most of the troubles are happening in smaller cities. And just give us some help. Thank you."

**Chairperson Handel** - "All right."

**Mr. Evans** - "I guess we need maybe to direct these questions to other council or Ms. Owens. I guess the first question is did we -- did you, in fact, fail to maintain for public inspection, the master list setting forth the name and residence of every elector?"

**Ms. Compton** - "My understanding is that the initial ones were aware of what the master list was. She contacted the county

offices to ask them about the master list and got some guidance from them as to what the master list was supposed to have on it, and then she created one. It was not initially in place, but after, I believe, Ms. Morris who spoke to you this morning -- the resident from College Park came in asked for the master list, she contacted Patti Britfield (phonetic) who was the County election superintendent and guide us as to how to create that, but she could probably better address that for you."

**Mr. Evans** - "So did we main -- did you maintain the master list?"

**Ms. Owens** - "Yes. When I got instructions, they told me to -- Steve, I think, I talked to him and he said it should be a list in your supply. I went to my supplies as he held the phone, and I looked for the form that says the master list. I said, there's no such thing in here. He said, oh, are you familiar with the computer? I said yes -- he said, go to your computer and make you a master list. As you get the names, you update that list and this is what this list is here."

**Mr. Evans** - "Okay. And when was that created?"

**Ms. Owens** - "During the time of the absentee election."

**Mr. Evans** - "Did we -- did you maintain a list of the certified absentee elector's names of the people who had voted?"

**Ms. Owens** - "Yes, I did."

**Mr. Evans** - "Did we have a list of the rejected absentee elector names?"

**Ms. Owens** - "Yes, I did. Again, I didn't see a form in the supply that said rejected list, so I called the County Registrar, and she said -- she said to just make you a list and name it rejected list. And so that's what I did. I went to the computer, again, and I made a list and it said rejected list. And the names that I had rejected, I put them on that list."

**Mr. Evans** - "Did you -- did you designate a poll manager to re-allow the names of the candidates and their respective offices marked upon each ballot?"

**Ms. Owens** - "No, I did not, because I was following the guidelines of the veteran workers, you know, at the poll. When we had our training they informed me that, you know, who's duty was to do what. And on that day, I took the assistance from

them because they had worked the polls before, and it was my first time. They told me what my duties were, and that's what I tried to do to the best of my ability."

**Mr. Evans** - "Did you count all the votes cast on the ballots marked?"

**Ms. Owens** - "We counted all the votes that was on the ballot, and the ones that was marked incorrectly, I did ask the poll manager, who was Ms. Moreland, what do we do about these? And she said to me, we cannot count those if they are not marked correctly and she said to lay them aside. And so, we laid them aside, which was a total of 51 votes. And after that I asked her, after the tallying I asked her, don't we need to call somebody and try to find out, and so she said that we could call the County Registrar. I called the County Registrar, who is Patti Britfield, and she said you need to call the Secretary of State, but I'm going to tell you what they're going to tell you. She said, they're going to tell you if the intent is clear and you can tell who they're voting for, that you can count them. And so, the next morning I called Ms. Moreland and she said that she would be up to the office before noon. And I said to her what I was told, and we -- she corrected the forms to add the 51 votes in."

**Mr. Evans** - "And your understanding was that the manifestation of intent was the measure by which to decide whether to count or not count a vote."

**Ms. Compton** - "If I may interject here. Also, during that period of time Ms. Owens spoke with me. We had had the same issue to arise in a previous election. And the type of scenarios that were being presented where someone would, for example, mark -- these were all paper ballots -- they would mark the candidate, and then where it said write-in, they would also write the person's name in, the same name of the person that they had checked. But they were not properly done, and those were some of the kind of scenarios that they had later signed. When they spoke with me I advised her, we've dealt with this issue before, and if you can determine that that is the person that they're trying to cast a vote for, you need to count the vote. If there are any that are unclear where they have checked one name and then they've written in another candidate's name, that we're not able to fashion any type of remedy in that, and we needed to set that one aside. And that was also the same information that had been conveyed to me on the previous election when we ran into that issue."

**Mr. Evans** - "Did you perform a recount in private where you went back through the 51?"

**Ms. Owens** - "When she came to the office the next day before twelve, that is what we corrected the forms."

**Mr. Evans** - "And you understand that conducting a recount in private is not a system of what the rules are?"

**Ms. Owens** - "At this time, I do."

**Mr. Evans** - "Did you do the computation and canvassing of the returns on the day following the election?"

**Ms. Owens** - "Uh-huh (affirmative)."

**Mr. Evans** - "Did you forward the consolidated returns immediately upon certification?"

**Ms. Evans** - "No, I did not."

**Mr. Evans** - "Did you review a copy of the list of electors for inaccuracies?"

**Ms. Owens** - "No, I did not, because at the time I was trying to wear multiple hats. I didn't have the resource to do that so I didn't look over that."

**Mr. Evans** - "Did you require the submission of an absentee ballot application in order to give someone an absentee ballot? Did they have to fill out an application in order to get an absentee ballot?"

**Ms. Owens** - "Everyone that did an absentee ballot filled out an application, except there were six electors that came into the office and wanted to vote absentee. At that time I didn't understand -- I didn't realize that they needed to do an application, so I just asked them for ID. They showed me a picture ID, and I proceeded to verify that picture ID and I let them vote, and I added their name to the absentee ballot list. And there were six electors that did that -- came into the office to vote in advance."

**Mr. Evans** - "Now you understand that giving someone an absentee ballot who has not filled out an application, perhaps -- that violates our rules."

**Ms. Owens** - "At this time, I do."

**Mr. Evans** - "If -- if I kept correct measure here, it looks to me as though there are at least six times where we're all in agreement that there have been violations of our rules and regulations. Does that sound about right to you? Do you agree that there were many times here where our rules and regulations weren't complied with?"

**Ms. Owens** - "I do, sir."

**Mr. Evans** - "So I guess the question then becomes if we have a violation, who bears the responsibility for the violation? It's no different than if we -- if you think about it, if there's lights and you run a traffic light, or in a very significant sense, robbing a bank. And then, somewhere in between when we have a violation, we have two principle responsibilities. One responsibility is to figure out what is the appropriate penalty for a violation. Sometimes it doesn't seem like it's fair when you get a traffic citation for running a red light in a certain situation, but those are the rules. And then the other one is what steps to be taken in order to prevent them from never happening again. Given what you know, who is it you think bears the line share of responsibility for having -- for these kind of things happening on our watch? Is this a resource issue, is this a training issue, is this a personnel issue? Which -- if you're sitting at our job and we have to figure out how it is we remedy these violations, where would you look to?"

**Ms. Owens** - "I think there could be more training, and I think that that should be a person who specialized in this kind of stuff, and not just take someone because they're there and they fill that capacity, and throw them into something like that and expect them to be perfect. I was not experienced, nor was I perfect. I did the best that I could do."

**Mr. Evans** - "Who would you -- and it strikes me because one of the things that concerns me, I think we're missing a respondent, honestly. I think the City of Greenville should be a respondent, and it may be that it means that we have to table and lift this off the table at a future meeting because I'm a little worried that we have three things that have happened. One is, we have someone who's making decisions that are clearly violation of rules that have serious ramifications. Recounts in private undermines everybody confidence. I think, I forget the gentleman's name when we started with Bray's a significance of this election and the presidential context. I suspect he would be pretty afraid if I were to tell him that we would permit recounts of private, or that we would permit absentee ballots to

be given for people who didn't ask for or apply for an absentee ballot. Those are really serious issues. So one is a personnel issue, one is a resource which is whose job is it to make sure the City of Greenville is complying with our rules and regulations, and the third is an oversight issue. And we need to figure out who the appropriate -- the appropriate remedies for each of those. Madam Secretary, I did have questions as well on the Bray issues, which is I don't think we heard from -- did we hear from Joanne Bray?"

**Ms. Compton** - "Not present, sir."

**Mr. Evans** - "But separate and apart from a resource issue, this is an issue where someone wrote down an address that was untrue, and we -- is that accurate?"

**Ms. Compton** - "It happens all the time."

**Mr. Evans** - "It happens all the time. Well, I have news. We're going to put an end to it, because if the penalties that we expect to impose will be designed to make it clear, if you put down false information you will get hammered. Because we can't -- the resource issue is something that we can address by getting the attention of the local government authorities, the honesty issue is the only thing that we can get the attention out of this file where the penalty is so great that people should think about what they're doing. Did we hear from Kim Bray?"

**Ms. Compton** - "No, sir."

**Mr. Evans** - "I didn't have it -- and then, Linda Caldwell?"

**Ms. Compton** - "No, sir."

**Mr. Evans** - "So that's all of my questions, Madam Secretary. I do think we should revisit the issue of the appropriate respondents."

**Chairperson Handel** - "Mr. McIver."

**Mr. McIver** - "Perhaps this question should go to the Mayor, but may I just ask it to you to save him the trip to the front of the room?"

**Ms. Compton** - "Uh-huh (affirmative)."

**Mr. McIver** - "The small town in which I live, Eatonton, Georgia, Putnam County supports the City Electors. Is there any idea, or any way you can explain to me why Meriwether County would not have been more supportive to the City of Greenville in this matter?"

**Ms. Compton** - "I can give you my opinion and speculation. Greenville has had a very notable history in Meriwether County. It's been fraught with factions and a lot of unpleasant newsworthy matters regarding elected officials. We not only sought the support of Meriwether County where we were initially trying to identify someone else to be the Election Superintendent, so we went to Muskogee County, Clark County, Fulton County, DeKalb County. But in that community of Clerks, the walls of the City of Greenville were very well known with regard to the specific request to Meriwether County to help with the election. I don't recall the specific dates, but for example, if we called and said we would like for you to conduct the election for us and it was the 21st, the response was, we would have needed to get that request form you on the 20th, and that was it. They were not interested in being involved in Greenville politics. We had many inquiries throughout the process from the qualification period that Ms. Owens directed to the County, and she was constantly sent back to ask her City Attorney or call the Secretary of State, although she was not -- just wasn't seasoned in some instances, and didn't know what questions to ask. But it's one thing not to know, and with regard to many of the violations that we talked about this morning that she's admitted to, that the other thing of not knowing that you don't know. It's one thing not to know, you can ask. But when you don't know that you don't know that there's a body of information out here where this falls under a particular topic, you don't even know to ask about it. So there was some things that were done intuitively. And to her, many of the things that she was told to do address and were counterintuitive, but she relied upon the individuals that had been working these elections beforehand to guide her through it, to her detriment, and to the detriment of the City and County at some level."

**Mr. McIver** - "To Mr. Evans' point, will -- does the City of Greenville have any type of elections this year which might or might not occur on November 4th?"

**Ms. Compton** - "No, sir."

**Mr. McIver** - "So we have time to work on this with...."

**Ms. Compton** - "Oh, yes, sir."

**Mr. McIver** - "...the City of Greenville."

**Ms. Compton** - "Yes, we do."

**Mr. McIver** - "That will conclude my questions. Thank you, Madam Chair."

**Chairperson Handel** - "All right. Who from the City --."

**Mr. Israel** - "May I say something?"

**Chairperson Handel** - "Yes, please."

**Mr. Israel** - "I'd like to thank you for your honesty. It's very professional. Thank you, both of you."

**Ms. Compton** - "I understand that you may be at the end of your questions, but I did just want to say just a couple of things to you regarding some of the things --."

**Chairperson Handel** - "I think -- I think we're just about there, so I need to address some of the issues on training and a couple of different things. First of all, both of you do understand that the State Elections Office cannot be your lawyers on elections issues. And this exchange is precisely why. There are county attorneys and city attorneys, and those of you who are elections officials in the room know we have this conversation frequently. We can only provide guidance to point you to the code because we cannot be your lawyers because if in the end something does go awry, you're before us and I can't be in a position of having been your lawyer, and then be a judge on the case. So, ultimately, you as a city attorney, or whoever else is the city attorney, must provide the legal counsel to the city elections officials. Number two, it is, I agree with Mr. Evans that if it is not inherent already that the City of Greenville is a respondent here by virtue of the fact that an employee of the City is before us, then the City ought to be a direct respondent and here is why. The cities and counties have a responsibility to hire individuals who are qualified for the position. A responsibility to hire someone who is qualified to do the job, and a responsibility to ensure that there was training, et cetera, and that individual attends training because I know that training is provided. I don't know, Ms. Owens, did you go to the training in 2007 that was offered?"

**Ms. Owens** - "I went to one training."

**Chairperson Handel** - "Okay. No one from the City of Greenville has been to the second round of training, which was held this past August. So --."

**Ms. Compton** - "They -- they don't -- to my knowledge have not appointed another election superintendent unless the Clerk is serving in that capacity. I understand what you're --."

**Chairperson Handel** - "I understand. It would seem to me, though, that given all the issues that the City Manager, him or herself, might want to go to one of these trainings so that we can get this back on track. And I am relieved to hear that there's not going to be a City Election in November so that we can provide some monitoring and work with the City to have a plan, but from my perspective as Secretary of State and from the State Elections Office, it needs to be crystal clear that it is the City's responsibility to ultimately hire an individual who is qualified to do this job, period. And that that individual will take very initiative to understand the Code. We can lead the horse to water, but I can't make that horse take the drink. That ultimately is on the City's side. So I just want to make sure that everybody understands that in terms of support from our office, we're there to provide guidance, but we cannot provide legal counsel. And the AG's office has instructed us on that on multiple occasions. Are there any other questions, colleagues? Do we want to try a motion on this?"

**Ms. Compton** - "If I may, before you go to your motion, I just wanted to get in a couple of quick statements from my own perspective. I am here today as one of the residents stated to you, despite the unwillingness of the City to provide me any co-representation to Ms. Owens in this matter. Because it's morally right to be here, I particularly understand your comments regarding the City being responsible and having the onus to understand what the code is, but as I indicated from the beginning, the municipal election code does not exist presently -- did not exist at the time. So the guidance that was being asked for was guidance in the deficit of what does not exist. Thank you."

**Chairperson Handel** "All right. Do we want to try the motion?"

**Mr. Evans** - "Thank you, Madam Chair. My fundamental concern is there seems to be -- we've seen this pattern in the last two days, that there is a burden that is imposed on the State to train as opposed to a burden on individual election officials to

know. And we need to figure out a way to correct it because the responsibility falls on each individual election official to know what the rules, regulations, and laws are. And if they don't know, to find that out and get training or seek out resources. And it is not a defense to a violation to complain of ignorance, or didn't receive adequate training, or didn't know. It's my job to know the speed limit is 55. It is not the State Patrolman's obligation to notify me that it's 55. If I want to exercise the right, then if I want to accept the responsibility, I have to accept responsibility and understand the rules. And I think this is the case where we're going to need to make clear that clear shift in the burden of who's responsibility it is to be aware of what the rules are. And so with that, there are -- it did strike me that there are four different areas that are in play. One is, and I agree with Ms. Compton. We are seeing a pattern of problems with municipal elections. This whole notebook for today is virtually all municipal elections. And in that regard, I would ask Wes and Shawn, if we need to think of -- we need to create for our -- for the legislature, as part of our package next year, some remedies that are available that will enable us to more closely regulate municipal elections so that we don't cause taxpayers an inordinate amount of money with contests that go on for years, and distractions that get away from just deciding, you know, the will of the people. So one, I would ask Wes and Shawn if you would undertake and include that in our -- in our fourth-quarter report as to how we would come to that. The second, Madam Secretary, is I believe that we should create some thresholds where the Secretary of State, working with the State Election Board, have the ability to take emergency action where we have a local municipality who doesn't have City Council in place, doesn't have a mayor in place, doesn't have any of the things in place that can step in, run the election, and then send the bill to the local municipality. It's not fair for all taxpayers to share the responsibility, but I think a separate item as opposed to municipal elections procedures would be in emergency receivership, if you will, that permits us in these type of situations to step in. So I think that would be the second thing that I would like to ask our staff to work on. My third issue, which I'd like to see us place on -- address it -- I'm not sure if we can address it before the ballot, but it's worrisome. It's this idea that the standard for counting ballots in Georgia, which would largely be relegated to provisional ballots, is the ascertaining of the intent of the voter standard. I do not believe that is the correct standard as announced in accord as applied by the Secretary of State's Office in Florida pursuant to where we articulated rules rather than deal with that in the crisis of a post-election challenge

where we're faced with counting provisional ballots. We probably should address that in advance, which is exactly how it is in our procedures which we have placed for the counting of provisional ballots. And as to this particular matter, I would recommend that we refer, and I would so move that we refer the matter over to the -- refer the matter over to the Attorney General. However, I don't think we can do that today because I first believe we should add the City of Greenville as a respondent, and I believe in order to do that, unless Ms. Compton is prepared to acknowledge the admitted notice, and service and opportunity be heard, I think we have to amend our notice, set it down for the hearing, afford them an opportunity to be heard, and then we would have to move on that. So for today's motion I would move that we add the City of Greenville as a respondent, set this down for action at the next hearing to refer to the Attorney General's office, unless we get a waiver on the hearing -- at the preliminary hearing, which is what we're doing today."

**Chairperson Handel** - "I'll second for discussion, but I guess I have to -- because I asked three times who Ms. Compton was representing and she did say the City of Greenville, and if you've got an employee is that not -- and I just need some legal clarification. If the employee was working in his or her capacity of the City, is not inherent that the City is also a respondent? And I don't have a problem making them specifically, I just want to make sure that we don't have to spend more time on an item that clearly needs to go to the AG's office."

**Mr. Worley** - "Madam Secretary, why don't we, since Ms. Compton is here, why don't we ask her to waive the preliminary hearing and turn it over to the Attorney General, which we're going to do anyway."

**Chairperson Handel** - "Ms. Compton."

**Ms. Compton** - "I understand, and I am here representing the City of Greenville, but as I announced to you initially, the City of Greenville appointed a City Attorney, Ted Meeker, who is actually the City Attorney. I'm essentially here to handle this matter for him, and I will need to clear that with him because he's ultimately appointed authority for the legal matters of the City of Greenville. I don't have any -- any lapse in understanding what's going to happen, but procedurally, I, too, agree that the City of Greenville should be properly placed, if for no other purpose, history, the history of the action, and I

would like to see that happen for them to be named, specifically."

**Mr. Worley** - "Well, why don't I suggest, then, if it's okay with the Board members, that you give Mr. Meeker a call and see if you can get him to agree to that so we can speed this matter along."

**Ms. Compton** - "I will do that."

**Mr. Evans** - "That's fine. If not, then we --."

**Chairperson Handel** - "Right. Then we'll have to go your way."

**Mr. Evans** - "Right. And I'm fine with it."

**Ms. Compton** - "If I could have just five minutes, I'll try to get him on the telephone, and I'll come back in and let you know, okay?"

**Chairperson Handel** - "So do you want to withdraw the motion for now, or --."

**Mr. Evans** - "No. If we could just hold it."

**Chairperson Handel** - "All right. We'll just hold it. Okay. We're going to hold that motion and go to our next case. If you would check that out."

**Ms. Compton** - "Yes, ma'am."

**Chairperson Handel** - "All right. Let me also, just on the issue of training for the benefit of the Board, you'll recall that we also beefed up the State Code around municipal training at the last legislative session, and that clarification going forward, now, does require a sitting exam and the individual will have to pass the exam. All right. Our next case is City of Tybee Island. Chatham County 2007-000034."

**Ms. LaGrua** - "Yes, ma'am. This case evolved in November, 2007 General Election. The complainant was David Postle. The respondent really, potentially, was a group called Citizens for Change, but there is not one. The allegation was that unsigned political literature was being sent out by the group Citizens for Change, and that the literature did not contain the addresses of the organization or its top three officers. As you may recall, O.C.G.A. 21-2-415 did govern the section. It was deleted, as I understand, from the Code this year, and therefore

I recommend that this case be closed. I have been speaking with Mr. Postle, I don't know whether he's here, but he anticipated this recommendation during the investigation. Just for the Board's education, there was unsigned literature sent, but based on the laws I understand at this time, I would recommend that this be closed."

**Chairperson Handel** - "Questions?"

**Mr. Evans** - "Was this a pre-amendment? I want us to know that this legislature actually revealed this amendment."

**Ms. LaGrua** - "Correct. This was November, 2007, and since it was an open investigation, Mr. Evans, I felt the necessity to bring it to closure in front of the Board versus just sending correspondence that we would not be investigating at this time since it was already open."

**Chairperson Handel** - "It was an open case prior to the legislative action."

**Ms. LaGrua** - "Correct."

**Chairperson Handel** - "She didn't want to close it arbitrarily without this body knowing that it was going to be closed. Is that right?"

**Ms. LaGrua** - "That's correct. And it's my understanding from the AG's office that I need to do that if we've opened an investigation, and let the Board make the final decision on the outcome."

**Mr. Evans** - "But I think if we agree on the result, it doesn't matter -- if we agree on the result which is the motion."

**Chairperson Handel** - "Is that a motion?"

**Mr. Evans** - "So move."

**Chairperson Handel** - "Is there a second?"

**Mr. Worley** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. The next case, 2007-000039, which is the Mount Airy, Habersham County."

**Ms. LaGrua** - "Members of the Board, again, this is a City Election. In -- November 6, 2007, the municipal election involving the City of Mt. Airy, this is in Habersham County. The complainant was John Kinsey. The respondents are the Mayor, Gary Morris, the Mt. Airy City Council, and the Mt. Airy Police Chief. The allegations were that the candidates name were not in alphabetical order on the list. That the electors did not give clear instructions on how to vote. The results of the election were not announced by the election superintendent, and the tabulation of the votes was not open to the public. The findings were that, in fact, the ballots were ordered with the names in the wrong order. There was an allegation that the electors did not get clear instructions on how to vote. That was not substantiated, the elections were written clearly on the ballot. The governing authority did not appoint a superintendent, and therefore the results were not properly announced. And because of that, the tabulation was not open to the public. I saw Mr. Worley looked when I said that the Police Chief was one of the respondents, and he was actually sworn in as a Deputy Registrar, which is why he is a respondent in this case. Just for clarification, I saw some eyebrows sort of go up at that, and I just wanted to clarify that he was -- he is the respondent in the capacity as Deputy Registrar, not as his position in Mt. Airy. Based on all of that, and I should add one other point that the Board may need to consider. Judge Ann Gerald with the County was contacted. Her office was contacted, and apparently her office called Mr. Burke asking to -- I'm sorry, that's a note from something else. I apologize. All of these allegations, except for the vote -- the instructions, were substantiated, and I recommend at this time that it be forwarded to the AG's office for substantial fines, training, a strong consent order, and a recommendation to hire someone to run their elections or contract with someone else, because clearly, they had some rather significant issues here as you've noticed throughout the calendar today on municipal elections."

**Chairperson Handel** - "Are you here to -- who's representing the City?"

**Mr. John Dickerson** - "I am."

**Chairperson Handel** - "Okay."

**Mr. Dickerson** - "Sure. I'll make it brief."

**Chairperson Handel** - "Are all of you with the City? Thank you."

**Mr. Dickerson** - "Thank you very much. My name is John Dickerson. I've been retained by the City of Mt. Airy to appear here with the Mayor, and with one of the Council Members. The allegations, as presented, are correct."

**Chairperson Handel** - "Could you tell us each individual's name just so we'll have it for the record."

**Mr. Dickerson** - "Absolutely. This is Mayor Gary Morris, Councilmember Ray McAllister, and they're both elected officials in the City of Mt. Airy."

**Chairperson Handel** - "Thank you."

**Mr. Dickerson** - "The allegations as set forth are accurate. We don't have a challenge in those allegations. I think just as a matter of letting this Board understand what happened, there was a new clerk in the City, and the new clerk contacted the probate judge, admittedly the City did not designate in its minutes a municipal superintendent, a probate judge gave names. I think that's reflected in the summary. Those persons conducted the election. Those persons did not know, and did not understand that they were to be considered as the election superintendent. The City of Mt. Airy has decided, and will certainly agree, that in the future it will contract with the Election Superintendent of Habersham County, and have those elections conducted properly. It was a mistake, but not a mistake of the mind. It was a mistake only in that they didn't understand that the person designated by the probate judge should have been an election superintendent. We're sorry for the problem."

**Chairperson Handel** - "All right. Thank you, we appreciate that."

**Mr. Dickerson** - "I'll be happy to answer any questions."

**Mr. Evans** - "Well --."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "Oh, I'm sorry. Thank you, Madam Chair. My concern is we've not yet reached the point where this has become a priority, which is what we get is, and we've heard it three times, oh, it was a mistake. We're very sorry, it shouldn't have happened. But what happens is the what happens is this rough and tumble world of real world politics with the City

Council meets across the State, there's not enough of a penalty assessed or attached where people think to themselves, oh, this is the election area. We have really got to get this right. And part of our job is to figure out how we do that. How do we get to the point where this is important enough that it can't simply be glossed over, and then we deal with an apology after the fact, because we're dealing with votes, we're dealing with elections. And so, I'd appreciate your thoughts on how we, given that you're directly involved in the city government, and if you were sitting in our shoes, and you were trying to get mayors and city council to pay attention here so that when these matters come up it doesn't kind of get glossed over, what would that be?"

**Mr. Dickerson** - "I think probably the most appropriate response would be for a consent order to be entered in between the City of Mt. Airy and the Attorney General's office. And in that consent order outline specifically what had happened, outline specifically that it was not an intentional matter. The City Commissioners thought that they did the appropriate thing in having the Clerk contact the Probate Judge, and this is a small municipality. They don't have full-time city attorney, as I'm sure you're familiar with many other municipalities don't have full-time city attorneys, this problem just happened. We respect your position, we think you're absolutely correct. But in terms of what needs to be done, we need to enter into a consent order. I think the consent order needs to require that we contract with the registrar in Habersham County to conduct the elections, and we have already done that, and they've agreed to do it."

**Mr. Evans** - "Well, I think that will solve Mt. Airy. My worry is the other thousand-or-so municipalities. Let me toss this out since we're having -- as part of the consent order, would you agree to a provision that requires the mayor to send a letter to every other Mayor that says, I just want to tell you my experience with the State Election Board. They have a new initiative underway, and they're going to be all over us as municipalities. You better make sure you get all your ducks in a row on election matters."

**Mr. Dickerson** - "Sure."

**Mr. Evans** - "Would you agree to that?"

**Mr. Dickerson** - "I would certainly agree that we would like to join in with many of the mayors of the other municipalities --."

**Mr. Evans** - "The more Mayors you got to sign, the happier, you know, I think we would all be. But you understand my point, which is I want Mt. Airy fixed, but I also want to start thinking proactively of ways where before the next municipal cycle we can get the word out. And the best way to do that is where mayors respect mayors."

**Mr. Dickerson** - "I think you're absolutely correct, and if you're asking for a suggestion, this may be gratuitous, but I'll give it to you anyway. Perhaps working through the Georgia Municipal Association would be very helpful, also."

**Mr. Evans** - "Well, that may be how you implement it. But what I'm looking for is, from you, an agreement that is part of the consent order that we include the provision that you'll send a letter to every other mayor."

**Mr. Dickerson** - "We don't have a problem with that."

**Mayor Gary Morris** - "Could I speak to that."

**Chairperson Handel** - "Yes. If I could ask you one question, as well. We did do a training session through city and county attorneys, and I'm not sure if you participated or anyone from the City of Mt. Airy participated, but I do think to Mr. Evans point of working through the GMA, would you be willing to, because I attend those meetings and I try to sort of beat the drum about the importance of this, it would be really helpful in having an ally in delivering that message that this is important, and not so much about your case because I'm, you know, I won't be in a place of wanting to air any city's dirty laundry to the GMA or with your peers, et cetera, but to have an ally as we go out to deliver that message, and perhaps we could even work together to do some sort of a joint piece in one of the upcoming GMA newsletters that y'all get."

**Mayor Morris** - "Okay. I'd be glad to do that."

**Chairperson Handel** - "Because it would be really helpful to have a mayoral advocate on our side."

**Mayor Morris** - "In my response to this, we did try to get our clerk into the training, and still before she could get in, so we were not able to get someone in. We recognize that we were in a bind. We, like the majority of small cities here, and I realize it's not an excuse but I can tell you, it's going to come up the next year, and the next year, and the next year, because the laws that are placed down, we'd have a hard time in

small cities keeping up with all the things because it's not just the election, it's all the other things. And that's not an excuse and I acknowledge that. But it is difficult, and I think we do need to work with GMA, and we do need to have more training sessions because even though, in the future, we do not plan to conduct our own elections, I would like for my staff to be in a position to know the answers to these questions so that it doesn't come up again. And we intend to do that. We've got a very good clerk. She was new. We've not had an election since she has been appointed. Our election had no opposition so we didn't have to do that, but I do say we made an adequate attempt. We called the Office of the Secretary of State. They were very helpful to us in our answers. We tried to do it right. We made mistakes, we are sorry. We'll do better in the future. Thank you."

**Chairperson Handel** - "But I can count on you?"

**Mayor Morris** - "Yes, you can."

**Chairperson Handel** - "All right."

**Mr. Evans** - "I want to add one technical line. I think it's actually, Shawn, it should be the City of Airy. You have Mt. Airy City Council, that's not a legal entity. So it should be the City of Airy. So I would move that we refer it over for the negotiation of the consent order."

**Mr. Dickerson** - "I think it's Mt. Airy."

**Mr. Evans** - "Mt. Airy. I'm sorry, I misread it. Mt. Airy. City of Mt. Airy. I move that we refer over for negotiation of a consent order."

**Chairperson Handel** - "Is there a second?"

**Mr. McIver** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "All right. I will be in touch."

**Mr. Dickerson** - "Thank you very much."

**Chairperson Handel** - "Ms. Compton, do we have a -- I'm going to re-announce the City of Greenville case, and Ms. Compton is returning to the microphone."

**Ms. Compton** - "I was able to reach Ted Meeker, and he said that because he has not had the opportunity to confer with council -- the members of the city council about a specific direction, that they wanted to state that perhaps it would be more prudent for the Board to make a motion to proceed with the -- naming the City as a respondent for your procedures, because there was not an opportunity for him to confer."

**Chairperson Handel** - "All right. Thank you. Well, with that I'm going to withdraw my second which -- and make a new motion. New motion is to name the City of Greenville as a formal respondent in the matter before us."

**Mr. McIver** - "Second."

**Chairperson Handel** - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And if I can instruct Inspector General LaGrua to assure that this case is indeed on our next meeting agenda, and if we can get -- Ms. Compton, if you would please deliver that, it will be our expectation that the appropriate individuals will be here -- I can't speak for the whole body, but I'm not going to be interested in another continuance on this so, for this one person, I'll be looking for a motion moving forward."

**Ms. LaGrua** - "All right. I'll make sure it's on the calendar, ma'am."

**Chairperson Handel** - "Thank you. All righty, then. Our next case, then, is City of Byromville with 2007-000042. Real quick, before we start, Chris, Member Evans of the newly appointed City Attorney for Greenville did not want to waive the hearing, so we made a formal motion to add him as respondent, and directed Inspector General LaGrua to get it on the next meeting agenda, and I asked Ms. Compton to -- I informed Ms. Compton of my personal viewpoint that we would like to move forward the next time. All right. Go ahead."

**Mr. Evans** - "And so, you'll issue a new notice?"

**Ms. LaGrua** - "I will, and city council was notified, just for the Board's notice. And I actually called Mr. Meeker in exchange."

**Mr. Evans** - "Well, having defended, and I don't know how new lawyers can sometimes pick and take legalities, I'd rather just take those off the table."

**Ms. LaGrua** - "We'll make sure it's ready at the next meeting, as well."

**Chairperson Handel** - "All right. We are looking at Case 2007, number four."

**Mr. Chris Harvey** - "This is the City of Byromville in Dooly County. The complainant is -- the complainants are Lynn Murray and Victor Clark. The respondents are Tanganyika Mathis, who's the election superintendent for the City of Byromville. The Dooly County Board of Registrars and the chief deputy registrar, and Elector Bobby Merrell. The allegations are that three voters, Bobby Merrell, Barbie Adams, and Debbie Merrell voted in the City of Byromville but did not live there. That the ballots had hindered numbers on the top of the ballots that corresponded to the number of listed voters, and therefore compromised the secrecy of the ballot. That voter was denied provisional ballot, and during the computation of the votes that numerous ballots were set aside and not counted. The investigative findings were as follows, that Bobby Merrell was the only person listed who actually voted in the City of Byromville. He had previously moved to another city, had a homestead exemption in another location, and voted in the election. The other two people named lived on the streets that comprise the boundary line of the City of Byromville. They were actually registered wrong -- they registered properly, they were not assimilated, essentially, properly, and that has been fixed. The election superintendent did not attend proper training, and did mark the top of each ballot with a number in ink corresponding to the number list of voters. An individual, Leon Clayton, attempted to vote and was told he was not on the municipal elector's list. He left the precinct. It was not clear that he had asked for a provisional ballot or that a provisional ballot was offered to him. And during the computing of the votes the election superintendent set aside ten ballots for extraneous marks and never counted those ballots even though the intent of the voter was clear. In this case, as was mentioned before, where the elector would check the name and then, also write in the name. That was true of nine of the ten ballots. The other ballot, I think, was unintelligible in terms of who the elector was

selecting. The recommendation is that all respondent's cases be referred to the Attorney General's office. In terms of respondent Bobby Merrell, it's recommended that he have a cease and desist order, and a fine be imposed. The registrar is recommended that training be mandated, as well as monitoring and other sanctions, as appropriate. And as for the election superintendent, a significant fine, training, possible referral to the AG's office for other action as appropriate."

**Chairperson Handel** - "Who's here speaking as -- on behalf of the City?"

**Toni Sawyer** - "I am."

**Chairperson Handel** - "Okay. Anyone else here as a respondent."

**Ms. Sawyer** - "Victor --."

**Chairperson Handel** - "Victor?"

**Mr. Clark** - "Victor Clark."

**Chairperson Handel** - "Okay. All right. Just so I can know everybody I've got here. All right. Thank you."

**Ms. Sawyer** - "Good morning, Madam Chair, Board members. My name is Toni Sawyer, I work at the Town of Byromville. I will be very brief, I don't want to sound like a broken record. We do acknowledge that the allegations are correct, and we sincerely apologize. Ms. Mathis was hired as our clerk with -- not with intentions of her being the election superintendent, she actually had to take the position by default. The town of Byromville attempted to find someone to contract with to act as election superintendent because at the neighboring counties, election superintendents in neighboring cities, as a result of previous complaints, this is not the first time here, no one wanted to act as election superintendent. At the time Ms. Mathis was actually appointed election superintendent we received the okay from the State office to allow her to be trained by the election superintendent in a neighboring city, which she did, and during the training she received some erroneous information which resulted in some of the acts that were alleged in the complaint. So we do apologize. We will make sure that Ms. Mathis receives training if she's, in fact, you know, still an employee with the City of -- excuse me -- with the Town of Byromville. We do not anticipate another election until next year, so we will do whatever is necessary to clear this up. Thank you."

**Chairperson Handel** - "All right. Just so everyone knows what I was chuckling at, there was a comment about how no one wants to be election superintendent, so it made me chuckle that so many people wanted to be Secretary of State. All right. Does anyone else want to comment on this case? Does anyone else want to say anything? Do you want to say something?"

**Mr. Victor Clark** - "I'd like to say something, ma'am."

**Chairperson Handel** - "Come on up, sir. Sure."

**Mr. Clark** - "I'm the one that was running for mayor and got beat out by the votes and everything, which I don't have a problem with getting defeated. I think that's a stepping stone. My name is Victor Clark, and I'm (inaudible) Byromville, Georgia. But it's a learning experience for me. I had never run for any office before, and I was really shocked to be that close. They said it was one of the closest races in Georgia, so I was impressed with that. But what really upset me was when I went in there and found that the ballots had been numbered. That could be a coercion tool for somebody that used and had actually put there, and some of the people in -- I mean, I served 23 years of military, and I've worked for the Air Force almost 30 years. And I've dedicated my life to this Country to get my right to vote. And that upset me when I found all that out. So -- and I'd defend anybody else that's running. I'm getting ready to serve the people of the United States, and I love this Country. So when this happened it really upset me, and my wife brought it to my attention, also, that hers was numbered so we were both upset about it. I'm not here to try to get anybody in trouble, I just want it to be used right and things done the right way. I appreciate the opportunity to speak with you."

**Chairperson Handel** - "Well, thank you for being here and for your service. Just to clarify for myself, you do not have municipal elections until next year."

**Ms. Sawyer** - "No, ma'am."

**Chairperson Handel** - "All right. Wes, given that -- I want to make sure that we have the list of all of the cities that have been before us in the past year. And, I mean, we'll meet y'all halfway. We will do several medial training, and we'll run a special session for those counties -- or those cities, rather, that have been before us. Whether it resulted in a consent order, or it didn't result in a consent order, any city that's been before us that's run a special session, let us get through,

obviously, November, and then, we'll go ahead and identify a date in the next couple of weeks for y'all, and it will be, certainly, we are going to take a look at who attends and who doesn't. And I will bring that report back to the SEB. Any questions, colleagues, on this one?"

**Mr. Evans** - "I do believe, Madam Chair, that we should -- I think one remedy that other states use that we should think about using is under 21-2-33.1, three and five, and six. We have available to us the option to require specialized training in a city, and then assess the cost of that training to the municipality. And I think we should, and obviously, on various matters that have occurred today, the only issue before us is whether or not to refer it to the Attorney General's office for prosecution. These cases, for all of you in the audience, will come back to us in the penalty phase. There will be a recommended penalty, but ultimately, the penalty imposed is up to the Board to decide. And it would seem to me that we should so that -- so that the cost of the specialized training be borne by those who most need it start assessing the cost directly against the city. And in order to do that, legally, under Georgia's framework -- statutory framework, we would need Shawn and Wes to give us a calculation that reasonably approximates what cost of the specialized training would be, because they can't be a profit making venture. It can't be that this is the way to supplement the state budget, but it would strike me that in addition to a cease and desist, and in addition to what I believe should be a routine public reprimand so that we have a list of the reprimanded entities, is an assessment -- an assessment of the cost associated with the specialized training. So to the AG, when you get these consent orders, at least for me, that would be something that I would be interested in. The second thing which is of note, is the items of people filling out, falsely, their residence. And I personally believe that while I recognize we cannot predetermine matters in advance, that the at best we can give guidelines as to what violators can anticipate. I believe that we should adopt as a guideline, that if you fill out a false statement as to your residence, that the civil penalty should be \$5 thousand. And it is only that that will get the attention so that everybody will think to themselves, that is so big, that is so hard, I don't want to come near it. And it will only be at that moment that we actually get folks to the point where they stop taking chances on what I call the roulette wheel of whether or not they get caught. Because right now it's worth the investment to spin the wheel, and the wheel has to stop here. So subject to those ideas, which I recognize are not binding under the Attorney General's office, I would move that we refer these matters over

to the Attorney General's office prior to the prosecution or negotiation of a consent order consistent with the guidelines that we set."

**Chairperson Handel** - "Is there a second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "Got a motion and a second. And if I can just comment on -- I think in terms of the specialized training, I think that's a fine idea, but I will say that I am willing to give all the cities one more chance that we will run this first cycle of remedial training out of our office, and then, honest to pete, folks, back here again, there will be -- all excuses will be off the table. All right. I've got a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Next case. Mr. McIver."

**Mr. McIver** - "I have a request of General LaGrua."

**Ms. LaGrua** - "Yes, sir."

**Mr. McIver** - "It would be helpful to me in these reports, following the topic of potential violations, if you would set forth in writing the recommendations that you are making for us. They're being verbalized, and they're being said so quickly that I'm not able to write them all down."

**Ms. LaGrua** - "I'll add that to the report."

**Chairperson Handel** - "Did you want to say something, ma'am?"

**Ms. Lynn Murray** - "Yes, ma'am. Lynn Murray, 225 Thompson Avenue in Byromville. My concern is these eight ballots that were cast aside, and the three people that voted in the election was so close that one person lost by two votes, another person, Mr. Clark, lost by four votes, and another lost by six, and another by 12. This could change the outcome of the election were these counted -- were these election numbers updated. That's all I had to add."

**Mr. Evans** - "Yeah. But the remedy for that, by the way, is that the losing candidate if the margin of victory is less than the

contested ballots seeking judicial rebuke, that would not be something that we can handle."

**Chairperson Handel** - "For the individual who ran for mayor, if you ever run again, or for anybody in the audience who's thinking about running, just as it is imperative for election officials to know what their job is and know the code, as candidates, you need to know what the code says and what your rights are so that if there's a circumstance of the issue, you have the ability to avail yourself of whatever the path is. All right. Next case is 2007-000043. Buena Vista."

**Mr. Harvey** - "City of Buena Vista in Marion County. The complainant was Anthony Murray, a candidate for mayor. The respondents were Ralph Brown, who was the current mayor, Norman Royal (phonetic), who was the election superintendent, Brenda McAllister, who is the city clerk, Marie Brown and Kevin Brown who were related to Mr. Ralph Brown. There are three allegations. The first was that the mayor's mother, daughter and brother took the ballots to the electors, and took the ballots to be mailed. It's a violation of State Law. The second was the election superintendent tried to impede the regular mail flow with the absentee ballots, or tried to interfere with the flow of mail with the absentee ballots, and the third was that the ballot was not secure. The investigative findings found that the only thing that approximated assistance was that the mother, Marie Brown, of the mayor did assist five voters that were either disabled or illiterate. She did sign as assisting properly, there's no violation there. The other family members mentioned by the complainant denied any wrongdoing and there were no witnesses that were provided that were able to corroborate any legal assistance. There was no interference with the mailing of the ballots. The postmaster had indicated they had a local mail delivery, and then an outside-of-area mail delivery. And the election superintendent had mentioned that if they put their -- any mail that was put in the local mailbox, it would be delivered more quickly than if it had to go to another city and be processed. The ballots have removable stubs, and there's no indication that there's anything wrong with the form. And the ballots, themselves, were picked up and they were locked securely at the day of the election and there's no evidence there was a violation of ballots."

**Chairperson Handel** - "Your recommendation?"

**Mr. Harvey** - "Recommendation is case be closed."

**Chairperson Handel** - "Questions or comments, colleagues?"

**Mr. Evans** - "So move."

**Mr. McIver** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Thank you. I assume since that one was closed -- is there anybody here on that? Okay. Next case is 2007-000045. City of Plains."

**Mr. Harvey** - "City of Plains in Sumter County. The complainant was Andrea Oates who was a city council candidate. The respondents were Willette Smith, who is the election superintendent, and the allegations were that the election superintendent, during advance voting and absentee voting, used Election Day voter certificates. And after she found out she couldn't do that she contacted the relatively small number of people who voted absentee, asked them to return to complete the proper absentee ballot voter certificate, and they all did that. There was one case where a voter who was an out-of-town truck driver was contacted and the -- what happened is he had told her he wouldn't be back in town until Monday. She went ahead and mailed him an absentee ballot on Friday before the election. He then came in on Monday and filled out an absentee ballot application even though she already mailed him the absentee application. When the investigation was commenced, both the election superintendent and the elector gave misleading statements to the investigator in terms of how that had happened. The facts and the paperwork did not correspond with their stories. They ultimately admitted that they had not been completely forthcoming on how that absentee ballot application and voter certification took place. Another allegation was that the election superintendent failed to hold a hearing on electors challenged by a candidate. That was sustained. There was a number of procedural violations in terms of the tallying of the votes that are reporting. The election superintendent failed to properly prepare a list of numbered voters for certified absentee voters. She failed to prepare a numbered list of voters for rejected absentee voters, she failed to sign the paper ballot recap sheet, and she failed to prepare a provisional ballot recap sheet. And it's recommended that Ms. Smith, the election superintendent, be referred to the Attorney General's office for sanctions, including substantial fines, mandated training, and ongoing monitoring."

**Chairperson Handel** - "Is there anyone here? Come on forward, please. All right. Who's here representing the city?"

**Ms. Andrea Oates** - "I'm Andrea Oates, I'm the complainant."

**Chairperson Handel** - "Okay. Hang on for one second. I need to know, first, who's here representing the City of Plains?"

**A.B. Jackson** - "Okay. I'm A.B. Jackson, Plains City Council."

**Chairperson Handel** - "Okay. Why don't you come up, and then I'll let them respond to -- and then I'll hear from you, okay?"

**A.B. Jackson** - "Okay. I am A.B. Jackson. My address is 204 Jackson Street, Plains, Georgia. And the thing that I observed before the election was the fact, like it was mentioned earlier, the wrong forms were given and I, in turn, asked the young lady that was working in the office that day how was they going to get in touch with all the people that hadn't voted, and whatnot. I'm not real sure they got in touch with everyone, but when I went in, since I was one of the early voters, I went in to fill out the forms and the election -- the lady that was working the election informed me that I did not have to fill out the envelope, or anything. And I know, being on Plains City Council or being an official, that was illegal right there. And that's what made me, you know, want to challenge that everybody go back in and vote, or if they went back in to vote, that they fill out the proper paperwork. What happened to the early ballots? What happened to those, because there was a lot of discretions that came up. Yes."

**Chairperson Handel** - "And let me make sure I'm clear. You are representing the City of Plains -- is their attorney before us?"

**A.B. Jackson** - "No. I'm just representing as a citizen on Plains City Council. I'm not representing the City of Plains."

**Chairperson Handel** - "Okay. Again, let me ask this because it's very important to our procedures here. Thank you very much. Is anyone in this room the official representative, from the legal standpoint, for the City of Plains? Let the record show that the City of Plains does not have legal representation here to discuss these allegations. Okay. Now, come on forward."

**Ms. Oates** - "Good morning, if it's still morning/afternoon."

**Chairperson Handel** - " -- in the morning."

**Ms. Oates** - "Yeah. We're all going to stay here. I think it's very sad. I think that the things that happened cost me the election, and unfortunately, like some of the other things presented, I don't think it was simply an error. And the reason I say so, there are others that can attest that when I asked for a recount, the seal on the ballot box literally fell off. You know, it was obvious that it had been tainted with absentee ballots and early voting was an issue. There was one lone person in there. You know, who was quote, unquote, assisting people. She's foiled ballots, didn't label them, you know, just so many discrepancies it was ridiculous. There was a total of -- excuse me -- when the final vote came in from absentee and early voting on Tuesday, it was a total of 63 ballots. And that was for the two posts. Post three, which is what I was running for, and for post four. During the recount there was a total of 66, and during the recount they had it separate where you knew the number of people voting in person, what their votes were, and the number of people for absentee. And there were several of them where they only voted for only one post. So how could both tallies be the same when, you know, when there were actually people that didn't vote for both. So just to reiterate, you know, I think it was calculated and, you know, I hate to have to say that, but for those things that happened, it just doesn't happen. You know, I can understand maybe issues with paperwork, but not when there are issues with ballots that weren't there, and all of sudden now they're there, and no explanation given. When the discrepancy was found, they closed down the recount. I was told we're going to call the State, we're going to find out what to do. I don't know what to do. And then, all of sudden, I read in two local papers that the victors had -- there was a recount and that the victors had been declared. And so, I believe that there was also a recount that was done while I wasn't present. I would know that there's an election committee member who had been contacted by the election superintendent saying, come, you know, we need you to vote -- to help recount votes. And when she returned that call, all of a sudden they didn't need her anymore. They said they had found out what the issue was. So it's just several issues. When that, and I'm going to also say, too, when I know it was found, the person that I ran against worked at the post office, there was several absentee ballots that were postmarked in Plains for November 5th, which is Monday, postmarked in Plains. Now you know, those election envelopes, they're not the typical -- they're yellow. They're not a normal size, but yet it still never made it until several days later after the election, for no apparent reason. So unlike the others, I don't think it was simply error or, you know, lack of knowledge or ignorance, I believe it was calculated, and I think it cost me that election.

And I would like -- I agree with the recommendation. I'm thankful for it because we don't need this to happen again."

**Chairperson Handel** - "Thank you."

**Ms. Oates** - "Thank you for your time."

**Chairperson Handel** - "Thank you. Did you want to speak, ma'am?"

**Ms. Clara Shenault** - "Good morning. My name is Clara Shenault, and I live at 326 Wayland (phonetic), Plains, Georgia. I'm here to backup what Ms. Oates was saying. What's she saying is true. I was one of the poll officers. The day after -- we counted three times, and the second date they had the vote, the ballot box, they brought it out. And as Ms. Willette, the clerk's officer, was saying -- she was giving us an example on how you do it and how many people had to keys, and whatnot. So, okay. If they're supposed to be secured, then why wasn't the lock locked. You know, just little instances and stuff like that was going on. And also, like she said, the newspaper. Now if I was one of the poll officers and we was called to have a recount, then why wasn't we notified to have the recount. They had put in the paper stating that who won two days later, afterward, and we had no knowledge of it. So, you know, just little instances like that in town that are happening that we should bring forward. You know, it's not out of ignorance, it's just meant to be."

**Chairperson Handel** - "Thank you. It takes a lot of courage to speak for that, so thank you. Mr. LaGrua, did we hear back from anyone from the City of Plains?"

**Ms. LaGrua** - "We did not, Madam Chair, and I wanted to let Madam Chair and the Board know that we contacted the city, the city council, and the mayor, and notified that they have one of their people on our calendar, and would the county -- we notified the county commission that one of their elections personnel is on the calendar. I've already confirmed with Mr. Brown that, in fact, the City of Plains City Council and Mayor were notified about this being on the calendar this morning, as the other cities have been. I'm certain Ms. Smith was notified as the respondent."

**Chairperson Handel** - "Is Ms. Smith here? Okay."

**A.B. Jackson** - "I would just like to add that y'all said you contacted the mayor, the council, and you probably did. I received a letter. I got my letter, and I decided to come. As

Ms. Shenault was saying just a while ago, she set the lock. But actually, when they went to do the recount, the seal was broken and we knew that that wasn't supposed to happen, meaning that someone had tampered with it. So -- I'm sorry, you were about to say something -- okay. I thought you pointed at someone."

**Chairperson Handel** - "No. Thank you."

**A.B. Jackson** - "But we would just -- we appreciate what y'all are doing because we feel that in a time like ours we're very proud to live there. We have a former president that comes from that town, and we hate to see that kind of thing happen. And we really appreciate what you all are doing, so we can lay the groundwork and make sure that that doesn't happen to another candidate. So we thank you so much."

**Chairperson Handel** - "Thank you. I think you see from this body that we take all of this extraordinarily seriously. Questions?"

**Mr. Evans** - "Did I understand that there were issues concerning the reliability of the information that was given us in the context of the investigations?"

**Mr. Harvey** - "That's correct, sir."

**Mr. Evans** - "If that's true, then we have a violation of 21-2-560."

**Mr. Harvey** - "I believe 560 requires a sworn statement. I'm not --."

**Mr. Evans** - "All right. So did you take -- did you solicit information that was not taken under oath?"

**Mr. Harvey** - "No, sir. These were investigative interviews that were done by our investigators. It might not preclude the criminal Title 16.

**Mr. Evans** - "Yeah. But 16-10-71 still require -- it may be something that we need to address."

**Mr. Harvey** - "I think 16-10-20 is false statements. It might be something that --."

**Mr. Evans** - "That may be something we need to just address in our -- if you don't think 560 is correct. I agree on that, but I assume that we were eventually -- or that we were taking the statements under oath, but if not --."

**Chairperson Handel** - "Mr. Worley."

**Mr. Worley** - "I would just want to state that the allegation about Ms. Shenault not being truthful with the investigator is something that I think is very, very serious. I -- it would be my desire to refer this over to the Attorney General's office. We cannot afford the entry of the consent order, but to have a jury or a judge, and flesh out all these allegations."

**Chairperson Handel** - "I'd like to concur with Mr. Worley, particularly given the lack of forthrightness and perhaps deceptive statements made to the investigators and also, in light of some of the other details in the investigative report around potential tampering, et cetera. It just appears to be based on what was brought before us that we do have something that rises above the level of lack of information or lack of knowledge, lack of expertise, just being ignorant of the law seems to be a little bit -- I'd like to see this fleshed out further as well. So maybe if you want to try a motion, and make sure I get the right motion for this."

**Mr. Worley** - "Well, I would just make a motion that this be referred to the Attorney General's office."

**Chairperson Handel** - "Second. Any other questions or comments for folks? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And Ms. LaGrua, when we do the communication to the City of Plains on this one, I would like to be able to express our extreme disappointment that no one in the official capacity came from the City of Plains in light of the most seriousness -- the level of seriousness of these allegations."

**Ms. LaGrua** - "Yes, ma'am."

**Chairperson Handel** - "All right. Let's try to get one more in, because I think the next one is a pretty straightforward one. Next case is 2007-000047. City of Darien, McIntosh County."

**Mr. Harvey** - "This case, the complainant is Keith Davis, the respondent is Nathaniel Grovner, who is a candidate for county commissioner. He filled out his candidacy -- declaration of candidacy and affidavit swearing and posing that he was not a defaulter of any state or federal taxes. He did that in April

of 2006. A state tax lien was filed on him in October of 2006, after he had filed his paperwork. The lien was satisfied in July of 2007, prior to any type of court action. The issue arose after he filed his candidacy. It was satisfied prior to the election, and it's recommended that this case be closed."

**Chairperson Handel** - "Questions or comments? All right. Do we have a motion?"

**Mr. Worley** - "I would move that we close this case."

**Mr. Israel** - "Second."

**Chairperson Handel** - "I have a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "All righty. I think the next couple of cases might take a while. It's ten after 12. Let's break for lunch, but as we do lunch we do have some litigation matters, so I'd like to entertain a motion for Executive Session for the purpose of litigation."

**Mr. Evans** - "So move."

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And let's call it one o'clock, folks, if everyone can be back so we can start the cases."

(Whereupon, the meeting broke for lunch and Executive Session at 12:20 p.m., and reconvened at 1:10 p.m.)

**Chairperson Handel** - "We are back, and the first thing I'll do is ask for a motion to come out of Executive Session and reconvene."

**Mr. Evans** - "I so move."

**Mr. Israel** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "All right. We do have a couple of action items out of Executive Session, with the first involving some possible motions that I think a member wants to offer surrounding the photo ID litigation. Mr. Evans."

**Mr. Evans** - "Yes. Thank you, Madam Chair. I have two motions to make. The first motion is a motion that the State Election Board direct and authorize the issuance of a letter pursuant to 9-15-14 of the Georgia Code, directed to the Democratic Party of Georgia, providing that the current photo identification litigation is frivolous and is without merit, placing them on notice that they have 30 days to dismiss their suit or in the failure to do so, we will have the ability to seek to recover any and all attorney fees and costs that may be incurred by the State in connection with that allegation."

**Chairperson Handel** - "I have a motion."

**Mr. McIver** - "Second."

**Chairperson Handel** - "A motion and a second. All in favor, please --."

**Mr. Worley** - "I'm sorry. Can we have some discussion?"

**Chairperson Handel** - "Go ahead."

**Mr. Worley** - "Thank you, Madam Secretary. I am opposed to this motion. As I've stated in Executive Session, the litigation that has been brought is not frivolous because it's based on Supreme Court's decision on photo ID in the Rokita Case, which gave the State parties standing to bring these claims. The previous State litigation in this action, the merits of that litigation were not reached by the Georgia Supreme Court. They only dealt with the standing issue. Now, the Supreme Court has told us that State parties do have standing, and therefore, it's entirely valid and appropriate for someone -- for a State party to bring a claim, which eventually will reach the State Supreme Court so that they can rule on the merits of the action. So it is entirely wrong to suggest that this is frivolous litigation. To in additional legal fees and expenses for the State, and therefore, I'm opposed to sending the letter. And I'll leave it at that."

**Chairperson Handel** - "Are there any other comments on that? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed?"

**Mr. Worley** - "No."

**Chairperson Handel** - "The record will show that Mr. Worley did vote no, and the remaining members voted yes. The second issue was not discussed in Executive Session."

**Mr. Evans** - "I have a second --."

**Chairperson Handel** - "I'm sorry. Do we have another one?"

**Mr. Evans** - "I have a second motion."

**Chairperson Handel** - "Oh, I'm sorry. Go ahead."

**Mr. Evans** - "Thank you. My second motion is that in the event that the Attorney General declines to send the 9-15-14 motion for our letter as authorized and directed by this Board, that this Board authorizes the Secretary of State, as the Chairman of the State Election Board, to send the 9-15-14 letter on behalf of the Board to the plaintiff Democratic Party of Georgia."

**Mr. McIver** - "Second."

**Chairperson Handel** - "A motion and a second. Any comment on this one?"

**Mr. Worley** - "Yes. I would oppose this motion because under established State Law it's in the purview of the Attorney General to make the decision to send that letter on our behalf or not. And should the Attorney General choose not to make that determination and send that letter, then we don't have any ability to do so."

**Chairperson Handel** - "Any other comment?"

**Mr. McIver** - "Other than I respectfully disagree with my colleague, Mr. Worley, on that point of law."

**Chairperson Handel** - "I'm sorry. Disagree or agree?"

**Mr. McIver** - "I disagree with him. I think the SEB has the authority to do that statutorily, it can and should."

**Chairperson Handel** - "Any other comment? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed."

**Mr. Worley** - "No."

**Chairperson Handel** - "Let the record show that Mr. Worley voted no. The remaining members voted yes. The third issue involves a possible conflict of interest issue, recusal issue, involving potential litigation, which we cannot discuss, obviously, recusal issues in Executive Session. I want to caution my colleagues that we should not discuss any of the elements or merits or lack thereof of the potential litigation. But if anyone wants to comment on the recusal issue -- I believe you wanted to."

**Mr. Evans** - "Well, I don't have that much data, but my understanding what we have before us is correspondence that was directed to the election division of the Secretary of State, which is now under consideration of the State Election Board. The correspondence signed by Board member Worley in his capacity as counsel in connection with litigation against the State, including the Election Board. And I don't know how it is that you simultaneously can be both the plaintiff's counsel and the respondent. And so I think that's an issue that we should have to discuss completely and fully in open session, so that we can surmise the extent of matters to that. We've all been very sensitive. We know these issues arise in connection with dual capacities. And that's why we take extraordinary measures like was done at the beginning of this meeting where we follow a protocol that have been thoroughly embedded and discussed with various Constitutional officers to make sure that those boundaries are met. But there is no protocol other -- either under the Bar rules or under government rules that permit you to sue yourself, or to threaten to sue yourself. And so that's kind of the issue at the forefront of what we have before us. So I will defer and yield to Mr. Worley to walk us through, in some detail maybe, the explanation of the permissibility of being able to sue himself."

**Mr. Worley** - "Well, let me be very clear. You'll see that the letter on behalf of the Obama campaign is -- makes no threat to sue the State Election Board. What it does is it raises an issue relating to the internal administration of the Secretary of State's Office. And I would point out to the members of the

Board that prior to 2008 the Georgia Code in listing the duties of the State Election Board in section 21-2-32(a). Actually, that's 21-20 -- that's 21-2-31(1). It says that it shall be the duty of the State Election Board to supervise and coordinate the work of the Office of the Secretary of State. The Republican General Assembly in its infinite wisdom struck that language from the Statute, so that the State Election Board no longer supervises the work of the Secretary of State. Therefore, as my complaint's related to an issue relating to the administration of the Office of the Secretary of State, it was outside the purview of the State Elections Board, and is still outside the purview of the State Elections Board. And, frankly, there is no necessity for this Election Board and no requirement for this Election Board to consider the matter raised in the letter. This Secretary of State, to my knowledge, has not asked for the advice of any members of the state Election Board as to how to handle this issue. If the State Election Board was to vote to instruct her how to handle this issue, she would be entirely within her rights to ignore that instruction. And unless she's here today to say that she is going to ask the State Election Board to instruct her in how to respond and handle this issue, then we don't have any responsibility for it, and therefore there's no possible conflict in me raising this issue with the Secretary of State."

**Mr. Evans** - "So will you commit that you --."

**Mr. Worley** - "And let me -- let me add one further point. This is particularly true because both Mr. Evans and I are the representatives of our party, by virtue of Statute. We just considered two motions relating to whether this Board should send a frivolous litigation letter to the Democratic Party of Georgia. I didn't hear Mr. Evans, I didn't hear Secretary Handel, and I didn't hear any other member of this Board complain about me voting on these motions. There has been no effort in Executive Session or in open session at any point since the Democratic Party of Georgia joined that litigation to attempt to force me to reclude myself from any deliberations relating to those cases. So I think it's unfortunate that anyone is going to take that position at this point. But the Statute is clear, this Board does not supervise the Secretary of State anywhere there's not a conflict."

**Mr. Evans** - "So will you admit that you will not be planning to seek legal relief or regress from the State Election Board?"

**Mr. Worley** - "I will not."

**Mr. Evans** - "And so will you agree that you won't seek regress or relief from any member of this Board?"

**Mr. Worley** - "In their capacity as a member of the Board? Yes."

**Mr. Evans** - "And so that wouldn't --."

**Mr. Worley** - "That does not include the Secretary of State in her capacity as Secretary of State."

**Mr. Evans** - "And who has the ultimate responsibility for the overall procedures with regulations, relating to State Elections?"

**Mr. Worley** - "We have the authority to promulgate rules and regulations. But this is not an issue regulating to a rule or regulation or the promulgation of rules and regulation. This is an issue relating to, for the benefit of the audience, this is an issue relating to whether the Secretary of State's Office has complied with federal law in its internal administration of the registration of voters. And just to be perfectly clear, the letter was directed to Mr. Taylor, the head of the Elections Division. It was copied to the U.S. Department of Justice. And I believe, from what I understand, the United States Department of Justice has been in contact with counsel for the Secretary of State over the appropriate handling of this matter."

**Mr. Evans** - "And so any relief that you would seek would be ministerial, which is not involving the policy, practice our procedure, but instead would only be in connection with implementation and administration of the Georgia Election Laws?"

**Mr. Worley** - "It would be in -- it would be as to whether the Secretary of State is complying with HAVA and the Voting Rights Act."

**Mr. Evans** - "But don't we, the Board, have the obligation to promulgate the rules, regulations and policies for the client, the public?"

**Mr. Worley** - "We don't have the authority to supervise the Secretary of State's Office."

**Mr. Evans** - "Well, not the supervision. I'm just talking about the policies. I'm trying to understand how it is that one member of this Board can sue another member of the Board. And as I understand it, in true lawyeresque form it is. I can think of a way that I should be able to sue my colleague on the Board."

And the way I should be able to sue my colleague is I'm going to sue my colleague by saying it doesn't involve anything that she's doing on behalf of the Board. And as long as you limit your relief, that would fly I guess depending on your own personal standard of ethics and professional responsibility. But what I don't quite understand is how, if this involves a decision that involves a practice or procedure that is a change from 2008 that would not implicate the jurisdiction of the State Election Board. Now, if you're going to say on behalf of your client, you will not pursue any such plans, which, of course, would doom your lawsuit, then that's fine. You just need to do that on the record. But you can't have it both ways. You can't say no I want to sue her. I want to be able to sue the chairman of the Board I sit on because she's had a change in policy, but I am not going to assert a claim based on policy."

**Mr. Worley** - "And that's not what I said. And that's an issue that will be dealt with later. What I'm saying, at this point, is that there is no conflict in raising this issue."

**Mr. Evans** - "Maybe I'm missing something."

**Mr. Worley** - "You know, we can agree to disagree. There's not a conflict. It's my decision to make, and it's been made."

**Mr. Evans** - "Do you serve as counsel to the party?"

**Mr. Worley** - "No. I'm sitting counsel to the opponent."

**Chairperson Handel** - "And if I might, that is the distinction between the issue of recusal over the photo ID litigation, because I've never gotten any correspondence from you on behalf of the Party around the Litigation."

**Mr. Worley** - "Well, I think -- I think that's a false distinction...."

**Chairperson Handel** - "I'm sorry."

**Mr. Worley** - "...because you know that I sit here as the representative of --."

**Chairperson Handel** - "Mr. Worley, excuse me."

**Mr. Worley** - "If I could, Madam Secretary, if I could just --."

**Chairperson Handel** - "I was not -- I'll be happy to yield to you. But please don't -- please don't interrupt."

**Mr. Worley** - "I'll wait until you're finished. Excuse me."

**Chairperson Handel** - "And I -- We can agree to disagree, but that is a distinction, a very specific and direct distinction in the minds of both myself and lawyers who represent us."

**Mr. Worley** - "May I respond to that?"

**Chairperson Handel** - "Yes. Please. And then I'll come to Mr. McIver."

**Mr. Worley** - "You have never had any doubt that I sit here as a representative of the Democratic Party. And the fact that I tell you something to your face in words is no different than sending a letter. And I've made it very clear in all of our meetings about my position on the photo ID litigation. So the fact that I sent you a letter in this case is no different than telling you my position and voting on issues in the photo ID litigation."

**Chairperson Handel** - "Well, with all due respect, I would certainly hope, then, that if you are -- you are appointed, if I understand the law correctly, by the Democratic Party you are not sitting there to be their legal counsel on any matter for the SEB, as I understand it. And if indeed you are serving in the capacity as legal counsel for the Democratic Party then please know that I will have a conversation with my lawyers around this issue, because that would be deeply disconcerting. And I would certainly hope that based on what you just said, that that does not mean that when we are having strategic legal discussion that our legal strategies and such are being discussed, since you are also on the other side of those lawsuits as a member of the SEB with the opponents of a lawsuits."

**Mr. Worley** - "And I think I've made it clear at every opportunity to make it clear that I have never discussed the photo ID litigation with counsel for the plaintiffs or counsel for the Democratic Party."

**Chairperson Handel** - "And yes you have. And that's why this is a distinction because you are not the counsel for the Democratic Party, and you have been very clear about your commitment to keeping the confidence of our litigation strategy. In this instance that we are discussing now, that would not be the case

because you would be the lawyer for the litigation. And I'm sure everyone can appreciate that, I mean, I'm simply not going to engage in conversation around litigation strategy with the individual who is suing me. It's just -- that just cannot happen for this one individual. Mr. McIver."

**Mr. McIver** - "David, you may recall, with as much respect as we have for each other, you and I went at it pretty strongly over photo ID. And I was the designated member of the SEB with photo ID in place at the direction of the Legislature, and that was accomplished. And much of that was done over your very strong objection. In many, many respects you and I had our debates in this very room, as a matter-of-fact, with all the press here and everybody else. In this particular instance, though, I just have to tell you that based on the nature of this letter, and what clearly is the Election Code having to do with our requirement on the SEB to promulgate rules, there just can be no doubt that you put yourself directly in the middle of what would be a conflict in this regard."

**Mr. Worley** - "Mr. McIver, if you could cite me to a rule, one of our rules, that deals with the issue that I have raised with the Secretary of State, which is the processing of the particular processing of voter registration form, you might have an argument. But you don't, because there is no rule that deal with that. This is a matter left entirely to the discretion of the Secretary of State. And I have raised an issue as to whether her discretion purports with HAVA and the Voting Rights Act. I don't believe it does."

**Mr. McIver** - "-- works the same way. I don't see it that way."

**Chairperson Handel** - "No. Everyone before us --."

**Mr. Worley** - "Again, let me just --."

**Chairperson Handel** - "Please."

**Mr. McIver** - "I'll yield to you, Mr. Worley."

**Chairperson Handel** - "Okay."

**Mr. Worley** - "Thank you, Tex. I appreciate that. Let me just make one further point, which is that the Secretary of State was not asking this Board to make a decision in this matter. I don't know why she brought it up in Executive Session. I don't know why she's bringing it up here, unless she intends to ask this Board to do something on this issue to make a decision, and

I don't believe that she's doing that. And, therefore, it's not a conflict."

**Mr. McIver** - "Well, I suspect as this process moves forward, there will be a number of rules, David, where you will be directly in conflict, and that's a very, very concern of mine. Although, I admit, having heard about this less than 15 minutes ago, I couldn't cite you to the rule. But you and I know, as practicing lawyers, there has got to be a significant conflict here. The wording that you chose to use in this letter truly puts you in harm's way. And I have to tell you by way of conclusion, if I had signed this letter on behalf of whomever it is that I might have been representing at the time, today you would be calling for my recusal. I know you well, and you would be doing that. And that's the reason I enjoin Mr. Worley -- pardon me -- Mr. Evans, in this instance in calling for yours. Now, clearly we know it's your decision. And you only recuse yourself if that's the decision that you make or your clients dictate, or in this case the Democratic Party, which might want to consider this discussion. I understand that well. But you are too good a lawyer, and you've been an excellent member of this Board in so many of the cases we've dealt with that I'm disappointed to see you place yourself in this position. And I wish you would heed the remarks of your fellow Board members."

**Mr. Worley** - "Well, again, I don't believe it's appropriate or necessary for me to recuse myself in discussions of this issue at this time."

**Mr. McIver** - "I have no other -- Thank you, Madam Chair."

**Mr. Evans** - "I just have --."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "So if I understand correctly, the premise of your distinction is that the State Election Board does not have the authority to supervise the Office of the Secretary of State?"

**Mr. Worley** - "That has always been my position. Actually, prior to the time the Statute was changed. It is certainly the law now that that language was specifically struck out of the Statute, and again, by the Republican General Assembly."

**Mr. Evans** - "Well, I happen to be looking at the latest version of the Code, which is 21-2-31. And it says it shall be the duty of the State Election Board to supervise and coordinate the work of the Office of the Secretary of State."

**Mr. Worley** - "No. You are not looking at the latest version of the Statute. If Mr. Dunn, who has the latest version of the Statute, could bring it over here, I'll be happy to read it specifically."

**Mr. Evans** - "And then if we would look at 21-2-31. And if we look -- No. I know exactly where to look. If you look at -- because I think you overlooked section five, which was then to move the power to investigate and/or authorize the Secretary of State to investigate where necessary advisable the administration of the primary election laws and frauds. And it was the whole reason I walked you down the path, which was that your claim was an administration claim. That you weren't focused on policy and procedures, that instead you were limiting yourself to the administration. And in fact, if you look at paragraph five, which I'm sure you're now reading and thinking to yourself because I've had that feeling in the pit of my stomach before."

**Mr. Worley** - "Screw you."

**Mr. Evans** - "Exactly. Is that on the record?"

**Mr. Worley** - "Yeah, put it on the record."

**Chairperson Handel** - "Come on, Gentlemen, let's not -- that's not necessary. I'm not going to have that kind of language in the SEB meeting."

**Mr. Evans** - "So the point is that in fact the very basis of your distinction is in fact addressed by the Code, which is the State Election Board has the authority to regulate the administration of the laws, which is the subject matter -- it happens to be the subject matter of your letter. I don't know -- I don't what wriggle room is left. And sometimes wriggle room is best left when the worm wriggles around because eventually you figure out you're on the hook. Here, I think the Code makes it pretty clear that you're on the hook. Now, you are correct, in the end it is your decision whether to recuse or not recuse. I don't think there's any legal distinction that will allow you around that issue. You can still decide what you want to decide. But I will say in light of what you said today, I believe that not only should you recuse yourself from the consideration of the matter the Secretary has brought to our attention, but I can't imagine how you could participate in the decision on the 9-15-14. How could you participate in a decision as to whether or not the Democratic Party of Georgia should be held responsible

for attorney's fees that frivolously incurred for the State when you are counsel to that very party? Why would your obligation as a lawyer to fully and completely protect them would not take precedence over protecting them against a fee award based on their own conduct?"

**Mr. Worley** - "For the same reason that you, Mr. Evans, have participated in discussions of issues where, before this Board, where the Republican Party of Georgia was on the --."

**Mr. Evans** - "On the contrary."

**Mr. Worley** - "Oh, yes. We can go back and look at the minutes and they'll indicate that. But again, I just want to make this final point, which is very simple. The Secretary of State is not asking this Board, unless -- unless she's changed her mind or is going to present this issue. The Secretary of State is not asking this Board to deal with the issues or decide the issues that are raised in the letter. And this Board does not have the legal authority to supervise her in that role. And unless I'm wrong, Madam Secretary, are you asking this Board to make a decision on the issues that I raised in my letter?"

**Mr. Evans** - "I think she was seeking our advice and counsel."

**Chairperson Handel** - "Absolutely. And if I might, the issues raised in the letter involve voter registration and whether or not the county elections officials are following not only State Law, but the federal HAVA Law surrounding voter registration issues. And that clearly, any violation thereof, clearly falls under the purview of the State Elections Board. I think, again, we've had our say, unless Mr. Israel had or Mr. McIver has anything else they'd like to add. And just so everyone in the audience and the record can show that there is no legal ability of the SEB or authority of the SEB around recusal. There is no rule. It is specifically up to the individual's personal discretion and personal code of ethics and how he or she chooses to handle recusal. So just if you're wondering if we have a rule around this, we do not. It is specifically in the purview of the individual."

**Mr. Evans** - "Madam Chair, could I just do one thing for the minutes? I have recused myself three times over my ever-how-many years I've been on the Board. All three times were where the Republican Party was a party at interest. I recused myself

once when we were in Savannah. I think that's where I literally got up and left the podium and left the room. So --."

**Mr. Worley** - "And just for the record, there are also occasions where Mr. Evans prior to recusing himself or prior to not voting, even if not formally recusing himself, participated in discussions of issues in which the Republican Party was a Party. And I know Ms. Lewis is here today, and this is an occasion where she represented the Republican Party in that hearing in the State Capitol."

**Chairperson Handel** - "Mr. McIver."

**Mr. McIver** - "Madam Chair, not to be keeping on, but there's been an occasion where the county in which I reside was involved. And I recused myself on that matter for fear of what I thought had the color of a conflict, if not a direct conflict. So I think many of us here are acquainted with the concept of recusal, and not wanting to in any cast dispersions upon the group that we represent, in my case, the Senate of Georgia. And it was my judgment then that I didn't want any criticism of the Senate to be made or of me as their representative in that case. And I recused myself. I did it voluntarily, I think at the surprise of all the members of the Board on that particular occasion. So it's obvious many of us have a very pristine view of conflict and recusal and not wanting to in any way impede the effectiveness or the efficiency of this Board. That's the position from which I come."

**Mr. Worley** - "And, Madam Secretary --."

**Chairperson Handel** - "Mr. Worley."

**Mr. Worley** - "If I might, I would just point out for the record that I, too, have recused myself on a number of occasions when I thought it was appropriate. In this case, I do not believe it's appropriate."

**Chairperson Handel** - "All right. I believe that concluded any of the actions out of the Executive Session. With that, we will continue with our cases. I have Case No. 2008-000001. The City of Arlington, Calhoun County."

**Ms. LaGrua** - "Madam Chair."

**Chairperson Handel** - "Yeah."

**Ms. LaGrua** - "If I could, just for the record, on the last case before we recessed into Executive Session the City of Darien, McIntosh County, Mr. Coppage (phonetic) was the attorney for Mr. Grovner in that case, and he was here."

**Chairperson Handel** - "Okay. Great."

**Ms. LaGrua** - "And he's still -- I don't think he wants to say anything. I just want the record and this Board to know that they took it seriously and appeared."

**Chairperson Handel** - "Great. Thank you so much. Did you want to say anything?"

**Mr. Coppage** - "I do not."

**Chairperson Handel** - "All right. Thank you so much. All right."

**Mr. Harvey** - "Case No. 2008-000001 is the City of Arlington in Calhoun, County. The complainant is Mary King, the City clerk. Respondents Turner Bostwick, William Clark, Raymond Williams and Marla Sheffield, who is the deputy registrar in Calhoun County. And the allegations made by Ms. King are that when she received absentee ballot applications, she noticed very consistent handwriting on them. She believed an unqualified persons were assisting with that City ballot and not signing assisting. One elector might have been duly pressured to vote absentee, and that the county Board registrar failed to properly purge the voter list when asked to by the City. The investigative findings showed that one candidate, Mr. Turner Bostwick admitted that he improperly handled absentee ballots and applications. He had completed ballots delivered to his home where he took possession of them. He mailed them. On two occasions he marked ballots for two electors. He said he didn't know that that was wrong. He didn't think that constituted as assisting, and that he also marked absentee ballots that were brought in -- correction -- he marked the envelopes on that city's ballots brought into his campaign meetings and mailed them out. Mr. Clark was also a city council candidate. He had one case where he did not sign as assisting one illiterate elector named Jimmy Davis. There's no evidence that he handled any absentee ballots. Mr. Raymond Williams assisted two illiterate electors, Willy Barnes and Emma Barnes perhaps invalid applications. He did not sign as assisting, there's no evidence that he took possession of any ballots. As far as the elector Marvin Hughes, he complained of Mr. Bostwick had been harassing him about

picking up his absentee ballots, and he actually recorded a phone call from Mr. Bostwick. And the phone call, I think, is short of harassment or intimidation. Mr. Bostwick is just asking that if he has not mailed his absentee ballot, please hold it and he'll come get it, which is further corroboration that Mr. Bostwick was, in fact, taking possession of absentee ballots outside of the polling place. The last allegation about the purging and the changing of the elector's list, is an irresolvable dispute between the City and the County. The city alleges that they made the request of the county prior to the October 9th deadline. The County Deputy registrar says that she didn't receive the list until October 18th, which is nine days after the deadline. There is no documentary evidence that shows when it was sent, when it was received, so there's no evidence that there is a violation or that there's not a violation. Yesterday our office received a fax from the Calhoun County Board of Registrars, which they state that the Calhoun County Board of Registrars has corrected the county voter's list sent to your office by Ms. Mary Jane King, City Clerk in Arlington, Georgia. Calhoun County Board of Registrars cooperates with all cities in our county with our problems. They have voter registration. We have no problems or complaints at this time. The recommendation is that Mr. Clark and Mr. Williams be referred to the Attorney General's Office for fines consistent with the Board's recommendation. And it's recommended that Mr. Bostwick be the subject of significantly greater sanctions as SEB deems appropriate."

**Chairperson Handel** - "Are any of the respondents here?"

**Mr. Turner Bostwick** - "Yes, ma'am."

**Chairperson Handel** - "Okay. Anyone else, other than this gentleman? Anyone else? Okay. Mr. Bostwick, right?"

**Mr. Bostwick** - "Madam Chair, good afternoon. Secretary of State, members of this Board, my name is Turner Bostwick. I reside at 151 Pioneer Road. My mailing address is 158 Arlington, Georgia. I'm honored to be before this Board today. I'm not happy to be here, but I'm honored. And I come before you as a result of Ms. King's letter, which I think maybe you would have in your packet. Our little community is a unique community in that we are the only city in the State of Georgia that is divided by county lines. So some of our voters reside in Early County, others reside in Calhoun County. We have a total of some 972 registered voters out of 1600 people that reside in our community, so 57 percent of the people that live

in our community are registered to vote. Ms. King pointed out that of the 1601, I think, she mentions that 419 absentee ballots were received. I would just call to your attention that of those ballots, 170 of them were white applicants, 246 were black applicants. Of the breakdown of the 972, we have 675 black voters, we have 246. I've had the privilege of serving the citizens of Calhoun County for some 30 years. I've served as mayor on three different occasions. I've served in the city council on four occasions, and I've served as a county commissioner for eight years. The allegations that have been made, I accept those as being correct. I would say this, in reference to Ms. King's allegations, I visited the city hall if not every day, every other day to get an update of the absentees that have been mailed out, if they've been mailed out, that they mailed out properly, and the absentees as they came in. At no time in the five weeks prior to the election, Ms. King saw every one of my applications. They were in my handwriting. She never said to me this is not correct, Turner. You can't do this or this is not right on an absentee ballot that came in. You need to sign this. I would ask her jokingly from time to time, if we were okay, and I was referring to is everything going okay with the part of the election that I'm doing. It was not until after the election that she filed a complaint or noted that for five weeks, six weeks, whatever the period of time was that I was doing these violations, she never said to me. She has been our clerk for 10 years. She has handled five of our city elections, so obviously she knew the law better than I did. My apology is all I have at this point. Ms. Dyer did, I thought, an adequate investigation. And I candidly answered all of her questions, I think. I tried to. So I just came really today to let you see the face behind the guy that, as Mr. Evans says, are you guilty of those things? Yes, I am. I don't know what beyond that I can say, but I'll be glad to try to answer any questions."

**Chairperson Handel** - "All right. Thank you. Is Mr. Williams or Mr. Clark here? Mr. Williams or Mr. Clark? How about Ms. King or anyone from the City of Arlington?"

**Mr. Coleman** - "Tommy Coleman. I work for the City of Arlington. We didn't prepare a response, so we're not citing with any potential violations. I did tell Ms. King, if you have any questions or if I can answer any questions or anything about her activities, I'll attempt to do so, or at least bring the message back to her. She felt that there were multiple violations by multiple candidates regarding with regard to absentee ballots, an issue I've heard you take up many times before. And she felt compelled to file these complaints in an effort to straighten it

out. So the city is prepared to cooperate with the Board in any way that we can to rectify this matter in the City of Arlington."

**Chairperson Handel** - "Colleagues. Do we have a motion? We need to deal with all three of the respondents. We can take them as one motion or separately."

**Mr. Evans** - "I move we refer them all over."

**Chairperson Handel** - "Second. A motion and a second. Questions? All right. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. The next item is Case 2008-000051. And I do want to just before you start, real quick, Chris, is make a note that this involves a November 6, 2006 city council election with the complaint being received in our office in January of this year. Okay."

**Mr. McIver** - "That's 2007, Madam Chair. November 6, 2007."

**Chairperson Handel** - "Thank you."

**Mr. Harvey** - "The complainant is LaToshia Grey who is a candidate for city council in the City of Lovejoy. The respondents are Maria Burnham, the city clerk for elections Mr. Avery Smith, who is Butts County election superintendent, Laterrial Frances with the Clayton County Election Office, Mayor Joseph Murphy of Lovejoy, his family member Cheryl Murphy, Ron Singletary, Cheryl Singletary, and poll manager, Billy Williams. The allegations are several. The first is that at the polling place the voter certificates were destroyed. Secondly, the sample ballot as put forth before the election was improper. Thirdly, that the Mayor and his family have moved from their previous residence and had not made proper notification or changed their registration before this election. And lastly, that Marie Burnham had not attended the required training since 2005. The investigative findings are that Ms. Smith who was running the election admitted to destroying voter certificates for voters that were denied voting. She also admitted that she would ask people -- whether or not they were registered, checked them and then if they were registered, she would have them fill out the voter certificate in contradiction of Georgia Law. The sample ballot that was originally put forth was improper. It did not have the candidates listed underneath the post they sought. That was

brought to the attention of the Secretary of State's Office. It was corrected prior to the election. The record is that the Mayor and his family did move prior, almost a year prior, to the election, and never notified the elections office. And the evidence is that Ms. Burnham had not attended training since 2005. I believe that's the summation of the investigative findings. The recommendation is that all respondents be forwarded to the Attorney General's Office for appropriate finding sanctions."

**Chairperson Handel** - "Who's here on behalf of the City of Lovejoy?"

**Mr. Martin** - "Madam Chairman, I'm Keith Martin. I represent the City of Lovejoy."

**Chairperson Handel** - "All right."

**Mr. Martin** - "Although we are not named as a respondent, we are treating ourselves as such. And I'd like to take a moment --."

**Chairperson Handel** - "Can I just for the -- just to confirm that are you indeed representing also Ms. Burnham as the city clerk and elections --."

**Mr. Martin** - "In her -- Yes."

**Chairperson Handel** - "In her capacity? Yes."

**Mr. Martin** - "Yes, Madam Chair."

**Chairperson Handel** - "Okay. Thank you."

**Mr. Martin** - "Chairperson. I'm sorry."

**Chairperson Handel** - "Chairman is fine."

**Mr. Martin** - "And also Mr. Matt McCord is here. He represents Ms. Smith. And Ms. Pamela Edward is here, I believe she represents Ms. Bright, in her official capacity."

**Chairperson Handel** - "Okay. I'll come to each of you all in a moment."

**Mr. Martin** - "As Mr. Harvey said, Madam Chair, the ballot was fixed. We had learned that lesson prior to the election. And I'm going to defer to Mr. McCord as to address the issues of the

ballots and provision of provisional ballots to the potential electors. And I'm going to -- Ms. Edward, I believe, in a very brief discussion with me has proposed a prophylactic measure to be employed in the future in making sure that all of our electors or potential electors are included on our rolls. Where in this instance there was one street, Nicole Drive that was not. And we certainly join her in saying that providing a base map quarterly to the County Board of Elections is a great step forward and certainly we'll do that. My investigation on behalf of the city has shown that Ms. Burnham had not -- and Ms. Burnham is present back here, with Mayor Murphy and Ms. Smith is here. That Ms. Burnham had not attended the training as mandated. For that reason the city went outside and contracted with Ms. Smith to perform the duties as elections superintendent. Okay. There was also another attractive reason for doing so. We had several incumbents that were opposed in that November election. And the clerk, Ms. Burnham, the city clerk, worked for those incumbents, so we wanted to push it away. In the first place, Ms. Burnham's training issues gave us the absolute need to do so. We did things as diligently as we knew how to do them at the time. As for my investigation has shown this as the mayor and his family's residence. In the early part of 2007, this is my belief right now. The early part of 2007, the Mayor lived on Talmadge Road. His property not only enjoined the city limits, they enjoyed county line. He sold most of that property for development and moved to an area approximately 2,000 feet away, inside, closer to the center of the city. His son-in-law and daughter had lived next to him, still within the city at the first address. They lived on the other side of the duplex from him and his wife in the second address. That address or that duplex faced Hamilton Street, had never had a street number assigned to it. The back lot contained a house that had burned down. It did have a Talmadge Road address. And he had a different Talmadge Road address at the original place. He, his daughter, his son-in-law signed the voter certificates with the old address. They you were all qualified electors in Lovejoy, and it was a single -- Lovejoy is a single precinct city. So he was qualified to hold the election. They were all qualified to vote. Did they do wrong? Yes. And we understand that that isn't going to happen again. But anyway, in all candor, I think that I have to say this, we did what we thought was right in stepping away and hiring people that were qualified and that could do the job. But what we didn't quite understand, and what we didn't quite quantify at the time was the fact that we were taking qualified players, if I may use a metaphor, and putting them into an arena they hadn't been with before and they didn't know the procedure. Okay. And

these folks had never worked together before. And during those 12 hours on November the 6th, I don't know that everything went as right as it could have, from my client at the city's standpoint. I do know this, that we started undergoing training. We're going to keep it up. Madam Chair, we welcome the opportunity to train more and more. I think that we need, that we as a city are going to do something to make sure there's cohesion and familiarity between the folks that are being challenged and pass with discharging our elections next November. We're going to make sure that that's a well-oiled wheel. Sometimes -- That scares me, too."

**Chairperson Handel** - "We're going to make sure of that, too."

**Mr. Martin** - "That scares me too that they might all cooperate in a bad way. But please believe me that through the challenge to that election that the city tried. And everything else is -- There's nothing lost or less lost on me or any member of that city than the fact that this was a about vote. And I don't think there's anything more sacred to us."

**Mr. McIver** - "I have a question."

**Chairperson Handel** - "Sure. Tex and then -- Mr. McIver and then Mr. Evans."

**Mr. McIver** - "Slightly off the subject, Mr. Martin, but what is the service ribbon that you wear?"

**Mr. Martin** - "(Inaudible)."

**Mr. McIver** - "Thank you for your service to America."

**Mr. Martin** - "Thank you, sir."

**Mr. Evans** - "So did the Mayor have a different address?"

**Mr. Martin** - "Mr. Evans, he lived -- he did not live at that address. Okay. He did not have a different address because there had been no street number assigned to Hamilton Street, and he uses a post office box. And the same thing applied to Cheryl Murphy and to the Singletarys. Now, in the addresses of the -- in the summary report you will notice the -- for the Singletarys, they moved the Monday after the election to a home they had been building in Zebulan, in Pike County and did not vote in the runoffs. So to answer your question, absolutely, he did not have another address. To answer your question equally

absolutely, he did not live in 2366, I believe it was, Talmadge Road, neither did the Singletarys or Cheryl Murphy. But they did own a parcel of that property, still they didn't live there."

**Mr. Worley** - "Madam Secretary. But there was no Hamilton Road address that they could put down?"

**Mr. Martin** - "Right. No, sir. To my understanding, no. And the reason was that Hamilton Road, that lot went through to Talmadge Road. Okay. There was a burned house on the Talmadge Road side of that lot. He built a duplex behind the burned house on Talmadge Road."

**Mr. Worley** - "I'm sorry. Can I ask Mr. Martin another question?"

**Mr. Martin** - "Yes."

**Mr. Worley** - "Mr. Martin, do you know if when he went to vote, it says from the report --."

**Chairperson Handel** - "Sorry. He, meaning which he?"

**Mr. Worley** - "He, the Mayor, went to vote it says that his old address was in the system there, on the voter rolls."

**Mr. Martin** - "Yes, it was and he had never voted, is my understanding from having spoken to Ms. Burnham on the issue. I don't know that had actually spoken to the Mayor. He had never voted in another precinct or at another address, other than the 2366."

**Mr. Worley** - "And if I could ask you about Ms. Burnham. Did she conduct any elections after her training had lapsed?"

**Mr. Martin** - "No, Mr. Worley, she has never conducted an election. She has not ever gone to training. And then it had expired, because what had happened, was upon until we amended the charter for -- we had four councilmen and the Mayor all standing for election the same time. So we shortened Mayor Murphy's term, and one other term to two years this time to odd-man-out. And so they had four year cycles and it had never fallen to where Ms. Burnham had to have one. Okay. And I don't know. We're going to explore all possibilities in what to do in the future, and the most efficient and effective way to do it. She has never conducted one to this day."

**Chairperson Handel** - "I'm sorry. Now, I have a question. So are there not -- are there two residences, one at 2126 Talmadge and another at 2366 Talmadge?"

**Mr. Martin** - "Madam Chair, there is not a residence at 2366 now."

**Chairperson Handel** - "Well, then how could have on --"

**Mr. Worley** - "Well, is it because he sold that property?"

**Chairperson Handel** - "Mr. Worley, if I might finish."

**Mr. Worley** - "I'm sorry."

**Chairperson Handel** - "Thank you. I really will come to every member if --."

**Mr. Worley** - "I apologize, Ma'am."

**Chairperson Handel** - "Thank you. Then how come Mr. -- the Mayor advised the investigator that his family moved the first of 2007 and stated that he closed on his current residence at 2366 Talmadge on January 4, 2007? So --."

**Mr. Martin** - "He closed on a lot. That 2366, Madam Chair, was actually I believe 11 acres he sold most of it for development. He still owns some of it. Okay. But he does not live at 2366, and did not after the date you just mentioned. 2126 is the address of -- or 2162, whatever that other one was."

**Chairperson Handel** - "There's 2126 and 2366."

**Mr. Martin** - "2366 is the one that he sold most of, and the one he and his family had lived in. 2126 is the address of the burned-out house that backs up to Hamilton Street."

**Chairperson Handel** - "I mean, I'm just looking at the report from the investigator. I'm not sure that's exactly what was conveyed to the investigator."

**Mr. Murphy** - "Can I --."

**Chairperson Handel** - "Are you the mayor?"

**Mr. Murphy** - "Yes, ma'am."

**Chairperson Handel** - "Can you come tell us where you live? That would be great."

**Mr. Murphy** - "Thank you. I'm Mayor Joe Murphy of Lovejoy."

**Chairperson Handel** - "Thank you, Mayor Murphy."

**Mr. Murphy** - "I own a piece of property at 2126 Talmadge Road, since 1978."

**Chairperson Handel** - "Great."

**Mr. Murphy** - "I raised my family there. My daughter and my son both live on the property, which was 11 acres."

**Chairperson Handel** - "And how many residences were -- did 2126 equal? Did it equal your residence?"

**Mr. Murphy** - "It was actually one residence."

**Chairperson Handel** - "Got it. Which was yours?"

**Mr. Murphy** - "Right."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "And my daughter and my son-in-law actually live in the house with me. And there was a detached apartment that my son lived in."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "On this piece of property. Okay. In 2007, January, I closed part of the property, which was an eight-acre parcel that sold off to a developer."

**Chairperson Handel** - "So you -- in January of '07 you sold off eight of the 11 acres."

**Mr. Murphy** - "Yes, ma'am."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "And I had purchased the property at 2366 in the year of 2000 -- I think it was the end of 2005 or the first of 2006, I purchased this property. Which the house had burnt. We

began construction in 2006 on a duplex on that parcel of property, which like he said adjoins the -- it was a property that went all the way through. And it was actually -- the duplex faced Hamilton Street instead of Talmadge Road. But we used 2366 Talmadge Road because that was the address the tax department had assigned to the parcel."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "So that's the address we used, even though the house faces Hamilton Street."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "And we moved -- me and my wife lived in one side in January of '07. And my --."

**Chairperson Handel** - "One side at 2366?"

**Mr. Murphy** - "Right."

**Chairperson Handel** - "Okay."

**Mr. Murphy** - "And my daughter and my son-in-law moved in the other side of 2366."

**Chairperson Handel** - "So you did move from 2126 to 2366?"

**Mr. Murphy** - "Yes, ma'am."

**Chairperson Handel** - "Got it."

**Mr. Murphy** - "2126 is the address that we lived in for basically 30 years, then we moved to 2366."

**Chairperson Handel** - "And what was the address that was used to vote from?"

**Mr. Murphy** - "2126."

**Chairperson Handel** - "But you lived at 2366?"

**Mr. Murphy** - "Yes, ma'am."

**Chairperson Handel** - "Got it. Okay. Thank you."

**Mr. Matthew McCord** - "Madam Chairman, could you arrange a ride back to Lovejoy for me?"

**Chairperson Handel** - "Thank you very much, Mr. Mayor."

**Mr. McCord** - "Madam Chair, I will be, after that, typically short winded. I represent Ms. Smith. Ms. Smith served as the superintendent that day. Much of the question or many of the questions I think you would have for my client today are question she may not have answers for. These were actions that a gentleman, Mr. Williams, who was actually working the poll. In that regard, what I would say to the commission is I would ask you to follow the Inspector General's recommendation."

**Chairperson Handel** - "Okay. Any questions? Would you state for the record who you are and who you represent."

**Mr. McCord** - "My name is Matt McCord. I represent Ms. Smith."

**Chairperson Handel** - "All right. Thank you. All right. Anyone else to speak?"

**Ms. Pamela Everett** - "Good afternoon, Madam Chairman and the Board. I represent Clayton County and Ms. Ann Francis from the Board of Elections. Basically, Ms. --."

**Chairperson Handel** - "Would you tell us your name."

**Ms. Everett** - "Pamela Everett."

**Chairperson Handel** - "Thank you."

**Ms. Everett** - "Ms. Francis was charged with leaving off an address in the City of Lovejoy. What actually happened is there are two Nicole -- there's a Nicole Drive and a Nicole Court in the county. When Ms. Francis looked at the map that the county has, their base map, there was no Nicole Drive. She found a Nicole court. She contacted the tax assessor's office, contacted the planning and zoning department, no one saw a Nicole Drive. So she put the voter in Nicole Court. It wasn't until later that we determined there was actually a Nicole Drive and a Nicole Court. She had sent information over to the Lovejoy -- Excuse me -- city clerk -- I apologize -- asking her to check the voters registration to make sure all the voters were on there. She did that twice, nothing happened. What the county has done so this doesn't happen again, they have developed what they're calling a street naming task force,

that's comprised of members of the planning and zoning department, members of the tax assessor's office, members of the law department, and also, eventually, I guess we'll -- so that we can ensure we're getting the correct information from the cities. I talked to Mr. Martin. Mr. Martin has agreed with me that we'll send this list out quarterly and ask the cities to update their streets and addresses, and make sure that anything that is no longer there is taken off. And things that are there are put on so that this error doesn't occur. Ms. Bright is here. Ms. Francis is here if you have any questions of them, they're willing to answer."

**Chairperson Handel** - "Okay. Colleagues, any questions? Mr. McIver, questions?"

**Mr. McIver** - "No, ma'am."

**Chairperson Handel** - "No? All right. Do we have a motion?"

**Mr. Worley** - "Madam Secretary, in looking over these allegations, there's an allegation No. 5 that the Election Superintendent, Ms. Burnham hadn't attended training. It seems clear from what we've heard that she was not really the election superintendent, and never superintendent any elections. So I'm having a little trouble understanding how this is a violation of the Code."

**Chairperson Handel** - "Do you have anything on that?"

**Ms. LaGrua** - "I think the thought of this process was that she couldn't be the elections superintendent because she hadn't attended training, and that's why they -- technically be --."

**Chairperson Handel** - "And I believe, Mr. Worley, she didn't attend the August training."

**Mr. Worley** - "Okay. Then I would make a motion that we dismiss that allegation No. 5."

**Mr. McIver** - "Second."

**Chairperson Handel** - "All right. A motion and a second on that one. Questions, anyone? All in favor."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? Okay."

**Mr. Worley** - "And I think we know from this report that allegation No. 1 was not an allegation or -- found to be invalid. Is that correct?"

**Ms. LaGrua** - "It was founded to be correct. but the court did it before the election speak to sell and meet were."

**Mr. Worley** - "Oh. All right. So do we know how many sample ballots were given out?"

**Unknown Male Speaker** - "I'm sorry. You might need to correct me. You said something about allegation No. 1, voter certificates were destroyed?"

**Mr. Worley** - "No. The report that I have says allegation No. 1 is -- appearance of the sample ballot she received from Ms. Burnham was confusing."

**Unknown Male Speaker** - "No. It's not known exactly how many were found. It was corrected before the election."

**Chairperson Handel** - "So now we have remaining that the voter certificates were destroyed, and not issuing them in the runoff. And then the issue of the residency. Are those the remaining two?"

**Mr. Harvey** - "And the failure to provide provisional ballots to the two individuals, I believe I discussed, 21-2-4-18, a, Billy Williams, with Ms. Torbert and Ms. Cluster who were part of the -- that left off, they were not offered provisional ballots."

**Chairperson Handel** - "And we confirmed that?"

**Mr. Harvey** - "Yes, ma'am."

**Chairperson Handel** - "Okay. So three things, failure to provide -- to offer two voters provisional ballots, destroying voter certificates, and not issuing them in the runoff until the voter was determined eligible. And then the residency issue for the mayor."

**Mr. Harvey** - "Correct."

**Chairperson Handel** - "Is there a motion on any of those three?"

**Mr. McIver** - "I move all three."

**Mr. Israel** - "Second."

**Chairperson Handel** - "A motion and a second. Questions? All in favor."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed. All right. Thank you. Next item is 2008-000003. City of North High Shoals."

**Mr. Harvey** - "The complaint in this case is Mr. Fred Johnson, who is a city councilman and Mr. Eddie Cape, who is also a city councilman. The respondents are Sandy Brooks, who is the elections superintendent. And Mr. Steve Holzman who is a city councilman and Mr. Don Walter who is a city councilman candidate. The allegations are that Ms. Brooks did not receive proper training prior to the election. That Ms. Brooks did not post proper qualifications necessary to seek office for the candidates, and Ms. Brooks mishandled absentee ballots by delivering absentee ballots to electors. And Mr. Holzman returned to the polling place after he had cast his vote on two occasions, and Mr. Holzman took a photograph of his ballot in the voting area. The investigative findings are essentially all the allegations are true. Ms. Brooks had not received training prior to the election. Ms. Brooks posted candidate qualifications with an elector. She confused the candidate qualifications with elector qualifications. Initially, it was brought to her attention and she corrected it. That allowed Mr. Don Walter to put in an affidavit saying attempting to run for city council it appeared that the only requirement was the one to be a registered voter. When it was corrected it was learned that he actually had to be a registered voter in the

City of North High Shoals. He withdrew his affidavit of candidacy after being notified of that. Ms. Brooks admitted that because the City of North High Shoals does not -- the city hall does not have regular business hours, she often received absentee ballot applications at her home mailbox. And she admitted that she personally delivered five ballots to electors' homes and returned five ballots to electors' homes. Mr. Holzman admitted that he took a picture of his ballot after he voted. He said that he was just sort of doing it for nostalgia. He claims that he asked the elections superintendent who didn't give him a definite answer about whether or not he could. And Mr. Holzman did return to the polling place after casting his vote to speak with one of his poll watchers. And it's recommended that this case be forwarded to the Attorney General's Office. In regards to Mr. Holzman, I'm recommending the consent order and fine be imposed. In regard to Ms. Brooks that a consent order and training is recommended."

**Chairperson Handel** - "All right. Anyone here, either Ms. Brooks, Mr. Holzman, or anyone on behalf of the City of North High Shoals? All right. Everybody come up. Tell me who everybody is. Let me know who's here from the city. You're -- okay. I want to hear from you first since you're the subject of one of the complaints. Are you Mr. Holzman? Who's Mr. Holzman?"

**Mr. Holzman** - "I'm Mr. Holzman."

**Chairperson Handel** - "Okay. We'll hear from you second. Anyone here from the City of North High Shoals? Let me just ask you real quick, Ms. Brooks, since you are a city employee."

**Ms. Brooks** - "I resigned."

**Chairperson Handel** - "You did. Okay."

**Ms. Brooks** - "I'm not actually representing the city by being here. I'm defending the accusations, I guess is what I'm here for."

**Chairperson Handel** - "Okay."

**Mr. Fred Johnson** - "I can -- you have -- there are three members of the city council here and none of them are here representing the city. I'm Fred Johnson."

**Mr. Eddie Cape** - "Eddie Cape. But I did talk with the mayor who has an e-mail correspondence here that he forwarded to me from Mr. Chris Brown, I believe is one of your associates, who said that no one -- attend who wish to have legal representation, then you certainly may bring someone. Our city attorney, which was not city attorney at the time, but has been since the first of the year, was due in court today. That's why we do not have legal city representation today."

**Mr. Evans** - "Madam Chairperson, if I could."

**Chairperson Handel** - "Yes."

**Mr. Evans** - "There's no requirement that you have a lawyer. I don't want anybody misled. If you want to have your lawyer here, you are entitled. The Secretary -- good policy which is anybody who wants a continuance, you get one free, which means if you think to yourself, in light of what you've seen today, we better have our city attorney here. All you have to do is request a continuance. I can't speak for the Chair, but my suspicion is the Chair will entertain that."

**Chairperson Handel** - "Certainly."

**Mr. Evans** - "But if you want to have the case heard today, we can go forward, as well."

**Chairperson Handel** - "Okay. I just want to make sure that everybody -- Mr. Evans is correct, but also be mindful that what you say up here is in the record and will go forward. Okay."

**Ms. Brooks** - "Just to make sure this is on the record. I don't have the exact date, but I know it was less than two months before the election was to be held that I was unanimously voted in by the city council to be the superintendent of elections. At that time, I didn't know what I was getting into. So I made many, many phone calls with the State to the Board of Elections Office in Oconee County. I corresponded a lot with other city clerks, superintendents, anybody I could get any kind of information from. One thing that I had a problem with is that by e-mail and by phone call I had requested -- I didn't even have an elections code manual to go by. So I had to do a lot of stuff online, which I spent many hours self training, is what I had to do in the short period of time to -- election. When I requested from the State, I actually did not get an updated book, code elections book until after the election. And the one book that I did receive, which was the red book which is the

older book, I received from Julie Sanders, which is a city clerk for Watkinsville. As far as holding the election, I did everything that I knew to do by the book, by law. I mean, I made numerous phone calls throughout the day. I've worked in law-enforcement. My husband is in law enforcement. I know -- I've been under -- I've gotten audited GCI, NCI, I know the importance of following the law. So I did everything that I possibly could do to make sure I did not get any infractions and do everything I was supposed to do. So I understand that ignorance is not an excuse. I've heard that many times today. So I'm not going to stand up here and say, well, I didn't know. But, you know, honestly I self trained myself in less than two months to hold an election that I had never held before, and tried to make sure that nobody falsified anything and that we did everything by the book. So that's the only defense that I have is that I definitely did not have any training. I was not sent to any training. And quite honestly, if I would have known the whole spectrum of the elections, I don't know that I would have put myself in that situation less than two months before an election."

**Chairperson Handel** - "All right. Mr. McIver."

**Mr. McIver** - "Did you seek the assistance of your --?"

**Ms. Brooks** - "Yes, I did many times. Even at one point, when I found out how, you know, how strenuous this was going to be to hold this election and to go by the code manual that I had no clue about when I started this, we asked if we could contract the county elections office to hold it. They refused because there were controversies. We had a lot of controversies about this. Like I said, I was unanimously voted in as superintendent of elections. And then my city council members, not all, I was accused of not being trained. Well, of course, I wasn't. At the time they elected me I wasn't. It was in the paper how unqualified I was to hold this election, and not enough training. And I did -- We don't even have office hours. We do not have a restroom at the town of North High Shoals. So the day of the election, I left one time for probably five minutes to go use the restroom next-door at a church, because I was so worried about leaving, and making sure that everything was done correctly between six o'clock in the morning until eleven o'clock at night, because I wanted to make sure that I did my job correctly. So, I mean, there's no office hours. And as far as the absentee ballots go, no, I did not know that was not the way to do it. I received phone calls at home. I received phone calls from my -- children, you know, that they needed absentee

ballots. So I did everything in my power to make sure that the citizens of North High Shoals who wanted to vote, could vote. So I went by what I knew. And at that point, prepared to -- from what I've heard today, I did not know the correct laws."

**Mr. McIver** - "Thank you."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "So the four absentee ballots that you had, were those just people who called and you took them a ballot?"

**Ms. Brooks** - "I did receive a couple of, I think, if I remember correctly I would get calls for the ballot. I explained to them that they had to fill out the application first. So I mailed the application where the time frame was in a period where they felt like they were going to get the ballot in time to get it back to me. So not knowing any different, I would once I received the application, I would hand deliver, go to their mailbox in person a ballot with all the paperwork. Every single ballot -- We had 13 total absentee ballots. Every ballot was sealed in a fire-safe box, locked and would not open until it was time to count them. And they were signed, and in the proper envelopes."

**Mr. Evans** - "Did you mail any of them or did you deliver them all?"

**Ms. Brooks** - "I mailed -- I did mail some."

**Mr. Evans** - "How did you decide which ones to mail versus deliver?"

**Ms. Brooks** - "Depending on when they asked me. People that I delivered to would -- short period of time before the election."

**Chairperson Handel** - "All right. Thank you."

**Mr. Holzman** - "Thank you, Madam Chair and the Board, my name is Steve Holzman. I live at 349 Jefferson Road, North High Shoals. My mailing address is Bishop, Georgia. The two potential violations, I'll just start with the first one about taking a picture. When I went in to cast my vote, I had my camera with me and I asked Ms. Brooks whether it be okay if I would take a picture by ballot, because I would like to send it to my mom because she be proud to see her son's name on a ballot. And so I said would that be okay. And I distinctly remember her saying

that would be fine. And so I took a picture of my ballot. And I did use a flash. And I have the information of the properties of the picture that shows that I used the flash. And the reason I say that is because if she had said no, like she has said in the investigative report, and I really, really wanted a picture I wouldn't have taken it with the flash. That would have been ridiculous on my part. So I wasn't aware that that was illegal. The first time I noticed that that might be an issue is when I came back in the evening for the vote count, I noticed two signs up behind the -- behind where you go to vote. And one of them said no photography. That was the first time I ever saw a sign at the polling place, and that was in the evening. But as far as the second one goes, this was my first election for anything or an award or anything. I didn't have any information about what sorts of rules were governing me, none were handed out to me or anything like that. And I knew about the rule about campaigning, because, I mean, it's obvious, you know, you can have these signs up that say no campaigning. But I had a poll watcher, somebody suggested that I have a poll watcher. And I guess the reason why I thought I might need one is that the clerk, and I know it's within her rights, she had signed up for my opponent on the street in front of her house. So I thought well, you know, maybe I should have somebody in there to kind of keep an eye on things, just to see that everything is going right. And then in the middle of the day I got to thinking, what if something is going wrong, how will I ever know about it. So I walked up on the porch of the polling place and I stuck my head in and I said how do I get a hold of my poller or how do I contact -- and she came out and she said you're not allowed in here. I said okay, I just wanted to know -- she said you're not allowed in here, so I left. The other two times I was near the polling place was across the street is our post office and I saw my opponent, the mayor's brother, in the parking lot. And so I just pulled up next to him and I shook his hand and I said, thanks for running a nice, you know, clean race. And then another time, the wife of my friend was in the parking lot. I stopped her and I just said hi, how is it going. And then I left. So those were the times that I was too close to the poll -- polling place. Like the guy said, ignorance of the law is no excuse. The one thing I'm going to institute in terms of being on the Council is a little packet that we can give to potential people who are running that will kind of have all of these sort of rules that I wasn't aware of about. And I think that might help in terms of stopping something like this from happening again. That's all."

**Chairperson Handel** - "All right. Let's let the other folks go. We do have your -- and I think everybody saw that you disagreed with the comment. We do have the investigation report. Thank you."

**Mr. Eddie Cape** - "My name is Eddie Cape. I'm on the city council for the town of North High Shoal. My address is 201 Hillsboro. And I raised the -- I do have a poll watcher and heard the report from my poll watchers is what brought me to raise the complaints against Mr. Holzman. And I will refer back to the report that Mr. McBrayer here has put together."

**Chairperson Handel** - Thank you. Anyone else? Does anyone else want to speak?"

**Mr. Fred Johnson** - "I appreciate you all for doing this. As a high school government teacher, I'm getting quite an education. My name is Fred Johnson. I live at 1191 Falcon Ridge Drive. I'm also on the city council. My first time in politics at the local level and I recruited a couple of candidates to run. And this got -- with a national election ballot. It's a small town, with only about 600 people who live in the town, 350 or so active voters. And in this election, 162 people came out to vote for -- what ended up then being one post on the city council. And I became concerned the month before the election that things -- there were lots of questions going on. And I didn't know what I was going to do. Our clerk had a lot of questions, and I knew our mayor was very involved in helping her answer those questions. It's a small town, we all pitch in. And so I asked the questions. I met with the mayor. I also talked to the election superintendent for Oconee County, her name is Pat Hague (phonetic). And I went to her office and I asked her I said okay, are you giving -- is everything going okay. I had some questions of my own about the election, about -- of our mayor who was on the ballot. And he was campaigning for himself and his brother. And he was helping run the election. I had some concerns that he was too involved. I was asking her and she no, they're asking all the right questions, - - trying to figure things out, they're learning how to do this. And then she said, by the way the mayor was in here yesterday. And the mayor asked me some questions, trying to clear things up. And she called the Secretary of State's Office and talked to Carol, who said I really think you should -- you don't have a person that basically the Secretary of State's office should or advise Pat Hague maybe you should contract with Pat Hague to run the election. So then the mayor at that moment in office said no, Sandy and I will run the election, and that was without

consulting the council. So we went on and we had some problems as you've seen with the election. And the biggest problem I saw is that Colonel Don Walter, recently retired from the Marines -- he was confused by the instructions given to him. And I assume you all have a copy of those instructions, is that right? Were you given a copy? Is it in the packet? The copy of the instructions that were given to the candidates?"

**Chairperson Handel** - "From whom?"

**Mr. Johnson** - "From -- they were posted in front of the town hall, and they were posted and I have copies of those if you'd like to see them. And it clearly was -- didn't coordinate with State law. And -- letter that Don Walter thought, you know, you had to be a registered voter by the time the election. And he was in the military and he was transferring his voting registration over, and voted in his home town until he retired and now he was transferring over. So Don Walter was not -- according to his instructions he had to be a registered voter by the time the election, which he was. So he followed the instructions given by the town, which then he consulted his attorney and he was -- gee, you know, the town gave me the wrong advice. Which is the biggest problem I have with the election is that there is someone running who was given the wrong instructions from the town because we didn't have the right information, and this resulted in a candidate being disqualified. And that's one of the things I also noticed in the letter is that you can see clearly that from the election results, my biggest concern is that the voters weren't given what they want. And here's a copy of the election results. I noticed in the letter that they hadn't been provided at the time the letter gone out, that you had not been provided with the election results of the 162 voters. And it clearly shows that people want a change. They expressed their dissatisfaction with the election, not being able to vote for Don Walter by writing in his name, which was -- or not voting for the two the people who ran on the post. So you had a situation in the election, two people running on a post who both got about 40 percent of the vote. And the one person who ran got about 70 percent of the vote. So that was my biggest concern. I was told that this was probably something that can't be addressed here. Don Walter followed the city's instructions. The city made the mistake giving the instructions because of -- for whatever reason. Whether it was the mayor's doing or the election superintendent. That was my biggest concern with the election I was told like nothing could be done about it."

**Chairperson Handel** - "Can I ask, when did you join the city council?"

**Mr. Johnson** - "I'm in the middle of my second term, so six years. This will be six years. So I joined in, I think, in 2002."

**Chairperson Handel** - "So you were one of the individuals who voted in support of this individual? Does your city department heads report up to a city manager?"

**Mr. Johnson** - "No. We have a mayor, and we have five council members. And she was brought forward, as she was our internal clerk at the time. And the mayor recommended, it's been policy, the tradition that we would just -- you know, he recommended her as --."

**Chairperson Handel** - "That's not at all what I was asking. I think you know precisely what I'm getting at, that you are the sitting city councilmember throughout all of this."

**Mr. Johnson** - "Right. I am."

**Chairperson Handel** - "As a former local government official myself, I can assure you that I never would've gotten away with sitting up on the Fulton County Commission, throwing everybody else under the bus. Some of the responsibility does rest with you, sir."

**Mr. Johnson** - "Right. I understand. And that's why I was visiting the election officials and that's why I took the actions before the election that I did, and tried to correct some of those --."

**Chairperson Handel** - "Okay. Well, we really kind of heard from folks, so unless there's something new, really, we're not going to get into I don't like what he said, or whatever. So is there anyone else who wants to talk? And two minutes, folks. I'm really going to hold you all to that, because we got to get through these cases today."

**Ms. Beita Bell** - "My name is Beita Beall, B-E-A-L-L (spelling). I live at 2112 Jefferson Road, P.O. Box 115, North High Shoals, Georgia. I served as the pollman -- poll watcher for the general election, and I was surprised to hear about the complaints that were against him. I was sitting in the corner, and when Steve wasn't -- didn't even walk into the building the

second time, he just stuck his head in, and he returned and he asked Ms. Brooks if he could talk to me, and she said no. She got up and told him he had to leave, he could not be in there. And that was the end of that. So I was surprised that there was a complaint about that because there was no other conversation. As far as the photo, I don't even remember him taking a photo. So -- but there was no conversation after Mr. Holzman left as far as he took a photo."

**Chairperson Handel** - "Okay. So your point is that you disagree with the work in the investigation?"

**Ms. Beall** - "Yes, ma'am."

**Chairperson Handel** - "Okay. All right. Questions, folks?"

**Ms. Brooks** - May I just say one thing. And this is not -- just it's really quick. As far as posting what the requirements are, we went, you know, got help from a different city that helped us with that. The fact is that Donald Walters signed an affidavit to run for council. And it says on there you must be an elector. So that's my only thing to say. He signed an affidavit saying that."

**Chairperson Handel** - "Okay. All right. This is another situation where, once again, we've had individuals either willingly or unwillingly thrust into a position that, in all candidness, you clearly were not prepared to take on. And I'm just going to say again, some of that rests with the mayor and the city council. It's you all's responsibility to ensure that you have qualified individuals that you're appointing to these positions. Any questions?"

**Mr. Evans** - "Madam Chair."

**Chairperson Handel** - "Yes, go ahead."

**Mr. Evans** - "It comes back to what we talked about this morning, which is what I'd like to see we could get from maybe Wes or Shawn is a proposal to consider at the next board meeting, which is we have to figure out a way where it is cheaper to train than it is to appear before us. Because currently the cheaper, less expensive action item, is to spin the wheel. And so what we may want to do is to say that the cost of going to training is -- what is our current cost to go to a conference, a few hundred dollars or something like that. The other option is you don't train. And if you don't train it's going to cost you \$25

thousand because it's going to cost you this to do specialized training, which will be imposed. Because until, and you know this because you perfected this when you were on the commission, which is you make the lesser -- you make a choice of two budget priorities. And the two budget priorities are -- more often than not make the right decision. But it does strike me. And it doesn't affect this particular one but this pattern makes it clear that cities just really don't have a reason to elevate because there's no other alternative. I think on this one, we just need to refer it over and let the AG sort it all out for us and give us recommendations. So I would move that, but in the context of that I think this idea of this specialized training which you will be required to pay for in the event you plead. If you assert the defense of, I didn't know, this is what it will cost you, this is the ticket."

**Chairperson Handel** - "I'll second the motion. I'm going to take a slightly different view around all of it, because, again, coming from the locals, I know how all this works. It's a much easier thing to sell to the public by being able to stand up and say that mean old Secretary of State made us pay \$25 thousand to do training, where the purposes here is if you don't do what you're supposed to do, the city is going to be fined. And it is the city's responsibility to hire a qualified individual to run its election. And it is the city's responsibility to ensure that that individual gets the proper training, period. So I would not want to be in the camp of, for as much as I love my colleagues at the city, at some point the buck has to stop somewhere. So allowing the training -- the money to show up in the budget as, quote, training, instead of having a line item in your budget saying that the city was fined by the State Elections Board for failure to follow the Code. It means two different things to your constituents. And I'm going to be in the camp of giving the honest truth to your constituents, which is that unqualified people were put in these positions."

**Mr. McIver** - "May I?"

**Chairperson Handel** - "Yes."

**Mr. McIver** - "I guess this is under the heading of the discussion of Mr. Evans' motion. But very quickly, I come out much stronger on that. In my judgment, we should have in our housekeeping bill this year before the Legislature, the 2009 session, a provision that if the cities come before us, and we have determined there was a violation after it was passed through the law department's hands and the treatment they've

given it, then I would require the city to say for approximately five years on an annual basis certify to us they've met all the provisions of the Code. And I would break that down. We certified, we hired somebody that is qualified. We certify they've been trained. We certify this, we certify that, so on, and so forth, to shorten my remarks. But the point being, then we would have a certification from the city, and if they then came in violation of that certification, then I join Mr. Evans and our Chair in being particularly harsh in those instances. So I think I would raise it to a higher level where some person on behalf of the city, no doubt the mayor, if not the mayor the city council, would just have to make that certification. It would be multi-appointed. So therefore there wouldn't be any, I didn't understand this, I didn't understand that, and then knowing full well what exactly we would do. And I certainly see that we would have the authority to acknowledge the mayor or various individuals and so on. We could bring them into public review, which I trust would have some degree of deterrence."

**Chairperson Handel** - "We could certainly go in and tweak that. You'll recall from -- on the last legislative session that we did enhance the certification requirements for cities. And cities now are required to have a fully certified election official if they intend to conduct elections. If they want to contract with the county, they're more than happy to do that. They can contract with the county that also is by state law would have certifications. That we certainly know that -- All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed. All right. Thank you. The next item is 2008-000005, City of Sparta, Hancock County. And if I might, I'm going to defer to my colleague, Mr. McIver to be the chair while I take one little break."

(Chairperson Handel leaves the room from 2:48 to 2:51 p.m.)

**Mr. McIver** - "Let the record reflect that the Chair is leaving the room for a moment. And I'll take Chair of the meeting at this point. Please go ahead."

**Mr. Harvey** - "This involves the City of Sparta, Hancock County. The complainant is Gladys Archer who is the mayoral candidate. The respondents are Hazel Hill, Katina Barnes, Tiffany Evans and Omar Howell. The allegations are that five voters who live outside the City of Sparta voted in the municipal election."

Some of the addresses used by voters were false addresses, and that some of the respondents improperly assisted voters. The investigative findings show that of the five people who are suspected to live outside of the City of Sparta, only Tiffany Evens appears to live outside the city limits of Sparta, and is therefore ineligible to vote in the City of Sparta general election. One of the issues in Sparta is apparently they renumbered their streets for a new 911 system. You have some street addresses that were changed, and there was some confusion about where the street addresses actually were. We actually had our investigator go out to try to locate a street address, and believed he had found that there was no residence address. Then we did a little bit of extra research, we found there were, in fact, streets that had been renamed and renumbered. Ms. Hazel Hill admitted to assisting a friend of hers named Gwen Butts, to whom she is not related. Ms. Butts says that she is not illiterate, Ms. Hill said she was illiterate. On the absentee ballot envelope, Ms. Hill listed that she was the voter's sister, when they're, in fact, not familiar relations. Katina Barnes assisted two electors, Ms. Morris and Mr. Hunt, neither of whom are disabled, and Ms. Barnes is not an elector in the City of Sparta. Lastly, Mr. Omar Howell assisted Ms. Watkins and Ms. Mathis, neither of whom are disabled. The recommendation is that the case -- the respondents be referred to the Attorney General's Office for cease and desist order and appropriate fines as recommended by the State Election Board. The one other note I would add is that in our investigation our investigator attempted to meet with the chief of police to help get some assistance on some of these addresses. And the Chief of Police, Ronnie Evans, Sr., refused any attempt to investigate or to assist our investigator in determining any of these addresses."

**Mr. McIver** - "All right. Anybody on behalf of the City of Sparta or any other individuals who want to be heard on this case? Please remember to begin by giving us your name and your address."

**Ms. Gladys Lynn Archer** - "Good afternoon, Madam Chairman and members of the Board. Thank you for allowing me to come. I wonder if I could bring Ms. Stevens over here to me because she knows some things to give us some input for the reason that --."

**Mr. McIver** - "We need your name and address."

**Ms. Archer** - "My name is Gladys Lynn Archer, and I ran for the mayor of Sparta on two consecutive terms and I lost, much to my

shagrim. However, this is just the tip of the iceberg that you just heard. I wish I could say a lot of good things about Sparta, and I can because my family is one of the oldest families in the county. My family goes back to 1800s. They came here from England, Ireland, and France to settle down in wilderness that was inhabited by Indians, and my family has lived in that county all these years. It's a beautiful place. And we have many, many things over there that are worth coming to see, if we could just get our government functioning just right. But I really feel that what I've heard here today is a real job for somebody, because elections don't seem to be running just right today. And I guess we're all concerned, as the first speaker said, about this one coming up for the federal level."

**Mr. McIver** - "Ma'am, you've used one of your two minutes -- You've used one of your two minutes telling us about your family. You've got one minute to go."

**Ms. Archer** - "Oh. Okay."

**Mr. McIver** - "So may I recommend that you --."

**Ms. Archer** - "Well, I just want to tell you that there were a lot of infractions during this election. And Ms. Stevens can probably fill you in on that because she compiled it all for me and submitted it to the Secretary of State. So Ms. Stevens, if you'll take over, I'll take my seat. And I thank you for letting me have a few minutes."

**Chairperson Handel** - "Thank you."

**Ms. Nancy Stevens** - "I'm Nancy Stevens. My address is 389 Royce Smith Road in Sparta. I went through all the election records, we got copies before things were sealed. And the list I've given you are problems that we found. The first one was the absentee ballot envelopes, the names on the absentee ballot logs, and the number of listed voters of absentees that don't agree. And the rest of that is just the totals. We have a problem with William Evans who is the mayor again. He was the incumbent. Most of his family uses P.O. Box 344. Those addresses are not verified as to where their street address is. And Ronnie Evans, who is the chief of police, this is his brother. Three of these people did put street addresses on the voter certificate and they do live outside the city. I have the voter certificates here if you all would like to see the copies. One of them was not investigated, and they said that they were

unfounded. But here are the copies of voter certificates of those outside the city. The next page shows absentee ballot problems. Maybe I'm nitpicking, but to me when you fill out a form and there's places you're supposed to check and there's a place to sign, you're supposed to do it. And these are problems that I have on the voter certificates and on the absentee ballot log and on the absentee ballot envelopes. We also had a problem with Virginia Brown who is the city clerk and a good friend of the mayors. She was in the polling area watching people vote all day. Martha Rice, who is our county election superintendent who was handling the election, she never asked her to leave. Ronnie Evans, who is the mayor's brother, came in while I was there for just a short time as poll watcher. She did not ask him to leave. Now, the addresses have changed for 911, but the two boys, the Evans boys, that the investigators say they could not locate the addresses and they said they were good. 405 is not a good address. 465 is not a good address. That was an old address, but it's changed. And that is a daycare center that the mayor's sister runs. The -- Ronnie Evans, Jr., I believe, is one of them on here. His address in the paper just before the election was 86 Chief Drive. We have a problem and we need some help, and I don't know where else to go. Martha Rice has been before y'all before. For the 2004 election y'all gave her a \$5 thousand penalty -- or a fine. As of a month ago, that had not been paid. We continue to have problems with her. We have a chairperson who has just been voted back in, and you'll be receiving a complaint on that election. We provided information to the GBI on this. The GBI has investigated, found problems, taken them to our DA, Fred Bright, who took it to the grand jury, and when the grand jury wanted to indict, he said he could not indict. He says if you don't like him, vote him out. So if we don't have all these elections to be able to vote people out, then we have a DA that will not take any action on these people suing us. What are we supposed to do? That's all I have to say?"

**Mr. McIver** - "Are there any other witnesses? Anyone else would like to speak on behalf of either the respondents or the City of Sparta?"

**Ms. Jean Volkmann** - "May I speak? Good afternoon. My name is Jean Volkmann. I live at 12900 Augusta Highway, Sparta. I was a poll worker at this election, and I noticed that Chief Ronnie Evans was in and out of the election during the election. And also, Ms. Virginia Brown was in the election office all the time. She's the city clerk. And one of the things I do not understand is why she is not running the election, why we are

paying the probate judge to run the city elections. Truly, I believe that it's the city clerk's job. We pay the probate judge at least somewhere in the region of \$5,000 to run the city elections when surely Ms. Brown should be trained to run those. That's all my comments. Thank you so much for hearing me."

**Mr. McIver** - "Thank you."

**Ms. Helen Martin** - "Good afternoon. My name is Helen Martin. I live at 180 -- , Sparta. I had when I came in here, I have two words. I was going to say please and thank you. But I do have a question on your specialized training. Can a concerned citizen take that?"

**Mr. McIver** - "Mr. Taylor. Mr. Taylor. I wanted to make sure you were awake."

**Mr. Taylor** - "Okay."

**Mr. McIver** - "I think the answer to that is in the negative, but somebody more -- with greater expertise than I needs to speak."

**Ms. Martin** - "Well, can you think about it?"

**Chairperson Handel** - "We can certainly think about it. I mean, the challenge is, once we open it up to one concerned citizen, then if all nine, almost 10 million concern citizens wanted to take our, quote, training course, we would not have, one, enough resources to do it. And two, we obviously have to prioritize the municipal folks. What I will tell you is that there's lots of manuals and things, and we'd be happy to provide you with a copy of the training manual and things of that nature, if you would like that."

**Ms. Martin** - "We thank you. Anything that would make it easier for us."

**Chairperson Handel** - "You bet. We'd be happy to provide that to you. If you'll just do me a favor and write down your name and address for us before you go, we'll make sure you get it. Okay?"

**Ms. Martin** - "Thank you."

**Chairperson Handel** - "You're welcome."

**Mr. McIver** - Thank you, Ms. Martin. Anyone else to speak on behalf of the City of Sparta or respondents? All right. Board, any discussions before I'll entertain a motion as to how we should handle this matter? I would remind everybody that I think most everybody here has longevity, somewhat similar to mine. But Hancock County and the City of Sparta are not strangers to this Board."

**Chairperson Handel** - "One of the things that I'm concerned about is that, and I guess I need some guidance from Bobby Conway around -- because you couldn't -- you didn't get assistance from everybody that it looks like you wanted to have assistance from in conducting this investigation. Do you feel like there needs to be more done and do we need to look at another avenue for that?"

**Mr. Conway** - "I think so."

**Chairperson Handel** - "Okay."

**Unknown Male Speaker** - "(Inaudible)."

**Chairperson Handel** - "Might we be able --"

**Mr. McIver** - "I was going to ask the Board if there were any comments, but through the administrative hearing could that be surfaced and therefore we have recommendations both either for what we might want to take by way of a remedy for the Board, or a referral we might want to make either to the local DA. In this case Mr. Bright, who may or may not be terribly cooperative in this matter. I know Mr. Bright, and I'm a little surprised to hear that. But on the other side, whether or not it's a task for the long run. Any Board member have suggestions or comments before we work this?"

**Chairperson Handel** - "We might be able to pursue this similarly to how we pursued Chattooga because we don't get local cooperation, then move on from there. I think an ALJ would certainly be a good start."

**Mr. McIver** - "Any other comments or thoughts before the Board? Do I have a motion?"

**Chairperson Handel** - "I move that we refer to the AG's office specifically for assignment to an ALJ for a full hearing."

**Mr. Worley** - "Second."

**Mr. McIver** - "We have a motion then from the Chair, seconded. Let this matter be referred to the law department for handling by an administrative law judge. Any discussion prior to the time we vote? Hearing no request for discussion, I'll entertain a vote on the motion. All those in favor, say aye."

(Whereupon, there was a chorus of ayes)

**Mr. McIver** - "Opposed? The motion carries. I will now let the record reflect we'll turn the meeting back over to the Chair who has returned to the room."

**Chairperson Handel** - "And Mr. Worley has also returned. Next page is 2008-000006. McIntosh County. And I believe also the City of Darien, or is it? Okay. So McIntosh County. Anyone from McIntosh County, if you could make your way over so we can see who all is here. And I'm going to ask folks in the interest of expediency if you could please keep your comments to the case and the allegations before us. I understand that there are a great many issues at the local level, but our purview is pretty narrow to what's before us today. Okay?"

**Mr. McIver** - "Madam Chair, I have a commitment in Alpharetta and have to go. So with your permission, I'd like to be excused for the remainder of the meeting."

**Chairperson Handel** - "You're only allowed one hour."

**Mr. McIver** - "Yes, how foolish."

**Chairperson Handel** - "I'm going to hold this case for one moment. If you would just sit tight, folks, Mr. Worley would like to come back to our earlier issue on recusal."

**Mr. Worley** - "Yes. And first of all, I wanted to apologize to Mr. Evans for my comment earlier today. I have the utmost respect for Mr. Evans. He and I actually practiced law together when we were just out of law school. And so, therefore, maybe he's a little more adept knowing how to push my buttons than other people may be. But I just want to apologize for that comment. The other thing that I wanted to say before Mr. McIver left, is that the issues that I raised in my letter that we discussed regarding recusal are I think very important issues, and ones that I did not expect to be brought to the Board today. I do understand that the Secretary would like the benefit of the advice of the other members of the Board relating to this issue."

I think that that will speed up the resolution of the issues that I raised in the letter. So while I do not believe that I'm required to accuse myself from those discussions, I am going to voluntarily recuse myself from them so that later today the Secretary and the other members of the Board can discuss."

**Chairperson Handel** - "Thank you."

**Mr. Worley** - "I just wanted to make that clear."

**Mr. Evans** - "Madam Chairman, can I say one thing? I just want to say I have great respect for my colleague. He and I served together in many different capacities. On occasion we have pricked the skin of each other, and I can recall more. I extend my apologies to David. I wanted him to know I hold him in the highest esteem, and I appreciate having him serve with me on this Board. And have appreciated the way in which he's come to the meetings prepared, well versed, and I think makes an outstanding contribution to our work."

**Mr. Worley** - "You're very gracious to say that. Thank you."

**Chairperson Handel** - "And I appreciate your professionalism on this. At times we all do disagree, but what I do know is that everyone is trying to do right. And so I appreciate your willingness to let us facilitate this. Because as you know, I take these issues very seriously. So thank you."

**Mr. Worley** - "I do."

**Chairperson Handel** - "All right. Let the record show that Mr. McIver has had to depart. We are on page -- 2008-000006. McIntosh County."

**Mr. Evans** - "Maybe we should have him leave more often."

**Chairperson Handel** - "I know, I'm feeling the love up here, everybody. All right. We are on - We're on 2008-000006. McIntosh County."

**Mr. Harvey** - "The complainants in this case are Griffin Lotson, who's a candidate for mayor, and Sharon and David Kitchen. The respondents are James Parker, Richard Johns, Laura Johns, Stephen Watson, Cheryl Schooley, and Kelly Spratt. There are numerous allegations. The first allegation is five -- the first five main respondents did not legally reside in the City of Darien, and were ineligible to vote in the election. The second

is that the McIntosh Board of Elections and Registration failed to register five applicants. Next is the McIntosh Board of Elections and Registration destroyed three absentee ballot applications. Next, the McIntosh Board of Elections and Registration rejected an application because of one missing letter from the applicant's name. Next, that one voter was denied the right to vote. And lastly, that Kelly Spratt made false statements in connection with her notice of candidacy. The investigative findings are that James Parker, Stephen Watson, Laurel Johns knowingly used a residence other than their bona fide residence when registering to vote. In each of these cases, the individuals own property and have homestead exemptions outside the City of Darien, who were voting the City of Darien elections. In some cases, they had properties that they occasionally occupied or might have leased to them. But their homestead exemptions, one, Mr. Parker had one in St. Simons Island since 1994. Mr. Watson had one on Tybee Islands since 1998. Mr. Johns had one in Hird County -- I'm sorry -- Hird Island that he got in January of 2006. Mr. Parker voted in the City of Darien when he knew he was not a resident of the municipality. Mr. Johns voted knowing that he didn't have the qualifications to vote District 1. As far as the applications that were failed to register, McIntosh County claimed not to have received voter applications from three individuals, Misty Smith, Alicia Barren and Robert Jones. There's simply no record of those coming in. Mr. Bernard Armstrong had an application that had a matching Social Security of another voter and another, Lisa Glover's registration application was late. There was a Ms. Sloan whose application was rejected. Her name was misspelled. Her name is spelled, S-L-O-A-N-E, (spelling). The "E" was missing from the end of the name. Also, the birth date was incorrect. That absentee application was rejected, she ended up voting in person at the polls. Mr. Adell Woodard was an elector who had requested an absentee ballot be sent to another address within the city. He was contacted by the election board, was told that he was going to be planning on being in the hospital on the day of the election and tried to arrange to have a ballot brought to him. The election board claimed that they were never specifically notified of exactly when and whether he was going to be there. He was not delivered -- a ballot was not delivered to him. Ms. Spratt filed a candidacy -- a notice of candidacy and affidavit for which she stated she had been a resident for 10 months. And the allegation was that she had only filed a homestead exemption four months, I guess with the assumption that that was when she maintained residency. She maintained that she had moved into her residence 10 months prior to that, and therefore wouldn't

have met the eligibility requirements of six-month. It's recommended that James Parker, Steve Watson, Laurel Johns, and Richard Johns cases be forwarded to the Attorney General's Office for a cease and desist order and any appropriate fines."

**Chairperson Handel** - "Let me just, real quick, one question. So the application for Ms. Sloane, that was appropriately rejected because her birth date was incorrect?"

**Mr. Harvey** - "The name was misspelled and the birth date was incorrect."

**Chairperson Handel** - "Great. Okay. All right. Thank you. Let me get a feel for who I have here, because I have quite the lineup."

**Mr. Jim McLaughlin** - "Jim McLaughlin (phonetic) McIntosh County Attorney."

**Chairperson Handel** - "McIntosh County, itself, is not a complainant or a respondent, correct?"

**Mr. McLaughlin** - "No."

**Chairperson Handel** - "Okay."

**Mr. Robert Mucha** - "Robert Mucha, I serve on the Board of Elections and Registrations."

**Ms. Elenore Gale** - "I'm Elenore Gale, I'm the election supervisor for McIntosh County."

**Mr. Jim Parker** - "I'm Jim Parker."

**Chairperson Handel** - "Okay. And we have respondents come up first, sir. Okay. Are there any other individuals who are the actual subject of this complaint? Mr. Parker, Mr. Johns, Ms. Johns, Mr. Watson, Ms. Schooley, Ms. Spratt. Okay. So I just have the one. Okay. And then we may need to come to you, ma'am, around some of the various elections. But thus far, you're A-okay, for right now."

**Mr. Parker** - "Good afternoon. I'm Jim Parker. I have a residence at 91 Screven Street in Darien. And yes, I have a residence on St. Simons Island. I was in charge of -- I'm was the owner, developer of a condominium complex called Settlers Bluff. I'm also the owner of a restaurant in Darien. Settlers

Bluff is in Darien, they're adjacent, Skippers' Fish Camp. Mr. McBrayer interviewed me. I forgot the date, but a while back. I never made any pretense that I was trying to pull anything. Fraudulent was never my intention. My contention is that a person should be allowed to vote where you have the most vested interest. In 2006, I put my house on St. Simons up for sale. I have the document here with me, if you wish to see it, showing as most of you know we're in a real-estate downturn. I haven't been able to sell the house. My intention was to get rid of that and move my homestead exemption to Darien and move forward. With that said, I don't feel that homestead exemption should define where you're allowed to vote. People that rent aren't held to that standard. Transients aren't held to that standard. Homeless aren't held to that standard. So a person shouldn't be penalized because they own a home and pay homestead exemption or get the homestead exemption. That said again, in the Code of Georgia, title 21-2-217 rules, 15b, allows for exceptions to be made getting around the homestead exemption. I'll read in part, in determining a voter's qualifications to register to vote, registrars to whom such application is made shall consider in addition to that an express intent any relative circumstances determining the applicant's residence. The registrar's taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, leasehold sites, and personal and real property owned by the applicant and other such factors that registrars may reasonably deem necessary, could determine the qualification of an applicant to vote in a primary or election. The decision of the registrars for whom this application is made shall be presumptive evidence of a person's residents for voting purposes. As far as business pursuits go, as I said, I put together a \$10 million development, Settlers Bluff, in the City of Darien. I'm the owner of Skippers' Fish Camp, an economic catalyst engine that created 30 new jobs in the City of Darien as well as generates in excess of \$1.1 million in taxable revenues. It pays annual rent of \$12,000 to the City of Darien, has donated in excess of \$25,000 to local charities. Skipper's Project was awarded by Governor Perdue, the economic redevelopment project of the year for the State of Georgia. As far as real estate goes, I own the condominium at 311 Settlers Bluff. I own an undeveloped commercial tract of land in the City of Darien, and I have six acres of family-owned property in (inaudible), which outside the City but it's in McIntosh County. As far as community involvement goes, I'm in Darien every day. I have a business to run. My interest is there. I'm a member of the Board of Directors of the Darien-McIntosh Chamber of Commerce, and have been for four years. I've served as chairman

of the Darien-McIntosh Chamber of Commerce for one year. I'm now the -- my term expired. The main event that brings tourism and industry to our community is our annual blessing of the fleet. I've been either the chairman or co-chairman for three years. I don't know how much more I can do to be a part of this community other than to say that I sleep every night in that bed. Well, I travel a lot. Last week I was only there three nights. A couple of weeks ago I was there four nights. But to hold me responsible and say I did something illegal, to me, is ridiculous. And for me not to be able to vote in that community I think is absurd. And for me to be -- my integrity as a citizen is, it just doesn't sound just."

**Chairperson Handel** - "All right. Anyone else? Any other respondents?"

**Mr. Dave Kitchen** - "Not specifically to him, but to the what happened --."

**Chairperson Handel** - "Come up. Two minutes."

**Mr. Kitchen** - "Dave Kitchen, 50 Bell Hammock Road, and I have a P.O. Box for my mail. I'm in the County of McIntosh, and I seriously think that at this point, you know, because there have been problems there before, and this Board knows there's been findings there in McIntosh before. And because I don't feel, I know you did a full investigation, but I don't feel you have all the facts. I don't feel that you understand that there were several people who were left off. About half the voters who were absentees were rejected for the side that was not supposed to win. This has been a case that has happened over and over in McIntosh County, and I would like to, you know, say that it's accidental, but you can't say it's accidental when it becomes a repetitive thing. It becomes more malevolent than that. And I feel that I agree with the Secretary of State and the gentleman on the end down there that these things should be held accountable to those who allow the person who's doing this to stay in their position. I don't understand why someone who has been caught before doing improper things in elections is still part of the election process. And I don't understand why that they're not being held accountable for this situation. It highly disturbs me as a citizen. And, yes, I have many friends in McIntosh County and I have many acquaintances. And we do know that people have problems coming to speak to you, or even speaking to with gentleman because of fear of reprisals in our county against them. Things that happen to people in situations go on. As a matter of fact, one person told me he was fearful for his life. And I suggest that we might want to look at this type of situation a little deeper. And I request, hopefully, that we will and find out why this continues to be a problem, because I don't blame the person who's doing this. If I got away with something and I was of that mentality, which I'm not, I would continue to do it. I hold people in charge responsible for not doing their jobs of policing that situation."

**Chairperson Handel** - "Okay."

**Mr. Kitchen** - "Thank you, ma'am."

**Chairperson Handel** - "Thank you. Okay. Does the County want to add anything around the decision, et cetera, that was taken? Thank you, sir."

**Mr. Kitchen** - "Yes, ma'am."

**Mr. Harvey** - "Chairman Mucha wants to make a comment."

**Chairperson Handel** - "Okay."

**Mr. Harvey** - "I'm sorry. Chairman of the Board of registration and elections."

**Chairperson Handel** - "Yes. Yes."

**Mr. Robert Mucha** - "My name is Robert Mucha. I live at 1414 Plantation Drive Southeast, and it's located in McIntosh County, here in Georgia, zip code is 31305. When Mr. Adell Woodard, he wanted his ballot mailed to a different address within the City of Darien, which was not the same address that was on his voter registration card. He did not check that he was physically disabled in the voter's box. That's Code Section 21-2-3 (81). Lamar Rhodes, his son, an attorney, stated that a Mr. Woodard was a returning to the Brunswick Hospital on 4:00 p.m. on election day. I, myself, chairman of the Board offered to take the ballot to the hospital. The offer was not accepted. The call was never placed to the Board requesting a ballot be delivered to the hospital. We look at a number of people that have been discussing over here, Mr. James Parker, Richard Johns."

**Chairperson Handel** - "I'm sorry. I can I just stop you for one second?"

**Mr. Mucha** - "Yes."

**Chairperson Handel** - "I might be the only one who is confused, but I'm trying to understand what these allegations or these comments how they relate to the investigative findings, because I don't think --."

**Mr. Mucha** - "Well, it's just -- that they were saying that first of all Mr. Adell Woodard did not get a ballot, we didn't respond to it. I'm saying if we got the call, we came up there. And I never got the call to deliver a ballot."

**Chairperson Handel** - "Okay."

**Ms. LaGrua** - "We found none of those to be valid, Madam Chair."

**Chairperson Handel** - "Right. They found all of those not to be valid. Were there any involving the County that you did find any issue for the County? When I read the report, I didn't find anything on your part."

**Ms. LaGrua** - "No, we did not."

**Mr. Mucha** - "As far as the people, Mr. Parker for instance, we did have a hearing. We did have a Board hearing. We had five people that we went through specifically who were registered out of the county, or were living out of the county of claiming homestead exemption. And when we found that out, we had a Board meeting and the Board in turn went through five people. And we basically had them removed from the precinct which they were located in, placed them in the correct precinct, or were removed from the rolls completely within the county, and placed and told to reregister in another country where they were living, where they have a homestead exemption."

**Chairperson Handel** - "So just to be clear, so that when a question arose around the residency and homestead exemption, you then, brought it to your full Board for review...."

**Ms. LaGrua** - "Right."

**Chairperson Handel** - "...additional review, et cetera. Okay."

**Mr. Mucha** - "Who were those people?"

**Ms. Gale** - "That was Richard Johns, Stephen Watson, James Parker and Sheryl Marie Schooley and Laurel Johns. The Board had a hearing, and notified them when the hearing was."

**Mr. Worley** - "And when was that?"

**Ms. Gale** - "That was back in February."

**Mr. Worley** - "Of 2007?"

**Mr. Gale** - "2008. This election was held in November of 2007. November 6, 2007."

**Mr. Worley** - "So where is Mr. Parker registered to vote now?"

**Mr. Harvey** - "Glenn County."

**Ms. Gale** - "The next county over."

**Mr. Mucha** - "In the next county where he has five businesses." in Glenn County?"

**Chairperson Handel** - "Well, hang on. We'll come back to you in a second. If you could come up. It's hard to have shouting, back and forth. Wait until you're called on so we can all get straight. That would be great."

**Mr. Mucha** - "Okay. After we got through with the Board hearing, we sent Mr. Parker informing him that he was being removed from the rolls in McIntosh County, and that he could still register where his homestead exemption existed, which is in Glenn County, which he did."

**Mr. Worley** - "But that was after the fact of the election...."

**Mr. Mucha** - "Yes, it was."

**Ms. Gael**- "Yes, it was."

**Mr. Worley** - "...in question?"

**Mr. Harvey** - "Yes."

**Chairperson Handel** - "If I -- I'm going to follow-up on your point, so to make sure that I'm clear here. So Mr. Parker was able to vote in the November '07."

**Mr. Mucha** - "Yes, he was."

**Chairperson Handel** - "So you didn't have any reason -- How did it come up that there was a question about his residency?"

**Mr. Mucha** - "It came up through the investigation of Mr. Parker."

**Chairperson Handel** - "So from the complaint that you got."

**Mr. Mucha** - "And that's where we picked up the other -- summary. Thank you."

**Chairperson Handel** - "Okay. All right. Great."

**Mr. Parker** - "Madam Chairman."

**Chairperson Handel** - "Yes."

**Mr. Parker** - "This is the voter registration form that was given. And it doesn't say anything about homestead exemption. I mean, if I had knowingly gotten into this knowing that there was some great problem with me doing this, then I would've obviously waited until I sold my house and got things corrected. But you know, this needs to be corrected, too. Voter education, you're talking about the administrative end of educating, you know, something needs to be done to help the voters, as well, but I understand what it takes."

**Chairperson Handel** - "Right. Well, one thing I want to comment on. In your comments you referenced that you felt that a person should be able to vote where they have the most vested interest. That is not the law, sir. Because for all I know you have greater vested interest in the State of Florida as a developer than you do in Georgia, but you live in Georgia. You don't get to vote in Florida just because you have business interests in Florida. Hang on. Allow me to finish. You must -- the law says, you must vote where you live, where you reside. And I read the investigative report and what was reported to the investigator, and maybe this isn't correct, so I'm going to ask you. The investigative report says that you get the majority of your mail not at your Darien -- your City of Darien address but at another address. Where do you get the majority of your mail?"

**Mr. Parker** - "I get the mail at St. Simons Island. But on this, it has a place to put your address where you reside, and your address where you get your mail. So it's all very confusing. I mean, if you want to know --."

**Chairperson Handel** - "With all due respect, sir, we're not going to have an argument because I get to run the meeting. But with all due respect, it's abundantly clear that you must vote where you live."

**Mr. Parker** - "Well, why would you --."

**Chairperson Handel** - "So -- let's -- let Mr. Worley comment here. And I don't know if Mr. Evans - - has a statement."

**Mr. Worley** - "I just have a brief comment. From what's been said here today, from Mr. Parker's testimony, it's my opinion

that he lives in Darien. And he has indicated that he spends most of his time there, as compared to the other house that he owns. He's got a business there. He considers himself a resident there, which is really what the test is. And I don't think the location of the homestead exemption is the exclusive, be-all and end-all of where you're supposed to live. Now, all that I've seen from this allegation is that someone alleged that he didn't live there and that was investigated. But if I were the trier-of-fact, I would dismiss this allegation. Because I think -- I think he's -- the only real evidence that we have taken all together would lead me to conclude that he lives in Darien."

**Chairperson Handel** - "Well, colleagues, I take a extremely different point of view. In the State Code, and not just one place but in two places, the homestead exemption is cited as the determinant of residency for an individual. And, in fact, for tax purposes you legally are required to take your homestead exemption where you reside. And the same, I mean, local election officials, we have -- the law needs to provide them a solid direction on how to determine residency. And in my opinion, homestead exemption is that. Now, do I think --."

**Mr. Worley** - "Well --."

**Chairperson Handel** - "Sorry. I'm not finished. I'll be happy to yield. And we're going to agree to disagree on this, and we all know why. So let's not have like a big giant pink elephant in the room. And I give you kudos for coming forward. I'm not suggesting that maybe you did anything wrong. I can understand why you wanted to vote in the City of Darien, because you clearly do have a lot of business interest there. But people have business interest in all kinds of communities, that does not mean that they live there. It means that they do business there. And living and doing business are two different things. And while I am not interested in -- because I don't know if you knowingly did anything, I'm going to give you the benefit of the doubt that you did not. But the law in my opinion is abundantly clear. And the Attorney General's office has counseled me that the law is abundantly clear, that homestead exemption is indeed test number one for residency. And so -- and the fact that now have moved your registration back to Glenn County, where is --."

**Mr. Parker** - "I did because they told me to."

**Chairperson Handel** - "Well, you didn't -- you could have challenged it."

**Mr. Parker** - "I wanted to vote -- if I --."

**Chairperson Handel** - "You could have challenged it, sir. And you could have changed your homestead exemption, and you still haven't, if I understand right. So that's just my viewpoint. And I'm going to actually vote that this be referred, certainly, for some sort of letter of instruction. Mr. Worley."

**Mr. Worley** - "Well, it seems to me that if your homestead exemption is in one place, and you put your house up for sale and have a house in another place and actually move into that house and are in that house, and use that place as your residence, then that's your residence. I think homestead exemption may be a test, but I don't think it's an exclusive test. And I think the real test is what the intent is. And I don't know Mr. Parker from Adam, and I'm not comparing this to any other case that might be out there, although I think I know what you're referring to. But it just seems to me that based on the evidence that we have before us today, based on the allegation that was made, and the testimony of Mr. Parker, that -- that he lives in Darien. And it's not his fault that McIntosh County bounced him out of the voter rolls there. And it's not -- that shouldn't be used, the fact that he had to go register in Glenn County to be able to vote somewhere shouldn't be held against him. But, again, we'll just have to agree to disagree."

**Chairperson Handel** - "And the fact is that -- said Glenn County accepted him as a resident. Why, because he had a homestead exemption in that county. So that would then qualify him to be an elector there. So either you live in Darien County -- Darien City or you -- I mean, it's one of the other. So if you really do live in Darien, and then you register to vote in the other county with your homestead, I mean, so you can see the conflict. And folks, this is no different than -- I have friends who have a condominium in Florida. It's up for sale. They take their homestead exemption in Florida off of that residence because they like the tax benefits there better than they do in Georgia. They don't get to vote in Georgia, much to my dismay because they're my friends and I'd like to hope that they would vote for me. But they don't get to vote in Georgia, they have to vote in Florida because that's where they opted to stake out as their, quote, residents by virtue of the homestead. So I'm going to make a motion. And -- but before I do that. Do we not have the other respondents here? That's a little disturbing for me. Okay. I'm going to make a motion that all of the respondents be

referred over to the AG's Office for certainly a letter of the structure at a minimum around registering them improperly."

**Mr. Worley** - "Madam Secretary."

**Chairperson Handel** - "Yeah, go ahead."

**Mr. Worley** - "Could we sort of break up these votes?"

**Chairperson Handel** - "Sure."

**Mr. Worley** - "Because I agree with the other...."

**Chairperson Handel** - "Sure. We can do it that way."

**Mr. Worley** - "...section violations. But I don't --."

**Chairperson Handel** - "Are you fine with the four --?"

**Mr. Worley** - "Yes."

**Chairperson Handel** - "Johns, Johns, Watson, and Schooley."

**Mr. Worley** - "And as far as I know, based on the evidence at hand. Yes."

**Chairperson Handel** - "All right. Then I'll move that we refer Johns, Johns, Watson, Schooley, and Spratt to the AG's office for appropriate cease and desist order."

**Ms. LaGrua** - "Madam Chair."

**Chairperson Handel** - "Yes."

**Ms. LaGrua** - "I'm sorry to interrupt. There were allegations against Sheryl Schooley and Kelly Spratt, but they were not substantiated."

**Chairperson Handel** - "Oh. Okay."

**Ms. LaGrua** - "Thank you."

**Chairperson Handel** - "We really need for you all to make it clear in these reports, which one your investigation confirmed the allegations again, so we can get our motions right. All right. I'll revise the motion. To refer Richard Johns, Laurel

Johns, and Stephen Watson to AG's office for an appropriate cease and desist order. Cease and desist order."

**Mr. Evans** - "Second."

**Chairperson Handel** - "I have a motion and a second. Any other questions? All in favor."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Aye. Any opposed? All right. The second motion is to refer Mr. Parker for a cease and assist, as well."

**Mr. Evans** - "Second."

**Chairperson Handel** - "Motion and a second."

**Mr. Evans** - "Did you say --."

**Chairperson Handel** - "Because then -- I'll make it broad because then --."

**Mr. Evans** - "As you know, I prefer the Homestead Exemption is despositive, and as a result it should just be referred to the AG's office."

**Chairperson Handel** - "I'll revise my motion as the seconder as asked. Any other questions? Comments? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed?"

**Mr. Worley** - "No."

**Chairperson Handel** - "Let the record show that Mr. Worley voted no, with three ayes. All right. Thank you."

**Mr. Parker** - "Explain to me what just happened."

**Chairperson Handel** - "It was assigned to the Attorney General's office and they'll be in touch with you to see if we can work out a consent order on this."

**Mr. Parker** - "What's --."

**Chairperson Handel** - "I'll let Ms. Almond discuss the legalities of that."

**Ms. Almond** - "It's an agreement where you admit what happened. You admit that you might have violated the law and you just agree to let us appropriate a sanction, instead of going to a hearing and, you know, potentially getting a stiffer sanction after the attorney -- it's a way of resolving the case."

**Mr. Worley** - "And, Mr. Parker, I will tell you that you're certainly entitled to seek legal representation in that process of negotiating with the Attorney General's Office. And there's a lawyer sitting right over there against the wall -- who has lot's of experience with these homestead exemptions issues."

**Mr. Parker** - "Thank you."

**Mr. Worley** - "And know it's up to you what you decide to agree on or not agree on."

**Mr. Parker** - "I just want to -- one last thing. All this, to me, is about -- I feel you all think I'm a criminal. All I wanted to do was to vote...."

**Chairperson Handel** - "No, we don't, sir."

**Mr. Parker** - "...where I feel like I have the best interest, and the most involved. And now I'm being penalized."

**Chairperson Handel** - "We understand. Unfortunately, or fortunately, we have a Constitutional responsibility to follow the law. So that's what we're trying to do. Okay. Sorry."

**Mr. Parker** - "I have no dog in the fight. I just wanted to vote."

**Chairperson Handel** - "I understand. Okay. The next case is 2007-00007, which is the Cobb County, and we have Cobb situation."

**Ms. LaGrua** - "This is that continuance, Madam Chair. The attorney for Mr. Hobbs, I'm sorry."

**Chairperson Handel** - "Go ahead. No, go ahead."

**Ms. LaGrua** - "The attorney for Mr. Hobbs may not be representing him since he's leaving the current practice he's in, and asked that this be continued so that can be sorted out."

**Chairperson Handel** - "This has had a previous continuance, but in light of the change of counsel, I don't know that we have any choice, there. So I move to continue."

**Mr. Evans** - "I recuse myself on this one."

**Chairperson Handel** - "Yeah."

**Mr. Worley** - "I'll second."

**Chairperson Handel** - "I have a motion and a second to continue. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And let the record show that Mr. Evans recused himself on that one. Next case is 2008-00009. City of Darien, McIntosh County. Sheryl Schooley."

**Mr. Harvey** - "Yes. This complainant was one of the original people from the other case. Very simple case. She voted absentee in October of 2007. As she was leaving the absentee precinct she was approached by another elector, and was asked or was told, I hope you voted for the right candidate. At that point, she took some type of offense, or felt some type of harassment or intimidation. She made her complaint to the Secretary of State's Office. Our investigator made contact with Ms. Schooley. She said that everything had just blown over, she didn't wish to pursue any complaint, and there wasn't a problem. So we recommend that this case be closed."

**Chairperson Handel** - "All right. Do I have a motion?"

**Mr. Worley** - "I make a motion to close the case."

**Mr. Israel** - "Second."

**Chairperson Handel** - "I have a motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. The next case is 2008-000014. Randolph County."

**Ms. LaGrua** - "Yes, ma'am. This complaint actually came in through our Elections Division. The respondent is Sandra Thompson, the Election Supervisor, James Hoover, the Chief Registrar, and Mary Lois Murphy, the former Chief Registrar. The allegations that initially came in were that the DRE machines were not timely delivered to the registrar. Further, that the proper notice was not posted for logic and accuracy testing. That Lois Murphy did not make proper markings on the rejected absentee ballot, indicating the reason for the rejection. James Hoover failed to sign the absentee ballot applications and failed to send letters telling three electors why their applications had been rejected. The findings were that as of January 18th of 2008, the DREs had not been delivered to the registrar's office. Sandra Thompson, who was the Election Supervisor emailed Lois Murphy, who is the former chief registrar that came to pick up the DREs that day. On the 18th, Ms. Murphy quit. After the Secretary of State's Office got involved, the County Attorney actually went and picked up the DRE machines and delivered them. Sandra Thompson posted the LNA testing notice on the day of testing instead of five days prior. Lois Murphy did not sign and note the reason for rejecting three applications. She did, however, send letters to those three electors telling them that their applications had been rejected, and why. And James Hoover failed to sign the ballot application, and failed to mail the rejection letters to three electors. At this time, it's recommended that a consent order and fine, or that this be referred to the AG's office for consent order and fine as to Ms. Murphy. Further consent order, fine, and close monitoring should be issued for Sandra Thompson and James Hoover. The reason for the difference is that Ms. Murphy is no longer there. Ms. Thompson and Mr. Hoover are, which is why I address them slightly differently."

**Chairperson Handel** - "All right. You're back."

**Mr. Coleman** - "I know. I want to pick the Board for always having my clients last on the list. Do you remember Dawson, last year?"

**Chairperson Handel** - "No. If anything, because you're always here you should get some kind of credit to move up in the line."

**Mr. Coleman** - "Everything's so fascinating, I just can't stand it. I represent Randolph County, and would like to enter into

the consent order as recommended. I represent, of course, the officials in their official capacity. Ms. Murphy is here, I'll comment on her infractions, but I have not spoken with her about it. There were a great deal of extenuating circumstances with this, and I hope the Board will understand. This all had to do with the run-off to the February 5th Presidential Preference Primary. September 21st, Ms. Thompson was badly burned in a grease fire in her home. 2007. She spent three months in the burn unit in Augusta. She came back to the County and reported to work partially, under some additional medication December the 11th. By that time things were fairly balled up, and they were pretty far behind the time. I don't want to diminish the fact, or try to gloss over the fact that it's pretty clear, even before she became injured, and I guess it's probably clear from this that she and Ms. Murphy didn't exactly get along. They were two strong women, and they had a conflict, no doubt about it. The practice had been, in Randolph County, that the registrar where the absentee voters were, came and signed for the DRA machine and it went to their office, which was right next door. So she expected Ms. Murphy, also signed for the machine. Fortunately, the machine was in the old courthouse and they had moved, and while Ms. Murphy's office and Ms. Thompson's office were no farther from here to the elevator, they couldn't seem to find a way to do it. Ms. Murphy, very frankly, could not physically move everything at that time. She was certainly already bandaged up, skin grafts, that kind of thing. She actually sends her regret, she has another appointment with the burn center tomorrow in Augusta. She is there, however, she did, in fact, deliver the machine. There was no doubt it was late. You might consider charging them with 384, rather than this code section. It is true that Mr. Simmons and I, who were there, went over. Ms. Murphy got in the car with us, we went to the old courthouse, picked up the machine, which was quite heavy, I might add, for a little skinny guy. Took them over and put them in the office. She was there, so she, in fact, did deliver them. They were quite late, though. So 384 may be better, I think, you could charge. Now with regard to the next count, which was a failure to advertise and is, in fact, correct. Once again, she has not had the opportunity because of this debilitating injury, to get all the materials in time. In fact, they both came earlier in December, and couldn't do the testing because of that. They rescheduled it. She miscalculated, they have a weekly newspaper, as you might expect in a small county. Turns out that, you'll recall that Christmas was on -- excuse me -- first of the year was on a Tuesday. She had planned to take it the next day going to work. But she got there, being unfamiliar with the headlines on the newspaper,

couldn't get it in the newspaper. And so, she did the next best thing that was going to be done on the 10th of January. The election was on the 5th of February, so she went ahead and did the best she could. She's aware of the rules, and just falls under the sword of that particular matter. She made a mistake, but with regard to Ms. Murphy, I would point out, as the Inspector General did, that she did, in fact, attach the letter to each one -- the absentee ballots. Even though she didn't sign them, they were certainly a documentation with a technical violation. And then the last matter, Ms. Murphy resigned, not the 18th, but the 19th, which was the Friday before the Martin Luther King holiday, so nobody really could deal with that until the 22nd. Mr. Hoover came in and tried to fill in the best he could. He was on the Board, but had no training at all. This refers to -- small amount of training, he had no training. He came in, but he wasn't appointed until the 28th. And so, he really had no idea of what to do, and was kind of the deer in the headlights, if you will, with regard to this matter. He did not sign any of these absentee ballots or rejections. I would point out, though, that one of them -- two of them were submitted on the 31st of January, after, in fact, he was the registrar. One of them was in January, and before he became the registrar I can hardly see how he could be responsible for that one. That was on -- if you look on the evidence, Mr. J.D. Roberts, he submitted his application on 1/16/08. It was received by them on 1/24/08, so that was before Mr. Hoover was the registrar. So it seems to me that it should be charged to Ms. Murphy's account, if you will. But we will be happy to sign a consent order with the Attorney General at the appropriate time. Any questions?"

**Chairperson Handel** - "With Ms. Murphy's departure, do you have - I'm not going to ask if you have a chief registrar in place, I'm going to ask you if you have a qualified chief registrar? I'm going to ask my former commission colleague, here."

**Chairman Simmons** - "Madam Secretary, I think we're going to have a superior chief registrar. He is being trained very diligently, and they're getting him the help and support in that office."

**Chairperson Handel** - "I know, but November is fast approaching."

**Chairman Simmons** - "They're diligently working on it."

**Chairperson Handel** - "And how about Ms. Thompson, with her injuries and everything, is she in a place -- I mean, the next

40-some-odd days is going to be extremely intense. Do you have her -- do you have enough resources for her to be able to do what she needs to do?"

**Chairman Simmons** - "We think so."

**Chairperson Handel** - "No. That doesn't make me all warm and fuzzy, now, Chairman Simmons."

**Chairman Simmons** - "Madam Secretary, we have questioned the investigation, and we have special --."

**Chairperson Handel** - "I know."

**Chairman Simmons** - "And I kept looking for assistance from the Secretary of State's Office."

**Chairperson Handel** - "That's different from this. This is whether or not you have qualified people, and enough people, resources in place to deal with the busy time that's upon you."

**Chairman Simmons** - "I apologize, Madam Secretary. Anyway, yes, we do. We think we have the resources in place."

**Mr. Coleman** - "Both, Mr. Hoover and Ms. Thompson, probably will be available to sit on every opportunity to train."

**Chairperson Handel** - "All right. Do we have a motion?"

**Mr. Evans** - "So move."

**Chairperson Handel** - "Second. If I might also direct Inspector General LaGrua to also let's make sure we send our monitors down there and insure that we take a look between now and then so that if there's any issues now, we can coordinate with the county on those issues."

**Ms. LaGrua** - "And I'm sure hoping that I don't need to see y'all back here for November. Did you want to speak on this, sir?"

**Mr. Edward Johnson** - "Yes, I do."

**Chairperson Handel** - "Come on up before we take our vote, so we have this in. I didn't see you sitting there, sir. If you're here for a case, try to stand up and do this at me if I miss you, okay?"

**Mr. Johnson** - "My name is Edward Johnson. My home address is 1670 District Nine Road, Cuthbert, Georgia. In reference to this matter, ma'am, Mr. Jimmy Hoover. On the day that Ms. Murphy left and they handpicked him to be the chief registrar, they did have qualified peoples there. Also, on the basis of Mr. Hoover came in unbeknown to anything about this matter. He took the position, and in taking the position, my question is why would a prime registrar that has been before this Board numbers of time, and has resigned because she had been caught doing unscrupulous things, why would they get her to train Mr. Hoover?"

**Chairperson Handel** - "Well, as we just said, we're going to follow up on all of that."

**Mr. Johnson** - "Thank you."

**Chairperson Handel** - "Thank you very much for being here. All right."

**Chairman Simmons** - "This is not a rebuttal, distinguished members of the Board. In Randolph County it is the Judge of the Superior Court that handles the registrar. And just to familiarize this Board with that fact that they put preceding comments in their true --."

**Chairperson Handel** - "Yeah. Can we also, I want to make sure we follow up with that Judge to make sure he understands the importance of this. I have a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Oh, are we getting to the end? Next item is 2008-000019. Carroll County."

**Ms. LaGrua** - "Yes, ma'am. The complaint came from one of our monitors in the field on this. It was an allegation that voters were being intimidated when they left the polls. The respondent was John McCurdy, an exit poller and Jerry DeMarce, an exit poller. The investigator observed and heard some questions that she thought might be intimidating. It appeared, when we actually followed up with these voters to find out what they were asked, they were asked three questions that did not appear to amount to intimidation. One was, did they have any problems with DRE machines, did the name they chose show up on the

screen, and if the voter did not mind answering, who did they vote for. So it's our recommendation that this case be closed."

**Chairperson Handel** - "All right. Is there a motion?"

**Mr. Worley** - "Yes."

**Chairperson Handel** - "So move? All right. Second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All righty."

**Mr. Jerry DeMarce** - "Madam Secretary."

**Chairperson Handel** - "Oh, I'm sorry. Come on up."

**Mr. DeMarce** - "I have no comment, other than to make a point of inquiry."

**Chairperson Handel** - "Okay."

**Mr. DeMarce** - "I would --."

**Chairperson Handel** - "Sir? Sir?"

**Mr. DeMarce** - "Excuse me."

**Chairperson Handel** - "If I can get you to come up and state your name. Two minutes."

**Mr. DeMarce** - "I can't take that long. My name is Jerry DeMarce. I make my home in Carroll County, and I receive mail at Post Office Box 2411. I was named as a respondent in this matter. When I received the letter from Ms. LaGrua's office, I pulled out -- well, actually, I went to the Internet first. And then, I pulled out my copy of Black's Dictionary to determine exactly what a respondent was. And according to what I was able to discern, a respondent is a party against which a formal complaint or petition has been filed. I addressed a letter by facsimile to Ms. LaGrua's office asking her for pertinent information which actually included the names of the complaint filor, or filers, and the nature of the complaint. By way of reply, I received a copy of the investigation divisions summary of investigation wherein it would seem as though the determination of our quote, unquote, intimidation was entirely

subjective in nature, and could be attributed to most any activity that we could have undertaken to an order -- to enable ourselves to gather the information that we sought in a legitimate exit poll. And I wonder if, in fact, some other agenda is not at work here. That's my comment. Thank you."

**Chairperson Handel** - "All right. All in favor? Oh, did we vote? We voted on that. Thank you. All right. Thank you. Next item is 2008-00025. DeKalb County."

**Ms. LaGrua** - "Yes, ma'am. This case, we had two complainants. The respondents area two, a poll manager and a poll worker. Catherine Daniel, the poll manager, and Ms. Sonya Kirkland, the poll worker. The first allegation is the two -- the poll manager and the poll worker did not know how to assist a blind voter. The second allegation was that Mr. McKenzie should have been not allowed to vote in a precinct, and was not. As to the first allegation, that was substantiated, and in fact, what we found was that Catherine Daniel and Sonya Kirkland were provided training, but apparently didn't know the mechanics of assisting a blind person. And while that person was able to vote, they couldn't vote on the voting with assistance machine. They did an access card while the poll workers went to try and figure out how to do the voting with a disability issue. The voter, with the assistance of someone else, went and voted on the regular machine. And I think the actual violation is not correct. I think it's going to be the violation where they did not record that someone assisted when they should have. But the bottom line is that I would recommend that those two -- that that case be forwarded to the Attorney General's office for a consent order and mandated training if they still work for DeKalb County. As for the second allegation, Mr. McKenzie did not make a timely address change to his new precinct, and was directed to his old. So there's nothing to substantiate that allegation."

**Ms. Maxie Daniels** - "My name is Maxie Daniels, and I'm the assistant director of DeKalb County Elections. My address is 4380 Memorial Drive. Ms. Daniel is no longer -- the two people are no longer employed as poll officials for DeKalb County, and that's all."

**Chairperson Handel** - "When y'all did your poll worker training, did you make sure that you addressed this issue with your particular poll manager?"

**Ms. Daniels** - "Yes, we did. We also reviewed our support information, and we kept them for Election Day to make sure it's

covered. And I think the investigator found that it was fully covered."

**Chairperson Handel** - "Okay. Colleagues, in light of the fact that neither individual are poll workers anymore, perhaps some sort of a letter to DeKalb would be more in line."

**Mr. Worley** - "I make a motion that we send a letter to DeKalb County informing them of the situation. We understand that they have received training on the issue, and that we dismiss the other allegation."

**Mr. Israel** - "Second."

**Chairperson Handel** - "We have a second. Any questions or comments on this? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Case 2008-000035. Paulding County. And before we go into it, Mr. Worley, has something."

**Mr. Worley** - "Madam Secretary, I was contacted by the attorney for Mr. Seabolt yesterday. He was going to be out of the State today, and not able to be here. He had said that he had attempted to reach the Secretary of State's Office, but he no one could back to him so he called me."

**Ms. LaGrua** - "I did receive a phone call, and returned it and left a message, and had not heard back from him."

**Mr. Worley** - "He said he's going to be traveling tomorrow."

**Ms. LaGrua** - "This is the first time on."

**Mr. Worley** - "Yeah. And so, I move that we continue it."

**Chairperson Handel** - "Second. You realize that we can't -- just for you all, I know that -- I'm assuming everybody's here from Paulding."

**Unidentified Speaker** - "Yes Madam Chairman. We were not notified at any time, until now, that --."

**Chairperson Handel** - "Neither was I. I found out, just now. Just like you, I found out just a few hours ago. I know,

unfortunately, sometimes that's happened, but we do have a (inaudible) on the body that we do allow one continuance, if asked. So what I would like to have done, Ms. LaGrua, is when there are attorneys involved in this case, be sure to communicate with them in writing, up front, that it will be -- well, I appreciate that they let David know and they left a message. They could have told you what the reason was, and then we could have notified people. So, make sure you kind of clarify that with folks."

**Mr. Worley** - "And I'll make sure to let you know."

**Chairperson Handel** - "Because I hate that y'all are here, and now you still don't know. But look how much information you got. It was informative, wasn't it?"

**Unidentified Speaker** - "It was a training session in itself."

**Unidentified Speaker** - "If I may, if I could ask just the name of the attorney?"

**Ms. LaGrua** - "I believe it was Mr. Jablonski."

**Chairperson Handel** - "Mike Jablonski."

**Unidentified Speaker** - "Thank you."

**Chairperson Handel** - "We have more to come. The second half of the meeting is riveting, I can assure you. We have a motion and a second to continue. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "All right. Let the record show that Mr. Evans stepped out for a moment. I really am sorry, folks. Let's see. Next item. 2008-000059. Talbot County."

**Ms. LaGrua** - "Yes, ma'am. There were a number of complainants. Essentially, it was alleged that Ms. Buchanan, a County Commission Candidate's name appeared on a ballot out of her precinct. Secondly, the Sheriff did not resign it was from his office once he qualified for another office. And the third allegation, the absentee ballots that were obtained from the registrar and distributed. First of all, the ballots were checked. They were accurate, and once Ms. Buchanan was shown the accuracy of the ballot, she withdrew her complaint. The Sheriff, by law, was not required to resign from his office in

this election because of the concurrency of the ending term and the office in which he was running. The allegation regarding the absentee ballots was based on hearsay with no specifics. We tried to follow up, there was not enough information. I recommend that the case be closed."

**Chairperson Handel** - "Anyone here for this case? All right. Do I have a motion?"

**Mr. Evans** - "So move."

**Mr. Worley** - "Second."

**Chairperson Handel** - "I have a motion and a second. Any other comments? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Next is case 2008-000061. Fulton County."

**Ms. LaGrua** - "Yes. This actually involves a private business. Frank Whittaker is here on behalf of the respondents -- at least one of the respondents. The complainant was Alice Buckner. Ms. Buckner worked for a company called Zep Sales and Services. She complained that her company discouraged and kept her from taking time off to vote. What we found was that, while Ms. Buckner indicated she was given a hard time, in fact, Zep has told all their employees that they should vote on their way to work, they should call in if they're going to be late because they haven't had enough time, and that they should bring their voter sticker with them just so that the company ascertains that, in fact, that's where they were when they weren't at work during that time. Based on this complaint, they have actually implemented even more specific voting time policies. Based on all of that, it's recommended that this case be closed. I know, as I say, Mr. Whittaker, and at least one of the respondents is here."

**Chairperson Handel** - "Is Ms. Buckner here? Did you want to say anything? I think the Board, maybe, would like to know what your additional specific voting time policy is."

**Mr. Whittaker** - "This is purely an effort to communicate to all of our managers --."

**Chairperson Handel** - "Would you come up and tell us your name for the record? And the two of you, do you work for the company?"

**Unidentified Speaker** - "Yes."

**Mr. Whittaker** - "They do. My name is Frank Whittaker, and I am the general counsel and secretary for Zep. We really wanted to make ourselves available to answer questions like this. We appreciate the opportunity. The answer is, we take the voting rights of our employees very seriously, and while we have had a longstanding policy to be in full compliance with the law, all we're doing is reaching out to managers and making sure that they understand the rules that's just been specified so that there can be no confusion. And in this case, we think there wasn't. We agree with the summary of investigation, and hope that the finding be to close the matter."

**Mr. Evans** - "I'm just curious, what is the statutory basis for our jurisdiction?"

**Ms. LaGrua** - "Candidly, Mr. Evans, I didn't look when I realized we didn't think we had a violation. When we heard that someone was denied the right to vote, based on the allegation, we went out to investigate with the situation was. I don't think we ever got to looking for the specific violations."

**Mr. Evans** - "You know, I think this has actually been addressed before. I don't think we have jurisdiction. I think the remedy is, believe it or not, actually it's a federal -- it's a voting right sanction."

**Mr. Ritter** - "Yeah. I don't remember it, specifically coming up, but I know that that's the correct remedy."

**Mr. Evans** - "Yeah. And so, the only reason I raise it is because it would be inappropriate to close the file, when in fact, we don't have final jurisdiction."

**Chairperson Handel** - "Can we just be sure the record shows that there is no jurisdiction, and we appreciate that you have beefed up your policy, and allow your employees to get out and vote, and make sure they know about all their options to vote."

**Mr. Whittaker** - "Wonderful. Thank you."

**Chairperson Handel** - "All righty. Next item, I think is, Calandara's up. Fannin County, which is SEB 2006-000027."

**Ms. Almond** - "The respondent in this matter is Lena Early, who is a board member of the Fannin County Board of Registration and Elections. The case involves conduct that she engaged in during the December 2006 General Election Run-off in Fannin County. She was deferred to the AG's office for improprieties of absentee balloting, improperly assisting voters, and taking possession of their ballots in violation of O.C.G.A. 21-2-385, and 21-2-574. She has admitted to assisting at least 12 voters with their ballots, and mailing at least nine of those ballots in violation with code. Her attorney couldn't be here today, but she has signed off on a consent order agreeing to a \$1200 fine consistent with the Board's Policy of \$100 per ballot fine. She's also agreed to a cease and desist order, public reprimand, and she also, in anticipation of coming before the Board, she's already taken the Georgia Election Official Certification course earlier this year."

**Chairperson Handel** - "All right. We have that consent order in our package, folks."

**Mr. Evans** - "I move that we accept."

**Chairperson Handel** - "Second. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Next item is 2007, number nine. City of Byromville."

**Ms. Almond** - "The respondent in this matter is Shantinika Felton, who is the former City Clerk/Absentee Ballot Clerk for the City of Byromville. The conduct occurred during the March 20th, 2007 Special Election. What happened was that a voter came to her officer, properly requested an absentee ballot, but she told the voter that she couldn't give the voter a ballot, and that she would have to mail it. The voter stated he would be out of town when the ballot would be mailed, so he didn't get his ballot. He -- the Board considered this at the September, 2007 meeting and indicating that we would accept a cease and desist and a reprimand. At that time, she signed off on a consent order."

**Chairperson Handel** - "All right. Questions on this? I move that we accept the consent order."

**Mr. Evans** - "Second."

**Chairperson Handel** - "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? Can we, before we go on, when we have additional -- when we have cases come before us that involve the same jurisdiction and the exact same individuals, is there a way for you and Shawn to coordinate so we can have the benefit of that. Because with this Byromville, here, I thought, okay. I'm seeing you're still here. Okay. All right. Next item is Cherokee County, 2008-000021."

**Ms. Almond** - "This involves in Christopher Knittel. He was here, before, but he had to work. He had to leave, couldn't stay. He was accused during the February 5th, 2008 Presidential Preference Primary, attempting to vote twice. He first voted on January 28th, 2008 during the advance voting period, and then he was alleged to have voted again, later on that week. He's explained that he thought it was -- he was voting in a straw poll on January 28, 2008, and he thought that he was voting in the actual primary on the second occasion on February 1st. There was a question during the last Board Meeting if whether he actually had reason to know that he was, you know, voting in the straw poll the first time. Someone raised that he might have gone to the local media for the Republican Party, and if he had gone to that he should have known that it was a straw poll, and not actual voting. I talked with him, and he did not go to that meeting. He got notice of the straw poll through email, so he never attended that meeting. He showed up at the library thinking it was the straw poll, and it wasn't. I haven't -- there's no evidence in the file to rebut his explanation. He's a young voter, he's only voted once or twice, so his explanation is quite plausible. So I'd recommend that the case either be closed, or a letter of instruction."

**Chairperson Handel** - "Okay. Colleagues?"

**Mr. Worley** - "I recall this young man, as you say, and I think he just didn't understand much about the voting process. I didn't see any intent on his part to violate the law. So I would move to close the case."

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second. Any questions? All right."

**Mr. Evans** - "Yes. I just can't -- it's hard. The difficulty I had here is if you walk into a straw poll, they don't ask you for your ID, they don't bring your name up on express poll, they don't write your name down on the voter reg list. I mean, there's something here that, you know, because of the similarities. Once I recognized the Attorney General's difficulty, which is you have to prove scienter, which means you have to show that his explanation was implausible beyond a reasonable doubt. That would be pretty tough to do. Given that, what I'd recommend, just to make sure he understands the significance, is I would say we send a letter of instruction that says, okay, you know. Fine, here, we should never see you again. Because if this -- this kind of thing ever happens again -- I don't know that I'd let him off just scott-free. It's too hard for me to believe that, you know, he's an honest guy."

**Mr. Worley** - "Well, I understand what you're saying, but honestly, I just believe him. I just think he didn't know what he was doing, and he hasn't voted but maybe only once before. He's been away for three or four years in the Army, and hadn't voted. I'd be concerned that if we sent him a letter of instruction, it might discourage him from voting again. I mean, I just think it might be better to just close the case."

**Chairperson Handel** - "Well, certainly, we have to send him something to let him know that the case is closed. I think that there would be a way to sort of reiterate the importance of following the law, and do it in a way that it's not, at all, discouraging, but remind him that there are rules that have to be followed, and obviously, he can't vote twice. So as we do the closing letter, Mr. Evans, we can get to your point without, in any way, trampling on your concerns if that will work."

**Mr. Evans** - "All right."

**Chairperson Handel** "All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "One last thing. Calandra, would there be a way for us, again, between you and Shawn to go through over as we have fines that are levied and training that is ordered, and

things of that nature, so that we can have a grid that shows us Joe Blow was fined \$5 thousand, and he had to X,Y, and Z. And then, let us know what the status is of that individual is complying with it, because certainly, if we, as a body, if there hasn't been an agreement to some sort of a payment schedule on a fine, then the fine needs to be paid within a certain time period. And if they don't pay the fine, then we need to know about it so that we can determine if we want additional action, because it kind of -- if the fine never gets paid, then we lose our hammer. So can we get that from you?"

**Ms. LaGrua** - "Yes."

**Chairperson Handel** - "Great. If we can maybe get that -- what's today? End of September, could we get that maybe by the first Week of October, and I could distribute it around to everyone and we can kind of see where we are?"

**Ms. LaGrua** - "Yes. Sure."

**Chairperson Handel** - "Super. All right. Anything else?"

**Ms. Almond** - "And, Mr. Ritter will give the --."

**Mr. Ritter** - "Sure. Madam Chair, can I just briefly address you?"

**Chairperson Handel** - "Please, do."

**Mr. Ritter** - "Just to give you a very quick update on a couple of matters we have ongoing. I think our next Board Meeting will be one that you'll have a number of substantial items from the AG's office to look at, and I just wanted to give you a heads-up on that. Notably, the Board instructed the AG's office to try to proceed expeditiously as we could on the Fulton County matters, which are very serious violations by Fulton County. We believe we're very close to final stipulation of facts, and propose consent order for the Board. I don't want to go into the merits of that without Mr. Parks here. He was here for a while, but had to leave. I want you to know, and I want the Board Members to know that we are very close on that, and we're hopeful that we're going to be able to resolved that by the full consent of the parties in Fulton County, and we'll proceed. We do have, pending that case, right now, by the way, in front of the office of State of the Administrative Hearings, and the trial in that case was stay -- it would have been last week. So we expect the trial will be pretty quick if we don't get a

resolution on this. Also, next meeting, we will present to you for the third time, McIntosh County, which is a more complex case. One that Mr. Evans has reviewed several times, and you will be seeing voluminous transcript materials. This is one you previously requested that we present it in entirely new order from the one that was originally written by the ALJ, and we will do that at the next meeting. I also hope to address the Jefferson County case, which is a long, pooled outstanding case which should have been resolved by prior counsel that's left the AG's office. Thank you very much."

**Chairperson Handel** - "Would there be a possibility, once we have the date set for this, there's a lot for -- that particularly, those older cases...."

**Mr. Ritter** - "Yes."

**Chairperson Handel** - "...for us to get through. So if we can get packets at the earliest possible date, with the proposed consent order, that way we'll have time to do all of our due diligence, and that'll help you as we get into the course of the meeting."

**Mr. Ritter** "Yes. And with your agreement, Madam Chair, what I will do is I will send out packets of materials, which will be voluminous on these cases for your review, and this will be in advance of the meeting."

**Chairperson Handel** - "You want me to agree to review it?"

**Mr. Ritter** - "I just want to let you know that we're going to do that."

**Chairperson Handel** - "No, no. I am just kidding."

**Mr. Worley** - "Madam Secretary, would it make any sense to have a special meeting to deal this?"

**Chairperson Handel** - "We might need to."

**Mr. Ritter** - "I think it's premature to do that now, but I think that's not off the table."

**Chairperson Handel** - "And definitely, I'll consider that because sometimes we need to get more on that, and I don't want to shortchange those really important -- other important matters, as well."

**Mr. Worley** - "And if I could ask Mr. Ritter a question?"

**Mr. Ritter** - "Sure."

**Mr. Worley** - "In our packet, we have an Attorney General update, a spreadsheet of cases. Are those all of the pending cases?"

**Ms Almond** - "Yeah. Those are pending cases."

**Mr. Ritter** - "Yes, they are."

**Mr. Worley** - "Okay. I would just note that it's well to think we observe the smaller --."

**Chairperson Handel** - "Oh, no. See, I'm freaking out that it's three pages. I mean, I get very concerned that, I mean, again, if we try to work with an individual for a certain period of time, and certainly six months is more than enough, and if they can't agree, and if we can't get an agreement on a consent order, this body needs to know because sometimes, as you well know, all the lawyers here, stall, is quite capacitive. I think we've seen that in some cases."

**Mr. Ritter** - "Right. And we have tried to bring the list down. Thank you."

**Chairperson Handel** - "All right. Very quickly. Anything legislatively?"

**Mr. Ritter** - "Not really."

**Chairperson Handel** - "Okay. Excellent. All right. Who's doing Photo ID? Matt Carrothers?"

**Mr. Matt Carrothers** - "Chairman Handel, member so the Board, my name is Matt Carrothers, Director of Media Relations for the Secretary of State's Office. On the first slide, here, you can see the number of voter identification cards that have been issued both, this calendar year, as of August 31st, and which is 6,596. And then the total is 13 thousand and 7 since the program began, and that number does not include the number of free identification cards, which are issued by the Department of Driver Services. The next slide, this is a recap of provisional ballots cast in the July 15th General Primary and for the August 5 Run-off. Just in a nutshell, here, you can see that there were 378 provisional ballots cast by people who did not bring

photo ID, and 200 people who chose to return, which is a 53 percent return rate. And the Secretary of State's Office did mail letters to 132 voters who cast a provisional ballot and could not return to have their vote counted. The next slide details our activities prior to the September 16th Special Election. There was 19 counties that held elections on September 16th, and we identified the voters through the usual match process that may not have a state-issued ID. They were all mailed a letter, a brochure, and a postcard. And then, those were the voters who registered between the, basically before the deadline for the General Primary and the deadline for the Special Election. And then, for all the voters that came up on the match, 60 thousand, they were mailed a postcard. And of course, we will conduct a similar -- same process prior to the November 4th General Election for direct mail. The next slide shows our activities for the September 16th Special Election and the November 4th General Election regarding our outreach to nine governmental organizations. On August 28th we mailed letters to 7,608 religious organizations, libraries and Chambers asking them to partner with us to spread the word about photo ID. To date, and as you can see, 142 organizations have responded and we sent out a lot of information. 295 posters, 11 thousand 500 brochures, and nearly a thousand fliers. I also want to note that members of the public who represent in sales or other organizations also routinely drop in our office to obtain materials. This includes members of churches, community organizations, members of the legislature, nine governmental organizations such as League of Women Voters, and NAACP, just to name a few. Representatives of candidacy campaigns. The next slide shows just details, real quickly, our partnership that belongs to the Atlanta Falcons Organization to help promote photo ID, but also voter registration deadline and the early voting options. Over 5,700 public service announcements. By the time November 4th comes along, we'll place statewide on these three initiatives. We also have LED banners playing at the Georgia Dome during home football games. And those will run through the last home game on October 12th. The next slide shows some additional outreach efforts. Prior to the September 16th Special Election that will run all the way up to the November 4th, we've mailed over 550 thousand newsletter ads reminding people of the photo ID requirements. We've partnered with the Georgia Association of Broadcasters for Television PSA, 40 MARTA bus ads, and nearly 20 thousand radio PSAs statewide on clear channel stations. And the last two slides are summary of prior efforts to date. Through the September 16th Special Elections we've mailed over 4.2 million pieces of direct mail to voters and NGOs. Over 569, 570 packages of voter information.

83 thousand 500 automated phone calls, and the last slide there, purchased over 60 thousand radio PSAs. Received a donation or were purchased 1230 television PSAs, 400 MARTA bus ads, and over 550 thousand reminder inserts in Georgia Natural Gas newsletters. And of course, those numbers don't include what we'll be doing in the October. Any questions?"

**Chairperson Handel** - "Real quick, on -- I remembered, Mr. Evans, that I promised you would get an update on Chattooga, so before we do elections, Randy, let's -- I think we all want to hear where things are with Chattooga County."

**Ms. LaGrua** - "I can be very brief. On September 5th, Chattooga County Grand Jury was presented with a three-count felony indictment, and I have copies here, alleging election violations by State Court Judge Carlton Bines regarding the November 2006 Election in Chattooga County. That Grand Jury, after many -- the prosecutor in the case involving recusal of a judge that was overseeing the grand jury in representation of Mr. Bines, in that case, actually did return a (inaudible) on three counts of that indictment indicting Carlton Bines with false swearing, illegal possession of absentee ballots, and mishandling of absentee ballots. I don't know when the arraignment -- the arraignment has not yet been set, but I will keep this Board posted as we move forward, and I can try and address any questions that you might have. Though not being a prosecutor, I expect they would not like me to go too far in discussing this in another forum. But I did just want you to know what has happened."

**Mr. Evans** - "Is the investigation ongoing?"

**Ms. LaGrua** - "It is."

**Mr. Evans** - "But still, I'm interested in hearing what will happen to the owner of the postal meter, which is the facilitator of this fraud and this criminal behavior."

**Ms. LaGrua** - "Yes, sir."

**Chairperson Handel** - "And I do want to second that. This really did come as a result of what the partnership with folks from both, our office, but importantly, with the GBI and some of the local officials may have been -- simply just stepped back and got out of the way so that investigators could do their job. So thank you. This is a very egregious case, and so I'm glad that it's still being pursued. All right. Mr. Taylor."

**Mr. Wes Taylor** - "Thank you, Madam Chairperson, Board members. My name is Wes Taylor. I'm the Director of the Elections Division, as you know. I was going to give you an update, and my update is going to mainly be about Election Day readiness coming up for November. And as you all already know, we're looking -- early voting began September 22nd, and has begun in earnest. Many counties are reporting very brisk turnout, already, for early voting. And as you know, the registration deadline is coming up October 6th, which will be a very busy time for our office, and for the registrars around the state as people meet that deadline. And then, advance voting week is that Monday through Friday before the election. And I just wanted to address that, very quickly, in that advance voting week, now, is really more of the time when counties have decided when they're going to put additional offices and make them open for early voting, as well as extended hours that they make within the place. And they are doing that during advanced voting week. Some are even extending it out in addition to that Monday through Friday period."

**Chairperson Handel** - "For, leading up to the registration deadline and the crucial time after when I think, obviously, we can expect a pretty big rush of applications. What's been the direction to the counties on that?"

**Mr. Taylor** - "We've been talking about this for over a year, now. Talking about how everybody, and anybody who hasn't experienced a presidential election before is acutely aware that there is a large rush as that deadline comes in, and that we area going to expect a significant amount of applications, and that people need to have people assigned, people hired, people ready to process those as quickly as they possibly can. And as for most of the counties, they've already experienced this so they are gearing up and getting ready. Now what we've done, and to that end, actually, the Secretary of State and I have went around the State. We had 12 separate meetings in about eight different cities meeting with elected -- the elections officials -- the local election officials around the State, and our main topic and main focus was, what are you doing to get ready for the election? What are we seeing, what are the issues that we've already seen? What are the issues that we expect to see, and how do you get ready for that? And those really seem to go over very well. I think the elections officials appreciated our coming out to the counties and being out in the State, and holding these. This was the first time that this happened that I'm aware of at all, from the Secretary of State's Office. With

respect to the statewide Election Day technical support, we have contracted with Premier Election Solutions, Inc. to have the same technical support to back up the counties. We will have 24 tech stations around the State. We will have a help desk option. We will have people that are experienced with the equipment in the statewide voting system in order to assist counties if any issues arise in order to get that done as quickly, or addressed as quickly as we possibly can."

**Mr. Worley** - "If I could ask a question. Wes, how does that compare to -- the 24 techs, how does that compare with the last election?"

**Mr. Taylor** - "Actually, we've had the same -- and we did this on experience. We did it during the Presidential Preference Primary, we did it during the General Primary, and we're going to do it again for this election. So --."

**Mr. Worley** - "But how does that compare to the General Election a few years ago? Is it the same number of techs? Do you know if it's the same number of techs, or is it more?"

**Mr. Taylor** - "And, in fact, I'm not sure. I know that a lot of counties contract themselves to have techs available, and what we have done is we made a decision to supplement the techs that the counties have already hired on their behalf."

**Chairperson Handel** - "What I don't know, it's not clear to us that previously technical support, on top of what the counties have chose to supplement at the State level. We chose to do it because we recognized that --."

**Chairperson Handel** - "It's the next --."

**Chairperson Handel** - "Right. We could put folks out, so we just felt it was better to double up given where -- what we were talking about before."

**Mr. Taylor** - "And with respect to monitoring and support of the local election officials, again, Shawn's team will be out in the State, around the State, stationed around the State where her folks will be no greater than an hour away from any location, I believe, so that they are there, can help, and what we have found is that has been extremely beneficial to the counties, and to everyone else, on Election Day. So we are, again, going to use what has worked very well over this past year of elections. Additionally -- I'm sorry."

**Chairperson Handel** - "Can I add one thing in there that I don't see in the notes? We also did meet with the NAACP and Election Protection around reaching out to the so that if they hear of issues and sally, I would say the same for your organization, if on Election Day you hear of issues, we need to know about them as soon as possible, and we'll get you a specific point of contact because we don't want an issue to become a problem, and then surprise us. Because the sooner we know about it, the quicker we can get a monitor there, get the county elections office engaged so that we can fix whatever might be going on."

**Mr. Tailor** - "Additionally, we have spoken with the Obama campaign, with both the Democratic Party, the Republican Party, we have addressed issues that have been raised previously, and also, we are in communication with the League of Women Voters, so we have been reaching to organizations as well, in that regard. And also, we will continue with what we have done historically, well, since you came on board, Secretary Handel, and that is to have a conference call with all of the counties before Election Day to make sure that there are no last minute issues that are brewing out there. It's a time for everybody to have a chance to talk about things, for us to deal with issues that maybe we're seeing at the last minute, and to do that in a way that a number of people can get the same benefit -- the benefit in the same conference call -- phone call, so we are going to continue with that."

**Chairperson Handel** - "And what you don't know is I'm actually having a weekly call with -- Wes doesn't know I'm doing this, but a weekly call with about 15 of the election officials because they all talk amongst themselves, and so, they are my eyes and ears for the rest of the State because sometimes things might be happening that might not want the Secretary of State's Office to know, and so, then I can get it in a less threatening way from folks so we can make sure everybody's on the same page. So those calls are happening now through the election. We've already started those."

**Mr. Tailor** - "Also, I wanted to let you know about all of the different training opportunities that we've made available to the counties, and are continuing to make available in order to help spread the word of what needs to happen and what's going to happen coming up for the election. First, we are continuing with the online photo ID training module. I also wanted to let you know that this week we will go live with an online provisional voting training module for poll officers and

election officials, and that's exciting. It does have a test within the module, itself, so you will have to answer questions and it will tell you immediately, yes or no. And that will be made available here this week. The other thing I did actually go to the 55th Annual Institute for City and County Attorneys. I did talk with them about various elections issues that we expected to see coming up. There were about, I think, 281 attendees. I think it was fairly well received. We also have set up on a website that I'm going to talk about more later called election connection, a tab specifically for city and county attorneys, where the intention is we will put up general legal analyses, I guess is the best way to put it, or analyses that our office has of issues that we see where we can put that up for the city and county attorneys if they're asked about it by their local election officials. They'll have a good spot to go where they can get, at least, a first look at things, and then be able where they'll want to go after that when they're giving their thoughts. Also, we have completely revised, from top to bottom, the poll worker training manual. That went out to all the county officials on September 12th of this year, and actually, a week before that we made it available to the officials so that they could give us feedback to let us know that if they saw anything rather than us just telling them, you know, what they need to know. We did get folks' feedback on that training manual, and again, I think that has gotten very, very good feedback. And also, on the municipal election official training, for the first time that anybody can remember, and that includes Ann Hicks who's been with us for 30 years, we conducted municipal training in an election year. And the good part about that is we did have 17 attendees, and we thought that was very important to do before November, because there will be municipalities holding elections. And so, again, another thing that our office has initiated in order to provide as much information as possible. For Election Day, I just want to give you some stats of what we expect. There'll be close to three thousand precincts around the State of Georgia. There'll be more than 15 thousand poll workers, which we're aware, employed by the counties. Additional equipment purchases that we are aware of that the counties have purchased over 350 DRE units, just this year, alone. And more than 275 express poll units, just this year, alone, to get ready for the November election. That now brings up the total for the DREs to 26 thousand touch screen units, and 6740 express polls employed throughout the State."

**Mr. Worley** - "Wes, were those purchases by the Secretary of State's Office?"

**Mr. Tailor** - "No, sir. Those are purchases by the counties to supplement what they already have."

**Mr. Worley** - "One concern that I have is we have three thousand precincts, and we have 6748 express polls, and that seems to be a place for this to be a bottleneck and long lines. Is there any possibility of getting more of those, or encouraging the counties to get more?"

**Mr. Tailor** - "I think that's a great question, Mr. Worley. One of the things that we have done and one of the emphases that we placed in the regional meetings, as well as before, is for the counties to address how many of those express poll units they need in getting ready for the election. One of the other things that we actually, when we look behind the claims of bottlenecks at the express poll units, is what we're finding is before, in some elections, maybe the right people weren't stationed on the express poll units. And so, what we have done, repeatedly, over and over again, is to talk to the counties about the need to have the right people on those express polls. People that are technologically savvy, people that know how to put in three letters, and it pulls up the name fairly quickly, and it can move those lines extremely fast if you have the right people doing it. And one of the things that we have heard from all the counties is they are now placing emphasis on who do they assign to the express poll units. From what we have seen and what we have talked to from the counties, they believe that they do have the right number of express polls per precinct, but we have encouraged them if they had issues with lines and not getting people checked through, they need to make additional purchases to get that done."

**Mr. Worley** - "How much does the express polls cost?"

**Mr. Tailor** - "I think, off the top of my head, I think they're about \$3 thousand a piece. On the opposite side -- well, not the opposite side, on the other side of what we are doing, we haven't only just talked to the elections officials in getting ready for November. We've also reached out to the voters and to folks that are assisting voters throughout this process. In the first instance, we have done a number of things to reach out to young adults across our State. First, we initiated a program that in all respects, and a lot of effort and time went in by interns in our office, and young folks in our office put together packs that went out to high schools, and were distributed to the high schools. They were very well received."

In fact, I think we sent out 560 -- or got these packs out to 560 public and private schools around the State. 340 of them actually ordered these kits, and we continue to have schools that are ordering additional kits. We had 170 of the schools that we worked with return about 10 thousand voter registration applications directly to our office, and about the same number returning them directly to the registrars in their county. So that program was extremely well received in the schools around the State. Also, we went live with a new website, which -- sound like a guy using a term I shouldn't, but is pretty cool, and it's called I-vote. And again, this is a website that was driven much by the interns that we had working in our office so that it actually speaks in a language that folks today and younger folks than myself, can understand and can follow. So that, again, has been extremely well received. It talks about how to host a registration drive, what you need to do, how to get involved in Georgia elections, and also, a PSA went out to the high schools that they can use that, again, feature some of our interns. With respect to military and overseas outreach, we have done much in this regard. We have been working with General Nesbitt (phonetic) to get information out to Georgia's military folks, including the National Guard, to reach out to bases and voting assistance officers around the State in order to make sure that our military personnel understand the process, and we can make it as easy as possible on them, as you are aware, this past legislative session instituted the ability for service members to email back their application for an absentee ballot, which we hope will make it much easier on them. Additionally, we have revamped the Georgia military and overseas voters guide. That is available. We have made a new website, went in our website that's much easier to follow, much easier to understand for folks that are in the military or overseas, and they come to our website for information before it was, unfortunately, a little more hidden, but now it is fairly prominent so that it's easy to get to. That website includes new brochures, new guides, that kind of literature."

**Mr. Worley** - "Wes, I know you made a lot of changes to the website, and I certainly compliment you on that, and you and the Secretary have a lot of real good things on there. I was wondering, maybe it's been changed, but as I recall the last time that I looked at the absentee voting section, I didn't notice that there was much focus on advance, and I think in-person -- is that something, now that that's started, is that something you intend to update --."

**Mr. Tailor** - "And, in fact, we did, well, yesterday. We put up a brand new section, and there is a section that says -- that talks about advance voting right on the first page of the Elections Division website, right under the first line, if you click on it, it then talks about early advanced voting by mail. It tells you, you know, to look at your poll locator, how to register, how to get the application. It's -- again, we did place a lot of emphasis on that as well. Yes, sir. And the last thing I just wanted to mention on the military and overseas, we have worked very closely with, and extensively, with overseas vote foundation and both have been putting a lot of emphasis on outreach to overseas military voters to make it as easy as possible for them. And lastly, with the designated agency outreach, as you know, this includes the HR, Department of Labor, libraries, those kinds of agencies. Again, we have done a lot of personal touch outreach with phone calls, with emails, and getting those officials and those folks as much information as they can through that -- I'm sorry, the tab on our webpage, now folks in these agencies can directly order supplies. There's training materials on there to look at. It is an excellent resource, and really, one of the only of its kind in the Country, that I'm aware of, where these agencies have a direct source to get, not only information, but also whatever supplies they need."

**Mr. Worley** - "Do you get a sense that those agencies are registering online?"

**Mr. Tailor** - "Yes. Actually, we get the sense that they are -- I don't know that that's a lot more than -- we do have a way to categorize who those applications come in from. So, yes, we do know if they're coming in from DHR or DOL. Yes, sir. But that -- the number of registrants that they are isn't, say, out of line with any past experience. It's right in line, but what we are finding is they're -- we're trying to make it easy so that folks all the way down the line can get the information that they need to know what they're supposed to be doing with respect to registering voters. And we're finding that through this mechanism, it is making it much easier for folks to get information than they ever have before. And also, even though this isn't a designated agency, you'll recall there was a case that came before the board dealing with nursing home and assisted living facility, and assisting voters and their absentee ballots. We have reached out, proactively. We actually have, again, a dedicated tab for nursing home agency -- nursing home administrators, and assisted living facilities. We have met with the Georgia Board of Nursing Home administrators,

and we've made our material available to them. We've also met with the Georgia Nursing Home Association, and they put out an announcement to 330 of their members talking about the information that we have available, letting them know where to go, letting them know where to get it. And that would include the new absentee voter guide, which you're aware, I think, that we have and is on our website as well. And lastly, I'm sorry -- almost lastly. The -- I just want to run down some statistics that you may be interested in. Voter registration, from January 1st -- if you look at this year, it really isn't -- it's right in line with where we should expect to see. In 2004, the end of August, there were 282 thousand new applications that had come in. This year, it was 303 thousand new applications that have come through the office. We have seen, which I think is excellent, we have seen a large number of change of address forms, so folks are updating where they actually reside so they are voting in the correct place. And I think that's a very good thing. But with respect to new applications, we are right in line, percentage-wise, with where this was in 2004."

**Mr. Worley** - "Now you say that have come through the office. Through the Secretary of State's Office."

**Mr. Tailor** - "No, sir. This is the ones that are actually registered into the system. This is the number that have actually been registered. Also, I wanted to let you know that even though it's only a few days time period, early voting, we do know there have been almost 39 thousand votes cast already, and that the number of ballots sent by mail is about 50 thousand. And that incorporates, of course, the number that have been entered into the system at this time."

**Mr. Worley** - "When you say ballots, are those the ballots that have been mailed out by the counties, but not --."

**Mr. Tailor** - "Correct. They're not ballots that anybody has received back because they only went out a little bit ago."

**Chairperson Handel** - "If I could make one point, and we're going to be looking at these numbers every single day because, as many of you have heard me say, one of our goals is to get 25 percent of folks to choose to vote in one of these early ways to help -- to ease Election Day, and to let the counties be able to manage that flow better than having all potential four million folks show up on one day in 12 hours."

**Mr. Worley** - "Just a thought about the registration issue."

**Mr. Tailor** - "Yes, sir."

**Mr. Worley** - "These are people who applied to vote and been accepted. Can you keep track of people who applied and were rejected?"

**Mr. Tailor** - "There isn't a way that it's actually labeled in the system. That's done by the counties, and they have the -- I don't think that's actually tracked in a report format or in a format, as to the number that applied and were rejected."

**Chairperson Handel** - "You mean from a central standpoint?"

**Mr. Tailor** - "Yes, ma'am."

**Chairperson Handel** - "But the counties should have that."

**Mr. Evans** - "They don't report it to you which people have been rejected?"

**Mr. Tailor** - "Not that I'm aware of. No, sir."

**Mr. Worley** - "I'm also curious, is there -- do you know how the county -- what mechanism they will use?"

**Mr. Tailor** - "I don't off the top of my head. I can certainly find that out for you."

**Chairperson Handel** - "When you find out, will you let everybody know?"

**Mr. Tailor** - "Sure. And then, I did want to give you an update on the out-of-state plan. Since the last time we spoke, the final addition of the plan was submitted to the EAC. The EAC has reviewed the plan and submitted it. We do expect it to be published to the federal register, and then the next step is really certification of our eligibility to receive the funds. And we would expect all of that to occur before the end of year. If there are no further questions, I will yield."

**Mr. Evans** - "And I'll share with you just data we're seeing. I think we'll see 800 thousand voters cast before the election. We'll probably see another 200 thousand cast in absentees. So based on the numbers we're seeing, we're looking about a million votes before Election Day, which the average person is off the scale. So those are big numbers. I'm like the Secretary, which

is I hope those -- and actually, I'd love to see the number about a million-two, or a million-four, just because it's -- I think realistically we're going to easily hit those targets."

**Mr. Taylor** - "And I should add, by the way, that we have talked with the counties about that projection, and about those kind of expectation so that they are prepared for that come advance vote week, and with their absentee ballots they're receiving."

**Mr. Evans** - "Well, just divide the number of locations we have for advanced voting, you know, into the 800 thousand, and you can see the pressure point is pretty --."

**Chairperson Handel** - "One of the things when we had the regional meetings that we particularly, the really large counties, I'll use Fulton County as an example. They have very wisely gone beyond -- they used to just have the three advance voting sites, and they're going to have six or eight of them for November, which is -- they're going to need every one of them. And Cobb, same thing. All the large counties have gone to many more than what they have had in the past. So -- and that's obviously reflected in the number of additional poll workers that have been brought in. So when we talk specifically, as Wes mentioned, about poll workers on the check-in terminals, and candidly, there was a little bit of angst at the beginning with County elections officials around, maybe they had one of their long-time poll worker on express poll because the person liked it, and it was a great way to interact with, sadly, who they hadn't seen in -- since February, but yet they were --."

**Mr. Worley** - "(Inaudible)."

**Chairperson Handel** - "So, no -- but Suzie. But since February, and maybe they weren't the right person to be on express poll, and some of the election officials were, oh, I don't know if we can make the change, and we just told them point-blank that they would be far better served to have one long-time poll worker upset with them, they can always send them some cookies tomorrow, than to have thousands of voters upset with them because they had a person who was not particularly functioning well at the check-in terminals. And we're going to be monitoring all these advance sites to watch that as well."

**Mr. Evans** - "And when you look at data, we're expecting the week before the election, every registered voter will receive 4.8 calls -- 4.8 calls telling them to go to the polls. And you may say to yourself, well, where's the .8? The .8 is when you hang

up after you've gotten the four and before they finish the fifth.

**Chairperson Handel** - "All right. Do we have anything else? Any other items? All righty. Jeff, do you have a motion to adjourn?"

**Mr. Israel** - "I move this ends the meeting."

**Chairperson Handel** - "All right. Mr. Israel is taking us home. So I'd like to thank everybody."

(Whereupon, the meeting adjourned at 4:50 p.m.)

**VERBATIM MINUTES  
STATE ELECTION BOARD MEETING  
2 Martin Luther King Jr. Drive SE  
Suite 512 West Tower  
Atlanta, Georgia 30334  
Thursday, February 14, 2008  
10:00 a.m.**

(Whereupon, the meeting started at 10:03 a.m.)

**Chairperson Handel** - "Good morning, everyone. This is the State Election Board Meeting, and we will start with roll call."

**Chairperson Handel** - "Randy Evans."

**Mr. Randy Evans** - "Here."

**Chairperson Handel** - "David Worley."

**Mr. David Worley** - "Here."

**Chairperson Handel** - "Of course, I'm here. Tex McIver."

**Mr. Tex McIver** - "Here."

**Chairperson Handel** - "Jeff Israel."

**Mr. Israel** - "Here."

**Chairperson Handel** - "We do have a full house and a quorum. Jeff, it's been our practice -- if everyone will stand, Jeff will give our invocation, and then we'll do a Pledge of Allegiance."

(Whereupon, the invocation was given by Mr. Jeff Israel, followed by the Pledge of Allegiance)

**Chairperson Handel** - "Before we get into our Public Comment period, I do want to make just one announcement that the State and Elections Board did have a Special Call Meeting, and to just let the record show that it was purely Executive Session regarding litigation. And I just want to make sure that is made abundantly clear."

**Mr. Evans** - "Actually, Madam Secretary, I think we came out of Executive Session to take a vote. The vote was to appeal --."

**Chairperson Handel** - "Yes. And had I been allowed to finish, I would have been able to make that comment so thank you for that. If I could ask everyone if they would like to be recognized, just raise your hand so that I can acknowledge them -- everyone on the floor so we can have a good flow. The next issue before us is the approval of the minutes. They are from the December 10th meeting. Are there any questions or comments to the December 10th

meeting?"

**Mr. Evans** - "Yes, Madam Secretary, I had a few comments. On the second page where it covers Elbert County, I believe the minutes should reflect, prior to the last sentence it says that the Board granted continuance -- I think the actual -- what happened was that we said pursuant to the Board's standing practice in granting one continuance upon request, the Board granted continuance."

**Chairperson Handel** - "We can certainly add that additional detail."

**Mr. Evans** - "Under paragraph 3, Lowndes County, I think right before it says Randy Evans, we actually had a description of the three categories of issues we had to deal with. I think it said Randy Evans noted that there were three categories that must be addressed. Competence, disability, and incapacity. Under paragraph f, for Avondale Political Committee, there was a sentence here which I note -- I feel very confident it is not something that we would have said or the AG's Office would have said because it will be contrary to the AG stated practice. That specifically being, there's a phrase in the fourth line that says, and the opinion given by the AG's office that we should not attempt to enforce this law, Ms. McIntyre has indicated is inappropriate. I think the standing rule from the AG's Office is they never recommend not enforcing the law. And so, I think we need to strike everything that begins with the word that, all the way up to it says Chairperson Handel. So I would put a period after AG's office and delete the rest of that sentence."

**Chairperson Handel** - "Okay."

**Mr. Evans** - "Madam Chair, that's all the changes that I have."

**Chairperson Handel** - "All right. Any other questions or comments, colleagues? All right. Do I have a motion?"

**Mr. Worley** - "I make a motion that we accept the minutes with Mr. Evans' additions."

**Mr. Evans** - "Second."

**Chairperson Handel** - "I've got a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none. Also, just so everyone knows, we do have a court reporter for the proceeding so that there are verbatim minutes, as well. All

right. Next item is our Public Comment, and I do have one Public Comment card from Susan -- is it pronounced --."

**Ms. Susan Somach (phonetic)** - "Somach."

**Chairperson Handel** - "Somach. Okay. Come on up, and you'll have two minutes to address the group."

**Ms. Somach** - "Okay. I just wanted to --."

**Chairperson Handel** - "And if you'll just go ahead and, for the record, state your name and address for us."

**Ms. Somach** - "Susan Somach, 941 Blue Ridge Avenue, northeast Atlanta, 30306. I'm speaking here as an individual, but I'm a volunteer with Election Protection. I wanted to make a comment here, that I was concerned about the Secretary of State's office, which was widely reported in the media to be incorrect, has stated that Election Protection is illegal and problematic, and that she hadn't been aware of Election Protection existing until a couple of months ago, as well as the fact the statement that Election Protection volunteers presented themselves as State Election attorneys. And I just want to say that's completely false. I've been in front of this group. I would just encourage the Secretary of State's office to please meet with Election Protection Group. The coalition is not the -- five County that we focus on. We've met with them, and discussed the activities of Election Protection. I think they strengthen elections in Georgia to have a group out there trying to help in the same way that the government helps working hand-in-hand to make sure elections are smooth, free, fair and democratic. That being said, there was one issue -- a couple of issues I just want to mention. One is about voter intimidation at Welcome All Polling Station, that I think

really needs to be taken seriously by this body, and that was there was a -- Secretary of State's investigator with a gun in the Welcome All Polling Station who was standing behind the poll booth, and several voters felt very intimidated by this. That information was conveyed to the Secretary of State's office, but is something that I think is very serious and needs to be investigated and handled by this body. It was a majority black district, and the person with the gun and the two badges was white. And I think given the history in Georgia, this is something that needs to be reconsidered so that if something like this ever happens again, if there's a legitimate investigation going on, is it really necessary to have somebody with a gun? Do they have to stand behind the poll book where people are giving their names? Voters thought -- had felt that maybe there was a marshall looking to arrest somebody and identifying names. So it's just something I think should be taken seriously, and on a more positive note, the electronic

poll booth issue that was identified and it's been reported, again, in the media that the Secretary of State's office is going to increase the number of electronic poll books. I heard that to happen in July, not in November, because the lines were very -- were getting very long. Even in my polling station, it seemed that the training could be improved, the speed could be improved, the touch screen, as opposed to typing in names might be something to look at, and if that could be corrected, as well as looking at the distribution of electronic poll booths per number of voters, and looked at how many new voters and things like that. Look at the distribution of that, as well as the voting machine, that would be a very helpful thing. So in conclusion, what I would just request is that if, in fact, these statements are not true about, you know, the Secretary of State's office feeling that Election Protection is illegal, that we can just have that clarified here. You know, it's an illegal operation in the State of Georgia, and then, also just sit down and discuss any concerns that may be very valid, the Secretary of State has regarding what Election Protection is doing, sit down together and work it out. And to talk, and we'd love to share our experience, which I think the Election Protection Committee has already asked and is planning to meet with the County officials, as well as the Secretary of State's office, to share the observations and experiences in the elections."

**Chairperson Handel** - "Thank you very much."

**Ms. Somach** - "Thank you."

**Chairperson Handel** - "All right. That was the only card that I received. All right. The first -- Does anyone else have any cards to speak in Public Comment, because otherwise, this will be our last one and we'll move on to our cases. Thank you. If you'll state your name and address for us."

**Mr. Elton Trimble (phonetic)** - "My name is Elton Trimble, and my address is 190 Watford Avenue. And I'm here on behalf --."

**Chairperson Handel** - "All right. Is that Atlanta?"

**Mr. Trimble** - "Atlanta, Georgia. Yes, ma'am."

**Chairperson Handel** - "Thank you."

**Mr. Trimble** - "30306. I'm here on behalf because I'm a voter. I was turned down at the polls at -- location was C.W. Hill Elementary. I do it like this. I tried to vote, as usual. I got rejected, but I tell you this. I won't be disrespected. Not only me, there is many, many more. I represent Christ, I represent the poor. I'm standing in this line -- no it's not about fame. Just take your time,

here it says, I'm ready for a change. America this, America that. Equal opportunity, well about the blacks? I could go on and on, but I leave you with this. I stand up for my people, November we want a miss. Let's not forget about over 60 million blacks died in the slave trade, not to mention the countless black-on-black crimes over the last 40 years. Genesis 5:13 tells us, and he said unto Abram, know of a surety that thy seed shall be a stranger in a land that is not theirs, and they shall afflict them four hundred years. My people, let's not forget about the honorable civil right leader, especially the late-great Dr. Martin Luther King, Jr. Keep the dream alive. Praise towards his -- which is to love God, follow his Commandment, and be the people that Deuteronomy 7:6 has said in six states. For thou art an holy people unto the Lord, thy God. The Lord thy God hath chosen me to be a special people to himself, above all people that are upon the face of the earth. Verse 7 states that the Lord did not set his love upon nor choose you because ye are more in number than any people, for ye are the fewest of all. Let my people go no matter to try, this is my profession, watch in November how we turn out this election. And it's a lot of stuff going on, I mean, as you're saying to the young lady just was speaking on. I'm a witness of that, and it was road blocks being set up in the black neighborhoods. I mean, let's fair us up, fair us up. Fair opportunity. Equal opportunity. Thank you for your time."

**Chairperson Handel** - "All right. Thank you. All right. Our next item is the Inspector General's report."

**Mr. Evans** - "Madam Secretary, just since you changed topics, we will need a set of minutes for the Special Call Meeting."

**Chairperson Handel** - "Yes. They'll be in. Absolutely. All right."

**Ms. Shawn LaGrua** - "Madam Chair, with permission I'd like to introduce Deputy Chris Harvey from who'll be handling the first matter on the Inspector General's Report for Dade County."

**Chairperson Handel** - "Okay. All right."

**Mr. Chris Harvey** - "Good morning. In spring of 2007, a committee in Dade County, Georgia filed a Recall Petition for Commission Chairman Ben Brandon. They alleged that he had not performed a good day's work for a good day's pay, and they sought to seek his recall. The petition was filed properly on May 23rd of 2007, and was determined that they needed 2,570 signatures by June 22nd of 2007 in order for an election. The committee went about gathering signatures. In the course of that -- the subject of the recall, the Chairman, Chairman Brandon issued a complaint to the Secretary of State's office. Among his complaints he

alleged where that the Recall Petitions were being circulated in locations where alcohol was sold, that some of the circulated petitions were not being signed by the circulators, and some of the petitioners were harassing citizens as they tried to obtain signatures, that food and drink were given to potential petition signers, and that there were forged signatures on the petitions. The petitions were circulated until June 22nd, at which time there was a controversy involving the petitions. Charlie Pittman was the Chairman of the Recall Committee, and on the day the Recall Petitions were due he announced to his staff that they had only accumulated 1885 signatures on the petition, which was short of their goal. Some people in the committee were concerned because previously they had estimated that they counted 2,137 signatures had been accumulated. At that time, the group came together and Charlie Pittman stated that, well, we're not going to be able to go forward. When the group raised those questions, Mr. Pittman reported that maybe some petitions had been taken from his vehicle. At that point, they called the Sheriff. The Sheriff came, investigated, brought everybody to his office. They had a stack of petitions -- at that time Mr. Pittman said that approximately 42 pages of the petitions were missing. The Sheriff called the GBI, who responded. They did an initial investigation and didn't find any evidence that his vehicle had been broken into. Mr. Pittman refused to make a police report -- or declined to make a police report saying that the petitions that had been taken from his vehicle. At the same time, a member of the committee -- Recall Committee went home following these events, and found in her mailbox an envelope full of petitions. She brought those to the Sheriff's Department, the Sheriff's Department sorted them out. They found that there were 24 pages of petitions that had not been signed as circulated were not notarized. Those were pulled aside, the remaining signatures were counted, they found out they were short of the goal, and at that point the recall effort was considered done. The Secretary of the Petition Recall Committee took the petitions that had been signed and notarized, and shredded them in the Sheriff's Office paper shredder. The only thing that remained was 24 pages of unsigned petitions -- correction, un-notarized and uncirculated petitions that contained handwriting that was all very similar and included names of deceased people, and several people that positively acknowledged that they did not sign the petitions. The GBI is still committing -- is still -- has an active investigation going on for potential forgeries, but at this time there's no way to determine who circulated these petitions that were not signed and were not properly formed. As far as the allegations, or the complaints made by Chairman Brandon, being that the petitions were circulated, supposedly inside a Ingle's store, the Manager of the Ingle's store said that was not

true, said that some of the petitioners -- some of the circulators were in the store, but they were not circulation petitions in the store. So there's no positive evidence that the petitions were circulated any place where alcohol was sold. As far as petitions not being signed by the circulator, there's 24 cases where petitions were not signed by circulators. There's no solid evidence that any individuals circulated petitions that they did not sign. There's no indication that the petitioners were harassed when they were -- when they were soliciting signatures. There was a single incident where a vehicle was blocked in at the Ingle's store by people circulating petitions. That was accidental, it was corrected, and that was the only reported case of that. As far as food and drinks being given, the Recall Committee did have a tent set up on the Square at Trenton, and they were offering drinks to people that stopped by. There's no indication that said he could (inaudible), there was a -- anybody who refused a drink because they didn't sign, or they were offered a drink in exchange for signing. And again, as far as the forged signatures on the petitions, there are 24 pages that have allegedly forged signatures. There's no way at this time, although the GBI is investigating to figure out who forged those signatures. It's recommended that this case be closed."

**Chairperson Handel** - "Is there anyone here to speak from the other side on this case? Dade County? Anyone else? All right. So you found no evidence of any violation, although the GBI is investigating the claims of forgery?"

**Mr. Harvey** - "That's correct."

**Chairperson Handel** - "Okay. Any questions, colleagues?"

**Mr. Evans** - "It just seems to me that since our threshold for a violation is lesser than the threshold for the violation of criminal law, it would be premature to close the case prior to the GBI completing its investigation. If the GBI is able to determine who committed the forgeries, that would also constitute a violation of our rules, as well as the State Election Center. So my recommendation would be to defer until the GBI has completed its investigation. If there are forgeries that occurred in connection with the Recall Petitions, that is a violation of our rules."

**Chairperson Handel** - "Is that a motion?"

**Mr. Evans** - "It was."

**Chairperson Handel** - "All right. State your motion again for us."

**Mr. Evans** - "I think my motion was that I made a motion we defer consideration of this until we -- this matter until the GBI completed its investigation."

**Chairperson Handel** - "Is there a second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "We have a motion and a second. Any further questions or comments? All right. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed?"

**Mr. Worley** - "No."

**Chairperson Handel** - "Okay. That passes 4-1. Thank you. Next item."

**Ms. LaGrua** - "The next item, Madam Chair, is Gwinnett County. This is Case 2007-000020. The complainant in this case is Kenneth Spruce. I did speak with Mr. Spruce earlier this week. He is unable to be here. One of the members of the Election Board, but he stands by his original complaint and wants it heard, and wishes he could be here this morning. The allegations in this case, essentially, are that Mr. Spruce believes that Gwinnett County Voter Registration officials had unnecessary steps required to become a Deputy Registrar, and that the reason those steps were in place were to deter minority and low income persons from participating in becoming a Deputy Registrar. As evidence of that he indicates that there were challenges to him after he became a Deputy Registrar. What happened was Mr. Spruce actually went through the training to become a Deputy Registrar. There was a voter registration drive that he was working to set up on April 7th. Due to bad weather on April 7th, that registration drive was shut down early. After that registration drive was shut down early, Gwinnett County officials notified Mr. Spruce that that was a violation, as a Deputy Registrar running that voter registration drive, and warned him at that time that he needed to make sure that he followed the rules in future drives. He was also upset that the certification for being a Deputy Registrar, in his mind, was only for one registration drive. What had happened was Mr. Spruce had an old copy of the Gwinnett County Handbook as it related to Deputy Registrars. He had a 2003 copy versus the 2006 copy. As soon as Ms. Ledford (phonetic) found out that he was working under an old handbook she attempted to notify him on many occasions, was not able to. And we found the same thing when Investigator Dyer began investigating this case. We made numerous attempts to get in touch with Mr. Spruce,

and unfortunately, I'm not sure exactly what Mr. Spruce's job is. He didn't want to discuss that, but he can only call in and when asked for specific times for Investigator Dyer to be able to reach him, he was not able to get any. He just said he would get a hold of her, and in fact, he faxed me the letter indicating he couldn't be here today. There's no evidence, at this point, that Gwinnett County has committed any violations with respect to this complainant, and therefore we're recommending, at this time, that this case be closed."

**Chairperson Handel** - "All right. Is anyone here from Gwinnett County?"

**Ms. LaGrua** - "I know that Ms. Ledford had a death in the family. I spoke to Gwinnett County officials yesterday, but they did note they were aware of the meeting today but also had been provided a summary of the case prior to our meeting today. So they were aware of what our findings were."

**Chairperson Handel** - "Okay. Anyone else here to comment on this case?"

**Mr. Evans** - "I move we close it."

**Chairperson Handel** - "All right. I have a move to be closed. We have a motion and a second, any other questions or comments? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none, that's closed. All right. Next item."

**Mr. Harvey** - "Next item is the case of Jasmine Tate's, SEB Case 2007-000024. The Secretary of State's office notified me in August -- correction, October, 2007, by the divorcing husband of Ms. Tate that she was not a U.S. citizen, and she was registered to vote in Fulton County. He sent us a copy of her voter registration card and claimed that she was registered illegally. The investigation revealed that Ms. Tate is not a U.S. citizen, she is a permanent legal resident of the United States, however, she said that she has never registered to vote. Her actual voter registration took place, coincidentally, four years ago, today, on February 14th of 2004. She renewed her driver's license at the Shannon Mall Georgia State Patrol location. She says that she indicated that she did not want to vote, and did not want to be an organ donor, however, when her paperwork went through she was registered to vote, but she was not listed as an organ donor. I went through and tracked down the actual documents that were filled out when she completed her driver's license registration, in which case I also spoke to the two women who filled out her forms, and they

agreed that the way the forms were filled out, this woman indicated that she did not want to register to vote and it was apparently a keyboard error that caused her to be registered to vote. The fact is, that she's seems to be registered in 2004. She has never voted, she has never amended or changed her voter's status with Fulton County while she's moved, and also, for what it's worth, she's informed that she and her then husband were going through a custody and divorce proceeding, and he was the Complainant in this case. There's no evidence that she ever held herself out as a U.S. citizen or specifically requested to vote, and it's recommended that she be removed from the eligible list of voters in Fulton County."

**Chairperson Handel** - "Okay. Is anyone here from Department of Driver's Services. Richard Dozier, did you want to comment around anything?"

**Mr. Richard Dozier** - "Yes, ma'am."

**Chairperson Handel** - "Please come forward."

**Mr. Dozier** - "Okay. Yes, ma'am. I just wanted to comment on the changes to new voters, as far as the process goes with the agency. Since 2004, when Ms. Tate came through our process and erroneously was registered to vote via that process, we've had two major changes, a few others, but a few major changes that would not allow that process to happen again, as far as if it was a keyboard error that took place. The process is the first half in July, 2006, Georgia changed its law to where a Georgia license has to be expired on the same day as a -- as the valid documents a person uses as far as to show proof of residence, i.e. a I94. Whatever the expiration date of that I94 has to be the expiration date of the license. And the programming of how our examiners do that process, it was the first time that we started collecting whether you were a citizen or not in our database. Once the examiner clicks that they're not a citizen, the motor voter is then grade out and not allowed to happen by keyboard accident. The second thing that took place happened just January of this year. Senate Bill 5 of last year went into place, and that is the requirement that this agency, DES, go through the Safe System. That is the Systematic Alien Verification and Entitlement Program. And basically what happens is, not only are we requiring legal documentation for those that are here legally, but we're also required to submit to an electronic verification through the Department of Homeland Security prior to giving a license. That also, when you go in to do that verification, will not allow through the keyboard stroke to register through motor voters. So I believe are two substantial changes to the process that hopefully will not allow, today, the same situation that happened to Ms. Tate,

to take place."

**Chairperson Handel** - "Thank you."

**Mr. McIver** - "Madam Chair, before Mr. Dozier leaves, if I might. I'd like to commend his agency for all the support that they've extended to the State Election Board, at least since I've been a member. They are all absolutely, terrifically, extremely valuable and always have been cooperative in that regard. And I want the Board to, of course, appreciate that, and commend his agency and his staff."

**Chairperson Handel** - "Thank you, Mr. McIver. And I want to echo on those comments because whether it has been working with us through these types of issues since we've been on board, or working with us on doing matches for Photo ID, whatever we had asked of DES, Commissioner Dozier and his team have been right there at the table to help us work forward through anything. So I appreciate it. These are definitely very good steps forward, and I know we will continue the dialogue as we go through the year to see if there are even additional steps that we might be able to do."

**Mr. Dozier** - "Thank you."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "I have a couple of questions. So, apparently, she received a -- Ms. Tate received a voter registration card from Fulton County?"

**Mr. Dozier** - "She received a precinct card. Her voter registration card was sent directly to Fulton County from the Department of Driver Services. Her precinct card came in the mail, which is what her husband forwarded to our office."

**Mr. Evans** - "Okay. And when she got the precinct card reflecting that she had registered to vote, recognizing that she was not a U.S. citizen, did she alert or tell anyone, hey, I'm not a registered -- I'm not a U.S. citizen, I shouldn't be on here?"

**Mr. Dozier** - "She didn't actually receive the card. She had moved out, being separated, it came to her residence -- her former residence. She had moved to another location. So it came directly from Fulton County to Mr. Tate, to our office. When I actually interviewed her she -- her first response is I'm not registered to vote. She didn't indicate any knowledge that she was, in fact, registered to vote."

**Mr. Evans** - "So, because that's an pretty important fact, when we deal with these kind of matters, the scienter, or the mental knowledge, of the person is critical because had she received the registration card and was actually aware she had been registered, that in and of itself, constitutes a violation of the way our Code is written. So in your report, when we deal with these issues, if we could just add the facts that relate to the knowledge of the person who is allegedly registered, and possibly voting. That would be very helpful."

**Mr. Dozier** - "Yes, sir."

**Chairperson Handel** - "Anything else, colleagues?"

**Mr. Worley** - "Madam Secretary, I'd just like to add a follow-up comment to what Mr. Evans just said. It is our practice to consider it scienter when someone who has never made any attempt to register to vote, then gets an official document from a county saying that they're sending them a precinct card, if that's scienter, frankly, I just think that's ridiculous given the bureaucracy and the problems that we have in various counties. And to assume that someone who, on all the facts, never made any attempt to register to vote but gets a document telling them that they're a registered voter, that that somehow constitutes some scienter to violate the law, because I think a position that could never be supported by any Court on Appeal from this body."

**Mr. Evans** - "That's because you and I have very different thresholds about the acceptability of a non-citizen voting."

**Mr. Worley** - "No. We do not. We have absolutely --."

**Chairperson Handel** - "Colleagues. As the Chair of this body, first of all, Mr. Evans, again, I will ask you -- and I will ask the same of Mr. Worley. If you would like to have the floor then raise your hand and I will acknowledge you to have the floor. We are not going to have this jumping in and interrupting back and forth, back and forth. Thank you. Mr. Worley, you still have the floor."

**Mr. Worley** - "Thank you, Madam Secretary. No, Mr. Evans, we do not have any different view of the propriety of non-citizen voting, and I thank you not to -- not to, you know, attempt to characterize my views in any particular way. My only point is it is not going to be scienter by any court that ever looked at this for someone who has made no conscious effort to register to vote, or to vote, and to merely receive a document from a government agency."

**Mr. Evans** - "Then you need to do the research."

**Chairperson Handel** - "Mr. Evans --."

**Mr. Evans** - "I'm not in -- Madam Secretary, I'm --."

**Chairperson Handel** - "I will be more than happy to recognize you --."

**Mr. Evans** - "I'm not in school."

**Chairperson Handel** - "We need to, colleagues, I am really going to respectfully ask that we follow a procedure. We are all professionals here, and there is no need to get into this kind of back and forth amongst one another. Certainly, there is different legal opinions, et cetera, and those can be debated in another form on everyone's own time, versus on the State time. With that, Mr. McIver, would you like to add a comment that would be germane to the case?"

**Mr. McIver** - "No, ma'am. I'd like to move to accept the report as offered by the Attorney General."

**Chairperson Handel** - "Thank you. Do I have a second?"

**Mr. Worley** - "I'll second it."

**Chairperson Handel** - "I have a motion and a second, any other comment? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none. Next item, please."

**Mr. Harvey** - "SEB Case 2007-000026. Hancock County. In this case, elector Nancy Stephens became aware that Sparta City Councilman Frank Evans had received a check for \$25 for what she believed participating as a poll worker in an election in 2006. The investigation revealed that Mr. Edwards did not work as a poll worker in 2006. He did, however, attend a poll worker training class on June 22nd, 2006, which was the date the check was issued. And the check stub indicated 06-22-2006 poll worker, which corresponds to the day that the training attended. Mr. Edwards, who is a city councilman, would be ineligible to work as a poll worker, however, there's no evidence to show that he ever did, he denies it. And the rosters from people who worked at the polls failed to indicate that he did. There's also no independent evidence or allegation that he actually worked, it was simply the existence of the check."

**Chairperson Handel** - "All right. Thank you. Is there anyone here to speak on this case, Hancock County? Yes,

sir. Come on forward. And if you'll state your name and address for us."

**Mr. Frank Edwards** - "Good morning. My name is Frank Edwards, 58 Jones Street Extension, Sparta, Georgia 31087. I would just like to comment on the remarks that was just made. That was correct, it was just for a training. When I talked with the investigator, he asked me about the \$25, and he indicated that he thought it was for managing a poll. And I explained to him, then, that if it was for managing a poll, my compensation would be more than \$25. So that is correct, what the gentleman is stating that the \$25 was for a training back in 2006."

**Chairperson Handel** - "All right. Thank you. All right. Anyone else? Any questions or comments, colleagues? All right. Do we have a motion?"

**Mr. Worley** - "I make a motion to close this case."

**Chairperson Handel** - "Is there a second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second. All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed?"

**Mr. Evans** - "No."

**Chairman Eaves** - "One no, let the record show. Next item, please."

**Ms. LaGrua** - "The next case is City of Doraville. Case 2007-000033. The complainant in this case is John Garse (phonetic), an elector. The alleged Respondent was Margaret Maloney, an elector. Essentially, it was alleged that Ms. Maloney registered to vote under false pretenses, and that she was using an invalid address which happened to be Bob Roach's address which was a candidate for election. As it turns out, Ms. Maloney was residing with Mr. Roach during this time, however, what our investigation showed was that when actually moved out of her residence, sold her residence, notified UPS, registered in DeKalb County to vote, and went through every step that was needed for her to be appropriately registered to vote. She subsequently moved from that location. We actually checked the real estate records from the sale of her house, as well as when she moved in -- when she changed her address with the postal service, as well as when she registered to vote. And

there's absolutely no evidence that she was not living at Mr. Roach's residence during the time that she voted. This appeared to be -- it came out of a fairly hard-fought campaign, and it was an allegation by a supporter of one candidate against the supporter of the other candidate. At this point we recommend that this case be closed."

**Chairperson Handel** - "All right. Is there anyone here to speak on this case? Anyone here to here to speak on this case? Okay. Colleagues, any questions on this one? All right. Is there a motion?"

**Mr. Worley** - "I make a motion to close the case."

**Chairperson Handel** - "Is there a second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "I have a motion and a second. Any other questions? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Next item."

**Ms. LaGrua** - "The next item is Case No. 2007-000035. The City of Lavonia. The complainant was Angela Morris, an elector to Respondent Muriel Miller (phonetic), the poll manager. There were two allegations here. The first being that voters were required to vote on numbered ballots with pencils, and the voter was alleging that the numbers on the ballots were actually on the ballot, which would identify the voter of the ballot going forward, and that she was required to use a pencil. The second allegation was that there was campaigning within 150 feet outside of the location because there were cars with magnetic signs on them. What we found, and Investigator Dyer actually went through all of the ballots in this case, and the paper ballots had two detachable stubs with printed instructions on them that were removed before placing the ballot in the ballot box. She reviewed every single ballot. There were no identifying markings on any of the ballots, and in fact, many of the ballots were filled out with ink. In terms of the signs, there was no complaint ever made to the poll manager regarding any campaigning or voter signs outside, and in fact, the election superintendent reported that the cars were parked across the street with magnetic signs, outside of the 150-foot mark. So again, in this instance, it's recommended that this case be closed."

**Chairperson Handel** - "All right. Is there anyone here to speak on this case? Anyone here to speak on this matter? All right. Come on forward, ma'am. And if you all can help

me, if a case comes up that you do want to speak on, if you could maybe make your way over here, that way I won't miss people who want to be confronted. Come on forward, tell us your name and address."

**Ms. Angela Greer** - "I'm Angela Greer. I live at 23 King Street, Lavonia, Georgia. I'm the Election Superintendent in Lavonia. Investigator Dyer contacted me on January the 7th to notify me of the complaint that was made. That was the first that we were ever notified of it. I had not talked with Ms. Morris, she did not talk with our Poll Manager on this complaint, so Investigator Dyer came and looked at all the ballots, and she couldn't find anything. We were not made aware of the situation, so we couldn't --."

**Chairperson Handel** - "Okay. At the time of. Thank you. Is there anyone else? Ma'am, did you want to speak on this one?"

**Ms. Gloria Morris** - "I'm sorry. I apologize, but I would just like to ask a question. We were notified of a hearing in the City of Greenville. It's going to be here for the hearing, and we have several people to represent Greenville, but we don't see Greenville -- well, we see it on one Agenda --."

**Chairperson Handel** - "Yeah. Because that was in litigation, it was removed, and I know everyone was notified. Did you notify everyone?"

**Ms. LaGrua** - "Yes. Mr. Brown notified everyone that had previously been notified. I don't know if members of the community, obviously, that heard about were not specifically notified, but Mr. Brown notified all the respondents and interested parties and complainants."

**Mr. Evans** - "Ma'am, what's your name?"

**Ms. Morris** - "My name is Gloria Morris, and Ms. Ester Johnston received a letter, and the only thing she could say was that someone named Chris called, but she didn't get the message because Ms. Johnston is here with us. And after we looked at our Agenda with the City of Greenville on here, and the name wasn't called --."

**Chairperson Handel** - "If we could -- if we could -- let us finish up with this case, and then that would be helpful."

**Ms. Morris** - "Okay."

**Chairperson Handel** - "And then that would be helpful."

**Ms. Morris** - "Thank you."

**Chairperson Handel** - "You're welcome. Is anyone else here for the City of Lavonia? Okay. Any questions on the City of Lavonia, colleagues? All right. Do we have a motion?"

**Mr. Evans** - "So move. Move to close."

**Chairperson Handel** - "Second?"

**Mr. McIver** - "Second."

**Chairperson Handel** - "Motion and a second, all in favor?"

(whereupon, there was a chorus of ayes)\_

**Chairperson Handel** - "Any opposed? All right. If these -- would you just explain the situation with the City of Greenville, and --."

**Ms. LaGrua** - "Yes, ma'am. I spoke with one of the attorneys -- yes?"

**Mr. McIver** - "Do you have the case number?"

**Ms. LaGrua** - "Yes. It's 2007-000028. This was the City of Greenville. It was originally on the calendar, however, I learned that the appellate courts had granted a expedited appeal in matters coming out at the same issues that we did the investigation on. And after speaking with the Attorney General's office, as well as our office, it was understood that the practice has, then, pending litigation about the actual underlying issues that we would wait until those issues were resolved. I do understand that the court has granted an expedited appeal, and I anticipate that that should come well before the next SEB Meeting, at which time we will be ready to proceed, as well as give this -- members of this Board what that decision is and how the Board's resolved those issues. And we did notify everybody that was --."

**Mr. Evans** - "Was the appeal --."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "Was the appeal pending at the time you put on the Agenda?"

**Ms. LaGrua** - "We -- I did not realize that the appeal -- that it was pending at the time it was put on the Agenda. I spoke with one of the attorneys, we got in -- without going too far into this case, we got in a lot of correspondence, and going through some of the additional correspondence that we received, I spoke with one of the attorneys. We had no

decision. We knew a challenge had been -- we knew the status of the original challenge, and that a challenge had been -- in fact, it's just this week that they've actually filed the briefs in the expedited appeal that was just granted in January."

**Mr. Evans** - "I'm just trying to understand the way that the, you know, the way the process works is you have a ruling, then the losing party can appeal. They can then ask for an expedited appeal. So if our policy is that we are not going to hear case here until the final adjudication, until the case is completely over, then I guess it probably should have never been on the calendar because this has been in continuous litigation from the beginning. And so, all I want to do is to apologize to all of you who came. It doesn't matter how or why, it's just -- the fact is that you made the trip. We appreciate that. We want people to feel like they can come to our Board and tell us what happened and tell their feelings, but we try to be very careful that we don't interfere with sister proceedings. This is proper of the Court of Appeals, and it appears some part of this is there. And so, we appreciate the fact that you came. We're sorry that we won't be able to hear it today, and that there was a miscommunication about that. So once it's -- once we get a final decision, then you'll get notice and hopefully, we'll be able to have an opportunity to be heard. But I did want to thank you for making the trip and apologize to you for any inconvenience of coming today."

**Ms. Morris** - "May I say something?"

**Chairperson Handel** - "Thank you. Actually, ma'am, if I might as Chairman of the SEB. I, again, and on behalf of all of us, we're terribly sorry for your inconvenience. We really, unfortunately, can't go forward with the case because the parties on both side were notified not to be here. And to go forward and let one side speak without the other side, obviously, would put your case, frankly, in a detriment, and we wouldn't want that to happen. So we're going to not be able to hear that one today, and certainly, we do apologize. And I'll make sure that Inspector LaGrua will follow us up with you directly. And what will be helpful for us as this case comes forward, since there are a number of you, as citizens, who might not be on our notification list, would you be so kind as to leave us names, and phone numbers, and addresses so as this moves forward we can personally call you and let you know when it's going to be on the next Agenda so this doesn't happen again?"

**Ms. LaGrua** - "Mr. Brown (phonetic) will step outside with them and get that information."

**Chairperson Handel** - "That would be great."

**Ms. Morris** - "We wanted to talk about the election, itself. What this litigation is about is about the candidates."

**Chairperson Handel** - "Ma'am, I understand, but that's not before us. If there's something you want to file as a complaint about the election, itself, then that has a process, and Mr. Brown will be happy to work with you on that. Okay? Thank you."

**Ms. Morris** - "Okay. Thank you."

**Ms. LaGrua** - "Thank you, Madam Chair. The next case is Fulton County. That is 2007-000041. Madam Chair, this is - - this is a fairly narrow issue in the Fulton County ongoing investigation. This case particularly deals with a specific audit that investigators from the Secretary of State conducted. On November 7th of 2007, which was an agreed to date with counsel for Fulton County, we provided Fulton County Board of Registrations and Elections with the names of 1,038 randomly selected voters from Fulton County, and asked them -- asked the Board Elections and Registrations to provide for us the original registration card and any scanned image of the registration card that they had. On November 9th, two days later, we -- the Secretary of State's investigators, Investigator Marlow (phonetic) and Investigator McBrayer, started going through the documents provided by Fulton County. Essentially, the bottom line of this -- well, let me back up just a minute. We were also provided by Fulton County, previous to this, what they had done, what they're calling a reconciliation of all of their voters and their documents identifying for every voter in Fulton County what documents they had for that voter, whether it was an original voter registration card, a scanned voter registration card, a signature card, et cetera. What we did, is after we got the documents from Fulton County in relation to that 1,038 randomly selected voters, is we compared the documents that they were able to provide to us with their reconciliation, which is what they said they should have for those 1,038 voters. What we found was, in our audit for the 1,038 voters, Fulton County was able to provide 704 original voter registration cards. So they were 234 original voter registration cards short of that 1,038. They were able provide scanned images for 940 of the 1,038 randomly selected voters. They were not able to use anything at all for 45 of the 1,038 voters in what they actually provided to us. In comparing what they were able to provide to us with their reconciliation, what they said they had available, they claim that for those 1,038 they had 960 original voter registration cards, when in fact, they were only able to us provide us 704. They also noted on their reconciliation that they should have had

scanned images for 1,024 of the 1,038 voters, but in fact, were only able to provide 940. Their reconciliation in their records show that they should have only had 14 voters, which out of the 1,038 which they had nothing for, when in fact there were 45 that they were not able to provide us any documentation for. For the reconciliation they did have the following data of note. They had 543 thousand 904 voters. Their original reconciliation indicated that they had no registration cards for a little over 75 thousand. Now a number of those cards they indicated were in the batch that we found and at that time, had in our possession. Those cards that we recovered, that you heard previously and I don't want to go back to the old case, but just for context here, those cards that we recovered down at Atlanta Tech were turned back over to Fulton County in the last 30 days. And I was actually there when we made arrangements to turn those back over. And through stipulation with the AG's office, we've dealt with the legal end of that. But the bottom line is even on their reconciliation, putting aside the cards that we had in our possession as a part of that 75 thousand, their reconciliation indicates they have nothing at all for 12 thousand 655 voters. And that -- that's the extent of this particular case that's in front of the Board at this time. Obviously, the State's -- sorry -- back to -- our recommendation from the Inspector General's Division is this case be referred to the Attorney General's office for appropriate sanctions and fines. And in light of what else has gone on, I'm not going to make specific recommendations in that regard, in terms of fines and sanctions. I believe Mr. Atkins, representing Fulton County, is here."

**Chairperson Handel** - "Is there anyone here from Fulton?"

**Mr. Evans** - "Well I have a few questions for Ms. LaGrua before we --."

**Ms. LaGrua** - "Yes, sir."

**Mr. Evans** - "I just want to make sure I understand the procedurally where we are. We have already heard one piece of the Fulton case, and we accepted stipulations mentioned in the violations?"

**Chairperson Handel** - "No. No. That's not correct."

**Ms. LaGrua** - "I believe that we presented some evidence. Probable cause was found in some, and there were some stipulations by Mr. Atkins at that time. That case has -- was previously bound over to the Attorney General's office. And actually, there were two prior cases that have been bound over to the Attorney General's office that Mr. Ritter has, currently."

**Mr. Evans** - "All right. So what we have of our -- my recollection is, and the reason I brought this up is so that (inaudible) doesn't play memory games. What my recollection was that we took these two piecemeals based on admitted violations, both which were dealing with retrospective conduct without regard to prospective corrections. We referred those to the Attorney General's office for their consideration, and that we retained jurisdiction over a third component part, which was prospective, and that we retained jurisdiction over the issue of missing original signature cards, whether by scan or by document. Is that right?"

**Ms. LaGrua** - "Mr. Evans, I am not positive on the last component. I know that we had a lengthy discussion about keeping the discovery of the cards in that part of the investigation where we actually recovered the cards backwards, separate from looking at what the problem was going forward. At least that was my understanding of the discussions, that we wanted to sort of draw a line from what we found in that issue, and dealing with that versus what we would find going forward."

**Chairperson Handel** - "Mr. Ritter, that's my understanding of what was referred over to you, today --."

**Mr. Evans** - "Well --."

**Chairperson Handel** - "If I might, Mr. Evans. Mr. Ritter, that is what's been referred over to you today, and we have been attempting to negotiate out stipulations with fact, as well as a full Consent Order. Is that where things are?"

**Mr. Ritter** - "That's correct."

**Chairperson Handel** - "Okay. Thank you."

**Mr. Evans** - "Well, I don't know about --."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "Well I don't know about the rest of you, but for me, rather than have to test the boundaries of a free agent memory, it would be easier if when we got a file like this where there are multiple pieces that we, in fact, either have the minutes, or we have the admitted violation in front of us because, admittedly, we are getting to a point where there appears to be some overlap, because the overlap here is that we are talking here, today, about the impact of the missing original signatures, whether by scan or by document. And what -- what happened, and what are the remedies, and what we should do with it and I don't know if we clearly have that before us. I don't know that I clearly

understand exactly, narrowly, what is here, because I do have in my notes that we considered, specifically 21-2 -- or 215h before, and the 215h violations. And so, I'm trying to figure out what we have. Now we do have a related matter where in Executive Session we decided to have a meeting and, in fact, it was put on the minutes we would have a meeting, and then the Secretary refused to call a meeting. And so, we didn't have a meeting in December. And so the question is -- I'm trying to understand exactly what matter we now have to address, as it relates to this very narrow issue of the missing original voter registration cards. A question is what is the impact of not having the cards. Does that have any antecedent impact on the Presidential Preference Primary, given that what you're telling me is that four percent of the votes that were cast in Fulton County in the Presidential Preference Primary, there were no signatures to back up. And given that we have a July primary coming forward. So if you would crystallize for me, what it is that's before us."

**Ms. LaGrua** - "Yes, sir. My understanding of the direction I was to take from this Board, and if I misunderstand I would apologize, however, my understanding in the 215 violation referred to, as I understood it, was the fact that these original voter registration cards that we had in our possession was a violation because they illegally disposed of and got rid of that 80-plus thousand voter registration cards. The only reason I even referenced that old case is for some numbers that Fulton County provided, but my understanding of this particular case, sort of, in some respect, has nothing to do with the disposed voter registration cards. At the point when we to Fulton County in November, some eight-plus months after that incident, they were unable to provide us with the voter registration cards of the random audit, and in fact, their reconciliation post the 215 violation of disposing the cards indicated that with our audit that they cannot identify any documentation at all for a certain number of voters in Fulton County. That is above and beyond the cards that we had in our position -- possession, which was my understanding, a sword of the line of demarcation is. The violation for disposing of the cards, that's the case, as I understand it, that's gone to the Attorney General's Office. This is, sort of, while it's Fulton County, and one can argue that they are related issues, is a separate case of them now not being able, even with the return of some 60 thousand voter registration cards, they are unable to identify any documentation for a certain number of voters in Fulton County."

**Mr. Evans** - "But the predicate conduct, I'm just unclear here. Is there new conduct that occurred after that you want to consider after the disposal of the original cards?"

**Ms. LaGrua** - "Yes, they provided a reconciliation to us."

**Mr. Evans** - "So the -- So the conduct that is before us is the conduct of a party, or a respondent, in submitting truthful, accurate, and reliable information?"

**Ms. LaGrua** - "That, as well as, I suppose, in some ways is an ongoing offense being unable to provide any documentation for a certain percentage of voters in Fulton County. There is clearly inaccurate information that has been provided to us because through our audit, when we got the information back from Fulton County, we got different information on voters than what they say they had. They indicated they had original voter registration cards and scanned signatures for voters on their reconciliation that they could not provide to us when we requested it."

**Mr. Evans** - "But what I -- what I'm missing is in this list of potential violations. There is no potential violation for submitting to the Board, or submitting to you, or to submitting to the Secretary of State's office, inaccurate, unreliable, false and misleading information."

**Ms. LaGrua** - "No. I think that the violation is the failure to maintain."

**Mr. Evans** - "Just want to make clear. So we're not being asked to consider any charges or any investigation based on the Board's submission -- based on Fulton County's submission to us of inaccurate information."

**Ms. LaGrua** - "I think that would be a decision for the Board to make, but --."

**Mr. Evans** - "But you didn't list it as a potential violation."

**Ms. LaGrua** - "That would be correct. My concern in this case --."

**Mr. Evans** - "It would --."

**Chairperson Handel** - "Excuse me. Mr. Evans, if -- if I might, please -- I have really, I think, exercised extraordinary patience with your demeanor and your behavior on this body. You are belligerent, and you are interrupting her. Let her finish and when she's finished, then you are more than welcome to answer another question. But you do not have to browbeat someone who is trying to do her level best to answer your questions, and I'm simply not going to continue to tolerate it."

**Mr. Evans** - "Madam Secretary, with all --."

**Chairperson Handel** - "Ms. LaGrua. You do not have the floor, Mr. Evans. Ms. LaGrua, would you finish answering the question, and then at that point we will move on, and I will get some clarity to this matter."

**Ms. LaGrua** - "I'm sure there would be criminal violations of false statements in a government entity, however, in light of this case and in light of the GBI investigation, and in light of moving forward, it seemed appropriate to me, to bring to you the specific elections violations as they relate to the custody of the control of the original voter registration cards in the hopes that we can get this resolved and make sure that the public has confidence in the election, and the documentation as we go forward."

**Mr. Evans** - "Well, I'll say, Madam Secretary, that if these questions were asked before we got to the meeting, and they were reflected in the materials that we got for the meeting, that the extent of questioning wouldn't probably be so necessary. And so, I think Ms. LaGrua does an outstanding job. The question is -- we have a job to do. And I don't know how many congressional hearings or appellate court hearings, or other hearings that you have participated in, but more often than not, I will tell you that the grilling that say, a supreme court nominee, or a court of appeals, or even district court nominee, or a witness from the Secretary of State's office, or Condoleeza Rice get from the Senate Panel, nothing compels in comparison to the questions that get asked here, which is simply no more than trying to get the job done. Now I recognize that's a different league, but be that as it may, I think we do have to try to play at that league and get the answers. Now playing in that league --."

**Chairperson Handel** - "Mr. Evans, could you please simply stick to the germaneness of the issue before us. Here again, colleagues, I would hope I would have support here with the demeaning nature of the comments coming from Mr. Evans. With all due respect, you are not a U.S. Supreme Court Justice, and you are not a United States Senator."

**Mr. Evans** - "No, I'm not. I'm a member of the State Election Board, and a I have a job to do."

**Chairperson Handel** - "Exactly. Everyone is doing their level best to get through this case, so I'm going to get us back on track. What we have before us, colleagues, as you will recall, when the original situation occurred with the ballots -- with the voter registration card in the -- dumpster, it raised the question around the integrity of the entire group of voter registration cards at Fulton County."

And so, at that point it was determined that we would ask Fulton County to do, quote, provide us a report back. When we got the report back, it was also decided that it would be prudent, given the severity and seriousness of the issue, for Ms. LaGrua and her team to go in and validate the report. A pretty simple step in measures that I think anyone would agree with. In the course of working to validate the report that was submitted by Fulton County, and I am not in a position to suggest that anything was filed on purpose in any way, erroneous, and I don't know the answer to that. And I think that we would be engaging a gross disservice if we suggested otherwise. All that we know, is that in conducting the review of the report that was submitted, that it was discovered there were any number of errors in the report that led to the knowledge being that there were additional violations around missing voter registration cards. It is those violations that are before the SEB today. Now you will all recall that we did have a case last year that was referred to the Attorney General's office, and before we get an update on that, because I think all of this does flow together, I think in the interest of do process, that this would be a good time to allow Fulton County to have its 15 minutes, and then, we as a body, can come back and have questions and discuss how we would like to move forward with this case, and get an update from the Attorney General's office around the status of where they are on the previous case. Is Fulton County here to make a comment? Please come forward, you will have 15 minutes. And if you'll state your name and address for me, that would be great."

**Mr. Lee Parks** - "Madam Chair, my name is Lee Parks, Parks, Chesin and Walbert Law Firm on 14th Street, I live in DeKalb County. We received a two-page summary of this investigation which we have been working with your office and Mr. Ritter's office on for some time. This is nothing more than a reiteration of the original. That's all it is. We did not have the cards. I'm not going to place any blame, but after we resolved with the stipulation that the CD electronic parts would be evidence in any proceeding, it took us almost six-months to get our cards back. To conduct an audit two months before you gave our cards back was a waste of time. Waste of time for everyone. But yet, be it as it may, we used the CD, which we could not search electronically, but had to search statically, 1,024 of these either electronic and/or hard form shelled out, and we're talking here -- we're wasting this Board's time about 12 cards who could be dead, moved, or whatever. And we can do that, but my suggestion is, and I think I have the support of Mr. Ritter on this, is that we handle this in the totality of a Consent Order. We have forwarded a proposal to Mr. Ritter. We have not gotten his comments back, we expect those shortly and we will take this into

consideration. But try to morph this into some separate independent reason to take up this Board's time, I think merely adds to the bureaucracy of resolution. And we would ask that we at least be given the opportunity -- we have a different view in the number, we have a different view of the impact of holding my documents without explanation for six months longer than you should have, but why become adversarial about that? I think working with Mr. Ritter, we will come up with a solution. And when I say solution, I won't -- I won't split -- I think Mr. Ritter and I will be able to come up with a solution as to exactly what the facts are. We may, or may not, come up with what exactly should be the solution of the consequences, but I think the Board has reserved out the right to come back with a clear set of facts, not the mumbo-jumbo that we have right now, that through dialogue, and if not through this dialogue, through an administrative law judge we'll come to the answer. I think that's a principle -- apparent way to deal with what, I think we all agree, is a difficult problem. Remember, the Fulton County Board of Registration and Elections is your sister board. We look to you for support and guidance, not threats and admonitions. We are not out there trying to do --."

**Mr. Evans** - "With the -- with the recommendation --."

**Chairperson Handel** - "Mr. Evans. Mr. Evans. Mr. Evans, please allow him to finish."

**Mr. Evans** - "With all due respect, Madam Chair, I am entitled to ask questions."

**Chairperson Handel** - "Thank you. Mr. Evans."

**Mr. Evans** - "Now this is an important procedural point. It is long been the practice of this Board, before you came on the Board, to permit the Board to ask questions of people making presentations. There's been no rule, there's been no motion to change that practice. If you want to change that practice, make a motion. We will see if there's a second, we'll see if it stops it, but until it's changed, it is not the prerogative or the rule of the Chair to change the rule."

**Chairperson Handel** - "Mr. Evans, it is the prerogative of the Chair to maintain order in a State Elections Board Meeting. It is a prerogative of the Chair to allow for a professional demeanor, and this gentleman was in the middle of a sentence, and he was interrupted. And I would ask again of everyone that we simply adhere to a level of professionalism. There is no need to interrupt, and everyone will have ample opportunity to ask their question. Mr. Parks, were you finished with that sentence?"

**Mr. Parks** - "Madam Chair, I'd be happy to defer to --."

**Chairperson Handel** - "Mr. Evans, please feel free to ask your question."

**Mr. Evans** - "I would, and I would recommend to the Chair that she watch some hearings to see if witnesses are interrupted mid-sentence. Mr. Parks, would your recommendation be that we simply refer all of these over to Mr. Ritter to the Attorney General's office so they can be dealt with in a consistent concrete manner?"

**Mr. Parks** - "Well the correct to the question is, yes. The slightly long range of the question is that we're already working on it with Mr. Ritter."

**Mr. Evans** - "No. And I agree. I don't want to step on your -- the position you may have, which I probably would have if I were you, which is this matter is already before the Attorney General's office. But in order to eliminate any confusion on it in terms of procedural confusion, except there is a suggestion that we have reserved -- a way to clear out that reservation would be to refer it over to the Attorney General's Office."

**Mr. Parks** - "That would be my request."

**Mr. McIver** - "Madam Chair."

**Chairperson Handel** - "Mr. McIver."

**Mr. McIver** - "Mr. Parks, thank you for coming today."

**Mr. Parks** - "Thank you, sir."

**Mr. McIver** - "I appreciate somebody of your stature being involved in this case. I know we'll get to the answer more quickly."

**Mr. Parks** - "Flattery will get you everywhere."

**Mr. McIver** - "Well let's see if that works. At parts of your remarks, I assume that you are suggesting to us that all these cases be referred, regardless of what we may have done here before. But wherever they are, and whatever they are, that we give them consolidated, combined -- whatever verb you choose to you, and that you and the Law Department work this out. That's what you're conveying to us."

**Mr. Parks** - "Well, when you say all of these cases it gives me a little bit of -- I know of two. But let me -- let me just be at large. If there are -- how ever you all count

cases, if the case emanates from the original problem, the loss of these cards and the fact that we have not had them, we are now integrating them back into our system. If there had been interim questions, interim audits that deal with the lost cards, that's something that Mr. Ritter and I are working on, and are hopeful of resolution. If there's some other case that's divorced from our ability, which is the only charge here and it's the same charge I started with respect to the initial 75 thousand charge, which is the -- it's the 21-2-215 charge, failure to maintain and secure completed voter registration cards doesn't accuse anybody of criminal activity, it doesn't accuse anybody of intentionally trying to do anything. It's a warehouse guy who didn't know the rules, and we're dealing with it. And so to the extent that it involves that question, we would request that you permit Mr. Ritter and I a fair opportunity to deal with those in a wholistic way, because otherwise, I think when we get to the remedial components of it we're going to be in across purposes. We're going to be really punishing the conduct multiple times, or attempting to, which will result in us be unwilling to go forward with Consent Order and push us someplace where I don't think we need to be. That's what I'm asking."

**Mr. McIver** - "You are not addressing or recommending --"

**Mr. Parks** - "Not at all."

**Mr. McIver** - "You're not addressing, what seems to me, is the more fundamental concern that this Board would have, and that is that you have registered voters where whom there's not proper support to go with registration."

**Mr. Parks** - "Well at this point --."

**Mr. McIver** - "These cards are -- are scanned. I see that to be the more fundamental and potential violation of the Election Code."

**Mr. Parks** - "Two answers to that. One is, you'll note from the reporting investigation, is that we had to rely upon, this is the fourth paragraph down. The CD, okay. And after Agents McBrayer and Melissa came over and went through the CD, we got that down to 14 cards. We've done further explanation of that. Remember, what we're doing here right now is completely revamping all of this. It was kept in long, like the old-timey way. File drawers, and things like that. We're engaged with that. This County spent over \$400 thousand reinventing that system. We are -- we are on it, and we are not sitting around waiting for guidance or for a Consent Order, or for some direction to fix that problem. But having represented more than just this election superintendent, if you believe that out there -- because

what we have in Georgia, and I don't mean to get too far field, but let me just touch on this because you are the people that can fix this. We have one foot in the 21st Century with electronic voting machines and paperless elections, and one foot in the 18th Century where it requires every single voter registration application, no matter what, to be kept on file in hard copy. Now, certainly, you can see that at some point and time, counties with 500, 600, 700 thousand are never allowed to dispose of them, no matter what the situation, moved, dead, gone, it becomes a logistical challenge. Are you going to have somewhere statistically less than one percent of your cards not readily available within 48 hours of an investigator's request? Yes. Is that going to happen in every county in Georgia? Yes. You're proving that at some point and time, the document retention system is going to have to catch up with the way we do elections. Right now we're in the horse and buggy era. We understand that, and we're creating a document retention system which will be 100 percent accurate. And part of our response in that Consent Order is putting forth a remedial plan that gives you a real sense of confidence that we have in place. But the fact that we hit it within 14 using a static CD is pretty good evidence of --  
."

**Mr. McIver** - "So your position is that whatever these issues are, the ones that simply espoused, and the ones you've spoken to, will be addressed between Mr. Ritter and you. And that's your position, is to consolidate all of these...."

**Mr. Parks** - "Yes."

**Mr. McIver** - "...and address them, probably through a Consent Order."

**Mr. Parks** - "Because -- leaving aside the sanctions issues, which continue to be mainly -- giving me some -- the real remedy is, did the problem get fixed and are you going forward with a functioning document retention system that enables you to produce, both an original and a scanned image whenever the need rises. Absentee ballots, and the various times when you have to call on those documents to secure or ensure the fact that a voter is who he or she says she is. That's what we're doing with Mr. Ritter, and I believe, at some point, after we say we've done it you're going to come back and do another one of these things to make sure we've handled it."

**Mr. McIver** - "Of course we will."

**Mr. Parks** - "We've got to talk --."

**Mr. McIver** - "You can rely on that."

**Mr. Parks** - "And so we have -- when we make that representation -- at the point and time we make that representation, we better be ready for it."

**Mr. McIver** - "Thank you, Madam Chair."

**Chairperson Handel** - "Mr. Israel, do you have any questions? Okay. Mr. Worley, any questions? Maybe before we do a motion, maybe we could get an update from Mr. Ritter exactly where we are with the other two cases. I guess what I am, frankly, extraordinarily concerned about is since we don't have before us, Mr. Parks, a Consent Order on the previous cases in order to entertain, I, frankly, am not -- am very concerned about continuing to set a time negotiating consent orders, et cetera, and not moving this ball forward with some concrete dealing with everything. So Mr. Ritter, are we close on something with these other two?"

**Mr. Ritter** - "We are. We've been discussing it. Now we've got some issues, and I think the retention issue is probably our greatest difference, and I don't want to get into details of the Consent Order until we try to negotiate it. I think that the maps of the underlying has been relatively well laid out. It's true that both the prior cases, and what we've got now, have violated the 215h. There are a lot of other violations that are involved as well, but the predicate facts leading to those 215h violations are different. The predicate facts of the first one arose from discovery of the discarded ballots -- excuse me, voter registration cards. The predicate facts of the second one arise from the results of the audit. I haven't investigated the results of the audit. I don't know how close we are going to be able to agree on the results of the audit. I do think, though, we can move -- if theirs is bound over expeditiously to get to a consent order on this. I am confident that Mr. Parks and I, and Mr. Atkins and I, can work well together. I'm certainly hopeful that we'll be able to stipulate the facts. It may be that the sanctions aspect is something that this Court or this body is going to have to separately consider, but I would encourage you to bind the whole thing over."

**Chairperson Handel** - "Okay. All right. With that, is there a motion?"

**Mr. Evans** - "So move."

**Mr. McIver** - "Second."

**Chairperson Handel** - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Thank you."

**Mr. Parks** - "Thank you. Happy Valentine's Day."

**Chairperson Handel** - "Thank you. Next item."

**Ms. LaGrua** - "The next item is Case No. 2007-00046. City of Braswell. The Complainant in this case is Marvin Howard who's an elector. The Respondents are Helen Waters, the Braswell City Clerk, Frances Peyton, the Fulton County Chief Registration -- the Polk County Chief Registrar, and Jennifer Johnson, the Polk County Election Supervisor. The allegations here are that Mr. Howard allege that he and his wife were turned away from the municipal elections for mayor in his City of Braswell. The City of Braswell is contained, partially within Paulding County, and partially within Polk County. Polk County was the County that was actually involved in this. Essentially what happened was, Mr. Howard went to the municipal election in the City of Braswell and was told they did not have him in the city precinct, when in fact, you could see his residence from the -- from the polling place, literally. What we found out was, essentially, that the City of Braswell never provided to Polk County the city maps for them to assign the precincts for the City voting, even after that was requested. And in fact, the city conceded that they had not provided the map. They were not allowed to vote provisionally, even though they weren't on the list because Ms. Johnson, who is the Polk County Elections Supervisor, admitted to our investigator that she trained the poll workers that if the name did not appear on the voter list, they could not vote, even a provisional ballot. Bottom line is, Mr. Howard and his wife were not allowed to vote in this election."

**Chairperson Handel** - "Is there anyone here to speak on behalf of this? Are you Mr. and Mrs. Howard?"

**Mr. Marvin Howard** - "Yes, ma'am. We are."

**Chairperson Handel** - "Okay. You can speak from right there."

**Mr. Howard** - "May I have permission to stay seated?"

**Chairperson Handel** - "Absolutely."

**Mr. Howard** - "Thank you, Madam Secretary. My name is Marvin Howard. My wife Johnna is with me. We live at 3533 American Avenue in Braswell, two houses from the polling place. We have lived in this house, now, for three-and-a-half years. We moved in, we changed our voter registration

immediately because there was an election coming up, and we were given precinct cards that listed Hogue (phonetic) Avenue, Rockmart, as our polling place for County and higher elections, and Braswell City Hall for municipal. We voted in that election, everything was fine. We never changed a thing. Next election comes along and we go to Hogue Avenue and we're not allowed to vote. So we find out what congressional districts changed. You have been moved to Aragon for County and above, Braswell for municipal. You never voted in Hogue Avenue, even though I voted at Hogue Avenue. Then, I wait more time. Municipal election comes along, but three months after -- I'm sorry, I'm getting a little bit confused."

**Chairperson Handel** - "Take your time. No. Take your time."

**Mr. Howard** - "Three months after we voted at Aragon, it took that long of going back and forth to Cedar Town to get a new precinct card. The new precinct card I had showed Aragon for County and above, Braswell for municipal. Braswell Municipal Election comes along and they said that had never sent me that said Braswell, even though I had had two that said Braswell. And like I say, I'm 500 feet from the polling place. I'm in the middle of town. And it wasn't just me, there were 17 voters turned away from those polls that all wanted to vote one way."

**Chairperson Handel** - "Okay. All right."

**Mr. Howard** - "And the margin of victory was seven, the other way."

**Chairperson Handel** - "Well this is particularly egregious, as we have heard from the Inspector General. So thank you for taking time to be here. Is anyone from City of -- I'm sorry. Mr. Evans."

**Mr. Evans** - "What was the reason you were given?"

**Mr. Howard** - "We were told that we were registered to vote in the Aragon Municipal Election, some eight, nine miles away in another city, even though we had never been registered in Aragon, never got a precinct card to say we had to the Aragon Municipal."

**Mr. Evans** - "Was that true?"

**Ms. LaGrua** - "Yes, sir. The City of Braswell never provided a list or map for anyone to assign the part -- the voters to the precinct in Braswell, is what our investigator found."

**Mr. Howard** - "Madam Secretary, if I may. The former City Manager is my landlord, his son is our mayor, and so I know

them. Forty years ago, roughly, they say they provided addresses to the County and nothing changed. So they felt they didn't need to update something that hadn't changed."

**Chairperson Handel** - "All right. Mr. Evans, any other questions?"

**Mr. Evans** - "I'm just trying to make sure I understand what happened. So what's happened is we got a list that was in accurate, and then as a result of an inaccurate list, he was denied to vote in the Braswell election."

**Mr. Howard** - "The list was changed."

**Ms. LaGrua** - "He was never on -- He was never on the City of Braswell list, and in fact, the City of Braswell Clerk admits that she did not provide to Polk County, the city map for them to use. So you have a twofold -- a little bit of a twofold issue. First you have the City not doing what they're supposed to do, and then you have the County training its workers not to let someone vote a provisional ballot, even if there's an issue -- completely."

**Mr. Evans** - "I'm interested because there would be two potential kinds of violations, and would have very different ramifications. One kind of violation is a systemic violation. Systemic violation is that the list didn't get accurately prepared, summated, and used. And that's one kind of problem that we have to address. And the other one is a targeted violation. Target violation says that there's a group of voters who we know how they're going to vote, and we are going to keep them, as a target matter, not as a systemic matter, from voting. And I'm just trying to determine whether we have one or both of those kind of situations because, obviously, a systemic problem means that we need to make sure that they close all the packages and procedures are in place that the accurate list is maintained and distributed, and used by the County election officials if they're going to conduct a municipal election. If we have a targeted violation, which is if they were, in fact, singling out folks based on their content of their vote -- we can have the best systems in the world and it won't make a difference. I'm just trying to figure if we have both, one or both, or the other."

**Ms. LaGrua** - "I'll answer that as best as I can. I don't know if we saw any systemic or targeted practice. Part of the problem, here, was that the City of Braswell has not had any contested elections in -- in a very long period of time so this is sort of a new necessity in a new situation that came up. If -- if, Mr. Evans, if you and any of the Board is concerned that this is bigger than the issue we've identified, i.e. the map not being provided, I'm happy for

us to go back and look further, though, at the title. I don't believe we were able to identify, specifically, other voters, and we had no other complaints of voters being turned away. I don't doubt, for a minute, Mr. Howard's assertion that there were others, and in fact, we were aware of that. We received no other complaints, so we can farther if you think it's appropriate, but I didn't see any evidence of a targeted --."

**Mr. Evans** - "The question I would have is -- the question I would have is did they have a list, and did they apply the list they did have, albeit a long list. Or, which is much more worrisome in which this Board has had to deal with before, there was no list and they said, you know what, we're -- we kind of know who the list will say and we're going to decide who gets to vote."

**Ms. LaGrua** - "There was a list --."

**Mr. Evans** - "And they followed that list?"

**Ms. LaGrua** - "And they followed that list. The problem was that they did not allow anybody not on that list, even to vote provisionally. And people were left off that list because of the fact that the City didn't provide the appropriate documentation to the County. Now if there's a County problem we should have notified someone that they had this ongoing problem, because when they try and get in touch with the City officials, oftentimes they had to leave messages at a local tavern to get in touch with the City officials because no one was answering the --."

**Mr. Howard** - "Madam Secretary, if I may. The former City Manager owned that tavern, and that's why. But all of the residents that were turned away were in Polk County. All the residents who were turned away were, in fact, tenants of the current City Manager."

**Chairperson Handel** - "Okay."

**Mr. Howard** - "So we were on the list, and then all of a sudden we weren't on the list, and they say we were never on the list."

**Chairperson Handel** - "Okay. Is there anyone here to speak for either City of Braswell or Polk County?"

**Ms. Jennifer Johnson** - "Polk County."

**Chairperson Handel** - "Come on up, and then, the City of Braswell, if you'll make your way up as well."

**Ms. Johnson** - "I'm Jennifer Johnson, Elections Manager, Polk

County. 409B North College Street, Cedartown, Georgia. And what I wanted to say was that I was misquoted on what I said. I have never said that you could not vote -- you could not vote provisional if your name is not on a list. That's the only way you do vote provisional, if your name is not a list. And I just wanted to clarify that. So that was not said."

**Chairperson Handel** - "Okay."

**Mr. Evans** - "Do you know why he wasn't allowed to vote?"

**Ms. Johnson** - "Ms. Peyton can tell you."

**Mr. Evans** - "Okay. Great. Thank you."

**Chairperson Handel** - "Ms. Peyton, are you with City of Braswell, or --."

**Ms. Frances Peyton** - "No. I'm with Polk County."

**Chairperson Handel** - "We'll stay with Polk County before we come to City of Braswell. Come on up."

**Ms. Peyton** - "My name is Frances Peyton. I live 209 West Gerrard, Cedartown, Georgia. I'm with the Polk County Board of Elections and Registration."

**Chairperson Handel** - "Okay."

**Ms. Peyton** - "Mr. Howard came and we had him coded to them, that he lived in Braswell, but the map that they gave me, which was hand drawn, it showed that the city -- the street he lived on, half of it was in Polk County, the other half was in Paulding County, and his house number showed that he was not eligible to vote in the City election. So I told him that's living in Aragon, and he would go to the Aragon municipality to vote. That's all I can tell y'all. I did the best could. I had the map that the -- the -- Ms. Camp, the wife of the City clerk, a long time ago, drew for me. And I'm sorry."

**Mr. Evans** - "So how does it work now?"

**Ms. Peyton** - "It works the same way. I mean, I haven't done anything. I did not do anything because we had the investigator come down, and we talked with Mrs. Conway, and then another one calls me, and so I haven't done anything during that time."

**Mr. Evans** - "So if the election were held again, it would be exactly the same result?"

**Ms. Peyton** - "Yes, sir. Because, I mean, until I called --"

I would call y'all, of course, if there was another election held. I would call and say, look, we've got this problem. But I still do not have a map of any kind. So anything that says that this is the way it should be, and I would greatly appreciate one if I could get it."

**Chairperson Handel** - "All right. Any other questions?"

**Mr. Evans** - "Ms. LaGrua, how do they normally get the map -- do most cities get the map?"

**Ms. LaGrua** - "It's my understanding the City Clerk is supposed to provide to the County the map of the city precincts. And in fact, as I understand it, Polk County did request the map from the City of Braswell, and the City of Braswell did not provide to the County the appropriate so that they could issue the appropriate precincts."

**Mr. Evans** - "So the -- should the Respondent include the City of Braswell?"

**Ms. LaGrua** - "It does have the Braswell City Clerk, or it should."

**Mr. Evans** - "Yeah. But I'm just wondering if the City of Braswell should be listed as the Respondent. What would you think?"

**Ms. LaGrua** - "Candidly, I don't know enough about that City workings and who appoints who, but if there an appointed party of the Clerk, yes."

**Mr. Evans** - "Well I'm just wondering if pursuing a remedy of a cease and desist or injunction, where we were saying, it's part of a relief here, you can't leave your election people out here, hanging. You know, it's not fair to voters, it's not fair to them. We need to get a map, and Mr. Worley, here, can tell you as well as I can that the software now can break down the boundaries of a city or a precinct, you know, they can divide a house if they want to, much less a street."

**Ms. LaGrua** - "That's probably appropriate."

**Mr. Evans** - "Thank you very much. We appreciate it."

**Mr. McIver** - "Madam Chair."

**Chairperson Handel** - "Yes, Mr. McIver."

**Mr. McIver** - I addressed this question, first to you, allowing you, I'm sure, to defer it to Mr. McCarthy if you think so, but somebody reacquaint, not only the members of

the public, but me, for one, what is the rule on issuing a provisional ballot? What should have been done on that day?"

**Chairperson Handel** - "To -- I mean, we have it strictly from Mr. Ritter or Mr. Taylor, but the rule is they were supposed to let this individual have a provisional ballot, and then, verify --."

**Mr. Ritter** - "Madam Chair. Provisional ballots is contained in 21-2-418, and in a, I believe, it is if he presents himself, and using himself, to a polling place for the purpose of casting a ballot in a primary or election at the time he registered to vote, but it doesn't appear on the list of registered electors, the person shall be entitled to cast their original ballot."

**Mr. McIver** - "Are there circumstances when you would not issue a provisional ballot?"

**Mr. Evans** - "For example, a resident of Alabama shows up in Columbus, they produce an Alabama drivers license and say, oh, I want to vote a provisional ballot in Escogee (phonetic) County, because I think that's a parallel here. Correct me if I'm wrong, but what you would have is Braswell and Aragon are like mirror cities on opposite sides of the County line."

**Unidentified Speaker** - "No."

**Mr. Evans** - "Well, how did he get on Aragon?"

**Chairperson Handel** - "If I might, if we could, in the interest of fairness, again, allow all the parties to have their say. I know we have some individuals from the City of Braswell so if you want to come up and address the body, that would be helpful. Tell us your name, and your role, and address, please."

**Ms. Ellen Waters** - "My name is Ellen Waters. I'm City Clerk, City of Braswell. Population of Braswell is like 300, justifies one-third of a clerk. I work part-time. Now Ms. Peyton had asked me for a map, and I took her a copy of the hand-drawn map, and I told her I will try to get out there and do some house numbers. I didn't mean to lie, had a migraine headache, couldn't do it. She didn't get it. That's my fault. Migraine headache is no excuse. But there's a couple of things here that's not correct, and one of them is that Ms. Waters thought that on the electors listed on the list that were eligible to vote in the City of Braswell elections. I never said that. I never even implied it. The next sentence, Waters said that this is her first election and the first election in the City of

Braswell. I never said that. My first election was in 1993 in the City of Aragon. It was a recall. I did several elections after that when I was City Clerk in City of Aragon. But this was my first election in the City of Braswell. Previously, there was -- proper paperwork was sent on. So my notes here show that I did provide what maps were on. There were two subdivisions built, and I provided what I could from that, but that didn't include the basics of where Mr. Howard lives. So, you know, I just did the best I could with what I had. And I'm in agreement with mandatory training. I'm ready."

**Chairperson Handel** - "Okay."

**Ms. Waters** - "I am truly sorry. I'm a firm believer, even my grandchildren, as soon as they're seventeen-and-a-half, I hand walk them to be registered to vote. Firm believer. Thank you."

**Chairperson Handel** - "Did either of you have more to add?"

**Ms. Jean Hampton** - "Yes."

**Chairperson Handel** - "Okay. Come on up."

**Ms. Hampton** - "I'm Jean Hampton, and I was the Poll Manager. So I'm here, and there were a couple of things that were misquoted in this, but I don't see any point in really hashing all the things that were misquoted. I did not give Mr. Howard two hours. I did not give Mr. Howard a provisional vote because I did not understand I was supposed to. I was told that only those on the list could vote. Mr. Howard did not appear on that list. I took down their name, their social security number, and I called the office in Polk County, gave them that information, and then they could tell me whether they were -- could vote, or they couldn't vote. And I was told approximately 14 people. Did not keep their names because once I finished the phone conversation, in front of that person, I tore their name up and their social security number up and put it in the trash so they didn't think I was keeping a record of their social security number. I resent the accusation that we turned away people that were only there to vote for a certain person. We had no way of knowing who was there to vote for who, and there were just several various reasons that they weren't on the list. Some of those being they never changed their address from another County, they weren't even listed in Polk County. So there were reasons, and I'm here to answer any questions that you might have of me as the Poll Manager."

**Chairperson Handel** - "All right. Thank you."

**Ms. Deidra Holden** - "I didn't come here prepared to stand

here at this podium today, but I'm the Elections Supervisor for Paulding County."

**Chairperson Handel** - "Okay. And what's your name?"

**Ms. Holden** - "Deidra Halbin. My address is 196 Holden Pass, Dallas, Georgia. I feel like the City of Braswell is -- I guess I could, for a better use of words, I could say it's a thorn in my side because most of the people that live in the City of Braswell reside in Paulding County. The day after Braswell held their election, my phone rang off the hook. People that live in Braswell and Mountain Park informs me that they didn't even know that there was an election. I have -- I live near the City of Braswell. I've never known an election in Braswell. If there's no opposition, maybe they -- they don't have to have an election, but when all the municipal elections came about because we handled the City of Dallas and the City of Hiram, which are much larger than the City of Braswell, you know, we offered our help to the City of Braswell. And I guess you hear all the bad things after an election that I was pretty much told, look, they haven't asked you to do it, just leave it alone. But when I have my voters that I have in my system that states that they are City of Braswell voters that are responsible for maintaining, calling me and tell me that they didn't even know there was an election, that bothers me. I think everybody that's a registered voter should be able to vote. I do know after the election, that the former Mayor that was not reelected, he had to come to the Paulding County GIS Department to find out where the City of Braswell boundaries were. I believe, now, that our GIS Department is working with the City of Braswell to provide them that information because their records are up-to-date, and it would be something more than a handwritten map. So I don't know if my opinion, or what I'm saying matters, but I would like to know for my own personal reasons, who decides if Polk County handles their election because I am responsible for Paulding County voters, and if those voters are not afforded the opportunity to vote, I feel that there's a huge injustice. Thank you."

**Chairperson Handel** - "Colleagues, questions? I do have one question for Ms. Waters. Wait, not Ms. Waters, Ms. Hampton. When's the last time you had training?"

**Ms. Hampton** - "I had training prior to, I don't know exactly the date."

**Chairperson Handel** - "Prior to the election?"

**Ms. Hampton** - "Prior to this election, October the 18th."

**Chairperson Handel** - "Was the issue of provisional ballot

covered in that training?"

**Ms. Hampton** - "No, ma'am. They were not."

**Chairperson Handel** - "Then that's a big problem. Okay. I would, just to let you know that there is upcoming Municipal Elections training, and separate -- hopefully what comes out of this -- I would urge you to touch base with Mr. McCarthy when we break for lunch and ensure that you are signed up for that. It may be helpful. It would be very helpful. Obviously, these are -- speaking as one member of the SEB, very serious in that this individual -- individuals were not even afforded the provisional ballot, and that's really problematic."

**Mr. Howard** - "Madam Secretary, may I? I would like to apologize to Ms. Hampton. She said that I accused her of selecting. That was not my intent. She did not make the list. I know she did not have anything to do with it. I agree with everything she said. She said she did call and ask --."

**Chairperson Handel** - "Thank you. And I bet Ms. Hampton appreciates that. That's good. Thank you for clarifying that. Any other questions?"

**Mr. Worley** - "Madam Secretary, I've just got a question."

**Chairperson Handel** - "Yes, Mr. Worley."

**Mr. Worley** - "Do you believe that there was any organized effort to disenfranchise particular voters because --."

**Mr. Howard** - "I do not know the people in the elections office well enough to address that. All I can state is what I saw. All this happened on the Polk County side, none of it was Paulding. My entire street was not allowed to vote. The entire street is owned by the father of the then incumbent mayor. It was not only that street, there were other sporadic houses that I know of, all on the Polk County side, all owned by the Brennel's (phonetic), and those people were not allowed to vote. It is possible that, as Ms. Waters said, she tried to give them the new subdivision without giving them a full map and they interpreted that meaning that all the old stuff was no longer in play. So, I don't know it -- that to be just a question in interpretation. I do not know if it was purposeful, I just know that it leaned that way in the results."

**Chairperson Handel** - "Colleagues, given that question from Mr. Worley, is it a sense from the Board that you'd like to have the investigators look into that a little bit more before we have an action on this case, or are we ready to

take action?"

**Mr. Worley** - "Speaking for myself, I'm ready to take action on that."

**Chairperson Handel** - "Okay. All right. Do you have a motion?"

**Mr. Evans** - "So move. Move to refer to the Attorney General's office."

**Chairperson Handel** - "All right."

**Mr. Evans** - "The only question -- the only question I have was whether or not we can add the City as a Respondent? Just so that we can cover them providing the map."

**Chairperson Handel** - "I think that's fine. Do you want to make that as part of your part of your motion because I think, certainly, any Consent Order we look at we're going to want there to be an agreement that a new map is based on the GIS -- hand drawn map would be good. Okay that's an amended motion to add the City, and then to refer to the AG's office. That's a second from Mr. Worley. Any other questions or comment? All in favor?"

(Whereupon, there was a chorus of aye)

**Chairperson Handel** - "Any opposed? There's none. That one is deferred. Next item, please."

**Ms. LaGrua** - "The final case on our report, Madam Chair, is the Case 2008-000011. That is Forsyth County. The Complainant was Linda Ledbetter. The Forsyth County Commissioner, the Respondent here, is said Director of Elections. The original complaint has four allegations, only one of which was appropriate to take up in my division. The other three allegations were protected evidence violations, should so the Board is aware. I did speak to Kay Baker, Deputy Commissioner of the State Ethics. It would not be -- the nature of those complaints would not be something that the State Ethics Board would look at, but the County, I believe, is aware of the allegations in this case and it would be appropriate for those to be handled by them if they found there to be violations. The fourth allegation concerned an unsecured DRA machine in 2004. Ms. Jekot moved -- Ms. Ledbetter forwarded a complaint by herself, and Ms. Jacob -- Ms. Jekot said that two days prior to the November, 2004 Election, she was -- her DRA machines turned on in an unsecured polling place and there's a number of problems here. We did go after -- I had a lengthy conversation with Mr. Ritter about the allegations here, and we did go out and investigate this, even though it was three-years old,

essentially, by the time we got it. Ms. Jekot did not report the unsecured machines to any official back in 2004, so we had to go back and do what we could that allegedly happened three-years ago with one viewing. We talked to the warehouse manager whose had the same position since back in 2004, and he confirmed that the procedures currently in place was in place at that time and was followed in the November, 2004 Election. Gary Smith was interviewed, as well, and said the machines were actually not delivered until Monday prior to the election, and they were picked up on Wednesday so they could not physically have been in the location that Ms. Jekot described. Essentially, based on the delay of the recording and taken in conjunction with the statements that the warehouse manager and Mr. Smith, this complaint can't be substantiated at this point, and it's recommended that it be closed."

**Chairperson Handel** - "Is there anyone here from Forsyth -- either -- come up, and I don't know. Is Mr. Smith here? Does he want to speak?"

**Ms. Linda Ledbetter** - "Thank you for allowing me to speak. My name is Linda Ledbetter. I am a Commissioner, District 5 in Forsyth County. I don't think this should be dismissed, and I'll tell you why. I respectfully refer you to Forsyth County's local legislation because of our Chief Registrar, the appointed office of Superior Court Judge. Mr. Gary Smith was appointed by the late Judge Gall (phonetic), and reaffirmed by the current one. In the Georgia Elections Code, it applies to every Chief Elections Official. I refer to the Georgia Election Code 21-2-70, part 3, item 12. Let put on my glasses so I won't stumble around. To prepare annually -- this is what they're supposed to do. To prepare annually -- this is what they're supposed to do. To prepare annually a budget estimate at his or her expenses under this chapter in which shall be set forth an itemized list expenditures for proceeding two years, and an itemized estimated list of the amount of money necessary to be appointed for the ensuing year, and to submit the same at the time and in the manner inform other budget estimates of this County, as necessary, may hereafter be required to be fined. I have a report, right here, I've got a copy for you, from Bates, Carter and Associates that did a report for, at my request, for our County. They do our auditing. Mr. Smith has never complied with this law. I have copies for the Board. If you'd like me to give them out, please note page 7, item 16. Now I'd like to introduce our -- one of the members of our three-member Board of Elections in Forsyth County. This Board has asked for the report to be presented to our Superior Court Judge in Forsyth County. And it -- so I'm just going to let them take over from there. Y'all want one of the reports?"

**Mr. Fred Meadows** - "My name is Fred Meadows. I'm a member of the Forsyth County Board of Registrations and Elections. I was not afforded a copy of -- previewing what the scope and summary that you have, you're going to be looking at. And Secretary of State and members, thank you for allowing me to speak before this Board. I do realize that many of the issues that were brought forth, obviously, go outside the concern and responsibility, and many of the issues belong at a local level. And again, not having the afforded the opportunity to know the scope of this investigation is real -- I'll address today, and part of this meeting, yesterday. However, I believe that the statements that Dr. Ledbetter stated in 21-2-70, part 3, Powers and Duties of Superintendents. That item brought hard target preparations budget, and the previous two-years itemized expenses was not adhered to as evidence in the audit, whereby Forsyth County Government produced by the Bates, Carter Accounting Firm. In addition, regarding House Bill 1071, act 472, and act in 1987 create the Forsyth Board of Registration and Elections. To say that our administrative affairs, under this act, are a wreck is a huge understatement. And that is evidenced by our failure to abide by Section 1, 12 and 13, regarding the organization of our -- of our group. The bylaws, rules, procedures, I think, seem appropriate resolutions in our minutes governing the management of our affairs within our jurisdiction. I wish I could give a free pass for conduction election properly, but isn't that expected. If we had the appropriate rules properly adopted in Forsyth County, then maybe the Chairman of the Board would have notified me of this. Thank you."

**Chairperson Handel** - "Thank you. You can come over here if you like. They'll hear you better on the microphone. Thank you."

**Mr. Miles Eastwood** - "My name is Miles Eastwood, and I'm here representing Gary Smith. We agree with the Inspector General's report. There's only one issue for this Board, and it's been under his jurisdiction, and that's the one they reported on. Responding, in general, to the presentation just made, the position of Director of Elections in Forsyth County is anomalous. The local legislation says that the Grand Jury nominates a person the the Chief Judge in the Superior Court, and that is not a person who is a County employee. The County provides administrative support, and many of the things that you will see in that report that was just handed out, assumed Mr. Smith is a County employee not following County guidelines. What was omitted was, previously there was an audit combining the generally accepted accounting principles that explained every allegation against him. I satisfied Commissioner Ledbetter and got the Board of Commissioners to hire Bates and Carter from Gainesville, and they did a

report and you will note at the bottom of the first page, as accountants always do, they tell you whether they comply with the generally accepted audit principles, and expressly say they express no opinion. They were given a set of questions, but did not interview Mr. Smith. Now, this all derives from the basic and typically, to touch screen voting and a lot of County politics. The issue that is properly before you is the one about whether there is a valid evidence of unsecured voting machines. They also did not tell you that the Board of Commissioners voted against referring that report which was handed out to you, to the Chief Judge of the Superior Court. Commissioner Ledbetter was in the minority on that vote. Now with regard to the unsecured machines, which I believe the Inspector General has pointed out problems. Going back three years later, and the person who said she saw them could not verify whether they were or were not chained, or otherwise secured together, but not in use. They did check with the warehouse foreman, who has no dog in the County political fight, and he talked about the procedures followed now and then and how this would not have happened, as reported, the three-year wait, and then after the report was extensively made to Commissioner Ledbetter last August, she waited another five months to file the complaint here while her Board of Commissioners was otherwise not supporting her in trying to get the report in to you, she sent it to the Chief Judge of the Superior Court. That's all the background. I think that the facts were adequately investigated. The fact that the Inspector General went to Forsyth County to interview witnesses, personally, and came away with a clear lack of evidence was enough that we recommend -- our position that you follow the Inspector General's recommendation and close the case."

**Chairperson Handel** - "Colleagues, questions?"

**Mr. McIver** - "I have a question."

**Chairperson Handel** - "Mr. McIver."

**Mr. McIver** - "These -- I noticed the ribbon on your lapel, and you're a Vietnam Veteran. I thank you for your service to America."

**Mr. Eastwood** - "Yes, sir. Thank you."

**Mr. McIver** - "Can you explain to us, then, why it is that we -- we're discussing matters well beyond the scope of the investigation of the Attorney General?"

**Mr. Eastwood** - "I think it goes back to the intense emotions in the local politics."

**Mr. McIver** - "And you're recommending that we follow the

recommendation of Inspector LaGrua?"

**Mr. Eastwood** - "Yes, sir."

**Mr. McIver** - "Thank you, Madam Chair."

**Chairperson Handel** - "Mr. Worley, any questions?"

**Mr. Worley** - "I don't have a question for either of you."

**Chairperson Handel** - "Briefly, just to remind, I don't want to get in the back and forth of who said, you disagree with him, do you have anything new that you want to add?"

**Ms. Ledbetter** - "I filed my report with you last Spring, not after this came out. My report's been with your office, as you know, I talked to you, many, many months, and really finally came -- ."

**Chairperson Handel** - "Well, let me just be clear. No -- Nothing is official until you file something in writing, which is what I explained to you. So the official filing of anything was not formal until you submitted those -- your formal complaint to Inspector LaGrua."

**Ms. Ledbetter** - "That was last May."

**Chairperson Handel** - "I don't know the date because I don't get in the middle of the investigation."

**Ms. Ledbetter** - "Right. And this report came out in the Fall."

**Chairperson Handel** - "Okay."

**Ms. Ledbetter** - "And nobody interviewed me on this report. Nobody asked me a question, I was not involved in the reporting of it."

**Chairperson Handel** - "Okay. All right. Thank you. Mr. Worley."

**Mr. Worley** - "Commissioner Ledbetter, I've just got a question for you. How long was it between the time that Ms. Jekot -- I don't know you pronounce that."

**Ms. Ledbetter** - "I think it's Jekot."

**Mr. Worley** - "Jekot told you about the unattended voting machine at the time that reported back."

**Ms. Ledbetter** - "It was pretty much -- I had -- I had several people come to me with problems that they had with

the Voter Registrar, and I didn't do anything about until I started investigating. I met with so much resistance in my investigation from the people in the local government, that that kind of bothered me. So then I proceeded to go through her. One investigator, head of the department, was fired over the investigation because he outright lied to me that there was no material there. It was -- it's been a very painful process. I have only pursued it because I have had many constituents -- what they call the lunatic -- but I've had many constituents wanting to pursue this, so I have. I didn't talk with Bates and Carter in the report. If you look at page 7 it says that they suggested that the County research the internal controls over the equipment during our election. We're just having some problems here, and it's not a personal thing. It's just that we have some problems within that office."

**Mr. Worley** - "Is Ms. Jekot here?"

**Ms. Ledbetter** - "She's -- I don't want to say threatened, but she felt that she could not come. She might lose her job if she came. Her employer did not want her speaking out anymore. That's what she told me, so I said okay."

**Chairperson Handel** - "Ms. LaGrua, do you want to --."

**Ms. LaGrua** - "Just briefly, Madam Chair. Actually, on January 24th, Commissioner Ledbetter was interviewed by Steve McBrayer of our office."

**Chairperson Handel** - "All right. Thank you."

**Mr. Worley** - "Ms. Lagrua, did you interview Ms. Jekot?"

**Ms. LaGrua** - "I did not conduct the specific interview, but Inspector McBrayer did speak to Ms. Jekot."

**Mr. Worley** - "Did -- Mr. McBrayer, do you have anything to add?"

**Mr. Steve McBrayer** - "This all --."

**Ms. LaGrua** - "It's, essentially, I just did not want the Board to think that we had not interviewed --."

**Ms. Ledbetter** - "Oh. They interviewed me. I'm talking about the Bates and Carter report. Not their report. They held me and talked with me at length."

**Chairperson Handel** - "All right. Super. Thanks for clarifying that. All right. Any other questions, colleagues? All right. We have a recommendation to close this matter. Is there a motion?"

**Mr. McIver** - "Move that it be closed."

**Chairperson Handel** - "Is there a second? Motion and a second. Any other questions or comments?"

**Mr. Worley** - "Well I just had a general comment. I'm not sure that it's the position of this Board to get into the internal administration of standard County elections. That's not what we've done historically, and I don't think that that's intended. I think that's a matter for local government and the local election officials to work out for themselves. And so I don't really think that we have jurisdiction to really get into those kinds of details to the extent that that's the real issue here. That's not our role to the extent that there was a complaint about unattended voting machines, that is our role but there is not sufficient evidence in the records before me to warrant sending that on to any other --."

**Chairperson Handel** - "All right. Any other questions? All in favor for a motion to close, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Ms. LaGrua, do you have any other case updates? I know that there are several that are pending."

**Ms. Lagrua** - "We have a number of cases pending. We are working quickly to get these to the Board as quickly as possible. I know there have been some questions about the County investigation. I would like the Board to know, as you may know because it's public knowledge at this point, but the prosecutors and GBI have executed two search warrants in that case and are moving as quickly as they can and are taking it very seriously, and I will continue to update you. Mr. Evans, I know you have had concerns about the time, I have my eye on that and will make sure that y'all get timely reports as to move forward as appropriate. Obviously, I'm not -- I can't speak to the actual ongoing investigation, but it is moving."

**Mr. Evans** - "Well I'm thinking, actually, we had in here, in the minutes that we approved, that we would get a calculation of the statute of limitations."

**Ms. LaGrua** - "I've spoken to Mr. Ritter. Both Mr. Ritter and myself can find no specific statute of limitations in terms of the SEB violations. Clearly, on any felony violations there are specific statutes depending on what the prosecutors find and what crimes, if any, they choose to charge in that case. But I cannot find, and maybe, Mr."

Evans, you can correct me, but after speaking to Mr. Ritter, I'm not aware of statute of limitations for this particular body."

**Mr. Evans** - "Well I tend think that the statute of limitations that applies to criminal penalty where applied to the imposed manner of a penalty in the nature of the criminal. But I just, and if there's not a statute of limitations then we'll have to figure out whether or not that's something that we want to take a chance on is that I don't want to take a chance on is that Chattooga County get the benefit because they have lawyers that preclude there is a statute of limitations, and that they argue for the shorter statute of limitations, and that we missed that because I know, at least in the folks who reach out to me from Georgia Legislature and from elected officials in Chattooga County, there's a concern that this is being buried or getting away. Now I think that's the easiest thing to respond to those concerns is to give them data, and just simply say there are search warrants that has been executed. There's a special prosecutor that has been named and give them data. The worst thing you can do is to give them money because it's only preposterous to believe that nothing has happened. And so, these reports that you are giving are very helpful because we want to be able to pass that information on. And obviously, the names and information that you can give us, which should in no way threaten the general prosecution such as the name of the special prosecutor that search warrants, which are public records, have been returned. Those kind of things are public information anyway is just that we will provide the vehicle to make sure that they know that things are happening, which is helpful, but it's also important to us. I think, given the significance of severity of the alleged violations that we make sure we're comfortable that we do not allow to pass the opportunity for us to enforce the election laws. And the concern that I have received is that we will have another general election in Chattooga County on the President of the United States without having this matter resolved."

**Ms. LaGrua** - "I can't speak specifically to when the matter will be resolved. Obviously, that's the special prosecutor, but just so you know I have provided that name to anybody who's made inquiry. I know that Joe Burford and Gerry Gertman (phonetic) of the prosecuting attorney's counsel supervised by David Ballard, the Deputy Director, are the attorneys assigned the case and the GBI is assisting them in their investigation. As to the statute of limitations, I'll defer again, and Mr. Ritter I know that we've talked about it. It's -- I think that the Board may appropriately need to look at whether this body has specifics. I know that there are administrative bodies that do have specific

statute of limitations in their language that govern them. That's a little bit out of my baileywick here, and if appropriate, Madam Chair, I defer to Mr. Ritter on that."

**Chairperson Handel** - "Do you have something to add, Mr. Ritter?"

**Mr. Ritter** - "I reclude what Ms. LaGrua has said. There is no specific statute of limitations stated within the Elections Code. I am not, and I don't mean the AG's office, is not involved in day-to-day investigations to the County, but I certainly agree with Mr. Evans, completely, that every effort must be made not to open the door to any argument that a limitation period might apply. And I think we need to make a very conservative view of what the limitation period is. And as far as legislative change, Mr. Evans knows, for instance, the Ethics in Government Act, which needs to be amended to add limitation period to those provisions and I think you're welcome to that."

**Chairperson Handel** - "And let me just reassure the body that for the various legislators in that area, they have regular conversations with Ms. LaGrua about the status of this, and certainly she does keep them informed to the accurateness of all the information that she can. That is really pulled via the accountants. Ms. Almond, how long do you think you need to give your updates?"

**Ms. Almond** - "I have eight cases."

**Chairperson Handel** - "Eight. Okay. Why don't we go ahead, then, if everyone is amendable. I'll need a motion because I believe we do have the need to do a litigation discussion in Executive Session. So if I could get that motion."

**Mr. McIver** - "I move we recess for lunch."

**Chairperson Handel** - "And --."

**Mr. McIver** - "And go into Executive Session."

**Chairperson Handel** - "Is there a second? Motion and second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And folks, let's say we'll be back -- let's call it 12:45 just in case we do come back early. But it could be one, but I wouldn't want us to get started with y'all."

(Whereupon, the meeting broke for lunch and Executive Session at 12:10 p.m., and reconvened at 12:57 p.m.)

**Chairperson Handel** - "I think I need a motion to come on back out of Executive Session."

**Mr. McIver** - "I so move."

**Chairperson Handel** - "Is there a second?"

**Mr. Worley** - "Second."

**Chairperson Handel** - "All in favor, aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And for the record, we discussed litigation matters and there were no actions taken in Executive Session. Our next item is our report from Ms. Almond from the Attorney General's office."

**Ms. Almond** - "The first case is Pierce County. SEB Number 2004-000082."

**Chairperson Handel** - "I think that's Tab 13, probably."

**Ms. Almond** - "The Board referred this to the Attorney General's office in April of 2005. It involves allegations that a local organization, Taxpayers of Pierce, Wayne and Brantley County, ran a political ad without listing the three highest officials in their organization. It's technically a violation of O.C.G.A. Section 21-2-415. The Board considered this case at its November 13th, 2006 meeting voting to table it from being the opinion of the Attorney General's Office on the constitutionality of the statute. We've since given our opinion on that. That would likely be ruled unconstitutional, and the Board hasn't sought to recourse that consent. So, for that reason, I recommend that this case be closed."

**Chairperson Handel** - "Questions."

**Mr. Evans** - "Well this puts us in a difficult position because in Photo ID, the fact that we believe the statute is unconstitutional doesn't give us the option of saying we're not going to enforce the law. We could reinterpret the statute, but I don't know that we have the option of just essentially saying, I'm not going to enforce the law. And so I'm trying to figure out how -- what are the available options to address that conflict. The conflict between, on the one hand the oath to uphold the law, and on the other hand the opinion of counsel that the law has written is unconstitutional. So how do we resolve that?"

**Ms. Almond** - "To resolve that, I guess that would be a

policy decision, and to go against the statute and, you know, make recommendations to the Legislature. I mean, I think that would be --."

**Mr. Evans** - "Let me give you an illustration. Two years ago our Secretary of State thought that Photo ID was unconstitutional. It was all of our position that, notwithstanding her belief that it was unconstitutional, she had a duty to enforce it because that is the law that is passed. Now we have a different scenario where we have a law in front of us which our counsel believes is unconstitutional, and that applies to the same standard to ourselves as was applied to her. And that would mean that we would enforce it we would allow a litigant to then challenge it in a way for a court to decide that it's unconstitutional. Another option is to see if we can get it modified by the Legislature so that is constitutional."

**Chairperson Handel** - "Ms. Almond, if I might, I believe that that matter is addressed in the Clean-up Bill."

**Mr. Evans** - "So what might be an option is to defer until the new statute is passed --."

**Chairperson Handel** - "Yes. Yes. So do we have a motion to defer this until the Legislative Clean-up Bill passes?"

**Mr. Evans** - "So move."

**Mr. McIver** - "Second."

**Chairperson Handel** - "Motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed?"

**Mr. Worley** - "No."

**Chairperson Handel** - "Okay. We have no. Next item."

**Ms. Almond** - "The next item is City of Resaca. Case No. 2005-000028. The Board referred this September, 2006. This involves the City's failure to submit changes in the precinct to the Department of Justice. This has been a long-standing failure over many administrations. The current administration has addressed the problem, and sent in the information needed to the Department of Justice. We also entered into a Consent Order providing for a cease and desist order and a reprimand. The Board has accepted cease and desist and reprimands for local government officials where they've taken corrective action. And so for that reason, I recommend that the Consent Order be accepted."

**Mr. Evans** - "So move."

**Mr. McIver** - "Discussion."

**Chairperson Handel** - "Yes. I was going to come to it, Mr. McIver. Absolutely. Yes, Mr. McIver."

**Mr. McIver** - "Is this remedy consistent with what we've done in the past? Maybe that ought to be addressed with Mr. Adams, since he's got some history here, but cease and desist and reprimand, only?"

**Mr. Evans** - "Yeah. I thought --."

**Mr. McIver** - "It goes to consistently, only, is my question."

**Mr. Evans** - "Yeah. I believe so. I believe in the context that the failure to get the -- the truth of the matter of is, that in the past we've complied with the Department of Justice to impose whatever remedy they want for the failure to --."

**Chairperson Handel** - "We have a motion and a second. Any other questions or comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? None. All right. Next item."

**Ms. Almond** - "The next case is Heard County. Case No. 2005-000073. This involves Respondent Robert Daniel. He has admitted to violating several statutes. O.C.G.A. 21-2-562. 21-2-152, and 21-2-565. When he submitted an affidavit, also stating that he resided in Heard County, when he had actually moved to (inaudible) County. The Respondent -- this case was considered -- he responded to the Consent Order providing for a \$200 fine and cease and desist order at the Board's September 2007 meeting. At that meeting the Board voted to amend the Consent Order and increase the sanction to two thousand dollars. The Respondent has since agreed to that -- that increased sanction, but he also wanted to address the Board regarding his position before the Board signed off on it."

**Chairperson Handel** - "Okay. Come on up, sir."

**Mr. Robert Daniel** - "My name is Robert Daniel. I just want to make a suggestion on this. What happened after the election. The General Election come up, this fellow passed away on the General Elections, and I went to register to

vote after I moved. And they said I could vote provisional ballot, which I did. When I voted provisional ballot I didn't know anything about it this, but I know I done wrong and I apologize for doing wrong, and I sent the Consent money to send you \$200. I was under so much pressure. They said I could do it, but I didn't go ahead and campaign after I done a provisional ballot, I didn't campaign for, you know, the general election. So when it come up I just didn't even go back to court or nothing, you know, go by to vote. So it come up, and next thing I know I got the letter and sent \$200. I sent it and I signed that I done it, which I apologize for doing it and I know I done wrong. That's all I just wanted to explain to the Board. I didn't do it on purpose, just -- and I was under so much pressure, what they was telling me I could do and couldn't do because I still lived in Heard County at the same time, then I moved to Troup County, and I talked two or three others and Commissioners of the County, and they said it would be all right, so I went on, but I didn't campaign for it. And I thought after going it would, and that's when I sent -- sent, which I told Ms. Almond about. I told her I done wrong. I just wanted to tell the Board, you know, that I'm sorry I done it."

**Chairperson Handel** - "Thank you. We appreciate that. Thank you very much. Colleagues, any other questions? Is there a motion?"

**Mr. McIver** - "So move."

**Chairperson Handel** - "Move approval of the Consent Order. Is there a second?"

**Mr. Evans** - "Second."

**Chairperson Handel** - "Motion and a second. Comments? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none. Thank you. Next item."

**Ms. Almond** - "The next item is Calhoun County. SEB Number 2006-000019. SEB referred this case to our office at the December 2007 Meeting, instructing us to initiate a Consent Order directing the Respondent, there were two, Annie Holder, Superintendent of Elections for Calhoun County, and the Calhoun County Board of Registrars cease and desist for allowing the practice of convenience voting. The Respondent, Holder, admitted that she allowed voters to vote outside their assigned polling places, and the County's acknowledged that they failed to list correct precincts on the precinct

cards for voters. Both Respondents, they've undertaken actions to correct -- they've corrected the problem. It had been a long-standing practice in the County, but they've since not corrected that. The Respondents have declined a Consent Order for a cease and desist. They did not want to -- they're reluctant to agree to a reprimand, since at the last Board Meeting there was some discussion about issuing a letter of instruction instead. In the minutes, it didn't specify whether the Board wanted a reprimand, along with a cease and desist, so the cease and -- the Consent Order that they signed off on provides for a cease and desist, but no reprimand. So if that's okay, then I'd recommend acceptance."

**Chairperson Handel** - "If I might ask, in our previous Consent Order on this, we, I believe, as a body, we've held a pretty firm line about them doing formal reprimand. But correct?"

**Ms. Almond** - "Right. Here, it was close on the line, you know, whether they needed a formal cease and desist or a letter of instruction, I thought I might, you know --."  
"

**Chairperson Handel** - "Okay. Mr. Worley, and the Mr. Evans."

**Mr. Worley** - "Thank you, Madam Secretary. Ms. Almond, is it correct that since this action began that Ms. Holder has been taking some training on the --."

**Ms. Almond** - "I am not sure if she's undertaken training. I -- I --."

**Mr. Worley** - "I was looking at Paragraph 5, it seems to indicate that she has."

**Ms. Almond** - "Oh, yeah. She has."

**Chairperson Handel** - "Mr. McIver."

**Mr. McIver** - "My question, again, goes to consistency. What have we generally done in the past? I hear you state this case may be an exception, but I'd like --."

**Ms. Almond** - "Right. Generally, you've always required a reprimand."

**Chairperson Handel** - "For this one, members, I think that I'm still at a place of a reprimand. This was a long-standing practice. I appreciate that it was corrected, but it doesn't undo the fact that she was consistently being wrong, and apparently knowing of them being wrong. So --."

**Mr. McIver** - "May I?"

**Chairperson Handel** - "Yes."

**Mr. McIver** - "I agree. I see no reason to mitigate these circumstances, so I, too, would support a formal reprimand."

**Chairperson Handel** - "What do you need, a motion to refer it back to attempt to get a new Consent order with that?"

**Ms. Almond** - "Yes."

**Mr. McIver** - "I'll move that we refer this matter to the Law Department to obtain formal reprimand as part of the remedy."

**Chairperson Handel** - "Second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "Second from Mr. Israel. Any other questions or comments? Do you have something to add, Mr. Ritter?"

**Mr. Ritter** - "Yeah. Well, first a comment. It actually doesn't need to be referred back to us since we're holding to a Consent Order, it's just whether you've adopted it, or not."

**Chairperson Handel** - "Okay."

**Mr. Ritter** - "If the Board would vote that it would accept a Consent Order of a sanction or a reprimand, then we can, if we get consent, modify the Consent Order and direct it for signature, I think."

**Mr. McIver** - "I'll modify my motion."

**Chairperson Handel** - "Is there a second to accept that modification?"

**Mr. Israel** - "Yes."

**Chairperson Handel** - "Yes. Okay. All right. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none. All right. Next one."

**Ms. Almond** - "It is City of Dawson. SEB Number 2006-000032. This case was referred where various officials in the City of Dawson violated Election Code during the November 2004, 2006 General Elections. The SEB also considered this matter

at the 2007 meeting where it was determined that different Respondents -- different parties should probably be named as Respondents. The City is alleged to have failed to verify the accuracy of the elector's list in violation of O.C.G.A. 21-2-224. And it was also alleged to have violated O.C.G.A. 21-2-226(d) when it failed to provide a detailed map showing the boundaries and any changes -- changes in the boundary as regarded by that statute. The attorney for the City of Dawson has acknowledged that the City was in violation of O.C.G.A. 21-2-224, and has taken steps to rectify that issue. In speaking with him, it was also determined that they had not -- the Chief Registrar that was, you know, the person that was supposed to be performing some of the duties under that statute. That was a violation of O.C.G.A. 21-2-212c. Since they have admitted to those violations, it's back to O.C.G.A. 21-2-226 regarding the map. After the -- we got this case in our office, we received some credible information -- credible evidence that a map was, in fact, provided to the County as was required. The City Attorney advised that he had sent over the map and the City Manager reported to actually seeing the map in the office. So with respect to that violation, I don't think that we'll be able to issue the violation. So the City has introduced a Consent Order agreeing to cease and desist and agreeing to a reprimand for its failure to comply with O.C.G.A. 21-2-224e, and its failure to appoint a Chief Registrar. It has taken steps to correct."

**Chairperson Handel** - "All right. Questions on this one? All right. Is there a motion to accept this Consent Order."

**Mr. Worley** - "I move to accept the Consent Order."

**Chairperson Handel** - "Second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second. Any other questions? All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? All right. Thank you. Next one."

**Ms. Almond** - "The next one is Ray City. SEB Number 2005-000036. This case was referred to our office in May of 2006. The Respondent Kathryn Webb admits that she made a false statement and she stated that she witnessed a certain elector moved from outside the precinct. And she states that she went to challenge the elector's daughter instead of the actual elector. This Board has previously considered -- she had previously agreed to a cease and desist order and a

fine. The Board rejected that at its, recently, its November meeting. This Respondent has since agreed to a higher sanction. A thousand dollar fine, cease and desist, public reprimand, that she's fined on one. In the past, the Board has stated that for false statements in violation with O.C.G.A. 21-2-562, there must be a significant penalty in the \$500 and thousand dollar range. And so, you know, she's signed off to pay a thousand dollars."

**Chairperson Handel** - "All right. Is this Ms. Webb? Do you have anything else to add?"

**Ms. Kathryn Webb** - "Do you have any questions of me?"

**Chairperson Handel** - "No? All right. Thank you."

**Mr. Evans** - "So move."

**Chairperson Handel** - "I have a motion. Is there a second?"

**Mr. McIver** - "Second."

**Chairperson Handel** - "Got a motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? Thank you. Next item."

**Ms. Almond** - "The next one is Lowndes County. It's number 2007-000014. This was referred to our office at the last meeting. The Respondent for inquiry was an employee at a nursing home, and it was her -- part of her job to assist the residents who needed help with the voting process. And she followed a protocol that was established by the nursing home. Well during -- while she was assisting voters, she admitted that for some of the voters who weren't feeling well at the time, on their voter registration application and their absentee ballot envelope she would mark an "X" for them on couldn't do self -- in the space provided for her signature. There was no evidence that the Respondent was trying to -- intending to falsify anything or, you know, violate the Code. It seems to be a mistake. She's admitted to the conduct, and instead of, you know, trying to formulate a sanction, she has stipulated to the fact in the fact that her conduct violated O.C.G.A. 21-2-562. This case isn't neatly fed into either, you know, typical cases, fraudulent injuries, you know, \$500 to a thousand dollars, you know, since she doesn't appear to have consented to deceive anyone. You know, it's also treated as an improper assistance case, but here she was properly assisting people, but she just, you know, she just mistakenly put an "X" when she shouldn't have for the -- for the participants -- for

their signatures. The attorney for Ms. Griner is present to provide further information on her behalf."

**Chairperson Handel** - "All right."

**Mr. Rich Gardner** - "Hi. My name is Rich Gardner. I'm with the law firm Arnall, Golden and Gregory, and I'm here on behalf of Ms. Griner. And I'd like to thank you guys for allowing Courtney's case to be put back on the Agenda. She never received the notice of the December meeting, and so I think something happened -- and I just wanted to say a few words about her if the deliberations are going to be -- what remedies should be imposed. She's 24-years old. She's a model employee, she's a model member of the community, she's active in her church, served as a missionary. She devotes a significant percentage of her time to charitable causes, Humane Society, United Way, RSVP, services working with adults. She's always been a good person, never done anything wrong, never had any strike against her. Since the time that she's been in this job as Activities Director for the facility, she's never had a single survey citation from the State Survey Agency, and you know, she has a lot of responsibilities, primarily making sure that the residents stay engaged in the -- in each other and with the community, so she spends most of her time doing that. She also has the responsibility of complying with Georgia Long-Term Care Bill of Rights, which provides that residents of long-term care facilities, quote, shall be encouraged and assisted by the facility to exercise all rights, benefits, and privileges as a citizen, including, but not limited to, the right to vote. The law also provides that nursing homes shall permit and reasonably assist residents to obtain voter registration forms, absentee ballots, applications and absentee ballots, and assist them with those prerequisites to voting. At Lakehaven, somebody's got to do that or the facility gets in trouble, and the responsibility was put on Ms. Griner. In this case, the local election supervisor raised an issue because there were some signatures that were submitted with forms from the nursing home. There were a great number of them that didn't match what the County had on its record. And I think this is probably not a unique problem. In fact, you know, the residents -- several of the residents, the deterioration of their signature was directly related to the decline in their health, which is why they're in the nursing home. And in fact, there's one resident who -- whose signature that the County had on file was from 1956, and it didn't match when he turned in 2007 as a resident of the nursing home. So that's something that probably shouldn't be surprising, and perhaps may need to be addressed. Courtney had never received any kind of training on how to assist residents. It was said that the facility had a resident voting policy in place, which basically just said the facility shall assist residents in compliance with the

Bill of Rights for long-term care residents. So she complied with that, but the policy didn't instruct her, in any way, on how to carry those -- that assistance out. I wanted to mention that there was an article within the last couple of weeks that an Associated Press writer wrote, and picked up by any number of newspapers called American Voters Getting Older, and it discusses the need for guidance on a national level, and on the State level, on how to assist Americans who are aging in place in nursing homes, and how to assist them with voting. And there's a U.S. Senate Special Committee on Aging is looking into this with the U.S. Election Assistance Commission. And -- just -- I read through the minutes of this last meeting, and it was acknowledged that there was a problem -- what are the guidelines for assisting disabled voters? And so, we would ask that you take that into consideration. Courtney admitted she made a mistake. She probably went a little bit too far with a couple of the residents. I mentioned that she's active in the church community, but she's not active in politics. She has no dog in the fight. The election, itself, was -- was a special election. The only issue on the ballot was an up or down vote on a one-cent city sales tax, and you know, use the proceeds for cattle improvements. It wasn't a heated political contest. She was just trying to do the right thing, and there's no -- no allegation that she's done anything, other than specifically what the residents told her to do. And like Calandra said, she did go too far. A couple of places she's consented to the conclusion of the investigator that for two registration cards she put an "X" in the blank when the resident wasn't able to do it, same for the absentee ballots. I just wanted to say one last thing, and that is when she -- she didn't know about the meeting last time, that took place. The way she found out about this was that the Secretary of State's office sent a press release to the Valdosta Daily Times, and there was a lot of hubbub in the community, allegations about voter fraud in the newspaper, all over the radio her name was repeatedly invoked as a possible voter fraud, heavy committed voter fraud, and I just think that she's been through enough. She's had public humiliation. She -- she had unimpeachable reputation in the community before this, and now it's -- that's suffered. I would hope that if you're considering a remedy to be imposed that you would take that into consideration. Taking into consideration the fact that she doesn't make a lot of money working in the nursing home, and that she has actually gone, on her own, and sought training and received training from the local elections."

**Chairperson Handel** - "All right."

**Mr. Evans** - "The other part we have, this is the 21-2-562 violation, which is a felon. And so, you know, in the

context of what would happen if it were pursued by a District Attorney, the remedies would be much more severe. And generally, Calandra, tell me if I get this wrong. I think you were right at that. My recollection was that anytime we've had this, it's \$500 -- it's the minimum per -- and what, a hundred dollar per absentee ballot for every absentee ballot? So, with that we have two. And so I would say that we -- we have to have -- I would recommend that we have (inaudible) Courtney a thousand dollars, and that we include the cease and desist in the public reprimand."

**Chairperson Handel** - "Is that your motion?"

**Mr. Evans** - "That is my motion."

**Chairperson Handel** - "I have a motion, is there a second? Is that a second, Mr. McIver?"

**Mr. McIver** - "No, ma'am."

**Chairperson Handel** - "No."

**Mr. McIver** - "No. I have a question of the counsel."

**Chairperson Handel** - "All right. We didn't get a second on the -- the -- I'm sorry, it was a thousand dollars?"

**Mr. Evans** - "Yeah."

**Chairperson Handel** - "All right. We have a motion for a thousand dollars. Is there a second on that?"

**Mr. Gardner** - "Can I just --."

**Chairperson Handel** - "Really, we sort of had an opportunity, let me give the Board members a chance to ask their questions. We did not get a second on that, so Mr. McIver, you were next to ask a question."

**Mr. McIver** - "Mr. Gardner, we're not going to let you get away without giving us your recommendations. What is it that you would prefer we do here by way of reprimand?"

**Mr. Gardner** - "Well, 21-2-562 commits fraud, and the elements of fraud are not present in this case. There's no deception. She filled in the blank in accordance with the consent of the resident who was unable to sign themselves. I would recommend a cease and desist, a reprimand, a letter of instruction, training, which she has already gotten on her own. I just don't think that it's appropriate to fine someone when they haven't committed fraud, or a statue that, you know, connotes fraud."

**Mr. McIver** - "So your recommendation is no monetary fine."

**Mr. Gardner** - "That would be my recommendation."

**Mr. McIver** - "I'm prepared now."

**Chairperson Handel** - "All right. Any other questions? Mr. Worley."

**Mr. Worley** - "Thank you, Madam Secretary. Mr. Gardner, what training did she undertake?"

**Mr. Gardner** - "Well she went -- she went to the local Election Board and asked for training. They said we do not have a mechanism in place for providing training and turned her away, but she persisted. She went and met with them, and said look, if you're going to, essentially, if you're going to get me in trouble for this you need to tell me what to -- how to do it right. And they gave her, I want to say, a couple of hours of training at the local Election Board office."

**Chairperson Handel** - "I have a question. Ms. Almond, it was 12 voters where the "X" was marked, instead of the signature?"

**Ms. Almond** - "Well actually, it was two voters on their voter registration applications, and three on their absentee ballot envelopes."

**Chairperson Handel** - "All right. We didn't quite get there on a thousand, but I can't be in place with zero fine, and we've had some cases before where the individuals were mistaken in following the procedures, and maybe they didn't have an intent. I specifically recall the -- women from south Georgia, and I believe we settled on a hundred dollars, per, on that one. And so, if they were in violation of five, with a hundred dollars each, that would be a \$500 fine. And certainly, the training issue is a big issue, and for this one SEB member, the fact that she was charged with this duty, and just because, I mean, she had a responsibility if she was charged with the duty. She had a responsibility to know what she was doing if she was going to take -- take on that -- that duty. And she did so, and didn't bother to figure out what she should or shouldn't do. And that's -- that's really a big problem. So I'll try a motion, again, where Mr. Evans was that we accept the Consent Order with a Cease and Desist, a formal reprimand, a \$500 fine, and -- and you said she did complete training?"

**Mr. Gardner** - "Yes, ma'am."

**Chairperson Handel** - "Okay. That's my motion. Okay."

There's no second to five hundred. Any other --."

**Mr. Worley** - "Can we have some discussion first?"

**Chairperson Handel** - "Sure. Absolutely."

**Mr. Worley** - "I certainly realize the importance that we have attached to levying a monetary penalty in cases like this. However, it seems to me that under -- under all of the circumstances in this case, and the -- including the policy that did direct her to assist voters, her willingness to assist voters, her being asked by the voters, first, to assist, and the public humiliation to which she's been subjected already in a relatively small area. It just seems to me that under the circumstances, the appropriate remedy is to a cease and desist order and a reprimand, and training, which she's already sought. So I would make a motion that we accept the Consent Order that includes a cease and desist order, public reprimand, training, but no penalty -- no monetary penalty."

**Mr. McIver** - "What about a letter of Consent?"

**Mr. Worley** - "And a letter of Consent."

**Chairperson Handel** - "I've got a motion and a second. Oh. Did you second?"

**Mr. McIver** - "No."

**Chairperson Handel** - "No. Okay. There is no second."

**Mr. Israel** - "Second."

**Chairperson Handel** - "Okay. I was going to say we went zero, five hundred, a thousand, we've got to find somewhere -- all right. Discussion on this? Mr. McIver."

**Mr. McIver** - "It seems to be part of our mission is to send a message to other facilities throughout Georgia, and forgiveness in a situation like this, however appealing it may be, and I -- Mr. Gardner's done a very good job. This is the kind of person, if I can meet like that, more of them in our State, but I am very much concerned that this might be too light of punishment, particular to the fact that it could well have been a felon. So I'm going with Mr. Evans at the thousand dollar level. So therefore, I intend to vote against the motion."

**Chairperson Handel** - "Well, we don't have a second on this one. Oh. Yes, we do. I'm sorry. Jeff did."

**Mr. McIver** - "The reason for my discussion -- but it does to me that it's kind of incumbent on us to make sure that the

rest of Georgia in facilities like this are very aware of how seriously we take these violations of 562."

**Mr. Worley** - "Well, I accept. Thank you, Madam Chair. I accept what Mr. McIver has said, and I agree with much of what he's said, but I really think the best way, if our intention here is to send a message, the best way is to work with the Georgia Nursing Home Association, or I don't know. I know there is some such group, but don't know the title. The Secretary of State's Office and Board to make an effort to inform nursing homes of the rules relating to absentee ballots, and get that message out. I think that's a much better way of ensuring that future violations of the law do not occur, than punishing someone who had no -- just trying to do the best they can -- they could. And I think, unlike many of the cases that we deal with with violations of this kind, almost all of those cases occur where someone is supporting or opposing different candidates and trying to achieve a result by getting their family members or others to vote. This, to me, just doesn't fall under that circumstance."

**Chairperson Handel** - "Can we -- I have a question to ask. What was Ms. Griner's position at the nursing home?"

**Mr. Gardner** - "She's an Activities Director responsible, essentially, for planning activities for the residents."

**Chairperson Handel** - "Then, I guess, my question is I think there's, sort of, a dual, certainly if she's in a director level position, it would be incumbent upon her to know the extent of her -- her duties and responsibilities, including the laws in which to carry out. Is there -- is the employer in any way responsible in this?"

**Mr. McIver** - "Not a named Respondent."

**Chairperson Handel** - "They're not. Okay."

**Mr. McIver** - "We are sure of that?"

**Chairperson Handel** - "That's kind of what I'm asking. I don't know. I don't know."

**Mr. McIver** - "Does the Law Department have an opinion on this? Can we add a Respondent?"

**Ms. Almond** - "Yes. You can add the nursing home as a Respondent. Yes."

**Mr. Worley** - "Well I think we have to be careful about what we're doing here, because I'm sure the nursing home is not happy with the situation as it is. I don't know that we

want to name the nursing home as a Respondent and get Ms. Griner in even more hot water than she's been already. I would expect -- I would expect that she would prefer to pay the fine than have them listed as a Respondent. I'm not asking her as --."

**Mr. Ritter** - "Madam Chair.

**Chairperson Handel** - "Yes."

**Mr. Ritter** - "You know, I would have some concerns, but I'm not going to commit one way or the other, candidly, but concerns about adding, at this stage of the proceedings, a new party to -- to suddenly -- there's been no probably cause hearing regarding the nursing home. The better part of that would be not to do it. It's not necessary."

**Chairperson Handel** - "I'm not going to be able to support the motion with zero fines because we have, as a body, candidly, taken a very hard line, even when there were extenuating circumstances such as this. If I'm anything, I'm consistent about things and we cannot, just because one person has one story and another person has a different story, differentiate on how we're going to handle the cases. It's very important that we have consistency. Any other comment on this particular motion? All right. We have a motion. Mr. Worley."

**Mr. Worley** - "No. I'm sorry, Madam Secretary."

**Ms. Courtney Griner** - "I am Courtney Griner. This is hard. We need help. I've had so many activity directors and administrators call me and say, what was determined? Can we have a session with the activity directors in our company? Can we come together and will you show us because we don't know. All I'm asking is for some guidelines because there's nothing. You can have a voter in a nursing home that is completely unaware of anything about politics, and let them vote. They can say I'm a Democrat, put me down. They don't know anything. And I try my hardest with current events, and we, you know, we talk about what's on the news to let them know to vote properly on what they want to do. This has been very humiliating. I've voted one time in my life. And I admit that I was wrong. I didn't know, at the time, that it was this severe, and I do apologize."

**Chairperson Handel** - "Thank you."

**Ms. Griner** - "But I was -- was trying to do the right thing."

**Mr. Evans** - "Ms. Griner, let me --."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "The GEOA has a three-day training session, and -- where is it this year, Tex? Do you remember?"

**Chairperson Handel** - "In Savannah."

**Mr. Evans** - "In Savannah?"

**Mr. McIver** - "I think it's in Athens."

**Chairperson Handel** - "In Athens."

**Mr. Evans** - "Which will involve some expense. And my question, which to me would be catamount to the thousand dollars that we've been talking about. You understand the reason why we have to be so tough, because we're not -- if we're not very careful, we end up with nursing home -- if we were to say cease and desist, and you agree to go to the GEOA for all three -- is it three days, Madam?"

**Chairperson Handel** - "Yes."

**Mr. McCarthy** - "Actually -- actually --."

**Mr. Evans** - "But she would be -- GOA would be applicable to her. You go to all three days, and then we would accept that because the net -- to an extent, will be close to the same as a remedy. And then we still are going to have some monetary fine, it could be \$100 or, you know, we still have to have some level there. Is that something, and I don't know if you want to take a moment and talk to your counsel about it, and then, obviously, I can't speak for the whole Board. I agree with Board member Worley. Our biggest issue is making sure that we take steps so that it never -- things like this never happen again. And so, the signal of the thousand dollars, however satisfied, is something that we're probably going to have to do. But we can always consider other ways in which she got that. So I don't know if you want to talk to her a minute, or Madam Chair, you may want to get --."

**Chairperson Handel** - "If we could -- if we could, we do have a motion and a second on the floor. We're getting off into different motions and options, and I would like to, just for clarity sake, let's deal with the motion that's on the floor before us. If anyone has anymore comments specific and germane to that motion, we'll entertain those at this point. Anything else? All right. The motion is the motion from Mr. Worley, and seconded by Mr. Israel. Is it all in favor?"

(Whereupon, there was a chorus of ayes)."

**Chairperson Handel** - "Opposed?"

(Whereupon, there was a chorus of nos)

**Chairperson Handel** - "I'm sorry. Did we get -- you were out --."

**Mr. McIver** - "I voted against."

**Chairperson Handel** - "Oh. I thought you said, aye. Let me do it again, because -- all in favor, say aye."

(Whereupon, upon there was a chorus of ayes)

**Mr. Evans** - "No."

**Chairperson Handel** - "No."

**Mr. McIver** - "No."

**Chairperson Handel** - "Okay. That's one off the table. Mr. Evans, to your suggestion on GEOA, candidly, I can't really support that because GEOA is specifically for election officials and Ms. Griner is not an election official. I will say this. I think that the nursing home, again, the Code is very clear on how you're supposed to handle these various issues, and nursing homes know that this is something that comes before them, and certainly -- I am certain that if the nursing home, or your nursing home were to want to pull together activity directors and ask someone from my team to speak, we would be more than happy to have someone from our office come down and do that. And we stand ready to do that in any number of areas, but I can't be in a place where, I mean, the whole thing about being ignorant of the law absolves you, as you know, that's just not how it works. And it is someone that's given an assignment, one that is in the area of voting which comes with very, very strict rules, laws, procedures, et cetera, it would be incumbent upon someone to go to their boss and say, hey, I need some training around this. I'm sure that your nursing home has counsel, et cetera. So I don't know if we're -- and Mr. Evans, do you want to try your motion and see where it will go, or --."

**Mr. Evans** - "I don't know that it -- I don't know, Madam Chair, if either of us sat all the way through the GEOA, but I find that it's particularly (inaudible) and I find that the information is information that every voter, optimally, would love to have it. I think they do a great job, and I think if nursing homes sat through it, they'd have a better -- better impression, and better understanding exactly what the roles are. So I'll give it a whirl. The worst thing that happens is we don't -- we don't get you off free. I

would move that we accept the Consent Agreement, with a sanction that provides a cease and desist order, a letter of instruction, a reprimand, and that we would impose a fine which could be satisfied by the payment of a hundred dollars and attendance -- certified attendance at the GEOA Conference. And in the event that she didn't want to attend the conference, then in that event the full amount of the thousand would be payable."

**Chairperson Handel** - "Is there a second? It doesn't get a second. Mr. Worley was next."

**Mr. Worley** - "I just -- not to make a motion, but this is a matter of discussion. Essentially, it seems on the record we have five violations here. And in the past we've imposed a hundred dollars to the violations. Two of the violations are for saying on a voter registration application -- I'm not sure that we -- I don't recall our having in a case where, in the past, where we had the issue of a signature on a voter registration application. I'm not saying that should be a lesser or greater penalty, I'm just saying we don't have a precedent that we follow in that case. So we're falling past the rest of this, then perhaps it's appropriate to fine her \$300."

**Chairperson Handel** - "Anyone, before we try the motion, have a comment about that?"

**Mr. McIver** - "In my view, it's too light. I support a thousand dollars. As an attorney who represents employers, only, and there's a bunch of nursing homes, my view would be that we vote a motion that has the penalties identified by Mr. Evans for a thousand dollar fine, and somewhere in there I'd love to have a subliminal message sent to the nursing home that if you have such a sterling employee as this, probably the proper thing to do is to pay that fine, and go forward with trying to maintain this sort of program that this lady does such a good job with as an Activities Director. But still, these are very serious violations. I think our obligation, as a Board, would be with the motion."

**Chairperson Handel** - "Do you want to try that as a motion?"

**Mr. McIver** - "I hereby move that the penalties, as identified early by Mr. Evans, that I think are part of the Consent Order, and the one thousand dollar fine to be used as the remedy as case."

**Chairperson Handel** - "I would accept an amendment to that to add to it, and that it is the State Election Board's strongest urging that Ms. Griner's employer pay this find in light of the training issues that's existed."

**Mr. McIver** - "I agree to that modification."

**Chairperson Handel** - "All right. Then I will second the motion. Second. Any other discussion on this one? All right. Let's try this one. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Opposed?"

**Mr. Evans** - "No."

**Mr. Worley** - "No."

**Chairperson Handel** - "Okay. Three ayes and a no. And so we will draft that, and Ms. Griner, we will also have a letter sent to your employer around this matter, specifically, noting what our understanding is around the training issues, and in that letter we will also -- to offer to come and do a training session there as well, including -- in that letter, the -- our strongest urging as a body, that -- that your employer pay that fine. And I really appreciate that you had the courage to stand up and be there, and speak before us. That says a great deal about you as an individual."

**Mr. Worley** - "Madam Secretary."

**Chairperson Handel** - "Yes, Mr. Worley."

**Mr. Worley** - "I just think it's important to note for the record, Mr. Gardner, that we haven't found any probable cause in this case yet. This comes to us in the form of a Consent Order, and Mr. Gardner, if you don't want to consent to that, fine, you don't have to."

**Chairperson Handel** - "That's correct."

**Mr. Worley** - "You don't have to. No. I understand that, but I just want to make it clear on the record. And if you decide not to consent to that, and it still has to come back to the Board for a finding of probable cause, I shall want -- and I can't speak for other members of the Board, I not opposed to finding a probable cause because I don't think there's -- So, you know --."

**Chairperson Handel** - "Thank you."

**Ms. Griner** - "Thank you."

**Ms. Almond** - "A thousand dollars, plus the training, or --."

**Chairperson Handel** - "No -- GEOA -- All right. And Mr. McCarthy, will you make a specific note around that motion?"

**Mr. McCarthy** - "Uh-huh (affirmative)."

**Chairperson Handel** - "Thank you. Is the next case Habersham?"

**Ms. Almond** - "Yeah."

**Chairperson Handel** "Okay. Is this next one Habersham?"

**Ms. Almond** - "Yeah. If I could also let the body know that -- that the probate court judge for Habersham replied that, under the right understanding from Ms. LaGrua, she had a health issue and she's in the hospital, which is why she is not here today. Are you with Habersham?"

**Unidentified Speaker** - "I'm with Habersham County, but the Probate Judge has hired other counsel."

**Chairperson Handel** - "Right."

**Unidentified Speaker** - "Okay. Judge McDonald --."

**Chairperson Handel** - "Okay. We'll wait and hear our update, but I did want the body to know the --."

**Ms. Almond** - "Okay. This case involves Probate Court Judge Ann Gerald. She's found to be admitted to 16 violations of the Code. You know, first in the June 19th, 2007 Election, and then even more violations were found in the July 17th, 2007 Special Election. The Judge didn't, and the investigators did not deny that the violations occurred, but stated that she didn't have the staff funding to fulfill her duties. The Board, having considering this issue, decided because of Judge Gerald's stated reasoning added the County Commission as a Respondent, and I'm referring this case over to our office to negotiate a cease and desist order with corrected action. After the case was referred to our office the Respondent's -- they have been going back and forth without funding. Judge Gerald requested that she be given a full-time employee, part-time employee and money for training. I understand they have been, you know, she has been in discussion with the financial officer for the County regarding the 2007/2008 and 2008/2009 fiscal years. The last that I spoke to Judge Gerald's attorney, he is optimistic that there could be something that her client could, you know, that would allow her to proceed in her duties, however, he was reluctant to enter into a Consent Order admitting to the violations. I don't know if that's still going to be -- that was his initial thought, however, it's recently come to my attention that there have been further investigations involving Judge Gerald so I would go ahead and negotiating a cease and desist order just to wait

until what the further investigations deal. The Board does need to further comment on that. And also, the attorney for the County Commission is also agreed to --."

**Chairperson Handel** - "Do you have anything else to add?"

**Ms. Runyon** - "I know you don't want to hear a whole lot today, and -- but as far as the further investigations, you all had Habersham County as a Respondent, as well, to investigate whether there was some problem. And we have provided them, showing that what Probate Judge still has funding in her budget. She hasn't finished it up."

**Chairperson Handel** - "Okay."

**Ms. Runyon** - "And that she has to go through certain procedures to get more money. And we even tried to get with her on that, so I --."

**Chairperson Handel** - "Okay. I'm sorry. I will let --."

**Ms. Runyon** - "I know. I don't want get --."

**Chairperson Handel** - "Let us see where we're going to be on this, and it might be that we would want some additional comments. Tell me your name, again."

**Ms. Runyon** - "It's Andrea Runyon with Habersham County."

**Chairperson Handel** - "Andrea Runyon."

**Ms. Runyon** - "I guess my concern is looking the, whatever they're investigating now with what was investigated before, and automatically putting the County in as a Respondent to this."

**Chairperson Handel** - "It would all be taken into consideration from the body as we move forward. Thank you. To Ms. Almond's point, I think that there will be an additional report around Habersham County so it would probably be best, as she's recommended, that we defer this and so we just have one approach on this. And in the course of that, differentiate between the Probate Court Judge and the County. Do we need a motion to defer this, Calandra?"

**Ms. Almond** - "No. Just no action."

**Chairperson Handel** - "Is everybody comfortable with that? All right. Thank you. All right. Our next item will be Legislative Update from Deputy Secretary Simms, and Mr. McIver, if you would take over for a moment while I run to the restroom for a moment."

**Mr. McIver** - "Let the record reflect that the Chair is leaving the meeting for a moment, and that I am Chairing. Mr. Simms, the Chair will hear your report."

**Mr. Rob Simms** - "Mr. Chairman, members of the Board, I've passed out to you as a folder. What you'll find inside is the first page is some summary pages of some 29 Bills that have been introduced concerning elections in some form or another. You'll see a summary that includes who it's been introduced by, and what the current status is and respective Chamber of the House and the Senate. Starting tomorrow, you'll receive this same format as a weekly Legislative Update from our office, and specifically, from Michael O'Sullivan. You'll notice that the title line on the legislation, that'll actually be a hyperlink in your email where you'll be able to click and go straight to the legislation and be able to open it up and view it straight from the email. There are four Bills, though, that I do want to bring to your attention. And I'll be happy to answer any questions you might have about these, or any other issues. You'll recall last year, that the State Election Board took a position on three pieces of legislation and endorsed three pieces of legislation. One of those Bills, Senate Bill 71 introduced by Senator Tommy Williams to, in essence, limit the number of days in the calendar year in which a special election could be held and limiting it to four. There are variety of issues and things that came up in which that Bill kind of got clogged down in the House. It is still alive in the House, but there was a very similar Bill introduced this year. It's House Bill 296. You have a full copy of each of these Bills in your folder, as well, that has already passed the House and passed the House last week. It does, essentially, detect anything in Senate Bill 71. We're hopeful that the, kind of, politics and gamesmanship, for a lack of a better way of putting it, do not take both of these Bills hostage in one chamber in the other, and one of these will actually make it through. The second Bill is Senate Bill 387, which has been introduced by Senator Cecil Staton, and this has to do with absentee ballots. Specifically, there are a couple of, two or three issues, that have been -- we're trying to address in this Bill. First, the -- we're trying to give the voters who vote absentee ballot in person, the ability to vote. That now, without a declared reason, when no excuse absentee balloting was put into place for the 2006 elections, the law was not changed to include in-person absentee balloting. It was just absentee balloting by mail. So this would just add consistency with all absentee balloting, to be done without a declared reason. The second provision would be to allow overseas and military voters to be able to apply for absentee balloting electronically. This would entail scanning the application and sending it in, that way via email. This also brings some very significant verification

and really codifies, I think, what the State Election Board has talked about for well over a year, and that is the process for signature verification in the absentee balloting process so that the signatures are matched to the signature card for the voter, to the application that the voter sends in for absentee ballot, and to the absentee ballot itself. We've seen some cases that have been before this Board that from anecdotal evidence, that there appears to be some disconnect in some of these provisions in other areas where two of the three may be done, or it's not necessarily done completely and this is just going to codify in the law that this is, in fact, what the process is going to do. And finally, this Bill is going to provide in the law that the absentee ballots are going to be securely stored so that they are not going to be tampered with or accessed as they're being collected and stored. The third Bill is House Bill 1098, which is -- really what this is is a Bill dealing with municipal and County elections. You'll recall on the September and November elections in 2007 that we kind of discovered that there is nothing in the Code that requires a County or a municipality to even notify the Secretary of State's office of their conducting of or having an election, let alone, what the results of that election are and things of that nature. What we're going to do is put into the Code that the municipalities will be required to report these things to the Secretary of State's office, and also provide certified results upon the locality certification of the election. Finally, House Bill 1112, which I've kind of called the Clean-up Bill -- I don't know if clean-up is the right word, it's more catchall at this point. There are probably five or six different things that the Bill does. There's three different things that I want to bring to your attention. You'll recall that last year we made some changes in the law that the State Election Board endorsed in a legislation that updated the Code requiring County election official certification so that it would have to -- in essence, the County would have to have a certified election official on staff every year. And if a person was not certified, they'd have to be certified. There was a date specific in the old -- in the old law. We changed that to make it an annually ongoing basis. We discovered in different sections of the law dealing with minuscule elections, that there has been municipal certification requirements in the law that, quite frankly, I don't know how strictly followed those were. And what we've decided to do is update that so that it exactly parallels, and you'll notice in the Bill that you have in front of you that it now refers to County and municipal election training so that the city election officials are going to be treated in the exact same way as the County officials for certification purposes. Finally, there's a couple of different provisions that are going to allow for a more streamline process for the Secretary of State's office to deal with the records for

felon updates on the voter list, as well as for vital statistics, getting those in -- that information from the State and Department of Corrections to get vital statistics so that we can provide more timely and more efficient, and quite frankly, digital updates of those records rather than having to send reams and reams of papers around the State to each of the individual counties. Finally, I will make one other minor point on this Bill. There is a section there that you'll notice, maybe when you review later, that we put in there some revisions to require that the personal information that is being held for voter registration purposes will be held confidentially by the Secretary of State's office and by those agencies who are wholly authorized and have that information. Particularly, in some other states throughout the Country there have been some real concerns about how personal information has been, kind of being bounced around from departments and agencies within State governments and we're putting a provision in to make sure that problem, from Georgia standpoint, we've got that information secured. If you guys have any questions on the State Legislation, I'll be happy to answer those."

**Chairperson Handel** - "Mr. Evans."

**Mr. Evans** - "22-2-415, we've talked about. Where is that addressed?"

**Mr. Simms** - "21 --."

**Mr. Evans** - "I think we agreed, or there has been an opinion that that's unenforceable so we were going to deal with that in the housekeeping. Is that addressed in housekeeping?"

**Chairperson Handel** - "Rob, the issue that came up in our lunch session around, I think it would be in your clean-up bill."

**Mr. Evans** - "Actually, it was in the public session we did in Pierce County."

**Chairperson Handel** - "Yes."

**Mr. Simms** - "I'm sorry. I couldn't hear the beginning of his questions, that's why I was asking."

**Chairperson Handel** - "We need you to speak in the microphone."

**Mr. Evans** - "Yeah. Is that addressed in -- is that addressed in the housekeeping bill?"

**Mr. Simms** - "I'm sorry, Mr. Evans. I don't know what the -- that you're referring to. I didn't hear the beginning part"

of your question."

**Mr. Evans** - "Just -- I thought that they've tried to keep a list of housekeeping."

**Mr. Simms** - "This was the question regarding what the -- what I guess the disclaimer would be on the political sides? Am I understanding that correctly?"

**Mr. Evans** - "No. It's actually on mailing to County State party where you're supposed to list the top three con -- any literature that's mailed. And I was just thinking, because over the course of the last year, we've had a series, and I'm trying to pull them up here, of statutes where we say, oh, that needs to be cleaned up or that's not right. Normally, we grab all of those in the housekeeping legislation and take it over, but I don't see them in House Bill 1112, which is referred to as our housekeeping bill. So I didn't know if someone had went back through the minutes for the year, picked all the statutes where we've quoted in the language is less than optimum, and included it in our housekeeping bill."

**Mr. Simms** - "Mr. Evans, we were keeping kind of a running tally, if you will, of things and issues that have been raised. Frankly, this one may have just slipped through the cracks on my end, and I apologize and will be happy to revisit this and see if we can't develop some language that would address it."

**Mr. Evans** - "I think there were actually a couple of others that aren't addressed in here. I'll try to pull them up before I get out of here. If not, I'll -- there was one dealing with absentee balloting that was a hole where it was -- the two choices weren't precisely defined. But in the minutes it would reflect just, you know, the series of little tweaks that need to be put it in. And what we need to do is just be sure and grab that back. I remember Secretary Cox was always good because Flip Tatum (phonetic) would keep a folder, and every time we'd come up he'd physically drop them in the folder so that by the time we got to here we wouldn't have to kind of remember them all."

**Mr. Simms** - "Well, I'd be happy to review...."

**Mr. Evans** - "Okay. That would be great."

**Mr. Simms** - "...and revisit those things. That's fine."

**Chairperson Handel** - "Okay. All right."

**Mr. Simms** - "I wanted to --."

**Mr. McIver** - "Just one moment. For the record, the Chair has returned to the room."

**Mr. Simms** - "If I may, just real briefly, there's a brief update on the Federal Legislation. You'll recall, this Board has discussed and been briefed on HR 811, which is kind of like the Holt Bill, which is a pretty comprehensive Bill in Congress to enact federal standards for electing federal elections throughout the Country. It would have had an impact on Georgia, as well as virtually every other state in the Union to varying degrees, obviously. You'll recall that this Board also had taken a position, and I think Mr. Evans was not here at that time, and if I'm incorrect, please feel free to correct me, in opposition of that Bill, I think, not to speak on behalf of the Board, but one of the primary concerns was the time frame in which the State would have been required to replace all 25 thousand-plus voting machines in less than one calendar year. That legislation, while still pending in Congress, is -- is not moving anywhere. Congressman Holt, within the past several days, has drafted a new Bill which is to allow states to kind of volunteer with the hope of federal funding to do some things in addressing paper trails and auditing from elections in November of 2008. The most significant part of this Bill is asking states or encouraging states to put emergency balloting provisions in place in the event of a machine breakdown on DRE voting. As I'm sure this Board is familiar with the polling, Georgia already has that provision in State Law, as do many of the other states that are voting on DREs. But I just wanted to make you aware as you will continue to see articles and things in the media that there is a second poll bill that has been introduced. It is voluntary for the states, and I will also -- want to tell the Board that last week at the National Association of Secretaries of State, there was a legislative session which Congressman Holt spent about an hour of his time with members of the Election Committee with Secretary Handel as one, and it was a very good and very positive exchange of ideas and suggestions on how Congress is going to go down this road in legis -- federal legislation for elections, how they might be able to do it in a way that more sets goals for the states to get to, rather than implement one size fits all approach. Anyway, that's all I have for legislation, unless y'all have any other questions."

**Mr. Evans** - "One other question. Did we -- do we need to address, just looking back at my notes, on 21-2-230, which is the one dealing with the challenge of electors. For the event that the County does not have the signature card. Because I know that Wesley circulated a memo on this. Attorneys looked at that, and I think the confliction was that -- that Georgia Law currently does not precisely address questions, and that while we -- we felt pretty

comfortable in terms of reaching the legal conclusion that was reached, that in fact, there's -- that the statute, themselves, was silent. Can we address that?"

**Mr. Simms** - "I will certainly get with Wes and review that again, and maybe with Stephan in the Attorney General's office to see if there's something that needs to be more specified."

**Mr. Evans** - "Well, my worry is that we get to the November Election, that it is a razor-thin margin, and that there are challenges to -- depending on who you believe, one-to-four percent of the votes challenged on the grounds that there are not appropriate documents to back up an absentee ballot which has a signature. And we have to have, you know, we're precisely left with the issue of how do you address that. Because it doesn't appear to me, and I've studied the -- Wes' memo. I thought it was very thorough and very well done. But -- and does a very good job of dealing with all that we do have, the problem is we don't have a statute or a rule that precisely addresses this point and rather than wait until we get a challenge, we may want to address that with a provision."

**Mr. Simms** - "Well, Mr. Evans, maybe what we'll do is, Wes and I can get together and review it again, and get with Stefan and decide whether or not it's a rule or a legislative issue. And then -- and then, bring something -- send something around to you guys or --."

**Mr. Evans** - "That would be great. That would be great. I just -- there's a -- we have a hole there in the law, and if we have razor-thin margins, which everybody thinks that we may have, the last thing we want to do is to have a hole that we all go in."

**Mr. Simms** - "True."

**Mr. McIver** - "Madam Chair. May I be excused?"

**Chairperson Handel** - "Yes. I know you have a client awaiting you in court, and I'm not going to stand between you and the client."

**Mr. McIver** - "Well I see that my departure doesn't involve us in the court, so --."

**Chairperson Handel** - "All right. Next item is Photo ID Outreach Update."

**Mr. Simms** - "Well, Madam Chair, it kind of pains me that Vice Chairman McIver is leaving on the Photo ID Update, but --."

**Chairperson Handel** - "I know. Try not to take that seriously."

**Mr. McIver** - "I hate that the most."

**Mr. Simms** - "Be that as it may, I've got a very brief update on basically what our program was for, the Presidential Preference Primaries. I know that when Mike gets through some of the things that -- for the actual conducting of the election, he'll touch upon some of the issues and, kind of, the numbers with Photo ID. You'll see on the first line that as you recall for each election we have run a new match of the voters versus the DDS ID or the DDS database, if you will. Our new match produced -- it would be 336 thousand and 710 voters who may not have a DDS issued ID. Of that large group, about 80 thousand, or so, were voters who resided in a County who had not participated in an election in September and November. And why that's important is, you'll recall that the way we set up our outreach and education program was we were going to target it by those counties having elections at the closest dates and kind of build it out from there. So for that 80 thousand group, we ran the exact same program we had run in September and November, which was three mailings directly to the voters, including a brochure on what the requirements are, a letter pointing out the requirements and where they need to go to -- the address and phone number for their voter registrar's office, and reminder postcard in time before the election so they'd have time to go get a VIC if they needed one. The remainder, 254 thousand voters of that group, they resided in counties that already had had an election, either in September or November. So for that group, we had a -- what would amount to a reminder program. A reminder postcard letter saying, hey, there's an election September 5th. Our records indicate you may not have an ID, here's what you need to do to go get one. If you have any questions, call here, and so on and so forth. We ran that list on January 3rd, and we ran a subsequent list, or a match, on January 18th. The reason we ran that January 18th match was that corresponded with, really, the last day to register or to be able to vote for February 5th. So in that group, we picked an additional 26 -- 2,610 voters, and we put those voters right into the program so that we were able to contact three times directly before the February 5th election. On this last slide, you'll see that in addition to the efforts that we did directly with direct mail to the voters, and things of that nature. We had public service announcements on cable televisions stations and systems throughout the State. Again, Georgia Cable Television Association was very generous and very gracious in working with us to help us get our message out. We advertised extensively, again, on radio networks throughout the State. We had notices and messages

on power and utility bills, as we've done in previous elections. One funny anecdote about that, we know that those messages were getting read because the overwhelming majority of calls at our Election's Office was getting when those bills went out were complaints about their power bill, and not actually issues involving Photo ID, or questions about how to get one and where to go. Finally, we did continue outreach to nongovernmental organizations, including chambers of commerce, religious organizations and churches, and about 109 local libraries. As I said, Mike will get into a little more detail as to what Election Day entailed, and what we saw with Photo ID and all the other voting that occurred, obviously. I do want to point out one funny story that we had in a complaint that our office received from a voter late on Election Day, which he sent a very, kind of, angry email in which he was upset that he didn't have a voter card, and he decided he wasn't going to show up and vote today, and he was going to sue everybody, including Karen and me, and everybody in this room and all this other stuff. And so, I called the gentleman back and asked him if he had gone to the precinct, and he said no, because he had heard all the announcements and seen everything on TV and -- well, the government hadn't sent him a voter card, so he didn't have one and he wasn't going to go. And I said, well, sir, you know you can go to the precinct and if you don't have a form of ID you can vote provisional. He said, well, okay, I appreciate that. So we got to talking and finally said, well, we'll call him Mr. Smith. Mr. Smith, do you have a driver's license, and he said, yeah. I said, well, Mr. Smith, that probably would have worked. You know, that's one of the six forms of ID that's allowed. And he's like, oh, I thought I had to have a special voter identification card, and not just any kind of driver's license or government issued ID. So I throw that out there to kind of add some humor and levity to it. He was very gracious and very nice, and honestly, for the front office at the Capitol where we did receive calls on Election Day with questions, and saying, hey, there's a line here or something going on here, that really was the only call or email that we got that really pertained to Photo ID. So I think that's kind of a good testament to -- to the program. And I'll be happy to answer any of the Board's questions."

**Chairperson Handel** - "Any questions? Mr. Worley."

**Mr. Worley** - "Thank you, Madam Secretary. Rob, I just want to be clear about this, and this goes back to your overview. Just to go the page that has DDS match. Basically, you're saying that the 79 thousand-odd voters there got three pieces of mail, correct?"

**Mr. Simms** - "Yes."

**Mr. Worley** - "And the 254 thousand voters got one piece of mail?"

**Mr. Simms** - "It was a reminder letter, kind of postcard."

**Mr. Worley** - "And those were mailed sometime between January 1st and January 18th, or when were they mailed?"

**Mr. Simms** - "Well the Photo ID program, itself, for let's say those who had not been -- the new -- the 79 thousand, that started, I think, four-and-a-half, five weeks before -- four weeks before the election, and basically went almost weekly. And then, the reminder postcard, I believe -- I don't have that directly in front of me, but as I recall, it was about ten days beforehand. We had structured it in a way to make sure that if they were to receive it and have questions, that they would have ample time to be able to go get it if they need, or to call our office to go to the local registrar's office with any questions or comments they may have."

**Mr. Worley** - "Have you compiled any records, yet, of how many of the 336 thousand people actually voted in the election?"

**Mr. Simms** - "Well, I think Mike can talk more specific to this. We'll do -- I think the voter history updates will go towards the end of this week. Is that right, Mike?"

**Mr. McCarthy** - "Next week."

**Mr. Simms** - "Next week. We will have the voter history updates and the voter registration list. And once the updates are done, that'll give us the opportunity to be able to match it to, basically, these databases of voters that we targeted, that we'll be able to see who voted and what they, you know, that kind of thing."

**Mr. Worley** - "But it is your intention to match that voter history with the people that did it in advance?"

**Mr. Simms** - "I think so. Yes."

**Mr. Worley** - "Because I -- this is prior to the tenure of the current Secretary. When we had discussed this in the past, what my concerns was whether we are engaging in taxpayer funded voter discretion by mailing out mailings to people, essentially informing that they're -- if they don't have a registered voter -- the don't have IDs, and therefore discourage people who might otherwise vote. So I'm glad that the Secretary of State's office is going to have that information. I'm sure there are people who do these things

all the time."

**Mr. Simms** - "We took great care in how we worded -- in how we designed everything to make sure that we erred on the side of encouraging those to participate, and so we --."

**Mr. Worley** - "I'm not -- I'm not suggesting that it didn't intend on your part to discourage people, I'm just wondering, and perhaps, the data will draw some conclusions whether that that was the fact."

**Chairperson Handel** - "I just want to make sure that we're clear on this. 254 thousand voters that you represent by the voter card, they were -- they had already received the three mailings leading up to September and November."

**Mr. Worley** - "Right."

**Chairperson Handel** - "So I didn't want you to think that that group only got a postcard. Great. Okay. Perfect. All right. Anything else? All right. Mr. McCarthy. Actually, no. I think, Shawn, you were going to talk about Election Day --."

**Ms. LaGrua** - "Very briefly, just an update for everybody on our monitoring. This election, for the first time in a complete full force way, we had 33 investigators and inspectors that monitored both, advanced voting and absentee voting, as well as Election Day voting. In the past, we've had some checking of advance voting, but going forward there'll be even more that we have our investigators and inspectors participating in inspecting both, advanced and absentee prior to election date. Also, we're starting a new system that'll be effective both, in July and November, as well, as having regional responders around the State that are our more experienced investigators. But if there's a problem in a certain area of the State, they can respond immediately and be closer to Atlanta, than say Bainbridge. We'll have somewhere in each area of the State that can respond and assist with any issues that come up. Advanced voting and absentee balloting monitoring, we've seen relatively few problems. We are encountering some absentee balloting issues that we've identified and we will be reviewing those as we go forward and coming up with whatever ways we can to try to remedy those situations. Where there were issues in advanced voting and absentee monitoring on the front end before Election Day, our investigators, by being out in the precincts and registrar's office, were able to identify many of the issues and get them resolved before we even got to Election Day, which I think is one of the great advantages of having people throughout the State during advanced voting, as well as Election Day. The other thing to note is the same investigator assigned for advanced

voting and absentee voting, are being assigned for Election Day. So there's a little bit of a continuum of face for the elections officials. They know the person when they're coming in, they've worked with them, they know to ask the questions. And so that's working very well. We actually had a number of compliments come in from the field from the voter registrar and elections offices about the monitors we sent and how helpful they were. On Election Day, and specifically, we responded to about 15 specific issues that came in via either media, email, or telephone about specific problems that we actually dispatched investigators outside of their general monitoring to go and check and handle. In almost all of these cases, the issues were identified and were able to be resolved. And I know in a number of cases, there were other people concerned about what happened and we were able to resolve it before it got to be a bigger problem that it could have been. We have some issues that we will follow-up on for further investigation that came out of Tuesday's elections that we think warrant our group actually doing an investigation on. I would like to give some kudos, just generically, to the whole team of our inspectors and investigators that were very active the week before, the day of, and actually, all of my investigators were involved in making sure the ballots got in safely early on Saturday. That's in large part due to my Deputy Chris and Steve McBrayer, who were very instrumental in putting all that together. I can answer any specific questions if any of you has anything about the things we found and we saw, otherwise, you'll get a bigger overview from Mr. McCarthy."

**Chairperson Handel** - "Thank you. Before Mike starts, I do want to let the Board know, and those in attendance, that one of the things we try to do both, in advanced voting and on Election Day, was to be proactive as much as possible so we were -- any calls that came to the office, citizen calls, they didn't even have to be a formal complaint. If it were just a citizen calling saying, hey, heads up, this is what I, quote, experienced. We were responding to those and really looking into it and checking it out. We monitored any number of -- of, sort of, Election Day blogs, if you will, because sometimes people put information there before they would call our office, so again, we could be proactive in going out and calling the counties. And I do want to give particular commendation, not just to Shawn's group, but also to the election team. But in particular, to the elections officials and the poll workers out on the grounds. And I know we have a couple of our County election officials here. Really and truly, with the exception of some isolated cases of broadly around the State, things went very well and people were ready and trained. And if there was an additional problem, they looked at local elections officials and were very, very quick to ask so that it could get resolved immediately. Again, you'll hear some of the

isolated issues, and they really were isolated to some specific counties, and you'll see that as Mike gives his report. But those folks, they work such a long day, and I know we ask a lot of you who are reporting for those of you in here. We ask a lot of you in the months and weeks leading up into the poll workers. And so, you really did a great job, and so, thank you very, very much for your efforts. Mike."

**Mr. McCarthy** - "Thank you for those comments, Madam Secretary. I think one of the things that's really important with the Presidential Preference Primary that we've just gone through is recognizing that the big news, really, was the counties, instead of the process and that's really the way it should be. And although we didn't have absolute perfection, every place, all the time, all day went very well, and the places we did have issues arise, we got good feedback, we addressed them, and I'd like to walk through in the overview today and a couple of specific things that we're going to be following up on. First of all, on the voter statistics, this was already, relatively, old news but it really warrants restating. This was a historic Presidential Preference Primary. We had 45 percent turnout. This was approximately twice of what would be historic for the State of Georgia, and I think we can all be proud of that. Many of the local election administrators were anticipating larger, but not this large. And it's noteworthy, as Secretary Handel point out, people responded on the fly during the day to maintain a successful process overall, by and large, throughout the State. We had approximately a quarter-million of our voters voting in advance for absentee voting. We had monitors in place to watch that process more thoroughly than we had historically. And again, we had widespread success with that program, and I think we'll see continued growth in the advanced voting and absentee voting participation by Georgian voters, as well. Next item. Looking at results, once again, noteworthy is the magnitude of voter turnout. In either one of the voter turnout categories for the Democrats and Republicans would have been about the size of a previous Presidential Preference Primary. We had approximately double turnout with one million 60 thousand 851 votes cast for the Democratic side, and 963 thousand 541 cast for the Republican side. Very big numbers, and that's really the historical note in this Presidential Preference Primary. Next line was the technical field support. We took a number of different avenues -- a different approach of how we support the local election officials. We grew very much to a regional readiness and regional response model through the Secretary of State's office, just as the investigator general's office positioned their investigators statewide, by region, so they could be a rapid response to issues that came up that required their attention, we did the same thing

for the very first time in pre-positioning technical support for issues that might come up related to voting equipment and technical issues that the local election officials might ask additional support. We also bolstered the call center at the KSU Center for Elections for technical issues. We found this process to work very, very well. Our goal, which appeared to work very well and we intend to replicate going forward, was to have experts within an hour of anywhere in the State an issue arises. The regional support model makes good use of resources increasing our response time that we think, overall, will greatly make us more effective. Make us more effective to supporters of the local election officials. Next slide. KSU Center for Elections continues to be a significant part of our team. On Election Day, they -- it's a call center which is a hub for technical information that comes in and out. Also, before and after election day they play important roles for working with elections divisions. One of the things that we do differently that Secretary Handel talked about, moving things forward to increase our levels of readiness. We moved some of our activities with local election officials forward into the proceeding week. One of those was that removed from Friday to Monday the day we're asking local election officials to turn on the GEM server to make sure that they --."

**Chairperson Handel** - "It's the other way around, from Monday to Friday."

**Mr. McCarthy** - "From Monday to Friday. I apologize. That's what I intended to say. From Monday to Friday turning on the GEM server making sure the hardware is working properly, to test the uploads of election night, and to process unofficial results. And we found that worked very well, and in fact, many of the local election officials said they appreciated us working with them to get one more thing off the plate for Monday so they could it done early. Part of what that does for us, is it allows us to make use of the weekend if there are actual hardware failures to move supplemental hardware out and work with the KSU team and make sure we have extra time to move into the field to take care of what needs to be taken care of. The call center, and in the case of the election center to 362 calls during the Presidential Preference Primary, and the vast majority of them concerned ExpressPoll operation in the morning. The second most frequent category is actually something we always expect, and traditionally occurs, is questions regarding the process of uploading the unofficial results on election night. By that time, people are getting a little extra tired when they call, and that's what we're there for. The Election Day issues, we had a pretty-darned-good day, but it's clear that -- it's clear we had lines in some places, and in some places we had significant lines. We got

good feedback both, email and phone calls, from places where line occurred, and we're going through diagnostics to explain why we had lines in some places and not other places. Because it was not a statewide issue where we were getting very long lines in all of our three thousand voting places. This was actually not the case, but there were some places the lines were significant. We found, so far, a couple of issues that I'm going to talk about in just a moment in more detail. But they were primarily in the morning, they were primarily related to moving through ExpressPoll processes. Just wanted to note that, conspicuously, absent voter ID issues really was not something we got calls or emails on. Sometimes the absence is something you really prepare for, and it's noteworthy as well. Next slide on ExpressPolls. ExpressPolls were very visual because, in many instances, the lines were forming and people could tell they were forming where they were checking in rather than where they were voting. We've had a very large amount of feedback from members of the public. We're also getting a significant amount of feedback and observations from the local election officials to help us doing a very good diagnostic, and to be able to people give good remedial action. What's -- what's really clear is that the most important things that occurred dealt with operator error training. At both, the County level and at the poll worker level, in the case for counties we had some issues where we had materials that were not delivered to the proper polling places and it took time to straighten it out. That's a very important issue, and where it occurred I think they are intensely over-err over what occurred and will take steps to make sure that the proper materials get to the proper polling places. With poll workers we've identified a handful of things that there seems to be near universal agreement or training issues that could be addressed. And some of this it sounds simple, but when you begin to multiply it many times per hour, it begins to explain why lines occurred. One of the most frequent things that we suspect occurred that caused delay, was when poll workers normally would be searching a few hundred, perhaps a thousand names in the precinct record. In some instances where they went to a countywide search option or a statewide search option, they failed to turn it back to the precinct option. And instead of sorting of through, perhaps, a few hundred names, they were sorting through millions. And they may not have realized -- and they may not have realized that immediately and that would be cause for delay. The -- additionally, we also found that many of the poll workers were typing in the entire name, rather than just a few keystrokes, which took more time which multiplied throughout the day. We also found that poll workers were occasionally inadvertently ejecting the flash cards which required us to reboot, which was another source of delay. These are all training issues, and we're confident that working with the

local election officials we can address this. In addition, the good news/bad news, in many instances, is that the lines were significant in the morning, and it does take time to draw down that backlog, nonetheless, the voters are often waiting to get through that line and that is also something that good readiness on behalf of the poll workers in counties will help in delays drawing down that backlog. To be thorough, we're also working with local election officials to make sure that any possibility for there to be technical issues, however small or unlikely, are being examined. We are working with KSU to accumulate that information, and we're also working with membership and the GEOA to accumulate that information, and we will fairly assess if there are issues beyond training issues that are involved in ExpressPolls. Moving on to voter identification cards. Rob mentioned a little earlier that we do have some data. What I want to point out on this line is that we have a fairly significant turnout, and I've shown the last four months. In October, statewide, there were 946 VICs issued. In November, there were 928. In December, 319, and in January, 1260. In the last four months we've issued 3,453 cards by the registrars throughout the State of Georgia. In the -- we've issued 7,582, so the significant rule is immediately current, we anticipated this will continue somewhat into 2008, as well. Next slide, please. We have, for the first time in Georgia's voting history, began to accumulate statewide data of provisional ballots, as well. Currently, this is a voluntary reporting system. We've gotten good, but not complete, data from all of 159 of our counties, so we wanted to put this in perspective in terms of what proportion of the voting process is actually involved in provisional balloting. Once again noting, that we did have 2 million 24 thousand 392 voters we cast, in the State of Georgia, 7,453 provisional ballots. That's total .0036 percent, and I note that we have some incomplete data and we'll pursue that for a complete report. Next slide, please. I wanted to review, briefly, what some of the reasons for voters casting provisional ballots are. On the ballot material there is a place to mark -- four reasons, plus a place to mark no reason voting. What we have found, and again, this is the first time we have a statewide compilation of this information from a general election -- a statewide election, is that of the total, those that were not on the registration list accounted for 4,959. Those that did not have Photo ID, such as a VIC, a drivers license, accounted for 416. Those that did not have an ID after the first-time voter registered by mail provisions accounted for 57. Eighteen were accounted for by court ordered extension of voting time, and those that had no reason listed or other reason were 2,003. Next slide. On the validation, one of the areas we asked for additional information addressed the validation of the voters who had cast provisional ballots because they did not have Photo ID.

Of these, the counties have indicated 31 validated for the following two days by coming back with a registrar-issued VIC. Fourteen validated using a DDS-issued State identification card, and 75 validated using other types of Photo IDs. Moving forward, Secretary of State's office and Elections Division are looking at a number of initiatives to prepare for the summer primary, and for the fall general election. Secretary Handel is going to be convening with County Advisory Committee this spring. We'll be taking input from them on initiatives, some of these are listed lower on the slide. We're also in the process of developing frequently asked questions that we'll work with the Attorney General's office to get that, and actually post on our website with the legal citations behind them. We're also developing some training material. The first training materials, that are actually going to be training booklets, are addressing absentee balloting. The next book we'll be developing will deal with provisional balloting, so we can help folks have the tools that they're looking for to do their job to the very best of their ability. We're also going to be substantially involved with two major training sessions this spring. The VRAG, the voter registration -- voter registrars, March 9th through 12th. GEOA on June 1st through 5th. As part of our preparation for these programs, we are going to be working collaboratively with the counties to develop training materials that will specifically address the absentee balloting and provisional process with booklets and other materials we've cooperatively prepared. We're also going to be working on supplementing the ExpressPoll training, and the opening of polls training because we know that these are going to be critical areas. And again, as I've mentioned earlier, with regards to the ExpressPolls and the issues that were identified on the day of Presidential Preference Primary, we will be working to make sure that we know what's going as it occurs to identify issues that underlie what people's -- to get them fixed."

**Chairperson Handel** - "Thank you, and I just wanted to add one thing. In particular, on Photo ID as part of the ongoing program. colleagues, anyone who voted provisional that -- remember, that anybody who voted a provisional ballot, for whatever reason, that vote was not, ultimately, violated. The counties do have statutory responsibilities to inform that voter and that's happening. But in addition to that, specifically around Photo ID, we will engage in additional steps to reach out to those individuals and to make sure that coming in July and November, that we've not left any stone unturned in terms of each individual. Questions?"

**Mr. Worley** - "Madam secretary, I actually had a number of questions for Mr. McCarthy. You said on Election Day issues, that there were no Photo ID issues reported. What

kind of Photo ID issues would you anticipate happening?":

**Mr. McCarthy** - "Madam Chair, members of the Board, things we were listening for would have been this direction, such as I was here with my brother's license and I couldn't do it."

**Mr. Worley** - "All right. I wanted to follow up. You had given a table of the voter identification cards that have been issued, and know that in the entire process, 7,582 voter identification cards have been issued, and you anticipate a significant growth. The next page indicated there were 74 hundred, roughly, provisional ballots and -- which was only .0036 percent in higher number of people voting. Those numbers are rather similar, and I just point out that what that shows is that these voter identification cards are being issued to a tiny, tiny fraction of people who are actually turning out to vote on election day. So in your report on provisional ballots, you noted that stated in the receipt from all 159 counties, that there's still incomplete data."

**Mr. McCarthy** - "Madam Chair, members of the Board, actually there were, as of last evening, we had known information from, I believe, three counties, and we got incomplete from the other counties."

**Mr. Worley** - "How many -- how many counties had incomplete information?"

**Mr. McCarthy** - "We --."

**Chairperson Handel** - "If I might, they're on your slide right there."

**Mr. McCarthy** - "had --."

**Mr. Worley** - "Oh. I'm sorry."

**Chairperson Handel** - "Yes. They're listed on the slide."

**Mr. McCarthy** - "They're listed by name on the slide."

**Mr. Worley** - "Okay. All right."

**Chairperson Handel** - "And you have, also, detailed grids county-by-county, and then it's -- it's marked on there, too."

**Mr. Worley** - "Oh. I'm sorry. I didn't get that. And then, finally, the section you had under validation, 416 provisional ballots being cast because the person had no Photo ID. And only a hundred, if I might ask, only 120 of those were validated. Is that correct?"

**Mr. McCarthy** - "As of this evening, you're asking of the 416?"

**Mr. Worley** - "Yeah."

**Mr. McCarthy** - "Of the 416, it would be a total of 31, 14, and 75. Those would be the ones that were validated. That's correct."

**Mr. Worley** - "All right. So that means that 416, minus 120, by my math is 296. 296 of those provisional ballots were never validated. Correct?"

**Mr. McCarthy** - "That would be correct."

**Mr. Worley** - "That means that those 296 people never came back, and those 296 votes were never cast. Correct?"

**Mr. McCarthy** - "That would be correct."

**Mr. Worley** - "Okay. And by my math, that's 71 percent of the total number of provisional ballots case."

**Mr. McCarthy** - "That's approximately correct. Yes."

**Mr. Worley** - "Were never cast because the people did not come back within 48 hours to have their vote cast. Correct?"

**Mr. McCarthy** - "Those that did not cast are those that did not have their IDs, or did not take action to come back to verify their status with the registrar. That is correct."

**Chairperson Handel** - "And if I could point out the fact that of the smaller subsets of Photo ID provisional ballot, and not of the larger subsets. I mean, if you take a look at we have to run numbers around the other -- I don't know that it's an anomaly, but other individuals in other categories who had other reasons, we would want to look at that. I don't know if you could draw --."

**Mr. McCarthy** - "Actually, if I could speak in general that the other categories were, as you can see, not significant numbers that did not come back and remedy their issues."

**Mr. Worley** - "Well, again, my point is those people who, prior to being back in the steps, that their votes would have been case. Their votes would have been cast."

**Chairperson Handel** - "Prior to the enactment of certain voter registration requirements. Those are the folks might not have been, either. So I guess --."

**Mr. Worley** - "I guess, Karen, that one of the points of discussions we've had over the last several years has been that, well, people who cast provisional ballots may not come back and verify that they're actual voters. And one of the one's the deponents made was it, no, people were not going to come back and those ballots -- Apparently, for 71 percent of the people who fall into that category that -- that -- and again, my colleagues, we've had discussion on this before, but that doesn't count. What I believe are the vast numbers of people out there who now know they cannot vote out a photo ID and aren't coming to the polls. Hopefully, we'll have some data to present before too long. Thanks, Mr. McCarthy."

**Chairperson Handel** - "Anything else, Mr. Evans."

**Mr. Evans** - "I'm on the other end of the spectrum, which is I think we have lots of people coming to the polls. So you're projection is 45, or the actual turnout which ended being 45. And in the last Presidential, here, we thought we were, what? Sixty-one?"

**Chairperson Handel** - "You're talking about --."

**Mr. McCarthy** - "Is your question --."

**Mr. Evans** - "We had 45 percent voter turnout among registered voters in the Presidential Preference Primary?"

**Mr. McCarthy** - "Yes."

**Mr. Evans** - "And in the last Presidential Election, the last general election in which the presidential race is listed, do you remember what the voter turnout was?"

**Mr. McCarthy** - "For the Presidential Preference Primary four years ago?"

**Mr. Evans** - "No."

**Mr. McCarthy** - "I don't off the top of my head."

**Mr. Evans** - "I think it was 61. Here's my -- my worry is that if -- if we have whatever difficulties or challenges that we face from a 45 percent primary with a single item on the ballot, projected forward to a 60, you know, I think the estimates are -- we may get 67, 68 percent in votes this year. But it's -- let's just 65 percent turnout. I can see where they're being concerned."

**Mr. McCarthy** - "Madam Chairman, members of the Board, with a -- one of the things our voters did not have, issues related to Presidential Preference Primary or ballot issues, or voting issues. The actual execution of the ballot was not -

- was not actually an issue. We don't anticipate inter-model problems, and we are working with the County to be very, very aware and prepared for a historically large turnout."

**Chairperson Handel** - "In fact, Mr. Evans, really, what we're going to be working with as I pulled together the Advisory Committee, is looking at the -- Keenly, I think the turnout in November could even be more than the estimate. And one of the things we want to make sure as work with the counties, that the counties are mindful of, let's say, a 75 percent turnout in 2008 is a very different raw number of -- than a 75 percent turnout in 1988. And so, again, even though on the primary day the situation with the lines were really, candidly, isolated to Fulton, DeKalb, and Clayton, and the one Powder Springs precinct, we do want to work with the counties around a couple of things. One, can we make the -- number one, they need to look to the deployment of the check-in terminals. Do they have enough? Do they need to purchase more? And somebody commented earlier something about the State purchasing more, and let me make it clear for everyone sitting in here, some of our County folks, that would be a county responsibility if you need to purchase more. I know, Sherry, you know. And then, also, working with them around, sort of, flow in the precinct. One of the things that I noticed in my precinct was just, kind of, where the tables were to do the different things. And just to really work with the task force around that, particularly in the next two months so that if there's some different ways that we want to test, we can do it in July and get some real world experience with it coming into November, because I think everybody is mindful that we are likely going to see a turnout of the like that we've just never seen. And please know that we're extraordinarily mindful of that, additionally, with poll worker recruiting as well. So all of those things."

**Mr. Evans** - "What percent of Georgia voters live in Fulton, DeKalb and Cobb?"

**Chairperson Handel** - "Oh. Where did Rob go? He would know that off the top of his head. I don't know that off the top of my head."

**Mr. Evans** - "I'm just saying that when you say, well, we only had trouble in, you know, those three counties."

**Chairperson Handel** - "It wasn't universal in Cobb. It was one precinct in Cobb, and candidly, in that particular precinct when the poll worker -- I mean, you can't -- we can do all we can to anticipate what voters might want to do, but if all of a sudden the poll workers get there at 7:00 a.m., which has happened, there were 200 people that said

I'm going to be the first ones in line, you know. And I will say that Cobb and DeKalb, in particular, were extremely responsive during the day so that as you got to the noontime crunch, and the evening crunch, it wasn't there. But if you looked at some of other big precincts, big counties, Chatham is big, Muscogee is big, Columbia Richmond are big, they did not have, frankly, the issues -- I hate to keep saying Fulton, that Fulton did, then I think as you will see in coming reports there were other issues in Fulton beyond just lines. So that's all I can say until, I guess, (inaudible) completes her report on that. Okay. I think for the next part of our meeting, I need to procedurally do some different things. We've got some rules that we had put out for public comment, and I believe, then, let me describe, I need to -- excuse me. Can I help you?"

**Mr. John Fortune** - Yes. I'd like to comment on the first rule."

**Chairperson Handel** - "Okay. You may need to let me -- I'll call for public comment."

**Mr. Fortune** - "Okay. Just checking."

**Chairperson Handel** - "Okay. I need to take a break from this session and go into public hearing for the rule, and then come back to this as full body."

**Mr. Taylor** - "To vote on the rules that you've taken."

**Chairperson Handel** - "Correct. So I need a motion to break to go to public hearing."

**Mr. Worley** - "I make a motion that we have a public hearing on these proposed rules."

**Chairperson Handel** - "Okay. Is there a second?"

**Mr. Israel** - "Second."

**Chairperson Handel** - "All right. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Okay. Then we're going to take each rule separately, so if you will sound the rule and you will have two minutes on each rule. Two minutes."

**Mr. Taylor** - "Yes, ma'am."

**Chairperson Handel** - "And we'll just do a brief overview of the rule to remind us."

**Mr. Taylor** - "Yes, ma'am. The first rule is proposed rule 183-1-1.01, and very briefly, this was the rule that we discussed previously about how people are interested -- people may petition this body and this Board for the adoption or the consideration of either new rules, amendments to old rules or revoking or resisting it. And this is consistent, this being fruitful is consistent with other Boards in the State and their methods of positioning."

**Chairperson Handel** - "Okay. All right. If you'll state your name and address for the record, please."

**Mr. Fortune** - "Hi. My name is John Fortune. I live in Decatur, Georgia, and --."

**Chairperson Handel** - "And your street address, please."

**Mr. Fortune** - "At 1002 Dancing Fox Road. I am interested in Section 4 of this rule, and I'm concerned that this section may undercut the 30 day notice for proposed for SEB rules, different rules amended by the petition as is recommended. I'd just like some commentary or clarification on it."

**Mr. Taylor** - "Yes. I can address that. What this was about -- I'm sorry. What this was about was in order to give a petitioner a certain amount of time for which they could actually petition this Board to consider rules. After that, once you would -- once this Board considered a rule, it would then have to go through the ordinary APA rules making process, which would be you would vote on that proposed, there would be a comment period, and then it would be the Board would come back to vote on the rule. So it wouldn't obligate any of the necessities under the APA. The specific reason why this has different time frames is so that it doesn't force the Board, the rule, essentially, does force the Board to consider petitions that are properly filed, but it doesn't force the Board to call a special call meeting if somebody files a petition to this Board. That's what this was intended to do."

**Chairperson Handel** - "Well, we have the option to do so if we determine --."

**Mr. Taylor** - "Yes, ma'am. The Board could always do that. Yes, ma'am."

**Chairperson Handel** - "All right. Is there anyone else here for public comment for this rule."

**Mr. Evans** - "So, John, I think the answer to you, we would be limited by the statute for adopting the rule upon the purposes of -- the best we can do is send a notice of intent, list it on the website, and hope there isn't public

comment."

**Mr. Taylor** - "Correct. You're talking about I-4?"

**Mr. Fortune** - "That's right."

**Mr. Evans** - "Yes. So where it says the Board shall decide upon the action, the actions of which that to take are limited on the statute."

**Mr. Fortune** - "Great. Just checking."

**Mr. Taylor** - "The next is 183-1-1.02, and this arose from a previous taste that was before the Board, and all this was designed to do is that the decision of an AOJ, a desire other than this Board or division, it would become automatically effective without having been considered by the Board. This rule was proposed to address those situations where the mutual decision comes out more than 30 days before the Board's next regularly scheduled meeting."

**Chairperson Handel** - "And we'll hear from public comment for this item. Next one."

**Mr. Evans** - "I would --."

**Chairperson Handel** - "I'm sorry."

**Mr. Evans** - "I thought that we had tabled this because it has, in the Chairperson's sole discretion. I remember saying that for the very purpose of the Board is so the minority party would always the opportunity to either participate or -- and I thought Mr. Worley proposed that Mr. Worley that we change that sentence that says, in the Chairperson's sole discretion. And I forgot the exact language."

**Mr. Taylor** - "I'm sorry. We did propose some change."

**Chairperson Handel** - "We did --."

**Mr. Taylor** - "We did having --."

**Chairperson Handel** - "Why don't we do this. If there's -- well, we probably need to find it."

**Mr. Taylor** - "Actually, and I apologize. I think -- I do have to apologize. If you're looking at the slide, the actual rule that is proposed and was submitted --."

**Chairperson Handel** - "Is that in our binders?"

**Mr. Taylor** - "Yes, ma'am."

**Chairperson Handel** - "Oh. The correct one is in our binders."

**Mr. Taylor** - "It is in your binder, and it --."

**Chairperson Handel** - "Look at the version in your binder. It's not what's on the screen is the rule that --."

**Mr. Evans** - "Well, I actually don't know what was handed out here at the meeting, so --."

**Mr. Taylor** - "Yes, ma'am. And yes, sir, that was my error on the powerpoint presentation and I apologize."

**Chairperson Handel** - "Rhonda, will you make sure that everyone has the exact right one so that Mr. Evans can be certain about that. I think it's in your supplemental materials."

**Mr. Evans** - "The minutes actually do contain the exact phrase."

**Mr. Taylor** - "I can find it."

**Mr. Evans** - "No, no. This is -- no. I got it. It says sole discretion in the minutes. If you just look at the minutes, that was actually changed to say on those occasions where the hearing officer issues and institutes for more than 30 days before the next regularly scheduled meeting. At the time which the Board must render a final decision, that'll be presented until the date of the next regularly scheduled meeting of the Board."

**Mr. Taylor** - "Correct. The powerpoint is incorrect. This portion that's in your binders, it is --."

**Chairperson Handel** - "Where is it, Wes?"

**Mr. Taylor** - "This is the -- on the notices that went out, it's the second one. I apologize. 1.02 is under the synopsis of the proposed rule."

**Chairperson Handel** - "Okay."

**Mr. Taylor** - "And that does contain, right there, Mr. Evans to --."

**Mr. Evans** - "Thank you."

**Mr. Taylor** - "And what was submitted to legislative counsel as the proposed rule by the Board."

**Chairperson Handel** - "I want to make sure what was

published. This one that's before us, or --."

**Mr. Taylor** - "What was published was what is in the synopsis of the --."

**Chairperson Handel** - "Okay. Will you go to the next slide so people aren't confused?"

**Mr. Taylor** - "Right. We're going to take the slide down, now. I apologize."

**Chairperson Handel** - "All right. Did you get it, Mr. Evans?"

**Mr. Evans** - "I think I found it."

**Mr. Taylor** - "Gentlemen, I apologize. Secretary Handel knows that powerpoint is not my strong point. It --."

**Chairperson Handel** - "You're going to fix that, right?"

**Mr. Taylor** - "Yes, ma'am. I am working on that, but what was submitted to, as I say, the legislative counsel, what was put out in notice is what's before you."

**Chairperson Handel** - "All right. Is there anyone for public comment on that one? All right. The next one."

**Mr. Taylor** - "Now I'm really gun-shy, now. The -- this rule 183-1-6-.03. This was a clarifying change to an existing rule. The only change, and that is the next piece in that packet that you've received, is the addition sub-paragraph 02. 02 is to add without the express permission of the applicant. The Board did receive one written public comment."

**Chairperson Handel** - "Okay. Attached to the material -- yes. Here it is. It's this one, right here. It's from the advancement -- is there anyone here to speak on this one?"

**Ms. Somach** - "I'll speak on this one. On behalf of the --."

**Chairperson Handel** - "Please state your name and address for the record."

**Ms. Somach** - "Sure. Susan Somach, 921 Blue Ridge Avenue, northeast Atlanta, Georgia. I want to speak on behalf of the Coalition of People's Agenda, which represents a wide range of organizations, civil rights, peace and justice, environmental organizations that they're very much opposed to this. I know they were part of the written comments, and I just want to reiterate the opposition that in the deep concern of them, organizations throughout the voter

registration that given that their registration forms have been changed to not include full social security numbers, that the other information is widely available, publicly, and that is very important to advocacy organizations to continue to maintain that relationship with people with whom they engage in voter registration, and would like to continue to remind people and help democratic process by getting people to vote and help answer their questions in confirming that. And this rule, I think we've caused problems with that activity, and I think it's unnecessary to protect the integrity of the voters. Thank you."

**Chairperson Handel** - "All right. Any other for public comment? All right."

**Mr. Evans** - "Does our form require, does it now require a written social security number, or not?"

**Chairperson Handel** - "If I might, could I just close the public comment, and then we'll have discussion."

**Mr. Evans** - "Well, the --."

**Chairperson Handel** - "With that, I'm going to close the public comment, and then we need to come back into our regular session so that we can have our own discussion back on the record, versus in public hearing, about the issues."

**Mr. Evans** - "Actually, Madam Secretary, I think that's wrong. I'll defer to counsel, but I think that's actually in the hearing where there's comments raised and there's an objection we have to address that. But given that, the only reason I'm sensitive to getting it exactly right was because we're already in litigation. I think -- I don't think that that's correct statement of the procedural law, but I'll defer to our counsel."

**Mr. Ritter** - "Let me say this. You've heard the comments. I don't think there's any requirement to take action on the comment, but I think that responding to the comment is entirely appropriate. In terms of the niceties of doing that, I think it may be appropriate to do that at the time of the comment, but it doesn't matter. It's -- it's -- the fact is, I think the response is appropriate now."

**Chairperson Handel** - "And I don't have a problem with a response, I was just simply trying to close the public hearing to get us out of public hearing so that we can have a discussion and respond appropriately."

**Mr. Evans** - "Well, I don't want to --."

**Chairperson Handel** - "Mr. Evans, please go ahead."

**Mr. Evans** - "I don't want to delay us any further, but we do have a job to do. And I think -- I prefer the counsel tell us this, but (inaudible) -- Section c, whether or not we afforded a full opportunity to address these issues. And it increases the likelihood that our decision is upheld. The hearing period includes responses and addresses them. So, do it however you want to do it."

**Chairperson Handel** - "If you have a comment to make, please go right ahead. I've said it three times. If you would like to make a comment, please move forward."

**Mr. Evans** - "I think I actually asked a question and I was cut off before I got an answer to the question, which is what is the current --."

**Chairperson Handel** - "Well, with all due respect, Mr. Evans, you continue to interrupt the Chair as the Chair of this body is trying to conduct the meeting. And I will ask again, that instead of just jumping in and interrupting, let someone finish the statement, or say, Madam Chair, I have a question or a comment, and I will be more than happy to recognize anyone of this body. But simply jumping in and chopping off people is not appropriate. So, now, Mr. Evans, you have the floor. If you have questions, comments, assertions, legal arguments, whatever you would like to say, the floor is yours."

**Mr. Evans** - "That's because the Chair thinks she's teaching a fifth-grade class, and this is because she's in a constitutional office. So if we can get past fifth-grade teacher, constitutional officer. My question is --."

**Chairperson Handel** - "Mr. Evans, if you continue to go down this insulting line and beration of other people, including myself, I'm telling you I am not going to have it. You've done it all day, today. We are all professionals up here, and there is no reason that you have to sling insults to folks. And you've done it all day, and I'm simply not going to take it. So unless you decide to keep your comments to the issue at hand, I will, as Chair, rule you out of order and you will not speak. Do you have something to say or ask of our person here, who is graciously giving up her time. Please move forward and do so."

**Mr. Evans** - "Rule me out of order anytime. So my question, which is pending for some time, now, is do the current forms require the disclosure of the social security number."

**Mr. Taylor** - "Mr. Evans, I believe that whether a social security number is disclosed is optional to the voter, so it may contain a full social security number. It should

contain at least four numbers of the social security number, and I do also believes that it contains the voter's driver's license number, which I have not gone to look, I apologize, at the DDS statutes, but I am not sure that this a public record as somebody's driver's license number. I'm not --."

**Chairperson Handel** - "Mr. Ritter, do you have something to add on that?"

**Mr. Ritter** - "I could add something. I'm hesitant to say too much that would be part of the record, not wanting to be a witness, but I will say that, of course, forms are going to speak for themselves. What people may provide varies by the person and where they're registered. Last four digits of your social security number under HAVA, and what our practice was changed to in light of the Schwerer case, is presumed voter's petition, but voters also provide and can provide their full nine-digit social security number. And that was legitimized under the Schwerer case. They can provide their driver's licence number, which is a matter of privacy. They are, in some cases, assigned a voter ID number, which would be a matter of privacy, and there's other matters that we think, in my opinion, to the defense counsel in the case are important to privacy, for instance, home address and phone number are, for some people, very private things and they don't want those going out. So, you know, I can understand people saying they think that there's less privacy, or less private information on that application. But is still think there's a lot of private information, but we'll let the application expert speak to that."

**Chairperson Handel** - "Okay. Any other questions?"

**Mr. Ritter** - "May I --."

**Chairperson Handel** - "Do you have something else on that point?"

**Mr. Ritter** - "I'd like to make separate comment, but when I'm given the chance."

**Chairperson Handel** - "Okay. Mr. Worley."

**Mr. Worley** - "Well, really, I need to direct it at Mr. Ritter. We're currently enjoined from the regulation before --."

**Mr. Ritter** - "Correct. And that's what my comment was going to relate to."

**Mr. Worley** - "Is it really wise for us to -- amend it at this point?"

**Mr. Ritter** - "Yes. I think it is. First of all let me reiterate that the fact that the State is under an injunction in the acorn case, right now, against the enforcement of the regulations. So this amendment would not be enforced as the main regulation will not be enforced. And unless that injunction is lifted, this will not have force and effect law. And it also has to go through, I should point out, approval from the Justice Department. But we still don't have force and effect until the injunction is lifted. And why is it important to do this? Because as expressed in that case by the closing side to us, I think that some seriousness understanding as to what this regulation would or would not require. This is a clarification to make it crystal clear what we had already said in our pleadings, in which would deny by the other side of the scope of this regulation. So I think it is appropriate to consider it now, and it's not uncommon to have a regulation modify law in the scope of litigation. And here, I don't think it's modified at all, I think it's just clarified."

**Mr. Worley** - "Well, is it a clarification? Is it, basically, expanding the opportunity for the copying of these records? It doesn't hand collect, or it's what you were saying that -- that the current regulation allows the copying of the record of the application with the permission of the applicant."

**Mr. Ritter** - "With the effect of the current regulation, instead of the facts would allow copying with permission, in the same sense that one could make a copy of your own application and have that copy, and we did not understand that to be the scope of the regulation. And I think if you go back to the discussions that were held at the time the regulation was enacted, that wasn't the case, but here I think making it crystal clear on the face of the regulation, that is, in fact, the intent of this. It eliminates speculation as to what the scope of that is."

**Mr. Worley** - "Thank you."

**Chairperson Handel** - "Okay. Now, if I can have a motion to end the public hearing and come back into our main meeting."

**Mr. Worley** - "I make that motion."

**Chairperson Handel** - "Second. Motion and a second, all in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "And Mr. Ritter, if you could just, in the main meeting minutes, would you please just make that

statement that you just made, again, for the main meeting minutes?"

**Mr. Ritter** - "Sure. I'll be happy to reiterate that, and I think the statement was about the effect of the proposed amendment, the subpart 02 of the copying regulation. And the fact is, that the copying regulation, right now, is under a federal court injunction, and we'll have no force to the effect. And amending it will have not force in the effect until the injunction is lifted. I do not understand that the Board be trying to reenact, in some manner, it's just clarifying the scope of the regulation by making it clear. This regulation does permit voluntary copying of someone's depleted voter registration application. And if the injunction is lifted, then that would be part of the law. And if not, then the law would be stripped."

**Chairperson Handel** - "All right. Thank you. Okay. I'm going to ask for a motion separate, or each the rules -- the first one is Procedure to Petition for Adoption of Rules. Is there a motion on that particular rule change?"

**Mr. Evans** - "So move."

**Mr. Worley** - "Second."

**Chairperson Handel** - "Motion and a second. Any further comment? All in favor?"  
(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed. All right. The second proposed rule change involves the review of Initial Decisions. Is there a motion there?"

**Mr. Evans** - "So move."

**Mr. Israel** - "Second."

**Chairperson Handel** - "All right. I have a motion and a second to approve, any other questions or comment? All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Any opposed? There is none. Okay. The third rule involves in the SEB Official Clarification regarding the copying of voter registration applications. Is there a motion to adopt that rule change?"

**Mr. Israel** - "I make the motion."

**Chairperson Handel** - "All right. Is there a second? I'll second. Any other discussion or comment?"

**Mr. Worley** - "I am of the opinion that the points made by Mr. Heard, in his letter, are valid ones. I think it does unnecessarily burden advocacy groups which are healthy to registered voters, and therefore, I will vote against the proposed regulation."

**Chairperson Handel** - "Okay. Any other comment? All right. All in favor, please say aye."

(Whereupon, there was a chorus of ayes)

**Mr. Worley** - "No."

**Mr. Evans** - "No."

**Chairperson Handel** - "Okay. We're 2-2, so that is a tie. So I believe that means it will be tabled until our next meeting until at which it will be brought forward, and then we'll get clarity one way or the other with Mr. McIver. All right. With that, any other business? All right. I'll entertain the motion to adjourn."

**Mr. Worley** - "I make the motion, Madam Chairman, that we adjourn."

**Mr. Israel** - "Second."

**Chairperson Handel** - "Motion and a second. All in favor?"

(Whereupon, there was a chorus of ayes)

**Chairperson Handel** - "Thanks, everybody."

(Whereupon, the meeting adjourned at 3:20 p.m.)