IN THE MATTER OF:
STATE ELECTION BOARD MEETING

THE OFFICE OF THE SECRETARY OF STATE
SECRETARY OF STATE PROFESSIONAL LICENSING BOARD
237 COLISEUM DRIVE
BUILDING B
MACON, GA 31217

THURSDAY, MARCH 12, 2015
10:00 A.M.

PRESIDING OFFICER:BRIAN P. KEMP
SECRETARY OF STATE
STATE OF GEORGIA

DEBORAH L. MERIDETH, CCR
HAPPY FACES COURT REPORTING
POST OFFICE BOX 1063
TUCKER, GEORGIA 30085
(770) 414-9071
APPEARANCES:
Brian P. Kemp, Secretary of State, State of Georgia
David J. Worley, Member, State Election Board
Ralph F. Simpson, Member, State Election Board
Rebecca Sullivan, Member, State Election Board

ALSO PRESENT:
Chris Harvey, Esquire
Russ Willard, Esquire

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TRANSCRIPT LEGEND

[sic]--Exactly as spoken.

(phonetic) -- Exact spelling unknown.

-- --(Dash) Interruption in speech.

. . . --(Ellipsis) Indicates halting speech, unfinished sentence, or omission of word(s).

Uh-huh--Affirmative response.

Uh-uh--Negative response.

Quoted material is typed as spoken.
SECRETARY KEMP: Good morning, everyone. Let me go ahead and call the March 12th State Election Board meeting to order. Our first order of business is Mr. Worley has volunteered to give the invocation, and then we'll do the Pledge of Allegiance.

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INVOCATION

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PLEDGE OF ALLEGIANCE

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SECRETARY KEMP: All right. Thank you, Mr. Worley.

Our next agenda item is public comment. If anyone is here that would like to speak to the board about any election-related issues not pertaining to our cases that we have on the agenda, when we call each one of those cases, we’ll give you an opportunity to speak at that time. So you don’t have to feel like you need to get up now and talk to us about a specific case. We’ll give you an opportunity to do that as we move through the agenda.

But if there are other issues that anyone would like to speak to us about, we’ll give you two minutes to do that. You do need to fill out a comment card. We’ve got cards on the table if anybody’s interested in that. If anybody’s interested, I’ll give you just a few more minutes to fill that out.

The other thing I just wanted to explain real quick, and first of all, welcome you all here to this board meeting. This is a probable -- we'll be having these hearings which are probable cause and we’ll just give everybody an opportunity on all sides to speak to these issues as we move through the agenda. So don't worry about that. We'll give you ample time for that.

The individuals that have signed this sheet right here, do you all want to address us for the two minutes, or are you here on specific cases?
SECRETARY KEMP: All right. I don’t believe we have any public comments today, so we’ll move on the approval of our minutes, which is under Tab 1 and 2. If the board would like to give me a motion, or if there are any changes to the two sets of minutes we’ve got, the first one being from our board meeting on October 7, I'll take a motion for that.

MR. WORLEY: I move we approve the minutes of the board meeting of October 7.

SECRETARY KEMP: All right.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves and Ms. Sullivan seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. And now we have the minutes from our board meeting of October 20, 2014.

MR. WORLEY: Mr. Chairman, I would make a motion that we approve the minutes of our meeting of October 20.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves again, and Ms. Sullivan seconds again. Any other discussion?
(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** That motion carries as well. We will now move on to our consent cases. For those of you that haven’t been with us at a State Election Board meeting before, our consent cases are basically cases that we have investigated. The recommendation has been to dismiss all of these cases. We’ve got a very long list on the agenda. They go from number 3 in our binder through number 34.

Our protocol in doing this is that if there is anyone here that might disagree with us dismissing these cases or would like to make a comment on the cases in any regard, if you're here in the audience, we will pull off individual cases if somebody does want to hear these.

So at this time I would ask if there’s anybody here this morning that wants to pull one of these cases out in the audience with us today, please raise your hand and I will call on you. Yes, sir.

**UNIDENTIFIED MALE:** Item number 12.

**SECRETARY KEMP:** Is that Long County?

**UNIDENTIFIED MALE:** Yes, sir.

**SECRETARY KEMP:** Okay. Who else do we have? Yes, sir.

**UNIDENTIFIED MALE:** Item 21, Clayton County Primary 2014.

**SECRETARY KEMP:** All right. Anyone else?

**MR. HARVEY:** Mr. Secretary, I would request that the Paulding County that is on the consent agenda actually be moved to the letter case. There is a violation
there. I confirmed with Paulding County that they are okay with that.

SECRETARY KEMP: Okay. Mr. Harvey, we removed item 29 from the agenda; is that correct? I may have an old agenda. Douglas County case.

MR. HARVEY: The Douglas County case is removed. I believe it's removed already.

SECRETARY KEMP: Okay. Anyone else wishing to remove one of these cases?

MR. WORLEY: Mr. Secretary, I wanted to talk about, or had a few questions about item number 17, the City of Atlanta case.

SECRETARY KEMP: We’ll remove 2013, number 68, we’ll move that to discuss.

Any other board members have a case they would like to remove?

(Whereupon, there was no response)

SECRETARY KEMP: Last call for anyone wanting to remove our consent cases.

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, I'll take a motion to dismiss the consent cases on our agenda excluding SEB case number 2013, number 23, which is Long County, number 12 in our binder; SEB case number 2013-68, which is the City of Atlanta, number 17 in our binder; SEB case number 2014-17, which is the Clayton County primary case, number 21 in our binder. We have moved SEB case 2014-23, which is number 22 in our binder, to the letter cases. And that was it.

MS. SULLIVAN: So moved.

SECRETARY KEMP: Ms. Sullivan moves for the dismissal.

MR. SIMPSON: Second.
SECRETARY KEMP: Mr. Simpson seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have dispensed with the cases as described.

Mr. Harvey, I’ll go ahead and call the -- you want to go ahead and go through these first before we move on to the letter cases?

MR. HARVEY: Yes, sir. I think that would be easiest.

SECRETARY KEMP: I’ll call SEB case number 2013, number 23, which is a Long County case. That’s number 12 in our binder. Mr. Harvey.

MR. HARVEY: Yes, sir, Mr. Secretary, members of the board, this case involved the filing of petitions for an alcohol referendum in the City of Ludowici. The complaint was filed by Mr. Sean Tucker.

He reported that he turned in petitions to call for an election for alcohol sales. Our investigation revealed two major issues. One issue was that the petitions that were submitted by Mr. Tucker were insufficient in that they did not have the requisite information regarding circulators and documentation about that.

Secondly, that the issue of the alcohol referendum, we determined, is not something that the State Election Board will have jurisdiction over. I believe that is a separate title in the Georgia code regarding alcohol referendum.

Regardless of that, the petitions he turned in were insufficient and they were rejected. So we found no violation and recommend this case be dismissed.

SECRETARY KEMP: Okay. Any questions for Mr. Harvey from the board?
SECRETARY KEMP: Anyone else wishing to speak on this matter? Yes, sir. If you will, when you come into the microphone, these mics down here in Macon are not the greatest in the world, so please speak clearly and when you start, if you would, just give us your full name and address so we can have that for our record in our transcripts.

MR. TUCKER: My name is Sean Tucker. I’m a resident of Ludowici, Georgia. I am the owner of a beer and wine store called The Brown Bagger.

The reason I brought issue with this is I submitted documentation -- I requested from my county registered voting lists that they refused me my first go round. They wouldn’t provide that information to me.

So I went to the state and paid, I think it was $80, to receive some CDs that would have the voter registration list on there so I could go and obtain the signatures that they’re requiring, the thirty-five percent of the city registered voters, not to include the county.

I did that. When I came back to the -- and I have newspaper articles as reference to this. When I brought those back, I was accused of forging signatures. I was told I had not provided enough information on there. I got birth date, signature of the person, and where they resided, whether it was city or county.

When I went back the second time to request to do a petition again if this was the improper information, I had requested from them to provide me with what the city as registered voters, which is supposed to be public information which, again, they made it very hard for me to get a hold of. They would piecemeal it to me. We had an election process coming up for city council board, and I submitted my petition to them for it to be counted. I don't have the actual regulation, but it’s supposed to be counted within a 30-day period and responded back to me with that letter.

It was six months later past the election process that this should have been placed onto the ballot. Not only that, they only accounted for 257 signatures out of the 800 signatures I had provided to him. Not saying those were all registered voters. That many signatures should have been validated or not validated.
The other thing I also found is that James Durrence who worked in that office contacted me after I had posted that. The problem that I had, it was over 120 days since I had submitted my petition. At that time, there was supposed to be a supervisor supervising these young ladies that were going to count the signatures, or validate the signatures. The two young ladies there were both fresh out of high school, Lindsey Edge and a Brianna Lowe, and there was supposed to be a supervisor. At that time there was no supervisor. Her name was Leah Hughes. She was actually on medical leave.

So the petition wasn’t counted by anybody that, in my vision of this, that would have been able to validate a signature whether it was correct or it’s not correct. It wasn’t validated by a supervisor. It was given to Vanessa Cunningham, which she was in charge of the voting elections and stuff that were going on at that time in Ludowici.

My reference to James Durrence, James Durrence had called me on the phone after he quit working with Long County and had moved away. He said those signatures were counted within that time period and Vanessa Cunningham had retained those on her desk for a time period.

I don't have anything other than him verbalizing that to me on the phone, but I did go down to the office yesterday and speak with -- let me get her name here. There was a young lady that was working yesterday and I can't remember her name at this time. But she was the one that had provided me the information about what counted and not counted.

Long County has had some issues in the past about voting and scenarios like this. All I'm tried to do is bring revenue and jobs to my community and I was met with the full force of Long County and how they do business there. I have had police harassment; they shut my business down; they sold an alleyway that was connected to my business. I’ve been in a heck of a struggle for two years trying to just get the people of Ludowici to have the right to vote for the things that we -- and I had the signatures. And there are people who want liquor in the community.

It’s not so much the liquor; it’s about the revenue. We have no jobs in our community; our tax bases are raising every year; school buses don’t have enough space for our kids.

I’m a business. I can bring them $100,000 in tax revenue. I can bring tax revenue to the state and it's being pushed away because it's not either somebody's idea, or
they can’t get their hands on the financial side of it. I'm not sure.

**SECRETARY KEMP:** Any questions for Mr. Tucker?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you for being here this morning.

**MR. TUCKER:** Yes, sir.

**SECRETARY KEMP:** Do we have any complaints in regard to the city, Mr. Harvey, and the claims that Mr. Tucker was making?

**MR. HARVEY:** If you notice, on the agenda there are several cases for Long County on here. Long County does have some issues that we’ll talk about in later cases with the elections office. The key point in this case is that the petitions he turned in were not legally sufficient; they weren’t certified. He may have had a proper number, but the petitions on their face were invalid.

We've had petition cases before. They have to be notarized by the circulator, and that was not done in this case. I think that is the basis for the invalidation.

**SECRETARY KEMP:** Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Mr. Tucker, do you want to address that?

**MR. TUCKER:** Yes, sir. I was not provided with the proper information for my county. They withheld that information from me. The first petition I had done, I went on to LEXIS-NEXIS website and it said in there what information I was supposed to provide on the second petition. On the first petition, this county wouldn’t even allow me to have my voter -- the right to the voter registration list of our community that is public information.

So -- and in all reality here, sir, the information was not provided to me, so therefore I couldn’t provide to them what their requirement was.

**SECRETARY KEMP:** We understand that. But that still doesn’t -- just because that was the case, we can’t legally accept a petition.
MR. TUCKER: The second petition, though, I followed the guidelines provided to me by the county with the voter registration list that they had piecemealed to me to push me past this election process for the city. It was supposed to be counted within 30 days. It was 120 days later that I was going to a city council meeting asking where is this petition, and where are my signatures.

SECRETARY KEMP: Mr. Harvey, have you seen the second petition, too?

MR. HARVEY: I don’t know if we’ve got the second petition. But my understanding is that neither of the petitions were certified where the circulator who circulated the petitions signed the petitions. I can check the file to see if they’re in there.

Investigator Archie, do you want to speak to that? Investigator Archie handled the case.

SECRETARY KEMP: Glenn, just give us your name and address.

MR. ARCHIE: Investigator Glenn Archie, Secretary of State’s office. It’s 237 Coliseum Drive, Macon, Georgia 31217.

Pretty much in reference to the second petition, that is a big part of the record. They were not notarized by the circulators. Also, when I went through the number of signatures -- just give y’all a brief about that -- there were 582 signatures, 84 signatures were verified.

SECRETARY KEMP: What was that number again?

MR. ARCHIE: Five hundred and eight-two signatures.

SECRETARY KEMP: And what was the second number?

MR. ARCHIE: Eighty-four signatures were verified; 37 signatures were non-verifiable signatures; 155 signatures were voters that were registered but they lived in the county; 315 signatures were classified as “Other.” So I also checked those, of course. Two hundred and six signatures were citizens that were not registered to vote out of that number; 58 signatures were not legible; 11 signatures were electors that resided in the City of Ludowici; and 25 signatures were electors registered to vote, but they resided also in Long County.
SECRETARY KEMP: Any questions for investigator Archie from the board?

(Whereupon, there was no response)

MR. HARVEY: Mr. Secretary, Mr. Willard has informed me this would be -- even if it was an issue, it would be a Title 3, not a Title 21 case. So I don’t believe we have jurisdiction.

SECRETARY KEMP: Mr. Willard, do you want to explain that to Mr. Tucker just so he knows what we’re talking about here?

MR. WILLARD: Mr. Tucker, the State Election Board has jurisdiction to consider violations of Chapter 2 of Title 21. The procedure for referendum, or petition to get a referendum on the ballot for alcohol is found in Title 3. It’s O.C.G.A. 3-4-41. This board does not have jurisdiction to consider violations of Title 3, the same as the board in the past has realized it doesn’t have authority to consider violations of Chapter 4 of Title 21, which relates to recall petitions. We just don't have jurisdiction. The board doesn't have jurisdiction to consider those violations.

The General Assembly has not empowered this board to consider violations of the petition to get an alcohol referendum on the ballot because they place that in Title 3, and have not given this board authority to consider violations of Title 3.

SECRETARY KEMP: Mr. Willard, if Mr. Tucker wanted to file a complaint for some of the allegations that he is alleging, would he want to do that to us or another entity, or do have any advice for him on that?

MR. WILLARD: Well, I can’t give Mr. Tucker advice. I can try to answer your question. Without having researched it in depth, I would say the recourse for an elector who believes they have complied with 3-4-41 would be to filed a mandamus petition seeking a court order directing local officials to comply with Title 3 provisions.

SECRETARY KEMP: Okay. Mr. Tucker, I know that’s a lot of legal jargon there.

MR. TUCKER: I’m following, sir.
SECRETARY KEMP: While Mr. Willard is correct that we cannot give you legal advice, hopefully this will send you in the right direction should you want to continue to pursue this. Do you understand that?

MR. TUCKER: Yes, sir. I do.

SECRETARY KEMP: Did you have anything else for the board?

MR. TUCKER: No, sir.

SECRETARY KEMP: Is there anyone else wishing to speak on this matter?

MS. MCCLELLAN: I’m Cindy McClellan; 380 South Main Street, Ludowici, Georgia.

I work with the City of Ludowici and, as you know, our records are kept with the county. So we had to rely on the county to verify the signatures on the petitions. But once he filed the petition for the referendum, you know, we forwarded it on to the Chairman of the Board of Elections with the county, Long County. You know, we followed the procedure as far as forwarding it to them.

SECRETARY KEMP: Okay. Any questions for Ms. McClellan?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, Mr. Harvey, do you want to give us a recommendation again just to make sure the board understands?

MR. HARVEY: I recommend this case be dismissed by the State Election Board.

SECRETARY KEMP: Any other comments from the board or do we have a motion?

MR. SIMPSON: So moved.
SECRETARY KEMP: Move to dismiss?

MR. SIMPSON: Yes.

SECRETARY KEMP: Mr. Simpson moves to dismiss. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We have dismissed that case. Thank you both for being here this morning.

We’ll now move to SEB case number 2013, number 68, which is number 17 in the binder. Mr. Harvey.

MR. HARVEY: This case is the City of Atlanta, allegations of vote buying.

It was reported that in a high-rise residential facility prior to the election, there were flyers posted by the staff where people could sign up, or being notified of rides to the polls. With those notices for rides to the polls, there were names of candidates, and to the side, or on the same advertisement, there were -- so you have Candidate X and then there would be a gift card next to that person's name, and the next candidate with a gift card next to their name.

What our investigation revealed was that in talking to the people that put up those notices, they were offering people rides to the polls regardless of who they were planning to vote for and how they were planning on voting. The reason they put the gift cards next to the candidate’s names was because those candidates had
come to those facilities previously and had provided gift cards and the people putting up the advertisements wanted people to associate the candidates with their previous visits and what they provided to the facility.

The awarding of any gift cards had been done prior to the campaign or the election, so I did not see it as a violation of offering something in exchange for voting. So we didn’t find a violation there.

The main purpose was to advertise rides to the polls. The candidates were listed with things that had been associated with previous visits to the facility.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: Mr. Harvey, the reason I wanted to talk about this case in particular is that the report didn’t indicate the name of the complaining party, and generally your reports do.

I wanted to know that information because -- in order to determine whether I or other members of the board should recuse themselves in a particular case, we need to know the names of the parties. So that was one issue.

The other issue, I was interested in seeing the actual flyer, if you have it in your file.

MR. HARVEY: Well, to the first issue, on the report the complainant is listed, maybe not on the summary, but on the . . . It is on my copy.

MR. WORLEY: It doesn't appear to be on ours. It just says a resident of the address.

SECRETARY KEMP: Oh, there is.

MR. WORLEY: Thank you. All right. Okay.

MR. HARVEY: Let me see if we have the flyer.

SECRETARY KEMP: Mr. Harvey, while you're doing that, I'm going to see if Anyone else wishing to speak. Is anyone else wishing to speak on this matter?

(Whereupon, there was no response)
SECRETARY KEMP: All right.

MR. HARVEY: Yes, sir. I do have a copy.

MR. WORLEY: (Reviewing).

SECRETARY KEMP: Mr. Worley, anything else?

MR. WORLEY: No.

SECRETARY KEMP: Mr. Harvey, just to be clear about this, the gift cards were given to the facility, not the individuals in the facility?

MR. HARVEY: It’s unclear exactly what was -- who was given or who they were given to, if they were given to individuals. The key point was they had been given sometime in the previous year. Whether they’d been given to the facility to distribute to individuals, or individuals, there was no evidence or indication that there was any type of condition when the gift cards were given prior to the election.

SECRETARY KEMP: Were both the candidates on the flyer in the runoff against each other?

MR. HARVEY: I know they were both candidates.

SECRETARY KEMP: Mr. Worley says no.

MR. WORLEY: I don’t believe so. I believe one was running in the district and the other was running at-large.

SECRETARY KEMP: Mr. Simpson.

MR. SIMPSON: Do we know whether or not those gift cards were given before or after the candidates qualified for the election?

MR. HARVEY: My understanding -- I don't know that I could say absolutely when they were given.

MR. SIMPSON: Seems like to me that would make a difference.
MR. HARVEY: Yes, sir.

MR. SIMPSON: If the person gave the card knowing they were running and then had it put on the flyer, that's obviously a gift to encourage people to vote for him.

But if they had not qualified and didn’t know they were going to run and they just gave the gift cards, that would be an entirely different matter, in my mind.

MR. HARVEY: Yes, sir. I agree.

What happened, those candidates had given gift cards to the facility to be used as prizes in events that had happened earlier in the year. So whether it had taken place before or after qualifying, I don't know.

But they had not been given to individuals. They were given to the facility so if the facility had something like a bingo game, or something like that, the winner would win a gift card.

MR. SIMPSON: What’s the difference in me giving Mr. Worley a card and him giving it to you; or me just giving it directly to you in terms of the intent and why it’s given and whether or not that might bear on how somebody voted?

MR. HARVEY: I suppose you could make an argument that if somebody is giving something to an entity to distribute to somebody -- they can’t control, the candidate can’t control who gets that gift card. So they're giving it to a facility who is using it as a prize for something like a bingo game. The candidate is not giving it to somebody in exchange for a vote.

Again, I understand your point and you or the board may have a different understanding and that's why I’m presenting it in this way. I don't see a direct connection between the giving of a gift card and voting.

MR. WILLARD: I think in your example, Judge Simpson, in effect you're making Mr. Worley your bag man to carry out your wishes. And in this, there is a slight nuance there. But it would be similar to a candidate who buys an ad in a charitable program or contributes to a gift that’s going to be raffled off. They're giving something of value, but it’s to the organization. They have no control over it.
In this sort of example, theoretically, you might have the residents who didn’t win bingo upset that the candidate didn’t give more cards. There's not necessarily a nexus between a candidate handing the gift card to the committee that's going to award the bingo prizes and actually getting a vote on their behalf.

**MR. SIMPSON**: I don't agree, but I certainly understand your point.

**MR. WILLARD**: I understand, and I’ve taken a look at 570 which is the vote buying provision and there may be some, for lack of a better word, some gray area activity on the part of the board. But I don't think, unless there was a quid pro quo that it doesn’t appear we have evidence of, that the candidate, when he gave them the gift card, the association said we’ll make sure that you’re recognized and everybody knows. At that point, the candidate hasn’t done anything wrong, at least under the way 570 is worded.

**MR. SIMPSON**: Just doesn’t smell right to me.

**MR. WILLARD**: I understand. And I think the Secretary has some legislation pending. That might be something to clean up.

**SECRETARY KEMP**: Anything else from the board?

(Whereupon, there was no response)

**SECRETARY KEMP**: Let me just make sure there was no one else to speak on this case.

(Whereupon, there was no response)

**SECRETARY KEMP**: Well, we had a recommendation originally from Mr. Harvey to dismiss, but board members can certainly make a motion to their purview.

(Whereupon, there was no response)

We could always table this and ask Mr. Harvey to see if we can get one of our folks to go back and find out exactly when the gift cards were given if that would make you all feel better.
MR. WORLEY: I make a motion to dismiss the case.

SECRETARY KEMP: Mr. Worley moves to dismiss. Do we have a second? I'll second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor of dismissing, signify by saying, "Aye."

MR. WORLEY: Aye.

MS. SULLIVAN: Aye.

SECRETARY KEMP: Aye.

All opposed, same sign.

MR. SIMPSON: No.

SECRETARY KEMP: That motion carries. We have dismissed 2013, number 68.

Mr. Harvey, case number 2014, number 17, which is the Clayton County primary case.

MR. HARVEY: This case involved the Clayton County primary in May of 2014. The complainant was Mr. Jeffrey Benoit who complained there were some voters who were improperly districted and/or got the wrong ballot in the election. There is another complaint that somebody was not allowed to view tabulation.

We did an investigation in coordination with the Clayton County elections office and determined that the voters who allegedly got the wrong ballots were in the proper district and all the evidence appears to be that they got the ballot they were entitled to.

As far as the inability to view the tabulation, we found no evidence there was a violation of State Election Board rules or law.

We recommend this case be dismissed.
SECRETARY KEMP: Any questions from the board for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Seeing none, is there anyone else wishing to speak on this matter? Good morning.

MR. BENOIT: My name is Jeffrey Benoit, 5783 Rex Mill Drive, Clayton County.

The information you just received is incorrect. I have statements from the family, the Beddingfields, husband, wife, and daughter living at the same address, and it's a good idea, good suggestion, they had been living together all their life.

The husband got a ballot with my name on it, candidate for District 8. The wife and daughter got a ballot with the District 9 candidate on it. I can't recall the candidate for District 9. This is the same family living in the same house at the same address and gets two different ballots in the same house.

I don't care how they ran their districting line, you cannot run it through the house; you can't run it through the bedroom; you can't run it through the bathroom that the wife is in District 8 and the husband is in District 9. That's impossible.

So what we're saying here is that this is a systemic problem that is going on in Clayton County that has been going on in Clayton County. And all too often we don't talk about who we voted for, so you probably would never know that. But this was a family that generally voted Republican. But they live in my district and we have a very good relationship. They chose to vote Democratic because they had seen the systemic problems on our school board and they wanted to see a change.

They changed from Republican to Democrat to vote for me, which they called me and told me -- and if you give me a few minutes I can find the email, should I say the voicemail that the wife sent saying, I feel like my vote has been stolen from me from Clayton County because my husband had you on his ballot, myself and my daughter had the other candidate and we live in the same house. How does that happen?
Now, not only was that part of the problem, Janice Scott, in 2012, brought the issue to Ms. Bright about getting the wrong ballot. She got no response from that and they dismissed it as a fallacy of dramatic instance. Well, here again in 2010, Mr. Jones, who ran for school board, got the same problem, and these issues have been brought to Mr. Harvey. For whatever reason that they are not being brought up in this situation, I don't know.

But the facts remain that in Clayton County there has been a systemic problem as it applies to voting and as it applies to applying the right ballots in the right homes, or to get the right districts on the individuals to know where they might vote for [sic].

I ask the question do you know you live or do you know your address? They're two different things. Your address is where you get your mail; your district [sic] is where you vote and who you vote for and who the candidates are in that district that you vote for. And all too many times people don't know where they live, they just know their address.

So we have to do a better job of letting people know where they live by giving them new voter registration cards when we redraw the lines so they know who they are voting for and who should be on their ballots. And I really would ask that the board push this issue.

The Clayton County school board is having a special election because they are trying to fill an absentee from a board member who did the right thing and resigned. I would ask that this board would see fit to put this back on that particular board to have another special election because this issue is systemic.

Again, I did talk to Mr. Harvey about this; I did send him this information; and he does have this information. For what reason this should be dismissed, that is simply saying the voter fraud, no matter what the issue is, is okay in this country and we're not going to address issues no matter how much information we have.

So I say to the board this is still a problem. I come to address this problem. Not that I'm hurt. I'm fine. But our kids are hurting. Our communities are hurting. The economics of our community as opposed to a bad school board -- bad school board policy is hurting our community. If we don't address this issue, we may as well go ahead and close up shop.

SECRETARY KEMP: Thank you. Any questions from the board for him?
**MR. WORLEY:** The statements you have from the Beddinfields, have those been provided to Mr. Harvey?

**MR. BENOIT:** Yes, and I have a copy right here. I also have Ms. Beddingfield on a very frantic voicemail that I’ve been keeping since 2014. If you give me a few minutes I can pull that out for you to hear it.

**MR. WORLEY:** That’s not necessary for me to hear.

**MR. BENOIT:** And I’d like to ask the board how do someone go about submitting to get on this Board of Elections that they might be able to serve their community at your level to be able to speak on these issues? I’d be very interested in that.

**SECRETARY KEMP:** We can follow up with you on that.

Is there anyone else wishing to speak on this matter? Ms. Bright. Welcome back to Macon.

**MS. BRIGHT:** Thank you. Good morning, Board. My name is Annie Bright. I’m the director of elections and registration in Clayton County. My address is 19985 Scottish Court, Fayetteville, Georgia.

In regards to Mr. Benoit’s complaint, the Beddingfileds are in school board District 9. According to our records, our GIS maps, our school board maps, they are registered to vote in school board District 9. They’ve always been registered to vote in school board District 9.

According to Mr. Benoit, the Beddingfields came -- Mr. Benoit brought them into my office on May 16, actually May 22, claiming they voted on May 16 at the Carl Rhodenizer Recreation Recreation Center. According to Mr. Benoit, Mr. Beddingfield claimed that he got a ballot for school District 8, which was Mr. Benoit’s district, and Mrs. Beddingfield and her daughter got a ballot for school board District 9.

Well, we did not have any calls on May 16 from any of the Beddingfields Stating they got the wrong ballot. They came into our office alleging the husband got one ballot and the wife and daughter got another ballot.
We took the Beddingfields to the map to show them what school board district they were in and showed that they were in school board District 9 and they had received, according to us, the right ballot.

So I don't know -- all this allegedly, you know, from Mr. Benoit regarding the ballots. According to our records, everything we have says they are in school board District 9 and that’s the ballot they received when they voted early.

SECRETARY KEMP: Any questions for Ms. Bright from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here this morning.

Mr. Harvey?

MR. HARVEY: Sir?

SECRETARY KEMP: Do you have anything else you want to add about anything anyone else said that could continue to enlighten the board?

MR. HARVEY: Just to reiterate that our investigation revealed what Ms. Bright revealed, that they were in the proper district and all the records indicate they had the right ballot. I know that this board has seen cases before where individuals claim somebody was or wasn’t on a ballot.

My experience has been that if that is a large systemic problem it’s going to affect more than one person, and the board has seen many cases where multiple people have gotten the wrong ballot in the wrong precinct.

In the absence of any other complaints, and with the system backing it up, I am personally inclined to believe maybe Mr. Beddingfield overlooked something, or - - I can't explain it definitively. But I just don't see any evidence that would show they got the wrong ballot or they are in an improper district and, therefore, that Clayton County did anything improper.

MR. BENOIT: I submit this as evidence --

SECRETARY KEMP: Hold on one second. We’ve got to do this in an orderly way so the person keeping the transcripts knows who’s talking and when.
Ms. Bright, did you have anything else?

**MS. BRIGHT:** Yes. Additionally, Chairman and Board, in all of our precincts -- in all of our voting machines, inside the voting machine as well as above the voting machine, there are signs provided by the Secretary of State's office stating that if you feel you have received the wrong ballot, you need to notify the poll manager to let them know. So if one of the Beddingfields did receive the wrong ballot or that thought they were in the wrong district, they should have notified the poll worker.

Like I said, this notification -- Mr. Benoit brought this into our office with the Beddingfields six days after they had voted the ballot.

**SECRETARY KEMP:** Mr. Simpson.

**MR. SIMPSON:** There would be a different precinct location to vote in District 8 or District 9, would there not?

**MS. BRIGHT:** That precinct is split. So there's a possibility -- that’s Morrow 5 voting precinct. So you would have some people that would be voting in District 8 and some people that would be voting in District 9.

**MR. SIMPSON:** So you couldn’t tell geographically where they went to vote as to whether or not they voted in the correct district?

**MS. BRIGHT:** The precinct is the same precinct for school board District 8 and in District 9. So they would be at the same voting precinct, except in this case these individuals voted at one of the advanced voting sites, which, you know, anyone can go to. Anyone in the county can go there and vote in the early voting period.

**MR. SIMPSON:** Okay.

**SECRETARY KEMP:** Any other questions for Ms. Bright?

**MR. WILLARD:** Mr. Chairman, based on your testimony, and just to clarify, the Beddingfields should not have had Mr. Benoit on their ballot, right?

**MS. BRIGHT:** Absolutely. In school board District 9, the candidate for them
was Carlton Bivens.

**MR. WILLARD**: And Mr. Benoit was in District 8?

**MS. BRIGHT**: Yes.

**SECRETARY KEMP**: All right. Mr. Benoit, come on back up to the microphone.

**MR. BENOIT**: Two points here. One, the Beddingfields signed a certified document, Mr. Beddingfield, Mrs. Beddingfield, and the daughter, indicating that they got one with my name on it, one with Mr. Bivens.

A certified document is something that I would think that would be somewhat evidence to say they are not embellishing this or they’re doing this for any other reason other than the fact that they felt that their votes were squandered in this particular process. I think Mr. Harvey has this. I sent this to you as well.

**SECRETARY KEMP**: We can accept that document. If you want to, we can look at it and give it back to you.

Do we have a motion to accept the documents?

**MR. WORLEY**: So moved.

**MR. SIMPSON**: Second.

**SECRETARY KEMP**: We have a motion and a second to accept the documents.

All in favor, signify by saying "Aye."
(Whereupon, the vote was unanimous)

**SECRETARY KEMP**: All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP**: Motion carries.

**MR. BENOIT**: The second thing, Ms. Bright made -- that if you should get an
incorrect ballot that they should notify the poll worker, or notify something. Here I have a document from Ms. Janice Scott, who notified Ms. Bright three times, herself, about the incorrect ballots that she’s gotten and got absolutely no response from her, personally, as to this. And I can submit this to you as well. And he has a copy of this as well.

SECRETARY KEMP: Let me ask you a question about that. Is that the same election?

MR. BENOIT: No, sir. This election was 2012. And then I have another from 2010. So it’s been going on 2010, 2012, 2014. And all these documents have been submitted to Mr. Harvey. These are three different candidates that ran at three different times: myself, Janice Scott, and Mr. Jones.

SECRETARY KEMP: Do we want to accept those documents?

MR. BENOIT: And I would ask that the board consider putting a special election on this upcoming election for District 8 and District 9 for school board representative.

SECRETARY KEMP: I don't think we’re going to need those documents because they’re relating to a whole separate election.

MR. BENOIT: It just goes to speak to the fact that where they do make these comments, they’re getting absolutely no response.

SECRETARY KEMP: Your remarks on the record and the board certainly knows your position. Is there anything else you would like to add?

MR. BENOIT: It’d like to add that the board strongly consider putting District 8 on its special election board (unintelligible) run in Clayton County to fill a seat for District 9.

SECRETARY KEMP: We appreciate your advice, but I don’t think we have the authority to decide when county elections would be.

Are there any other questions for Mr. Benoit?

(Whereupon, there was no response)
SECRETARY KEMP: Thank you very much.

Mr. Benoit, we’re going to get a copy of that to keep and we’ll give you that back.

Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, anything else you wanted to add?

MR. HARVEY: No, sir. It’s certainly not unheard of to have cases where somebody gets an incorrect ballot. In this case, the record seems to indicate they would have gotten the right ballot, and I just don't know that there's enough to justify a citation in this case. But I certainly leave it at the discretion of the board.

SECRETARY KEMP: Have you talked to the Beddingfields?

MR. HARVEY: The investigator did. I personally have not. I’ve spoken with Mr. Benoit several times.

MR. BENOIT: They were going to come this morning. But due to some other issues, they couldn’t be here. But they definitely wanted to be here this morning.

SECRETARY KEMP: Hearing no one else wishing to speak, I'll be glad to take a motion.

MR. WORLEY: Before we do that, could I ask Mr. Harvey a question?

SECRETARY KEMP: Absolutely. Mr. Worley.

MR. WORLEY: Mr. Harvey, ordinarily when there is a dispute over the facts of a case, and one party says one thing and another party says another, we refer on to the Attorney General's office for further review.

But in this case, is there any other evidence that could be found other than what we’ve heard here today?

MR. HARVEY: I think there is not. The state of the evidence is evidence what it is. But -- and I understand and that’s generally my practice is if there’s a dispute in the evidence we do that. In these cases, I try to consider all the other
circumstances. And there have certainly been plenty of cases where, you know, City of Atlanta and Fulton County have had cases where precincts have wholesale problems with people getting wrong ballots. I just don't know that there is much for Mr. Willard to do with it if it were bound over.

But certainly, that’s why we’re here so you all can consider that. But I don't think there's any additional evidence to be gained.

**MR. WORLEY:** And to my recollection, we have not had -- unlike, say, Fulton County, we have not had a history of problems on this kind of issue in Clayton County.

**MR. HARVEY:** That’s correct. And, again, you get odd cases in different precincts of different counties, even in counties that normally have pretty stellar records where occasionally there will be an individual mistake.

But, no, Clayton County does not historically have an issue with this kind of problem.

**SECRETARY KEMP:** All right. Any other -- Mr. Benoit, I’m giving you a lot of leniency. This is the last time. You need to close out right here because we’re fixing to move on.

**MR. BENOIT:** I appreciate the leniency and the reason for it because I'm very passionate about the vote in our county. If we don't do anything about it and we pass this off as a passive issue, we never will correct it and never will address it.

Yes, there is evidence; yes, there is a reason to investigate. And I would ask that it be investigated that we get to the bottom of it that we don’t have to come back and revisit it.

But if we pass it off as a systemic issue that is a fallacy of dramatic instance, we'll see it again and again.

I've shown you three cases that goes back to 2010. At what point do we finally decide to look at this because as we go forth, if we don't do anything today, then it’s our fault.

**SECRETARY KEMP:** Thank you for being here. You’ve made your position very clear and the board appreciates it.
Do we have any recommendations from the board or a motion?

**MR. WORLEY:** I make a motion to dismiss this case.

**MS. SULLIVAN:** Second.

**SECRETARY KEMP:** We have a motion to dismiss by Mr. Worley and a second by Ms. Sullivan.

Any other discussion by the board?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** We have moved to dismiss. Thank you all for being here today.

Mr. Harvey, I’m showing that we’ve moved past our consent cases and we are now to our letter cases.

**MR. HARVEY:** That's correct.

**SECRETARY KEMP:** This is the first time we've done this. As you all know, several years ago we decided having the consent calendar to try to speed the meetings up and get people on the road quicker, or have them not have to come to this meeting at all by voting certain cases in block.

Mr. Harvey has recommended to the board that we start doing the same with our letter cases. There are certain cases we get that are more technical in nature, not as serious of potential violations, and the recommendation is for a simple letter of instruction.
What we have decided to do is to go through the same process with these cases as we have with our consent cases. We believe this will help the board clear our case load quicker, be more efficient, and hopefully be a little easier on you all that have to travel to the meetings.

That being said, we'll go through the same process for the letter cases. If there is anyone here who does want to hear a case, either in the audience or the board, we’ll pull them out and hear them. But if not, we're going to vote in block to recommend a letter of instruction in all these cases.

Case 2013, number 36 is a Pierce County case; 2013, number 27 is Burke County ballot case; 2012, number 102 is a Marion County case. And we added SEB case 2014, number 23, which was on the consent calendar that we moved down, which is a Paulding County case.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Is there anyone that wants us to pull one of these cases out to discuss it where you can comment on it? Yes, sir.

UNIDENTIFIED MALE: Marion County.

SECRETARY KEMP: We’ll pull the Marion County case off. Anybody else?

(Whereupon, there was no response)

SECRETARY KEMP: Any board members want to pull a case out?

(Whereupon, there was no response)

MR. HARVEY: Mr. Secretary, for the record, Pierce County and Paulding County submitted responses to the State Election Board regarding these cases. Paulding County sent an email acknowledging their error and saying they would accept the letter of instruction, and largely the same with Pierce County.

So, for the record, I was submit that to the State Election Board.

SECRETARY KEMP: Okay. Is there any board member wanting to pull a case out or are you all ready to go?
SECRETARY KEMP: Hearing none, we are ready to take a motion on doing letters of instruction to 2013, number 36, number 27; and 2014, number 23.

MS. SULLIVAN: I move the board issue a letter of instruction in those cases.

SECRETARY KEMP: Ms. Sullivan moves. Do we have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Simpson seconds. Any other discussion?

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, I call on you for 2012 number 102, the Marion County case.

MR. HARVEY: Yes, sir. This case involved about 14 different allegations of problems. There were allegations that people were seen -- a poll officer was seen carrying absentee ballots; that a commissioner was seen in the room where tabulation was taking place; tabulation was improperly done; there is a complaint about not responding to open records request, which, of course, the board does not have jurisdiction over; there is an allegation that somebody didn't receive a candidate on a ballot; somebody had problems with the voting machines; somebody complained they did not think the vote was right because they had gotten 800 phone calls from people saying they voted for him and he only got 555 votes; allegations that vote printouts were not properly posted; and that the elections office failed to post a notice of accuracy testing.

After doing an investigation of all those allegations, we found that in one case, the second allegation regarding a county commissioner being in the election office area during tabulation, he was in the office area. There is no indication that he
was actually touching any ballots or participating in the tabulation. So I'm not sure that even constitutes a violation.

The potential violation we did identify was 21-2-483, entering into the tabulation area without being deputized is a violation. I'm not sure that would be sustained. But that was the only violation we found in the allegations, that he was in the tabulation area, he was not deputized. There was no indication he was performing duties as an election official.

**SECRETARY KEMP:** Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Is there anyone else wishing to speak on this matter? Good morning.

**MR. DIXON:** My name is Anthony Dixon. I'm the elections supervisor of Marion County. My address is 98 Village Lane, Mauk, Georgia 31058.

A statement of interest from the Marion County Board of Elections and Registration to our State Election Board in reference to O.C.G.A. 21-2-48(b) [sic].

The first paragraph reads: “All proceedings at the tabulation center and precincts shall be open to the view of the public . .”

Mr. Larry Olden, the Commissioner, along with others, had the right to view the tabulation proceeding, but not participate in the tabulation proceeding.

Mr. Olden was merely coming through the main entrance of the election office after a full day on the job to make inquiry regarding the completion of the voting tabulation and when those results would be announced.

It is our understanding that after the inquiry, Mr. Olden proceeded through the area of the office which is utilized for daily operation of the Board of Elections and Registration to adjoining waiting room where the tabulation results would be announced. Those present at the tabulation area during the scanning of the ballots and proceedings was members of the Board of Elections and Registration which consist of a board member and -- which consist of the board chair and two board members; chief deputy register [sic]; the ballot review panel, which consist of
Democrats and Republican; the ENS technical service representative; and, of course, the elections supervisor.

I would like to reiterate, the scanning of the ballots is open to the view of the public, and at no time did Mr. Olden participate in the tabulation proceedings. There was, therefore, no need for any board member or elections supervisor to deputize Mr. Larry Olden.

SECRETARY KEMP: Thank you for being here. So in your opinion, there was no violation and there is no need for a letter?

MR. DIXON: Absolutely, sir.

SECRETARY KEMP: Okay. Any other questions for Mr. Dixon?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here.

Mr. Harvey, anything you would like to add?

MR. HARVEY: I think I tend to agree with Mr. Dixon. I don't see a specific violation. I recommend this case be dismissed.

SECRETARY KEMP: Is there anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: I'm ready for a motion.

MR. SIMPSON: I move to dismiss this case.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Simpson moves to dismiss; Ms. Sullivan seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."
(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** That motion carries. Thank you, Mr. Dixon, for being here.

Mr. Harvey, we are now going to move to the new cases; is that correct?

**MR. HARVEY:** That's correct, sir.

**SECRETARY KEMP:** For those of you here today, one of the other things we've been trying to do to help the folks that take the time to come to our meetings is to go down the list of cases and if there are people who have not showed up, we'll move them to the bottom of the calendar so we can get to the folks that are here quicker.

So if you will just raise your hand or say “Here” when I call these cases, we'll move through these real quick. You don't have to say anything about them. Just say you’re here or raise your hand and we will try to put some of these at the back if nobody showed up.

2012, number 31, Telfair County; Fulton County Shoji case; Brooks County absentee ballot case; Floyd County voter districting; Cook County; Long County case; City of Ludowici; Jefferson County; Montgomery County; Dooly County; Stewart County; 2012, number 182, which is absentee ballot via FedEx case; 2013, number 6, Long County; City of Valdosta; Crisp county felons case; City of Ocilla; City of Lumpkin, which is Stewart County; Sumter County; City of Woodland; Tift/Colquitt County, City of Omega; City of Brunswick, Glynn County; Toombs County qualifying case; Sumter County residency case; Long County qualifying BOE case; Camden County case.

Thank you all very much for that.

Mr. Harvey, the first one is 2012, number 31, which is Telfair County, number 38 in our binder.
MR. HARVEY: Yes, sir. This case had three major areas of complaints. The first complaint regarded allegations of absentee ballot mishandling fraud; the second centered around problems that the Lumber City precinct, actually, on election day; and the third was something our investigators discovered during the process of the investigation. It had to do with administrative areas errors and failures with election documentation.

Regarding allegations that absentee ballots were being improperly handled and processed and illegally assisted, we had cross-complaints. We had several different sides alleging that absentee ballots were being improperly handled.

We were unable to determine that there was any large conspiracy, that there was any type of organization involved. We interviewed approximately 50 individuals regarding absentee ballots. We did come across several cases where individuals either illegally assisted people with absentee ballots and/or illegally failed to document assistance. There were several cases where people illegally possessed absentee ballots once they had been voted.

We had gotten reports from people that absentee ballots had shown up in bundles at the post office. However, there was no indication of who may have handled those ballots and collected those ballots.

So as far as the general allegations of absentee ballots being improperly handled, while there is some indication there may have been something going on, in all the investigation we did we were unable to determine if it was a concerted effort.

We ended up interviewing 33 absentee ballot electors in terms of trying to see if there was any connection, and what we found was there were 13 instances of those 33 of illegal activity. We found out that the following people illegally possessed absentee ballots: Beulah Dollar, Linda Clemmons, Patsy Vaughn, and Alice Strong.

We found that several people either illegally assisted or failed to sign as assisting when completing absentee ballots. Those were Inez Carnes, Linda Clemmons, Beulah Dollar, Alice Strong, and Margaret Williams.

As far as allegations with the Lumber City precinct, our office received several complaints from people about the Lumber City precinct. Interestingly, as far as I can tell, we didn’t receive any complaints from individuals who actually
experienced the problems. We got a lot of sort of general complaints about what happened in the Lumber City precinct, and most of them involved people who have requested absentee ballots who were attempting to vote on election day.

We interviewed four out of the five poll workers and what we found was that when people either requested an absentee ballot and had not returned it, when they came into the polls and wanted to vote on election day, they, of course, were told they had an absentee ballot outstanding and they had to cancel that. The people at the poll officer reported that they had difficulty getting in touch with the registrar's office to verify that someone still had an outstanding absentee ballot.

So that caused some delay in I think that contributed to the report that people were not being allowed to vote because, of course, if you show up to vote at the polls with an outstanding absentee ballot, you should be stopped from voting until they clarify whether or not the ballot is still outstanding and you cancel it. But as the board knows, there is certainly a procedure for doing that.

All voters were allowed to vote provisional ballots if necessary.

There were reports that people came in wearing shirts that had candidates’ name on them. In every case those people were intercepted and told to turn their shirt inside out or go out or fix it, and in every case we followed up on, people complied with that.

At one point there were some contraband flyers found near the front of the polling place at Lumber City. As soon as the items were identified by election officials, they were confiscated and destroyed. There is no indication as to who put that campaign literature there. But that would certainly be a violation of the law.

Again, the complaints -- we didn’t receive a lot of specific complaints from specific individuals.

As far as the administrative errors, when we started to examine these absentee ballots to attempt to detect any fraud, we also found there were problems with voter certificates, which, of course, people fill out when they voted in person. We found that there were two voter certificates accepted without a voter signature; 13 accepted without voter date of birth; 14 accepted without poll worker signatures; 33 accepted that indicated there was some assistance but did not provide a reason for assistance; there were 49 certificates accepted without the elector’s address;
51 certificates accepted with no indication that the voter's ID was checked or what form was presented.

There was one case where a voter named Fred Haymans the third went in to vote. He was not registered to vote, however when he filled out his application, the poll worker pulled up his -- actually, his grandfather who was registered to vote, who was Fred Haymans the first. They allowed Mr. Haymans the third to vote in place of his grandfather when he was not registered to vote.

I think it was an error on the poll worker. He or she saw the same name and allowed Mr. Haymans to vote when he was not registered.

We do have in the citations a Michael Allen cited for failing to correct a voter’s ballot. In this case, there was a voter who went to vote and she contacted the poll worker and said, I'm not sure if I have the right ballot because I think I might have this candidate and I should have that candidate. Michael Allen told her, you know, you may not know what district you're in. You might have the right ballot; you might not. She went and voted.

Initially, we have him cited for violation of not correcting her ballot. On further review and going through the case, I don't know there is evidence to sustain that. He did not tell her you have to vote that ballot. I think the voter equivocated as to whether or not she had the right ballot or not.

So I don't think there is a charge to sustain on Michael Allen. I recommend that specific violation be dismissed.

To bring it all to a close, for the respondents, I recommend the Telfair County Board of Registrarss, elections superintendent Rebecca Weidner, Betsey Johnson, and Linda Cartwright all be bound over to the AG's office on the citations listed in the report.

I recommend that Fred Haymans the third, Alice Strong, Beulah Dollar, Patsy Vaughn, Linda Clemmons also be bound over to the AG's office on their listed violations.

And then for Inez Carnes and Martha Williams, these are women who assisted their disabled husbands in voting their absentee ballots. They did not sign as assisting. There is no indication there was anything nefarious or malicious in
doing that, and I recommend they receive letters of instruction reminding them about the proper necessity to document assisting with an absentee ballot.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

MR. WORLEY: I had a question. Mr. Harvey, the 162 counts about improperly completed voter certificates, did those relate to more than one precinct?

MR. HARVEY: Yes. Those were more than one. That is the total we looked at.

SECRETARY KEMP: Anything else, Mr. Harvey?

MR. HARVEY: No, sir.

SECRETARY KEMP: Anyone else wishing to speak? Yes ma'am.

MS. SAWYER: My name is Toni Sawyer. I am the county attorney for Telfair County. My address is 311 West Central Avenue, Fitzgerald, Georgia 31750.

I am here to speak on behalf of Telfair County Board of Elections, the current Telfair County elections superintendent, as well as Ms. Cartwright, the former Telfair County elections superintendent, which is also Probate Judge. Ms. Johnson is actually here today and she is represented by her own personal attorney.

I did provide a response to Mr. Harvey and we communicated by email. If I may, I would like to address Ms. Linda Cartwright first and the allegation that she allowed Mr. Haymans to vote, the cast his ballot.

Ms. Cartwright was not the individual who actually was up front that assisted Mr. Haymans. There was another individual, another poll worker. What occurred was that there were actually three individuals named Fred Haymans that were registered to vote for that particular precinct that lived in the same household. There was a Fred Haymans senior, Fred Haymans junior, and Fred Haymans the third.

When this individual came in to vote, he gave the name Fred Haymans and provided his ID. The gentleman that assisted him did, in fact, look at the ID, but
he did not check the date. We do not in any way deny that that occurred. From that point, Fred Haymans the third was, for whatever reason, allowed to vote under Fred Haymans senior. We do apologize for that.

So we just want to make it clear it was not Ms. Cartwright. So we would ask that the charge against her be dismissed. She was the poll manager, but she was not aware of what was going on.

Let me just move forward with the Telfair County Board of Registrars with regard to the issues with the absentee ballot applications as well as issues with absentee ballots. The only thing we can say is that we sincerely apologize this occurred.

At the time of this July 2012 primary we had a new, completely new staff. The chief registrar had just been hired in December. She had not received any type of training other than the two-week training in house with the prior registrar. She had not had the opportunity to attend any kind of VRAG training or any type other type of training offered. So at that time, staff just really, honestly, did not know.

What we can say now is as far as training, the chief registrar has been trained with VRAG. She has been trained in the 2012, 2013, 2014. She’s coming up on the 2015 training. She does the (unintelligible) net training. She now does the mandatory continuing education for the registrars, which I think is 12 hours. Her new assistant is also signed up to attend two sessions of VRAG training this year.

Now when there is an issue with an application ballot, we send out letters informing the voter that there is an issue with the ballot application, absentee ballot application, and explain to them what the issue is. We send them a new absentee ballot and ask them to complete it.

If we get a ballot and there is a problem with the ballot, we send them a letter explaining why the ballot was rejected and then we will allow -- tell them their options that, you know, either if time permits they can come and vote inhouse absentee or vote at the polls. We have worked on that.

It's my understanding -- I was not the county attorney in 2012; Mr. Marchant who represented Ms. Johnson was actually the county attorney at that time. But since I have been appointed county attorney, I don't think there has been any other complaints as far as registrar’s office that I'm aware of.
The issue with the elections superintendent's office, which is also the Probate Judge, again, all we can say is these errors occurred and we apologize. We have new poll workers and these poll workers are now being trained four to five hours for each election. In addition to that, the poll workers are individually trained on their individual duties at the polls. So if somebody is to be up front and working on the voter certificates, they are shown individually that this needs to be completed, this needs to be completed. Of course, they have to complete the (unintelligible) net training.

So we are working on making sure that what occurred does not occur again. Again, as far as I'm aware, there have been no further complaints with regard to the elections superintendent's office or any elections after the 2012 primary.

**SECRETARY KEMP:** Thank you for being here, Ms. Sawyer. Any questions for the counselor?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you.

**MR. HARVEY:** Just for the record, I will submit what Ms. Sawyer submitted to me for the board's consideration.

I also have an email from Michael Alan who is the person I suggested be dismissed explaining his position.

**SECRETARY KEMP:** All right.

**MS. SAWYER:** Thank you.

**SECRETARY KEMP:** Thank you. All right.

**MR. MARCHANT:** Mr. Chairman, my name is Joseph Marchant. My address is 303 Main Street, PO Box 4218 is my mailing, Eastman, Georgia 31023.

I am here only on behalf of Ms. Betty Johnson, who was the Probate Judge and elections superintendent at the time of this election. She has since retired.

Just a little background on Ms. Johnson. She has served our county as a public servant for over 30 years. She served two terms as clerk of Superior Court. Our
county has the two-term tenure act, which is something that is kind of rare in Georgia. I don't think very many have that. So -- had it not been for that, she would have continued, probably, at the clerk's office.

But at some point, she made a transition in to the Probate Court. She actually served as the clerk there in the Probate Court for eight years, but during that time she didn't really handle elections and wasn't really involved in that.

When the Probate Judge, who is actually now the current Probate Judge, previously served two terms and Ms. Johnson ran for office and was elected. This was also one of the first elections she held, certainly, a large-scale election.

Essentially, we don't disagree with anything Mr. Harvey said with regard to the two issues that affect Ms. Johnson. But the only two issues that really affect Ms. Johnson's office is the discrepancies in the voter certificate cards and some information missing from those. We went through and looked at those ourself and we would agree that it was the type of information, various things, missing from those cards.

Obviously, the poll workers look over there. She is not actually going to examine 3500 cards, but it is her responsibility as the elections superintendent. I think as has been previously discussed, it appears those they are being corrected or have been corrected through the current election officials.

The other issue is this issue with Mr. Haymans. This is an issue that could have happened anywhere. I had something very similar almost happened in my office this week.

There were three Mr. Haymans. The first -- the older two died and left the grandson, and the grandson actually inherited the house of the grandfather. So he moves in this house so he's getting his mail there and he's also gets a voter registration card. It's his grandfather's card, apparently, but he believes it's his and that's why he went to vote. It's a matter of the third versus a senior and not checking a date of birth.

There was no criminal intent with any of this stuff. We certainly do admit that a mistake occurred.

Ms. Johnson has since retired. She has no plans to return to public office that I know of. We would ask that the case be resolved with a letter of instruction and
not be referred to the AG's office as it relates to Ms. Johnson only.

SECRETARY KEMP: Any questions for Mr. Marchant?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Anyone else? Yes ma'am good morning.

MS. DOLLAR: I am Beulah Dollar. My address is 58 East Ranch Street, Post Office Box 75, McRae, Georgia 31055.

I have been cited for having possession of absentee ballots. The persons that were mentioned were Yvonne Studdard, who is blind; Randolph Freeman suffers from a stroke and has paralysis in his hand; Grady Hamilton is blind; and Johnny Fuller.

Okay. I assisted these persons. I also signed these absentee ballots that I assisted them. Yvonne Studdard always makes an attempt to write her name by having a finger on the piece of paper and put it on the line and then she signs (unintelligible). But I signed my name that I assisted her and I wrote on there the reason, because of blindness.

So when the investigator came, she said that they had her write her name. She said she wrote it and that she wrote it whenever she was doing an absentee ballot. I assisted her because she could not see how to mark the candidates. I signed my name that I assisted her and each time.

On Grady Hamilton, the same thing transpired. He said that he could not -- he could sign his name, but he could not make the choice of the candidates because of the blindness. He signed his name but I signed my name that I assisted him.

Then on Randolph Freeman, this is something like my relative because my son has been with his sister 37 years. He had a stroke and I'm almost like his caretaker. I go to visit him several times a week. He has someone has to place him in the bed at night and help them in the morning. I make. I take meals for him and on Sunday, along with 12 other people, I fix dinner and take to him.

But he has paralysis in his hand and he cannot write. He can't even understand his handwriting. When I registered him to vote, I signed that I registered him because
you couldn't understand his handwriting. I filled in his candidates. He told me who he wanted to vote for and I filled it has candidates. Then I assigned [sic] my name that I assisted him.

He had to be moved from one apartment to another. I had to do a re-registration form because of the change of address. I signed my name but I assisted him with that because he had had a stroke and he could not write.

On Johnny Fuller, he lived next door to Arthur Randolph. And Johnny Fuller asked me to watch him to see if he was filling out the back of his absentee ballot correctly. He said he had filled out one time before they threw it out and said it wasn't complete. I did not put my hand on his ballot. The other three I had to put my hands on because I had to do the ballots for them. But for Johnny Fuller, he filled it out himself. I watched him while he signed it.

All of these persons, I left the ballots with them once they were completed. So Yvonne Studdard, I think her daughter came in one or two times, but she told me to check on her mother because she was moving away and she could not do her own ballot and she wished that U would assist her mother. So I left the ballot in their possession and whoever mailed it, I do not know.

I think Arthur said his sister that is with my son put his in the mail, and Johnny Fuller. So I had to have them in my possession, those three because I had to assist those persons.

But Johnny Fuller, I did not touch his ballot. I just observed while he was doing it to make sure he filled it in correctly.

I just pray and trust that you will take under consideration somebody that is totally disabled. Thank you.

SECRETARY KEMP: Any questions for Ms. Dollar?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, ma'am.

MS. STRONG: My name is Alice Strong. My address is PO Box 324, Lumber City, Georgia 31549.
I have been cited for -- it says Ms. Lois Wright said I took her ballot when she did not require any help, but she did require help. I have a letter from her son stating that she required help because she had had a stroke. She was also housebound. She’s an avid voter, but she couldn't get to the poll because she has a motor wheelchair and it was torn up at the time and I was asked to go and help her vote.

The only thing I did, she did her own marking of her ballot. But I signed the oath that I assisted her and filled out the back of the oath with her information.

I have this letter from her son.

**SECRETARY KEMP**: Do we have a motion to accept the letter?

**MR. SIMPSON**: So moved.

**MR. WORLEY**: Second.

**SECRETARY KEMP**: We have a motion and a second. All in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP**: All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP**: If you'll just hand that to Mr. Harvey.

**MR. HARVEY**: Thank you, ma'am.

**SECRETARY KEMP**: Ms. Strong, do you have anything else you would like to add?

**MS. STRONG**: No, sir because that was -- I did not receive a letter from the election board. But I saw someone else's letter and I saw my name was on there so I decided to come and let you know what happened.

**SECRETARY KEMP**: You're saying you did not receive notice of this hearing?

**MS. STRONG**: No, sir. I did not.
SECRETARY KEMP: Any questions for Ms. Strong?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you.

MS. STRONG: The investigator, Ms. Pam Jones, came to my house one day but I was not home. My girlfriend told her I was at work. But she never contacted me. And she also sent me a letter asking me to call her and called her several times, but I never got her and I left messages on her voicemail and she never contacted me.

SECRETARY KEMP: Okay.

MS. STRONG: Thank you.

SECRETARY KEMP: All right. Anyone else? Yes, sir.

MR. STEVERSON: My name is Chris Steverson. My address is 16 Mimosa Lane, McCrae, Georgia 31055. I serve as the Sheriff of Telfair County.

Mr. Secretary, I have a folder that has the letters you just get a copy of along with some other sworn affidavits. With your permission, I'll approach and give it to the board.

SECRETARY KEMP: Do we have a motion to accept the documents from the Sheriff?

MR. SIMPSON: So moved.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a motion and a second. All in favor, signify by saying "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.
(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. STEVERSON: I appreciate the opportunity to come before this honorable board. I don't represent any particular person here but after I looked in to the facts involved in this investigation of the case, I felt it my duty to come and speak to the board. I don't represent a certain individual, but I do represent law and order in my county and executing it fairly on the citizens of my county.

Due to time constraints, I had written a letter to the board, but with such little notice we didn't get it off. So with your permission, I would like to go over my letter and just point out some facts of the case. There are some attachments exhibits attached to your folders. I hope you will follow along and stop me at any point if I can answer a question.

I will say, also, the Secretary of State's office, the investigation division, has some of the most competent investigators in the State of Georgia. I know this because I was one of them at one time and I know these investigators and I have worked with these investigators. They are very competent.

Unfortunately, the investigator that got this case left a lot of questions unanswered and, in my opinion, this investigation was sloppily done. And I point out some of those instances in my letter.

“It is my understanding that several citizens of Telfair County have matters pending before this body. I would like to take this opportunity to address the board concerning my firsthand knowledge of the fine ethic and good character of many of the individuals named in this report, as well as the obvious investigative deficiencies evidenced throughout this case.

Firstly, this complaint originated from an individual well-known to my office. As a matter of fact, your complainant, John Dopson, is currently being investigated by the GBI for recklessly and repeatedly pointing a pistol to the head of a local senior citizen while threatening the gentleman's life only because he disagreed with Dopson's outlandish and slanderous rants.

John Dopson is a very outspoken critic of our county, our elected officials, our churches, community and bank boards, our schools, our teachers, our county workers, and every other local entity. The complainant in this case, John Dopson
is a belligerent fool, plain and simple.

On June 12, 2012, John Dopson emailed the Secretary of State with several incredible accounts of election fraud. As a matter of protocol, the Secretary of State's investigative division looks into every complaint of election fraud, as they should.

In this particular case, none of the complainant’s allegations could be corroborated by any factual evidence by the assigned investigator.

However, the investigator assigned to Dopson's complaint seems to have bought in to his nonsensical banter and, when all else failed, proceeded to go on a fishing expedition. This young lady obviously sought to find the evidence of Dopson's ridiculous claims of rampant countywide corruption by conducting a three-year, one-sided, incompetent investigation which appears as only a desperate attempt to appease Dopson's desire to smear myself and many of the good citizen is of our county, and to paint our county is a hotbed of political corruption.

I was told the investigator randomly selected individuals to scrutinize. Out of seven respondents, she randomly selected my mother, my mother-in-law, and a dear friend of our family. Out of seven respondents, three were from my closest family circle.

Sworn affidavits reveal a sloppy or nonexistent investigation aimed only at smearing my family. See attachment number 1, pages 4, 5, 6, and 7, which are sworn affidavits that counter the allegations made against these individuals.

I have been a criminal investigator for well over 20 years. I have investigated every crime from shoplifting as a local police agent detective, election fraud as a member of the Secretary of State’s investigative division, to war crimes as a criminal investigator working overseas for the United Nations.

In every case I've ever investigated, all witnesses and all of those accused were interviewed wherever possible. An investigator should never submit to a prosecutor, or in this case, to this board, an investigative report that reflects solely the uncorroborated allegations of the initial complainant. This is not the former Soviet Union and this is not Saudi Arabia.

The agent assigned to this case had three years to interview all the parties related to this case. I was told the agent claims she could not find them. I was told the
agent insinuated that many of the individuals mentioned in her report avoided her attempts to interview them. This is simply not the case.

These people are honest and forthright in all their affairs. They're definitely not the felons this investigator has accused them of being.

After casually investigating this case for three long years, the respondents were notified they were being accused of committing various felonies by chief investigator Chris Harvey, and their cases would be brought before the board in 30 days. I, as Sheriff of Telfair County, was contacted by several of the little old ladies and gentlemen named in the report. Many of these individuals are some of the dearest and sweetest elders of our community, hard-working, honest, taxpaying citizens who came up through the Great Depression and fought in our wars. Some are still involved in serving their communities in some way. They are proud Georgians who up until this time, believed in our system. They believed in our election process.

One 92-year-old widower, a World War II veteran, often boasted proudly to his family and friends that he has voted in every election since he was 18 years old. This same gentleman told me that he will never vote again because of the ridiculous accusation against his 65-year-old daughter, a retired schoolteacher, widow, and loving grandmother who has never had even the slightest encounter with law enforcement.

Another, Mr. Henry Carnes, a 75-year-old respondent who is also a pillar of our community, stated in his sworn affidavit, "I doubt I will vote again based on how this investigation has been handled. It's just not worth the hassle." You can see his statement on attachment 1, page 2.

As a trained career investigator, and at the request of some of the respondents, I read through the investigative findings of regarding this case. I quickly realized that there was absolutely no evidence of criminal intent or fraudulent acts, but what appeared to be only minor errors in filling out the absentee ballot envelopes.

I also felt compassion for the senior citizens because most are not physically or financially able to defend themselves before this board. I personally hired a private investigations firm to locate and interview the witnesses in this case and to obtain sworn affidavits from them. I merely provided the investigative firm the names of the respondents and witnesses and a copy of the complaint.
Promptly, in the course of two afternoons, these witnesses and respondents were interviewed and sworn affidavits were obtained.

The private investigation revealed that the first time many of the respondents were notified of this accusation was when they received notice from Chief Chris Harvey less than 30 days before their scheduled hearings. It also revealed that at least some of the respondents repeatedly reached out to the investigating agent after her card was left on their door and left messages, but never being contacted back.

At least one lady, Ms. Carnes, a 71-year-old lady -- see attachment 1, page 3 -- reported that she recently contacted Chris Harvey directly. The respondents and witnesses in this case obviously did not elude investigators, but instead attempted to reach out to them.

There are several factors responsible for any errors that may have been detected by the State’s investigator in this case. However, even the slightest insinuation of criminal intent and/or fraud is grossly unjustified and not supported by the facts.

At best, many of the scenarios described in the investigator's report can be attributed to common errors in innocent mistakes, mistakes such as: poll worker did not check the box that an elector’s drivers license was inspected, 33 times countywide. You know, with almost 35 [sic] ballots cast, that’s not bad. Elector did not fill in the blank for their street address, 18 counts countywide; elector sign their name on the wrong line, one count; poll worker did not check box that elector was physically disabled, ten counts. These and similar violations go on and on to equal some 162 counts.

I think this board would agree that the fine print regarding the oaths on the absentee ballot envelope is very tiny at one-sixteenths of an inch. See attached sample number 2.

The oath of person assisting elector states that only if the person assisted in marking such elector’s absentee ballot are they required to sign the oath. Obviously, the investigator assigned to this case also had trouble reading the fine print, as many of those accused of committing a felony by not signing the oath had not assisted in marking the elector’s ballot. They may have assisted in filling out the oath of the elector and/or assisted addressing the envelope properly. But in those cases, signing the oath of the person assisting elector is not required.
However, if investigator were to ask an elderly elector if anyone helped them fill out their ballots, of course they will say, yes, because in their mind they did have help with their ballot; the help was in filling out the oath and address correctly and maybe applying postage for it.

When the private investigators specified to witnesses using exhibits to demonstrate what is considered assistance with their ballots, they quickly clarified their answers and not one of the witnesses interviewed thus far has corroborated any of the accusations of wrongdoing.

We also had a new, and at that time, inexperienced registrar who had a lot to learn rather quickly. She was in constant communication with the Secretary of State's office staff as she navigated her first election, nervously trying to do everything just right. I'm sure she probably made a few mistakes. But after this horrible experience she will probably seek other employment.

There is not one single element of this case that rises to the level of election fraud. There is not one single element that can support any claim of an elector not freely voting for the candidate of their choice. There is not one single element to support any claim of an eligible voter not being allowed to cast their ballot. There is not one single element to support political corruption in our county.

I would bet that if the State investigators scrutinized any county election in the state as closely and as for as long as they have scrutinized ours they would find similar number of these mistakes, and probably more. People are not perfect and temporary employees who may work one election day every few years are bound to err. But as long as they err on the side of not denying a single eligible voter to cast their ballots, we have accomplished our goal as a free democracy.

I feel it's very unfortunate that innocent law-abiding Georgians can be dragged before this board and accused of committing felonies when a fair and competent investigation has not been completed. These matters will forever be a part of the public record and these good and proud members of our community will forever be shamed and ridiculed for being undeservingly accused of criminal behavior by having their names attached to this report.

I am hopeful the members of this board, Secretary Kemp, along with our legislators will explore measures that might prevent other Georgians from suffering through such an embarrassing ordeal in the future.”
Attached to my letter, you will find several sworn affidavits that clarify and contradict the information that you’ve been presented by Mr. Harvey in his report. Sworn affidavits will stand up in any court of law anywhere.

To give you an analogy of what is has happened here, we had a gentleman -- we’re known for our big deer and world record bass in my part of the state. This gentleman lured an investigation down here with tales of the big game we have. Well, once they came looking for that big game, they didn't find any because the guy was a fraudster. Before going back with an empty sack, they stopped off and bought a few packs of baloney. And that's what you have here is baloney. You can’t make big game stew off baloney.

I appreciate you all giving me the time to address you. It's upsetting to me. We have so many negative issues surrounding our county, historically. We've got new people in office. You know, we’re trying to change things because our economic plight is so bad. We don't have much industry. We’ll take the rap for what we do, and we’ll punish those who violated the law. But in this case, there is nothing here. This was a fishing expedition.

When the complaints didn't pan out initially, for whatever reason, they decided to dig until they could find something. All you’ve got here is a few mistakes. If you've ever been involved in filling out one of these absentee ballots, I'm sure you made a mistake, too.

But I hope the board will consider the evidence that I presented. This case hasn't been adequately investigated; witnesses have not been adequately interviewed. This case was thrown together and it was sloppily done, and innocent Georgians have been dragged through the mud by being attached to this report as a result of that, and I think that should never happen to any Georgian, or anyone in this nation as far as that goes.

Any questions you have, I’ll be glad to answer.

SECRETARY KEMP: Any questions for the Sheriff?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, Sheriff. Anyone else wishing to speak? Yes, ma'am.
**MS. FLOYD:** My name is Linda Floyd. My address is 180 Spaulding Drive, McRae, Georgia.

I also received a letter. But they said that I assist Mr. Albert McRae and (Unintelligible). During that year, as far as I can remember, if I assist anyone with their ballot, I would sign my name. I can't remember back in 2012.

I just wanted to come and to say if I assist someone, I did sign my name. Thank you.

**SECRETARY KEMP:** Any questions for Ms. Floyd?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you for being here. Anyone else?

(Whereupon, there was no response)

**SECRETARY KEMP:** Mr. Harvey --

**MR. HARVEY:** Can I respond to the Sheriff’s comments?

**SECRETARY KEMP:** I'm going to let you do that. I have a question for you, though. We had one person that said they were not noticed?

**MR. HARVEY:** Yes, sir.

**SECRETARY KEMP:** Do we have record of sending the notice?

**MR. HARVEY:** We do. We’ve got -- we scan all the notices we send out before we do it. I don’t have all those copies with me. But we can certainly verify that a letter was sent. Whether it's a good address or something has changed or it got lost in the mail, we can verify every respondent that was sent a notice.

**SECRETARY KEMP:** I just want to make sure that it's clear that we did notice the individual so they could be here this morning to give us their side of the story.

**MR. HARVEY:** If I may respond to Sheriff Steverson, I think I understand Sheriff Steverson’s passion. However, I think his argument proves our point and
discredits his own point.

His basis seems to be that these are all good people and the complainant is a nut, I guess to paraphrase what he said, and we shouldn’t have considered the allegations of a nut, and we should have known better; and we should have somehow made some sort of subjective analysis that this person is making a complainant and we should have known he was crazy and not done anything about it.

Instead, what we did was take the complaints from this person -- and we don't know anyone in Telfair County whether they're unhinged or have an agenda. Mr. Steverson made a complaint also that we investigated. We investigated the initial allegation about absentee ballots.

How you investigate absentee ballot fraud is if there are specific people that are alleged to have had their ballot taken, you go talk to as many of those people as you can.

If those names do not come up, you've got two choices. You can either say nothing we can do here, or you take the extra additional and very time-consuming step of getting copies of all the absentee ballot applications, copies of the absentee ballot envelopes, going through them individually, identifying voters who have some type of discrepancy, randomly interviewing voters -- now, he indicated that we sort of randomly selected the people to interview. We did not. We randomly selected absentee voters and we interviewed them, in many cases, on tape with a standard interview form with experienced law enforcement investigators. And I would certainly dispute the allegation that Investigator Jones is anything but a top-notch an investigator. She is one of our best investigators and I would stand behind her a hundred percent.

But we interviewed these individuals. From these individual interviews of the voters is where we got the names of people that had supposedly assisted them.

Contrary to Sheriff Steverson’s understanding, filling out an absentee ballot envelope oath of elector is assisting under the law. So if somebody fills out an absentee ballot envelope, they are assisting the voter. He indicated that was not a violation of the code. I put to the board that it is and the board has always upheld that it is.

The fact that the names of the people assisting came back to the investigators and
we went and made contact with as many of those people as we can, and, again, over 45 interviews, letters sent to people -- yes, they were some people we were not able to contact and people that didn’t respond and opportunities might have been missed. But anybody, by any objective standard, looking at what we did, can say we did exactly the opposite of what Sheriff Steverson suggested. That we went out to tar and feather somebody or to brand somebody's name, we followed the evidence regardless of who was involved.

As a matter of fact, it was, I think, two days ago when Sheriff Steverson contacted our office. I didn't even realize that one of the respondents was his mother. There is no specific indication that that is the case. I called the investigator and said, hey, in going over this case and getting ready, I see there's some connection, there’s some mention. Is that person a respondent? The investigator said, yes, it’s this person.

So there was no attempt to brand anybody; there was no attempt to go after anybody. We simply followed the voters who related their experiences with absentee ballots and led us back to individuals that assisted them.

So the fact that we followed the facts -- and, again, to say that we have somehow branded these people as felons, before this meeting today, the board will hear 25 to 30, 40 cases of individuals who are accused of doing the exact same thing that the individuals were doing. No specific recommendation has been made, nor will be made, that any of these people are handled any differently than people in the same circumstance. And I think the board would recognize that that’s the case.

If somebody illegally possesses an absentee ballot, the board has a very long-standing practice of generally binding those people over to the AG's office. The board can certainly vary from that if they want, and I don’t mean to tell the board what they can do.

But I understand his passion and I understand it is unfortunate that people that presumably have good intentions, and I have no reason to believe any of these individuals who spoke had the intention of doing anything wrong. But the fact is, in some cases they did not sign as assisting. They may think they did. We have copies were they did not sign as assisting.

I'm completely confident in submitting this to the board and the board taking action on it. If the board decides to send it to the AG's office, the AG's office will have sufficient information to take appropriate action for these violations.
And, again, just lastly to say this shows there is no consideration of who the respondents are. We followed allegations and we followed violations. And when we find a violation, make a citation. We have cited state senators, we’ve cited state representatives, we’ve cited candidates, we’ve cited family members.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. SIMPSON: Mr. Harvey, look at the oath of a person assisting elector.

MR. HARVEY: Yes, sir.

MR. SIMPSON: It says that I have assisted the elector in marking such elector’s absentee ballot as such elector personally communicated such elector’s preference to me.

It doesn't say anything about filling out envelopes or putting addresses on envelopes. This is talking about assisting the elector in choosing the candidate, just like the Sheriff has said.

Now, you know, if the oath should say something else, then is it needs to be amended on the form. But this just says that you’re helping mark a ballot. And we’ve heard -- and I don't know that your investigator went that far in her investigation to determine whether the assistance was marking the ballot or just filling out an envelope or putting a return address on it, or something like that. But I think it makes all the difference in the world.

MR. HARVEY: Respectfully, under 21-2-2, Definitions, ballot -- and I’ll read it from the code -- “ballot means official ballot or paper ballot and shall include the instrument whether paper, mechanical, or electronic by which the elector casts his or her vote.”

MR. SIMPSON: Right. But you're not reading what the oath says. The oath says -- it doesn't say anything about saying that you have to -- this oath doesn’t say that I helped fill out some other part of the ballot.

MR. HARVEY: Yes, sir.

MR. SIMPSON: It says making the choice of the candidate the elector chooses.
Now, if you didn't do that, you know, why would you sign this affidavit? Because it doesn’t say I helped in any way with the ballot.

**MR. HARVEY**: Well, it says ballot and under the definition of ballot, the envelope --

**MR. SIMPSON**: Yeah, but you got to look at what the oath says, not what the statute says.

**MR. HARVEY**: I understand, sir. If the board wants to direct us to follow that -- this is the standard that we’ve used for years, and we can certainly reconsider. I can talk with Mr. Willard if that’s something we need to reconsider.

I think if you look at the Memorandum of Interviews that we did, they do indicate in pretty great detail what the person did. The person -- you don't have that. But in these files, when we do interviews, we do a question-and-answer form and then it’s summarized by the investigator. In some cases it’s audio recorded. And the investigators do go into specific detail about what was done. In many cases, it was just that: it was that the assistor marked the ballot envelope.

If the board doesn’t believe that was a violation, we can certainly adopt that. But it has been standard practice that is considered assisting with an absentee ballot.

**MR. SIMPSON**: Regardless of the standard practice, looks to me we need to go with the language of the oath rather than some standard practice, particularly when some of these affidavits say my, daughter-in-law only filled out the mailing envelope in order to mail my absentee ballot. It doesn't say that daughter-in-law helped her select her candidate. The oath says that I helped select the candidate.

**MR. HARVEY**: In some cases I understand individuals have told us they gave the ballot to one of these individuals, and now I'm hearing the person has recanted and is changing their story, which is something that would have to be determined at trial to determine witness credibility.

I have not seen those affidavit so I don't know what they say.

But when Sheriff Steverson said Ms. Carnes called me -- she called me, I think, Tuesday of this week -- she was interviewed in 2013. So she was interviewed. She may not remember being interviewed, but we’ve got a documented interview with her at the time.
Like I said, we’ve got three accordion folders full of interviews and evidence and documents that have gone through to come up with these.

Again, that’s been one of our applications of assisting with absentee applications. If that’s incorrect or improper, we’ll make changes immediately. And I would submit that Mr. Willard could determine whether, if the board wanted to send it over, whether that is something he proceed on.

But the allegation that this was some kind of sloppy haphazard witch hunt investigation is completely belied by the facts.

**MR. SIMPSON:** I'm not saying that.

**MR. HARVEY:** I understand, sir.

**MR. SIMPSON:** I'm not interested in that. All I’m saying is look at the oath, look at what the oath says to determination whether or not there is a violation of the law. That’s all I’m saying.

**MR. HARVEY:** Understand. Yes, sir.

**SECRETARY KEMP:** Any other questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Ms. Jones, I’d like to ask you a couple of questions, if you don't mind.

**MS. JONES:** Pam Jones, investigator for the Secretary of State’s office, 237 Coliseum Drive, Macon, Georgia 31217.

**SECRETARY KEMP:** I had a few questions I wanted to ask you.

How long have you been an investigator with the Secretary of State's office?

**MS. JONES:** Six years.

**SECRETARY KEMP:** Do you believe when you were doing this investigation you were one-sided in it?
**MS. JONES**: No.

**SECRETARY KEMP**: Do you believe you randomly selected the individuals that you talked to or interviewed in this process?

**MS. JONES**: I know I did. Yes.

**SECRETARY KEMP**: And why would you do that?

**MS. JONES**: To get an adequate sampling of the alleged violations. So that -- not to take too many people from one district. I went through the stack of applications or ballots and every fifth person I pulled the application to review until I could get the number that I needed.

**SECRETARY KEMP**: So when I say randomly selected, it wasn't like you went down there and picked the people you thought you should talk to.

**MS. JONES**: No.

**SECRETARY KEMP**: You had a process on how you would do the investigation that would give --

**MS. JONES**: Yes. We decided that twenty percent would be an adequate review in discussing it with our supervisor and Mr. Harvey, we decided twenty percent would be a sufficient number.

**SECRETARY KEMP**: Do you feel like anyone has been dragged through the mud on this investigation, or have you handled this like you’ve handled the other investigations you've done in the six years you’ve been working for us?

**MS. JONES**: It’s been handled exactly the same way. There have been numerous investigations regarding the same allegations, and we always handle them the same way.

**SECRETARY KEMP**: Could you tell us about how you went through the contacting process of the individuals that claim that they were never contacted, that they were never talked to, that they called you back and left messages and then you didn’t call them back?
**MS. JONES:** Primarily, the initial contact is done in person if you can. The distance issue with us was a problem because we are almost two hours away and time constraints and . . .

But I would initially try to make contact in person. If that wasn't possible, I would research to try to get phone numbers. I would contact by phone and leave messages. In some cases you can’t leave messages. In some cases the phone has been disconnected.

The last resort is to send a letter. Typically, it’s done by certified letter. We do have issues sometimes getting the green cards back, lost mail. We have a huge mailroom here. So that’s the case sometimes.

**SECRETARY KEMP:** Okay. Anyone else have a question for Ms. Jones?

**MR. SIMPSON:** When you interviewed these people, did you ask them exactly how they assisted the person with absentee ballots?

**MS. JONES:** Yes, sir.

**MR. SIMPSON:** How many of them -- do your notes reflect which one said they assisted in selecting the candidate?

**MS. JONES:** I would have to review the MOI’s because that’s usually done as a collective number because we've always treated assistance including the ballot as well as the envelope because it is considered one document.

**MR. SIMPSON:** Well, it’s confusing here. It says -- your findings in your report just say they assisted. It doesn't say how, and you see where we are.

**MS. JONES:** And that’s something that can be reviewed. We can review the MOI’s to tell the difference. But -- because that is a specific questions that is asked.

But typically that’s considered a violation because it’s considered one document.

**MR. HARVEY:** The MOI’s do generally indicate if the person assisted, they helped me choose the candidate. In some cases, I believe Ms. Studdard was blind, and she said that Ms. Dollar, or whoever assisted her, she told her who to assist [sic].

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So it indicates in the MOI that Ms. Dollar marked the ballot for me and then showed me where to sign.

So if you look at each individual’s interview, it generally indicates to what extent they assisted.

SECRETARY KEMP: Thank you. Anyone else wishing to speak that hasn’t spoken yet?

(Whereupon, there was no response)

SECRETARY KEMP: Sheriff, did you have something you wanted to add?

MR. STEVERSON: Just to add that in the report that you all have, it says, basically, that the complainant's allegations could not be corroborated. At that point, I don't understand why they went on such a fishing expedition and brought us all here today with a bunch of errors on the voting process.

Also, if one does not understand the law or the rules for the absentee ballots, themselves, I don't understand how they could be expected to investigate it and bring these good people before this board.

I stand by that the investigation was done sloppily. The investigator has no criminal investigation experience besides her experience simply being hired with this board. There's a lot more that could have been done. You all must agree with me that the verbiage on the absentee ballot as far as oath is very confusing. And you'll hearings from now to the end of time to cover everybody that makes mistakes on those.

These people tried to do the right thing. They are not criminals. They don’t have criminal records or histories, and it’s unfortunate they’re here today.

SECRETARY KEMP: Thank you, Sheriff.

I would just say that these technical errors on voting and forms and procedures, we have laws, rules, and training for a reason. We have had cases before where we had people who didn’t do those things properly which calls into question those ballots and those votes. And I know the Sheriff and I would both agree, as elected officials, that if the election doesn’t go the right way, we can have election
contested over such matters.

So I would disagree with allowing small details to slide in the elections process because it can create some big problems down the road.

**MR. MARCHANT:** Mr. Chairman, I may not should interject this because I don’t know anything about the absentee ballot situation; my client was not involved in that. But I just felt like I need to get this out there.

When Ms. Jones stands up there and says that she contacted everyone or attempted to, the former elections superintendent, who was elections superintendent at the time, was not contacted and she's been living at the same address in Helena and has the same phone number for 30 years.

Just want to get that out there.

**SECRETARY KEMP:** Yes, ma'am.

**MS. DOLLAR:** I’m Beulah Dollar, and I want to find out if it’s proper for the investigator to harass and intimidate relatives that are deceased about an absentee ballot.

**SECRETARY KEMP:** I think if you have a complaint about someone harassing or anything else --

**MS. DOLLAR:** Would I need to write to the Secretary of State?

**SECRETARY KEMP:** Yes.

**MS. DOLLAR:** Okay. Thank you.

**SECRETARY KEMP:** Anyone else?

(Whereupon, there was no response)

**SECRETARY KEMP:** Mr. Harvey, did you have anything else to add?

**MR. HARVEY:** No, sir.

**SECRETARY KEMP:** Let me ask you this. On the more serious potential
allegations, do you feel like it would be beneficial for us to table those parts of the case where you could pull out and look at the investigative documents and give the board some more detail in the future on those?

**MR. HARVEY:** Well, I don't know that would necessarily be helpful. My thought is with the -- the allegations that have been cited are pretty clear. If it's determined that those are not good citations, then I think the easiest way to go forward would be for Mr. Willard to evaluate each of them and then, you know, close cases or dismiss respondents as necessary.

Sheriff Steverson said there is no real fraud going on down there. And, frankly, we didn’t find evidence of real fraud down there, and I don't dispute that with him as far as our evidence goes.

But as you said, little things matter in elections and details are important. And I don't know that there's any more detail we could gather. I think a better use would be for us to, maybe in consultation with Mr. Willard if you bind it over, is to determine how far this assistance gets -- perhaps to clarify that so that we can look at each case. In some cases people did say that this person marked their ballot for them. In other cases, as Judge Simpson said, they admitted addressing the envelope.

I think if use this case as a marker to clarify those standards, that may be more beneficial than us just going back, because, essentially, what we would do would be to go back and pull out MOI’s and say specifically, okay, this person did this, and all of that information is already in here.

So I don't think there's anything else we can do.

**SECRETARY KEMP:** My question was if you thought the board would benefit from seeing that in light of everything that’s going on.

**MR. HARVEY:** Certainly, I’ll be happy to do anything the board wants.

By way of resolving it, again, if Mr. Willard were to go through and say this person, based on this level of assistance does not constitute a violation, that would be sort of a marker so the board would see -- of course, the board would have to agree with that when Mr. Willard brings it back and say, hey, we’re dismissing this case against Joe Smith because all they did was address the envelope and that’s not a violation.
And I think that will distill this back out. So we've got approximately ten respondents on various charges of assisting and possessing. And I think when he brings it back to you at some point in the future you can say, okay, I'm recommending you dismiss those three people because the only thing they did was address the envelope.

SECRETARY KEMP: Do you have any response to Judge Johnson not being contacted?

MR. HARVEY: I don't except that I know we contacted the -- we contacted four of the five poll workers at the precinct where there was an allegation. I don't have a response to that, and that would not be something that would normally be an omission we would make.

The only other thing I would say is that I guess the absentee ballot issue is handled by the registrar. So I think that was more of our focus.

SECRETARY KEMP: Okay.

MR. HARVEY: But in hindsight, talking to the elections superintendent regarding voter certificates would have been -- would always be advisable.

SECRETARY KEMP: Anybody else have questions?

MR. WORLEY: Well, Mr. Chairman, I had a position and possibly some questions.

I tend to agree with Mr. Harvey that there's enough evidence here that has been raised, even though there are affidavits that have been presented opposition to it. It seems to me the most efficient way to deal with this case would be to bind a lot of it over and have Mr. Willard look at these affidavits and the other information the investigators have brought forward.

There are a couple of things I would like Mr. Willard, speaking for myself, not for the board, to -- a couple of issues to look at.

One is the sufficiency in the issue of the oath on the envelope and whether, as Judge Simpson has raised, whether that is a violation. That's the main thing.
Also the interrelationship which I'm having a little problem with between assisting an elector and possessing the ballot. It seems there are some of these people that have been charged who may have properly assisted and elector, but they were charged with improperly processing the ballot. I'm having a little trouble understanding how that works.

**MR. HARVEY:** In every case where somebody is cited for processing a ballot, the voter has told us that person who assisted them took the ballot with them. So nobody is cited for possessing for merely touching the ballot while assisting.

So any person cited as possessing is alleged to have taken ballot in their possession away from the voter.

**MR. WORLEY:** Well, I would like Mr. Willard to look at the issue of how that really works as a practical matter, and is that really what the statute intended as a violation, for somebody who is allowed to assist, but then can’t walk the ballot to the person that they’re assisting’s mailbox, which seems to be an issue here.

**MR. HARVEY:** I understand that.

**MR. WORLEY:** That's generally the position I would take.

It may be that there are couple of these people and issues as Mr. Harvey has suggested who could be dismissed at this point, and I would be happy to look at those. But generally speaking, I would vote to bind it over.

And I was also particularly disturbed with what appeared to me the large number of voter certificates not properly completed.

**SECRETARY KEMP:** Anyone else? Mr. Simpson.

**MR. SIMPSON:** I’d just like say that the absentee ballot area is the one area we have to be very, very careful about looking at, and we need to look at it under a microscope because that’s where fraud is the easiest to perform and it’s the easiest to affect the outcome of elections. That is an area where voters are most vulnerable. That's an area where it’s easier to commit a voter fraud than anywhere else. And I think we need to be especially careful in that regard.

But I do think we have a problem in this case about not knowing, based on what we've been provided today and what the Sheriff has provided us, whether or not
these people that assisted and didn’t sign an oath are really in violation of the law or not. Without knowing specifically in my mind whether somebody helped an elector check a candidate or just addressed an envelope makes a world of difference.

Secondly, I don't see how someone that is blind and homebound, the person assisting that person that takes the ballot with them to mail it, how is that person going to get the ballot back? How is the disabled person going to get the ballot back if you don't have that transmittal by the person assisting?

I wonder about that.

And also what bothers me is to make sure that every citizen gets the opportunity to vote, particularly those that are disabled and can’t do it in a normal manner. We need to be very open to making sure the assistance they get, that they get the same protections that all the other voters get in casting their ballots.

But under these circumstances with regard to these assisting charges and things like that, I don't think I could vote bind this case over based on this record.

The second thing is, with regard to the superintendent and the Board of Registrars, Lawyer Sawyer has done a good job in her response and shows that the county has taken substantial remedial action, already.

I wonder if this -- if that portion of the case is bound over, I would encourage an attempt to come to a consensual resolution of that based on the remediation the county has already taken, which I think certainly shows good faith.

SECRETARY KEMP: Mr. Willard, if you can, explain who can legally assist and who can legally handle an absentee ballot. Is that something you can do on a --

MR. WILLARD: Well, I can point you to 21-2-385, Mr. Chairman. A physically disabled or illiterate voter may receive assistance in preparing the ballot from any one of the following: an elector who lives in the same county; an attendant care giver or a person providing attendant care; a relative defined as a mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate elector.
That’s who can provide them with assistance in the ballot.

I will confess, Mr. Chairman, this is the first time I’ve ever seen a case in my representation of the board where we’ve dealt with they’re not telling them who to pick, or they’re not helping them write their pick. There are some allegations that they just filled out return addresses.

I was talking to Mr. Harvey during the presentation, and while Judge Simpson raised the issue of the oath, that is corroborated by how the General Assembly has defined 385(b) where they distinguish a person assisting in completing a ballot and then they mark that assistance on the envelope. So the General Assembly has bifurcated the terms and refers to a ballot and then refers to the envelope that you execute the oath on.

So I think the General Assembly has, whether you argue it’s through omission or what, has said it is not assisting an elector if you're making a mark on the envelope. You are not assisting them with the ballot. I think that is clear on both the language of the oath as well as in 385 (b).

Now, I think you also asked, and Mr. Worley alluded to it earlier, who could actually possess the ballot.

I have had some colloquial conversations with representatives from your office. We’re going to be coming back to the board with a bundle, presumably at the next meeting, where we are going to take a position on that. But it’s going to be premised on the use of the terms the General Assembly has elected to use. And they talk about that the elector must mail, and then they employ the disjunctive “or” and then they employ the term “personally deliver.” The adverb “personally” does not modify or relate to mail.

I think that’s critical when you look at the rules of statutory construction.

So I think the General Assembly has actually taken care the issue of how a disabled voter or an illiterate voter, actually, as well, gets their ballot back to election officials, and that is, they have not restricted mail to include the term “personally.”

But like I said, we do not have those cases from our office for recommendation back to you but I think that's going to be where our advice is going.
SECRETARY KEMP: Well, I guess my question to that would be, in the past, we've had people that have maybe not filled the ballot out, but they have taken bundles of 50 absentee ballots and mailed them, and we have cited them and come to a consent order with them that they’ve violated the law being in possession.

MR. WILLARD: I understand, Mr. Chairman. That’s why I’m not saying that as a matter of law I’m telling you today you can’t bind these cases over. I’m just saying that this is probably going to be a full and vigorous conversation with the board at a point in the future.

But the General Assembly has employed specific terms -- and I have talked to Ms. Brumbaugh when she was with our office and then she was she left our office and was working on legislation about this issue. She has been cognizant of this fact and the General Assembly is to considered to have known that it meant when it used the adverb “personally” to modify only one of those verbs.

SECRETARY KEMP: Well, I think, at the end of the day, we've got the law and the State Election Board rules that we have to have them follow and we have to enforce. One thing I think I've seen the five plus years I’ve been chairing this board is that we have been very consistent in how we handle these type of things. I think that’s good for us as a board; I think it’s good for the elections officials; and I think it’s good for the public as far as us having secure, accessible, and fair elections.

When we start picking and choosing how we’re going to do that, I think it can get us in some trouble down the road.

All right. Anybody else got anything?

MR. WORLEY: I wanted to say one thing to be clear on the record. I don’t fault the investigator in this case or any of the investigators that work with the Secretary of State. They do very good work. But they are only following the rules as they understand them that we've been operating on up to this point.

I just wanted to make that clear.

I did have some questions about some of the specific charges that maybe we could deal with today, and I apologize.
But Mr. Harvey had mentioned there were a couple of items he thought might be dismissed in his initial presentation.

**MR. HARVEY**: There was -- I recommended that for Inez Carnes and Martha Williams that they receive letters of instruction for assisting without signing. They assisted their husbands.

**SECRETARY KEMP**: What was the reasoning again for the letter?

**MR. HARVEY**: Again, because it was a family member. It was, you know, I think in the past, the board has viewed a distinction between assistance among family members. It might technically be wrong when you don’t sign, but it’s different than a candidate or a member of the campaign coming and assisting somebody.

**SECRETARY KEMP**: So you're saying this is more of a technical violation and in the past we’ve written letters to make the technical violators aware of what the law is for information purposes. There’s no other penalty along with that, correct?

**MR. HARVEY**: Correct. Just a letter restating the requirements for assisting a family member.

**SECRETARY KEMP**: All right. You want to keep going on down the list?

**MR. WORLEY**: The other questions I had related to Fred Haymans and this idea that, or the charge against Linda Cartwright, that she permitted Mr. Haymans to vote. And the testimony was that another poll worker, and not Ms. Cartwright, had handled that.

How do we generally handle these cases? It is generally the poll manager responsible?

**MR. HARVEY**: Usually the poll manager is the person. So often in the course of a day different people do different jobs and it’s impossible to determine who gave him his card or checked his ID. So the poll manager is generally cited for an event like that.

**SECRETARY KEMP**: What was the recommendation on Mr. Haymans the third?
MR. HARVEY: That he be bound over also for voting while unregistered.

SECRETARY KEMP: He was not registered?

MR. HARVEY: Correct.

SECRETARY KEMP: And he voted because they used the other name?

MR. HARVEY: Well, he went in to vote and he put his name on there and his name happened to be the same as his grandfather who was registered to vote. So they pulled up Fred Haymans and said, okay, you appear to be at this address. So they gave him a card and he voted.

SECRETARY KEMP: So he voted not being a registered voter?

MR. HARVEY: Correct.

MR. WORLEY: And I guess the Sheriff indicated it was -- either he did or it’s possible that he had received his grandfather's or his father's voter registration card and voted on that basis?

MR. HARVEY: Yes, sir.

MR. STEVERSON: Mr. Chair, may I clarify something about Mr. Haymans?

I was told that Mr. Haymans and his grandfather or father, when he became deceased, the board, or the elections commission or whatever, took the wrong name off the registration form. I'm under the impression he was registered and was mistakenly purged so when he went to vote, he was allowed to vote.

MS. SAWYER: Toni Sawyer on behalf of the Board of Elections and Registration.

Again, there were three Fred Haymans registered at the same household. Fred Haymans the third [sic] did not pass away until August of 2012, which was after the July primary. There were three Fred Haymans at that one address and that’s where the confusion came in.

The senior was how many ever years old, 90-something years old. There was
junior, who may have been deceased. And then there was the third, which is the grandson, which is where the issue arises.

SECRETARY KEMP: So the grandson was registered?

MS. SAWYER: Yes, sir.

SECRETARY KEMP: And then was taken off the rolls because the registrar thought that he had deceased, mistaking him for either the senior or junior?

MS. SAWYER: Junior, probably; his father. But then -- and, again, I wasn’t there at the time. I only know what I was advised by my client, which, unfortunately they weren’t unable to be here because of doctors’ appointments for spouses, family members. But the confusion came about with just the name Fred Haymams. You know, it didn't have junior, senior, the third. It was just Fred Haymams and they didn’t check the birth date, unfortunately.

SECRETARY KEMP: We’ve also got the issue with the registrar.

MR. HARVEY: According to the report, he was not registered; Fred Haymans the third was not registered. And he wasn’t registered at the time when he was interviewed in September of 2013. At that time he was advised by the investigator that he still wasn’t registered to vote.

SECRETARY KEMP: Was he registered before and taken off by mistake, is that what happened? I’m trying figure out what happened.

MR. HARVEY: During break we can check to see if he was ever registered before. But, again, based on the report, he was never registered.

MS. SAWYER: Well, I can follow up with my client just to make sure and provide the information to you all.

SECRETARY KEMP: Did you get your question answered about the poll manager?

MR. WORLEY: Yes.

SECRETARY KEMP: All right. Mr. Harvey --
MR. WORLEY: Actually, I did have one more thing.

When we get to the point of discussing who to bind over, what to bind over, Ms. Carnes and Ms. Williams, it would be my preference not to send them a letter of instruction until we have figured out exactly what the board's position is going to be with the advice of the Attorney General on these kinds of issues because I don't want to send them a letter -- even though it's only a letter of instruction, I don't want to send them a letter of instruction if it turns out they really didn't violate the law.

MR. SIMPSON: The affidavits we have said they only filled out the envelope. Ms. Carnes only filled out envelope. She did not help with selecting a candidate.

So I would agree. I would not be in favor of binding that over or issuing a letter of instruction. I would be in favor of dismissing those two.

MR. WILLARD: And to avoid any confusion about what I said, and I realize sometimes I’m a little obtuse in what I say, in terms of signing the oath and assisting on the ballot, there is no equivocation on our part. If you do actually not assist them on the ballot, if all you do is assist them in filling out the envelope, that is not something they are required to execute the oath for.

MR. WORLEY: That would deal with Carnes and Williams.

SECRETARY KEMP: You want to go back through the recommendations real quick?

MR. HARVEY: Based on that, it might make more sense -- that may be something we can do in the background of this meeting and bring it back at the end of the meeting and get those answers to who exactly did what with this assistance. So we may be able to resolve it later today if you want to table it temporarily. We can come back with each of these individuals and say, okay, this person assisted with the actual ballot and this person just signed the envelope. And that will answer your questions.

While I can’t do that right this second, we can certainly get that done in the next hour or so and bring it back later this afternoon and resolve it that way.

SECRETARY KEMP: Let's do that. Let's take a lunch break. It’s 12:35. We’ll try to come back at 1:25.
SECRETARY KEMP: Welcome back everybody. It's 1:25 so we will reconvene our meeting.

Mr. Harvey, you want to give us what you've got from our break?

MR. HARVEY: We are still compiling the specific issues with assistance. And we should have that very soon. I can say we checked the statewide voter registration system and the person who voted as his father or grandfather place, Mr. Haymans, I believe, has never been registered to vote. So Fred Haymans voted when he was not registered to vote through the error or fault of the election people who apparently mistook him for a family member.

SECRETARY KEMP: So do we know why he went and tried to vote and do we know if you got the card just thought he was registered for some reason?

MR. HARVEY: I believe that's what Ms. Strong or somebody mentioned earlier. I don't remember who said it, there have been so many people talking. He moved into his father’s or grandfather’s house and a precinct card had come. So he thought he was entitled to vote when, according to State records, he has never been registered to vote.

SECRETARY KEMP: Ms. Sawyer.

MS. SAWYER: Yes, sir. I think Mr. Marchant made that statement as far as a registration card coming for Mr. Haymans.

I did speak with my client and Mr. Harvey is correct. I was a little confused, too. But Fred R. Haymans the third had not been registered to vote in Telfair County. He did vote at the July primary as a result of the voter list, again, just said Fred R. Haymans. There was no distinction between the junior or senior. The poll worker just did not check the birth date.

SECRETARY KEMP: Thank you. Do we want to try to take some action here
where we can until we get the rest of your report?

**MR. HARVEY**: I've still got the recommendation regarding the county and the election officials.

**SECRETARY KEMP**: Do you want to go back through that again for us.

**MR. HARVEY**: Regarding the Telfair County Board of Registrars, Rebecca Weidner, Betsy Johnson, Linda Cartwright be bound over to the AG's office.

**SECRETARY KEMP**: Why don't you go through the potential violations page.

**MR. HARVEY**: Okay.

**SECRETARY KEMP**: I think we've already talked about Ms. Carnes and Ms. Williams.

**MR. HARVEY**: Right. And then Clemmons, Vaughn, Strong, Dollar are pending review.

Haymans I would recommend being bound over for voting while unregistered, as well as Cartwright for allowing him to vote while unregistered; Judge Johnson for the voter certificates; and the Board of Registrars and Rebecca Weidner for the failure to certify the absentee ballots.

And I would point out, I forgot to mention, the last violation we have under those for not rejecting the absentee ballot application (unintelligible) date of birth, I think that should be dismissed. I don't think that is -- I think the law requires there be sufficient information to identify the voter. But there's not a specific requirement that the date of birth be present. So I would actually make a recommendation that the last count regarding Mason Spires be disregarded, or dismissed.

**SECRETARY KEMP**: Where is that?

**MR. HARVEY**: That's at the very bottom under Telfair County Board of Registrars, Rebecca Weidner. It’s the second charge. The first one is for four counts for acceptance of the ballots. And right below it it talks about the absentee ballot application of Mason Spires.
SECRETARY KEMP: All right. Do we know if Judge Johnson is coming back?

MS. SAWYER: Yes.

SECRETARY KEMP: How much longer do you think it will be before we have the other information; do you know?

MR. HARVEY: (Unintelligible) just a second, sir.

SECRETARY KEMP: Does the board want to go ahead and take any of these issues up that we can while we wait?

(Whereupon, there was no response)

SECRETARY KEMP: Does anyone have a motion?

MR. SIMPSON: Mr. Chairman, I move that we bind over Fred Haymans and Linda Cartwright, the poll manager, Betty Johnson, former Judge and elections superintendent, and Telfair County Board of Registrars, and Rebecca Weidner on the charges set out for them, except with regard to the charge of accepting an elector's ballot without the date of birth, which I recommend be dismissed.

SECRETARY KEMP: We have a motion. Do have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you all for being here today.
Sorry it took so long.

Mr. Harvey, you want us to move on while we're waiting?

**MR. HARVEY**: I would recommend we do.

**SECRETARY KEMP**: We will call 2012, number 38, Fulton County Shoji case. Mr. Harvey.

**MR. HARVEY**: This is a Fulton County -- one of the respondents is Mr. Shoji. The board heard this case at the last meeting and Fulton County was not noticed, so we re-noticed Fulton County.

This was a case where non-US citizen, Mr. Shoji, have registered to vote. He filled out and completed an application that marked that he was not a US citizen. He was -- his application was accepted by Fulton County. He was registered to vote and he voted, I believe, five times in the course of about 13 years.

The board dealt with Mr. Shoji at the last meeting.

Fulton County was being cited for the violations of allowing -- failing to reject the application and allowing him to vote even though he was not properly registered, or he should not have been registered to vote. I believe counsel for Fulton County is present and submitted a response yesterday. I don't know if she still here or not. But in her absence, I would submit to the board Fulton County’s response regarding this issue.

**SECRETARY KEMP**: What was the response?

**MR. HARVEY**: Briefly, they said that the violation associated with the alleged failure is almost 14 years old and is time-barred. And then that Fulton County was required to let him vote because he was in the voter registration system. I think that is the basis of their argument.

She says that as far as the application goes, while the application box does have the "No" box checked in response to the question "I'm a citizen of the United States and Georgia," there also are initials in very close proximity of the check mark. The employee that handled the application doesn't have any specific recollection.
So I don't think they're really denying that it maybe should have been rejected. But they are essentially saying it happened a long time ago and that once he was in the system, they had no reason to question him being in the system so they let them vote every time he showed up to vote.

**SECRETARY KEMP:** And how is it we found out about this, again?

**MR. HARVEY:** Mr. Shoji actually reported to our office. I don't remember the exact specifics of what brought him to our office, but he came -- he somehow learned that he was not supposed to be registered to vote, so he basically turned himself in.

And for the record, I'll give this to the board on behalf of Fulton County.

**SECRETARY KEMP:** The attorney was here earlier, right?

**MR. HARVEY:** I believe so.

**SECRETARY KEMP:** I would think we might want to just hold on for a minute and see if she comes back for some reason. I would hate to move on this if we are not -- if they haven't addressed the board.

Let's go ahead and move -- do we have any other information yet on anything else?

**MR. HARVEY:** One second, sir.

I do have a report on the rest of the Telfair County. As far as --

**SECRETARY KEMP:** Okay. Let's go back and deal with that so we can get these folks on the road here. All right. Go ahead.

**MR. HARVEY:** As far as Linda Clemmons Floyd, she actually assisted with the ballot, itself, and took possession of the ballot. Patsy Vaughn took possession of two ballots, but I don't believe she was alleged to have assisted. Patsy Vaughn took possession of two ballots. Beulah Dollar --

**SECRETARY KEMP:** Let me ask you. When you say took possession, what are you saying there?
MR. HARVEY: The voters are saying she came to their house and they physically handed the ballots to her, presumably, to deliver.

SECRETARY KEMP: And --

MR. HARVEY: But she did not assist them in marking them. And I believe neither of those voters were disabled or handicapped.

SECRETARY KEMP: So you're saying that would be illegal assisting?

MR. HARVEY: I would say it was illegal possession. I think she's just cited for possession. Beulah Dollar marked three ballots and had possession of four ballots. In addition, one of the voters, Mr. Friedman, said that he just gave her the ballot. He signed the envelope and he didn't even vote his own ballot. He does not know who she voted for.

SECRETARY KEMP: Okay.

MR. HARVEY: Alice Strong helped fill out a ballot and transported a ballot.

And as I said, Carnes and Williams both only assisted with the envelope.

I believe that covers it.

SECRETARY KEMP: What about Martha Williams?

MR. HARVEY: Only assisted with the envelope.

SECRETARY KEMP: Okay. Does the board have anything else?

MS. SULLIVAN: I make a motion that Ms. Carnes and Ms. Williams be dismissed.

MR. WORLEY: I second that.

SECRETARY KEMP: We have a motion and a second to dismiss Carnes and Williams. Any other discussion?

(Whereupon, there was no response)
SECRETARY KEMP: Hearing none, all in favor of dismissing those, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Another motion?

MS. SULLIVAN: I move that we bind over Ms. Floyd, Vaughn, Strong, and Dollar to the Attorney General's office.

SECRETARY KEMP: We have a motion to bind over Ms. Floyd, Ms. Vaughn, Ms. Strong, and Ms. Dollar to the Attorney General's office.

MR. SIMPSON: May I ask a question?

SECRETARY KEMP: Yes, sir.

MR. SIMPSON: Did we decide that we have to know whether the person possessed it to mail or possessed it to deliver before we can determine whether there was a violation?

MR. WILLARD: Mr. Simpson, I said that I would be coming to the board at a future meeting with a policy recommendation on that as well as a disposition to the cases we have received where that is an issue.

MR. SIMPSON: You went through the legislative history and explained it.

MR. WILLARD: I went through basically the statutory analysis of how the general assembly chose to phrase that language.

MR. SIMPSON: Well, if you accept that explanation, wouldn’t it make a difference as to whether they had it to mail or whether they had to deliver?

MS. SULLIVAN: It's my understanding that these questions will be resolved at a
future date and these cases will be consistent with that recommendation; is that correct?

**MR. WILLARD:** That is correct.

**SECRETARY KEMP:** We have a motion. Do we have a second?

**MR. WORLEY:** Second.

**SECRETARY KEMP:** We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** That motion carries.

All right. Mr. Harvey, that’s got everybody?

**MR. HARVEY:** Yes, sir.

**SECRETARY KEMP:** Thank you all for being here today. We appreciate you showing up. Sorry it took so long on those cases.

We will go back to 2012, number 38, the Shoji case.

**MR. HARVEY:** Fulton County is present. Just to reiterate, the board heard this case regarding Mr. Shoji. Mr. Shoji registered to vote indicating he was not a US citizen. His application was accepted. He was registered to vote by Fulton County and he voted multiple times before turning himself in and identifying himself as a violator.

I gave the board copy of the response sent to me, so the board has that. That is the summary of the case.
SECRETARY KEMP: Let me just give the floor to Mr. Worley real quick.

MR. WORLEY: I want to say for the record I am recusing myself from consideration of this case.

SECRETARY KEMP: Let the record reflect that Mr. Worley has recused himself but we still have a quorum of three members present.

MS. MILLER: Good afternoon. My name is Shalonda Miller. I am here on behalf of the Fulton County Board of Registration and Elections, Fulton County, and the Department.

I am here requesting that this matter be dismissed for two reasons. One, the application at issue was submitted 14 years ago. Once the applicant was registered and showing as an eligible voter on the roll, Fulton County did not have the discretion not to allow him to vote.

I'll start with the second one just because I believe that one is more summary.

The statute itself, 21-2-590, states that once an elector is registered, the poll officer does not have the discretion not to allow someone on the rolls to vote. There is Georgia Supreme Court precedent supporting that. That's all in the response that was prepared. But, Briscoe v. Between Consolidated School District, which can be found at 171 Georgia 820, once he was showing on the rolls, once he was shown on the eligible elector list, Fulton County did not have an opportunity to not permit him to vote.

So we are asking that it be dismissed.

Further, that statute applies to poll officers. The allegation here is that -- the allegation here is against Fulton County Board of Registration and Elections. So by the plain language of the statute, it should be dismissed.

Moving to the second part of the allegations with regard to the application, itself, we acknowledge that an application was submitted that on the face of it says it was checked -- he checked no, he is not a United States voter and that he was registered to vote. We acknowledge that much.

However, because this occurred 14 years ago, there is little documentary evidence
we can go back to investigate. Actually, the employee who processed it is still
with the county, but she doesn't have any actual memory of processing it. All she
could provide us was what the typical process was normally. And you have an
affidavit from Ms. Karen Ficklin. Normally, she would not intentionally process
someone who was not a United States citizen.

Importantly, in 2001 when this happened, we did not have any of the
documentary requirements for proving citizenship. We didn't have any of these
systematic checks against the drivers database or Social Security database. So
there was nothing systematic to catch it.

We believe that because of the time lapse it is severely prejudicial to Fulton
County. There is no way for us to definitively say whether or not a phone call
was made to follow up. At that time, like I said, there was no requirement for
documentary evidence. So there might have been a follow-up. But because of the
14 years that have elapsed, we don't have any way to go back and get that
information.

I feel like the prejudice was also compounded by the fact that there was a hearing
without Fulton County present. Mr. Shoji was here. He gave testimony. But
Fulton County did not have an opportunity to examine him. Fulton County did
d not get the opportunity to ask any questions to follow-up on how long he’d been
here; whether or not he had taken citizenship classes.

In the quick investigation the county was able to conduct, it looks like he has been
here since 1989 and owns a domestic business here. So he might have been
familiar, given what it seems, with the laws of the State.

Further, there is conflicting evidence, given the testimony he provided. There
was a statement that he voted five times. Then there was another statement that
he voted twice. Well, the documentary evidence shows he voted five times.
There was also some inconsistency with regard to his knowledge of whether or
not he could register. I don't know that it is in your records. I can't recall offhand.

But the Department followed up with the Department of Driver Services to see
what his license says. And his license, when he renewed his license and put his
new address, that he had never registered in that he did not want to register. So
there is some discrepancy. We're not saying that any of that is -- it could all be
memory. I mean, it's been 14 years. But there was no opportunity to follow-up
on any of that.
The passage of time, the loss of witnesses, the loss of memory of the actual facts of the case makes it difficult to find the truth of what really happened here. Even though there is no specific statute of limitations, under this code section title 21, typically we have a two to four-year range. We are 14 years out.

So we are respectfully asking that you all dismiss the charges as to Fulton County.

We want to let you know we are in the process of removing Mr. Shoji from the role. His challenge hearing will occur at the next regularly scheduled Board of Registration and Elections meeting.

As I mentioned earlier, there are no systems in place that prevent this from happening. So even if someone checks the box or doesn't check the box, that Social Security number, which, in fact, Mr. Shoji does have a Social Security number and he also has a drivers license's number, which is not always typical with a non-citizen -- but now we have systems in place. So if that happened, there is actually a verification against the Department of Driver Services; there is actually verification against the Social Security Administration.

I believe it has been addressed in the earlier part of the hearing, but the goal is to correct behavior that is inconsistent with election laws. Here, the behavior has already been addressed. The systems are now in place that prevent this sort of thing from happening. Mr. Shoji is in the process of being removed from the voter rolls.

So we request that you dismiss the County.

In closing, I just want to remind everyone that the county has over gone -- the Board of Registration and Elections has undergone overhaul. We have on the board members. I think we have one board member that has remained over the last two years. We have a new director of our department and we have been moving in a positive direction: better early voting, fewer complaints. We are addressing the issues of our past. But something from 14 years ago being able to keep pulling us back really casts a shadow over the Department and doesn't allow the Department to move forward.

So we are requesting that you dismiss, or alternatively, similar to what Mr. Shoji received, we are requesting a letter of instruction. I think that would be absolutely appropriate because, as I mentioned, this is already been remediated. And it
would be a way to wrap up something from 14 years ago without needing to pursue further litigation.

Thank you for your time.

SECRETARY KEMP: Thank you, Ms. Miller. Any questions for Ms. Miller?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Does the board have any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Willard, what would your thoughts be on the second part of the potential violation about that if he was registered and on the rolls, then really the poll workers, I don't guess, would have any way to not know that as far as letting him vote.

MR. WILLARD: I will defer to this board, but I don't believe there's any way to check unless it was somehow disclosed on his voter certificate that he was not a US citizen. Then a poll worker would be able to ascertain from that. But if he executed a voter certificate and turned it into them, I don't think there would be a question raised until he was caught in a back office or background check to show he was not a US citizen.

SECRETARY KEMP: Mr. Harvey, anything else you want to add?

MR. HARVEY: No, sir.

SECRETARY KEMP: We have the original registration form that shows that Mr. Shoji checked “No”?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: You have a copy of that?
**MR. HARVEY:** I do. I think it's in the packet.

**SECRETARY KEMP:** What is the will of the board? Mr. Harvey, you want to remind us of your recommendation or recommendations?

**MR. HARVEY:** I'm not sure that I remember making a recommendation. I think this is a case where the board could go either way. I think there is -- clearly this happened in a different time. However, it's a pretty serious oversight to allow somebody to vote five times. I don't think it would be completely out of the realm of reasonableness to issue a letter of instruction. I don't think it would be overly harsh to bind it over based on the nature of the integrity of the voter registration system. I suspect that is not helpful.

**SECRETARY KEMP:** Judge Simpson.

**MR. SIMPSON:** In view of the time constraints -- this happened 14 years ago -- and the chances of the personnel that committed this error not being there any longer and the issue about whether or not the poll worker would have had any discretion to not allow him to vote at this time, I would move we issue a letter of instruction to the county.

**MS. SULLIVAN:** Second to.

**SECRETARY KEMP:** We have a motion by Mr. Simpson to do a letter of instruction, second by Ms. Sullivan. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** That motion carries.

2012, number 47, Brooks County case.
MR. HARVEY: This is a 2012 case. Just to be clear, this case does not involve any of the allegations that have been the result of -- that resulted in criminal prosecution due to the 2010 election. So this is a completely different set of complaints and I don't want people to be confused.

Also at the outset I want to say that I got a phone call from (Unintelligible), who is the attorney for Brooks County who sent his response to the State Election Board and asked me to present it to you. So I will do that at this time.

MS. SULLIVAN: I move we accept his response.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second to accept the documents. All in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. HARVEY: There are several allegations in this case. One was that the elections office was not sending out absentee ballots properly and in a timely manner; that there were voters in the wrong district; that voters were not given privacy while voting on DRE's; that election officials were acting confrontationally towards a candidate when she showed up at the election office. There was a second complaint regarding sort of the internal conduct of the board in terms of following parliamentary procedures. That would not be something that SEB would generally have jurisdiction over. Applications for poll workers were not being processed by the board, and that a candidate name was left off the list of qualified candidates.

We investigated and found several problems that need to be addressed.

The first was that when a candidate -- when an applicant would request an absentee ballot for a family member, as they are certainly allowed to do, the elections office was checking -- was attempting to verify the signature of the
person requesting it. So, for example, if I were requesting an absentee ballot for my son to be sent to his college address, they were trying to verify my signature on the application, and that is not required. So that was unnecessarily delaying the sending of absentee ballots. That was a problem on the part of Brooks County.

Once they were informed that was not necessary and it was slowing the process down, they corrected that. That was brought to the retention by the original complainant.

We did find there were approximately 30 or 40 voters who were placed in an improper district and got the wrong ballot during this election. There were several complaints about the proximity of the DRE's to the entry and exit points of the voting area. Eventually, Brooks County did correct that after it was brought to their attention.

The allegation that the election officials acted aggressively and refused entry to a candidate, that was not substantiated, exactly. The candidate came to the office to check on the issue of the absentee ballots, the one I mentioned earlier. And in trying to make sure the candidate did not go into the voting area, they met with the candidate outside. They directed the candidate to an outer officer they could have the conversation. Apparently, another Board of Elections member, Charles Dave, had a heated discussion with the candidate and they eventually were able to conclude their business. But I don't think that amounted to a violation of the election code.

The allegation regarding the Board of Elections not following parliamentary procedures was not something the board has jurisdiction over.

The complaint about a poll worker not being applied for actually ended up being a poll watcher issue and not a violation.

And when the Republican Party turned in their list of qualified candidates, they inadvertently left a name of the list. The original list was posted and then it was corrected by the party. The subsequent list was posted and there was some concern that there was some type of malfeasance done in that. But there is no evidence that there was a violation of the code on the part of the election officials.

There was a complaint that election officials were told that people could only distribute absentee ballot applications if they had received training from the Board
of Elections. There were several people who said they were told that by members of the Board of Elections, that they couldn’t give out absentee ballot applications unless they received training. The Board of Elections said they never gave that information. Whether they did or did not, it is certainly not accurate information. But there is no indication that even if it happened there would be there would be a violation of the election code.

Lastly, there is an allegation that Ken Collins, who is the elections director, had told a candidate that there was a problem with unpaid taxes and he had to be removed from the ballot. As it turned out, Mr. Collins did have a conversation with the candidate about unpaid taxes. It turns out that the taxes issue had never been adjudicated. It was not something that would have disqualified him from the ballot. So no action was taken on behalf of Mr. Collins. So there is no violation there even though, again, it was a case where the information that was being acted on by Mr. Collins was inaccurate.

At the end of all that, it is recommended that the Board of Elections staff listed in the report be bound over to the AG's office for the violation of 21-2-381, in terms of getting out the absentee ballots, placing voters in their proper districts, not providing privacy for DRE voters, and the last violation, I think that is mentioned, I think is something -- if you look at the last page, second to the last page of the report regarding Michael Allen, the poll watcher, there was an issue where there was a voter voting. She was unsure whether she had the right ballot because she wasn't sure if there was a candidate on it. She asked him what she should do with it and he said, you may not have the ballots you want or the candidates you want because it may be redistricting issue. She went ahead and voted and I think the voter’s equivocation a whether she had the right ballot or not makes it difficult to sustain the violation that Michael Allen violated the election code by doing that. She didn't state emphatically that she had the wrong ballot.

As far as the violation on the page above that where we've got violations prohibiting candidates from entering polling places, I think neither of those are violations that should be sustained. 21-2-414, the candidate was going there in order to conduct legitimate business. And they ended up, to avoid appearance of a problem, they met her outside and were able to conduct their business outside. So I don't think they prevented her from entering a polling place. I don't think she ever intended to enter a polling place to do other than to conduct legal business.

Lastly, on the 21-2-154, certification of political party candidates, that is an obligation that is on the party and not on the election officials. I don't need that
constitutes a violation of the election code for Brooks County.

So when you look at the violations page, I recommend binding over those respondents on counts 1, 2, and 3, and on the second page, 1, 2, and then the second one be dismissed.

SECRETARY KEMP: Any questions for Mr. Harvey?

MS. SULLIVAN: Mr. Willard, the number 1 violation --

MR. WILLARD: Would you specify which number 1?

MS. SULLIVAN: The first page, the very first violation on page 1, 21-2-381, I agree the law does not require that the application signature be verified in this case. But would this actually be a violation of that law?

MR. HARVEY: I believe it has to be sent out within 48 hours.

MS. SULLIVAN: Okay. So that would probably be a violation of a different code section.

MR. WILLARD: I think my recommendation to the board, just to let the board know, you bind over allegations regarding conduct that you think violates the election code. It's up to our office to pigeonhole it into the appropriate code section or election rule, or come back to you and say it doesn't fit within one of the code sections.

What you're doing by saying on page 2, 1, 2, and 1, if you elect to not bind it over, you're saying that that conduct is not something we need to look at; only the conduct on page 1 is something we need to look at.

But I agree with you 381(c) does not prohibit the conduct they did. It was misapplying that code section which caused them to violate the 48-hour send out provision.

SECRETARY KEMP: Mr. Worley?

MR. WORLEY: I wanted to follow up with Mr. Willard on that because that is not how we've done it in the past. It would seem to me that we bind something over, we are saying it is a violation of a particular statute and that by doing that,
we are letting the respondent know what it is they are alleged to have violated.

**MR. WILLARD:** Except that you are putting them on notice of what conduct they have undertaken. If you don't feel what is in this form in terms of the investigative summary puts them on notice that we are saying their failure to promptly send out the absentee ballot was a violation of the election code, that's the board's prerogative and they can determine whether to either re-notice the case or dismiss for lack of proper notice.

But in terms of what you put that individual on notice, there are times that you bind over a case on a -385 violation and we end up actually putting in the NCO that it was a -574 violation as the facts are more appropriate for that code section than they may be for the -385, or adding, so the NCO actually talks about -385 and -574.

**MR. WORLEY:** Okay.

**SECRETARY KEMP:** Anything else for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Anyone else wish to speak?

**MR. COLLINS:** Mr. Secretary, distinguished members of the board, I am Ken Collins, the elections supervisor for Brooks County. Our elections office is located at 610 South Highland Road in Quitman, Georgia 31643.

I want to start off by saying a lot of change has taken place him Brooks County since July of 2012. As I told the investigator Glen Archie, we did make some mistakes. There were mistakes that were done without forethought or intention and certainly without purpose. Done, none the same.

Since that first six months, we have made many strides (unintelligible) to the voters of Brooks County. All of the aforementioned mistakes were corrected as soon as they were pointed out to us and measures have been implemented to avoid such errors in the future. I hate to admit it, but I had to have to at the time. The violations named in today's SEB case outline were done. They were done because we were either too inexperienced to know any better or too dumb to ask the appropriate question to the right people to prevent us from making those mistakes.
Much study has gone into O.C.G.A. and the rules of the SEB since that time. So those similar mistakes or mistakes anywhere close to will not be repeated.

Whenever I was hired in Brooks County in 2012, January, I was hired into a tsunami. There was a presidential year. Not to make excuses, but to just give you some general background.

It was a presidential year. For the first 45 days, I was sick and working 60-hour weeks. It wasn't going to let up. I was being coached because of the simple fact that I was brought in in the middle of the first set of elections there. The March PPP was on us before we knew what was going on. I was brought in to do that.

I was also brought in at a time when ever there was a great deal of controversy in the county. And even though I was a part of it, I inherited the animosities that grew out of that alleged misconduct. It has since been adjudicated and those who were accused have been exonerated. Brooks County is now in the process of trying to put itself back together.

We have, since this time, gone through several elections where we had no problems and everything has been corrected. Like I said, we were either too dumb to ask the appropriate questions or too inexperienced. So basically, for the first six months, we were, you know, we were up to our nose and water and trying to keep it above water.

Since that time, we have worked with the voters and they have worked with us. We have worked with both the Democrat and Republican parties to address issues to make it better for the voters of Brooks County and those things have been implemented. We are constantly taking on new projects to hopefully promote the elections process in Brooks County and make it better.

**SECRETARY KEMP:** Very good. Any questions for Mr. Collins?

(Whereupon, there was no response)

**SECRETARY KEMP:** Just tell you we appreciate you and the board's efforts to keep moving things forward down here. Keep up the hard work.

**MR. COLLINS:** Thank you.
SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Anything to add, Mr. Harvey?

MR. HARVEY: No, sir.

SECRETARY KEMP: Do we have a recommendation.

MR. HARVEY: A recommendation or a motion?

SECRETARY KEMP: I'm sorry. Motion.

MS. SULLIVAN: I make a motion that on page 1 of the violations, 1, 2, and 3 be bound over to the Attorney General's office.

And I believe, consistent with Mr. Harvey's recommendation, that the allegations against Brooks County Board of Elections, Chairman of the Board of Elections, elections supervisor, with regard to 21-2-414(d) and 21-2-154(b), that the those be dismissed; as well as the allegation against the Brooks County Board of Elections, Chairman of the Board of Elections, elections supervisor, and assistant poll manager with regard to State Election Board rule 183-1-12.02 (4) be dismissed as well.

MR. SIMPSON: Second.

SECRETARY KEMP: Ms. Sullivan has a motion. Mr. Simpson seconds that. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: I would just add again that we appreciate the work, Mr. Collins, of you and the board. I think it is appropriate to send it to the AG's office for the rule violations. But we appreciate you being here and appreciate your honesty and work that you all continue to do down there. I know Mr. Willard will reflect that in his recommendation's that to the board. So thank you all for being here today.

We have a motion and a second. Any other discussion?
(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Were skipping over the Floyd County case. They are not here, correct?

We're going to move to SEB case number 2012-95, which is Cook County.

MR. HARVEY: This case involved a voter registration application -- I wouldn't call it a drive -- but an effort at the Cook Senior Living Center.

Cook County received a batch of voter registration applications from elderly voters and some of them were marked -- they were filled out with a computer, meaning they were preprinted voter registration applications. Some of them were marked with an “X” or a mark and there is no sign of anyone signing as assisting.

So Cook County reported to us and we did an investigation. We determined that a caseworker at the facility named Christina Hayes, whose job it was to work with the residents, most of whom are elderly, to get with them and see if they wanted to register to vote and assist them with that, in their system an “X” constituted a signature. So when she was completing these forms and someone did an “X” mark, in her mind that was a signature. So she didn’t think she had to sign as assisting.

In the long run, she ended up submitting these voter registration applications. She assisted people in completing them. They needed assistance because they couldn’t sign and she neglected to sign as assisting.

The investigation doesn’t show there was any type of improper activity. And based on that, I believe it would not be inconsistent to issue a letter of instruction to Ms. Hayes. I believe there is an attorney present for Ms. Hayes. But that's
about it.

SECRETARY KEMP: Any questions for Mr. Harvey?

MR. WORLEY: I have a question for Mr. Harvey. That particular code section applies to people who are registering to vote who are disabled or illiterate. Were any of these 11 people actually disabled?

MR. HARVEY: I think they were all disabled based on the fact they couldn’t sign their names.

SECRETARY KEMP: Anyone else wishing to speak? Welcome.

MS. BRANCH: My name is Tamara Branch. I am an attorney at Reinhardt Whitley Summerlin & Pittman in Tifton, Georgia. I’m here today representing Cook Senior Living Center in Adele, Georgia, specifically, the employee, Christina Hayes.

All 11 voter applications were residents of Cook Senior Living Center. Regulations require that senior living centers allow residents who are able to register to vote and to exercise their right to vote. Ms. Hayes is the social services coordinator, so it’s part of her job to facilitate that there.

I believe in that particular situation it wasn't so much they could sign their name as much as they don't actually have access to computers. So they were signing these online application processes and she was gathering the information from the residents, and then she would actually fill it out for them, print it out, and allow them to sign.

At some point during the registration process, it actually asked her for her (unintelligible) an e-mail address. So she did provide that not trying to hide that she was putting information in.

They signed and she submitted the forms. She did not sign as assisting the assisting because she didn't realize it was necessary. She now understands that it is necessary.

I'm not sure if they are all disabled in the sense that the law recognizes disabled for elections. But she will sign. And we are actually creating in writing policies at Cook Senior Living Center to ensure this does not happen again.
We are interested in y’all’s findings on the assistance and possession of applications and actual ballots so that that will assist us in our policies.

But it was a mistake. It was not intentional. It was done to fulfill her federal requirement at Cook Senior Living Center. We apologize to the State and we are working to ensure that does not happen again.

SECRETARY KEMP: Thank you, Ms. Branch. Any questions?

MR. WORLEY: I had a question. So they actually signed their names. They do more than put an “X”?

MS. BRANCH: I believe -- we actually have not seen the applications since 2012. But Ms. Hayes believes that maybe three or four signed “X.” She's not positive. A lot of times they either are slow in signing their signature or, in some cases, the person does not like how their signature looks anymore. So it’s not the fact that she can’t write, it's just a comfort level for them.

And I believe when they signed the “X” Ms. Hayes actually notated that it was the patient's signature. So, again, not trying to hide that -- her involvement in any way.

SECRETARY KEMP: All right. Any other questions?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you for being here. Is there anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, you have anything else to add?

MR. HARVEY: In some cases they did sign, but in some cases --

SECRETARY KEMP: The issue is signing as assisting, correct?

MR. HARVEY: Correct.
SECRETARY KEMP: Any other questions for Mr. Harvey from the board?

(Whereupon, there was no response)

SECRETARY KEMP: Ready for a recommendation or motion.

MS. SULLIVAN: I make a motion that a letter of instruction be issued in this case.

MR. SIMPSON: Second.

SECRETARY KEMP: All right. We have a motion for a letter of instruction and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We will move to SEB 2012, number 98, which is Long County.

MR. HARVEY: This is a case that actually involved three elections: July 31, 2012; March 12, 2013; and June 18, 2013.

There were multiple allegations including (unintelligible) ballots not being delivered; candidates being at polling places; electors being in the wrong district; problems with public tabulation; correspondence not being sent regarding ballots; convicted felons voting; not all vote totals been gathered, etc.

During the course of our investigation, we found multiple violation. We did find that a candidate (unintelligible) entered a polling place while she was transporting while she was transporting a voter to vote. She had driven a voter up to vote. The voter was taking a while and she went inside the polling place and waited while
the voter voted.

We had two voters, Roger and Margaret Houston, placed in the wrong districts. Elton Cummings junior voted while serving a felony sentence. The Long County elections office failed to notify a challenged voter of their status and rights of appeal. Long County failed to keep -- complete absentee ballot log for the July 31 general primary. Long County failed to print the election office return address on absentee ballot return envelopes for at least three electors. Long County failed to document received absentee ballots from four electors. Copies of DRE tapes were not filed with the clerk of Superior Court. Long County challenged two electors and determined they should be removed, but then failed to remove them from the electors’ list.

So there was a long list of persistent problems that went on in this election.

I recommend that Long County and Vanessa Cunningham be bound over to the AG's office for the listed violations.

Elton Cummings should be bound over for attempting to register and vote while serving a felony sentence.

Janet Watford, who is a candidate who entered a polling place while working waiting for someone else to vote, I think is one that is a candidate for a letter of instruction. There is no allegation she was doing any type of campaigning while she was there, and she was there transporting a voter.

**SECRETARY KEMP:** All right. Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Anyone else wishing to speak?

**MS. WATFORD:** My name is Janet Watford and my address is 99 Power Line Road, Northeast, Ludowici, Georgia 31316.

Mr. Secretary and board, I'm privileged to be able to speak before you today. I just want to tell you my version and I appreciate the letter of instruction. But my version was just a little bit different.

During the early voting period of 2012 primary election, I was approached by an
individual named Dora Canty. I have known Ms. Canty since she was in high school. While conversing with her, she requested a ride to the courthouse so she could vote and I was happy to assist.

In addition to serving as the polling place for Precinct 4, the Long County courthouse is home to almost all governmental functions in Long County. This includes the Board of Elections, registration, planning and zoning, State Court, Probate Court, Magistrate Court, Superior Court, licensing, land, records, and the Board Of Commissioners.

The courthouse is also within 150 feet and shares the same parking lot with the Sheriff's office, the tax assessor's office, and the tax commissioner’s office. Additionally, within 150 feet is the office of the Board of Education of which I'm a member.

At no time during the drive from Ms. Canty's apartment complex to the courthouse did the two of us discuss anything regarding the election. What we arrived at the courthouse, Ms. Canty went inside and I waited in my truck. However, it was a hot day and I soon became concerned that my truck would overheat. I turned my truck off and went inside in the lobby of the courthouse. At no time did enter the actual polling place where the machines were set up and the business of the election was being conducted.

Within minutes of entering the courthouse, I was approached by Vanessa Cunningham, the elections superintendent, and she informed me that I was breaking the law and I had to leave. I immediately left.

From the time I left my truck until being approached by Ms. Cunningham, only two or three minutes had elapsed. At no time while in the courthouse did not discuss the election or my candidacy with any individual.

I knew then it was not permissible for anyone, including candidates, to campaign within 150 feet of the outer edge of the building containing a polling place. I ran in my first election in 1992 and the law was in place then. It was not and is not my interpretation that the mere physical presence of a candidate constitutes a violation. But if my actions and/or interpretations are in error, I certainly want to apologize. It has not been my intent to violate the law or be perceived as doing so.

My sole purpose for being in the Long County courthouse that day was to assist a
friend and get out of the South Georgia heat.

**SECRETARY KEMP:** Thank you, Ms. Watford. Any questions?

(Whereupon, there was no response)

**SECRETARY KEMP:** I have a question. So you were on the ballot at the time, correct?

**MS. WATFORD:** Yes.

**SECRETARY KEMP:** Did you have opposition?

**MS. WATFORD:** Yes.

**SECRETARY KEMP:** Thank you. That's all I have. Anyone else?

(Whereupon, there was no response)

**JUDGE ARNOLD:** I name is Jeffrey Arnold. My address is PO Box 339, Hinesville, Georgia. I think I am number 10 in the report, but I escaped scrutiny.

I want to first say that Mr. Harvey was very much a gentleman and very cooperative. I represent Ms. Watford, as well as I am a State Court judge for Long County. My primary reason is not to embellish upon or add to what she said. I am more concerned about just understanding because during this period of time, I'm holding State Court upstairs and walking back and forth across the area.

For those not familiar with Long County courthouse, it's fairly small like most south Georgia courthouses and the voting machines are in two separate secured and close rooms. The hallway she is talking about, oftentimes the people identified identifying who you are, they sit out there. But people were walking back and forth.

So I guess what I'm asking just for clarification because I've tried to find it in the law and I've tried to find an AG opinion as to what constitutes a polling place, especially in a situation like we have where they are using the courthouse and the courthouse is not exclusive to voting poll.

And I do want to underscore that the voting machines were secure and they were
in two separate rooms, but the rest of the courthouse is open and have access to. Thank you very much.

SECRETARY KEMP: Thank you for being here, Judge. Anyone else?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, anything you want to add?

MR. HARVEY: No, sir. I think to the Judge's question about what he’s allowed, I think the board and the law allows, you know, prohibiting entering a polling place except to conduct business. I think the board generally recognizes if somebody is conducting business. If you have to go and pay your water bill, you know, my experience is that most candidates will make every effort to maybe have someone go in to do it to avoid the appearance of it. Obviously, if you are the presiding judge, you can send somebody in your place. I think the board recognizes that if a complaint were to be made and somebody were to say that, the law specifically allows probate judges to -- you might be coming out to conduct their business. So I think by extension, without taking Mr. Willard's place at the AG's office, I think other judges would certainly be given that same consideration.


MS. SULLIVAN: The way our violation is written for Ms. Watford, it states that she violated 21-2-414 in that she was within 150 feet of a polling precinct.

I just want to clarify, is it accurate to state that a candidate is prohibited from physically entering the polling place and campaigning within 150 feet. Is that accurate?

MR. HARVEY: Yes ma'am. You're correct. I think -414 is prohibiting campaigning.

SECRETARY KEMP: So you can be within 150 feet as long as you're not campaigning?

MS. SULLIVAN: Right. But the candidate cannot enter the polling place. That's my understanding.
MR. HARVEY: Well, that's -- paragraph (d) of -414 says no person whose name appears as a candidate, except a judge of Probate Court, shall physically enter any polling place other than the polling place which person is authorized to cast his or her ballot.

So it is -414(d) that would prohibit Ms. Watford from entering a polling place.

MR. WORLEY: But, Mr. Harvey, this was -- she took someone there to do early voting. Ms. Watford would have been allowed to vote in that.

MR. HARVEY: Ms. Watford would have been allowed to vote.

MR. WORLEY: Yes. So she would have been allowed -- it says shall physically enter any polling place other than the polling place at which the person is authorized to cast his or her ballot for their primary.

Well, she would have been authorized to cast her ballot in early voting at that location.

JUDGE ARNOLD: Additionally, I want to make clear the voting machines are away. So what constitutes a polling place? That's all I'm asking.

MR. SIMPSON: Judge, I think that's the point that’s hanging us up, is when you have a multi-purpose, multi-use building, where's the polling place? I mean, if the voting machines are on the first floor that courthouse and there is an elevator on the outside entrance and you go up to the courtroom on the second floor like you would do in Tifton, you know, if our voting machines were down in the basement or the first floor, and you go to the courtroom, you’d be in the courthouse but you wouldn’t be anywhere near where the actual voting machines are.

So is the polling place where the machines are? I think that’s your question.

JUDGE ARNOLD: Yes sir. That’s her question, too.

SECRETARY KEMP: Mr. Harvey, the complainants in this case, why were they -- what were their issues?

MR. HARVEY: The complaint regarding Ms. Watford was that she was in the polling place while was she was a candidate on the ballot. That was the --
SECRETARY KEMP: Who made that complaint?

MR. HARVEY: I would have to -- let me see.

SECRETARY KEMP: Ms. Watford, you just said the elections superintendent came and told you you couldn’t be there and asked you leave and you left, correct?

MS. WATFORD: Yes.

SECRETARY KEMP: Who was that?

MS. WATFORD: Vanessa Cunningham.

MR. HARVEY: Marla Redish was the complainant regarding Ms. Watford.

JUDGE ARNOLD: Mr. Chairman, Marla Redish is the daughter of who she was running against.

SECRETARY KEMP: That's what I was trying to get to. I knew there had to be something else going on here.

JUDGE ARNOLD: We were trying to stay away from personalities.

SECRETARY KEMP: You gotta get it out there, Judge. We hear at all. We listen to at all, too. So that's good to know.

Are any of the complainants here?

(Whereupon, there was no response)

SECRETARY KEMP: All right. That's good to know, too. Mr. Harvey -- Mr. Willard, were you going to interject?

MR. WILLARD: I was just going to ask Ms. Watford, you had already voted when you -- you had not voted yet?

MR. WATFORD: I had not voted. I could have voted that day. All I was cared about was the heat. I'm 68 years old.

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MR. WILLARD: I appreciate that.

SECRETARY KEMP: You weren’t still trying to make up your mind who you were going to vote for?

MS. WATFORD: If we have enough time, I could answer that. I actually ran twice for the same office.

SECRETARY KEMP: Does anyone else have any questions?

(Whereupon, there was no response)

SECRETARY KEMP: So the recommendations again, Mr. Harvey, were to bind over the Board of Elections and registration, Ms. Cunningham, the superintendent or chairperson, and then Mr. Cummings for being a felon?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: And then, of course, the issue with Ms. Watford.

I'm ready to take some motions if you all have any.

MR. WORLEY: I would make a motion that we dismiss the charge against Ms. Watford.

SECRETARY KEMP: We have a motion by Mr. Worley. Is there a second?

MR. SIMPSON: Second.

SECRETARY KEMP: Second by Mr. Simpson. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.
(Whereupon, there was no response)

**SECRETARY KEMP**: That motion carries. We have dismissed that. So thank you for being here. That's got one of them.

Do we have a motion for the remaining respondents?

**MS. SULLIVAN**: I move that Long County Board of Elections and Registration, chairperson, Ms. Cunningham, be bound over for the listed violations, as well as Mr. Cummings.

**SECRETARY KEMP**: All right. We have a recommendation to bind over the three remaining respondents. Do we have a second?

**MR. WORLEY**: Second.

**SECRETARY KEMP**: We have a second by Mr. Worley. Any other discussion?

Ms. Ford, I have one question. I don't know if you know this or not. But do you know if the Long County superintendent or their folks were at the training February 27 in Hinesville?

**MS. FORD**: No, they were not. Vanessa Cunningham is no longer with Long County. But the people who are with Long County were not.

**SECRETARY KEMP**: So the new group didn’t show up for the training right in their own backyard.

**MS. FORD**: That’s correct.

**SECRETARY KEMP**: That's good to know, too.

All right. We've got a motion and a second. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)
SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, we've got 2012-101, City of Ludowici.

MR. HARVEY: This case might be a little bit similar to the previous case in Ludowici with the alcohol referendum.

The issue here is that a city council member resigned to run for another office and citizens wanted -- the city charter was unclear as to when an election had to take place. The election was delayed; the election wasn't called for. There is federal litigation going on with the Justice Department on districting and issues with the city. So an election was not held to replace the city council person.

Eventually, the complainant in this case file a writ of mandamus that was issued by a judge. The judge ordered the city election and the election was held.

Based on all that, I recommend the State Election Board consider dismissing this case. It's been resolved and, frankly, just a very convoluted legal mess in everything that preceded it. I'm not sure it's worth the board's time.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak on this case. We have a recommendation of dismissal. Yes, ma'am.

MS. MCCLELLAN: Good afternoon, Chairman and board members. Sandy McClellan, 380 S. Main Street, Ludowici, Georgia. I serve in the capacity as the city registrar. We're trying to get an elections superintendent for the upcoming election.

We followed the advice of the Board of Elections, Vanessa Cunningham. We need to be redistrict [sic], but we were in violation of the Voting Rights Act. Our districts were not reapportioned right. And we went by her recommendation to
hold off until we did a redistricting after the election.

**SECRETARY KEMP:** Are you in support of the dismissal the recommendation?

**MS. MCCLELLAN:** Yes, sir.

**SECRETARY KEMP:** Okay. Just wanted to make sure. Thank you very much. We appreciate you sticking around.

Any questions for Ms. McClellan?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you. Good luck in your new role. Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, do we have a motion to dismiss?

**MR. SIMPSON:** So moved.

**SECRETARY KEMP:** Mr. Simpson. Do we have a second?

**MS. SULLIVAN:** Second.

**SECRETARY KEMP:** Ms. Sullivan seconds for dismissal. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was taken)

**SECRETARY KEMP:** Aye.

**MR. SIMPSON:** Aye.
Ms. Sullivan: Aye.

Secretary Kemp: All opposed, same sign.

Mr. Worley: No.

Secretary Kemp: Mr. Worley votes no, and that motion carries to be dismissed.

Mr. Harvey, 2012, number 104.

Mr. Harvey: This case involves Jefferson County.

In 2012, initially, Jefferson County election officials were rejecting absentee ballot applications that were sent to them because there was no reason given on the application. As you know, you don't have to specify a reason to request an absentee ballot.

When this was brought to their attention, they corrected this. They contacted all the voters, got them their absentee ballots. All the voters were able to vote absentee ballots.

There was one case where an elector named Ricky Walton voted in person and he voted from an old address and did not complete the change of address form after moving. The poll officials did not require him to change his address, as they should have.

So the violation was improper rejection of absentee ballots, which was corrected before any damage was done; and one person failing to complete a change of address form when he voted from an old address.

Based on that, I would make the recommendation that Jefferson County and the poll worker be issued a letter of instruction. Jefferson County is not clear on the process for receiving absentee ballot applications. I think a letter of instruction is an appropriate resolution for this case.

Secretary Kemp: Any questions for Mr. Harvey?

(Whereupon, there was no response)
SECRETARY KEMP: Hearing none, anyone else wishing to speak? Yes ma'am.

MS. GRAY: My name is Susan Gray from Jefferson County. I serve as elections superintendent. My address is 415 Green Street, Louisville, Georgia 30434.

I just wanted to come before you, Mr. Chairman and distinguished members of the board, and just say that there was no intent for us to keep anyone from voting. We had little experience in the voter registration side.

In July of 2011, Jefferson County went to a combined board and at that time, the current registrar became elections superintendent. I worked with the Probate Judge, which was also elections superintendent.

In January, the registrar resigned, the current elections supervisor, resigned. I took the job in June of 2012 as elections supervisor. With little experience on the voter registration side, I would just like to ask the board to -- just let the board know that we had no intent of breaking laws.

And thanks for letting me speak today.

SECRETARY KEMP: Thank you for being here and we appreciate your honesty and we appreciate your efforts in getting up to speed on everything. If we can help in our office, I hope you'll let us know. Does anyone have any questions for Ms. Gray?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: We have a recommendation for a letter of instruction. Do we have a motion?

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion for Mr. Worley to issue a letter and a
second by Mr. Simpson. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Nobody here from Montgomery County; is that correct?

(Whereupon, there was no response)

SECRETARY KEMP: Moving to Dooly County, 2012, number 119.

MR. HARVEY: The allegation in this case -- well, there will several allegations. The most serious was that DRE machines were unsecured and unsecured in the election office. There is also not an allegation that the L&A testing was not properly advertised and conducted.

Our findings revealed that DRE's were left unattended for a short period of time, approximately ten minutes, on occasion when a supervisor had to leave the office. This was before voting. The supervisor had to leave the office to take care of personal matters.

L&A testing was advertised a week after L&A testing started. So that's a violation, failure to notify the public of L&A testing.

The other allegations are unsubstantiated and, at this point, we're left with a very brief period of unattended DRE's and a week late advertising of L&A testing.

I believe someone is here from Dooly County.

SECRETARY KEMP: Any questions for Mr. Harvey?
(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak?

MR. GREGORY: I'm Burt Gregory. I'm the county attorney for Dooly County. I reside at 305 E. Union Street Vienna, Georgia.

Vernetta Cheney-Childs is with me, and she is our elections supervisor. Ms. Childs developed the elections office when we went out of the Probate Court after our long-standing Probate Judge was moved, or was encouraged to be removed by the JQC for punching out a deputy that was there to assist her in a tornado. We won’t get into all of that because there was a trial on it. But that set in motion some stuff in Dooly County.

And when he resigned and we got a new Probate Judge, this office was set up separate and moved from the courthouse to a building that has adult education component and maybe an economic development office. There's about three separate small offices that have one or two employees in it and a classroom. It's handicapped accessible and it's easy enough to get to. So that was the location we chose.

At that time, there was one room that was allocated for Ms. Childs and she was given the assistance of a part-time employee. That led to these problems. But since then, I want to point out remedial measures that are in place that have corrected that.

Number one, once the budget was allotted, we have now upgraded to a full-time assistant to her who now has an outer office with a separate office for the counting and for machines, and then her office, both of which have locked doors.

So the problem will probably never happen again because we now have the office up and running appropriately and fully staffed and fully funded as far as renovations go. So we think that will take care of the issue of her leaving unattended for a moment to go to the restroom when the part-time employee was not there.

You need to also understand that the genesis of this complaint was during, pretty much during the early voting session as far as the locked door, or the unlocked door went. I believe that was on the 18th of October of 2012. On the 17th of October, 2012, the day before, the same person that made this complaint
complained that during the lunch hour one of the other entrances to the building was locked off because it had an office component to it. So they called the state fire marshal because we had a locked door. And we had to go down during the lunch hour and post an exit sign on another exit to satisfy that complaint.

The next day your complaint comes about an unlocked door for a few minutes.

So we have a lot of technical complaints. We think we are in compliance now.

We admit we were not technically in compliance then, but we would ask that the board consider a dismissal as to those.

As to the notice in the paper, Vienna, or Dooly County has one newspaper; there is a weekly paper. It's part of a group of other papers. So it has -- it shares a roving reporter with some other counties and has a part-time person that tends the office.

During 2012, the person who was in that office would not regularly attend that office and it resulted in, on the Superior Court Clerk’s side, having grand jury notices of proceedings not being published even though those had been submitted. It resulted in my personal law practice with an adoption, where you have to run a certain notice and length on termination, and so forth, very time critical thing, they didn’t run it.

In both of those instances much like this instance, the notice was submitted timely and directed as to when it should run. And the paper, on his own initiative, chose not to put it in the paper until the next cycle, which creates all kinds of problems when you have technical timing requirements.

So since then, I think they've changed the employee at the paper. That is beyond our control. What remedial action that Ms. Cheney-Childs took when she realized that it had not run in the paper was to post a notice. And I'll let her explain where she posted the notice.

**MS. CHILDS:** Vernetta Childs, 501 North 3rd Street, Vienna, Georgia 31092.

Once I realized that she hadn't published the notice, I made copies and published a copy of that in the office I work in and also published a copy at the courthouse.

I just want to add that all of these allegations that he has on here came because a
candidate failed to do the proper paperwork to have his name on the ballot. So he
set out to do any and everything he could to get me in trouble.

But I did make an effort to publish the paper in a timely manner. It did not
happen, though. So I did the next thing I knew to do and that was just publish it
at the office and the courthouse.

**MR. GREGORY:** I participated in early voting at this one location. And at that
time there was a gentleman seated on the floor with a backpack. And my uncle,
who was on the Board of Elections, was in the hallway monitoring the situation. I
walked by and said, what are you doing? And he said, this guy’s been here all
week. This is a guy who sat there all week, Mr. Potter. Mr. Potter and his wife
are suing Dooly County because their house burned down while they were out of
town and they live on a rural road with no neighbors. And they said we should
have put the fire out. So that's what we are doing dealing with, folks.

I know it’s local color, a little local flavor on things, but I don't think any of these
allegations meet -- none of these allegations state that any voter was
disenfranchised, and there is no complaint of any particular voter, other than what
came through the poll watcher who was on the campaign staff of Mr. Williams,
who was running for Sheriff. Who, incidentally, is running again and a special
election for Sheriff to be held Tuesday.

**MS. CHILDS:** I also want to add that once I did leave the office and he did make
notice of it, I checked the seals to make sure they hadn’t been tampered with. I
also told my poll workers to make sure the zero report showed zero counts for
every last one of the candidates, which it did do.

**SECRETARY KEMP:** Any questions for Ms. Childs?

(Whereupon, there was no response)

**SECRETARY KEMP:** Let me just say I appreciate you all being here and
explaining all this. I hope you can appreciate the process, the transparency of
having notice on testing. That's a very important part of our voting system to
ensure the public that we have a transparent process that this is done before the
election to make sure that we have a secure election. And also, obviously, not
leaving the machines unattended.

I certainly understand the circumstances you were in, but I think it's very
important to keep the public's integrity on our system. So whatever you can do to help us with that in the future, that's very important to.

**MS. CHILDS:** This did happen, but the times when I did leave to go to the restroom, it was after five o'clock. I was in the process of going to the restroom and at the time it's only two ladies in the building. As a courtesy to one another, we always let one know, okay, you're in the building by yourself. On my way back to my office, I stopped and let her know that and we did chit-chat for a few minutes and he was there by the time I got down there.

Normally, we would have already locked the doors so he wouldn't have even been allowed to even get in the building. But I was getting ready to head out at the time. So I was waiting till I got ready to leave.

**MR. GREGORY:** The point of it is we have made remedial measures and implemented policies so the office is not unattended, and if it is, if both she and her sister are gone, the door Is locked.

And also on the newspaper issue, this was her third election, I believe, and she had had no problem with the newspaper before. But now that she has had that problem, just like my assistant has been instructed, hound them until you know it's in there. It's frustrating when you think you can trust the newspaper to put something in it they don't do it.

**SECRETARY KEMP:** I can imagine. Any other questions?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you. Anyone else wishing to speak?

(Whereupon, there was no response)

**SECRETARY KEMP:** Mr. Harvey, what were you recommending?

**MR. HARVEY:** I think this is a case that would be appropriate to consider a letter of instruction. As far as the notice to the paper, in the report -- and I have to say it appears that Ms. Childs was very responsive to our investigator and provided as much information as she could.

She said that she sent the L&A notice, but the paper did not receive it or must
have deleted it when it didn't go. I'm not exactly sure what that means. But in any event, I think if it was a technical email issue on her part or something with the paper, I think the fact that they are in a new building probably speaks for a letter of instruction for the issues they have probably outgrown with the new facility.

**MS. CHILDS**: Can I explain what I meant?

**SECRETARY KEMP**: Yes, ma'am.

**MS. CHILDS**: When he said I had deleted something, the investigator asked me to show him the email, that's what I was talking about. The email was deleted.

**MR. GREGORY**: So in other words, you're saying you sent a copy of the email, but you didn't save a copy of it.

**SECRETARY KEMP**: Okay. All right. Anybody else wishing to speak?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, do we have a motion?

**MR. WORLEY**: Mr. Chair, I would make a motion that the suggested violation related to the newspaper publication be dismissed and that a letter of instruction be sent on the other two proposed violations.

**MS. SULLIVAN**: Second.

**SECRETARY KEMP**: We have a motion and a second for a letter of instruction except for the newspaper issue. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP**: All opposed, same sign.

(Whereupon, there was no response)
SECRETARY KEMP: That motion carries.

Let the record show Ms. Sullivan needs to step out for just a minute. We still have quorum with three remaining members.

Mr. Harvey, 2012, 128, Stewart County.

MR. HARVEY: This case involves absentee ballots.

Our office received a sort of bizarre complaint about somebody allegedly, a candidate allegedly possessing absentee ballots. So we looked into the absentee ballot issue and we found that Stewart County, as a practice, had problems accepting absentee ballots -- rejecting absentee ballots that did have proper addresses. One of the requirements for returning an absentee ballot is a signature and address on the return envelope.

We found that there were 50 cases where people returned absentee ballot envelopes, their own absentee ballot envelopes, and they didn't have either their residential address or complete residential address, and those were accepted by Stewart County.

There was a single incident where an elector, Carol Iverson, retrieved, mailed, and failed to sign the oath as assisting on two absentee ballots that belonged to non-related friends.

So we've got Stewart County cited for failing to reject absentee ballots, and we've got one voter cited for two counts of possession of absentee ballots.

I spoke with someone from Stewart County yesterday or the day before. She indicated that at this time they are in the process of going through a 911 address reorganization and they were not aware of how they had to distinguish between a residential address and a PO Box.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wish to address us?
MR. COLEMAN: Ladies and gentlemen of the board, my name is Franklin Coleman, my address being 212 North Westover Boulevard, Albany, Georgia 31707. I him with law firm Perry & Walters. We represent Stewart County. I'm here today on behalf of the county Board of Elections, elections supervisor, Diane Powell, and Ms. Mary Ann Bennett, who is also named here. We don't have an affiliation with the other party, Carolyn Iverson.

We would like to request that the board consider a letter of instruction. It is acknowledged that the 49 or 50 -- 50 ballots with PO Box, incomplete addresses, etc., were accepted. I don't have the exact numbers here. I haven't been through them specifically one-by-one to tell you how many had a PO Box, how many had incomplete address, etc.

But what Mr. Harvey said about the 911 reorganization and realignment, they were -- that was the initiation (unintelligible) 911 service, around that time. It wasn't exactly -- it had been done prior to the 2012 election, but not much prior. And that would have been the first time many people had a street address number at all in Stewart County. I mean, a great many of these homes.

Nonetheless, I mean, they could have put on location or the street name on their application or on the return envelope. But, you know, most everybody there at that time, and really, to a large extent now, receive their mail at a PO Box. So that's just one of those rural county thing that seems to be pretty frequent.

Nonetheless, we acknowledge that it is a violation. We've taken measures to corrected. I've spoken with the chief -- the elections supervisor and the situation has been remedied. We know we won't have any similar problems in the future.

We just ask the board consider a letter of instruction.

SECRETARY KEMP: Any questions for Mr. Coleman?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Coleman, I will ask a quick question. You said the situation has been remedied or in the process of. Do you know exactly how they're doing that?

MR. COLEMAN: Well, they were computerizing everything. You know, I believe, again, I haven't been through every little piece of evidence on this yet. I
was hoping not to have to. But I believe at the time most of these voter registration lists were all on one system or a primitive type system, or even handwritten. They have computerized everything now in hopes of better organization.

But mostly just making everybody aware, poll workers and whoever else is working at the elections office, that we've got to have, you know, street address.

SECRETARY KEMP: Okay.

MR. COLEMAN: And it has to be sign -- just making -- sending everybody to training to make sure. I believe, now that I think about it, I can get you that information. But she indicated they would all -- that the poll workers and other personnel will be attending training.

SECRETARY KEMP: Ms. Ford, have they been coming to training, do you know?

MS. FORD: I believe that they have been to one training, not the poll workers, but (unintelligible).

SECRETARY KEMP: Thank you. Any other questions?

MR. WORLEY: I had a question for Mr. Harvey. Mr. Harvey, of these 49 or 50 absentee ballots, how many provided no residence address at all? It says some only provided a PO Box, others only provided a partial address.

MR. HARVEY: I don't know that I will be able to give you an absolute precise - - give me one second, please.

MR. WILLARD: Mr. Worley, the lengthier report does say that 40 of the absentee ballots had a PO Box and 10 were either partial or no residency address.

MR. WORLEY: That's good enough. So in my mind that's consistent with what Mr. Coleman says about the changeover that people were -- didn't have a street address were using a PO Box that they previously used.

MR. HARVEY: Right. I agree.

SECRETARY KEMP: Anyone else or any other questions?
SECRETARY KEMP: Motion?

MR. WORLEY: Mr. Secretary, given that there were a limited number of people who did not provide any address at all, I would move that we send a letter of instruction to Stewart County and the elections supervisor, Diane Powell, and the deputy registrar Mary Ann Bennett.

SECRETARY KEMP: We've got a motion. Do have a second?

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you, Mr. Coleman, for being here. I would just make sure that they’re getting things in order where we don’t see you again on this issue.

Mr. Harvey, Ms. Iverson, the unlawful possession, we still have that out there; is that correct?

MR. HARVEY: Yes, sir. She went and picked up two completed absentee ballots from friends of hers to deliver for them. So she was in illegal possession of two absentee ballots.

MR. WORLEY: When you say “deliver,” she actually mailed them, correct?

MR. HARVEY: Mailed or delivered them to the elections office; yes, sir.
MR. WILLARD: The investigative report says she delivered them to the post office.

MR. WORLEY: Post office. Right. So would that be consistent -- based on what you said earlier --

MR. WILLARD: I am going to present this issue at a future State Election Board meeting.

SECRETARY KEMP: I -- well --

MR. SIMPSON: We won't -- I mean, however that issue is resolved will determine the outcome of this case.

MR. WILLARD: Correct.

SECRETARY KEMP: Well, I would be very careful that we can't act on what may or may not happen in the future. I think it is very unfair for us to --

MR. WORLEY: Well, that's true. We may reject Mr. Willard's --

MR. WILLARD: Right. And that's --

SECRETARY KEMP: Well, and the legislature may as well.

MR. SIMPSON: I was going to move to bind it over.

SECRETARY KEMP: I was just saying, think we've got a -- I know we've had some conflicting things going on today. But -- I mean, when somebody is taking these ballots to mail them for somebody else, whether they are doing it maliciously or not, it's still -- it's no different than the person we bound over that's carrying 50 to the post office. I think we need to continue to be consistent when we can.

I'm sorry, Mr. Simpson.

MR. SIMPSON: I move to bind the case over.

MR. WORLEY: Second.
SECRETARY KEMP: We have a motion and a second to bind over. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

We have bound Ms. Iverson over to the AG's office. That's got us on that, right, Mr. Harvey?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: We're moving to 2013, number 16, City of Valdosta.

MR. HARVEY: This is a case that was self-reported by Deb Cox, the election supervisor in Lowndes County.

This involves an election in 2011, the City of Valdosta election, in which there was a single precinct where the poll manager at that precinct allowed 118 county residents to vote in the city election. There were some voter certificates that had alterations where somebody had either checked "Am a city resident" or "Not a city resident" and that had been crossed out. There were five voter certificates for voters who did not appear on the list of electors, and there were 16 voters who appeared to have voted without completing voter certificates. So there was clearly a breakdown at this one precinct, precinct number 8.

Ms. Cox responded by firing the staff that worked there, training the remaining staff on the importance of requiring only qualified voters to vote.

It's an event that happened in 2011, and based on the response of Ms. Cox and the
corrective action taken, I think this is another one that might best be resolved with a letter of instruction.

**SECRETARY KEMP:** We received the original complaint from Ms. Cox, correct?

**MR. HARVEY:** We did. She self-reported.

**SECRETARY KEMP:** Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Anyone else wish to speak? Ms. Cox, welcome. Thank you for your patience.

**MS. COX:** Deb Cox, 318 Crestview Drive, Valdosta, Georgia 31602. I am the supervisor of elections for Lowndes County.

I would respectfully like to disagree with the letter of instruction. I feel like we did everything in our power to train our poll workers both before and after. We didn't have to change anything. This was an unusual event.

You have this in front of you, I hope. This is what I turned , and I'm just going to highlight a few things on there to show what we did to prevent this happening long before it did happen.

Document 1 is a copy of the letter of appointment for the poll manager, as is appropriate. Document 2 is a list of the poll manager's experience prior to November, 2011. She worked since 2006, both municipal and county election, without incident. So that has never occurred before and she has had the exact same situation.

Documents 3 through 6 are copies of certificates of training for all the poll workers, as is appropriate. Document 6.1, which I did not submit previously and I have if you wanted, is a sign-in sheet where they came to train. Our training is about six hours, sometimes more. We will do three hours for book training and then three hours of practical, as a minimum. So what we teach them, or what they learn online from the book, they have to come and demonstrate that they know what to do, not just take them for their word.
Document 6.2, which you don't have, either, shows training payroll where we paid her and her poll workers for training so it's established they were there.

The next few documents show part of what we covered in training. Much of what we teach in training we give them as a handout to take home and refresh on before the election. We also have all of those handouts in the poll manager's notebook for review on election day if there's any question. They also have a phone number available, including myself, if they can't get through to the office if they have a question. And we have board members rotating through the precincts all day long. So if there is a question, there is somebody there at least every other hour.

Documents 9 and 10 are the notes I use to teach poll worker training. Item 15 and 24 both referenced no county voters for this election. A note to myself that you will see down there as well says, “Repeat ad naseum until I'm sure the poll workers get it.” I did. I repeated it until I couldn't stand it anymore.

Document 11 is a cheat sheet where we gave them special instructions for the referendum. It was a school consolidation referendum and only city voters were allowed to vote to give up their charter. It addressed residency requirements, gave possible scenarios on how to handle each one. The note at the bottom of the page said, “Under no circumstances were county voters be able vote on the school consolidation referendum. Call if you have any questions.” So that's another place it was.

Again, this handout was both used in the classroom, given to poll workers to take home and review, and the poll manager's notebook for review on election day.

Document 12 is a copy of the supplemental issues for training with notes at the bottom about how to handle special situations. County voters are not listed as one of the available options.

Document 14 is a copy of the voter certificate (unintelligible) training. Again, this was used to train poll workers, given them to take home, put in the poll manager's notebook. And number 7 under training says, “County residents don't vote.”

Document 15, again, training -- is the training and handout for county residents with information about why they can't vote on the school consolidation referendum. This is what the poll workers were supposed to give them when
came in and wanted to vote to explain why they could not vote that situation.

Document 16 is the copy of the affidavit of residency for city residents. Again, training handout and all that.

Document 16 [sic] is express poll notes and practical training directions, again, referencing no county voters.

The previously referenced items were not the only items the poll workers were trained on. They were trained on everything, but I'm just talking about those in specific. They take a test. They have to take and pass our test at ninety percent. If they don't pass it at ninety percent, they are scheduled for retraining. If they choose not to retrain, they don't work. Anything they missed between ninety and ninety-nine percent, we go over with them immediately to make sure they understand it.

All training materials are kept on file for each poll worker and each precinct for four years until we reach that election again in the cycle just so we can look back and see what we what happened four years ago.

All these measures ensure that all poll workers deployed on election day in Lowndes County are well-trained, competent in their ability to conduct an election, and that there is no question in our mind about the poll worker qualifications or their ability to do the job correctly.

These were not new poll workers or new manager. City county voter exclusion elections were not new. They've done that before. All previous elections had been handled correctly. None of the other polling places made the same mistakes before or after that incident occurred.

The Board of Elections did everything possible going well above and beyond minimum training requirements for poll workers to ensure they were trained and knew their jobs. All the training was documented and there was literally nothing else we could do to ensure the poll workers did their jobs correctly.

For these reasons, I feel like we should not be held responsible for the poll manager permitting the unqualified voters to vote and willful omissions by the poll officers. We did our job to the best of our ability to ensure fair and accurate elections. In this case, the responsibility lies solely with the poll manager.
That's all I have.

SECRETARY KEMP: Thank you for that. Any questions for Ms. Cox?

MR. WORLEY: Out of curiosity, could those 118 votes have made a difference in the election?

MS. COX: It was a landslide election. It made no difference, whatsoever.

MR. SIMPSON: What's her explanation for doing it, for letting people vote when they know they shouldn’t vote?

MS. COX: I can't account for motive since I wasn't there and I'm not that person. But it was a very contentious election. It was a very hot button issue. Emotions ran high on this one. I don't know if you pay any attention to football, but that's all there is in Lowndes County, Valdosta football Wildcats. Everybody's heard about him.

The issue was whether they wanted to give up the team or not. It was hot on both sides. County residents did not want the city residents there; the city residents didn’t want to go.

MR. SIMPSON: Seems like to me that's when you've got to be the most careful.

MS. COX: Right; exactly.

MR. SIMPSON: Do you know the names of the poll workers that actually allowed the people to vote?

MS. COX: Do we have the names of the poll workers in the polling place?

MR. SIMPSON: Yes.

MS. COX: One of the statements given by one of the assistant managers said that she spoke with poll manager, told her that was incorrect, that what she was doing should not be happening, and she was told to sit down and shut up and go sit in the corner.

MR. SIMPSON: By the poll worker?
**MS. COX:** By the manager.

**MR. SIMPSON:** Poll manager.

**MS. COX:** Right. Told the assistant.

**MR. SIMPSON:** That's Ms. Williams?

**MS. COX:** Yes.

**MR. WORLEY:** And did Ms. Williams offer any explanation as to why she allowed this to go on?

**MS. COX:** No explanation, whatsoever. She was very difficult to talk to, if at all. She didn't want to respond to any inquiries. The poll workers were very forthcoming in what they had to say. She was not.

The paperwork coming back, for the first time ever, was in such disarray it took us days to figure it out. As a matter of fact, our certification ran late because of that. We had to get to the bottom of it before we figured out how many votes were actually cast. But it's never been in that disarray before.

**MR. HARVEY:** Mr. Worley, just for the record, we did interview Ms. Williams and she said that she must have misunderstood the instructions and she is deeply sorry. That's her explanation.

**SECRETARY KEMP:** Do you believe she misunderstood, Ms. Cox?

**MS. COX:** No, sir.

**SECRETARY KEMP:** I thought you would answer that way. Thank you very much.

Anyone else wish to speak on this matter?

(whereupon, there was no response)

**SECRETARY KEMP:** Anyone else for Mr. Harvey?

(whereupon, there was no response)
MR. SIMPSON: I move we dismiss the case against the Board of Elections and Ms. Cox, and we bind over the case against Sheree Williams.

MR. WORLEY: I second that.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Let the record show Ms. Sullivan is now back with us.

MR. HARVEY: Mr. Secretary, can we take a three-minute break.

SECRETARY KEMP: Absolutely. Let’s take a five-minute break.

SECRETARY KEMP: Let me call the meeting back to order. Mr. Harvey, let's see, we are on 2013, number 33, City of Lumpkin, Stewart County.

MR. HARVEY: This case involved a municipal election in the City of Lumpkin. There was a long list of about 13 different complaints regarding election -- fabrication of election laws and everything from absentee ballots being secured to notices being posted to having certified elections personnel.

So multiple allegations: insufficient poll workers, absentee ballots not secured, oaths not being completed, no privacy for voters, poll workers not wearing name tags, proper results not kept, etc.

The city conducted its own election and when we looked at the overall election, we found about ten different violations, starting with the elections superintendent
was not certified to run the election; oaths were not completed by -- signed by poll workers; training was not offered and completed by poll workers; ID badges weren’t worn by poll workers; they didn’t have sufficient number of poll workers in attendance while voting was taking place; there was no provisional ballot preparation area set up; there was no secure ballot boxes in public view; there was no absentee ballot log maintained; notices about advance voting were not posted; and the required signage (unintelligible) in the polling place was not posted.

So they kind of failed across the board in terms of preparation and documentation and verification of the election.

I recommend that they be bound over on the listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone here wishing to speak? Yes, ma’am.

MS. WILLIAMS: My name is Mary Anna Williams. Address 2304 Broad Street, Lumpkin, 31815.

I am guilty of not preparing. I guess -- my son did not give me a grandchild until I was 61 years old and it was her first birthday and I was going down there to see her and I just let things slide. When I got back, I got everything -- I got my notices up and everything going right.

As far as the certification, I thought I was. I have been up here with Kennesaw and taken the class. I had taken online classes in the year before that. So -- you know, I didn't realize I was not certified.

I'm in the process now of holding a special election and every I is dotted and every T is crossed, I can assure you. I have my three workers and they are there; (unintelligible) everything is being done in order.

I apologize for it. I throw myself on y'all's mercy and I asked for forgiveness.

SECRETARY KEMP: Any questions for Ms. Williams?
SECRETARY KEMP: Thank you. Anyone else wish to speak on this matter?

SECRETARY KEMP: Do we have a motion? I will move that we bind the case over to the Attorney General's office per the report of the violations. Mr. Willard is walking back in and we'll let him know that Ms. Williams was here today owning up to the violation. I think Mr. Willard can work with you to make sure we get a consent order that lets us know, lets the board know that you have things in order now.

MS. WILLIAMS: Have been working with Erin at the Secretary of State's office. I've got everything --

SECRETARY KEMP: I'll move that we bind over in that regard.

MS. SULLIVAN: Second.

SECRETARY KEMP: We have a second by Ms. Sullivan. Any other discussion?

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

SECRETARY KEMP: All opposed, same sign.

SECRETARY KEMP: That motion carries. Thank you very much and congratulations.

2013, number 35 is Sumter County.

MR. HARVEY: Yes, sir. This involves the issue of illegal assistance and some of the same issues we dealt with earlier today.
In the last hour so I asked the investigator to go through the report and try to come back with a report that is consistent with what we did in Telfair County so we can clarify a little bit what we mean by assistance of ballot versus envelopes. I will do my best to convey that to the board.

The allegation was that people were -- a sister-in-law of a candidate was illegally assisting voters with absentee ballots. That was the nature of the complaint.

So following up on our investigation, we determined that there had been some illegal assistance and there had been some assistance that now appears -- at the time we thought it was illegal, but based on current application, the board is reconsidering.

If you will go to the potential violations page where it starts with Edith Green, the elector, what we determined is that on the first charge, filling out the voter registration application, we request that be dismissed. We don't find a violation there. She did assist the voter, but the voter signed it, themselves. So we did not find a violation there.

Likewise with the second violation, under Edith Ann Green, we recommend that be dismissed on the application. Again, she did help the voter. The voter was not disabled, and the voter did sign.

SECRETARY KEMP: Mr. Harvey, the first person you recommended dismissal for, who was that?

MR. HARVEY: I'm just on specific charges. I am on Edith Ann Green, which should be --

SECRETARY KEMP: Okay. I got you.

MR. HARVEY: So the first two violations listed under her, I’m recommending be dismissed.

SECRETARY KEMP: Okay.

MR. HARVEY: Now, the third one is a valid violation in that she did actually mark their ballots for them. They said that she helped bold them in and she failed to sign the oath as assisting. So I think that is a valid charge and would
recommend that go over.

Now, on Lashonda Williams, the first violation we've got listed, unlawful possession, again, this is a -- the board has ruled sort of strict liability. She did take possession of two votes -- two ballots and mailed them. So we've got two counts of illegal possession of absentee ballots.

The second violation under Lashonda Williams, I believe, is -- should be dismissed in that she was just assisting filling out the envelope.

The third violation regarding Ms. Williams, Ms. Williams assisted a voter while her aunt was a candidate on the ballot, which I believe is a violation of 21-2-409 (b). So she assisted a voter while her aunt was a candidate on the ballot.

And, lastly, on Betty Prince, Betty Prince, assisted her husband. Her husband made his mark and his wife wrote his signature on that space, again, essentially trying to help him. And I recommend that she be issued a letter of instruction just informing her that she can’t complete her husband’s name on the ballot, especially after he has made his mark.

So we've got the third violation under Green I recommend binding over; the third violation under Williams and the first violation under Williams bind over; and a letter of instruction to Betty Prince.

**SECRETARY KEMP:** Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Anyone else wish to speak on this matter?

(Whereupon, there was no response)

**SECRETARY KEMP:** Do we have a motion.

**MS. SULLIVAN:** I move that the allegations relating to O.C.G.A. 21-2-220 and 21-2-381 against Ms. Green be dismissed, and the allegation regarding 21-2-385 be bound over to the Law Department.

**SECRETARY KEMP:** We have a motion. Do we have a second?
MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have dealt with Edith Ann Green.

MS. SULLIVAN: With regard to Ms. Williams, I would move that we dismiss the allegations against her relating to 21-2-385 (b), and bind over the other two allegations against her to the Attorney General's office.

SECRETARY KEMP: We have a motion by Ms. Sullivan. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.
**MS. SULLIVAN**: I'll make a third motion that a letter of instruction be issued to Ms. Prince.

**MR. WORLEY**: Second.

**SECRETARY KEMP**: We have a motion and a second for a letter of instruction for Ms. Prince. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP**: All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP**: That motion carries.

Mr. Harvey, the City of Woodland. Is someone here for that?

**UNIDENTIFIED MALE**: Yes.

**SECRETARY KEMP**: I don't know what happened on that last case. 2013, 37, City of Woodland.

**MR. HARVEY**: This case is very similar to the case we just had in the City of Lumpkin. It's a municipal election that was pretty much inadequately conducted. There are lots of violations, again, a lot of them procedural.

The allegations were initially that the ballot box wasn't secure; there was improper signage; and people were not being allowed assistance in voting.

We did an investigation and found that the elections superintendent appeared to be unprepared to run the election and failed to follow most of the procedures and requirements, including not being certified to conduct the election; not using voter certificates; failing to print and document ballots; failure to provide privacy in the polling place; failure to certify absentee ballots; failure to have enough poll
workers while voting was taking place; failure to post necessary signage and notices in polling place.

I recommend the city and the city clerk and elections superintendent be bound over to the AG's office on all these listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

MR. BYRD: Yes. My name is Gary Byrd. I'm the city attorney for the City of Woodland. My address is 142 Village Court, Hamilton, Georgia 31811.

The background for the City of Woodland is that the city has been in very poor financial shape for very long time. However, there was a trained city clerk for 20 years that ran the elections for the City of Woodland and she retired. When 2013 came around and we knew we would have an election in November, in the spring of that year, actually I went out to an associate town because I knew we had nobody certified to run the election. I went out to associate towns nearby and said is anybody here interested to help us run this election. We couldn't find any other person in the area within driving distance that would help us hold the election.

So the next step was to contact the Talbot County Election Board. Woodland is in Talbot County, and we have a new election board. They quoted a fee of $12,000 to help us run the election. Woodland counts its pennies and dimes. I mean, they couldn’t afford $1,000 to run an election, much less $12,000.

So at that point, at the next council meeting, the council said to the new city clerk, would you be interested in trying to get trained to run the election? She said, yes, she would volunteer, and she would do that.

So over the course of the rest of the spring and summer and fall, I was in contact with her at least monthly: how's everything going; are you getting your certifications; do you understand what you need to do? And she said that she would do all those things, and, yes, she wanted to do all those things. At one point she reported to me that she was certified to run the election and that she thought she knew she needed to do and she was ready to run the election.
Just as a postscript to all of that, four months after the election, she decided to resign and she no longer works with the city. I have not talked to her in a year but she came today. She made the effort to come and she is here today and she wants to address all those concerns regarding the various violations. I had lunch with her today during the break and she was telling me how she thought she had done all these things that are being alleged that she did not do.

So I would like to turn the microphone over to her for just a minute and let her talk to you about those things and then come back with some other comments, if I could.

SECRETARY KEMP: Thank you, Mr. Byrd.

MS. ELLIS: My name is Charlie Ellis. My address is 321 Jackson Avenue, Talbotton, Georgia 31827.

Ms. Jones, the investigator for the board, came to my office prior to -- it was after qualifying, but before the actual election, and she said she had had a complaint that someone was concerned that the election was not going to be wrong properly and she asked to see all my forms and everything, and she did at that time, find several things missing. She gave me a list of things that needed to be corrected. I corrected all of those things.

She came back again prior to the November 5 election and she looked over all of my signage. She saw where our booths were set up. We had an office with a door that was available. All of our booths had screens on them, paper screens around them, and they were in corners so that no one can walk behind. We had signage up; we had the sample ballots up; we had the voter certificate.

She gave me a person to contact at the Secretary of State that was actually answering their phone, because the information I was given for a liaison, nobody was returning phone calls or answering the telephone. So I wasn't able to contact anyone at the Secretary of State to get any help or anything about what I was supposed to do.

I went through the e-learn certificate and took all of the assessments. I came up here to this room, actually, and took the Kennesaw class and passed the test. I sent in my scores to them and, as far as I knew, I had done everything I needed to do to be certified and I was waiting on them to send me a certificate that said -- there was a certificate that arrived once you finished and sent all your information
The ballots -- it says here that the ballots were not preprinted. They were printed and kept a binder in a locked office and they were under my supervision the entire day of the election. And there was a running tally of the ballot number that was used and the ones that were not used. That was kept along with that.

It says these stubs were not kept separate, but we had a ballot box for stubs that was locked and kept in public view, and a box for the ballots. That was also locked and kept in the public view. So I'm not exactly sure why it says that the ballots and stubs were not kept apart.

I do know that I left prior to Ms. Jones returning to verify all the stubs and stuff were kept in the proper place. I left. I had quit already. So I was not in contact or in control of any of that, any of those materials after that; after I left and before she completed her investigation.

It said that the absentee ballots were not labeled as absentee ballots, but it was printed right on the top of the ballots because I printed all the ballots, and the absentee ballots had it printed across the top, Official Absentee Ballot. I followed the guidelines that were there in my election code according to LEXIS-NEXIS. I did not have an election book. They said they did not have any printed copies of those, so I used what was on LEXIS-NEXIS.

It says that voter certificates and voter voting rights posters and notice of penalties were not -- I didn't get those things. Like I said, I could not get it touch with anybody at the Secretary of State's office and I called our liaison and no one never returned my phone calls. When Ms. Jones came, she gave me the number of someone who may be able to help me, and he did send a box of all the voter certificates and forms that I needed to fill out, the proper forms that I needed to have filled out. He sent that prior to the election, weeks before the election, and I got all that stuff and begin using it immediately. So that was rectified as soon as I had a contact that would actually return the phone calls.

It says here that failed to print and display a sample ballot. I did that. It was printed smaller because our ballot was already legal size and our printer wouldn’t print anything bigger than legal size. So we printed it twenty-five percent smaller and colored it -- a sample. When I talked to Ms. Jones on the phone, she said that would satisfy the requirement. So that was posted.
The newspaper guy came by and wanted a copy of the ballot, so I gave him a copy of that sample ballot. I think he actually ran it in the paper, as well. So it was available. It was there and available prior to the election.

I think that was all that was against me.

Oh, it said ensure there was a manager and two assistants. I was there on election day as well as two assistants. There was no one else available. We put an ad in the paper calling for volunteers; we put out the word throughout the town, at the post office, at the library in Talbott, which is not even the City of Woodland; we put it at City Hall there in Woodland, a notice requesting anybody willing to work on election day. No one responded. It was myself, the assistant clerk, that already worked there, and her daughter were the only people we could get to come in and work because there was no allocation, no budget made for hiring somebody to come and work. So it had to be a volunteer, and nobody was willing to volunteer.

So in that situation, I didn't know what else to do other than work myself, and all three of us be there all the time. We packed a lunch and we ate right there on the premises so there were always three people there.

I don’t see any other complaints or charges that are listed here for me.

SECRETARY KEMP: Okay. Thank you for being here, Ms. Ellis.

Mr. Byrd, do you want to finish up to you want us to ask Ms. Ellis questions?

MR. BYRD: Just ask questions, and I’ll --

SECRETARY KEMP: Does anyone have a question for Ms. Ellis?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Ellis, I had a couple of things. Do you recall who your liaison was in the Secretary of State's office at the time?

MS. ELLIS: I want to say her name began with a “V” -- Vanessa or --

SECRETARY KEMP: Vernetta. Thank you.
**MS. ELLIS:** But I left several messages and never, ever got a return phone call. I went to the county and she did give me some advice. But she made it perfectly clear that she was not responsible for training me; she was not responsible for running the election; and she was unwilling to offer any advice in case something like this happened so she would not be involved.

**SECRETARY KEMP:** And do you remember about what time it was you resigned?

**MS. ELLIS:** It was March 20th the year after the election.

**SECRETARY KEMP:** Thank you.

**MR. HARVEY:** I was going to say for the record, the report indicates that Investigator Jones got her in touch with John Hallman in our office who was able to respond and provide her with a lot of the material she did not have initially during early voting.

**SECRETARY KEMP:** Any other questions?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you for being here. Mr. Byrd.

**MR. BYRD:** The gist of the story is that the City of Woodland was trying to conduct a fair and impartial election on a shoestring budget and thought -- certainly, the current city council at that time, the mayor, thought that everything was being done the way it was supposed to be done. They are obviously laymen and don't know election laws and rules.

But, again, Ms. Ellis was asked on several occasions, do you need any extra help; is anything going on. As a matter of fact, the only thing she ever reported to me that was a problem was that the first day after early voting, she did not have an electors’ list which was to be provided by the county board. She had called them prior to that, way in advance of the election saying she was going to need this. They said they'll provide for her and they never did.

So for the first few days of early voting, she -- someone would come in and early vote and she would call the county election board and ask if the person was an elector who could vote in this election and they would tell her that. So that was
kind of the way this election transpired.

But there was no intent on the part of the council or the mayor or anybody to do anything other than to hold a fair and impartial election.

I will also add a couple of closing notes. The complainants in this case where losing candidates that complained about this election.

SECRETARY KEMP: Do you have some names of those people, Mr. Byrd?

MR. BYRD: They’re actually attached to the report I got.

SECRETARY KEMP: Okay. I've got that.

MR. BYRD: There were ten complaints and they were both losing candidates in the election. And the election was a landslide.

It was an interesting result in the election because there are five city councilmen and a mayor, okay. The incumbent mayor won; the five incumbent council members lost. So it was a landslide in every election. Every election was won by a two-thirds to one-third vote. So I don't think any of these violations affected the outcome of the election, whether they were actually technical violations or not.

Certainly, Charlie -- like I said, I have not had a chance to talk to her in a year. But she was very sincerely telling me she thought she was doing everything she was supposed to be doing.

SECRETARY KEMP: Any questions for Mr. Byrd?

(Whereupon, there was no response)

SECRETARY KEMP: Thanks for your patience today. Mr. Harvey, did you have anything you wanted to add? I'm curious on the timing. Ms. Jones went in prior -- was that during early voting.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Then obviously, the requirements were not being met; is that correct?
MR. HARVEY: That's correct. When she returned -- do you have any specific memory of when you went back? I think most of the violations were observed during early advance voting.

SECRETARY KEMP: Come on up here let's get you on the record here again.

MS. JONES: Pam Jones, 237, Coliseum Drive, Macon, Georgia 31217.

The bulk of the violations were during early voting. That's when they didn’t have the three people present at all times. Certainly, on the day of, her and her to workers would suffice.

But the other issue was, you know, she did have a voting area set aside, but the code says it has to be an enclosed space with curtain or door.

There were just a lot procedural things that just were not being done correctly. But she was put in touch with the liaison who attempted to give her ballots, I think even Michelle spoke with her couple of times as well. And if memory serves me correctly, she failed to follow through with some things they suggested.

SECRETARY KEMP: She failed to follow through?

MS. JONES: Yes.

MR. HARVEY: For the record, Investigator Jones went out there for the first time on October 24. So that would have been before the election during early voting. And she does document getting Rochelle Simmons and John Hallman involved. That's when she observed most of the violations.

MS. JONES: And I think there are some things as far as procedural issues afterwards that she is not necessarily responsible for. Because when I did not follow up, that’s when they had hired the new clerk and, you know, the election documents weren't store properly and there were a lot of issues --

SECRETARY KEMP: That would have been after March?

MS. JONES: Yes.

SECRETARY KEMP: Okay. Thank you any other questions for Ms. Jones?
**MR. WORLEY:** I had a question for Ms. Jones or Mr. Harvey. How is it she was not certified? What was it that she lacked?

**MS. JONES:** In talking with Rochelle, I believe it was --

**MS. FORD:** I have that. She did go through the KSU classes in September. But she did not -- our records show she did not take the quizzes for the online portion until November 4, and there was one that -- there's nine total, and she took eight of the nine. There is one she's missing.

**SECRETARY KEMP:** Thank you. Mr. Byrd.

**MR. BYRD:** One quick note on the storage of records following the election. At the time that she resigned in March following the election, it was a total surprise to everybody. She actually resigned at a council meeting. There was a disagreement between her and the council. I think it was a surprise to her and the council she was going to resign. There was no indication she was coming to that meeting that night to resign. So the council was left without an employee.

The City of Woodland has a clerk and assistant clerk and a fire chief and a utility worker. So she and the assistant clerk resigned that night at the meeting. So, actually, City Hall had to be closed for about ten days until we could even get somebody to come in and (unintelligible). And after that, there was a selection process which we had notices put in the paper and we did interviews on the candidates.

The person that was hired, I think is very qualified. She's going to take courses and learn how to be a good elections superintendent. But she was a banking employee and she had no previous experience on handling voting records. So that probably is why the records may not have been stored correctly because she had no previous experience in there. She was a banker and decided to come and be our superintendent.

**SECRETARY KEMP:** Mr. Byrd, what kind of elections have you all got coming up? Do you have any this year?

**MR. BYRD:** Actually, the council, because we had nobody to run elections, there was a -- the council wanted to have a referendum election, but decided not to do it because we didn't have anybody qualified to run the elections this year. So they put all that off. There are no pending elections anytime in the near future.
The next two years, actually.

**SECRETARY KEMP:** Any other the question for Mr. Byrd?

(Whereupon, there was no response)

**SECRETARY KEMP:** Ms. Ellis, did you want to add anything else? You don't have to. I just wanted to give you the opportunity if you do.

**MS. ELLIS:** The only thing I wanted to add is I no longer work for the City of Woodland. I have absolutely no desire or intention to ever attempt to run another election.

**SECRETARY KEMP:** We hear that quite often.

**MS. ELLIS:** Also, I wanted to clarify that I was unaware there was one other -- one of the things I didn’t do. When I looked the last time, I was rushing to get everything done. I thought they were all done. So I’m sorry.

**SECRETARY KEMP:** Anything else for Ms. Ellis?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you, again, for being here. Anything else from you, Mr. Harvey?

**MR. HARVEY:** No, sir.

**SECRETARY KEMP:** All right. Do we have a motion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Mr. Harvey, do you remember in the past how we've dealt with election officials who are no longer with a jurisdiction and have no plans to do elections again in the future?

**MR. HARVEY:** My memory is that in cases like this, and I'm not sure it’s specific to former election officials, but we have had other very small cities who had election problems, and I believe in the past the board has bound the case over to the AG's office with the expectation that they provide a written remedial plan.
And that it if that's presented and is satisfactory, then that can --

**SECRETARY KEMP:** I'm not worried about the City of Woodland. I am, but not right now. But in Ms. Ellis’s circumstance.

**MR. HARVEY:** Generally, I think the board has bound over even if they are no longer in the capacity. I think that’s happened a couple of times today, even.

**SECRETARY KEMP:** Okay. Do you all have anything else?

**MR. WILLARD:** Mr. Chairman, typically, unless there is a former official and the municipality or county have different violations pending, if they're the same violations for the time they were in office, unless there is some animosity between the two entities, we do try to resolve it in a single consent order.

**SECRETARY KEMP:** Okay. I don't want to speak for the rest of the board, but I certainly would not have an issue doing that. I greatly appreciate Ms. Ellis showing up today and giving us her comments, and certainly, Mr. Byrd. I think if the board were to vote to bind it over, we could reach an agreement that if for some reason that Ms. Ellis did decide to do elections again that she would make sure to get all her proper certifications and that we can work an agreement out with the city to make sure that before the next election that they are trained and meet the requirements and are ready to go. And we certainly stand ready to assist the city with that. That's my thoughts. I don't know if anybody else has a motion.

**MS. SULLIVAN:** I move that we bind this case over to the Law Department as to both respondents.

**SECRETARY KEMP:** We have a motion to bind over from Ms. Sullivan. Do we have a second?

**MR. WORLEY:** Second.

**SECRETARY KEMP:** Second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)
SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you all again for being here today.

Mr. Harvey, we're looking at 2014, number 3, Toombs County qualifying.

MR. HARVEY: Yes, sir. The allegation in this case is that election officials did not publicize the qualifying for the office of solicitor.

The investigation revealed that it was, in fact, true they failed to publicize the solicitor position. The explanation was a solicitor had just been appointed and they didn't realize the term was coming up and they would have to have qualifying for a new position.

I've got my in notes -- I believe I spoke to someone from Toombs County, either an attorney or an election official, and they had implemented a remedial plan of reviewing every year all of their upcoming elections and qualifications that need to be done.

I don't know if there was any -- I can't recall if there was any court action as a result of this. But I recommend a letter of instruction be issued to Toombs County Elections Office.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, welcome.

MR. KAUFOLD: Good afternoon. Howard Kaufold. I’m the county attorney for Toombs County. I have with me the Judge of Probate Court, Larry Freckle, our superintendent of elections, Kerry Alligood, and John Jones, the county manager. I'll be very brief.

SECRETARY KEMP: Could I get your last name?
MR. KAUFOLD: Sure. It’s Kaufold, K-A-U-F-O-L-D. My address is PO Box 1840, Vidalia, Georgia 30475.

What Mr. Harvey has stated is correct. I've got documentation of what happened. In fact, Mr. Freckle’s son was our State Court solicitor. He resigned and the Governor appointed a gentleman, Justin Franklin, and what happened was the de minimis that came out of the Governor's office went to the Probate Court and our elections superintendent was not aware the term was shorter than the full term that was -- Mr. Freckle’s son had been elected for. So we advertised every other election, but we didn’t advertise this one.

I think when Ms. Kerry got a hold of me I was trying a case up in Emanuel County and we were all was in a panic. So I called your office, sir, and got some information and we made a decision to go ahead and hold an election. Being one of the senior members of the Toombs County Bar, I kind of got the word out -- we've got a very small bar -- got the word out does anybody want to run for the election.

The way we found out about the situation was the gentleman, the State Court solicitor, he came in to qualify and that's when we realized that we had a problem.

I got the word out to the bar in we did have one other person that wanted to run. We had an election and the Governor’s appointee prevailed. So that is the circumstances of this scenario.

We immediately passed a resolution through the county commission where the Probate Judge get the de minimis from the Governor’s office when someone is appointed meets with our elections superintendent and meets with our county manager so we have a complete understanding of what elections are going to be taking place so we can duly established the fee in December of the year before the election and go forward the way we need to go forward.

I understand and appreciate the position of a letter of instruction. I've got the resolutions by the commission that I can show the board, if they would like. But I would request that since we definitely have resolved the problem and it was a total misunderstanding, that the case be dismissed.

SECRETARY KEMP: Any questions for Mr. Kaufold?

(Whereupon, there was no response)
SECRETARY KEMP: Thank you. Anyone else wish to address us?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, anything else you wanted to add with regard to the remedial plan?

MR. HARVEY: No, sir. As he indicated, they have established a way to prevent this from happening in the future.

MR. SIMPSON: I move this case be dismissed.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Simpson made a motion to dismiss and Mr. Worley seconds that. Any other discussion?

MR. WORLEY: I just want to say the reason I vote to dismiss it rather than send a letter of instruction is that they have done I think everything they can and they were all here today. I think everybody who's involved in that process is here today and I appreciate everyone coming. I think they've done everything they can do.

SECRETARY KEMP: I do, as well, and I agree. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we have dismissed the Toombs County case.

Case number 2014, number 5, Sumter County, residency case.

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MR. HARVEY: Yes, sir. This case involves a voter and candidate, Linda Wright, who at some point was improperly placed in District 1 -- this is for board of education purposes.

She had lived at her address on Pecan Road for years and had always been advised issues in District 1. So she qualified as a candidate in District 1, Sumter County school board, and completed all the paperwork. Before the election, it was determined that she was actually in District 6, I believe, and was disqualified as a candidate in District 1.

Robert Brady, who was not the superintendent at the time this happened, he reported that in one system her address was listed as 463 Pecan Road, and in another instance it was 468 Pecan Road. It's unknown if there was a number transposed, or how it was done. So as it turns out, she ended up being in District 6.

When she went to vote, she was allowed to vote a provisional ballot, but Sumter County doesn't have an explanation as to why her address was in the system incorrectly.

It has been corrected since then. However, in talking to Mr. Brady last week, they still don't have a completed voter registration application that has the current address on Pecan Road for Ms. Wright.

So although nobody can say exactly how it happened, Sumter County did violate 21-2-226 for failure to have a voter in their proper District. They also have Supervisor Brady -- we've got him cited for 21-2-218, and we've got that for failure to receive a change of address form when he corrected her record. That's kind of a difficult violation in the sense that he knew the information was right -- the wrong information was in there. So he changed it. However, he doesn't have a form to go with it and he is still in the process of trying to get the handwritten change of address form so that he has something to back up that record change.

SECRETARY KEMP: Is it my understanding that Ms. Wright hasn’t filled that form out, or won’t fill that form out?

MR. HARVEY: That's my understanding. Mr. Brady is here.

SECRETARY KEMP: Let me ask if there are any questions for Mr. Harvey
(Whereupon, there was no response)

SECRETARY KEMP: All right. Mr. Brady, welcome.

MR. BRADY: My name is Robert Brady, supervisor of elections for Sumter County. I am also chief registrar. My address is 205 Webber Road, Americus, 31719.

The comments that I have to make about this first part of this took place two years before I took over this position. So I can only tell you what I’ve been told by the existing board members and that is that she was -- Ms. Wright was attempting to qualify for school board District 1. How she came to that belief is unknown, but she was told that the time she was in District 6. I can't count for why the address was different.

The actual circumstances of the discovery were my poll worker called me on it on one of our special elections. They were there and it indicated that her address was different than that of her husband and daughter and that put her in a different district. I went out to the polls and spoke to her and she showed me her identification and it indicated that she did, in fact, live at 463 Pecan Road, not 468. So at that point, I indicated we should cancel ballot (unintelligible), and we gave her a provisional ballot.

On the strength of seeing her ID and the provisional ballot, when I got back to the office, I went ahead and made the change in the voting records. The truth of the matter is that I did not confirm that the change of address was accepted from her at the time. I was just busy trying to get this calmed down.

Since then, Ms. Wright has a very antagonistic attitude towards my office, towards me personally, towards a lot of people. Currently her husband -- not that this is related -- is in the process of suing Sumter County and my office. So he takes every opportunity to be as aggressive towards us as possible.

She has not shown any inclination at all to answer requests for information. I've attempted to -- I have mailed her two change of address forms, and the word I get from her is that she never received them. The second one that was mailed was mailed with a return receipt requested and it came back on open. So all I can say is they are either not accepting, not willing, not interested, not anything.
I am still attempting to do this. Her correct address has been put in to the election system and I confirm it with regularity to make sure it's all still there like it is supposed to be. This is one of those were, yes, I am at fault in that I did not get the change of address form at the time. But I was more concerned with diffusing a very hostile situation at the time. That's the only thing I can say in my defense.

I might also add on another note that Ms. Wright conveniently picks the District, or has attempted to in the past, that she wants to live in and that's part of the reason I try to make a very ironclad that we know where she is now and this won't happen again. And that has caused another set of animosities also.

So I guess what I'm saying is, yes, sir, I did it. I'm sorry, and if I can fix it, I would.

SECRETARY KEMP: Take you for being here, Mr. Brady, and for being so honest with us. I know you would do things differently if you had another chance to do it again. You don't, and we recognize that. Is there anything else you could do at this point to rectify the situation without cooperation of Ms. Wright?

MR. BRADY: Nothing that wouldn't get me trouble.

SECRETARY KEMP: The only reason I'm asking is to make sure -- we realize people are human; we are, too. There was a mistake made and you're trying to fix it. I'm just trying to see if there's anything else you think you could do.

MR. BRADY: I was only been partially facetious. My possibly getting in trouble would be standing there with a form to make her fill it out before I let her fill out a voter certificate. And really is not the right thing to do.

SECRETARY KEMP: Do you have any documentation of where you have done, or would other people in the office know of your efforts.

MR. BRADY: Would other people know that we were attempting to get this information?

SECRETARY KEMP: Yes.

MR. BRADY: Yes, sir. I have to part-timers, one who works exclusively in the morning, one exclusively in the afternoon. And they have both been briefed, if she comes in here, be sure to get this filled out.
SECRETARY KEMP: Did anybody else have any questions for Mr. Brady?

(Whereupon, there was no response)

SECRETARY KEMP: Thank you, sir. Anyone else wish to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Ms. Ford, do you have any suggestions on how we can resolve the issue with Ms. Wright?

MS. FORD: I have two suggestions. I don't know if either one would work. We can look back -- Robert doesn't have access to the legacy system, but we do. We can look back and see -- maybe see who made the change of address. If it was a mistake, he can go in and just change it, you know, as he did, change it back, but with reason of user correction.

And the second thing, if there is a voter certificate she has filled out with the correct address, we can use that as a change of address form.

MR. BRADY: I have a completed voter certificate for the election which she was given a provisional ballot. I think the changes based on the strength of the address on the provisional ballot would essentially be the same thing.

SECRETARY KEMP: Well, you just coordinate with Ms. Ford and we’ll try to get this resolved. If that doesn't work, we'll see how we can do something else.

MR. BRADY: Thank you, sir.

SECRETARY KEMP: Any other questions for Mr. Brady?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Mr. Harvey, what was the recommendation here, again?
MR. HARVEY: I don't know I made a recommendation. But I think -- a letter of instruction may be a little redundant. But, you know, there is this inconsistency that exists. So as a matter of closing the case in some form, I think a letter of instruction may be appropriate. I don't think anything more than that is necessary.

SECRETARY KEMP: Okay.

MS. SULLIVAN: I’ll make that motion.

SECRETARY KEMP: Ms. Sullivan moves for a letter of instruction.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank y’all again for being here.

2014, number 43, Camden County.

MR. HARVEY: There was an issue in the runoff election, primary runoff in 2014.

One precinct where four voters were originally turned away, they had voted nonpartisan in the general primary and were told they couldn’t vote in a party primary on a runoff, which is incorrect.

Our office contacted their office. I believe we sent an investigator out -- we did send Investigator Jones out to Camden County on election day. She was able to
make contact with election officials. The election folks were able to contact the four people who have been given the erroneous information, and they were allowed to vote and they voted properly.

So this case had a happy ending, I suppose, once they were given the accurate information.

I think a letter of instruction reiterating the need to train all poll workers on primary runoff elections would be sufficient in this case. There was just one precinct where this was a problem.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

JUDGE SWEATT: Good afternoon. I'm Robert C. Sweatt, Junior, Probate Court Judge of Camden County; also elections superintendent.

I couldn't agree more that we made a mistake. We need to make sure we've got it right from here on out. You know, we tell them all the time, you know, if you're not sure, do a provisional. Ms. Wade did the next best thing, she called my office. Why Ms. Doddrell didn’t ask me any questions -- I sit 30 feet away in office next door.

But Ms. Foddrell has followed up. She has actually taken the KSU this year and she is also going to do the election net. It’s just our fault. We made a mistake. Like I said, we tried to do this during training, but always look at that stuff like it comes back to me; maybe I did get it across enough during that time.

I don't think I have anything else to say.

SECRETARY KEMP: Thanks for being here, Judge. Any questions for the Judge?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone else wishing to speak on this matter?
SECRETARY KEMP: We have a recommendation for a letter of instruction. Do we have a motion?

MR. SIMPSON: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: Mr. Simpson moves for a letter and Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. Thank you. Safe travels.

We're going back to Floyd County, 2012, number 86.

MR. HARVEY: This was another case that was initially presented at the last meeting. Floyd County and Yvonne Billups had not been noticed or put on notice of the violations.

This was the case where you had voters that were placed in the wrong district. I think there were five voters affected during early voting, and they had a districting issue. They had to create a new database, and I think we also bound over the poll manager in the last case for leaving the memory card in the DRE.

I would recommend that Floyd County Board of Elections and registration and Yvonne Billups be bound over to the AG's office on the listed violations.

SECRETARY KEMP: Any questions for Mr. Harvey?
(Whereupon, there was no response)

SECRETARY KEMP: Anyone wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, do we have a motion?

MR. WORLEY: I move to bind over this case.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Worley moves to bind over; Mr. Simpson seconds. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Now we've got 2012, number 107, Montgomery County case.

MR. HARVEY: Yes, sir. There's an allegation here that there was a candidate who was possibly manipulating or illegally handling absentee ballots.

We did not find any evidence of intentional ballot fraud on a large scale. However, again, as we've done before, we found several administrative problems with absentee ballots and some of the alleged paperwork when we started to look at it.

We found there were nine absentee ballots that should have been rejected when they were accepted, one that was not properly documented as received by the
elections office; they didn't properly separate provisional ballots from regular ballots; ballot recap forms and official statements of votes cast didn't reconcile completely, they were off by one; there were five reported spoiled ballots, but there was no documentation or evidence to go along with them. They didn't preserve any of that. Five voters had to vote provisional ballots due to machine errors. However, those ballots were not handled as provisional ballots. And we have the issue of three wives assisting their husbands with their absentee ballots but did not sign as assisting. And, again, I think that is going to be another case of assisting with the envelope and not assisting with the ballot. So I think when we look at the violations, we would want to adjust that according to the guideline.

So I recommend -- my recommendation is the Probate Judge, elections superintendent, Judge Sanders, Joe Hamilton, Bobby Carpenter, and Elizabeth Hughes be bound over to the AG's office on the citations for the absentee ballot errors.

And then with Meadows, Glasper and Brewer, originally I had them slated for recommended letters of instruction. I think based on the fact that they handled the -- completed with the assisting of the envelope, Meadows, Glasper, and Brewer be dismissed.

**SECRETARY KEMP:** Any questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP:** Anyone wishing to speak on this matter?

(Whereupon, there was no response)

**SECRETARY KEMP:** Do we have a motion? Mr. Harvey, I have one question. Do you happen to know why the nine ballots that were accepted, why they should have been rejected?

**MR. HARVEY:** In most cases it's because the elector did not put a date of birth or address. That's the only reason why I can think of an absentee ballot would not be accepted.

**SECRETARY KEMP:** All right. We have a motion?

**MS. SULLIVAN:** I will make a motion that is consistent with Mr. Harvey’s
recommendation.

SECRETARY KEMP: Ms. Sullivan moves that we bind over Judge Sanders, Joe Hamilton, registrar, and Bobby Carpenter, the chief deputy registrar, and Elizabeth Hughes, the registrar, to the AG's office, and dismiss the complaint on Gail Meadows, Clara Glasper, and Faye Brewer. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, 2012, number 182, FedEx.

MR. HARVEY: Yes, sir. This is an unusual case. There is a hospital in Muscogee county, West Central Georgia Regional Hospital was attempting to help voters vote absentee ballots and the staff collected the absentee ballots for the seven voters. Two of the ballots did to have the proper outer envelope. They put them all in one FedEx envelope and they FedExed it to the Secretary of State's office the day before the election. They were delivered to my office, actually, I think the evening of the election. And, of course, they were not be able to be counted because they weren’t received by the county election offices.

In addition, the facility retained copies of the voter -- they also helped these folks registered to vote and they retained copies of their voter registration applications without a signed waiver allowing them to do so.

I recommend the respondents be bound over to the AG's office on the violation.
SECRETARY KEMP: Anyone wishing to speak on this matter?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. WORLEY: I move we bind over the respondents in this case to the Attorney General's office.

MR. SIMPSON: Second.

SECRETARY KEMP: We have a motion by Mr. Worley and a second by Mr. Simpson to bind over. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

MR. WILLARD: Mr. Chairman, I will just alert the board these appear to be State employees.

SECRETARY KEMP: I was wondering about that.

MR. WILLARD: We may need to have discussions with your staff about how these cases are handled. I'm not certain that our office will be able to handle that.

SECRETARY KEMP: Yeah, I asked Mr. Harvey about that. Okay.
Mr. Harvey, 2013, number 6, Long County absentee ballot case.

**MR. HARVEY**: This case is relatively simple. There was a -- when Long County sent out absentee ballots to voters for a local special election, they failed to print or stamp return addresses for the Long County election office on the return envelopes they sent and we had a complaint. Apparently it was just a one or two off error because they apparently hand-stamped them every time they went out and a couple just slipped through the cracks.

We also had two cases where voters were placed in incorrect districts in Long County.

Given everything else Long County is dealing with today, I would recommend this be bound over to the AG's office as well.

**SECRETARY KEMP**: Anyone questions for Mr. Harvey?

(Whereupon, there was no response)

**SECRETARY KEMP**: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, do we have a motion?

**MR. SIMPSON**: I move that we bind this case over.

**SECRETARY KEMP**: Mr. Simpson moves that we bind over. Do we have a second?

**MR. WORLEY**: Second.

**SECRETARY KEMP**: Second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP**: Hearing none, all in favor, signify by saying, "Aye."
(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Next is 2013, number 25, Crisp County felons case.

MR. HARVEY: This case was reported by Crisp County. They received voter registrations from 13 people and on conducting their examination, they found that all 13 appeared to be serving felony sentences at that time they registered to vote.

When we did our investigation, we found that 12 of the 13 were, in fact, serving felony sentences. One of the 13, however, was not. They were serving a First Offender status and was eligible to register to vote. That person is Kourtney Javon Coley.

So I recommend the case against Kourtney Javon Coley be dismissed and that the remaining 12 respondents be bound over for the violation of registering to vote while serving a felony sentence.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this case?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, I'm ready for motion. I move that we bind over the 12 respondents to the Attorney General's office.

MR. WORLEY: I would second that.

SECRETARY KEMP: We have a motion by the chair and a second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)
SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Case number 2013, number 32, City of Ocilla.

MR. HARVEY: The allegation here is that a candidate on the ballot, Reginald Miller, entered a polling place while his name was on the ballot and stayed there and also parked his vehicle with campaign materials within 150 feet of the polling place.

The investigation revealed that he did go into a polling place. He said he wanted to check on the list of electors. He sat in the polling place in the voting area for a while until it was brought to the attention of the election officials who moved him to another part of the office to do the paperwork, review the paperwork he was reviewing.

In addition, we found that the elections staff did not have three people working at all times and that the poll workers did not all complete oaths and were not all sufficiently trained.

So we've got Mr. Miller cited for entering a polling place while he is a candidate, and we've got the city and elections superintendent and Martha Sawyer cited for failing to complete oaths and failing to complete proper training.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, anyone wishing to speak on this matter?

(Whereupon, there was no response)
SECRETARY KEMP: Ready for motion?

MR. WILLARD: Mr. Chairman, I had a couple of quick questions for Mr. Harvey.

SECRETARY KEMP: Absolutely.

MR. WILLARD: Did your investigation determine whether or not Mr. Miller had already cast his vote when he was in the polling precinct?

MR. HARVEY: I don't know if we determined that. I don't see it in the report.

MR. WILLARD: Was it his polling precinct he was that, was it a polling precinct he was eligible to vote in?

MR. HARVEY: It was.

MR. WILLARD: Is my understanding from what you were saying that he may have been transacting business with the Board of Registrars?

MR. HARVEY: No. He was reviewing voter lists, I think, at the table where people checked in to vote. I think what he was doing would not be considered conducting business (unintelligible).

MR. WILLARD: But it may be that he was entitled to be there, Mr. Chairman, if he had not cast his vote. The prohibition is that a candidate cannot return once he has cast his vote. But if you send it over here, I may have Mr. Harvey do some additional investigation on that in terms of Mr. Miller. But it's possible that a 414 violation would not be upheld depending on what additional information comes out.

SECRETARY KEMP: So as long as he wasn't campaigning?

MR. WILLARD: Well, my understanding is the campaigning -- and that's another issue. He apparently had a sticker on his door. And without more like it was a flashing neon sign or something -- we had this discussion -- to me, that's akin to a bumper sticker. And as I've said, that's not campaigning.

SECRETARY KEMP: The only thing -- the reason I'm asking -- it kind of concerns me a little bit if we're taking that position. A statewide candidate, like
myself, if I hadn’t voted, legally I could go into every early voting precinct to --
well, I guess I couldn't.

**MR. WILLARD:** You could go in whatever your local county is.

**SECRETARY KEMP:** I could do them all, I guess, in Clark County.

**MS. SULLIVAN:** I wouldn't advise that.

**SECRETARY KEMP:** No. If anybody doesn't want to appear before y'all, it's
me. Okay.

Anything else, Mr. Willard?

**MR. WILLARD:** No, Mr. Chairman.

**MS. SULLIVAN:** I move that we bind all these respondents over to the Law
Department.

**MR. WORLEY:** Second.

**SECRETARY KEMP:** All right. We have a motion and a second. Let me just
make sure there was no one else that wishes to speak or ask questions. Let me
make sure I ask that.

(Whereupon, there was no response)

**SECRETARY KEMP:** We have a motion and a second to bind over and let Mr.
Willard figure all that out. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)
SECRETARY KEMP: That motion carries.

We're on to 2013, number 47, Tift/Colquitt, City of Omega.

MR. HARVEY: I do have a communication from the attorney for the City of Omega, as he pronounces it, regarding this case to present to the board of the board would accepted.

SECRETARY KEMP: Do have a motion to accept?

MR. WORLEY: So moved.

SECRETARY KEMP: I will second. All in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: We have accepted the document.

MR. HARVEY: This is a simple case. They city self-reported that they allowed a voter who lived in the county, but not in the city, to vote in a city election. They just -- they knew the person and they knew the person had an Omega address and they came in and allowed him to vote before they looked him up on the system and the person cast a vote. They reported in to our office immediately and directly.

I recommend a letter of instruction be issued to them reiterating you shouldn’t do that.

SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak on this matter?

(Whereupon, there was no response)
SECRETARY KEMP: Hearing none, ready for a motion.

(Whereupon, there was no response)

SECRETARY KEMP: Any other questions for discussion?

(Whereupon, there was no response)

SECRETARY KEMP: The Chair will move for a letter of instruction. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion and a second. Do we have any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

2013, number 61, City of Brunswick.

MR. HARVEY: This is back to the issue of absentee ballots. The city realized when they sent out some absentee ballots that they may have sent out some that did not have a return address stamped on it. So they called the people who requested absentee ballots to make sure they knew -- make sure there was a proper address. And they called our respondent, Eunice Wilcox, who said, well, I don't have my ballot anymore because I gave it to my friend to deliver for me. So that friend is Eunice Wilcox who received the absentee ballot from Ms. Johnson.

So we have her cited for illegal possession of an absentee ballot.
SECRETARY KEMP: Any questions for Mr. Harvey?

(Whereupon, there was no response)

SECRETARY KEMP: Anyone else wishing to speak?

(Whereupon, there was no response)

SECRETARY KEMP: I assume Ms. Wilcox was noticed?

MR. HARVEY: Yes, sir.

SECRETARY KEMP: Do we have a motion?

MR. SIMPSON: I move to bind this case over.

SECRETARY KEMP: Mr. Simpson moves to bind this case over. Do we have a second?

MR. WORLEY: Second.

SECRETARY KEMP: Second by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

2014, number 6, Long County.

MR. HARVEY: Yes, sir. The allegations were that not all qualifying information was posted in the legal organ; L&A may testing was not completed
properly and securely; the Board of Elections wasn't properly sworn in; the polls opened late during early voting.

We did our investigation and came to the conclusion that the qualifying for the solicitor's office was not, in fact, posted in the legal organ as required; prior to L&A testing, the DRE units were unlocked and unsecured outside the courtroom; the door to the (unintelligible) was left open and unmonitored during L&A testing; and the polls opened two hours late on the 20th.

So I recommend the respondents be bound over on the allegations as cited in the report.

SECRETARY KEMP: Anyone -- any questions for Mr. Harvey?

MR. WORLEY: What's going on in Long County? I don't think I've ever had a board meeting where we had so many cases from a single jurisdiction.

MR. HARVEY: My understanding, a lot of it had to do with they have some kind of a divided board. There is a lot of animosity there, which is not unique to them, certainly. I think Ms. Cunningham, who was the former director, was sort of a lightning rod. And I think people were constantly making complaints.

This complaint was actually made by board member who is trying to -- has a little bit of -- you know how we have some counties that have watchdogs that report every single thing that happened? I think that's the attitude that has been in Long County is to say, okay, we're just going to smother you with complaints and allegations on every single thing you do wrong until you straighten out. We've had that in Hancock; we've had that in some other places, as well.

SECRETARY KEMP: Anyone else wishing to speak? Thank you for your patience.

MS. JOHNSON: Good afternoon and thank you for listening to me. My name is Patricia Smith Johnson. My address is 29 Eula Drive, Ludowici, Georgia. I am the person who made the complaint.

I first wish to say that Ms. Vanessa Cunningham was the person in charge whenever I became a member of the board. One of the first things she taught me, and really I felt it was an insult, but I really appreciate it, was to take the code book and learn it like I do my Bible. I have a doctorate degree in Christian
education, and believe me, I found it very, very necessary.

On the complaints I have made, I feel that they were valid. And you did some accept some of those.

Whenever our elections supervisor was interviewed for the job, I was one of the persons that interviewed her. She understood what her job description was and her title. She was also told by me if she needed any help to let me know, and if I didn't know the answer, I would certainly try to help her find the answer.

As far as animosity is concerned right now and a watchdog, we, as longtime citizens want our legislators and those people in office to be transparent, and we are not really getting that and it has come from several complaints. Some people ask us questions and we refer those on.

Again, we went without a -- the county commissioners released Ms. Mildred Hopkins and we were without a third board member, which we are required to have at least three, for more than six months. And after addressing them on numerous occasions, two people were, in my opinion, hand-selected and put on the board. These people failed to -- one of them failed to come to any meetings or trainings because they have businesses, and I understand that. But when there is a job to be done, we have to put that aside and do our job.

The two ladies that are in question still have not had the opportunity to go to classes that have been held. But the L&A training, the (unintelligible) 101 and 102 training, they still have not had the opportunity to go do that because, again, they have businesses to run.

Now, whenever I brought to my supervisor's attention that -- number 2 and number 7, those were not accepted by the board -- when I brought to her attention that she is not the elections supervisor and she should not have sworn in the two board members, Ms. Woods and Ms. Smith, she said well, I was told that I could do so. And I asked her where she got that information from and she would not indulge that information to me.

I then went over to the Probate Court and I went to the county commissioners and asked if they would look into that. That was in December. Nothing was done. So five months later, I filed a complaint. I think that gave him ample time to make any changes if they wanted to make the changes. And they did not go and sign -- be re-sworn in until the 20th of May. So they had from December unto the
20th of May to go, which was after I filed this report that they were sworn in properly.

So there was a violation, and I have documentation for that.

So, again, I just feel I'm doing my job and I want to do what's right by all of the citizens of Long County without any threats or intimidation.

**SECRETARY KEMP:** Thank you, Ms. Johnson, for being here and being so patient today. Does anyone have a question for Ms. Johnson?

(Whereupon, there was no response)

**SECRETARY KEMP:** Thank you. Mr. Harvey, on the paperwork she had for the other potential violation, did we rule that out?

**MR. HARVEY:** I think the fact that her allegation is that the board was not sworn in properly, I don't think is something the State Election Board --

**SECRETARY KEMP:** It’s not our jurisdiction.

**MR. HARVEY:** Her other issue was that some of the board members had not been attending meetings and training. Again, that's sort of the internal workings of the board that I don't believe the State Election Board has any jurisdiction over.

**SECRETARY KEMP:** Ms. Johnson, I will also tell you, if you ever feel like you are being intimidated or treated improperly, let Mr. Harvey know.

**MS. JOHNSON:** Thank you, sir.

**SECRETARY KEMP:** Does anyone else wish speak on this matter?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, do we have -- Mr. Harvey, what was the -- let me ask you this. Ms. Ford, has Ms. Hamilton been coming to the training?

**MS. FORD:** She is certified. She has gotten certified and I believe she's going to come to one of the trainings in April.
SECRETARY KEMP: Very good. Anyone else have anything else?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion?

MR. WORLEY: I move that we bind over this complaint to the Attorney General's office.

MS. SULLIVAN: Second.

SECRETARY KEMP: Mr. Worley moves to bind over and Ms. Sullivan second. Any other discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Harvey, I believe that's got everything on your agenda.

MR. HARVEY: Yes, sir.

SECRETARY KEMP: I don't think we need a break. Hopefully, we can wrap up here rather quickly. We can move on to the Attorney General reports.

As you know, we've been doing these the same way. If no one wants to pull these one of these out, we have been voting to accept the consent orders in block. Is anyone in the audience that would like to remove one of these cases to discuss?

(Whereupon, there was no response)

**MS. SULLIVAN:** Case number 66, I'm just wondering how we would have --

**SECRETARY KEMP:** Let's do this. We're going to pull off 2011, 123; is that it?

**MS. SULLIVAN:** No. Paulding County; number 101.

**SECRETARY KEMP:** All right. We'll pull that out, Paulding County. Was that the only one?

**MS. SULLIVAN:** Yes.

**SECRETARY KEMP:** Mr. Worley?

**MR. WORLEY:** I would like to pull out the Gwinnett County case, 2012, number 164, only because I'm going to recuse myself on that case.

**SECRETARY KEMP:** That's very appropriate. Anyone else want to pull one off and discuss?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, I will accept a motion to accept the consent orders for case number 2010, number 18; case number 2011, 123; case number 2010, 18 [sic]; case number 2012, 139.

**MR. SIMPSON:** So moved.

**SECRETARY KEMP:** Mr. Simpson moves. Do we have second?

**MR. WORLEY:** Second.

**SECRETARY KEMP:** Mr. Worley seconds. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)
SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We have accepted those consent order.

Then we’ll go in order here, 2012 -- actually, let's go to 2011, 101, Paulding County case. Ms. Sullivan, I don’t know --

MS. SULLIVAN: I just have a question regarding that. My question is how we ended up having to refer this to the Law Department if this person’s probation had ended two years before they registered to vote.

MR. WILLARD: It's my understanding when our attorney I assigned this case to contacted probation, that he was granted an early discharge. So his probation had terminated prior to the time he registered.

MS. SULLIVAN: So our investigation just did not -- there was a mistake at some point in the investigation?

MR. WILLARD: It would not have been -- it would have appeared when they got a copy of the sentence that his sentence would have extended beyond the time that he actually served. But when we actually contacted probation, they showed that his probation had terminated.

MS. SULLIVAN: Okay.

SECRETARY KEMP: Any other questions on that case?

(Whereupon, there was no response)

SECRETARY KEMP: Do we have a motion to accept?

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

SECRETARY KEMP: We have a motion to accept the consent order of case
number 2011, number 101.

**MS. SULLIVAN:** The final order.

**SECRETARY KEMP:** Excuse me. The final order. Motion by Ms. Sullivan, seconded by Mr. Worley. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

**SECRETARY KEMP:** All opposed, same sign.

(Whereupon, there was no response)

**SECRETARY KEMP:** That motion carries.

2012, number 164. Mr. Worley?

**MR. WORLEY:** Well, I just need to recuse myself.

**SECRETARY KEMP:** Let the record show Mr. Worley has recused himself from the discussion and the vote on 2012, number 164, Gwinnett County case. Do we have any other questions or motion? Or do we want Mr. Willard to refresh us?

**MS. SULLIVAN:** I'll move that the board accept the consent order.

**MR. SIMPSON:** Second.

**SECRETARY KEMP:** Ms. Sullivan moves that we accept and Mr. Simpson seconds. Any other discussion?

(Whereupon, there was no response)

**SECRETARY KEMP:** Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)
SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

I believe that's all of our work today on the agenda. Let the record show that Mr. Worley is now back with us as a voting member.

If nobody has anything else, I will take a motion to adjourn.

MR. WORLEY: I have a question. Is there anything we need to discuss with our attorneys in Executive Session?

SECRETARY KEMP: Mr. Willard?

MR. WILLARD: I did not have anything, Mr. Chairman, unless you have something.

SECRETARY KEMP: Mr. Germany, do you have something we need to talk about?

MR. GERMANY: No, sir, unless you guys want to get an update on Fulton County stuff.

SECRETARY KEMP: It's up to you guys.

MR. WORLEY: Well, if there's something to be updated on, I'd like to hear it.

SECRETARY KEMP: We can move to go into Executive Session real quick and get a quick date. That is certainly appropriate.

MR. WORLEY: I'll make a motion that we go into Executive Session.

SECRETARY KEMP: Mr. Worley moves that we go into Executive Session to discuss a pending legal issue. Do have a second? I'll second. Any other discussion?

(Whereupon, there was no response)
SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries. We will move into Executive Session.

---

(Whereupon, the board moved to Executive Session)

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SECRETARY KEMP: Okay I will accept a motion for us to move out of Executive Session back into our regular State Election Board meeting.

MR. WORLEY: So moved.

MR. SIMPSON: Second.

SECRETARY KEMP: Mr. Worley moves, Mr. Simpson seconds.

SECRETARY KEMP: Any other discussion?

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries.

Mr. Willard, we did that appropriately, I assume?
MR. WILLARD: Yes, sir.

SECRETARY KEMP: All right. We can now take a motion to adjourn.

MR. WORLEY: I move that we adjourn.

SECRETARY KEMP: Mr. Worley moves that we adjourn. Can I get a second?

MS. SULLIVAN: Second.

SECRETARY KEMP: Second by Ms. Sullivan. Any discussion?

(Whereupon, there was no response)

SECRETARY KEMP: Hearing none, all in favor, signify by saying, "Aye."

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All opposed, same sign.

(Whereupon, there was no response)

SECRETARY KEMP: That motion carries and we are adjourned. Thank you all for being here today.

(Whereupon, the proceedings were concluded)
CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

I, Deborah L. Merideth, hereby certify that the foregoing record was taken down in the stated caption; that the colloquies, questions and answers were reduced to print by me or under my direction; and that the foregoing pages represent a true, correct and complete record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly and/or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembly and/or photocopying is performed by or under the auspices of the undersigned and the signature and original seal are attached thereto.

I further certify that in accordance with O.C.G.A. 9-11-28(a), I am not a relative, employee, attorney or counsel of any party, nor am I financially interested in the instant action.

This the 1st day of April, 2015.

[Signature]

Deborah L. Merideth
Certified Court Reporter
State of Georgia
BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA

IN THE MATTER OF:

SEB Cases No. 2008-000084
Fulton County Board of 2008-000104, 2008-000134
Registration and Elections, 2012-000056 & 2012-000156
Respondent.

SPECIAL CALLED
STATE ELECTION BOARD MEETING

June 10, 2015
11:02 a.m.

State Capitol Building
Room 341
Atlanta, Georgia 30334

Gala M. Reznick, RPR, CCR-B-826
Happy Faces Reporting Services
4333 Lynburn Drive
Tucker, GA 30084
APPEARANCES:
State Election Board Members
BRIAN F. KEMP, Chairperson
REBECCA SULLIVAN
TEX MCIVER
DAVID J. WORLEY
RUSTY SIMPSON (via telephone)

ALSO PRESENT:
RUSSELL D. WILLARD, Esquire
Office of the Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia  30334
404-656-3389

C. RYAN GERMANY, Esquire
Georgia Secretary of State
214 State Capitol
Atlanta, Georgia  30334
404.657.7778
CHAIRMAN KEMP: Good morning, everyone. Let me go ahead and call the June 10th Special Called State Election Board Meeting to order. And let the record reflect that we have Mr. Simpson on the phone. I believe that's correct. Mr. Simpson, are you with us?

MR. SIMPSON: Yes.

CHAIRMAN KEMP: Mr. Simpson, welcome. We're calling the meeting to order. I just wanted to make sure you were with us.

MR. WILLARD: Are you able to hear us, Rusty?

MR. SIMPSON: Yes.

CHAIRMAN KEMP: Okay. Very good. All right. So we've called the meeting to order. Our first order of business is the invocation and the Pledge of Allegiance. And if you will, just pray with me, and I'll do our invocation and lead us into the Pledge today. If you will stand and say the Pledge.

(Prayer and Pledge of Allegiance.)

CHAIRMAN KEMP: I also wanted to, before we get into the attorney general's report, just ask if anybody -- it's been a tradition of the State Elections -- we're not always -- it's a special called meeting – but for us to have public comment for two minutes from anybody that would like to make a comment to the Board on some issue, other than the cases or case that we have on the agenda today. So is there anyone here that wishes to speak about any other issues regarding the State Election Board?

(No response.)

CHAIRMAN KEMP: All right. Hearing none, I will move on to the attorney general report. And I'd like to recognize Mr. Worley.

MR. WORLEY: I am going to recuse myself from consideration of today's matter with the Fulton County Board of Registration and Elections. The Fulton County Board of Registration and Elections is a separate entity from the Fulton County Commission or Fulton County. And, now, I have been involved in consideration for this matter, but it's reached the point where -- where the Board of Registration and Elections is going to pay a fine, which will, in fact, actually be paid by Fulton County. My law firm represents Fulton County currently in some litigation, and, therefore, I think it's appropriate if I recuse myself from further consideration of this matter at this point.

CHAIRMAN KEMP: All right. Let the record show that Mr. Worley has just recused himself from today's attorney general report discussions and vote. And I just want to publicly thank Mr. Worley for taking the time, number one, to come here and do that in person. It would have been very easy just not to show up at all. But, also, I know he has worked with us and been very involved in this case and very concerned about it, as we all have been, as we have moved forward with this. I certainly appreciate his efforts in that regard. Is there anything else from a member of the Board before we turn it over to Mr. Willard?
CHAIRMAN KEMP: Okay. Hearing none, Mr. Willard, do you want to present the consent order -- or orders for the -- let me just call the cases real quick. We've got SEB Case No. 2008 number 84, number 104, number 134, and then 2012 number 56, 2012 number 156, all dealing with Fulton County. Mr. Willard.

MR. WILLARD: Thank you, Mr. Secretary. As an initial matter, as the Board is aware, it referred the 2012-56 and 156 cases to our office last year. I assigned the cases to myself and entered into negotiations with the Fulton County Board of Registration and Elections concerning if we could reach a resolution on this case.

In addition, it came to my attention that there were three cases that had predated my representation of the Board that had never been fully resolved by this Board. There had been initial negotiations, there had been some corrections and discussions with the State Election Board, including by Secretary Kemp's predecessor in regards to the 2008-84, 104, and 134 cases.

But in looking through the minutes of the SEB, I was unable to determine that the cases had ever been fully resolved. Therefore, we entered into negotiations with Fulton County on those three cases as well, attempting to wrap up and create a fresh start with Fulton County, since they had nothing additional pending before the Board upon the resolution of this case.

Basically, you have violations that occurred during the general election and general election runoff in 2008. And then the 2012 cases deal with the primary or general election of 2012. Mr. Secretary, do you want me to go through the specific allegations, or are you familiar enough with the actual violations and agree to accept them individually?

CHAIRMAN KEMP: Well, I'm certainly familiar with, you know, the allegations, the charges, what's in the consent order. We've certainly had, you know, other State Election Board meetings regarding those complaints and very exhaustive, I think, investigation and report from Mr. Harvey. But I will yield to see if any of the other Board members would want that kind of detail or whether we should just move on to the consent agreement.

MR. MCIVER: I think moving on to the consent order would be fine.

CHAIRMAN KEMP: All right. I think you can just move ahead, Mr. Willard.

MR. WILLARD: So at this point, if you will turn to page 8 of the consent order. As I have mentioned in my preface, this consent order resolves all pending claims regarding the general election and general election runoff of 2008, as well as the primary and general elections of 2012. In exchange for entering into this consent order, the State Election Board orders that the Fulton County Board of Registration and Elections cease and desist from further violations of the Election Code, publicly reprimands the local board.

In addition, they order the Fulton County Board of Elections to pay a fine of $150,000, payable to the State Election Board, which will be, in turn, remitted to the state treasury within 60 days of acceptance of this consent order by the State Election Board.
And it further orders the local board to reimburse the Secretary of State for investigative costs in the amount of $30,000, which will be remitted to the Secretary of State within 60 days of the acceptance of this consent order.

In addition, Mr. Secretary, as our office routinely does, we attempt to identify what the problems are and determine what steps are needed by the local entity to avoid coming back before the Board, if they're readily identifiable concerns.

As the Board is well aware, in regard to the 2012 election, there was -- there was an issue as to training, or at least an issue as to the training getting through to the polling location, where it was clear that there was no uniform practice for how to treat additional ballots, how to handle when voters came in and wished to vote provisionally if it was not their precinct or if they were not on the list of registered voters. So it was determined that the local board needed to have additional training. And that is one of the elements. The consent agreement is not ordered by the Board, but it has agreed that Fulton County will obtain additional training.

In addition, there was an issue regarding lines, running out of ballots in certain precincts, and an inability to adequately process through the voters who showed up to vote in person during the 2012 general election.

And as a result, the local board has agreed and represented to the State Board that they will have a minimum number of advance voting sites to try to alleviate some of those concerns on Election Day going forward.

Once again, it is not ordered by the Board. It is just a representation by the local boards as to what they will do going forward.

And, finally, that there will be an elections management platform system in place to facilitate keeping up with the voter registration, as well as election activity that takes place, to avoid some of the really egregious errors that occurred, both in the processing of voter registration information, as well as keeping and maintaining voter information and election information that the local board is required to keep going forward.

The rest of the consent order, Mr. Chairman, should be familiar to the Board. It's more related to understanding that they have a right to a hearing on this matter and waiving that right, and that this order – this consent order will not become final unless and until adopted by the State Election Board.

CHAIRMAN KEMP: All right. Any questions for Mr. Willard regarding the consent order?

(No response.)

CHAIRMAN KEMP: All right. Does anyone else wish to speak? Do we have representation from Fulton County that would like to address the Board or talk about the consent order?

MR. WILLARD: Mr. Secretary, Mr. Worley -- I'm sorry. Not Mr. Worley. I think that's not the first time I said that. Mr. Walbert, who represents the Fulton County Board of Elections
and Registration, is in a pretrial conference in Douglas County. He has waived his need to be here today and left it in my, he referred to as "capable hands" -- I'm not sure I'll necessarily agree to that, or the Board may not agree to that -- to present the consent order and to answer any questions that the Board has about it.

I have spoken with Mary Carole Cooney this morning on this issue. And she, likewise, has agreed she would answer any questions that may arise if the Board has any, but she'll let our office proceed with the consent order.

CHAIRMAN KEMP: Okay. All right. Fulton County is not here.

MR. SIMPSON: This is Rusty Simpson. Which version of the consent order are we looking at? Are we looking at the revised version?

MR. WILLARD: Mr. Simpson, what I was just talking about is the version that you have that was executed by Mary Carole Cooney on the 22nd of May 2015.

MR. SIMPSON: Okay. Thank you.

CHAIRMAN KEMP: Okay. And that being said, is there anyone else here that would wish to address the Board in regards to this proposed consent order?

(No response.)

CHAIRMAN KEMP: Okay. Hearing none, we have the consent order before us. And I would just like to bring up a point of -- well, two issues, really, that I feel that the Board should not be mandating to Fulton County that ended up being in this consent order.

On page 9, under section 3, when it references Fulton County "shall maintain no fewer than 18 advance voting sites for primary and general elections in non-presidential election years and 24 advance voting sites for primary and general elections in presidential elections," and then in section 4, where it says that Fulton County "shall procure and implement no later than January 1st, 2016, an elections management platform system," I don't necessarily disagree with Fulton County's thoughts, I think, in willingness to consider such things as these in 3 and 4.I do have issues with the State Election Board mandating those things to a county government. I think that is a local control issue, in my opinion. I think, in my opinion, it sets a bad precedent for this Board, and would put us in a position in the future of us having to advocate or weigh in on what other counties may want.

I can tell you that in my experiences in visiting almost all 159 county elections and registrations offices around the state, there's many times that I walk in and I am asked, "Will you talk to my commissioners about we need more space" or "we need more people" or, you know, "we need this, we need this, we need this." And I just don't think that is a position that this Board needs to get into, deciding, you know, how many precincts or how many local early voting locations the county should have. That is certainly something that is different in every single county.

I think that that is a decision that the county government is going to have to figure out how to pay for and what is best for their county or for their voters.
And, therefore, I have asked Mr. Germany to reword section 3 and 4 where we are not mandating that, even though, again, I think that if that is something certainly that Fulton County wants to consider and their elections director feels like they need to, that's certainly -- you know, it's something worthy in my mind that they can consider.

I just have an issue with us mandating that. And so I asked Mr. Germany to draft some language that we could put in for section 3 and 4. And if there's no objection from the Board, I would ask that he would talk a little bit about that, or we can -- if you want to have a little discussion before he does that, we can do that as well.

Hearing no discussion, Mr. Germany, you want to just read through the --

**MR. SIMPSON:** Mr. Chairman.

**CHAIRMAN KEMP:** Yes, sir.

**MR. SIMPSON:** This is Rusty. Y'all are breaking up real hard. I can barely understand anything y'all are saying. But I just wanted to make a comment. Y'all may already be talking about this. But I don't know that we have the authority to sign the agreement with the -- that's been signed by the county which includes their paragraphs 3 and 4 on page 9. If you look at 21-2-33.1, we don't have the authority to -- I don't believe, to micromanage any county board of elections' activities.

We can enforce the provisions of the Code, but I don't believe that we can tell them what kind of system to buy or how many advance voting sites they need or anything like that. I think we just have to tell them they have to comply with the law. And if they need additional voting sites, or whatever, then they're going to have to put in enough to do it. I don't think we can say "You've got to put in 18 or 15," or whatever, because then if that's not enough, then they're going to say it's our fault, you know.

And, besides, the Code section doesn't really allow us to do that. It's pretty specific as to what our authority is with regard to enforcing the provisions of the Election Code.

**CHAIRMAN KEMP:** Okay. Thank you, Mr. Simpson. I'm going to have Mr. Germany read the draft changes to section 3 and 4 of the consent order. And I've asked him to move to the microphone in front of the phone, where, hopefully, you can hear him a little bit better. Mr. Germany.

**MR. GERMANY:** Thank you, Mr. Chairman. The draft consent order that -- the revised version deals with Mr. Secretary and Mr. Simpson's concerns. The only changes are to those --

**CHAIRMAN KEMP:** Mr. Germany, pull the mic a little closer to you just so our reporter can -- recorder can hear you.

**MR. GERMANY:** The only changes in the revised version are to those two paragraphs that the chairman just discussed. In the revised version, they're actually on page 10, but they're still numbered 3 and 4. In paragraph 3, it simply states that, "It is hereby agreed that Fulton County Board of Registration may establish, in addition to the current number of sites designated for advance voting, additional sites as advance voting locations."
This is something that's currently -- they're currently able to do. And this section would still allow them to do whatever the minimum amount they think is necessary. It just stops us from mandating a certain number.

The changes to paragraph 4, instead of saying, "shall procure and implement an elections management platform system," it says that the "Fulton County Board of Registration shall evaluate its current policies, procedures, and systems (or lack thereof) in order to facilitate the efficient and accurate administration of voter registration and election activities.

So if after that evaluation the elections management platform system is something that they want to do -- and we don't say it's a bad idea -- then they certainly can go forward with that.

So the point of these changes is to allow the county to do what they would like to do, what they think they need to do to avoid being in front of this Board again, but, also, to try to leave with the county the issues that the chairman believes should be within the local control of the county.

CHAIRMAN KEMP: All right. Thank you, Mr. Germany. Any questions from the Board for Mr. Germany? Mr. Simpson, could you hear all of that clearly? Mr. Germany, why don't you ask Mr. Simpson –

MR. GERMANY: Rusty, did you hear us?

MR. SIMPSON: No.

MR. GERMANY: Okay. Well, this is Ryan. I just presented the changes in the revised consent order, just the ones that say -- you know, they take away the minimum number and take away the purchasing of the system. And it's still, as you see -- and you have a copy of that order. It still allows the county to do what -- what they'd like to do. It just takes away the mandating by the State Election Board.

MR. SIMPSON: I've looked at the revised version that you sent out by email. And I think it does exactly what we can do. And I think it does exactly what we need to do, to instruct them that they need to provide the system to -- that will allow efficient registration procedures and also to provide enough advance voting locations to handle the voters that want to vote in these elections.

And I think that's -- that's what we need to do. And I think that's about the limit of our authority of what we can do. I would be in favor of the revised version.

CHAIRMAN KEMP: All right. Thank you, Mr. Simpson. Does any other member of the Board wish to ask any questions of myself or Mr. Germany regarding the revised consent order?

MR. MCIVER: I have a question.

CHAIRMAN KEMP: Mr. McIver.

MR. MCIVER: I would like to direct it to the lawyer. Mr. Willard, would you opine for us on Judge Simpson's position here about the applicability of 21-2-33.1?
MR. WILLARD: Yes, Mr. McIver. As the Board is aware, I have provided a draft to the Secretary of State's office before this went before either the local board or the county commission for approval, which had language in there that -- for these provisions that we're discussing today, had in there an operative verb of "order."

And after consultation with Mr. Germany, as well as you, Mr. McIver, we had altered that language to agree to reflect what the Board has done in the past for issues, where you're not ordering, you're not imposing a sanction, but you are reaching an agreement, acknowledging what has happened in the past and recognizing what the local board or local government official has agreed to do going forward.

In this way, many times when we have a problem officer at the county level, we will have operative language in the negotiated consent order that acknowledges that that official is either stepping down effective a date certain or has already stepped down, and has no further involvement in local election matters.

Once again, the Board isn't ordering that. The Board doesn't have the authority to order that. But the consent order reflects the ameliorative steps that the county has either taken or is intending to take going forward.

So that's what we were attempting to do with paragraphs 3 and 4. The Board isn't ordering anything. It is just acknowledging what Fulton County has agreed they will do going forward.

In fact, I have, as I said -- told the secretary earlier, I spoke with Mary Carole Cooney this morning and confirmed Fulton County has already gone forward on this. The funds have been appropriated for certain of these things by the county commission, in addition to approving the financial terms of remittance to both the state and to the Secretary of State. They are in prebid conferences on some of these things to go ahead and start getting ready for the 2016 year. Basically, they're attempting to try to get ahead of the curve by implementing what they have already acknowledged to the Board that they will be doing going forward.

So we're not inserting any of these provisions into the consent order. We're just acknowledging what Fulton County has agreed to do. I will also point out, after I received after hours the suggested changes from Mr. Germany last evening, I have talked about it internally with our office and confirmed the only thing before the Board today is the consent order that was negotiated and is ratified by the Fulton County Commission, accepted by the local board, and executed by Mary Carole Cooney.

That's all that's on the agenda today. That's all that can be considered by the Board. It is either an accept or reject of what has been negotiated.

CHAIRMAN KEMP: So are you saying that we have never altered another consent order in the past that you've brought to us?

MR. WILLARD: I'm saying you can reject it and give me instructions. But I'm saying you cannot -- and I informed Mr. Germany of that fact this morning --
CHAIRMAN KEMP: I don't disagree with that. But I'm just saying, can we make a motion to alter this agreement, or do we just reject it and say we want you to take the new language back to them?

MR. WILLARD: The latter.

CHAIRMAN KEMP: Okay.

MR. MCIVER: Mr. Willard, do you agree with Judge Simpson, or not, as to his view of 21-2-33.1?

MR. WILLARD: I agree with Judge Simpson that the Board cannot order that. But the Board is not ordering that. If Judge Simpson is reading 3 and 4 that way, I believe he is misreading 3 and 4. It is just that we have worded it in the past in other consent orders as an acknowledgment of what the county either has done or is agreeing to undertake to do in the future to try to prevent this from occurring going forward. Because I was given marching orders from the Board -- Fulton County had been a problem child in the past. They're not the only problem child this Board has dealt with. But I went into this negotiation with the county trying to identify things that the county could do to give them a reasonable chance not to be back before this Board with the 2016 primary and general elections next year.

And so it was -- I did not demand when that they do things. I said, you know, "You need to put in this consent order" -- "We need to put in there what y'all are agreeing to do going forward to try to prevent you coming back and being a repetitive participant in the State Election Board meetings going forward." And that's what 3, 4, and 5 represent.

CHAIRMAN KEMP: Mr. Willard, would it be appropriate for us to go into executive session to discuss a legal matter with this agreement?

MR. WILLARD: It's always appropriate to go into executive session to talk about a legal matter or talk about a pending case before the Board.

This -- we've always treated contested cases like this as either potential or actual litigation. If the Board gets into areas that are not appropriate for executive session, I will so advise the Board, and we can come out of executive session.

CHAIRMAN KEMP: Okay. Well, I would move that we would go into executive session to discuss the settlement agreement or consent order that we have previously discussed in executive session. Do I have a second?

MR. MCIVER: Second.

CHAIRMAN KEMP: We've got a second. Any other discussion?

(No response.)

CHAIRMAN KEMP: Hearing none, all in favor signify by saying "aye." Aye.

MR. MCIVER: Aye.

MS. SULLIVAN: Aye.
CHAIRMAN KEMP: All opposed, same sign.

(No response.)

CHAIRMAN KEMP: That motion carries, and we have moved into executive session.

MR. SIMPSON: I'm sorry. I didn't hear the motion.

MR. GERMANY: Rusty, this is Ryan. This is a motion to move into executive session to discuss some aspect of the settlement agreement.

MR. SIMPSON: I'll vote for it.

CHAIRMAN KEMP: All right. I hate to do this to you-all, but if you wouldn't mind exiting this room. Since we've got Judge Simpson on the chamber, I think -- I mean on the phone, I think that would be easier for us to do, rather than us trying to move to another room. And we will let you know as soon as we get out, okay?

(The Board moves into executive session. Everyone exits the room except the Board.)

CHAIRMAN KEMP: Welcome back, everybody. Sorry about that. I need a motion for us to move out of executive session and go back to the business of the Special Called State Election Board Meeting.

MR. MCIVER: I so move.

MS. SULLIVAN: Second.

CHAIRMAN KEMP: Mr. McIver moves, and Ms. Sullivan seconds. We are back with our regular special called meeting. Upon our discussions earlier in the meeting and in executive session, I think there still remains some concerns about the language in the consent agreement that was accepted and voted on by Fulton County regarding the local control issues that I spoke to earlier, in basically mandating to a county a certain number of voting precincts and locations, systems that they should buy.

I think while the Board all agrees that those things need to be looked at by Fulton County to fix the systemic problems that they've had in the past -- they are clearly, I think, willing to do that. May have already started on those issues, which we certainly, if that's the case, appreciate that. But we do think it sets -- or I do think it sets a bad precedent for us in regards to the future of what the State Election Board should and should not be doing. And, therefore, I would move that we would reject the consent order, and then we will have Mr. Willard go back to Fulton County with the amended draft that we have been discussing today, that still mentions those things, but does not mandate that. And we can have them get back to us on that, since their counsel is not here today. So that is my motion. Is there a second?

MS. SULLIVAN: Second.

CHAIRMAN KEMP: Ms. Sullivan seconds. Mr. Germany, can you just explain the motion real quick to Mr. Simpson to make sure he's clear on this?
MR. GERMANY: Yes. Mr. Simpson, there's a motion on the table to reject the -- the consent order that Fulton County signed and to get -- send Mr. Willard back with -- with the language that was discussed previously.

MR. SIMPSON: Does it need a second?

MR. GERMANY: The motion has a second on the table.

MR. SIMPSON: I vote in favor of the motion.

CHAIRMAN KEMP: All right. We're going to come back and vote in just a minute. Is there any other discussion regarding that? Okay. Here –

MR. MCIVER: I would like the record to reflect how disappointed I am that Fulton County isn't represented here by a decision-maker. These are matters of great importance, I think, for the State of Georgia. And, certainly, we're committed to that as a Board. All of us are represented here today. It's just disappointing to me that Fulton County or its counsel didn't consider this important enough to appear.

CHAIRMAN KEMP: Okay. Anything else?

MR. WILLARD: Mr. Chairman, just let the record reflect -- and, Mr. McIver, you can lay the blame at my feet. I treated this as I would any other negotiated consent order that our office would present to the Board. I told the local board and their counsel if they wanted to attend, they were more than welcome to attend, but that I would be presenting the order as a result of our negotiation. In addition, counsel for Fulton County is in a pretrial conference in a different jurisdiction this morning. That's why he's not here today.

MR. MCIVER: Well, I'll tell you, as many judges -- federal judges say to me, Mr. Willard, "You have a lot of people in your law firm. Send somebody else." Anyway, I indicated my feelings.

CHAIRMAN KEMP: Well, thank you, Mr. McIver. Let me just reflect for the record, too, that I'm -- you know, I personally don't hold any ill will toward Fulton County in regards to this. I think they have been -- even though these negotiations have taken a very long time -- a lot longer than I wanted to -- I think the current leadership and the current board knows that there has been big problems in the past. They know -- and you can read this consent order and understand that they're admitting to some very serious violations. But that being said, they have, and, I believe, are willing to address the problems and move forward, where hopefully we don't have this situation again in the future. I think that is everybody's goal. And I feel like that they will continue to work with us in good faith to get this done. And I'm sure they'll understand our reasoning for this. And the best thing that can happen is we'll put this behind us and all move forward to make sure we have secure, accessible, fair elections in Georgia. Any other discussion?

(No response.)

CHAIRMAN KEMP: All right. Mr. Germany, if you wouldn't mind, just come by the phone there.
All in favor, signify by saying "aye." Aye.

MR. MCIVER: Aye.

MS. SULLIVAN: Aye.

MR. SIMPSON: Aye.

CHAIRMAN KEMP: All opposed, same sign.

(No response.)

CHAIRMAN KEMP: Okay. That motion carries unanimously. And with that, I will let the record reflect that Mr. Worley is back with us. And if there is no other business before the Board today, I will move that we adjourn.

MR. MCIVER: Second.

CHAIRMAN KEMP: We have a second by Mr. McIver. Any discussion?

(No response.)

CHAIRMAN KEMP: All in favor, signify by saying "aye." Aye.

MS. SULLIVAN: Aye.

MR. MCIVER: Aye.

CHAIRMAN KEMP: Let Mr. Simpson know we're voting to adjourn.

MR. GERMANY: Mr. Simpson, there's a motion on the table to adjourn.

MR. SIMPSON: I vote for it.

CHAIRMAN KEMP: All right. That motion carries. We're done today. Thank you all for being here, and safe travels wherever you're headed the rest of the day.

(Meeting adjourned at 12:02 p.m.)
CERTIFICATE

STATE OF GEORGIA )
COUNTY OF FULTON )

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 24th day of June, 2015.

GALA M. REZNICK, B-826
THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:

STATE ELECTION BOARD MEETING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

WEDNESDAY, JULY 15, 2015
10:00 A.M.

PRESIDING OFFICER: BRIAN KEMP
SECRETARY OF STATE
STATE OF GEORGIA

LATASHA D. BETHEL, CCR
HAPPY FACES COURT REPORTING
POST OFFICE BOX 1063
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(770) 414-9071
APPEARANCES:

Brian P. Kemp, Chairperson, State Election Board, Secretary of State, State of Georgia
Tex McIver, Vice Chairperson, State Election Board, State of Georgia
David J. Worley, Member, State Election Board, State of Georgia
Rebecca N. Sullivan, Member, State Election Board, State of Georgia
Ralph F. Simpson, Member, State Election Board, State of Georgia
Russell Willard, Senior Assistant, Attorney General’s Office, State of Georgia
Chris Harvey, Chief Investigator, Secretary of State Office, State of Georgia
M. Frances Watson, Investigations Supervisor, Secretary of State Office, State of Georgia

TRANSCRIPT LEGEND

Quoted material is typed as spoken

[sic] Exactly as spoken.

(phonetic) Exact spelling unknown.

-- -- Interruption in speech.

. . . Indicates halting speech, unfinished sentence, or omission of word(s).
P-R-O-C-E-D-I-N-G-S

MR. SECRETARY: We will call the meeting to order for the State Election Board on Wednesday, July 15th, 2015 at 10:00 a.m. Our first order of business is our invocation and our pledge of allegiance which is traditional with the State Election Board.

Today I would like to ask if there is anybody in the audience that would like to lead us in the invocation today and, or the pledge?

(No response)

MR. SECRETARY: Okay. Hearing none, Mr. McIver, will you do the honors?

MR. MCIVER: Yes, sir.

INVOCATION

PLEDGE OF ALLEGIENCE

MR. SECRETARY: Thank you, Mr. McIver, for that. If anyone is interested in leading us in the invocation or doing the pledge in the future just let our office know and we will be glad to accommodate that.

Our first order of business on our agenda will be the approval of our minutes. We’ve actually got two sets of minutes that we need to approve today. The first one being our State Election Board meeting on March 12th, 2015 and I’ll take a motion if there is one.

MR. WORLEY: I’ll move to approve the minutes of the March meeting.

MS. SULLIVAN: Second.

MR. SECRETARY: Alright, Mr. Worley moves that we approve and Ms. Sullivan seconds. Any other discussion or changes?

(No response)

MR. SECRETARY: Hearing none, all oppose signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All oppose same sign.

(Whereupon, there was no response)

MR. SECRETARY: That motion carries. Our second minutes are the special-called meeting of the State Election Board on June 10th, 2015.
MR. MCIVER: I move that we approve the minutes of that meeting.

MS. SULLIVAN: Second.

MR. SECRETARY: Alright, Mr. McIver moves for the approval. Mr. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, "aye".

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign.

(Whereupon, there was no response)

MR. SECRETARY: That motion carries as well and we have approved both sets of minutes.

Our next agenda item is the public comment. Mike, do we have anybody signed up for public comment?

MR. MYERS: No, sir.

MR. SECRETARY: Okay, no public comment today. I would like to just make a few quick opening statements before we get into our investigative reports. My first point I would like to make is just to congratulate our Chief Investigator Chris Harvey. This is his last day on the job in his role as chief investigator and tomorrow he will take over as the new director of elections for the State of Georgia. We are very excited about Chris’ new role. I think for many of you, that are in the room today that have worked in the county elections office and registrar’s office for many years, you have dealt with Chris and have found him to be a very straightforward and fair chief investigator in all of his dealings with your offices and I certainly know that he will continue that in his role as elections director. I don’t know of too many people that are more familiar with the election’s code than Chris is, so that is something that is certainly a feather in his cap but also just he is a good guy and has a great work ethic. So we are looking forward to his leadership in the elections division and also I want to thank him for an outstanding job that he has done as our chief investigator. I know since I’ve been in this office we have seen, I think, the State Election Board meetings and the way we handle investigations and even though it seems like, to some that we don’t move these cases as fast as maybe we should but we are certainly moving them faster than we ever have before, I believe. A lot of that goes to the credit of Chris’ leadership and the great team that he’s got. So I want to thank Chris for the job that he’s done and wish him all the best as our new elections director and I think it would be appropriate for us to recognize him with a round of applause (applauds).

Would you like to make any brief comments, Mr. Harvey?
**MR. HARVEY:** I am leading by design. Thank you, Mr. Secretary, for those kind words. It has been my honor and privilege to serve the people of Georgia and the Secretary of State’s office in this role. I have tried to perform with honor and integrity and I believe I have done that and as I have told people I believe the best protection against any type of election whether it’s fraud, whether it’s negligence, whether it’s incompetence, is an informed electorate. People that know and understand the election law and I think these meetings, in dealing with elections experts on the Board, have been invaluable for me, certainly for my investigative staff and I think for a lot of citizens and elected officials in Georgia. So as much as I can continue to spread the word about what the law allows and what the law requires in elections I think I will be continuing my mission of assisting the counties in providing a secure legal election. Thank you for those kind words. It has been my privilege to serve with you.

**MR. SECRETARY:** Thank you. Mr. Worley, did you have something?

**MR. WORLEY:** Yes, I just wanted to concur in the Secretary’s comments. Mr. Harvey is extremely hard working, capable, impartial and in my experience working with him over the past years, he is completely nonpartisan and I think you’ll do a nice job as elections director and I just want to commend you, Mr. Secretary, on your choice.

**MR. SECRETARY:** Thank you, Mr. Worley. Anyone else?

(No response)

**MR. SECRETARY:** Alright, I also just wanted to take a moment to thank our hardworking elections’ staff that’s here. I know for you-all and myself last night ended up being a little bit longer night than I thought it was going to be with several special elections that we had and several of the county folks were involved in that last night as well. I was joking with some folks in the office this morning, who in the world schedule a State Election Board meeting after an election night and I think that was me that did that (laughter). So I apologize to the staff and thank you-all for the great job that you did last night and Ms. Hicks is here with us today as well, Julie and Erica and I hope I’m not missing anybody. Mike’s here. It is just appreciated what you-all have done. I’m very excited just for you-all to know about our team that we have in place heading into this important cycle with our municipal elections and also our big Presidential Year next year. We are looking forward to great things from our team, so thank you-all for what you do.

Alright, Mr. Harvey, we are going to move on to the consent cases. For those of you that are not aware of our policy on consent cases, what we will do with the consent agenda is I will ask if there is anyone here, either Board members or anyone in the public that would like for us to pull any of these consent cases off the calendar to have them presented. If no one asks for that case to be pulled off the calendar then we will vote in block to dismiss all of these cases which is the recommendation of the investigators and Mr. Harvey. So at this time, are there any Board members that would like to pull a case off?
Mr. Worley.

**MR. WORLEY**: Mr. Secretary, I would just like to have a separate vote on case number 2014, seventy-one.

**MR. SECRETARY**: Okay.

**MR. WORLEY**: Because I am -- for reasons I’ll explain later I am going to have to recuse myself from voting on that.

**MR. SECRETARY**: Is that the only one?

**MR. WORLEY**: Yes.

**MR. SECRETARY**: Any other Board Members wish to pull a case off?

**MR. HARVEY**: Mr. Secretary, if I may, I think I would like to add the first case of the letter case to that consent agenda. It was originally to be a letter case and my recommendation would be we move 2012 ninety-six, the Cherokee County from the letter case to the consent case, if that doesn’t cause a problem. If not we can deal with it separately.

**MR. SECRETARY**: Mr. Willard, do we need a motion and a vote to do that?

**MR. WILLARD**: No, Mr. Secretary, you can do that. The vote will be on whether or not to accept the resolution.

**MR. SECRETARY**: Okay. Alright, if there is no objection from the Board we’ll move the SEB case 2012, ninety-six the Cherokee County districting issues to the consent calendar.

Alright, is there anyone else that wish to pull a consent case off of the calendar and have it discussed?

(No response)

**MR. SECRETARY**: Hearing none, I will take a motion to dismiss the following cases on the consent calendar. 2012 number forty-five, 2012 number one ninety-two, 2013 number twenty, 2014 number twenty-six, 2014 number one thirty-two, 2014 number one hundred, 2015 number one, 2015 number five and 2015 number thirteen and I’m sorry the 2012 number ninety-six which we moved to the consent calendar. Thank you, Mr. McIver.

**MR. WORLEY**: I’ll make that motion, Mr. Secretary.

**MR. SIMPSON**: Second.

**MR. SECRETARY**: Alright, Mr. Worley moves for dismissal. Mr. Simpson seconds. Any other discussion?
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign.

(Whereupon, there was no response)

MR. SECRETARY: That motion carries and we have dismissed the noted cases on the consent calendar.

Mr. Harvey, we will now let you present real quick the SEB case number 2014 number seventy-one.

MR. WORLEY: Mr. Secretary, I just want to be clear. I didn’t necessarily call for that case to be reviewed but just to have a separate vote. It is a case involving a candidate that I gave a campaign contribution to and under our code of ethics for the State Election Board I can’t participate in that case, so I would just intend to recuse myself from the discussions.

MR. SECRETARY: Let the record show that Mr. Worley is recusing himself on the vote on this case and Mr. Harvey, if you want to just give us a quick recommendation for dismissal and we’ll move on.

MR. HARVEY: Yes, sir. For case 2014, seventy-one we did an investigation and we found no violations and we recommend this case be dismissed by the State Election Board.

MR. SECRETARY: We have a recommendation for dismissal. Any question from the Board members?

(No response)

MR. SECRETARY: Anyone in the audience wish to speak regarding this case?

(No response)

MR. SECRETARY: Hearing none, do we have a motion for dismissal?

MR. SIMPSON: So moved.

MR. MCIVER: Second.

MR. SECRETARY: Mr. Simpson moves for dismissal of case 2014 number seventy-one. Mr. McIver seconds. Any other discussion?
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

SECRETARY KEMP: All oppose same sign.

(Whereupon, there was no response)

MR. SECRETARY: That motion carries. We are now moving on to our letter cases which we go through the same posture. These cases basically have been -- the recommendation for them is a letter of instruction from the Secretary of State’s office addressing the facts and findings per our investigators in these matters.

If any Board members would like to pull one of these cases off we’ll discuss it individually or if anyone in the audience would like to do the same we will do that as well. If not we will have another block vote to issue letters of instruction on the following cases.

Is there anyone on the Board that would like to pull a case off?

MR. WORLEY: Mr. Secretary, I’d like to just have a separate vote on the Douglas County case because again I am going to have to recuse for the same reasons that I made a contribution to.

MR. SECRETARY: Is that 2014, number seventy-two.

MR. WORLEY: Number seventy-two. Yes, that is correct. And also I want to have a separate discussion of the Hart County case.

MR. SECRETARY: That case we will pull off 2014, number sixty as well. Any other Board members wishing to pull a case off?

( No response)

MR. SECRETARY: Anyone in the audience wishing to pull a case off of the letter calendar?

(No response)

MR. SECRETARY: Hearing none I will accept a motion to issue letters on the following cases SEB 2012 one fifty-four, 2012 one eighty-four, 2013 number thirty-four, 2014 number forty-two, 2014 number forty-six, 2015 number eighteen and that will be it. Do we have a motion to accept the recommendation in issuing letters of instruction on the following cases?

MS. SULLIVAN: So moved.

MR. SECRETARY: Ms. Sullivan moves. Do I have a second?
MR. MCIVER: Second.

MR. SECRETARY: Mr. McIver seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign?

(Whereupon, there was no response)

MR. SECRETARY: And that motion is carried.

Now, Mr. Harvey, why don’t you go ahead and present 2014 number sixty which is the Hart County case.

MR. HARVEY: The allegation in this case was that in a May 2014 general primary election that voter’s election paperwork was not properly reported and that there were other issues in Hart County elections.

To give a little bit of a background in Hart County at this time there was a fair amount of contention at higher levels between the people that were in the elections office. There was a probate judge, I believe, that had been replaced or was in the process of being replaced. There was some confusion as to exactly what was going to happen with the election. But specifically with regard in this case there are allegations at two precincts primarily. First was in the Reed Creek precinct. There was a complaint that there was a discrepancy in the card count versus the votes cast and there were absentee ballots that were alleged to have been counted before the 7:00 p.m. time period when the election officials had not properly filed notice with the Secretary of State’s office and publically notified the folks that they were doing that. The other allegation was at the Goldmine precinct but I will get to that in a second but the findings for the Reed Creek investigations were -- I think there were some confusion among the complainant with the difference between the cards counted and the votes cast. We did an examination of the election results and found that although there were some difficulties uploading some of the results to the gem server eventually technical help was sought and the results were uploaded. There was no discrepancy in terms of votes actually being cast. There was a -- when the optical scanners were done L&A testing apparently the election officials did not properly set the date and time, so when the absentee ballots were run through the optical scanner after seven o’clock, which is not allowed by law, they should have timed earlier in the day and the failure there was that they did not properly reset the optical scanners for the Reed Creek precinct so it appeared on record that they were counted at three o’clock in the afternoon. They were not counted at three o’clock but that’s what the record appeared to show.
The allegations at the Goldmine precinct were that not all the proper votes were added. The absentee and in-person votes were not added to the totals and that the precincts reported late voter results. We didn’t find any evidence that there were any type of calculation error or that the votes were not allowed or not counted. Again there was some confusion, I think, between the term cards counted and the votes cast and there isn’t any evidence that they were unduly late in the reporting. Again I think there were some technical issues uploading results to the gem server. Those were all resolved and were accomplished. The violation is potentially with the failure to reset the optical scanner on the absentee ballots and that’s why it is recommended that the Hart County election’s office receive a letter of instruction regarding the complete L&A testing process.

MR. SECRETARY: Any questions for Mr. Harvey from the Board?

MR. WORLEY: I had a question for Mr. Harvey. Based on your report, it seems like there’s some question as to whether the statute deals with setting the time correctly and seems like that is the only potential violation here?

MR. HARVEY: Yes, sir.

MR. WORLEY: But the statute doesn’t say that they have to set the timer?

MR. HARVEY: Yes, that’s why it is a little bit iffy in my mind as to whether or not that would really be a violation. I think the spirit of L&A testing is that the machines are set and ready for the election. The code doesn’t specifically say you must set the date and time to the correct -- which is why I think a letter of instruction would be appropriate as a reminder to be diligent in L&A testing but certainly may not be.

MR. SECRETARY: Any other Board members have a question for Mr. Harvey?

(No response)

MR. SECRETARY: Anyone else wish to speak?

(Response from unidentified speaker)

MR. SECRETARY: If you will come up and grab that microphone. Welcome and if you will just give us your name and address for the record we will be glad to hear from you.

MR. GORDON: Mr. Secretary, I am Walter Gordon. I am the county attorney in Hart County. I appreciate this opportunity. I came because I am requesting a dismissal of this case. We believe this case was filed substantially in bad faith. There was some confusion. The complainant was confused in the way the results were displayed and believed that twenty-one votes were not counted. They were counted. Your investigator found that as well and so did ours. The other allegation, which had to do with the date and time of the optical scanner, that’s really, I would presume, where the recommendation of the letter of instruction stems from. I
looked at that law very thoroughly. I’ve looked very thoroughly at this entire factual situation. Those machines were fully tested by Kennesaw. They were then fully tested for logic and accuracy by our election people shortly before the election just as 21-2-374(b) requires and there is no requirement. This is odd to me, but there is no requirement. That law spells out very specifically how you test for logic and accuracy which is a counting or numerical type of test. Nothing is said about establishing a date and time. Setting the date and time, that maybe is something that the law should address but it is not there and in this particular case not only did it show that the votes were counted at 3:00 p.m., it actually shows that they were counted at 3:00 p.m. on March the 5th, 2010 which would have been quite extraordinary for a May 20th, 2014 election. It was an obvious and very clear error. I know our focus is trying to do the best to work with Kennesaw to resolve that but in my mind a letter of instruction is inappropriate because -- maybe a letter of instruction to all election officials might be appropriate telling us to check the date and time but to single Hart County out would not be a fair treatment. One other thing I would like to say is that we did have some issues, the Probate Judge who is our Elections Superintendent was subsequently arrested and I promise it had nothing to do with this election, by the way, and we had an interim election superintendent for the November election. As of today, as of January 1 of 2015 we have a legislatively created consolidated Board of Elections and Registrations. It is a completely new body and an effective elections process in Hart County.

MR. SECRETARY: You have a new supervisor too, correct?

MR. GORDON: That is correct and Mr. Secretary, I would like to answer any questions that you or the Board may have.

MR. SECRETARY: Well thank you for being here, Mr. Gordon. I appreciate that. Anybody have any questions for Mr. Gordon?

(No response)

MR. SECRETARY: Thank you for being here. Anyone else wishing to speak on this matter?

(Response from unidentified speaker)

MR. SECRETARY: Yes, ma’am, If you will just come up and give us your name and address for the record.

MS. FOCER: Mary Elizabeth Focer.

MR. SECRETARY: Could you spell your last name?

MS. FOCER: It looks like Focer. It’s F-O-C-E-R.

MR. SECRETARY: And what is your address?

MS. FOCER: 151 Woodlake Landing, Hartwell, Georgia.
MR. SECRETARY: Okay. You can go right ahead, ma’am.

MS. FOCER: If you want to narrow it down to about two or three sentences instead of taking half a day we have three ballot cast accounts for Hart County and I could not find any help from anybody in Hart County about how many ballots were cast in that election. The election paperwork has been actually put away. The public is not allowed to see it. I want to know how many people voted that day, the Primary in 2014. We had three results. We had two thousand sixty. You guys had two thousand seventy-three. I counted every cast ballot off every print out of every machine and it totaled twenty-two eighty-one. I have tried since the night of this election to get answers and I was shut down every time. This one threatened to put me in jail (indicating) for looking at election (indiscernible) that I shouldn’t have looked at. I would like for an investigator to find out how many ballots were cast. It is very simple. You—all can shut me down if you—all can provide proof of that.

MR. SECRETARY: Ma’am, let me ask you a quick question, if you don’t mind me interrupting you.

MS. FOCER: Sure.

MR. SECRETARY: Have you made a formal complaint to the Secretary of State’s office about the issues that you’re talking about?

MS. FOCER: I’ve made a formal complaint on this and about half a dozen other things but this is the most striking.

MR. SECRETARY: Okay, if you will just hold on one second. Mr. Harvey, are you aware of a complaint to the State Election Board or our office about the count?

MR. HARVEY: I think that’s one of the bases of this complaint was that the counts didn’t match up and I think the results are public and the records are properly filed in the clerk of the superior court’s office. Our investigation didn’t show any discrepancy in the counts. It was certainly something that she could access through open records with the county and talk to somebody about those results.

MR. SIMPSON: Have you filed an open records request?

MS. FOCER: Yes, sir. I was asked to pay six hundred dollars for them to hand me the records from the election.

MR. SIMPSON: Well you have to follow statute.

MS. FOCER: I would have to pay $600 dollars?

MR. SIMPSON: I don’t know about that but whatever the statute says you have to do to file an open records request that is your remedy to get that information.
**MS. FOCER:** Before this is dismissed, I brought copies of everything. Proof of the allegations I’ve made. I’ve got this much (indicating) in paperwork. If I can talk to an investigator in person before this is dismissed?

**MR. SECRETARY:** Well, the time has passed for us to deal with that unless the Board has a different issue. I don’t think the Board would have a problem to make a motion to accept the documents that you have but that would really be up to the discretion of the Board whether to put this case on hold or move forward today.

**MS. FOCER:** Can I ask you about a second complaint and is the second most striking complaint that was not addressed. The tabulation was done for the mail-in votes or advanced by mail, Reed Creek one card -- something else. Anyhow it was done thirty seconds after midnight without supervision by a representative of the Republican Party or Democratic Party. That is a violation of State law.

**MR. SECRETARY:** Have you made a formal complaint about that issue?

**MS. FOCER:** I did.

**MR. SECRETARY:** Mr. Harvey, do we have that complaint?

**MR. HARVEY:** It is not contained in this investigation. I believe we have gotten other complaints from Ms. Focer since she filed this. I think I’ve spoken to her a couple of times and gotten some emails. I believe that is being addressed in another case.

**MS. FOCER:** So we will come back?

**MR. SECRETARY:** That is correct. One thing about the State Election Board for anyone that has never been here is that we take every single complaint that we get and look into it. So if there is something that is not addressed today Mr. Harvey will be glad to follow up with you or you can follow up with him after this meeting to make sure that we have any complaints that you want us to look into and if we don’t then you can do that at that time and then we will look into that as well.

**MS. FOCER:** And then third the candidate’s husband did the L&A for her election. I have an issue with that. I made a complaint of that. That was never addressed. I would like that to be addressed that the person who sets the machines up for the elections should not be a spouse of the person on the ballot.

**MR. SECRETARY:** Well ma’am just like your other complaint if that is one that we don’t have that you would like to make a complaint on we will be glad to look into that if you would go through the complaint process.

**MR. HARVEY:** What I would like to do, Ms. Focer, if you would is get with one of our investigators in the back and if you have documentation with you we can take it and we can copy
it and see how it matches up with the complaints we already have and if there are other cases that can be applied or if we need to open a new investigation we will certainly do that but please get -- we have two investigators in the corner back there that can talk to you today and get your documentation and we will proceed appropriately.

**MS. FOCER**: Now or later?

**MR. HARVEY**: When you are done addressing the Board. If you go back there and meet with them they can take care of you and get your documentation right now.

**MS. FOCER**: Thank you.

**MR. SECRETARY**: Did you have anything else?

**MS. FOCER**: Oh, no.

**MR. SECRETARY**: Any questions from the Board?

(No response)

**MR. SECRETARY**: Thank you for being here. Mr. McIver.

**MR. MCIVER**: Mr. Harvey, in this particular matter under the heading complaint, it says a complaint was submitted to the Secretary of State’s office of Investigations. Do you know which entity, person or body submitted the complaint?

**MR. HARVEY**: It was Ms. Focer.

**MR. MCIVER**: It was?

**MR. HARVEY**: Yes, sir.

**MR. MCIVER**: It would be helpful to me at least in the future to know who that is.

**MR. HARVEY**: Yes, sir and I’ve spoken with Mr. Secretary. We are going to start adding that to the summary report for easier access.

**MR. SECRETARY**: Anyone else wishing to address the Board or Mr. Gordon, did you want to address any of that or are you good?

**MR. GORDON**: I think I’m good.

**MR. SECRETARY**: Thank you. Alright, Mr. Harvey, anything else?

**MR. HARVEY**: No, sir.

**MR. SECRETARY**: So on the discrepancy in the count that was just discussed, you did not find
any issues with the way the count, the certification was done?

**MR. HARVEY**: We did not. We did not according to this investigation. Like I said, there is some additional documents she has that we didn’t have access to or which she did not provide. We will certainly view those to see if there is something to look at but our investigation looked at all of that stuff and didn’t find any discrepancy.

**MR. SECRETARY**: So do you want us to go ahead and move forward then?

**MR. HARVEY**: I would recommend we move forward and then if there are outstanding issues we definitely can get a subsequent investigation. So I think right now the question is does the date and time counter inaccuracy constitute grounds for a letter of instruction or not. If not then I would say we need to discuss it.

**MR. SECRETARY**: Well, your recommendation -- I mean if it is not in the law do we have grounds to even issue the letter? Do you have an opinion on that?

**MR. HARVEY**: My thought on letters of instruction was that there were some cases were there was some ambiguity in the law where maybe the spirit of the law would suggest something. Rather than a sort of knock down drag out fight over a particular issue, I think, that obviously Hart County has responded. They are aware of this. They have got a new board going. Whether or not the Board issues the letter is probably less consequential than it would have been at the time we did this.

**MR. SECRETARY**: I would like to hear, if anything, of what my colleagues would think because they are attorneys but I tend to agree with Mr. Gordon that I would not only be singling Hart County out on an issue that we need to let all counties know about especially in light of the changes that they’ve made. I think they have certainly done a lot to address some issues that they had there and we certainly appreciate that but I am open to my colleague’s views as well.

**MR. SIMPSON**: Mr. Chairman, I would move that we dismiss this case because I don’t think we can make law. We can interpret the statute if there is a provision in there to determine if there is probable cause to refer the case but if it is not in the statute I don’t think we have any authority to issue a letter of instruction pointing out Hart County. I think that if for information purposes the Secretary of State’s office wants just to write a letter broadly for all the election boards in the State to every county saying this is a problem we have noticed and maybe you ought to check this through and include this in your examination before the election. I think that is appropriate but I do not think that a letter of instruction to Hart County is appropriate, so I move to dismiss the case.

**MR. SECRETARY**: We’ve got a motion to dismiss. Do we have a second?

**MR. WORLEY**: I second that, Mr. Secretary and I would like to make a comment at the appropriate time.
MR. SECRETARY: Sure. Go ahead.

MR. WORLEY: I agree with Judge Simpson. I am trying to be consistent, I think in the past we taken the position that if there is not an actual violation of the code then it is not appropriate to send a letter of instruction in any more than it would be appropriate to send the case on to the Attorney General’s office if there is not a violation of the code and based on what we heard today from Mr. Harvey it doesn’t seem to me that there is a -- based on just reading the code it doesn’t seem like there is a violation, so I would agree that it should be dismissed without a letter.

MR. SECRETARY: Alright, we’ve got a motion and a second. Any other discussion?

MR. MCIVER: Yes, sir.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: I would like to ask the guidance of the law department in this particular instance to see if they can assist with that deliberation.

MR. SECRETARY: Mr. Willard.

MR. WILLARD: What would you like elucidation on?

MR. MCIVER: I’m very much persuaded by Mr. Gordon’s argument and Judge Simpson’s analysis of this matter. Do you have any guidance for us if it is not specifically identified in the statute as to whether or not it is appropriate to issue a letter?

MR. WILLARD: Actually I would say that Judge Simpson’s guidance on that point is probably very apropos in terms of, typically letters of instruction are actual violations of the code that you don’t believe rise to the level that you think sanctions from our office through the Board are appropriate and absent an actual violation of the code I don’t believe a letter of instruction is the proper remedy. I mean a letter of guidance from Chris in his new position tomorrow as election superintendent going out statewide may be an appropriate resolution here but not a letter of instruction to a particular respondent.

MR. MCIVER: Thank you. That is all my questions.

MR. SECRETARY: Alright, any other discussion?

(No response)

MR. SECRETARY: I would imagine we could handle this issue through training. There is probably enough of our fine, hardworking election officials in the room that this order would spread very fast as well. So we have a motion to dismiss and a second. Any other discussion?

(No response)
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign?

(Whereupon, there was no response)

MR. SECRETARY: We have dismissed that. Thank you for being here today Mr. Gordon.

MR. GORDON: Thank you, Mr. Secretary.

MR. SECRETARY: The next case, Mr. Harvey, we are just going to pull this out 2014 number 72.

Mr. Worley.

MR. WORLEY: I just wanted to note for the record that I have recused myself in this case because I made a contribution to the candidates involved (indiscernible).

MR. SECRETARY: Alright let the record show that Mr. Worley has recused himself.

Mr. Harvey, would you like to present a quick recommendation?

MR. HARVEY: Yes, sir. I recommend that -- this case is a classic case of somebody taking a photograph at the DRE and posting it. I recommend that the respondents be given a letter of instruction that is consistent with the Board’s previous practice in a first offense.

MR. SECRETARY: Any questions from Mr. Harvey from the Board?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Is there a motion?

MR. MCIVER: I so move.

MR. SECRETARY: Mr. McIver moves that we accept the recommendation for a letter of instruction on SEB case 2014, number seventy-two. Do we have a second?

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussion?

(No response)
**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign.

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries and we will issue that letter as well.

Alright, Mr. Harvey, we are moving on here to the investigative report. Let the record show that we have continued or we were asked for continuances on case number 2012 number one twenty-four, 2012 number one thirty-five. That may not even be on the agenda but I know we continued those two cases.

What our practice has been on our new cases to try to keep you-all from being here so long in the day is to call the cases that people have actually showed up to be present for in those cases. If we have cases where nobody is here from those counties or no complainants or respondents then we will move those to the foot of the calendar and call the cases where people who have taken the time to come we move those up on the agenda. So what I am going to do is go through a little process here to see if people are here for these cases and I will just call those out. If you will just signify by saying here or present or whatever and we will mark that and if not we will move on.

The first one is a 2008, 107 Franklin County tabulation case? The second is 2012, 108 Fulton County?

**UNIDENTIFIED SPEAKER**: (signifies)

**MR. SECRETARY**: Okay they are here. 2012 number 113, Paulding County?

**UNIDENTIFIED SPEAKER**: (signifies)

**MR. SECRETARY**: Okay, they are here. 2012 number 114, Carroll County?

**UNIDENTIFIED SPEAKER**: Here.

**MR. SECRETARY**: They are here as well. 2012, 117 Cobb County? 2012, 122 another Cobb County. Deceased voter case? 2012, 172 Gwinnett double voting case?

**UNIDENTIFIED SPEAKER**: (signifies)

**MR. SECRETARY**: They are here. 2013 number 21, Cherokee County?

(No audible response)

**MR. SECRETARY**: Anybody here for the Cherokee County case?
MR. SECRETARY: Okay. 2013 number 55 the City of Monroe Walton County?

MR. SECRETARY: 2013 number 56, City of Dahlonega?

MR. SECRETARY: 2013 number 58, City of Lake City?

MR. SECRETARY: 2013 number 65. It is a Fayette County convicted felon case?

MR. SECRETARY: 2013 number 69, a Walton County voter registration case?

MR. SECRETARY: 2014 number 18, Jackson County campaign sign case?

MR. SECRETARY: 2014 number 50, Cherokee County poll problem?

MR. SECRETARY: 2014 number 59, Paulding County, felon?

MR. SECRETARY: I’m sorry I missed you-all. My apologies. 2014 number 85, Gwinnett County?

MR. SECRETARY: They are here again. 2014 number 86. Another Paulding County case?

MR. SECRETARY: 2014 number 87, Polk County?
**MR. SECRETARY:** 2014 number 107 is a Fulton County case?

(No audible response)

**MR. SECRETARY:** Okay. Alright, Mr. Harvey, we have our agenda set here.

SEB case 2008, number 107.

**MR. HARVEY:** Mr. Secretary, first of all I would like to point out that Frances Watson who is our current Atlanta area investigator supervisor will be presenting some of the cases today also so she will have an opportunity to present to the Board.

The first on this Franklin County case I need to correct the case number. It is listed inaccurately on the agenda. It is actually 2012, 000099. So it is a 2012, ninety-nine SEB case.

**MR. SECRETARY:** I was going to ask you later why we had a 2008 case there (laughter).

**MR. HARVEY:** That didn’t ring true to my ears either, so I checked it out. This case involves a candidate filing a complaint about, after the close of the polls the proper rehashing and tapes from the machines were not posted on polling places. There was a sheriff candidate who was running for election who visited the polling places after the close of the polls and found several precincts just did not have -- polling places that did not have the required results and tapes. Eventually the elections office was contacted and Ms. Eubanks went around to two or three of the polling places that did not have the results posted. She posted them later that evening, so they did get posted by the end of the night however they were not posted originally by the poll managers as required and so we’ve got Melanie Sole (phonetic) who is the manager at the Lavonia precinct cited for failure to post the tapes as well as the Elections Superintendent Tess Eubanks (phonetic) although she actually went back and corrected it before. We’ve got them cited for violation of 21-2-440 regarding posting of election results on polling places. We recommend this case be bound over to the Attorney General’s office.

**MR. SECRETARY:** Alright, any questions from the Board for Mr. Harvey?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

**UNIDENTIFIED SPEAKER:** (signifies).

**MR. SECRETARY:** Just to remind you if you will give us your name and address for the record.

**MR. SAMUELS:** Good morning, Mr. Secretary and Members of the Board. Thank you for hearing from us this morning. My name is Bubba Samuels I am the county attorney for Franklin County. I have with me our Elections Supervisor Gina Chappeleaer and my son Jack
Daniels (phonetic), who just graduated from the University of Georgia.

**MR. SECRETARY**: Welcome it is good to have you with us this morning and go Dogs.

**MR. SAMUELS**: Members of the Board, as with many cases the names and faces in Franklin County have changed. Ms. Chappelear has been serving as elections supervisor in Franklin County since the spring of last year. So a little over a year. Ms. Eubanks is no longer employed. Ms. Melanie Sole (phonetic) who was the poll manager at the Lavonia precinct, which is the precinct in question in this complaint, has not been utilized since May of 2014 as poll manager for reasons not solely related to this incident. This is essentially a matter of training of poll workers and Ms. Chappelear can certainly speak or I’ll be happy to represent to the Board that all the poll workers received training in accordance in utilizing the Secretary of State’s poll worker training manual. They have all been provided a copy of it. Copies are also in the precinct notebooks. Training occurs up to and including the day of the election and Ms. Chappelear also has on her personal checklist to make the rounds throughout training and on election day of reminding, during visiting precincts on election day, the poll managers of their responsibilities and to go through the checklist that they have.

The letter inviting us here today only cited a single incident of the failure to immediately post the tabulation sheets. We are only aware of the singleness in that Lavonia precinct and again that has been addressed in our current state with the training procedures and guidance. We view it as an isolated incident that occurred in 2012. Again the complaint was, in fact, made by the unsuccessful candidate for sheriff in that election and we believe that this is an isolated incident that has been addressed through subsequent training, education and our checklist practices we’ve got in place. The offending individuals are no longer employed with Franklin County.

**MR. SECRETARY**: Mr. Samuels hold tight one second Mr. McIver has a question for you.

**MR. MCIVER**: What do you recommend we do?

**MR. SAMUELS**: In light of the fact that the individuals are no longer there and Franklin County has gotten the message loud and clear, at most, I would think a letter of instruction documenting what Franklin County understands as a result of going through this process would be appropriate.

**MR. MCIVER**: Thank you.

**MR. SECRETARY**: Hold tight one second Mr. Samuels. Mr. Harvey, is the only reason they got cited on one is because we have the county on one and then the poll workers and the other citations of…

**MR. HARVEY**: He is correct. There was one precinct. I may have said two precincts in the summary but there was one precinct where they were not posted.

**MR. SECRETARY**: I think he was saying in the letter we only cited him for one violation and there was two.

**MR. HARVEY**: There were multiple respondents on the same violation. So the poll manager, the election superintendent were all cited however it was the one violation. I may have misspoken earlier when I said two or three polling places. There is one polling place.
**MR. SECRETARY**: You know, Mr. Samuels, I’m open to the idea of a letter of instruction. I think you have addressed the training issues, the new personnel. Why we would like to have your son and you come back and visit us we are hoping we won’t see you again and I feel certain that if we were to issue a letter that would be the case, hopefully. With that being said, did any other Board members have any questions for the counsel.

(No response)

**MR. SECRETARY**: Thank you for being here. Did anyone else wish to speak on this matter?

(No response)

**MR. SECRETARY**: Hearing none, is there any other discussion from the Board or do we have a motion?

**MR. MCIVER**: I’d like to address a question to Mr. Harvey.

**MR. SECRETARY**: Mr. McIver.

**MR. MCIVER**: Mr. Harvey, I think I have mentioned this before. It would be very helpful to me if the person standing in your shoes after today’s meeting would reflect the recommendation. At least let us know your thoughts in terms of the perceived violations that you have determined. Not seeing that here and then now I ask that you tell me what you recommendations are.

**MR. HARVEY**: Yes, sir. Originally I thought I had said I recommended binding it over to the AGs office.

**MR. SECRETARY**: I believe you did make that recommendation.

**MR. MCIVER**: Reflect that it if you would in your documents. As I look this over before these meetings it is helpful to me to see the recommendations.

**MR. HARVEY**: Yes, sir. We can work toward that and one of the difficulties is when the reports are prepared by the investigators and they are stored, they don’t contain the recommendations. I can certainly work with my successor and Secretary Kemp to see if we can provide something that will be more helpful to you along those lines.

But specifically in this case, I believe, I mentioned recommending binding over. I think it is certainly not out of the realm of consistency of you dealing with voter cases if the Board would issue a letter of instruction. I don’t think that would be the regular previous practices.

**MR. SECRETARY**: Alright, anyone else from the Board?

(No response)

**MR. SECRETARY**: Do we have a motion?

**MS. SULLIVAN**: I’ll make a motion for reasons stated by Secretary Kemp and additionally the Superintendent corrected that problem when the result tapes and provisional ballot and tab sheets were posted within an hour and a half of the close of the polls. I would move that a letter of instruction be issued.
**MR. SECRETARY:** Ms. Sullivan moves for a letter of instruction and I will second that. Any other discussion?

(No response)

**MR. SECRETARY:** Hearing none, any other discussion?

(No response)

**MR. SECRETARY:** Hearing none, all those in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY:** All opposed same sign.

(Whereupon, there was no response)

**MR. SECRETARY:** And we will issue a letter. Thank you gentlemen for being here today.

Alright, Mr. Harvey, we have 2012, number 108 the Fulton County case.

**MR. HARVEY:** Yes, sir. This case is a case where a non-citizen a Mr. Michael John Ferguson (phonetic) originally registered to vote in 1996 in Fulton County. There are no records that document exactly what happened with that registration. Mr. Ferguson is not a United States citizen. I believe he was a legal resident, so he registered to vote in 1996. He transferred to DeKalb County in 2004 and continued voting. In 2008 he updated his voter registration application in DeKalb County and he indicated on his form that he was not a United States’ citizen. That was missed by DeKalb County when they processed his paperwork. That normally would have triggered somebody to check or challenge him and remove him from the list. That was not done in 2008, so he stayed on the voter list and continued to vote.

We do have documentation from 2008 when he registered to vote in DeKalb County where he indicates he is not a US citizen. In talking with him he has always maintained he has never misled anyone about being a United States citizen. He’s always marked forms properly and they have somehow gotten through and allowed him to register to vote. So based on his voting history we’ve got Mr. Ferguson cited twice for false registration and five times for voting while he was not qualified. We’ve also have the DeKalb County Board of Elections cited for failure to determine proper eligibility to remain on the voter’s list by allowing him to remain registered after he indicated he was not a citizen in 2008 and then continuing to vote in DeKalb County and I do recommend this case be bound over to the Attorney General’s office.

**MR. SECRETARY:** Any questions from the Board for Mr. Harvey?

(No response)

**MR. SECRETARY:** Hearing none, anyone else?

**UNIDENTIFIED SPEAKER:** (Signifies)

**MR. SECRETARY:** (Indicates)
**MR. BRYAN**: Mr. Secretary and Members of the Board, my name is Bennett Bryan, I am an Assistant County attorney for DeKalb County.

**MR. SECRETARY**: Give us your address if you don’t mind Mr. Bryan.

**MR. BRYAN**: It is 1300 Commerce Drive in Decatur, 30030.

**MR. SECRETARY**: Thank you.

**MR. BRYAN**: The county does not dispute the facts that were cited by Mr. Harvey. We know that Mr. Ferguson voted and he should not have. We know that we registered him to vote and we should not have and he stayed on our role and he shouldn’t have. However, since the last time he voted we now have several internal policies in place, training measures and we also have (indiscernible) which will prevent this from happening again.

The first remedial action that we have taken is a very simple but also very effective one is that we actually physically take a highlighter on every single application, highlight the question related to citizenship and then highlight the answer. If the answer is, no, the application is rejected and a letter is sent. If the application is left blank we check with the Department of Driver Services records to verify citizenship status and we also send a letter. Finally we have to enter this information into the election (indiscernible). So that is a very good stop where there is a question on the election (indiscernible) specifically related to citizenship and we have to answer that so that also focuses the county’s attention on that particular issue.

I would like to note that since Mr. Ferguson voted last which was in 2010 these measures have gone into place after that but also before this particular case was brought to our attention and I believe that we have taken simple, effective, remedial measures to prevent this from happening again and therefore we request that the Board -- well, we would like for you to dismiss this case or send a letter.

**MR. SECRETARY**: Any questions from the Board for Mr. Bryan?

(No response)

**MR. SECRETARY**: Thank you for being here this morning. Anyone else wishing to speak on this case?

(No response)

**MR. SECRETARY**: Any other discussion from the Board or do we have a motion?

**MR. SIMPSON**: Mr. Chairman, I don’t want to sound like a broken record but it is my understanding the last time a case with dates like this came up we were told that since this is a felony that the statute of limitation would be four years. Is my recollection correct?

**MR. WILLARD**: For criminal prosecution case.

**MR. SIMPSON**: Right and that is what we will be doing here is referring the case, binding it over for a criminal prosecution. I think the statute of limitation has run on these cases and I don’t think we can proceed on it. I just wanted to bring that up so we could once again think
about that. I know I seem to be overly technical about that because it seems like I’m the one that always brings up the statute of limitations issue but I think that is a serious problem because I think it would be embarrassing for all of us if we bound this case over and a district attorney took it in a courtroom and the judge says you are out of here, you are dismissed, what was the motion worth doing sending us a case where the statute’s run on it. So for that reason I would move to dismiss this case.

**MR. SECRETARY:** Alright Mr. Simpson has moved for dismissal. I had a question for Mr. Willard. So would that be our only recourse would be to bind over for criminal prosecution?

**MR. WILLARD:** You are in an area, Mr. Secretary that has never been addressed by an Appellate court in the State. The trial courts have addressed it. We have always taken the position that the administrative process under the APA including the imposition of sanctions exists separate and apart from a criminal proceeding. In the election context everything in the State Election code that is a violation is a crime. There’s specifically enumerated felonies and then a catchall that says anything that is not specifically made a felony is a misdemeanor. That is where you start to see some cross pollination between the statute of limitations issue and what this Board can do. I will say that there is no reported court case out there that says that this Board cannot bind over a matter outside of that window of time. However, as a case begins to age you are going to see courts begin to take note of the concepts like laches, in terms of the delay in bringing the administrative action, has unfairly prejudiced the rights of the respondent to go forward. In this case I would say that a court would clearly view the transfer of the voter in 2004 as something that should have been dealt with much before 2015. You are starting to get into a grey area in the, I believe it was a 2008 change of address, where I think we could argue that equity should not preclude us bringing an enforcement action against the respondent but there is always the chance that a court is going to say because the General Assembly has made these criminal provisions that the criminal statutes of limitations should apply even in the civil administrative context.

**MR. SECRETARY:** Alright. Mr. McIver.

**MR. MCIVER:** Mr. Secretary, is there anybody in the room that can at least assist me in understanding that DeKalb has met all of its training obligations and is up to date on their certifications and so on?

**MR. SECRETARY:** I would imagine that they have. Do we have anybody that can address that? Ms. Walters probably can.

**MS. DANIELS:** I don’t have the records with me but I can assure you that everybody that is supposed to be certified is certified and passed and made hundreds on all their quizzes (laughter). Good morning, my name is Maxine Daniels. I am the director of registration and elections. My address is 4380 Memorial Drive, Suite 300, Decatur, Georgia. Yes, all of DeKalb County is certified. As director I am certified with the elections certification as well as several certifications from national and also our registrar’s supervisor is also certified as well as our Elections supervisor and many of our staff who have been there longer than me. So yes we are very much so.

We actually took corrective action on this prior to this case being brought to our attention
because we realized that it was an area that could cause problems and so we did institute a procedure of action doing the highlighting in order to prevent this. So since that we are talking 2008, it has been five years -- I’m sorry, it’s been seven years. So we have done many things in five years. We’ve done corrective action. So we feel like we’ve made corrective action, so we asked that you dismiss or a letter.

**MR. MCIVER:** Are you satisfied with the fail-safes described very eloquently by Mr. Bryan are working?

**MS. DANIELS:** Yes, very much so. In addition to what we are doing, in-house systems set up by the Secretary of State is also a fail-safe because the fact that every voter that we put in is now being tested to see if their citizenship verifies with the given information. So in addition to our manual process there is also mechanized process.

**MR. MCIVER:** Thank you, Mr. Secretary.

**MR. SECRETARY:** And I think for the record just a couple of things too. Ms. Daniels is certainly a familiar face at our training meetings with the Registrars and the Elections officials, so I will corroborate exactly what she just said for the record. I will note too that since this case first happened in ’96 when the gentlemen was registered to vote there has also been a verification process that has been pre-cleared by the Justice Department that checks citizenship. There has been a State law that just passed that actually requires that, so we’ve got a lot of different requirements now that are in law, in my opinion, that helps prevent things just like this from happening and certainly the new ENET system which is our new statewide voter registration system that has been implemented now for a little while and was a huge project is also helping with that as well. I just want to make sure that the Board members realize that as well that these processes have changed a lot even since 2007 and 2008 but certainly since 1996.

Did anybody else have any questions for Ms. Daniels or did anyone else wish to speak

(No response)

**MR. SECRETARY:** Thank you-all for being here. So, Mr. Simpson, if I am remembering correctly you had a motion for dismissal but I don’t believe we had a second, is that correct?

**MR. SIMPSON:** That is correct. No second yet.

**MR. SECRETARY:** Do we have a second or anymore discussion?

(No response)

**MR. SECRETARY:** Not hearing a second, I will ask if there is a substitute motion or another motion on the table.

**MR. MCIVER:** I move that in this matter a letter of instruction be prepared and issued to the respondents.

**MR. SECRETARY:** Alright we have a motion for a letter of instruction for DeKalb County and Mr. Ferguson by Mr. McIver. Do we have a second for that?
MR. WORLEY: I'll second.

MR. SECRETARY: Mr. Worley seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)

MR. SECRETARY: All opposed same sign?

BOARD MEMBER: No.

BOARD MEMBER: No.

MR. SECRETARY: That motion fails on a three to two vote. So we need another motion.

MS. SULLIVAN: I move that this case be bound over to the Attorney General’s office as to both respondents.

MR. SECRETARY: Ms. Sullivan makes a motion that we bind over with both respondents. Do we have a second for that?

MR. WORLEY: I’ll second that.

MR. SECRETARY: Mr. Worley seconds that. Do we have any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)

MR. SECRETARY: All those opposed say, no.

BOARD MEMBER: No

MR. SECRETARY: That motion fails. Do we have another motion?

MR. WORLEY: I’ll make a motion that we send a letter of instruction to DeKalb County and that we bind over Mr. Ferguson.

MR. SECRETARY: Mr. Worley has a motion to bind over Mr. Ferguson and send a letter to DeKalb County. Do we have a second?

MR. MCIVER: Second.

MR. SECRETARY: Mr. McIver seconds. Any other discussion? Hearing none, all in favor signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)
MR. SECRETARY: All opposed?

BOARD MEMBER: No.

MR. SECRETARY: That motion carries with Mr. Simpson voting no. Alright thank you-all for being here today from DeKalb County.

Alright, Mr. Harvey we are going to move to 2012 number thirteen, the Paulding County case.

MR. HARVEY: Yes and just for the record it is 2012, 113. This is a similar case as to the case you just heard. Mr. Gotheno (phonetic) is a non US citizen. His grandmother in-law actually found a precinct card that was mailed to him and called the elections office in Paulding County who reported it to us. The history with Mr. Gotheno (phonetic) was that he registered to vote in 2006 through the Department of Driver Services at a time unfortunately when there was not much of a paper trail for voter registration with the Department of Driver Services. We do know that he is not a US citizen and we do know that he is registered to vote while not being a US citizen and that he also has cast ballots while not being a citizen. We have not been able to locate him to track him down to get his side of the story about how this happened and it is recommended that he be bound over to the Attorney General’s office for administrative action.

MR. SECRETARY: Any questions for Mr. Harvey?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak?

(No response)

MR. SECRETARY: Hearing none, do we have a motion?

MS. SULLIVAN: I move that this case be bound over to the Attorney General’s office.

MR. SECRETARY: Alright, Ms. Sullivan moves that we bind over. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Have a second by Mr. Worley. Any other discussion?

MR. SIMPSON: Do we know what the dates are that he voted?

MR. SECRETARY: Mr. Harvey?

MR. SIMPSON: Has he voted -- 2011 since or is it all earlier or more than four years?

MR. HARVEY: Give me one second.
MR. WILLARD: The most recent election was November of 2012.

MR. SECRETARY: We’ve got 2012, Mr. Harvey.

MR. WILLARD: The most recent. We don’t list all of them but we do list the most recent.

MR. SECRETARY: Let the record show that 2012 is the most recent.

MR. HARVEY: That is what the report shows then it is 2012.

MR. SECRETARY: Any other questions?

MR. SIMPSON: Are we going to bind it over just for the 2012 election? Or what elections and how many instances are we proposing to bind it over for?

MR. SECRETARY: Mr. Willard, wouldn’t it be appropriate for us to bind that over and you take the case and then figure out what exactly happened and then work that out with them or do we need to specifically cite each instance?

MR. WILLARD: No, Mr. Secretary, you can make a general bind over. I will -- I think I made note of this to you and Mr. Harvey. Given that Mr. Harvey’s investigators have not been able to locate this respondent this may be coming back before the Board on an inability to serve but a general bind over will be sufficient in this case.

MR. SECRETARY: I will just say for my personal -- I certainly understand that we may not be able to find this individual but I still think it sends the right message to bind it over but that is the Chair’s opinion.

Alright, so we did have a motion to accept and Mr. Worley second. Any other discussion, any other questions?

(No response)

MR. SECRETARY: Hearing none, all in favor of binding over signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)

MR. SECRETARY: All opposed same sign?

BOARD MEMBER: No

MR. SECRETARY: That motion carries with Mr. Simpson voting no. Alright we are on to 2012 number 114 Carroll County case.

MR. HARVEY: Yes, sir. This case involves a school board election in which an incumbent
school board member was re-districted out of the district that she was originally in. After the 2010 census the reapportionment office re-drew [sic] the district lines. She believed she was in district 1 which had been her original district. She qualified in district 1. The county qualified her in district 1. Her husband received absentee ballot once the election commenced and found out that she wasn’t on his ballot. He went to the elections office and they discovered that in fact their address had been moved to district 3. The board had a hearing and disqualified her as a candidate. The candidate went to Superior court and had a judge order reinstatement to the ballot. So we’ve got the county cited for not following the proper procedure in terms of qualifying the candidate in her proper district.

The second violation we’ve got cited is that when the judge ordered the candidate put back on the ballot the county then issued a ballot to her husband in district 1 when he in fact did not live in district 1. They had moved to district 3. It’s a little bit of a technicality there but that’s what we’ve got the board cited for is failure to properly qualify and then issuing a ballot to a voter who does not live in that district.

I believe the candidate and Carroll County are present to speak with the Board.

**MR. SECRETARY:** Mr. Harvey can you just walk me back through the qualifying process real quick?

**MR. HARVEY:** Yes, sir. The candidate was a representative in district 1 and believed she lived in district 1. She had been serving district 1. After the reapportionment when the map was drawn her address was now in district 3 however she believed she still lived in district 1 and she qualified in district 1 and the county allowed her to qualify in district 1. When it was brought to the county’s attention that -- her husband believed he had just gotten the wrong ballot because she was not on it. The county went back and said as a matter of fact you were in district 3, you can’t run in district 1, we are disqualifying you. The judge then said she is back on the ballot. The judge did not change district lines or anything like that but the judge said she remains on the ballot and then the county issued her husband a ballot for that district which technically he did not live in. There were a few other allegations that were made about an unsecured ballot box and people being denied the right to vote. We didn’t find violations in those instances but we did find a violation in failure to properly qualify and then arguably issuing a ballot to her husband when he doesn’t live in that district and this is one that I would recommend be bound over to the Attorney General’s office.

**MR. SECRETARY:** The recommendation to bind over, why is that?

**MR. HARVEY:** I think due to the -- it is not something that is going to happen all the time but reapportionment district lines do get changed but I think it probably has some effect on the election. I think there is some gravity being taken off the ballot and then getting put back on.

**MR. SECRETARY:** Okay, so forget what the judge did, from the county’s perspective they should have known after redistricting that the candidate no longer lived in the district?

**MR. HARVEY:** Yes. When she submitted her paperwork they should have checked and said
you can’t qualify in district 1. You live in district 3.

**MR. SECRETARY:** So that was just a mistake?

**MR. HARVEY:** Correct.

**MR. SECRETARY:** And then everything else that follows was really reactions to the judge’s ruling?

**MR. HARVEY:** Well, the other issue of issuing the ballot to her husband with her on the ballot is--

**MR. SECRETARY:** I could see the logic here from the parties in the county -- I could see the logic in the judge said the candidate remains on the ballot. He was basically saying that she lived in that household and it was alright to stay on the ballot. I could see the county’s perspective both ways. I could see them saying this house isn’t in the district, so even though the judge said she can vote there he can’t but I can also see the logic of, well the judge said that she could vote and she lives there then that should make it alright for the husband to vote. I mean that is obviously not something you see every day.

**MR. HARVEY:** It is certainly not completely illogical if the county would have done that but there were a lot of complaints about people that thought they didn’t get to vote correctly because they didn’t realize that their district lines had been changed also. So a lot of people made basically the same complaint that her husband did that, hey, I got the wrong ballot or I didn’t get to vote for this person not realizing they too had been moved to district 3.

**MR. SECRETARY:** Does any of the Board members have a question for Mr. Harvey?

**MR. WORLEY:** Maybe it is in the report and I missed it but did the judge say that she could vote in her district or only that she had to be on the ballot?

**MR. HARVEY:** The order that I saw it was simply that she be put back on the ballot. It didn’t say anything about voting.

**MR. SECRETARY:** Alright, anyone else wishing to address this and surely there is. Welcome. Good Morning.

**MS. BROOKS:** Good Morning, I am Bernice Brooks and I live 130 Red Branch, Villa Rica, Georgia 30180. I am here to review the findings. I would like to share these observations for your paragraph statement (reading) furthermore White (phonetic) stated that members of the Carroll County Board visited the reapportionment office and confirmed the new redrawn district map in October of 2011 all in attendance, including Dr. Brooks, were shown the new district maps and there were no objections. On that day on review of the new district lines the South district lines of Board member Dr. Bernice Brooks was below 760 Bailey Brooks Road residence. The rational as stated by director Chantell Bell (phonetic) and I quoted you are a sitting elected official, I cannot map you out of your district. She repeated that several times.
When review of the maps were received Dr. Brooks’ house was located by a red dot and that dot was noted as 760 Edge Road, one mile or more due North of her house. I have the map here. Note the difficulty in finding Bailey Brooks Road was due to the name check. The name was formerly Reed Road. The Carroll County Commissioners renamed the road to honor my family for longevity as a resident and because of my accomplishments.

The next finding in the paragraph beginning with (reading) in hind sight Mashburn said she probably should have simply broke the seal and opened the box in public eyesight however Mashburn insisted that she never held ballots in her hand anyway, anytime during the election. Overall Mashburn stated the recount confirmed the original count and no other incidents were reported. I submit that the two witnesses that observed the incident were not contacted for an explanation concerning this matter. Those witnesses are Darden Burtin Calloway (phonetic) and Mark Zachary (phonetic) whose name and phone numbers were provided. I do wish to share with the Board that I will continue to pursue this matter through appropriate channels.

MR. SECRETARY: Mrs. Brooks I assume -- I’m sorry if I didn’t catch this are you Doctor Brooks?

MS. BROOKS: Yes.

MR. SECRETARY: Any questions for Dr. Brooks?

MR. MCIVER: Yes.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Dr. Brooks, what is it you would have us do?

MS. BROOKS: Well, I was disappointed with the fact that there was not any concern as to my address being moved from 760 Bailey Brooks to 760 Edge Road, which is in Douglas County.

MR. MCIVER: I recognize that you are disappointed but what would you like for us to do?

MS. BROOKS: I’d like to see -- my recommendation is that the lines are redrawn according to a census block. The census block where my house was personally located was not done. The line was drawn straight down the power line which is fifty feet from my last home.

MR. SECRETARY: How did your address get changed?

MS. BROOKS: I really don’t know but this map shows that my house is located 760 Edge Road instead of 760 Bailey Brooks Road.

MR. SECRETARY: So it wasn’t necessarily your address changed but it was just the county thought you lived in one place but you actually lived in another, is that what happened?

MS. BROOKS: That’s probably it. I have absolutely no idea.
MR. SECRETARY: Any other questions for Dr. Brooks?

(No response)

MR. SECRETARY: Thank you for being here, ma’am.

MR. BROOKS: Thank you.

MR. SECRETARY: Anyone else wishing to speak?

MR. LEE: My name is Nathan Lee it has been a few years since I’ve been before you. I am the lawyer. I am here today representing Carroll County Board of Elections and in the 2010 reapportionment following the census, I don’t know if any of you had any level of involvement in that but there is really not any expert in reapportionment because it comes around only every 10 years and those that did deal with it pretty much forgot what the process changes. So, I was not involved with the Board of Education on their reapportionment but I understand that it is undisputed that they all including Dr. Brooks went to the State reapportionment office and expressed the intent was for all incumbents to remain in their district, which makes sense. They were shown maps and told that all the incumbents were to remain in their same districts. Now all these maps were produced with computer software and so when that was voted on by the legislature and then sent out to Carroll County to the Board of Elections when you would enter in Dr. Brooks’ name to check residency, however it happened, she was drawn out of her district. I think she lives on forty acres, her house was on three and then three acres were cut out. How that happened is an answer for somebody that knows more about that than I do but that is in fact what happened. The Board of Elections voted to disqualify her not because they didn’t think she should be able to run but they didn’t believe that they had the power to override the legislature and then of course we went to court and we didn’t fight. I told the same story I am telling you here today, we don’t know how this happened. We certainly think she should be able to run for the seat that she held.

The then Elections Supervisor Becky Deats (phonetic), when Dr. Brooks came in to qualify since she was in incumbent she did not check her residency. That was a mistake that should have never happened. We are now two election supervisors removed from Ms. Deats (phonetic). I have Mr. Gregg Rigby here with me today and he told me, you know, I don’t need to be told that. You have to check everybody whether they are incumbent or not. We don’t have a formal policy on that is just how he believes. That is just what he thinks he is supposed to do. We would just submit that a husband and wife live in a house together and a judge orders her that she remain on the ballot we just thought it was common sense that she be allowed to vote for herself as is anybody that resided in that same house with her. Having said that we have no other excuses. That is just what happened.

MR. SECRETARY: Alright, Mr. Lee, welcome back. I’m glad it’s been a while since we’ve seen you. I should ask this question to Dr. Brooks and I’ll let her answer in a minute if she would like to add. So, what was the outcome of the election?
**MR. LEE**: She lost.

**MR. SECRETARY**: She lost. So you didn’t have to deal with the aftermath had she won and then she wouldn’t have been living in her district and then you get the whole question of you can’t serve if you don’t live in your district.

**MR. LEE**: That’s right and that would have been something for the legislature to handle, in my opinion.

**MR. SECRETARY**: Mr. Willard -- if you don’t mind giving us one second, I want to ask Mr. Willard a question. Dr. Brooks mentioned that she couldn’t have been drawn out of her district. That was more of a comment from the policy of the school board and the people that were redrawing the maps I would assume because it’s certainly not illegal for someone to get drawn out of their district, correct?

**MR. WILLARD**: Correct. The local delegation could have told Gina Wright over at Legislative and Congressional Reapportionment, we want all five incumbents drawn into the same district to create four open seats if that had been their inclination.

**MR. SECRETARY**: I’m just trying to make sure that that was not a legal question we need to answer versus one that just was a policy of the School Board. Did any Board Members have a questions for Mr. Lee?

**MR. MCIVER**: I do.

**MR. SECRETARY**: Mr. McIver.

**MR. MCIVER**: Mr. Lee, what would you have us do?

**MR. LEE**: I think a letter of instruction. I mean I have Mr. Rigby here and it is his practice and he was in the Douglas County Board of Elections before this and that has just always been his practice. If we could have a letter of instruction and we could publish it to the office staff which is very small. I mean, Ms. Deats (phonetic) is long gone and not as a result of this. She just retired and actually the board member who was -- there was no finding of wrong doing she’s -- there was a three member board and two of these members are retired as well.

**MR. WORLEY**: Was there any effort made after this happened to redraw the district lines, so that Dr. Brooks would be in her original district?

**MR. LEE**: My understanding and I don’t represent the Board of Education but my understanding is that when she was not re-elected and it was not due to any error in the -- I say error -- mistake in the redrawing that the issue is moved. They were not going to bring it back up in the legislature but that would be a question for the Board of Education.

**MR. SECRETARY**: Alright, any other questions for Mr. Lee?
MR. SECRETARY: Alright, thank you for being here. Did anyone else wish to speak on this matter?

MR. STRICKLAND: My name is Justin Strickland (phonetic). I live on (indiscernible) Georgia. Been working with Dr. Brooks in filing this information and to answer the question was any efforts made following this error that was made, we did petition the local school board for a resolution. They refused to do that. We petitioned the local representative Kevin Cook (phonetic) and Justin Hightower (phonetic). We petitioned both of their offices for a resolution. They refused. So those are the efforts we’re making in order to try and correct this redistricting error.

MR. SECRETARY: Thank you, Mr. Strickland. Any questions for Mr. Strickland?

(No response)

MR. SECRETARY: Dr. Brooks did you have anything else that you wanted to add?

MS. BROOKS: No.

MR. SECRETARY: Thank you for being here. Somebody gave me some wise advise one time when they were talking about redistricting and they said no matter what you think it is a political exercise and people have been before and I’m sure they will be again either multiple candidates are thrown into the district or multiple candidates thrown out. I’m sure you had instances in the past where things that weren’t supposed to happen like drawing an incumbent out of the district by mistake happened that shouldn’t have but I don’t know that there is anything legally and I will stand to be corrected if Mr. Willard will disagree with me but I don’t know if there is anything legally that this Board could do to address that. It seems this is an unfortunate situation for you Dr. Brooks. I can imagine some of the faults that the judge is going through trying to figure out how to deal with this situation. With that being said, if there is no one else wishing to speak the Board needs to take some action. If anybody has a motion I will accept one.

MR. SIMPSON: Mr. Chairman, may I ask a question?

MR. SECRETARY: Mr. Simpson, yes.

MR. SIMPSON: This is one of those -- and I noticed several of these summary reports in our book. This summary does not have the recommendation. We don’t have a recommendation as to what action we should take. It just says that there is a potential violation but it looks like to me this is one of those cases where unfortunately we don’t have the ability to fashion a remedy for Dr. Brooks and it looks like the county board has resolved this matter and is moving forward. So it looks like to me it is one of those things that we are sort of powerless to really do anything significant except to tell the county board through a letter of instruction to make sure this doesn’t happen again. So because of that I would recommend we issue a letter of instruction.
MR. SECRETARY: Is that a motion Mr. Simpson?

MR. SIMPSON: Yes.

MR. SECRETARY: We’ve got a motion from Mr. Simpson. Let me just make one comment from your comments, Judge. I think Mr. Harvey did make a recommendation after he wrapped up to bind over but I think we are also very, very cautious when we’re discussing these cases prepping for these meetings. Some of these cases we quite honestly feel like the Board should just hear and then weigh-in because this Board, as you can see today, is very cordial but doesn’t always agree but we try to reach remedies that are good for the people of this State and for elections and I think this is one of those cases where you could have opinions when you start a case of what may should happen but then when you actually hear from the individuals in the room and hear their testimony then your opinion of what you thought earlier may change or there may be a better recommendation. So I think that is why I am a little cautious sometimes to be too forceful with the recommendation. I think it is helpful for Mr. Harvey to verbally do that but I have a little bit of an angst about putting things in writing like that because that is the job of this Board is to hear these cases, hear from all of the individuals that take their time to come to these meetings and give us their side of the story and then us trying to make a proper recommendation, so I just wanted to allow that for the discussion.

Alright Mr. Simpson has got a motion for a letter of instruction. Is there a second?

MR. MCIVER: Second.

MR. SECRETARY: Got a second by Mr. McIver. Is there any other discussion? Mr. Worley.

MR. WORLEY: I would prefer that we bind this over even though the people who were involved at the time are not there. It seems to me that a lot of the problems that are here arise out of the fact that the Carroll County Board didn’t do its due diligence at the time and given that qualifying a candidate is a very, very significant responsibility and one that should be carried out very carefully I think it just highlights the issue if we bind the case over and so that would be my preference.

MR. SECRETARY: Alright, Mr. Worley has his opinion on the matter but we do have a motion and a second for a letter of instruction. Is there any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor of Mr. Simpson’s motion for a letter of instruction, signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)

MR. SECRETARY: All opposed same sign.

BOARD MEMBER: No
BOARD MEMBER: No.

MR. SECRETARY: Okay, that motion carries three to two. We will issue the letter of instruction. Thank you-all for taking the time to be here today.

Alright Mr. Harvey we are moving to 2012, 117. It is a Cobb County false registration.

MR. HARVEY: This case involves a -- there was an individual who was going around in Cobb County passing out absentee ballot applications. It was originally thought that these were voter registration applications and it ended up being absentee ballot applications. They started coming into the Cobb County Elections office and the elections staff caught some irregularities that caused them to follow up on five of them and what they found was that in three cases individuals had requested absentee ballots for -- in one case, the first case Mr. Mathis (phonetic) had requested an absentee ballot for his wife and was told, hey, just fill out her information and sign it and I’ll send it in for you as he was coming out of a Quick Trip. So he filled out the form and he signed his wife’s signature as if she were requesting an absentee ballot. When Cobb County followed up with her and the signature didn’t match they contacted Ms. Mathis (phonetic) and said hey we’ve got your absentee ballot application and she said what absentee ballot application. When the Mathis’ spoke they figured out what had happened. There were two other individuals who requested absentee ballots and were told that they were in fact voter registration applications. So these people who were non-citizens Mr. Patrick Camathey (phonetic) and Mr. Miguel Martinez (phonetic) submitted an absentee ballot application. They weren’t even registered to vote. They were told that they could do this by this third person. So we’ve got Mr. Mathis (phonetic), Mr. Camathey (phonetic) and Mr. Martinez (phonetic) cited for submitting improper absentee ballot applications. The indication is that they were seriously misled by the person who was doing it, who is subsequently deceased. I would recommend that these three respondents receive letters of instruction from the Board regarding the proper request for an absentee ballot and would also just give a good note of acknowledgement to the Cobb County Voter Registration office for catching some discrepancies and reporting to our office.

MR. SECRETARY: Very good. Any questions for Mr. Harvey?

(No response)

MR. SECRETARY: Anyone wishing to speak on this matter?

(No response)

MR. SECRETARY: I concur with the good work that the Cobb County Registration did in recognizing this. Any other discussion from the Board?

(No response)
**MR. SECRETARY**: We have a recommendation for those three letters of instruction to all three respondents.

**MR. SIMPSON**: So moved.

**MR. SECRETARY**: Alright, Mr. Simpson moves to issue the letters. Do we have a second?

I’ll second. Any other discussion?

**MR. WORLEY**: Mr. Chair, I would like to bind this over to the Attorney General’s office rather than issuing a letter of instruction. It is not at all clear to me that some of them are saying they were misled but it’s not clear to me that they were in fact misled. (Indiscernible) is other testimony that they weren’t misled, so I would bind it over.

**MR. SECRETARY**: Alright Mr. Worley thinks we should bind it over but we do have a motion and a second. Do we have any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, we’ve got a motion to issue letters. All in favor signify by saying, “aye”.

(Whereupon, there were a chorus of ayes)

**MR. SECRETARY**: All opposed same sign?

**BOARD MEMBER**: No

**BOARD MEMBER**: No

**MR. SECRETARY**: That motion carries three to two. So we will issue the letters of instruction.

Alright Mr. Harvey we will move to 2012 number 122 which is another Cobb County, deceased voter case.

**MR. HARVEY**: Another catch by the Cobb County Registration office they received a voter registration application for a Donald Ruben High (phonetic) who had been dead for four years. They reported it to our office. We investigated it and came to -- we got copies of documents and found out that a Donald Jeffrey High (phonetic) his son had submitted paperwork that had very, very similar handwriting to it, living at the same address. We also found out at the time that Mr. High, Jr. was under indicted in Cobb County for multiple counts of identity theft and fraud and we subsequently learned that he has been convicted and is serving a twenty year sentence with ten years to serve on a long list of theft and racketeering and identity theft charges. We do have him cited for violation -- he is going to be in prison for at least ten years. Normally the recommendation is to obviously bind this over to the Attorney General’s office since he is
already serving criminal sentences. I think it may be a double jeopardy issue and usually in those cases the Board does not proceed administratively. So that is my recommendation. Unless there’s some confusion about the double jeopardy issue I would recommend that this case be dismissed because he is serving a criminal sentence already.

**MR. SECRETARY:** Any questions for Mr. Harvey? Mr. Worley.

**MR. WORLEY:** Thank you, Mr. Chairman. Is he serving a sentence for any of the things that are alleged in this complaint?

**MR. HARVEY:** Well, no. That is the distinction I should have made. Not for these specific documents to my knowledge.

**MR. SECRETARY:** Mr. McIver.

**MR. MCIVER:** The opinions of Mr. Willard on this of how he would want us to proceed?

**MR. WILLARD:** I would ask Mr. Harvey and confirming what Mr. Harvey just told you, we are not -- we have no information as to whether or not the fraudulent documents that are in this case formed a part of the identity fraud prosecution that has resulted in the twenty to serve ten sentence. In this case if it is the Board’s inclination to bind it over we will see if we can make a visit to one of our institutions of long term residency and see if he is willing to negotiate a sentence. I can say that I don’t care what an ALJ puts in an order, Corrections will not be delivering Mr. High (phonetic) for an administrative hearing over at OSA anytime in the next ten years. With that, it may be a case the Board just wants to put on the back burner and assuming this gentlemen serves his ten years and then if they want their pound of flesh at that time to bind it over to us. I would prefer not having a case sitting on my file cabinet for ten years waiting for his release from prison to prosecute him at that point.

**MR. MCIVER:** I do have a comment. I am concerned about setting a precedent here. Despite his presumably violation of his other Georgia laws this is a deliberate act based on what I have read in Mr. Harvey’s report and that has got to be dealt with by this Board. I would support binding it over. May be it would represent a problem for Mr. Willard but that’s the reason he makes all that big money down there anyway. But I am concerned that in some way it would appear that we are forgiving this sort of conduct and that should not be done.

**MR. WORLEY:** And I would completely concur with Mr. McIver.

**MR. SIMPSON:** And I agree as well.

**MR. SECRETARY:** Alright, well, we certainly know where to find this gentlemen. Any other discussion?

(No response)

**MR. SECRETARY:** Anyone wishing to speak?
MR. SECRETARY: We did not have a motion yet, did we?

MR. WORLEY: No, but I will make a motion to bind it over to the Attorney General’s office.

MR. SECRETARY: Mr. Worley moves that we bind it over. Mr. McIver seconds. Any other discussion?

(No response)

MR. SECRETARY: Anyone else wishing to speak? Just want to make sure we didn’t miss anybody.

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign?

(Whereupon, there was no response)

MR. SECRETARY: And that motion carries. Mr. Harvey we move to the 2012, 172, the Gwinnett double voter.

MR. HARVEY: This is a case were an individual with the last name Hoey spelled H-O-E-Y was registered to vote in Gwinnett County. In 2012 he filed a change of address in DeKalb County and when he wrote his name it appeared and I think a reasonable reading of it was that his last name is spelled, Huey (phonetic). He didn’t appear to completely close the O in Hoey, so he was registered as Huey (phonetic). When he went to vote he wasn’t found on the voter -- so he wasn’t found, so he voted a provisional ballot as was appropriate. On Election Day he went thinking that maybe they would solve the problem and he would be able to vote more accurately. He went to his assigned precinct where he encountered the same problem not being found at the express poll and was allowed to vote another provisional ballot and when the results came in, Gwinnett County identified him properly as being registered to vote. They counted his proper provisional ballot and they canceled the other one. They initially reported it, Gwinnett County was the complainant, as possible attempt at double voting. It really doesn’t appear as though there was an intent to double vote and I would point out that in the summary report where we have Gwinnett County cited for violation I would recommend that the Board dismiss those citations. We determined that they didn’t do anything improper and that they actually did count the ballot that they should have counted. Some of the paperwork they initially provided led us to believe they didn’t. So we don’t have any violations for Gwinnett County and I would recommend that those be dismissed. As far as Mr. Hoey goes I would recommend that the Board
issue a letter of instruction. He did actually cast two ballots but he cast two provisional ballots and I think his actions were understandable.

**MR. SECRETARY:** Why would we issue a letter if his actions were understandable?

**MR. HARVEY:** I think they were understandable in the sense that as a citizen making sure his vote counted. I think when he signed the oath on the second provisional ballot it says I have not cast another ballot in this election. I think that is technically a false statement, so I think that gives the Board the basis in issuing the letter and the pros to move on this.

**MR. SECRETARY:** So he should have not signed that when he read it and asked somebody saying, I voted one provisional can you-all check if it is good or not?

**MR. HARVEY:** Yes, sir. I think that would have been the proper course if he had shown up and explained the situation and when he got to signing that form said wait a second this isn’t true because I voted -- at that point presumably the election officials would have said look they will deal with your first provisional ballot you don’t need to vote a second one and you really shouldn’t vote a second one.

**MR. SECRETARY:** Any questions for Mr. Harvey?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** We have a recommendation to dismiss Gwinnett and a letter for Mr. Hoey.

**MR. SIMPSON:** Mr. Chairman?

**MR. SECRETARY:** Mr. Simpson.

**MR. SIMPSON:** We have consistently done these illegal voting cases by binding them over. I do not see any reason -- this is the same thing about signing an application saying you are a citizen or saying you are not a felon. So I don’t see any distinction here and it seems to me that the case should be bound over to be consistent.

**MR. SECRETARY:** Mr. Worley.

**MR. WORLEY:** I agree with the Judge and I’m also a little troubled with this concept of a provisional ballot is not really a ballot. I mean it is a ballot and the fact that he voted provisionally once should have put him on notice that he has voted and so I agree, Gwinnett should be dismissed but I would bind over Mr. Hoey.

**MR. SECRETARY:** Any other discussion?
MR. SECRETARY: Did any of you want to make that motion?

MR. SIMPSON: I move that we bind this case over.

MS. SULLIVAN: Second.

MR. SECRETARY: That will deal with Mr. Hoey--

MR. WILLARD: Can we have that reflected on the record, Mr. Secretary?

MR. SECRETARY: I’m sorry?

MR. WILLARD: The motion to bind over was a generic motion to bind over. I would ask that the record reflect what exactly Mr. Simpson--

MR. SECRETARY: That is what I was about to ask.

MR. SIMPSON: Just the charges against Jonathan Hoey (phonetic).

MR. SECRETARY: Alright, we have a motion and a second to bind over Mr. Hoey. Any discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign.

(Whereupon, there was no response)

MR. SECRETARY: And that motion carries. Do we have a motion for Gwinnett. I would move that we dismiss the case against Gwinnett County. Mr. McIver seconds. Any other discussion?

(No response)

MR. SECRETARY: All in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign?
MR. SECRETARY: And that motion carries. Okay, Mr. Harvey are we now moving to 2013 number fifty-five City of Monroe. We are jumping over Cherokee County, right?

MR. HARVEY: Yes, sir. Because there is nobody here for that. This case involved a complaint from a candidate, who is running for city council seat in Monroe that nine people were not allowed to vote or had problems while voting in that election and we investigated that case and interviewed all nine individuals and what we found was with one or two exceptions the people he provided, I believe, five of them actually did cast ballots. Two of them indicated that they did not vote or that they never attempted to vote and then there were two people that had issues. One of the people who cast an absentee ballot was rejected because the name didn’t match the signature and that is actually going to be a subject of another case that you are going to hear in just a little bit. That is going to be Walton County voter registration case. So we will take him out of the play for a moment. The only other individual who wasn’t allowed to vote said that he went to vote and was told he could not vote because he had an expired driver’s license. He left and he was going to come back with his real driver’s license. When we asked him if he could identify the person that told him that he gave a description of a poll worker. The person he described was not consistent with the people who were working at the polls and nobody at the poll had any record of anybody being turned away. They all acknowledged that an expired driver’s license is proper ID and even then a provisional ballot would have been the solution if there was a question about ID. So at the end of the day there was -- the sole issue we found was that a voter registration application appeared to have been filled out improperly. That again is going to be addressed in a subsequent case. We did not find any violation at the elections office and we recommend that this case be dismissed.

MR. SECRETARY: Any questions for Mr. Harvey?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this matter?

MR. FERGUSON: Secretary Kemp, Board Members. My name is Jim Ferguson. My address is 535 St. Ives Walk in Monroe. I am here representing the Walton County Board of Elections. Ms. Gene Fipps (phonetic) the supervisor of elections is here as well. We certainly agree with the investigators recommendations and we respectfully request that you dismiss the case.

MR. SECRETARY: Very good. Well, thank you-all for being here this morning. Any questions for Mr. Ferguson?

(No response)

MR. SECRETARY: Hearing none, you are good to go.

MR. FERGUSON: I appreciate it and it may make sense if you would consider -- Mr. Harvey
mentioned there is a related case and I think Ms. Fipps (phonetic) would certainly like to hear what comes out of that case as well.

**MR. SECRETARY**: Alright anyone wishing to speak on this matter?

(No response)

**MR. SECRETARY**: Hearing none, we have a recommendation to dismiss the City of Monroe in this matter. Do we have a motion?

**MS. SULLIVAN**: So moved.

**MR. SECRETARY**: Ms. Sullivan moves to dismiss. Do we have a second?

**MR. WORLEY**: Second.

**MR. SECRETARY**: Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign.

(Whereupon, there was no response)

**MR. SECRETARY**: And that motion carries and we get a dismiss. I am being told that our lunch will be ready at 12:15, so I am going to keep going. Let the record reflect that Ms. Sullivan needs to step out for a minute. We will call SEB case 2013 number fifty-six, the City of Dahlonega case.

**MR. HARVEY**: This is a case in which three voters were allowed to vote in special election 2013 when they were not residents of the City of Dahlonega. When three voters showed up to vote in the City of Dahlonega election. The election officials contacted the Lumpkin County elections office and had their residency checked. The Lumpkin County Deputy Registrar Linda Williamson (phonetic) mistakenly believed that they were city residents. She did not check the system. She apparently just kind of went on a, that sounds like it is in the city sort of deal, so she approved them to vote and they cast ballots in the Dahlonega election. The voters were not city residents and should not have voted in the election and so I recommend that Ms. Williamson (phonetic) the Deputy Registrar in Lumpkin County be bound over to the AGs office on the listed violations.

**MR. SECRETARY**: Alright, Mr. Harvey, we have the respondents listed as the board and the supervisor as well. The recommendation is just to bind over Ms. Williamson (phonetic)?
MR. HARVEY: That is correct.

MR. SECRETARY: Okay. Any other questions for Mr. Harvey?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter?

MS. PECK: Yes. My name is Ashley Peck (phonetic). I am the Elections Supervisor for Lumpkin County. My address is 79 Grandview (phonetic) Street Dahlonega, GA. We just wanted to say the Board is here with me to represent and we certainly appreciate you taking the time to listen to us and Mr. Harvey’s recommendation on this matter. We did want to let you know that we did correct Ms. Williamson’s (phonetic) actions when this took place. She was retrained once we found the mistakes and she was required to complete the e-learn courses as well as sit down with me and review office policies and procedures the board had in place during this. I appreciate your time.

MR. SECRETARY: It was great for you-all to be here this morning that says a lot and certainly appreciate the work that you do. Is there any questions for Ms. Peck (phonetic)? Mr. McIver.

MR. MCIVER: Is Ms. Williamson (phonetic) still employed?

MS. PECK: She is not. There was some other issues later and she was removed at a later date.

MR. SECRETARY: Any other questions for Ms. Peck?

(No response)

MR. SECRETARY: Thank you-all for taking the time to come down. Did anyone else wish to speak on this matter?

(No response)

MR. SECRETARY: Hearing none, do we have any other discussion or a motion?

MR. MCIVER: I move we bind over Ms. Williamson (phonetic).

MR. SECRETARY: Mr. McIver moves to bind over Ms. Williamson (phonetic). Do we have a second?

MR. SIMPSON: Second.

MR. SECRETARY: Mr. Simpson seconds. Any other discussion?

(No response)
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.  

(Whereupon, the vote was unanimous) 

MR. SECRETARY: All opposed same sign? 

(Whereupon, there was no response) 

MR. SECRETARY: That motion carries and we have bound over Ms. Williamson.  Alright, Mr. Harvey we are skipping down to 2014 number fifty, I believe, the Cherokee County poll problems. 

MR. HARVEY: Ms. Watson will be presenting those cases. 


MS. WATSON: Thank you.  In 2014, fifty, Cherokee County (indiscernible) voting case in this the complaint is a voter in the July 22nd, 2014 primary run-off election in Cherokee County was told she had already voted when in fact she had not and was informed that this type of error was occurring at other locations in Cherokee County.  The voter stated she visited her precinct and immediately was informed by poll officials that records showed that she had already voted in the run-off election.  The voter explained to the officials that she had in fact not voted and requested to be allowed to vote on electronic ballot instead of provisional ballot.  After waiting briefly she was allowed to cast an electronic ballot.  The voter asked the poll officials if any other electors had encountered similar problems and it was advised that yes this similar error occurred at other locations in the county. 

Our investigation showed that Cherokee County Elections Supervisor Kim Stancil (phonetic) confirmed the complaint and further stated that the express poll were problematic in the election.  An error occurred when a list of eligible voters was created by Cherokee County Elections Clerk Jennifer Atkins.  Ms. Atkins did not delete the old voters from the express polls and input the new list of eligible voters.  Instead she attempted to edit the express polls which unsuccessfully marked all the eligible voters as having already voted.  The error was correctly promptly once it was brought to the attention of the Elections Supervisor.  The investigation ruled that there was no evidence to suggest that voters were turned away as a result of the error that had occurred.  The recommendation is to refer to the Attorney General’s office the Cherokee County Board of Election Registrations office and the Elections’ Supervisor Kim Stancil (phonetic), the Elections Clerk Jennifer Atkins for violation of 21-2-224(f) when they failed to properly prepare and complete an official list of eligible electors five days prior to the July 22nd primary run-off election. 

MR. SECRETARY: Any questions for Ms. Watson? 

(No response)
MR. SECRETARY: Anyone else wishing to speak on this matter? Welcome.

MR. ROBIN: Good afternoon, Mr. Secretary and Members of the Board. My name is Ken Robin. I am the attorney from Jarrard and Davis at 105 Pilgrim Village Drive, Cumming, Georgia 30040. I represent Cherokee County Board of Elections and Registration. I have here today Kim Stancil (phonetic) who is the director of Cherokee County elections and to her left, fourth row is Jennifer Aikens who is the assistant director of Cherokee County elections.

To preface this, I really want to state to the Board that this is Cherokee County Board of Elections first rodeo before you as far as any violations are concerned. They have an exemplary record of service in preparing and conducting elections in Cherokee County abiding by your rules and regulations on the State Election Code and I think that is important to note. I also want to note that Ms. Aikens is a human being and she admittedly made a mistake here. I do want to go into some slight clarifications and corrections as far as some statement of facts by the investigator here today. First of all, there was a statement that Ms. Aikens tried to edit the express polls which was unsuccessful. It almost implies that she nefariously or she was doing something inappropriate as far as going into the system and editing the change of the eligible list of voters. That’s not exactly what happened here and also it was stated in the investigation’s summary, not all eligible voters with the county being marked as having voted for that July 2014 run-off although they’ve not actually voted. That is simply incorrect. What happened here was Ms. Aikens was downloading and saving the absentee poll update for the July 2014 run-off election to the (indiscernible). Where the prior elections made both update (indiscernible) and what happened is, there was this one case she didn’t first remove that prior (indiscernible) update and for whatever reason the previous file didn’t get overwritten as a result of that all absentee voters from May 2014 election were logged in the express poll tab had voted. So just to clarify it didn’t result in all eligible voters being reported as having voted. It worked (indiscernible) fifty-one hundred plus the absentee voting in the May 2014 election out of a total of one-hundred and forty-six thousand eligible (indiscernible) counties having been marked as already voted.

What I want to focus on for the Board today is the steps that were taken once this error was found out. It was reported to the elections staff main office at approximately 6:25 a.m. on election day which was more than half an hour before the polls opened. Once this occurred election staff including Ms. Aikens took swift action to make sure that there was no disenfranchising of voters turned away and that there was no adverse impact on the voters as a result of this unfortunate mistake. What happened was the elections office immediately communicated to all poll managers at all precincts of what had occurred and instructed them that if a voter arrives that was on the list marked as having already voted absentee then to contact the elections office immediately, so they could verify whether that voter in fact had already voted or whether they were part of being on this list unfortunately by mistake. They were also instructed on how to unmark these voters who erroneously indicated as having been voted and they were also told that voters who did not want to wait around, they had to go to work in the morning, to have them fill out and vote by provisional ballot while all this cleared up as to whether or not they were actually eligible to vote or whether they have in fact already voted in the July run-off election. Also while that was taking place elections’ staff and again including Ms. Aikens looked at the list and merged the list of the voters who voted absentee in July along with the list of voters who voted absentee in the prior election and they compiled a list of the voters who
were erroneously marked as having already voted. So they created this corrected, hard copy list showing who was erroneously marked as having already voted and a team of elections staff physically went to each polling place delivered that list and this was delivered approximately 10:00 a.m. on election day. So this was approximately a three-hour period from 7:00 a.m. to 10:00 a.m. election staff was on top of correcting this unfortunate mistake through this verification process and got communication with all the poll managers and poll places as far as verifying that there was no disenfranchising or voters being turned away who actually were entitled to vote. Then from 10:00 a.m. going forward everybody at the polling places had a list showing definitively who was erroneously blocked as having already voted and I think that is crucial to note. Ultimately there was no evidence of anyone being turned away. The voters actually didn’t get a chance to learn -- and that’s noted in the summary too that the complainant actually voted. I think that is crucial to note.

I respectively ask that the Board act to dismiss this case and close out this case. What happened here is an unfortunate human error. This is a onetime occurrence. Ms. Aikens has worked for the elections office for seventeen years and but for this one speck in time she’s had an unblemished record and this is just a bad moment. She made a mistake as all humans do and she has not made the same mistake since then. She has not made this mistake prior. Her practice has always been to read the prior absentee vote list before she saves and inserts the new one. There has been extensive training and obviously based on this complaint, since then by Ms. Stancil and by Ms. Aikens herself as far as being sure to follow that procedure deleting and removing that prior absentee voter list before the new one is saved (indiscernible), so this does not happen again in the future. I think that is why even a letter of instruction here quite frankly would be redundant. Ms. Aikens is here today already embarrassed for making this mistake. She has already given herself plenty of grief over it and once the mistake was noted the board of elections acted swiftly and definitively correcting and it resulted in no voters being adversely affected. Based on that I respectively ask that this case be dismissed and closed out. If the Board is not inclined to do that then I would suggest that, at most, a letter of instruction would be the appropriate matter. Thank you for your time.

**MR. SECRETARY**: Thank you, Mr. Robin. Any other questions for counsel? Mr. McIver.

**MR. McIVER**: Just to clarify for me, no voters were affected at all?

**MR. ROBIN**: That is correct.

**MR. McIVER**: The folks that showed up and said I’ve got to go to work they all came back?

**MR. ROBIN**: Well, there is no evidence that anyone said they had to go to work and left because of any verification process.

**MR. McIVER**: No voters were not turned away? Which is the wrong word to use here but they attempted to vote, they were frustrated and some left?

**MR. ROBIN**: I have no information that that took place. None of the investigators mentioned that (indiscernible) as well and as far as the provisional ballot option that was available to these
folks that didn’t want to wait around. My understanding is that all those folks who were told about that option didn’t want to wait around did wait around and did not vote provisional. They made sure the verification took place and it did take place and voted and they were allowed to vote.

**MR. SECRETARY:** Mr. Robin, if you would use your microphone. I think Mr. McIver had one more question.

**MR. MCIVER:** Is there any significance why Ms. Beringer did not give a statement in this investigation. We are looking at the notes of the interviewer as opposed to a statement. Should we attach any significance to that?

**MR. ROBIN:** I think that is significant to note. I think that’s significant in failure of Cherokee County. It shows that Ms. Beringer felt that she was truly disenfranchised and was wronged in not being allowed to vote. If she would have made a statement she might have been here today to support the complaint. I think it is just further demonstration that the Board of Elections took swift action and appropriately handled this unfortunate mistake once it was caught and the voter was ultimately not affected.

**MR. SECRETARY:** Mr. Worley -- I’m sorry are you done, Mr. McIver?

**MR. MCIVER:** Yes, sir. I wanted to complement the counsel on his client. You are strangers to this Board and that is something to be proud of.

**MR. ROBIN:** Thank you, sir.

**MR. SECRETARY:** Mr. Worley.

**MR. WORLEY:** Could you tell us at what point in the day the poll managers throughout the county were informed that this was a problem and that they should be told that they could vote a provisional ballot?

**MR. ROBIN:** The elections main office was notified after 6:25 a.m. So it would have been at that period between 6:25 a.m. and opening of the polls.

**MR. WORLEY:** It was actually before the opening of the polls that word went out?

**MR. ROBIN:** Yes, I can’t definitively tell you that word went out to everybody before 7:00 a.m. but the process of informing everybody was right at that time before everybody was notified.

**MR. WORLEY:** Thank you.

**MR. SECRETARY:** Mr. Robin, if you will hold tight. Mr. Simpson, did you have anything?

**MR. SIMPSON:** No, but as far as we know no one was prevented from voting. I mean Ms. Beringer voted and you didn’t have any complaints from any other people or any reports of
complaints from any other people, is that correct?

**MR. ROBIN:** That’s correct.

**MR. SECRETARY:** I just had one thing I wanted to ask Ms. Watson and then you may want to ask that questions. Mr. Watson, can you explain to me again do we have one voter that voted twice?

**MS. WATSON:** No.

**MR. SECRETARY:** What was it when you were telling us -- I thought we were saying that there was one person that maybe voted early and then came in and voted on the machine again?

**MS. WATSON:** She was offered a provisional but she said that she was told that she had already voted and she said no I haven’t already voted and requested to be allowed to use an electronic machine and she was allowed to use it. She only voted once. She was offered the provisional and she said I haven’t already voted I want to vote--

**MR. SECRETARY:** Okay, they were saying that they thought she had already voted.

**MS. WATSON:** Right. That’s what we’re showing on the express poll--

**MR. SECRETARY:** Okay, I misunderstood. Very good. That clears that up. I don’t think I have any more questions. Anybody else have anything for Mr. Robin?

(No response)

**MR. SECRETARY:** Alright, thanks for being here. Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** Hearing none, do we have a recommendation or any other discussion?

**MR. WORLEY:** I’d like to make a motion.

**MR. SECRETARY:** Mr. Worley.

**MR. WORLEY:** Given Cherokee County’s prior record of actions and how they administer their elections and the fact that I really think they made an incredible effort on election day to make sure that this would not be a problem out in the precincts and they are very clear about what’s been done and I think it would be most appropriate to dismiss the case.

**MR. SECRETARY:** Alright Mr. Worley moves to dismiss. Do we have a second or any other discussion?
MR. SIMPSON: I’ll second.

MR. SECRETARY: Alright, Mr. Simpson seconds. I will certainly agree about Cherokee County and the great job that they have done. I think they handled this about as best as you can. I am a little troubled by dismissing this. I personally think a letter might be more appropriate just because I believe there was a violation that happened. With that being said, even errors happen in elections. It happens at the County level, it happens at Secretary of State’s office and I think Cherokee County handled this about as good as you can. They owned it and as soon as it happened -- I’ve had to do that before and say, hey, this is our mistake. The buck stops here and this is what we are going to do to fix this. I certainly appreciate that. With that being said, I do think it would be more appropriate to do a letter just for the record that there was a violation but I hope that the county knows that I appreciate all that they do in my view here and certainly appreciate the way that they reacted. With that being said, we do have a motion and a second.

Mr. McIver.

MR. MCIVER: Whatever the Judge stands for in terms of the statutes of limitations I truly would like to stand for setting a precedent and I am very troubled here about a dismissal. There was a human failure here and albeit persuasively argued by counsel because we all make mistakes. This should have been caught by the supervisors in my judgment and it was not and that is the sort of thing that we deal with every day. So I support a letter of instruction certainly over that of any form of dismissal largely because of the precedent that will be set. Supervision should have been used here in a greater degree than it was and that was not the case. This was a failure (indiscernible) and that is what we are really charged to deal with. All of us -- the five of us on this Board have taken an oath to do this. My view of this is just a letter of instruction and I intend to vote against the motion.

MR. SECRETARY: Is there any other discussion?

(No response)

MR. SECRETARY: Alright with that being said, we have a motion and a second to dismiss. All in favor signify by saying, “aye”.

BOARDMEMBER: Aye.

MR. SECRETARY: All opposed same sign?

BOARD MEMBER: Nay.

BOARD MEMBER: Nay.

BOARD MEMBER: Nay

MR. SECRETARY: Mr. Worley’s motion failed. Do we have another motion?
**MR. MCIVER:** I move that this matter be handled by a letter of instruction.

**MR. SECRETARY:** I will second that. Any other discussion? I think certainly before we vote I would like to just say again I think regardless of our little bits of disagreement here I don’t think that there is any doubt that this Board appreciates the work that Cherokee County has been doing past and present but there are precedent issues that we have to deal with here and I certainly understand Mr. Worley’s position and Mr. Simpson’s on the first motion and I don’t speak for them but I will assume that they understand where Mr. McIver and I are coming from and certainly hope that the county sees that as well.

Is there anyone else that would like to comment?

(No response)

**MR. SECRETARY:** Alright we have a motion and a second for a letter of instruction. All those in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY:** All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY:** That motion carries and thank you-all for being here today. We will break for lunch and come back at 1:20. Mr. Willard, do we need to discuss anything in the Executive session or are we just going to go ahead and break for lunch?

**MR. WILLARD:** No, Mr. Secretary, nothing to discuss.

**MR. SECRETARY:** Alright, well, we will break for lunch and we will see you-all back here at 1:20. Thank you.

(At 12:20 p.m. a recess was taken, after which the following proceedings were had at 1:20 p.m.)

**MR. SECRETARY:** Let me go ahead and call our July 15th State Election Board meeting back to order from our lunch break. Before we get started back on our calendar I just wanted to note, I should have done this this morning but this is also Mr. Russ Willard’s “swan song” with the State Election Board today. He said he is going to spend the next ten years waiting for that fellow to get out of prison (laughter).

No, Mr. Willard has been promoted within the Attorney General’s office. As you know that Stefan Ritter has left to go be over the Ethics Commission, so Mr. Willard has gotten a promotion. We want to thank him for his service to the State Election Board and wish him the best in the future and just appreciate you working with us and I know we still have a little bit of unfinished business for the rest of the day and a couple of other matters, so we look forward to putting that to bed but we appreciate you working with us on the Board, sir.
MR. WILLARD: Thank you, sir.

MR. SECRETARY: Okay, Ms. Watson you leading us off after lunch?

MS. WATSON: I think.

MR. SECRETARY: Let’s see, I’ve got that we got 2014 number fifty-nine. It is a Paulding County felon case?

MS. WATSON: Yes, that’s correct. The complaint is Bobby Shane Duff (phonetic) a convicted felon under sentence registered to vote in Paulding County. Certified copies of the felony conviction were obtained and verified that Mr. Duff was in fact a convicted felon under sentence at the time of the voter registration application. Mr. Duff was contacted and verified that he did complete the voter registration application and stated that he was not aware that he was not allowed to do so. The recommendation is to refer to the Attorney General’s office Brian Shane Duff for violation of 21-2-561.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: What was the recommendation again, Ms. Watson?

MS. WATSON: Refer to the Attorney General’s office for violation of 21-2-561.

MR. SECRETARY: Any other questions? Anyone else wishing to speak on the Paulding County 2014, number fifty-nine case?

(No response)

MR. SECRETARY: Hearing none, do we have a motion or any discussion?

MR. WORLEY: I make a motion to bind over this case to the Attorney General’s office.

MR. MCIVER: Second.

MR. SECRETARY: Mr. Worley moves to bind over. Mr. McIver seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

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MR. SECRETARY: All opposed same sign?

(Whereupon, there was no response)

MR. SECRETARY: That motion carries. The next case 2014, number eighty-five, Gwinnett County voter registration application.

MS. WATSON: In this case more than one hundred completed voter registration applications were turned in late to Gwinnett County on October 28th, 2014. Over twenty days after the October 6th, 2014 deadline. The investigation found that Corey Fisher (phonetic) had coordinated a voter registration drive on behalf of her sorority. This group of applications came into Ms. Fisher’s possession around September 27th, 2014. They were inadvertently left in her vehicle and once she found them -- once she discovered them in her vehicle she gave them to her fiancée to transmit to Gwinnett County and the recommendation is for her, the respondent Corey Fisher, to bind over to the AGs office for violation of 21-2-224 for failure to transmit the completed voter registration applications to the designated registrar’s office in a timely manner.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this case?

(No response)

MR. SECRETARY: I will just note for the record that this is a classic example of a good reason to use the online voter registration system. Certainly we have many ways to register to vote and it is certainly proper to do it by paper application but you can alleviate the problem of somebody not turning the forms in if you are doing the registration drives online for those citizens that want to register to vote that have a driver’s license or state issued I.D. So we are certainly promoting that. I know the counties are as well and I think anything we all can do to let our citizens know about that option. There is a free mobile app that you can download by searching www.gavottes.com We would appreciate you-all continuing to spread the word about that. It is a great and easy way for people to register to vote.

That being said, any other discussion or a motion?

MR. MCIVER: I have a question.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Ms. Watson, it appears from your narrative, presumably you are the author of this report, that Ms. Fisher eventually, furnished the investigator. Was she less than cooperative?
**MS. WATSON:** I do not believe that she was less than cooperative. I mean she responded but she was not less than cooperative with our investigation.

**MR. MCIVER:** No other questions.

**MR. SECRETARY:** Anyone else?

(No response)

**MR. SECRETARY:** Do we have a motion?

**MR. SIMPSON:** I move to bind the case over.

**MR. WORLEY:** Second.

**MR. SECRETARY:** Mr. Simpson moves to bind over. Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY:** Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY:** All opposed same sign.

(Whereupon, there was no response)

**MR. SECRETARY:** That motion carries. The next case, Mr. Watson, 2014 number eighty-six is a Paulding County voter registration application case.

**MS. WATSON:** Paulding County reported that a person possibly attempted to register to vote with possible false identification. On October 31st, 2014, during early voting for the November 4, 2014 General Election, Robertson Zenzy Butler (phonetic) went to a precinct in Hiram, Georgia in Paulding County. He completed his voter registration application as he had moved from Douglas County into Paulding County. He completed his voter registration application as he had moved from Douglas County into Paulding County. He requested a ballot but refused to provide any identification to certify that he was a United States citizen. Mr. Butler was refused a ballot by Paulding County and ultimately rejected the voter registration application and they verbally explained to Mr. Butler why the application was being denied.

On November the 4th Mr. Butler went to his assigned precinct in Douglas County and provided the acceptable photo ID and was allowed to cast a ballot. The recommendation is to refer this case to the Attorney General’s office for a violation of 21-2-562(a)(1) when he entered fraudulent information for his address on November 4th, 2014 and failed to submit a voter registration change of address form when he voted in Douglas County as he no longer resided in
Douglas County.

**MR. SECRETARY:** Okay, any questions for Ms. Watson?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

**MR. WILLARD:** Mr. Secretary, if I may?

**MR. SECRETARY:** Yes, Mr. Willard.

**MR. WILLARD:** He was properly registered to vote and eligible to vote, correct?

**MS. WATSON:** He was registered to vote in Douglas County.

**MR. WILLARD:** And he did end up voting in Douglas County?

**MS. WATSON:** He did.

**MR. WILLARD:** Alright.

**MS. WATSON:** He had moved to Paulding County and went to try to vote in Paulding County but refused to provide his citizenship status or to provide photo ID.

**MR. SIMPSON:** But you determined he was not a citizen?

**MS. WATSON:** He is a citizen. He just would not provide any corroboration to that to Paulding County when he was trying to register in Paulding County as a new voter in Paulding County but he was already registered in Douglas County but had moved to Paulding County.

**MR. SIMPSON:** What is the problem?

**MR. SECRETARY:** I guess the question is what did he violate?

**MS. WATSON:** He was entering his home address that he was still a resident of Douglas County when in fact he was not.

**MR. SECRETARY:** So basically like a false swearing?

**MS. WATSON:** Yes.

**MR. SIMPSON:** Well, did he affirmatively say that or did he just not give the new address form?

**MS. WATSON:** He just did not complete a new address form. He just went in like he was still a
resident of Douglas County and proceeded to vote as he would normally if he still resided in Douglas County.

**MS. SULLIVAN:** It appears that our documentation says that he entered an old address on the voter certificate and that would be a sworn statement, is that where the problem is?

**MR. WATSON:** Yes.

**MR. SIMPSON:** He did fill out a form?

**MS. WATSON:** Yes.

**MR. SIMPSON:** Okay.

**MR. SECRETARY:** Do we have anyone else wishing to speak?

**MS. HOLDEN:** Deidra Holden, Elections Supervisor, Paulding County, 240 Constitution Boulevard, Dallas, Georgia. I wanted to provide some verification. When he came in to the precinct, he completed a voter certificate and we realized that he was not registered to vote. He was then offered a voter registration application so he could transfer. He would not check that he was a citizen because he provided the card stating that he was a Moorish National and that he did not abide by the laws of the State of Georgia or these United States.

**MR. SECRETARY:** A Sovereign Citizen.

**MS. HOLDEN:** Sovereign Citizen. So, when he refused to check that on his application our manager said, I’m sorry we can’t accept this because on the application it says do not complete any further and I believed you checked, no, on one of these answers. So she took a picture. I asked them to take a picture of his ID and send it to me and it is very clear that he is not a citizen. What bothers me is he had an ID. He would not provide it but he goes to Douglas County on election day and provides them with a military ID which is perfectly acceptable. So we are seeing this more and more with the Moorish Nationals and the Sovereign Citizens and it may be something that the State wants to address because we are seeing it so much. They want to abide by the rules that they want to abide by and not abide by all of the laws that apply to them. So, I just want to be clear that you should have a picture of what was sent to the investigator of his identification.

**MR. SECRETARY:** So when he signed that voter certificate then he did false swear, correct?

**MS. HOLDEN:** Yes.

**MR. SECRETARY:** He filled it out completely and then signed it?

**MS. HOLDEN:** Yes and he also put the address he was living in as Paulding when he told the poll manager that he had moved six months ago into Paulding from Douglas and that Douglas allowed him to vote, which I don’t think that should have happened either because the law is
very clear that in thirty days you should change your registration but they did allow him to vote, which they probably would not have known. He had a good address. He had a military ID and so they allowed it.

**MR. SECRETARY**: Any questions for Ms. Holden?

(No response)

**MR. SECRETARY**: Thank you for clearing that up. Anyone else wishing to speak?

(No response)

**MR. SECRETARY**: Mr. Simpson, did you have a motion?

**MR. SIMPSON**: Yes. I move we bind the case over.

**MR. SECRETARY**: Do we have a second?

**MR. WORLEY**: Second.

**MR. SECRETARY**: Mr. Simpson moves to bind over. Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries. So was that case number 2014, eighty-six, that we just did?

**MS. SIMPSON**: Alright, we are moving on. Ms. Watson, 2014, 107. It is a Fulton County issue.

**MS. WATSON**: Yes, sir, and I believe the case number is incorrect. It should be 2014, 104.

**MR. SECRETARY**: Alright, let the record show we are on 2014, 104.

**MS. WATSON**: In this particular case on November 4th, 2014 an elector alleged that the wheelchair lift at the Hope hill elementary school was inoperable and its exit poll blocked by a table resulting in a voter in a wheelchair having to be carried up the steps into the poll by poll
workers. The investigation revealed that the wheelchair lift needed a key to make the lift operable. The key had not been located prior to the 7:00 a.m. opening of the poll. A voter in a wheelchair was waiting when the polls opened and the voter was assisted by other voters to gain access to the polls. The key was located prior to the voter exiting the poll and the lift was able to be utilized.

The recommendation in this case is to refer to the Attorney General’s office Fulton County Board of Elections and Registration, Bridget Hope (phonetic) the poll manager, Paul Thomas the assistant poll manager for violation of 21-2-265 for failure to provide handicap persons suitable and appropriate access to a poll location for voting and Board of Election Rule 183-1-6.04 for failure to provide a handicap person a continuous unobstructed access to the poll location for voting.

MR. WILLARD: Mr. Secretary?

MR. SECRETARY: Mr. Willard.

MR. WILLARD: So since our initial meeting your office’s recommendation on this case has changed? My understanding in talking with Mr. Harvey was this was going to be a recommendation for a LOI, Fulton County?

MR. SECRETARY: Mr. Harvey, do you recall any of that discussion?

MR. HARVEY: I recall us talking about and pointing out the key was obtained by the time the voter was ready to leave. So I thought it was one that may be was suitable for an LOI but that is always, of course, up to the Board’s discretion.

MR. SECRETARY: Well, we will just see what the everybody has to say and go from there. Any questions for Ms. Watson?

MR. STEWART: Good afternoon, Mr. Secretary and distinguished panel. My name is Denval Stewart (phonetic) and I work for Fulton County. I represent the Fulton County Board of Registration and Elections. Here today with me is the Elections Chief Mr. Dwight Brown who can speak more on this matter. It is our request that this complaint be dismissed because the BRE did not intentionally or willfully violate both the applicable State law or your promulgated rules which is 183-1-6.04 for not having an unobstructed path connecting the parking area to the voting facility. If I may with your allowance I do have some pictures that I would like to present.

MR. SECRETARY: Do we have a motion to accept the documents?

MR. STEWART: Yes, please. I just have one set.

MR. SECRETARY: We have a motion and a second. All in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)
MR. SECRETARY: All opposed same sign.

(Whereupon, there was no response)

MR. SECRETARY: We have moved to accept the documents.

MR. STEWART: Thank you. (Presenting). These pictures are not (indiscernible) to represent the way the voting facility looked on the day of November the 4th, 2014 since they were taken after. I’m offering these to show you that the path starting with the first pictures showing that the area was properly marked as required by the State law and your notice requirements with the international handicap symbol and that if you were to peruse through the pictures you would see that -- let me step back. This facility is Hope hill elementary school and what we have here is that this is the only path into that voting facility for the disabled or I like to say the differently-abled and you will see here that if you peruse through these pictures there is a permanent lift that is available there for disabled children to access the library and it just so happens that on the morning of voting the polls opened at 7:00 however the librarian who was a new individual did not arrive until 7:30 which was when the school opened and she had the key. As soon as she arrived at 7:30 we had the key. Unfortunately for the BRE the gentlemen had arrived early and was assisted by several members up these three flights of stairs before a polling official could come over and let the individual know that there was a key available for assistance. So it is our position that if you look at the code section which required that it be unobstructed there is -- the facility is operable. The fact that it requires a key would not make it inoperable. It’s just a matter of timing.

The other thing we would like to point out is that the assistant poll manager Mr. Thomas he was unable to attend today because he had a prior medical appointment that he could not make it but he did provide me with an affidavit which I would like to present if permitted. May I?

MR. SECRETARY: Yes, we have already moved to accept the documents.

MR. STEWART: (Presenting)

MR. SECRETARY: We will give that back to you.

MR. STEWART: The purpose of the affidavit is simply to show that on the morning in question that it was his observation that the only thing that was missing was the fact there was a delay in obtaining the key from the new librarian. That there was no table or furniture or anything that was blocking access to the elevator lift.

MR SECRETARY: So you are claiming that there was not a table blocking the exit?

MR. STEWART: No, sir, because at this time the school was still in operation and so when open, children would still have to access that facility, so there would be no need for a table and if there was which obviously I wouldn’t have any pictures of that I can only go with the sworn affidavit that that is something that probably would have been moved without a delay once the
polling officials noticed that there was a disabled person who needed to require to utilize the lift and as pointed out in the complaint as soon as the gentlemen was able to vote it took him approximately fifteen minutes by the time he completed voting around 7:45 that he was available and he was assisted out of the building through the lift elevator. I do want to say this, I recall at one point representing Fulton County in a lawsuit in which someone was suing the county for, let’s just say, approximately a million dollars and it was against the county and it was against the official and so it was a jury trial and at the conclusion of the trial the jury found no liability for the county but they turned around and they found liability against the officials for five hundred dollars. So when polling the jury, we asked them why did you believe that the officials did nothing wrong did you impose a five hundred dollar penalty and their response was even though that official didn’t do anything wrong we thought that the -- the jury said they felt like the individual alleged victim was owed an apology and we recognize in this case that in order to preserve a person’s dignity and especially a handicap persons’ dignity they would not want to be lifted like that. So we do offer a public apology to the individual, who I might point out was not the person who filed the complaint, who was an observer. We also want to point out that the problem with the key because we want to avoid the situation where polls open at 7:00 and the school doesn’t open until 7:30 but now going forward we’ve made arrangements for the key to be left with the polling official overnight to make sure that we have access.

I guess my argument is from a technical point to show that pursuant to the letter of the law that you could find that there was an obstructed path that that was not the case and as such we would request that this matter be dismissed.

**MR. SECRETARY:** Any questions for Mr. Stewart?

(No response)

**MR. SECRETARY:** Thank you-all for being here this morning. Well, let me ask you one thing. I want to ask Ms. Watson this too. So it is my understanding that when this happened somebody was going to get the key and while they were gone to get the key some other voters lifted the person and got them on in the precinct before they could actually come back with the key, is that correct?

**MR. STEWART:** No, I would not want to state that. Apparently the individual, the librarian had not arrived yet because it was prior to 7:30 and so they were on their way into the facility and it just so happened that before -- well, actually the polling person saw the disabled individual. He had requested assistance from other voters and they lifted him up and by the time we saw him we are like -- they went and got the key, found the librarian and was able to assist him out of there.

**MR. SECRETARY:** And then he used it on the way out?

**MR. STEWART:** Yes.

**MR. SECRETARY:** But you-all’s side of the story -- your testimony here is that there was not a table blocking the entrance?
MR. STEWART: No. From the polling manager’s perspective, who was there observing and based on his personal observation there was no table blocking the lift elevator.

MR. SECRETARY: I am going to let you have that document. Can we get somebody on our staff to make a copy of that so we can just keep one.

MR. STEWART: I have several copies.

MR. SECRETARY: Is that the original?

MR. STEWART: Yes, it is. I can give you some more copies if you need them.

MR. SECRETARY: You can just give me a copy when you get done. I don’t want to take your original.

Okay, any other questions for Mr. Stewart?

(No response)

MR. SECRETARY: Alright, thank you guys for being here. I appreciate it. Ms. Watson, I know Investigator Howard dealt with this case. So the complainant Joe Darose (phonetic), do you know what he was telling us? Was he saying that there was a table blocking--

MS. WATSON: He did say that there was a table blocking but there was no other corroboration to the table other than the original complaint.

MR. SECRETARY: Is anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Do we have any discussion with the Board? I personally don’t see why we would bind this over.

MS. SULLIVAN: At the appropriate time, I would make a motion that we issue a letter of instruction in this case.

MR. SECRETARY: The time is appropriate certainly for a motion. We have a motion by Ms. Sullivan and a second from Mr. McIver for a letter of instruction. Any other discussion?

(No response)

MR. SECRETARY: I would just make one quick comment in regards for Fulton County, thank you for being here today and for giving us you-all’s views on this situation. I hope you can also understand when we get a complaint on ADA issues on polling locations we take that very seriously. We want to make sure that we have access for all individuals that want to vote in
Georgia. So I certainly -- I know you guys understand that. I thank you for being here today.

Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none. I have a motion and a second for a letter of instruction. All those in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries. Ms. Watson, I think we are moving back up on the agenda to 2013 number twenty-one? The Stegall felon case? Mr. Harvey is back with us.

**MR. HARVEY**: Let me catch up here. The complaint here is that in Cherokee County a Jason Tommy Stegall (phonetic) voted while serving a felony sentence. He was convicted of a felony on October 2\textsuperscript{nd}, of 2012. He voted on the 24\textsuperscript{th} of 2012 and he was actually on the felon list the following month. So he was convicted. He voted in about three weeks while serving a felony sentence and then he made it on the felon list. There was a question as to why he wasn’t on the felon list. It was because he voted so quickly after he was convicted.

It is our recommendation that Jason Tommy Stegall be bound over to the AGs office for registering to vote as a convicted felon.

**MR. SECRETARY**: Alright, any questions for Mr. Harvey?

(No response)

**MR. SECRETARY**: Hearing none, anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY**: Hearing none, do we have a motion?

**MR. SIMPSON**: I move that we bind the case over.

**MR. WORLEY**: Second.

**MR. SECRETARY**: We have a motion by Mr. Simpson and a second by Mr. Worley to bind over. Any other discussion?

(No response)
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.
(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign?
(Whereupon, there was no response)

MR. SECRETARY: We have moved to bind the case over. Next we have 2013 number fifty-eight the City of Lake City.

MR. HARVEY: This case is another ADA-type case. This case involved a complainant who, like the Fulton County case, himself was not disabled but when he went to vote in the City of Lake City election he notified that there was a door bell to get into the voting area that he felt was much too high for anybody in a wheelchair to reach. We went out and we identified the door bell. It did appear to be pretty far out of reach for somebody had they been in a wheelchair. When we out there and notified Lake City they did lower it down to a level that was much more consistent with what would have been necessary for a handicap voter. But in addition we discovered the elections superintendent Eric Beckham (phonetic) was not certified to run the election. So they were able to fix the doorbell issue all in which we didn’t get any other complaints but the elections superintendent was not certified. So I recommend that it be bound over on those listed violations.

MR. SECRETARY: Did we notice the Superintendent?

MR. HARVEY: I believe so.

MR. SIMPSON: He’s named as the respondent.

MR. HARVEY: We have him listed as a respondent and all those people got notices, so I would certainly believe that, I think, he would have been noticed. He certainly should have gotten the notice.

MR. SECRETARY: So we have a recommendation to bind him over for not being certified and then do we have a recommendation for the doorbell? They fixed that problem, correct?

MR. HARVEY: They did fix the doorbell. Generally binding over on one thing, we bind it over on everything or dismiss the doorbell. Again, we didn’t get any complaints that any individuals were affected by it. They removed it when we pointed it out to them. I think dismissing that and issuing a letter of instruction either in conjunction with a consent order or something else would be appropriate for the doorbell.

MR. SECRETARY: Any other questions for Mr. Harvey?

MR. WORLEY: I had a question?
MR. SECRETARY: Pull that mic to you, Mr. Worley.

MR. WORLEY: Mr. Harvey, the report indicates that there was an email to an attorney. I presume from Lake City involved in this case. Were they made aware of this hearing?

MR. HARVEY: I don’t think that the attorney necessarily -- he or she may not have been noticed but certainly the respondents were provided notice. Normally, if we know that there is an attorney that is representing we generally list them with the respondents as an attorney for.

MR. WORLEY: On one page of this report it has a witness list and he’s listed Michael Williams, attorney at law and I guess he sent an email relating to this. Do you know what position he was taking in that email? I just want to make sure that they had an opportunity to present whatever facts that he wanted to present

MR. HARVEY: The report indicates that we contacted him on two several occasions and requested some type of status or some type of report and the report indicates that he never responded. So whether he was actually their attorney or not I don’t know.

MR. SECRETARY: But we are positive that the City and the election officials were noticed?

MR. HARVEY: I’m as positive as they were served in the same process everyone else was.

MR. SECRETARY: Are you done, Mr. Worley?

MR. WORLEY: Yes.

MR. SECRETARY: Mr. McIver.

MR. McIVER: Often time cities have their elections run by the county. Is there any history here for Lake City?

MR. HARVEY: Not that I’m aware -- I’m not aware of any election case before involving Lake City.

MR. MCIVER: Could there be any reason why this gentlemen was not certified? Meaning previous elections had been administered around another time? It’s Clayton County?

MR. HARVEY: That certainly is possible. It is possible that he has run them before and they just never run into an issue and it’s never been discovered that he wasn’t certified. I guess I don’t believe I’ve ever had a Lake City case come up for any kind of complaint in the eight years that I’ve been doing this.

MR. MCIVER: Well, let’s say that Lake City runs their own elections is there a fail-safe in the divisions elections here in Atlanta that would catch the fact that here is a supervisor, who runs its own elections, is not certified?
MR. HARVEY: No, sir, there is not. Unless somebody were to call with a specific questions, we could tell whether or not somebody was certified but there is no kind of registration for Municipal--

MR. MCIVER: A directory of some sort?

MR. HARVEY: Not that I’m aware of. No, sir. The cities kind of do their own thing.

MR. MCIVER: So we’ve seen.

MR. SECRETARY: I’m with you on that, Mr. McIver. I will say however this year Julie Walters who is with us today and some of her folks did elections training at GMA. We had over a hundred Municipal clerks -- I think it was just about an all-day or half a day training. It was all day wasn’t it?

MS. WALTERS: Yes, sir. It was a continuing education training. It was a hundred and seven Municipal city clerks.

MR. SECRETARY: We haven’t always been asked by GMA to do that. So we were very glad when they asked us and sent a big staff down there to help train over hundreds -- of course you know there is just over, I think, six hundred cities in Georgia. So it is always a moving target with people coming in and out and you know you have cities that will run an election at one site and the next site the county is doing it and it is just very hard for us to keep up with all of that but I feel like we are making strides but honestly this individual was not certified which is troubling.

Was there anyone here wishing to speak on this matter other than who has already?

(No response)

MR. SECRETARY: Any other discussion from the Board? A motion?

(No response)

MR. SECRETARY: Well, I will move that we would issue a letter of instruction to the City of Lake City and then bind over -- is it Mr. Beckham?

MR. HARVEY: Yes, sir.

MR. SECRETARY: To the AG’s office.

BOARD MEMEBR: Second.

MR. SECRETARY: We have a motion and a second. Any other discussion?

(No response)

MR. SECRETARY: All those in favor signify by saying, “aye”.
(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign.

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries. Next we have 2013 number sixty-five. Ms. Watson is back with us.

**MS. WATSON**: In this case the complaint is that Brenda Malan (phonetic) a convicted felon and under sentence and registered to vote in Fayette County. Ms. Malan completed a voter registration card on November 4th, 2013. She was sentenced in February of 2012 for a felony conviction in Fayette County. She was in fact under sentence as a convicted felon on November 4th, 2013. Ms. Malan stated that she did in fact register to vote but did not realize it was a violation to do so. The recommendation is to bind over the respondent Brenda Malan for violation of 21-2-216(b) for registering to vote on November 4th, 2013 while under sentence for a felony conviction.

**MR. SECRETARY**: Any questions for Ms. Watson?

(No response)

**MR. SECRETARY**: Anyone else wishing to speak?

(No response)

**MR. SECRETARY**: We have a recommendation to bind over to the AG’s office, is that correct?

**MS. WATSON**: Yes.

**MS. SULLIVAN**: So moved.

**MR. WORLEY**: Second.

**MR. SECRETARY**: Ms. Sullivan moves and Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)
MR. SECRETARY: That motion carries and we have bound that case over to the AG’s office. Next is 2013 number sixty-nine. The Walton County voter registration case.

MS. WATSON: Walton County reported that they received three voter registration cards that were submitted to their office and they all appeared to be completed and signed by the same individual although the names on the cards were different. The investigation determined that Mary Helen Peters (phonetic) had completed a voter registration card for herself, her daughter Marquetta Butler (phonetic), and Antonio Spear (phonetic) on October 1st, of 2013. Marquetta Butler advised that she and Antonio Spears were present when Mary Helen Peters completed voter registration cards and gave Ms. Peters permission to do so. Mary Helen Peters also signed the cards for the individuals but did not sign as assisting required in 21-2-220(f).

The recommendation is to bind over Mary Helen Peters to the Attorney General’s office for violation of 21-2-220(f) for failure to sign the voter registration form in the space provided to identify the person offering assistance.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Any other discussion? Do we have a motion?

MS. SULLIVAN: I move we bind this case to the Attorney General’s office.

MR WORLEY: Second.

MR. SECRETARY: Ms. Sullivan moves we bind the case over. Mr. Worley seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none all favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

MR. SECRETARY: All opposed same sign.

(Whereupon, there was no response)

MR. SECRETARY: And that motion carries. Next we have 2014 number eighteen. It is a Jackson County Campaign Sign case.

MS. WATSON: Yes. A campaign sign reading help re-elect Dwayne Smith was posted on the
window to the door leading into the civic center which was being used as the new town precinct in Jackson County on election day of May 20th, 2014. The investigation showed that the sign was posted on the door windows leading into the precinct into the polling place on or around April 17th, 2014. There was an event held at that location previously which was in April in support of Mr. Smith and the sign had just remained on the door until election day and it wasn’t noticed by anyone prior to the opening of the poll. Once it was brought to the attention of the officials, the sign was removed and they made arrangements to check the perimeter throughout the day.

The recommendation in this case is to bind over for violation of 21-2-414 for the poll manager Floyd L. Wood (phonetic) for failure to check the perimeters of the polling place prior to opening for campaign material or activity prior to opening the poll.

MR. SECRETARY: We have a recommendation to bind over. Do we have any questions for Ms. Watson?

MR. SIMPSON: Yes.

MR. SECRETARY: Mr. Simpson -- I’m sorry, Mr. Harvey, did you have something you wanted to add?

MR. HARVEY: I was going to add just that Ms. Wood has sent a letter as well as the superintendent from Jackson County expressing her contrition and apologies. I wanted to make the Board aware of it.

MR. SECRETARY: Judge Simpson.

MR. SIMPSON: Yes, I am looking at the statute 21-2-414 that prohibits placing the sign but there is nothing in the statute which would put any liability on the poll manager for allowing somebody to do it. It is not covered under the statute. That is not a violation in my opinion. The person that post the sign would be responsible only, under the statute as I read it.

MS. SULLIVAN: Unless there is some other regulation that places the burden upon the poll manager to check for those kinds of things I would agree with Mr. Simpson.

MR. SECRETARY: Do we have any other sections, Mr. Harvey, that would be the responsibility of the elections supervisor or poll manager?

MR. HARVEY: I think that when you get in to the powers and duties as the superintendent I think you can infer -- (indiscernible) polling place produced in primary elections in accordance with this chapter. I think that is a duty that is on the superintendent and maybe it will come down. I don’t disagree with Judge Simpson that there is not a specific requirement for a poll manager to remove these things but to allow them is sort of the negligence I think.

MR. SIMPSON: That’s unlike charging me for allowing Ms. Sullivan to shoot somebody
because she is the one doing the shooting and I just allow it because I’m sitting next to her. That is no crime. So I just don’t think that is appropriate. I move to dismiss it.

**MR. SECRETARY**: We have a motion by Mr. Simpson to dismiss but Mr. McIver had a question.

**MR. MCIVER**: Mr. Harvey, is there any history here of who literally enforces these, and I’m going to initially answer my own question because some of those that we have had other cases on they summon the sheriff, the sheriff sends the deputy and they remove campaign materials or people who should not be standing within a hundred and fifty-feet and so on and so forth. So what is the structure, if any, for enforcing this action?

**MR. HARVEY**: I think that normally that is what would happen. Normally the poll managers would call law enforcement to deal with any violations in law that they encounter. I mean had she been aware she would have removed it herself. She came in through the back way and just never saw the front of the building.

**MR. MCIVER**: Could the sign have been there, according to her letter, for a couple of weeks.

**MR. HARVEY**: Right and then she just didn’t come in the front door. I guess it’s like you might use the front door of your house and somebody sticks a card in there and you go in through the garage and you wouldn’t know that somebody had left something for you. Normally they would contact the sheriff or the police department who would come out and remove an unruly person or somebody who was actively (indiscernible). That would be the normal course of events.

**MR. MCIVER**: That is the structure that is in place?

**MR. HARVEY**: Yes, sir.

**MR. MCIVER**: Whether or not it is covered in training I wouldn’t know but I assume there is an instruction manual or something for poll managers?

**MR. HARVEY**: Right, there is--

**MR. MCIVER**: If you perceive to have a problem call someone.

**MR. HARVEY**: Yes and as soon as she identifies -- as soon as it was brought to her attention she did take action against it. So, yes, if somebody came into the precinct and started to create a disturbance or violate the law the poll managers would normally call 911 as well as the election superintendent for the polling place.

**MR. MCIVER**: This is presumably some hole in the statute that doesn’t provide for dueling force just the poll manager is there to manage and that might mean calling the sheriff, calling 911 or maybe the Board itself, not this board but the county board.
MR. HARVEY: Right.

MR. SECRETARY: I think normally too you have campaigns that are out there putting signs up either in or outside of the buffer. I think this was something where somebody put this sign up days, weeks before the election and just left it there and then when the superintendent or the poll manager came in they just didn’t think anything about it and just oversaw it and probably more of an embarrassment than anything. I don’t think it was an orchestrated campaign event. It was just something that was left over that the poll manager didn’t see.

Mr. Simpson, did you have something?

MR. SIMPSON: Yeah, both these statements that we have from Ms. Wood said that she -- I acknowledge the voter brought it to my attention that there was a campaign sign. I immediately removed it and called the elections supervisor and the elections supervisor, Ms. Works (phonetic), says the sign was brought to the attention of Ms. Fluet (phonetic) at 7:30 and she immediately removed the sign. I don’t see anything else they could have done.

MR. HARVEY: I would just point it out to you, if I may that 21-2-413 (h) indicates that it shall be the duty of the chief manager to secure the observance under this code section, to keep order in the polling places while persons are admitted within the close space that are permitted by this traffic. I think that may be the basis for putting the duty on the poll manger to make sure that all those codes are complied with and I think we had cases before where a sign has appeared in the midst of voting where somebody sticks a sign in the yard and nobody knows who it is. It is removed immediately and that is generally not considered a violation but when somebody doesn’t take the initial step to secure the facility or make sure that when they are starting off before they open the polls that they are in compliance with the statute that would be the basis of the possible violation.

MR. SECRETARY: What about the complainant Mr. Jordan? Do we know much about him? Was he mad or was he just letting us know? Do we know that?

MR. HARVEY: I don’t know that there is any real history or any much of a background on him.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Well, here I am back at precedent again but I am concerned with respect to Judge Simpson’s motion that we would allow this to occur when in essence clearly it is the poll manager’s responsibility to inspect the site and to report anything or deal with anything that doesn’t appear to be in accordance with the code, so I favor a letter of instruction. I would not dismiss the case for fear that we are setting a precedent that might come to haunt later.

MR. SECRETARY: Anybody else?

MR. SIMPSON: May I?
MR. SECRETARY: Mr. Simpson.

MR. SIMPSON: Down there in subset -- if you’re going to read four thirteen as broadly as we are talking about reading it, there is also a provision in here that says no person shall use photographic or other electronic monitors. We do not charge the poll manger or any election officials for allowing any of these people to take photographs, so that is inconsistent as well. It seems like to me whatever construction we put on this statute we’ve got to be consistent. We are either going to have to go back and if we charge this poll manger about the sign then we got to go back and start looking at all these photographs and all these other things and start charging poll managers for allowing that to happen.

MR. MCIVER: My response to that would be that first of all had the poll manger simply inspected the grounds they would have found the sign and that is the responsibility of the poll manger. With respect to these photos a lot of that strikes me as very spontaneity and somebody yanks out a cell phone and flips it over to the camera feature and you can’t move out of our chair fast enough to stop something like that. That is the reason I thought that poll managers were responsible for pictures you know somebody comes in with a tripod and sets up and all kinds of thing that is another story. I think given the nature of technology and photography these days it just happens so very quickly there is not much you can do other than to stop the conduct and grab a monitor of somebody. I am still concerned about the precedent here where this poll manger simply did not inspect the premises as they should have done. I think that warrants a letter of instruction. For that reason if there is a second to Judge Simpson’s motion then I intend to vote against it.

MR. SECRETARY: Anybody else?

(No response)

MR. SECRETARY: I will just say that I think there has been some good points made here but I just wonder what our posture would be if that door had been -- instead of having a sign on it if that door was locked and that poll manger hadn’t unlocked that door, I feel certain that we would be at least giving a letter of instruction if not binding it over for not inspecting that door properly. So I’m kind of leaning in Mr. McLvers’s direction of a letter but we do have a motion to dismiss by Judge Simpson. Is there a second or I am open for other discussion as well.

MR. SIMPSON: Mr. Chair, I will withdraw the motion.

MR. SECRETARY: Alright, Mr. Simpson withdraws the motion. Do we have any other discussion or another motion?

MR. MCIVER: I move for a letter of instruction be issued to the poll manger and I’m not sure I would extend that to Jackson County. So, my motion is that the poll manger receive a letter of instruction.
**MR. SECRETARY:** We have a motion that the poll manger receive a letter of instruction. Do we have a second?

**MR. WORLEY:** Second.

**MR. SECRETARY:** Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY:** Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY:** All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY:** That motion carries and we will issue the letter. Alright, 2014 number eighty-seven. It is a Polk County districting issue.

**MS. WATSON:** Polk County Elections Director Gary Vargan (phonetic) discovered a hundred and forty-five electors as being out of district during the November 4th, 2014 general election. Of hundred and forty-five electors found out of district, thirty-one were found to have voted early, in person or absentee prior to the election being completed. On October 29th, 2014 the electors brought it to the attention of the Polk County elections office that their ballot did not contain questions concerning pay for volunteer firefighters.

Karen Gardner (phonetic) the Elections Supervisor for Polk County researched the issue and found that a hundred and forty-five electors on Cherokee Road were shown in the City of Cedartown instead of being shown in Polk County. The error was corrected and it was found that thirty-one affected registered voters had incorrectly been districted and had already cast ballots prior to the correction being made.

The recommendation is to refer to the Attorney General’s office Polk County Board of Elections and Registration and Karen Gardner the director of elections for violation of 21-22-226(b) for failure to place a hundred and forty-five electors in the proper voting district.

**MR. SECRETARY:** Do we have any question for Ms. Watson?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Hearing none, do we have a recommendation to bind over. Do we have
any discussion or motion?

**MR. WORLEY**: Well, I’m going to make a motion, Mr. Chairman, to bind this over but it bothers me that nobody from Polk County is here. I mean this is some pretty serious, in my opinion, error and I’m surprised that no one is here which encourages me to continue to bind it over. So I make a motion to bind it over.

**MR. SECRETARY**: Alright Mr. Worley moves to bind this over to the AG’s office. Any other discussion or do we have a second?

**MS. SULLIVAN**: Second.

**MR. SECRETARY**: Got a second by Ms. Sullivan. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries and we have bound that over to the AG’s office.

Okay, Mr. Willard your swan song is upon you. We are moving on to the Attorney General’s consent orders. Our posture has been in recent meetings to take these in bulk to accept the recommendation of the AG’s office and the consent orders in our binders. However if anyone on the Board or anyone in the audience would like to pull one of these cases out for it to be formally discussed we will be glad to do that.

So, is there anyone on the Board that would like to move a case or two or all of them out?

(No response)

**MR. SECRETARY**: Hearing none. Anyone in the audience wish to remove one of these cases or all of them to hear?

(No response)

**MR. SECRETARY**: Hearing none. If there is no further discussion I will be glad to take a motion to accept the recommendation that we have before us.

**MS. SULLIVAN**: So moved.

**MR. SECRETARY**: Ms. Sullivan moves to accept. Do we have a second?
**MR. SIMPSON**: Second.

**MR. SECRETARY**: Mr. Simpson seconds. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries. That concludes are business on the agenda today. Again, I want to wish Mr. Willard the best in his new duties moving forward and I also wish Mr. Harvey his best as well and thank him and both for their service to the State Election Board and with that I will be glad to take a motion to adjourn and I hope you-all have safe travels on the way home today.

**MR. WORLEY**: I move that we adjourn, Mr. Chairman.

**MR. MCIVER**: Second.

**MR. SECRETARY**: Mr. Worley moves and Mr. McIver seconds. Any other discussion?

(No response)

**MR. SECRETARY**: Hearing none, all in favor signify by saying, “aye”.

(Whereupon, the vote was unanimous)

**MR. SECRETARY**: All opposed same sign?

(Whereupon, there was no response)

**MR. SECRETARY**: That motion carries and we are adjourned and have a great afternoon.

(Meeting adjourned at 2:20 p.m.)
CERTIFICATE OF COURT REPORTER

STATE OF GEORGIA

COUNTY OF DEKALB

I hereby certify that the foregoing meeting was reported as stated in the caption and the proceedings were reduced to writing by me; that the foregoing 75 pages represent a true, correct, and complete transcript of the proceedings given on July 15, 2015.

I certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); I am a Georgia Certified Court Reporter here as a representative of Happy Faces Court Reporting Firm; I was contacted by Happy Faces Court Reporting Firm to provide court reporting services for this proceeding; I will not be taking this proceeding under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board; and by this form I confirm that Happy Faces Court Reporting Firm is not a party to a contract prohibited by O.C.G.A. 15-14-37 or Article 7.C. of the Rules and Regulations of the Board.

This 4th, day of August, 2015

[Signature]

LaTasha D. Bethel
Certified Court Reporter
Georgia Certificate #2660