IN THE MATTER OF:

STATE ELECTION BOARD HEARING

PROFESSIONAL LICENSING BOARD
BUILDING B, EXAM ROOM
MACON, GEORGIA 31217

WEDNESDAY, MARCH 23, 2016
10:00 A.M.

PRESIDING OFFICER: BRIAN KEMP
SECRETARY OF STATE
STATE OF GEORGIA

LATASHA D. BETHEL, CCR
HAPPY FACES COURT REPORTING
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APPEARANCE OF THE PANEL FROM LEFT TO RIGHT:

Rebecca N. Sullivan, Board Member, State Election Board
David J. Worley, Board Member, State Election Board
Brian P. Kemp, Chairperson, State Election Board, Secretary of State, State of Georgia
Tex McIver, Vice Chairperson, State Election Board
Ralph F. Simpson, Board Member, State Election Board

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Sr., Chief Investigator, Investigations Division, Secretary of State Office
M. Frances Watson, Investigations Supervisor, Investigations Division, Secretary of State Office
Pam Jones, Investigations Supervisor, Investigations Division, Secretary of State Office
Cristina Correia, Office of the Attorney General, State of Georgia
Chris Harvey, Elections Director, Secretary of State Office
Glenn Archie, Investigator, Secretary of State Office, State of Georgia
MR SECRETARY: Good Morning, again everybody. We will go ahead -- it is ten o’clock. It is time to convene our Wednesday, March 23rd, 2016 State Election Board meeting. So let me again welcome you to the Macon office of the Georgia Secretary of State this morning. Our first order of business is our invocation and Pledge of Allegiance and Mr. Worley is going to lead us in that this morning.

Mr. Worley?

INVOCATION

PLEDGE OF ALLEGIANCE

MR. SECRETARY: Thank you, Mr. Worley. Our second item on the agenda, we have two sets of minutes that we need to approve this morning. The first being the October 21st, 2015 State Election Board meeting. I will take a motion to accept or if we need to make any changes to the minutes, when the Board is ready.

MR. MCIVER: I move we accept the minutes.

MR. SECRETARY: We have a motion to approve the October 21st meeting by Mr. McIver. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Second by Mr. Worley. Any discussion? Changes?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. Our second set of minutes that needs approving is from our special-called State Election Board meeting on December the 9th, 2015. Do we have a motion?

MR. WORLEY: I move we approve those minutes.

MS. SULLIVAN: Second.

MR. SECRETARY: Mr. Worley moves we approve. 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 and that motion carries.

Our next agenda item is public comment. Do we have any public comment, Kayla? For those of you that came in, we do allow for two minutes for public comment on issues not related to the cases that will be called today. So, if anyone is wishing to speak during the public comment period, if you will quickly sign the sign-up sheet, here, we will be glad to hear from you.

First, we have Mr. Rhynes. If you will just speak in that mic there and just give us your name and address for the record, please. Welcome.

MR. RHYNES: My name is George Boston Rhynes. 5004 Pope Drive, Valdosta, Georgia. I am with the Ghetto Free Press. In my two minutes I just want to use it to highlight -- because I can’t get into detail within two minutes but Mr. Secretary and all you important people dealing with voting rights here in the State of Georgia I just want to say and I want to be on the record that there are major problems throughout the State of Georgia, that I have identified, that the news media mainstream will not report. I have been reporting it and you can see it on my Boston G.B.R YouTube channel.

In Brooks County, Georgia, we have major problems with voting as well as trying to remove Black mayors across the state. I have worked in about sixteen cities, Mr. Secretary, Whitman, Meigs, Lumpkin, Warrenton, Gordon, Davisboro, Homerville. In Homerville, we have a sitting elected city councilperson who has two homestead exemptions. One in the State of Florida, one in Lowndes County, Georgia and he’s holding office in Homerville, Georgia. These are impediments to the voting rights process and across the State, the people and places that I have gone to, people are asking a question, what the Secretary of State and others is doing to resolve these problems that seem to impact and suppress the black vote throughout the State of Georgia.

Also, in Middle Georgia -- I may not be able to call them all. There is approximately sixteen cities and I believe that myself, a retired military veteran, I have no idea that this would be going on in 2016 to give the appearance of suppressing and controlling the Black vote and then after they get elected the Black mayors seem to be under attack throughout this State. Now, I can prove this through video. I go to all these cities and meetings and it has been well documented. I am going to take my seat. I think my two minutes should be up and I always like to abide by the law because I am a law-abiding citizen. Thank you my beautiful Secretary and to all of you who represent voting processes in the State of Georgia in the United States of America we have evidence here and I do believe that they should have a right to vote without the impediments of suppression. Thank you so much for this space my beautiful brothers and sisters.

MR. SECRETARY: Thank you for being here this morning.
MR. MCIVER: I think we should thank Mr. Rhynes for your service to America, Sir.

MR. SECRETARY: Absolutely. We appreciate your service, as well. Next, we have Mr. Roscoe Allen, Jr.

MR. ALLEN: My name is Roscoe Allen, Jr. My address is 765 East Commercial Road. My P.O. Box 1906, Douglas, Georgia. I do think the State needs to put more heat on these supervisors and election boards when we go to vote because a lot of stuff is going on and the reason that it is going on is because y’all are not putting the heat where they be at. Seems like every year when it comes to elections the same things happen in these different cities y’all don’t do nothing about it. It is time to get up and do something. If you don’t do nothing it is a big problem in the State of Georgia especially around like where I live at in that area it is a big problem. Y’all need to put the heat where they be at, we wouldn’t have all these problems. Anybody, friends or whoever is in charge it is about doing what you are supposed to do. (Indiscernible) it is a big problem in the State of Georgia. Believe me down in my area it is a serious problem. Every time an election comes up it is always legal stuff going on with the elections board. Supervisors, all of them -- and that is a fight because I subpoenaed people in elections that live twenty miles out of town. That is right, I did it myself. Fifteen miles out of town, they don’t even live in the city there. It is a big problem I’m telling you now. Y’all need to put the heat where it be and I don’t care who it is. That is what y’all are supposed to do, am I right? That is all I have to say.

MR. SECRETARY: Thank you for being here this morning. Our last speaker during public comment is Reverend Larry O’Hara.

Welcomed, Reverend.

MR. OHARA: My name is Reverend Larry O’Hara. I reside at 1326 Roosevelt Street Waycross, Georgia. I want to talk about Homerville, Georgia as well. Well, not just Homerville, I want to talk about all the little towns where the big problems are. You may say well, Atlanta, Augusta or Columbus that is where the city is and that is the most populated but where the most populated is not where the problem is. The problem is little towns like Waycross, Homerville, Douglas, towns like that and the reason I am talking about Homerville so much is because I called the Secretary of State’s office several times myself. I have been calling for the last ten years for voting fraud. Basically, it is like Willacoochie and Homerville. Homerville is so bad there that we caught this gentlemen who resides in Florida, also reside in Georgia but holding office in the town that he don’t have a domicile in. I called the Secretary of State’s office three months when we found out what he was doing and nothing was done about it. However, nothing was done about it. He went on and we went to their office. We talked to them and gave them the information, information that could not be denied and they still allowed this man to run for office and he was elected. Now that would not have happened in Atlanta. If I had went to a city commissioners office or meeting in Atlanta they would have stopped it right then but this is little Georgia, a little county. The town that nobody pays attention to.
Mr. Secretary, what I am asking is that you would pay more attention to little towns and not so much the big towns. I think a lot of your problems would subside and that’s all I have as a comment.

**MR. SECRETARY**: Thank you for being here, Reverend. That is all the cards I had.

Let me just address just a couple of things, just for those of you that don’t know, maybe, some of the processes. First of all, if there is any voter suppression or anything like that going on I would hope that anybody in this room or anyone else that even knows about this discussion would contact our office immediately. I can assure you that we will open an investigation wherever that may be, big town or small town as we have done in the past.

Also, as you know in every election cycle, every single complaint that the Secretary of State’s office receives and you can imagine with small town and big town politics that go on during the election cycle and certainly a Presidential Year it’s heightened as well but we take every single complaint very seriously. We open an investigation or look into every one of those matters when it comes before the State Election Board. If there’s those types of things going on during an election, I would hope that you would contact our office. We have even got a stop voter fraud website where you can email us about that. We have a one eight hundred number that you can contact.

Lastly, I just wanted to address candidate challenges. There may be a little bit of confusion on that. A lot of the local races the Secretary of State’s office does not actually have the jurisdiction on candidate challenges. That needs to be done by a local elector and the county elections board would be responsible for a lot of the local races. Now we do have jurisdiction on, certainly, the State legislative seats and things of that nature but if anybody has any questions about that when we break if you will just let us know. We will be glad to follow up with you and try to give you as much direction as we can on how that process works.

With that, we will move on to the rest of our agenda for the day. Our next item is our investigative report-- our consent cases and just for those of you in the audience, the way we have been handling consent cases for quite awhile now, is the consent cases that we have listed on our agenda will be voted on in block. There is a recommendation that these cases be dismissed. We will pull individual cases off. If there is anyone here in the audience that would like to speak to one of these cases or if there is a State Election Board Member that would want to pull one of these cases off for any reason to discuss it or if there are other matters we will be glad to do that. So at this time let me ask the audience is there anyone here that would like for us to pull any of the consent case agenda items off?

(No response)

**MR. SECRETARY**: Seeing none, is there any Board Members that wish to remove one of the consent cases?
MR. SECRETARY: Hearing none, I will take a motion to dismiss the consent cases we have on our agenda and I’m just going to run through these real quick. The 2012-183 Towns County, 2014-034, Sumter County precinct change, 2014-080 Candler County, 2014-082 Meriwether County, 2014-089 City of Warwick, 2014-097 Laurens County, 2014-101 Cobb County, 2014-103 Chatham County, 2014-105 Houston County, 2014-044 City of Tiger in Rabun County and 2015-045 City of Forest Park. Do we have a motion?

MR. SIMPSON: So moved. I move that these cases be dismissed.

MR. SECRETARY: Mr. Simpson moves for dismissal. 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 and that motion carries and we have dismissed the entire consent case agenda.

Our next item will be our investigative report. The way that we have been doing the investigative report to try to help those that take the time to come to our meetings, is to go through and ask if anyone is here regarding these cases where we can -- if someone is not here we’ll move that case to the foot of the calendar to help speed the process up for those of you that are in attendance. So if you can just raise your hand or signify, here, if you are here for one of the following cases. We have 2012-107 Montgomery County? 2014 Montgomery County?

(Signifies)

MR. SECRETARY: 2012 Coffee County? 2012-198 Coffee County?

(Signifies)

MR. SECRETARY: 2012 number 170 Richmond County?

(Signifies)

MR. SECRETARY: 2012-200 Gwinnett County?

(Signifies)
MR. SECRETARY: 2013-005 Randolph County?
(Signifies)

MR. SECRETARY: 2013-040 City of Leslie in Sumter County?
(Signifies)

MR. SECRETARY: 2013-042 City of Keysville in Burke County?
(Signifies)

MR. SECRETARY: 2013-043 City of Willacoochie?
(Signifies)

MR. SECRETARY: 2013-044 City of Americus in Sumter County?
(Signifies)

MR. SECRETARY: 2013-048 City of Donalsonville?
(Signifies)

MR. SECRETARY: 2013-054 Lumber City -Telfair County?
(No response)

MR. SECRETARY: Is anybody here from Telfair County- Lumber County?
(No response)

MR. SECRETARY: 2013-066 City of Bronwood in Terrell County
(Signifies)

MR. SECRETARY: 2014-002 Twiggs County?
(Signifies)

MR. SECRETARY: 2014-039 Glynn County?
(Signifies)

MR. SECRETARY: 2014-110 Glynn County?
(Signifies)

MR. SECRETARY: Okay. We only have one that we will move to the foot of the calendar.
All right, Mr. Lewis, we can go ahead and get started. We will start with number fourteen in our binder.

**MR. LEWIS:** Yes, sir. The SEB 2012-107 Montgomery County, the complainant Okario Conner (phonetic) reported that candidate Jim Hall Poole (phonetic) and others were illegally assisting and possibly taking possession of absentee ballots. While we were unable to substantiate the original allegations a review of the election material did reveal a number of concerns such as, during our investigation we found that some electors, Mr. Meadows (phonetic), Ms. Glasbur (phonetic) and Mr. Brewer (phonetic) received assistance from their wives when completing their absentee ballot envelopes. The wives did not know they were supposed to sign that they were assisting. Election personnel provided a ballot log, which did not contain the (indiscernible) elector listed on the log. The Montgomery County absentee ballot recap sheet showed five spoiled ballots. Those ballots, the elections officials were unable to provide the documentation that showed some of those ballot envelope (indiscernible) were not kept and a provisional ballot was not kept separate and apart from the other ballots and the documentations and the elections material.

We recommend that Ruby Mill Sanders (phonetic), Joe Hamilton (phonetic), Bobby Carpenter (phonetic) and Elizabeth Hughes (phonetic) be bound over to the attorney general’s office.

We also recommend that letters of instruction be issued to Gail Meadows (phonetic), Clara Glasbur (phonetic) and Faye Brewer for assisting their husbands with absentee ballots without signing that they assisted as such.

**MR. SECRETARY:** Any questions for Mr. Lewis from the Board?

**MR. MCIVER:** I have a question of the law department.

**MR. SECRETARY:** Mr. McIver?

**MR. MCIVER:** Can we ask for some guidance from you with respect to family members assisting in absentee ballots?

**MR. SECRETARY:** I can answer that question. We have and we are working on that.

**MR. MCIVER:** Would that impact this case at all?

**MR. SECRETARY:** I don’t believe it would.

**MR. LEWIS:** No, sir. In the past, cases that we’ve presented in this particular violation with family members we have been issuing letters of instruction to those family members.

**MR. MCIVER:** But however the guidance would come out, it would not impact this case?

**MR. SECRETARY:** Not this case.
MR. MCIVER: Okay.

MR. SECRETARY: Any other questions for Mr. Lewis from the Board?

(No response)

MR. SECRETARY: Anyone else wishing to speak in regards to this matter?

MS. CARPENTER: I am Bobby Carpenter (phonetic) and I was thinking that the absentee ballots were dismissed on the minutes of two, fifteen and I don’t have the date. It says--

MR. SECRETARY: Ms. Carpenter, I am sorry. I forgot to tell you. Will you give us your address for the record?

MS. CARPENTER: 621 Charlottesville Road, Uvalda, Georgia 30473.

MR. SECRETARY: Thank you. Go right ahead, sorry about that.

MS. CARPENTER: I have copies of minutes and I don’t have the date but its page 152. It was about the absentee ballots and they were just minutes but the letter that we got in 2016 all these people were charged again with the same thing but these ladies and gentlemen, they are all disabled and it is husband and wife who they sign ballots for or didn’t sign but, we were under the impression that this had been dismissed, that part of it. You want to see the minutes?

MR. LEWIS: You refer to our previous State Election Board meeting?

MS. CARPENTER: Uh-huh.

MR. LEWIS: This is the first time this case has been presented.

MS. CARPENTER: It came up in 2015.

MR. LEWIS: With a different case?

MS. CARPENTER: It was 2012-00107.

MR. LEWIS: I will look at what you’ve got.

MS. CARPENTER: I’m not trying to be ugly or anything. We just thought we were through with it but then all of them got letters again.

MR. LEWIS: I’m going to present this to the Board. She has a letter that was sent to her by Mr. Harvey.

MR. SECRETARY: Let me ask the Board for a motion to accept the letter.

MR. MCIVER: I so move.
MR. SIMPSON: Second.

MR. SECRETARY: Have a motion and a second. All in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. We have accepted the documents.

MR. SIMPSON: Mr. Chairman, may I ask a question while you are looking through that?

MR. SECRETARY: Yes.

MR. SIMPSON: Are you referring to the Meadows, Glasbur and Brewer cases?

MS. CARPENTER: Yes, sir.

MR. SIMPSON: Those are the only ones you are referring to?

MS. CARPENTER: Well, I think that’s all that the potential violations were.

MR. SIMPSON: Right, but then there are additional violations with regard to Ruby Sanders (phonetic) and Joe Hamilton (phonetic) and Bobby Carpenter (phonetic).

MS. CARPENTER: Yes, sir.

MR. SIMPSON: So what you are saying only applies to Meadows, Glasbur and Brewer; is that correct?

MS. CARPENTER: The absentee ballots? That is correct.

MR. SIMPSON: Was that in a different election?

MS. CARPENTER: No, sir. It was all in the same.

MR. SIMPSON: It was a 2012 case. Was that in a different election?

MS. CARPENTER: It was altogether. Same complaint.

MR. SIMPSON: Thank you.

MR. SECRETARY: Do we have (indiscernible) to go back and verify that?

MR. LEWIS: We’ll have to go back and check. I don’t know how that could have happened in a case. Our records indicated it had not been presented. We would have to double check the information we have in the office and review that.

MR. SECRETARY: Can we do this quickly?
**MR. HARVEY:** I can work on that now, sir.

**MR. SECRETARY:** Let me do this, let’s see what Mr. Harvey -- will you give that to Mr. Harvey. If there is no objection, let’s move this case off of our agenda or suspend this for just a few minutes and we will move on to the rest of our agenda and let’s look and see what we have going on here. Thank you.

Alright, Mr. Lewis, we have another -- let me go ahead and call SEB case number 2014-021 another Montgomery County case, which is number fifteen in our binder.

**MR. LEWIS:** Yes, sir, on June 2nd, 2014 Karen Poole (phonetic) filed a complaint with multiple allegations and some of those allegations were, the candidate being Clark and John Carpenter (phonetic) were being allowed inside the courthouse during early voting period, that unqualified electors were allowed to vote during the May 20th, 2014 election and that an elector was given an incorrect ballot style when she went to vote at the polling place. We were unable to substantiate most of the allegations but we did find evidence to support that the poll worker inadvertently coding the incorrect ballot style for Ms. Candice Powell (phonetic) during the early voting on May 20th, 2014. The voter did not realize that a mistake had been made with the ballot before it was cast into the DRE.

We recommend that Ruby Mill Sanders (phonetic) and Bobby Carpenter (phonetic) and Maureen Reynolds (phonetic) be bound over to the AGs office for the listed violations.

**MR. SECRETARY:** So can you explain exactly what happened there?

**MR. LEWIS:** She presented herself at the polling place to vote and when the poll worker encoded the card, they did not encode the correct ballot style for that elector for that election.

**MR. SECRETARY:** And the ballot was cast; did you say?

**MR. LEWIS:** Yes, sir.

**MR. SECRETARY:** Any other questions for Mr. Lewis?

(No response)

**MR. SECRETARY:** Hearing none, anyone wishing to speak on this matter?

**MS. CARPENTER:** Bobby Carpenter, 621 Charlotteville Road, Uvalda. In this complaint, it was a human error. I have a letter here from the poll worker that the couple came in and the lady -- the Maureen Reynolds, did her card for -- and she did know that she had not voted the correct person until -- or the correct card until she went out and had a conversation with her husband and she didn’t tell us that the person she wanted to vote for was not on her ballot, when she was inside but she was outside, talked with her husband and then came back inside and told us that she had the wrong ballot and there was nothing we could do at that time.
MR. SECRETARY: Any questions for Ms. Carpenter?

MR. MCIVER: Yes, Ms. Carpenter, was the husband’s ballot correct?

MS. CARPENTER: Yes.

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

(No response)

MR. SECRETARY: Any questions or anything else from the Board? Recommendation -- we have a recommendation to bind over, I guess. Do we have a motion?

MR. WORLEY: I would make a motion that instead of binding it over we send a letter of instruction to the election’s office.

MR. SECRETARY: We have a motion by Mr. Worley for a letter of instruction.

MR. SIMPSON: Second.

MR. SECRETARY: We have a second by Mr. Simpson. 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 and that motion carries and we will send a letter of instruction.

If y’all can just hang on, we will see what we can find out. Mr. Harvey, you just let me know when you get ready.

MR. HARVEY: I will.

MR. SECRETARY: Alright, Mr. Lewis, we are going to move to 2012-133. It is a Coffee County case and number sixteen in our binder.

MR. LEWIS: Yes, sir. On October the 16th, 2012, we received a complaint from Wendell Coffman (phonetic) with three separate allegations. One of the allegations is that she had identified a woman as being seen forcing voters, illegally taking possession of ballots and possibly altering absentee ballots, that Louis Baker (phonetic) was paid seventy thousand dollars by Sheriff Gary Pope (phonetic) and his supporters to assist with absentee ballots and that Ms. Wooten (phonetic) was told by Mr. Peavy (phonetic) the chairman of the board of elections and registration that she would be not allowed to document the voter DRE machine numbers each morning and each evening during the early voting period.
We were unable to substantiate allegations one and two but we did in reference to allegation three find that Mr. Peavy did in fact deny the request by Ms. Linda Wooten to observe the DRE machines in the morning and the afternoon because that activity would impede the work of the poll workers in the opening and closing process. The county attorney was consulted with that decision and they had already complied with a number of request from Ms. Wooten in the way of documentation and copies being made. So they felt like they had been cooperative with her asking.

Additional findings in the case revealed that there was one voter who received two voter access cards while voting that caused the numbers to be off on the absentee ballot recap sheet and furthermore there were seventy-six voter registration certificates that were viewed by the investigator, which resulted in ninety-two different violations. Some of those issues were the voter certificates had to do with the poll workers not initialing, not signing off on the names, incomplete information on the voter certificate in reference to the elector with voter information provided, incorrectly listing the people who were assisting in those situations.

We recommend the respondents, the Coffee County board of elections and registration, Judy Fosky (phonetic), Ladrona Strozier (phonetic), Vicky Kitchens (phonetic), Frances Hobby (phonetic) and Kathy Roberson (phonetic) be bound over to the attorney general’s office for the violations listed.

**MR. SECRETARY**: Can you give me those names one more time? 

**MR. LEWIS**: Yes, sir. Coffee County board of elections and registrations, Judy Fosky, Ladrona Strozier, Vicky Kitchens, Frances Hobby and Kathy Roberson.

**MR. SIMPSON**: What about Mr. Peavy?

**MR. LEWIS**: No, we have the Coffee County board of elections and registration and Mr. Peavy is the chairman of the board.

**MR. SECRETARY**: Any other questions for Mr. Willis?

(No response)

**MR. SECRETARY**: Anyone else wishing to speak?

**MS. HERZOG**: Good Morning, my name is Jennifer Herzog. 1564 King Road Tifton, Georgia. I am counsel for the Coffee County board of elections and registration. I also have Mr. C.T. Peavy (phonetic) here who is the superior of that board and Misty Hayze (phonetic), who is the elections supervisor. Ms. Fosky is no longer employed with that office.

I just want to give you -- I’ll be very brief. As I said, Ms. Fosky is no longer employed. Ms. Hayze has taken over that position. I have her here today to answer any question that you may have. She is very knowledgeable, very detail oriented. We had, during this election, a record
number of voter turnout. We had fifteen new poll workers and at that time they had a part-time position in that office which they have since advocated and through budgetary issues been able to increase which has allowed training to increase. I do want to, if possible, provide you all with some documentation that evidences exactly what steps they have taken in the last four years to remedy the issues that were discussed this morning and if I may hand those over.

(Presenting)

**MR. SECRETARY**: Do we have a motion to accept the documents?

**MR. WORLEY**: So moved.

**MR. MCIVER**: Second.

**MR. SECRETARY**: We have a motion and a second to accept the documents. All in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

**MR. SECRETARY**: All opposed same sign and that motion carries.

**MS. HERZOG**: And, if I may, just to go a little bit through the allegations. Ms. Wooten is the wife of the Coffee County’s current sheriff, Sheriff Wooten and he was successful in that election. This investigation began because of her perception of irregularities that were happening in that office. It is my understanding that Ms. Wooten has since contacted the investigator to advise that she does not believe there was any willful violation. She was happy with the service she received. She was satisfied that the board of elections has done their job and did it accurately. Ms. Wooten made approximately forty open records request during that 2012 election when her husband was running for sheriff. She was provided over seven hundred and fifty documents related to voter list, absentee ballot logs, advanced voting list and she did make a verbal request to be allowed to manually record the beginning and ending numbers each day on those TSX voting machines. Mr. Peavy, as he stated in his statement that was given, after consulting with counsel, advised her that because the election was so hotly contested -- they had folks up there all the time. He believed that if he granted her that request he would also have to grant others the same privilege and that would slow down opening and closing each day. He did advise her that she could obtain the same information through the daily recap of absentee voting which would be provided to her. Now, that’s a request that she made verbally and responded to verbally. She never made any written request for documents, never talked to the records custodian of the county, you know, if there was any issue or anything like that. Also, I think it’s relevant that she was not a candidate herself. She although was the wife of a candidate she was a voting citizen making that request. That is kind of the first issue we wanted to discuss.

The second of course was that Ms. Frances Hovey had issued a second voter access card. Just very briefly, Ms. Hovey I think inadvertently did that. She did not understand. She was told that
the first card was not working, the machine was spitting it out. This was a case of simple human error. There was no willfulness, no intent of malice or anything like that. We have, as you’ll see in the packet that I provided you, doubled down on training in all of these areas through testing, through postings at office, all different type things to address these issues and those are all already in place for our 2016 election. While the investigators were down there they did find some issues with our forms that we had been filling out. The poll workers didn’t properly check the box for voter assistance and didn’t initial the certificate. Again, no malice, no willfulness, simple human error and a training issue which we have doubled down on and we fully expect we will not have those issues this election. I will be glad to answer any questions that you-all have.

**MR. SECRETARY**: Any questions for Ms. Herzog?

**MS. HERZOG**: And then Mr. Peavy and Ms. Hayze are also here if you had any questions for them.

**MR. SECRETARY**: Mr. McIver?

**MR. MCIVER**: Don’t recognize Herzog. Are you recently married?

**MS. HERZOG**: I am recently married. My maiden name was Normandy (phonetic) and my husband’s family was originally from Texas?

**MR. MCIVER**: Well, that is a good thing.

(Laughter from the gallery)

**MR. MCIVER**: Thank you. We always appreciate competent counsel coming to help us work through these issues.

**MS. HERZOG**: Thank you. I appreciate the opportunity to be here.

**MR. MCIVER**: You are a terrific law firm and pleased to see that you are on this case. Perhaps with that you can answer my question. On Exhibit D, there are two registration forms. Are these samples?

**MS. HERZOG**: These are samples that we simply used as training materials to provide for this election and you will see that we’ve got a test in there and some other documents but those are simply sample ballots that we use in training to show our group, you know, here is where you need to initial, here is what you have to fill out if there’s assistance.

**MR. SIMPSON**: Mr. Chairman? Are you done?

**MR. MCIVER**: For the moment, yes.

**MR. SIMPSON**: What do you attribute all these irregularities to? I mean there is just a multitude of irregularities. How can you account for those?
**MS. HERZOG:** Mr. Simpson, I think that is a good question and honestly I asked that same question in the very beginning. I simply attribute it to, at that time Coffee County had a part-time and former election supervisor and I candidly believe our training was not up-to-snuff at that time. Since then, as I said, we have re-doubled our efforts. Mr. Peavy and Ms. Hayze have been very intentional about their training and I fully expect that we will not have these issues in our 2016 elections.

**MR. SIMPSON:** So what have you done to remediate the problem? Can you explain that to us?

**MS. HERZOG:** Yes, sir. If you will look through and we can go through this packet that I have provided you specifically but Exhibit A is an updated poll workers test and you can see the bolded questions, number ten specifically address some of the issues. Number thirty-five and number six specifically address the issues that we are here to talk about today. In Exhibit B, we’ve got special instructions to the express poll operators. In Exhibit C, special instructions for I.D. checkers. Those are documents that we created in office for them to use as references on Election Day. I am sure you-all are aware and I think it is especially pronounced in our smaller counties but I think it applies in any county, is these poll workers don’t perform these duties every single day. They are trained to do it and then they are asked to come do it on Election Day. I do truly believe that any irregularities or any issues, they were not willful. There was no malice behind it and even the complainant herself has stated that. Simply just a lack of training, which has already been addressed.

**MR. SIMPSON:** So what you have done to remediate it, if I understand, is you’ve changed your training schedule or your training practices and then after that the people are given a test?

**MS. HERZOG:** No, we were doing that already. We simply have added specific questions to the test. Once these errors were eliminated and we realized although we were already training on that issue, we realized people just aren’t getting it, obviously, and so we need to double down on that effort and make sure that it is something we concentrate on to make a point so that we know that they have gotten what they need to get.

**MR. SIMPSON:** The training was occurring before these violations occurred?

**MS. HERZOG:** Yes, sir, it was occurring but we have created these documents and made the specific effort to train on these issues since. But, yes, training was occurring even then. However as I said, we now have a full-time position and that allows for further training to occur where it didn’t in the past.

**MR. SIMPSON:** So there has been personnel changes as well?

**MS. HERZOG:** Yes, sir. Ms. Fosky is no longer employed there and Ms. Hayze is our elections supervisor.

**MR. SIMPSON:** Thank you.
MR. MCIVER: Mr. Chair, do these unique instructions for Coffee County require any scrutiny from your office?

MR. SECRETARY: I don’t believe they do. I mean, Mr. Harvey can speak to that, if he wants. To me, it kind of shows that the County is trying to address specific issues they had in their county and we have a host of new poll worker training videos that we’ve come out with and I think we’ve gotten really great reviews from the counties, which is just another tool that we have, to do trainings. I am sure they can use those, as well, but this document to me, I think, says that the county is addressing specific deficiencies that they had in prior elections, which I applaud.

MR. MCIVER: These instruction sheets are not the subject, Mr. Lewis, of the complaint?

MR. LEWIS: No, sir, this is something they did after the complaint was filed and the investigation was complete.

MR. SECRETARY: I think this is their remediation plan, if you will, to address the problem.

MR. MCIVER: Just trying to clarify. It occurred to me that it was after.

MR. SECRETARY: Yes, sir.

MR. SIMPSON: You said question number thirty-five on this document, Exhibit A--

MS. HERZOG: Yes, sir.

MR. SIMPSON: --specifically addresses the violations that are noted?

MS. HERZOG: Ms. Frances Hovey that’s, obviously, not the first issue that we were talking about just now, but the second issue, about when an unknown voter was allowed two voter access cards. That was an isolated incident. One human error, which I think…

MR. SIMPSON: What addresses the violations about the thirty-seven counts, the fifty-two counts, the three counts, the twelve counts of those violations?

MS. HERZOG: Are we talking about the certificates that they filled out?

MR. SIMPSON: Yes, I want to know how your training materials address those issues.

MS. HERZOG: Yeah and may I allow Ms. Hayze to come up here and assist me but I believe the certificates that we included as Exhibit D, the examples of properly completed voter certificates, we actually go through these and Ms. Hayze can elaborate but when they do their training, which I believe they’ve already done for this election, they go through these step by step with their poll workers so that they understand what needs to be filled out so that we won’t have a similar problem.
**MS. HAYZE**: She is correct. These are just the application that the voter fills out on Election Day.

**MR. SECRETARY**: If you don’t mind, just give us your full name, so, we can get you on the record. Thank you.

**MS. HAYZE**: Misty Hayze, elections supervisor for Coffee County. My address is 830 Dennis Harper Road Ambrose, Georgia. When a voter comes in, this is the application that they fill out on Election Day and so these are the copies that we have made and the samples that we’ve went over with our poll workers, where the correct signatures need to be, where the correct check marks need to be, if that situation is occurring.

**MR. SIMPSON**: How did these violations impact the election? Was there any substantial impact?

**MS. HAYZE**: In no way there was no vote changed. There was no intent to have a vote changed. Like I said, no willfulness whatsoever. It was basically paperwork -- just inadvertent paperwork issues.

**MR. SIMPSON**: It did not impact the election at all?

**MS. HAYZE**: No, sir.

**MR. SIMPSON**: No voter was denied the right to vote?

**MS. HAYZE**: No, sir.

**MR. SIMPSON**: And every vote was counted?

**MS. HAYZE**: Yes, sir.

**MR. SIMPSON**: Thank you.

**MR. SECRETARY**: Anything else?

(No response)

**MR. SECRETARY**: Is there anyone else wishing to speak regarding this matter?

(No response)

**MR. SECRETARY**: Hearing none, do we have any other discussion or a motion?

**MR. MCIVER**: Mr. Lewis, your recommendation again?

**MR. LEWIS**: We recommend that the individuals involved in the case and the County, that they be bound over to the attorney general’s office for the listed violations.
MR. MCIVER: So moved.

MR. SECRETARY: Alright, Mr. McIver moves to bind over.

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Do we have any other discussion?

MR. SIMPSON: I would like to say that in view of the remediation efforts that they’ve made and the fact that there was no impact on the election at all and the personnel in that office now seem to be aware of the necessity of making sure that all of these forms are completed correctly, that it seems like, to me, this is a matter that could be resolved with a letter of instruction rather than being bound over to the attorney general’s office.

MR. SECRETARY: Well, that is certainly an option we have of course we do have a motion and a second. Any other discussion?

Mr. Worley?

MR. WORLEY: Mr. Secretary, I appreciate Mr. Simpson’s comments and I think all of those are things that the attorney general’s office can take into account in coming up with a consent order relating to this matter but I think the volume of violations are too great to deal with only a letter of instruction.

MR. SECRETARY: Anybody else?

MR. SULLIVAN: Mr. Secretary, I agree with Mr. Worley. I do appreciate the remediation that have gone into place, although, I do intend to vote in favor of this motion. I really appreciate those efforts and it looks like you have gone a long way toward resolving those issues.

MR. MCIVER: Mr. Secretary, I would like to add exactly the same remarks. I am very impressed with what you have done but we want to see a good clean election first without this volume of errors.

MR. SECRETARY: And I want to say the same too. Thank you-all for being here today. It is clear to me and, I think, to the rest of the Board, without me speaking for them, that y’all made a great deal of changes and I am sure that will be reflected with your ongoing workings with the attorney general’s office. So thank y’all for being here today.

Alright, if there is nothing further we have a motion and a second to--

Yes, sir?

MR. HICKS: I would like to make a comment on what was said, please.

MR. SECRETARY: Alright.
MR. HICKS: My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas, Georgia 31533. I was listening to the comment that was made about the voting -- all the violations at the (indiscernible). We are forgetting one important thing, that the people that made those violations are still the same people that’s sitting at the same offices that worked there before. Chairman of the board -- the same chairman. We have the same people that worked there at the board that is there now. The same people that are representing our (indiscernible) are the same people that did the same violations, but now, they say they straightening it up. That is something, I think, that the Board really should look at. It happened there that one person got fired but you still got the same key players in there, same chairman. So y’all make a change now while the same people are still there doing the same thing. I’d like to say thank you for your time.

MR. SECRETARY: Thank you for being here this morning. Any questions for Mr. Hicks?

(No response.)

MR. SECRETARY: Alright, anyone else wishing to speak before we move on here.

(No response)

MR. SECRETARY: We have a motion and a second 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 and that motion carries. Thank y’all again, all of you-all for being here.

Alright, Mr. Harvey is signaling that he has some information for us on SEB case 2012-107. Let me call that back to the agenda, which is number fourteen in our binder.

MR. HARVEY: Yes, sir, Chris Harvey. I am the elections director for the State of Georgia at 2 Martin Luther King, Jr. Drive Atlanta, Georgia 30334. It appears that this case actually was presented to the Board last year at this meeting and the Board did bind over Judge Sanders, Joe Hamilton and Bobby Carpenter and dismissed the cases against Gail Meadows, Clara Glasbur and Faye Brewer. That was voted and passed by the Board so, I believe this case should have gone to the AGs office and apparently, we just failed to send it to them. So I think this case has been resolved and it should be with the AGs office.

MR. SECRETARY: We will remove that from our agenda and I apologize for that having been on the agenda.
Now, we will move on to case number 2012-198. It is another Coffee County case, which is number seventeen in our binder.

**MR. LEWIS:** Yes, sir. In this complaint chairman C.T. Peavy of the Coffee County board of elections and registration filed a complaint with us and turned in some electors that were receiving assistance during the November 6th, 2012 general election. Our investigation revealed the respondents Charlie Mack Wooten (phonetic), James Curtis Hicks (phonetic), Evelyn Griffith (phonetic), Charles Woods (phonetic) and Olivia Pearson (phonetic) did, in fact, provide assistance to electors during the November 6th, 2012 general election when those electors were not disabled or illiterate. Additionally, some voter certificates were not marked as to the reason for the assistance when Olivia Pearson assisted some voters.

We recommend that following respondents, Coffee County board of elections and registrations, Judy Fosky and Charlie Mack Wooten, James Curtis Hicks, Olivia Pearson, Evelyn Griffin and Charles Woods be bound over to the attorney general’s office for the listed violations.

**MR. SECRETARY:** Any questions for Mr. Lewis?

(No response)

**MR. SECRETARY:** Anyone wishing to speak?

**MS. HERZOG:** Good Morning, again. Jennifer Herzog counsel for Coffee County board of elections and registration. 1564 King Road, Tifton, Georgia. As to the case 198, this is an issue that was self-reported by the chairman of the board of elections in Coffee County when the office came to believe that certain poll workers might have provided assistance to voters that did not qualify for such assistance. Again, we recognized this as a training issue and I actually have re-doubled our efforts to make sure that each and every poll worker understands that in Coffee County.

**MR. SECRETARY:** Any questions for Ms. Herzog?

**MS. HERZOG:** And just for the minutes, I apologize I don’t have a copy for you-all. I just got this, this morning, but, this is a letter that Mr. Charles Wood sent with Mr. Peavy to provide for your minutes and it basically -- I will be glad to read it into the record. It explains that he assisted his wife and there was no malice or ill intent but I will be glad to read it, if you would like or I will just add it to the minutes.
MR. SECRETARY: We can accept that letter if you want or accept a copy of it. Do we have a motion to accept the documents?

MR. SIMPSON: So moved.

MR. MCIVER: Second.

MR. SECRETARY: We have a motion and a second. All those in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have accepted the documents.

Any questions for Ms. Herzog?

MR. MCIVER: How many of these, other than Mr. Wood, would have been relatives assisting?

MS. HERZOG: Can you-all speak to that. I am not sure that I know the answer to that right off hand. I may be able to look back through -- I don’t know if the investigative report provided that information or not.

MR. ARCHIE: I can answer that question.

MR. LEWIS: I didn’t hear the question.

MR. MCIVER: I will be glad to repeat the question. I want to know, other than Woods, how many of these assistance cases involved family members?

MR. ARCHIE: I am Investigator Glenn Archie with the Georgia Secretary of State’s office. I investigated this case. There is one other person that assisted his daughter, which she voted during advanced voting.

MR. MCIVER: Was she in some way disabled?

MR. ARCHIE: No, sir, she was not disabled, she was not illiterate. He assisted her because it was her first time voting. He helped her go through the using the touchscreen during advanced voting but she was neither disabled nor illiterate.

MR. MCIVER: They allowed two people to do touchscreen?

MR. ARCHIE: Yes, sir, her and her father. He did sign the application for absentee ballot during advanced voting that he was assisting her. It was not marked on the bottom of the application why he was assisting her but he was still allowed to assist her.

MR. MCIVER: Who touched the touchscreen?
**MR. ARCHIE:** She did.

**MR. MCIVER:** Alright. Thank you.

**MR. SECRETARY:** Anything else for Mr. Archie?

(No response)

**MR. SECRETARY:** Anything else for Ms. Herzog?

(No response)

**MR. SECRETARY:** Alright, thank you. Anyone else wishing to speak on this matter?

**MS. PEARSON:** Good Morning, my name is Olivia Cody Pearson. I reside at 614 Taylor Circle Douglas, Georgia. I am one of the respondents of the allegations regarding this case and according to the letter that I received from Mr. Russell Lewis, it states that I did, as an elector, violate O.C.G.A. 21-2-409(a) assisting electors who cannot read English or have disabilities, two counts, in that I assisted Evelyn Ross (phonetic) and Antanies Harrison (phonetic) who are not physically disabled or illiterate during the general election on November the 6th, 2012.

I would like to respond to that allegation. I do, in fact, recall assisting Ms. Evelyn Ross. She is my aunt. She has difficulty seeing and she did not know how to operate the machine. Now, I do not have recollection about a Ms. Antanies Harrison but I can say that if I assisted anyone, I did not touch the screen and if I helped, they asked me to help them. I didn’t volunteer my service. So if someone asked me will you show me how, then I would have done that.

I will also add that, according to what I read on the O.C.G.A. statute, it says that no elector shall receive any assistance in voting unless she or he is unable to read the English language or if she has a disability which renders him or her unable to see or mark the ballot or operate the voting equipment or to enter the voting compartment or booth without assistance. My response is, if someone asks me for help, I felt an obligation to try to assist if I could. At no time have I ever touched the screen or told them who to vote for. I could only relay to them what the screen says or whatever and give them an option as to how they would want to proceed. Now, I do want to state while I am up here, I have tried to represent the citizens of Douglas, Coffee County for sixteen years. At no time, at this election right here that we are referring to, was I a candidate that was running for office. I do serve as an elected official as a city council person but that was not the election in which I assisted. It was the Federal election, if I am not mistaken.

I feel that -- I don’t know why Mr. Peavy made this complaint. The letter clearly states that the complaint was filed by Mr. C.T. Peavy, the chairman. I wish that I had been given an opportunity for him to ask me a question about why I was assisting someone prior to filing a complaint. Douglas is a small-town community and a lot of us, we do know each other, so, he is well aware of me and he knows I am very involved in the community. I just think that, as some
people have stated here earlier, I feel that sometimes things are done to try to maybe disencourage or whatever other people from voting and I don’t feel like that is fair. I feel like everybody who wants an opportunity to vote, if they are a registered voter, they should be provided that opportunity. I can say to you-all I know that I have not done anything wrong. I was really offended when I received this letter saying that I had violated the law some kind of way. I really took strong offense to that because that’s really hurting to me being an elected official trying to do the best that I can to try to help our community to move forward and grow. I just feel like I needed to come here and state my position about what that letter said.

**MR. SECRETARY:** Ms. Pearson, thank you for being here. I have a question for you.

**MS. PEARSON:** Yes, sir.

**MR. SECRETARY:** Do you remember where you were when you -- you know, when these allegations were going on? Was it during early voting at your precinct?

**MS. PEARSON:** Honestly, I can’t recall if it was early voting or regular. I really can’t. I just remember that my aunt one day was walking and she wanted me to give her a ride. She saw me and I was giving her a ride and I asked her, I said, have you voted and she was like, no, I haven’t voted and I said, do you want to vote and she said, yeah but you will have to help me. I remember that with her, other than that -- and the other person, I really honestly do not recall.

**MR. SECRETARY:** Do you recall a poll worker or poll manager saying anything to you when you were doing the assisting?

**MS. PEARSON:** No, sir. No, sir. Nobody said anything -- when I would go to the table with that person I remember them asking, you are helping this person and I would say, yes, ma’am or yes, sir and I had already signed because you have to sign your name and whatever. They might have had an issue with -- because some people cannot read or write fluently the English language. They have problems reading so if it was illiterate they would check that or I would check that or the poll worker would check it and if it was a physical disability they would check that because I believe with my aunt, with her not being able to see well, she did the physical disability.

**MR. SECRETARY:** Okay. Anybody else have any questions for Ms. Pearson?

(No response)

**MR. SECRETARY:** Thank you for being here.

**MS. PEARSON:** Thank you, sir.

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

**MR. HICKS:** My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas,
Georgia. Pertainin
g to the same matter about voting (indiscernible). I had forty-four counts, they say, but I have carried hundreds of people and I take my voting rights very seriously such as my (indiscernible) I do to help my community and as far as being one of them that help people, yes, I come in and help them people that have no idea about how to run the machine but I never once touched it or advised them on how to vote or anything such as that. It was no more than just assisting them in how to use the machine. One time, I think, Ms. Misty came out, herself, and told me that Mr. Hicks, you are not allowed to do that. That’s our job. I said, well, no problem. I have no problem. So that was during early voting and I know for a fact that the people that I did help they can read, they can write. I am not denying that but some of them have never voted in years. Some of them have never used the machine so they asked me to help them use the machine -- show them how to use the machine. So, at that particular time there was nobody, really, in the office but two people and there was one taking the cards and one taking your information and the other one giving you the cards and there was no one assisting until Ms. Misty walked out and that is when she personally told me that was her job -- the voting people’s job to assist people with the machines. We just heard what the law said so I am wondering was that right or wrong, if someone actually would help. If I am guilty, I am guilty of helping somebody who asked me. Like I told the investigator, some people can’t read or write and my thing was do they know how to use the machine. Everybody is not computer savvy and that is my whole thing. I didn’t touch it, I didn’t (indiscernible) I didn’t ask them to move the votes. I never once told them anything, no more than what to do with the machine and that is why I am here. As far as I can understand, I know I am (indiscernible) like Ms. Pearson, I am very offended by being here. I have brought hundreds of people, hundreds of people up there to go vote. For me to get caught with forty-four counts, your Honor, I done brought hundreds of people up there and it wasn’t intended to deceive the vote or deceive anybody or break the law in any kind of way.

MR. SECRETARY: Mr. McIver has a question for you.

MR. MCIVER: Mr. Hicks, I obviously have an interest in family members being able to help but that is not the law yet but I do want to ask, since it does impact this case. Was Samuel Reed a family member?

MR. HICKS: No, Samuel Reed (phonetic) was a very good friend.

MR. MCIVER: Sharon Adams (phonetic)?

MR. HICKS: I don’t really know her.

MR. MCIVER: But is she a family member?

MR. HICKS: No.

MR. MCIVER: Audrey Hosh (phonetic)?
MR. HICKS: No.

MR. MCIVER: Matekeetah Dahone (phonetic)?

MR. HICKS: No.

MR. MCIVER: Thank you.

MR. SECRETARY: Any other questions for Mr. Hicks?

(No response)

MR. SECRETARY: Alright. Thank you, sir.

MR. HICKS: Thank you.

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. SECRETARY: Investigator Archie, I have a quick question for you.

MR. ARCHIE: Yes, sir.

MR. SECRETARY: Do we have any documentation about signing for assisting? How does that work? If somebody is legally assisting in a polling location is there a document they have to sign?

MR. ARCHIE: I know on the voter certificate the poll worker is supposed to mark the front of it the reason why that person is being assisted. The person, of course, that assist them signs the back of the voter certificate. Now, of course, during early voting the application for an absentee ballot is done and, of course, the person assisting signs the bottom and they are supposed to mark the reason why they are assisting along the bottom of that.

MR. SECRETARY: So was that done on all these cases?

MR. ARCHIE: We do have the signatures of the parties. When they assisted these people they did sign that they were assisting them, but, voter certificates involving Ms. Olivia Pearson, when she assisted Ms. Ross and Ms. Harrison, the poll worker did not mark the reason why they were being assisted. Now, Mr. Reed -- was it Mr. Reed?

MR. HICKS: Yes.

MR. ARCHIE: Mr. Reed. The people he assisted they were done during advanced voting. He signed the application that he was assisting them but he failed to mark the reason why. So I did interview those parties to find out why they needed assistance.
MR. SECRETARY: So there should be a check there by the poll workers--

MR. ARCHIE: Yes, sir, on the voter certificate.

MR. SECRETARY: --to figure out whether this should be a case of assisting or not?

MR. ARCHIE: Yes, sir, and that was not done.

MR. SECRETARY: That was not done?

MR. ARCHIE: Not on the two with Ms. Pearson when she assisted Ms. Ross and Ms. Harrison on Election Day.

MR. SECRETARY: Thank you. Any other questions for Mr. Archie?

MS. HAYZE: Misty Hayze, elections supervisor of Coffee County, 830 Dennis Harper Road, Ambrose, Georgia. Just a little correction, on the absentee ballot applications for advanced voting those are different than the voter certificates on Election Day. On advanced voting the voter themselves or the person assisting are the ones that sign and check and then Election Day is the ones that the poll worker checks.

MR. SECRETARY: Okay, maybe you can help me. I am trying to understand how this went down when this was going on. So if they were not legally assisting then how would they have gotten through to actually assisting in the voting, if they shouldn’t have been?

MS. HAYZE: At the time that they were assisting we did not know that they were -- one mistake is that they were not checking the applications as well during advanced voting as should have been.

MR. SECRETARY: When you say, they, you are talking about the poll workers?

MS. HAYZE: The poll workers, yes, because it is the right of the -- well, it is the responsibility of the voter and the assisted voter to check on the absentee ballot applications for advanced voting or advanced voting in-person applications. So that is where that mistake was but it is left to the voter themselves or the assisted voter to sign those applications during advanced voting.

MR. SECRETARY: So did you have any of these folks that were alleged to have assisted, that continued to try to do that after you told them not to?

MS. HAYZE: Yes, sir.

MR. SECRETARY: You did. Okay. Any other questions for Ms. Hayze?

(No response)

MR. SECRETARY: Alright, thank you. Anyone else wishing to speak?
**MR. ALLEN:** Roscoe Allen, I live at 765 East Commercial Road, Douglas Georgia. I live in the same county and let me tell you something, I help a lot of people too but what I am hearing is concerning this board of elections here, that’s where the problem is to me. If this doesn’t get corrected we are going to have the same problem--

**MR. SECRETARY:** Let me just caution you real quick. If you have something that pertains specifically to the case we’re glad to hear it but we are dealing with specific allegations on this matter. It doesn’t have anything to do with the local board of elections. This Board doesn’t decide who serves on the county board of elections. So if you would--

**MR. ALLEN:** No, I’m saying if you get qualified people on this board, that is what I’m talking about, you wouldn’t have this problem.

**MR. SECRETARY:** Okay, well, thank you for being here and I will just for the record, the local community decides how they pick their local board of elections. The State Election Board does not have any say so in that matter.

Ms. Pearson, did you have something?

**MS. PEARSON:** Yes, sir. 614 Taylor Circle, Douglas, Georgia. One additional thing, I can say, that I recall anytime that I have helped someone to vote or assisted them that Ms. Hayze and Ms. Fosky because I specifically remember in 2012 Ms. Fosky was in charge then and they had assisted a voter. They had a red card or something that you would get to let whoever know that you were helping someone to vote. So I recall that. So anytime I helped someone I had that card having permission to give someone some assistance.

**MR. SECRETARY:** Okay. Any questions for Ms. Pearson?

(No response)

**MR. SECRETARY:** Thank you.

**MR. PEARSON:** Thank you.

**MR. HICKS:** My name is James Curtis Hicks. I stay at 1353 Edgewood Avenue, Douglas, Georgia. I also recall the same thing during the voting. We had red cards to go back there and I repeat it again I am -- Ms. Misty made a comment that maybe someone that she told there continued to do it. I know for a fact I wasn’t one of them. I know I’m one that she definitely told that was her job and I definitely didn’t do it anymore because I didn’t know. I was thinking anytime you assist someone that’s (indiscernible) but I just want to put that on record about the card. That I was legally behind there, that the poll worker let me back there to assist the people. Thank you.

**MR. SECRETARY:** Anyone else wishing to speak?

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MR. SECRETARY: Any other discussion from the Board or questions for Investigator Archie or Mr. Lewis?

(No response)

MR. SECRETARY: Do we have a motion?

MR. MCIVER: I move we bind it over.

MR. SECRETARY: Mr. McIver moves we bind it over. Do we have a second? I’ll 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 and that motion carries and we have bound that over to the attorney general’s office.

Next, we have SEB 2012-170. It is a Richmond County case, number eighteen in our binder.

MR. LEWIS: Yes, sir. We received a complaint on November the 14th, 2012 in reference to non-resident voters in Richmond County. The complaint was generated by an article in the Augusta Chronicle. Our investigation revealed that Greg Diggers (phonetic) was registered to vote using a business address instead of his home address and he voted in seven elections out of his district. Amy (phonetic) and Craig Bailey (phonetic) were registered using their restaurant address instead of their place of residence. Amy voted in twenty-six elections. Craig Bailey voted in thirty-seven elections. The Baileys did have an apartment at this location but they also had a home purchased in Thompson, Georgia.

Dallas Simone (phonetic) registered using his auto dealership business address and voted in fourteen elections. Shane (phonetic) and Sarah Thompson (phonetic) registered to vote in Richmond County but reside in South Carolina. Shane Thompson voted eight times and Sarah voted in the August 21st, 2012 election.

The Rayburn family, Lawrence (phonetic) voted in seven elections, Albert (phonetic) voted in thirteen elections, Isaac (phonetic) voted in two elections and Sarah (phonetic) voted in two elections. They were registered using the address of their dental practice, which was a converted house where they also stayed.

In preparation for this meeting we were contacted by a number of the parties that were involved in this case, as well as, Ms. Lynn Bailey the executive director for the Richmond County board
of elections. Ms. Bailey stated that each of these electors were contacted by mail on December the 18th, 2012 with a request that the voter contact the board so the information could be obtained to confirm their residential address and there was a follow up hearing for these individuals on January the 22nd of 2013. During that information gathering by Ms. Bailey and her staff, Mr. Greggers (phonetic) voluntarily updated his residential address on the voter registration for the (indiscernible) business at his home in Hephzibah, Georgia on November 13th, 2012 and has been voting at that address since that time.

Amy and Craig Bailey were removed from the list of voters in Richmond County with a hearing on February 11th, 2013 by the Board. Dallas Simone (phonetic) requested in writing that his name be removed from the list of voters in Richmond County on February the 6th, 2013. He is currently not registered in Georgia.

Daniel and Sarah Thompson requested in writing that their names be removed from the list of voters in Richmond County on January 14th, 2013 and November the 13th, 2012, respectively, and neither individual is currently registered in Georgia.

The Rayburn family, Lawrence, Albert, Isaac and Sarah provided satisfactory information to the board of elections regarding their residence slash dental practice on Washington Road. This is the address from which they were voting, were registered to vote and have continued to vote since that time.

We recommend the following respondents Greg Diggers, Amy Bailey, Greg Bailey, Dallas Simon, Shane Thompson and Sarah Thompson be bound over to the attorney general’s office for the listed violations. We recommend the case against Florence Rayburn, Albert Rayburn, Isaac Rayburn and Sarah Rayburn be dismissed.

**MR. SECRETARY:** Mr. Lewis, do you know if we’ve checked to see if there was any double voting?

**MR. LEWIS:** Yes, sir, we did and there was not.

**MR. SECRETARY:** No double voting?

**MR. LEWIS:** No, sir.

**MR. SECRETARY:** Alright, any questions for Mr. Lewis?

**MR. MCIVER:** I have one.

**MR. SECRETARY:** Mr. McIver?

**MR. MCIVER:** Just describe what they did, somebody that votes in multiple elections.

**MR. LEWIS:** The issue was, they were registered at a business address as opposed to a
residential address and they were voting in elections from their business address as opposed to where they live.

**MR. SECRETARY:** So basically you had somebody that lived -- that their house is in South Carolina but they were registered at their business address so they were voting in Georgia because they had a Georgia address.

**MR. MCIVER:** But did they vote in South Carolina?

**MR. LEWIS:** No, sir. When they voted in Georgia they did not vote in South Carolina and vice versa.

**MR. SECRETARY:** Mr. Simpson?

**MR. SIMPSON:** What about the ones that lived in Georgia, was the residents address and the business address in the same precinct?

**MR. LEWIS:** I don’t believe they were. Ms. Bailey can speak to some of those issues as she comes forth with the Richmond County board of elections. They were in separate districts.

**MR. SIMPSON:** If that was the case, it wouldn’t make any difference.

**MR. SECRETARY:** As far as the outcome of the election?

**MR. SIMPSON:** Yes, as far as the outcome of the election. I mean they would have had a right to vote in that election had they used their residence address whereas if you live in a different precinct from where you registered, you wouldn’t have had a right to vote in that election?

**MR. LEWIS:** Yes, sir.

**MR. SIMPSON:** Is that right?

**MR. LEWIS:** Well, that is correct as long as the same people were on the same ballots in every district.

**MR. SIMPSON:** If they were in the same precinct it wouldn’t. You know, if the residence address and the business address were in the same precinct, same folks -- proper people would be on the ballot.

**MR. LEWIS:** Yes, sir, that is correct.

**MR. SECRETARY:** Mr. Worley?

**MR. WORLEY:** Mr. Lewis, you said that the Rayburns also stayed at their dental practice?

**MR. LEWIS:** Yes, sir.
MR. WORLEY: So that was an apartment? A home?

MR. LEWIS: It was a converted house.

MR. SECRETARY: But there is living quarters at the dental practice; correct?

MR. LEWIS: Yes, sir.

MR. WORLEY: So how is that different from the Bailey’s case where they have an apartment--

MR. LEWIS: Well, the Bailey’s they lived at their restaurant for a period of time. They purchased a home and moved. They continued to vote at the business address.

MR. WORLEY: So they didn’t live at the apartment after they bought the house?

MR. LEWIS: That is correct.

MR. SIMPSON: If I am reading your recommendation in writing correctly, you are recommending that the Rayburns be bound over as well.

MR. LEWIS: No, sir. I am recommending that the Rayburns be dismissed.

MR. SIMPSON: Well it says -- you’re saying you found a violation?

MR. LEWIS: We are saying that they were part of the allegation in the original case and it was addressed at the Board’s level on their residency issues, that they voted from their dental practice, they are registered to vote at their dental practice and they have since voted -- they have supplied enough information to the board of registration for that address to be a valid address for them to be registered at.

MR. SIMPSON: Okay.

MR. MCIVER: This is the second time of me asking but I got to get it clear in my mind.

MR. LEWIS: Yes, sir.

MR. MCIVER: When somebody -- for example, Dallas Simon has voted fourteen times. That is fourteen election cycles?

MR. LEWIS: That is fourteen separate elections.

MR. MCIVER: So he is using his commercial address. He voted in fourteen different elections?

MR. LEWIS: That is correct.

MR. SECRETARY: So they could be a primary and a primary run-off.

MR. MCIVER: Cycles or whatever is the proper term. But no double voting, triple voting,
MR. LEWIS: Not that we could tell, sir.

MR. SECRETARY: Alright, any other questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

(No response)

MR. JOHNSON: I am Keith Johnson. I am the attorney representing Craig and Amy Bailey. My office address is 1450 Green Street Augusta, Georgia Suite 226 zip code 30901. Craig and Amy Bailey are long time business owners in Augusta. They opened up Rhinehart’s Oyster and Seafood Restaurant in 1983 and at the early part of their business venture they actually lived full time in the apartment which is directly above the restaurant and they currently maintain that apartment until this day and for example, in about two weeks we will have a golf tournament in Augusta which will bring in a lot of visitors to the city and during that time period, because of the increased volume and because of the tournament, they will actually sleep over night from time to time to make sure they have adequately prepared for the increased business.

Now, to be quite frank they did buy a home in Thomson, Georgia McDuffie County, I think, back in -- I believe 1996 and that is where they filed their homestead exemption. This is something that they had no idea that they were running a fowl of the law. When they spoke with the Augusta Chronicle reporter they were very free and didn’t hold anything back because they were not aware that they were in violation. When the article came out, they instructed me that they did not vote in the 2012 Presidential Election and they had not voted in Richmond County since that time period. This is something that they are embarrassed by. They are very influential in the community and I think that because there is no further risk of harm or any evidence of double voting or any deceit, I would ask that the Board consider a letter of reprimand or something to that sort or even just an instructional letter because this is ignorance of the law and I know that is not a complete defense but, I think, that it does go to show that they were operating in good faith. They were transparent about the entire thing. They’ve invested in representation because this is something that is very important to them and they don’t want to be perceived as doing anything that is not honorable in that regard. Thank you.

MR. SECRETARY: Thank you for being here, Mr. Johnson. Any questions for Mr. Johnson?

(No response)

MR. SECRETARY: Thank you, sir. Anyone else wishing to speak on this matter?

MS. BAILEY: Good Morning, thank you for your time. Good Morning, Members of the Board. My name is Lynn Bailey and I’m the elections director in Richmond County and I thought I
would take a minute just to share a few things with you. First of all, I agree completely with what Mr. Johnson just expressed about his clients. I don’t believe that there was ever any malice or ill intent by any of these voters to vote twice or to attempt to vote twice or do anything other than what you have stated here which is being registered from a business address which we know is not allowable under Georgia Law but nevertheless I believe that these cases were done out of ignorance of the law and not any bad intent. I will also say that when this matter came to the attention of the board of elections in the late fall of 2012 they began looking into the matter, conducted an investigation and were well satisfied that each one of these people were either eligible to be registered in Richmond County or either their names were removed off the list. Now at this point and for quite some time the board has felt comfortable with that decision and felt frankly that it was resolved.

I would also like to say that since that time in the last three or four years that we have had throughout the State great advances in technology that have provided election officials across the State with tools that we didn’t have at our disposal before, including on a local level too, that we now have the tools to cross-reference our database with tax records, GIS records to help us identify not just addresses that are invalid because they are a business address but also because they may be vacant because of demolitions or other issues that we face as we try to maintain the accuracy of our voter registration list. So we are able to identify those addresses and then take that information and filter it through Georgia’s, I must say, improved voter registration system, to try to catch these things in the front end of the process so that they don’t get to the point where we find ourselves today. So those are the positives, I guess, and the good takeaways from all of this and then, of course, I’m glad to answer any questions that you have.

**MR. SECRETARY:** Thank for being here. Any questions for Ms. Bailey?

**MR. MCIVER:** Would this situation have been caught by the technology you are talking about? The original voting of the exact correct place and then they buy a home. Does the system catch that?

**MS. BAILEY:** In the case of the Rayburns, I am not sure if it ever would have come to our attention because that’s in a fairly residential area. It’s in a former home that’s been converted to a dental office. It is possible in the other instances, with this technology, that these properties would have been identified through our tax records if the commercial properties cross-referenced against our list and eventually filtered down to the level that we could reach out and contact the voter. In fact, we have those processes in place now on a regular routine basis since we have the technology available. So I do think that eventually, perhaps, it would have.

**MR. MCIVER:** Mr. Chairman, I would like to point out that Ms. Bailey is probably one of the most renowned election officials we have in the State of Georgia, honored that she is here to present to us.

**MS. BAILEY:** Thank you very much. I appreciate your time and you know, again, I must
reiterate that I don’t believe that there was any ill intent on behalf of our voters. I believe that, you know -- and I wouldn’t dare speak on anyone’s behalf but I believe that they honestly felt as property owners in the area that they could register to vote in Richmond County, if they chose to do so. We have no evidence -- even though some are now registered in other counties in Georgia, we have no evidence that anyone has made an attempt now or in the past to vote more than one time.

**MR. SECRETARY**: Alright, any other questions for Ms. Bailey?

(No response)

**MS. BAILEY**: Thank you.

**MR. SECRETARY**: I would agree with you, Mr. McIver, that is why I have appointed her to be one of Georgia’s representatives on the U.S. Elections Assistance Commission. Ms. Bailey, I believe, will be representing us in a meeting in Carlsbad, California here coming up shortly. She does a lot of great duties for the State as well as a lot of our -- I know we have many registrars and superintendents with us today. So we appreciate all that you do.

Alright, anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY**: Any other questions for Mr. Lewis?

(No response)

**MR. WORLEY**: I make a motion that we dismiss the case against the Rayburns.

**MR. MCIVER**: Second.

**MR. SECRETARY**: We have a motion to dismiss the Rayburns and a second by Mr. McIver. 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 and that motion carries and we have dismissed the case against the Rayburns.

**MR. WORLEY**: And then, Mr. Chairman, I would make a motion that we send a letter of
instruction to the other respondents. Given the fact that there doesn’t appear to be any attempt to vote twice, that they were misinformed as to, for whatever reason, where they could vote that there hasn’t been any indication that they’re doing this again and that it has been four years almost since this happened. I don’t see any point in wasting the resources of the attorney general’s office in dealing with this matter when we can send them a letter of instruction indicating that this was a violation of the law and they shouldn’t do it again.

**MR. SIMPSON:** Mr. Chairman, may I speak to that?

**MR. SECRETARY:** Yes, sir.

**MR. SIMPSON:** I disagree. I think the number of times that these people have voted and I think, it was just common sense that you register a vote where you live not where you work. So I think these violations are substantial and I think they should be bound over. Were it once or twice or just a few times, I would agree with Mr. Worley but in view of, one is fourteen counts, one is thirty-seven counts. I mean, they just go on for years and years voting in the wrong place so I cannot support the letter of instruction.

**MR. SECRETARY:** Alright. Thank you, Mr. Simpson.

**MR. WORLEY:** Could I?

**MR. SECRETARY:** Yes, sir. Mr. Worley.

**MR. WORLEY:** I certainly appreciate the Judge’s view on that however I think this is a situation where if you don’t know that you are voting in the wrong place there is no reason that you are going to change doing that unless you are told buy the newspaper or an official that you can’t. So the mere fact that they did it multiple times, to me, is not an indication that they willfully violated the law.

**MR. SIMPSON:** Can I ask the election superintendent a question?

**MR. SECRETARY:** Yes, sir. Ms. Bailey?

**MR. SIMPSON:** The application for voter residence indicates that you are supposed to give your residence address, does it not?

**MS. BAILEY:** It does in fact. Yes, sir.

**MR. SIMPSON:** Okay, thank you.

**MR. SECRETARY:** Thank you. Any other discussion -- We do have a motion by Mr. Worley, we did not have time for a second there. Do we have a second?

(No response)
MR. SECRETARY: That motion dies for lack of a second. Do we have another motion?

MR. SIMPSON: I move that these cases be bound over to the attorney general.

MR. WORLEY: I’ll second that motion.

MR. SECRETARY: We have a motion by Mr. Simpson and a second by Mr. Worley to bind over. Everyone else -- keeping in mind that we have dismissed all the Rayburns. 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 and that motion carries.

Alright, let’s see, we are moving on to 2012-200 Gwinnett County, number nineteen in our binder.

MR. LEWIS: Yes, sir. This is a case that the Board heard at our last meeting on October the 21st, 2015. Gwinnett County elections officials reported that there were eight subjects who were registered to vote in the November 6th, 2012 general election while under sentence for a felony conviction. We presented the case on October the 21st board meeting and Carlton Muldrow (phonetic) was present at the time and was dismissed by the Board for having gotten his life together and straightened out. Anthony Smith’s (phonetic) mother, Annette Smith (phonetic) was present at the board meeting representing her son and indicated that he was a participant in a program called WECARE. The Board had interest in returning the case to investigations to determine if any of the other people that are involved at that particular health facility was involved with the WECARE program. We made attempts for the remaining six individuals to contact them to ask them that question about their involvement in WECARE. We were able to talk with four of those individuals who told us they were not involved in the WECARE program. Out of the original eight subjects we were able to determine that only one was involved in the WECARE program but that all were under felony conviction sentence at the time of voting.

We recommend that the following individuals be bound over to the AG’s office for the listed charge and that is Sheron Crawder (phonetic), Ronald Foster (phonetic), Salita Austin (phonetic), Anton Frazier (phonetic), Joseph Musa (phonetic), Clifton Bets (phonetic) for voting under a felony sentence. We recommend a letter of instruction be issued to Anthony Smith (phonetic) for that same violation. Mr. Smith is currently under close supervision of his mother and Mr. Smith was a participant in the WECARE program.

MR. SECRETARY: Alright. Mr. McIver?
MR. MCIVER: Mr. Lewis, has any of these folks requested or sought restoration of their rights and that they were granted?

MR. LEWIS: No, sir, not that I know of.

MR. WORLEY: I had a question.

MR. SECRETARY: Mr. Worley?

MR. WORLEY: Mr. Lewis, we dismissed Mr. Muldrow’s case?

MR. LEWIS: Yes, sir.

MR. WORLEY: Could you explain why his case would be different than Mr. Smith’s and why you are recommending a letter of instruction instead of dismissing this?

MR. LEWIS: We recommend the letter of instruction because he did show up and voted. We are open to any other suggestion the Board would have on that. That was the violation that occurred and as I said, he is under close supervision of his mother to keep those kind of events from happening in the future.

MR. SECRETARY: So did Carlton Muldrow vote?

MR. LEWIS: He did.

MR. SECRETARY: And we have dismissed that case?

MR. LEWIS: Yes, sir. He was the gentlemen that showed up at the last meeting.

MR. SECRETARY: Anyone else wishing to speak on this matter?

MS. DRUMGOLE: My name is Annette P. Smith-Drumgole (phonic) now. My address is 4418 Pipemaker bluff, Douglasville, Georgia 30135. I represent my son Anthony L. Smith, Jr. At the time, Anthony was in a program called WECARE but he also attended a day program called Viewpoint. Viewpoint was a program that was supposed to help rehabilitate Anthony through Cobb County Superior Court, which he was sent there due to domestic violence but he was under the care also of mental health. At the time that he was sent to Viewpoint, viewpoint was supposed to help rehabilitate him, as far as domestic violence and anger management, mental health and parenting skills. At that time, that day, I was told that they had taken them all to vote and offered them the ride to vote and the WECARE program didn’t even know that they had offered these gentlemen the opportunity to go vote. At that time, before Anthony went into the program, he already had a voter registration card. So once he got into the program and he is offered to vote he was like, well, I already have my card and at that time they went to vote and did what they had to do and later found out, like last year, when he came back home -- he was in the program from 2012 when Cobb County sent him, then he came back home last year of 2015.
By that time I had gotten married and my husband and I had agreed to try to help Anthony get back on the path of going and getting his life together.

I have a second son, which his name is Travis (phonetic). Anthony is thirty-three and Travis is twenty-three. I have been a single parent for twenty-six years. I worked for Fulton County superior court alcohol and drug treatment center and I worked for Cobb County Superior Court, with J. Stephenson. I now work at Delta Airlines. So I have been a committed parent and committed to abide by the laws of the land and I have never had a speeding violation or anything on my record. Just to give you a summary, I always told my kids never to want to come into the system. We never knew when Anthony was twenty-seven that he had a mental health condition and once we found this out we began speedily trying to get him some help. He is now on disability. We now make sure that the medicine and things are taken. He attends doctors and a psychiatrist and everything to follow-up. If Anthony had known at that time, going into that program, that he had no right to vote -- I didn’t even know, working for J. Stephenson for four years, that a probationer didn’t have that right. So once I got this letter in the mail I instantly called Mr. Russell’s office and kept in touch with him. I changed my number recently and I gave him the number. I also went and followed up and what we did, went back to the probationer because Mr. Russell and them showed that he was still under probationer. So I have a letter here that the probation officer gave me to show that he has been cleared as far as his probation and all the things that he was supposed to do before he came home. Also I have a letter from the voter registration of Douglas County to show that he is a registered voter at this time. So we have been doing all the homework as much as I can, keeping up with me, in the last two years, overcoming breast cancer, my husband overcoming prostate cancer. So we do as much as we can to stay involved in this situation as far as Anthony and his life and doing what he has to do.

So I come today to represent -- coming from Douglas County this morning working a ten to six thirty in the morning shift, making sure that I am here to represent him and let them know that I am in pursuit of trying to get his life together and him helping as well. He is doing greatly now. We are just here in the hopes to get him released and get him back on the road to doing what he is supposed to do.

**MR. SECRETARY:** Thank you for being here. Could you give me your last name again?

**MS. DRUMGOLE:** Drumgole. D-r-u-m-g-o-l-e.

**MR. SECRETARY:** Alright, thank you Ms. Drumgole. Any questions for her?

I was just going to ask so when Anthony -- he was in the WECARE program and they took him to vote.

**MS. DRUMGOLE:** WECARE was the place where he resided in for three and a half years. The program that took him to vote was called--
MR. SECRETARY: Viewpoint?

MS. DRUMGOLE: Viewpoint health, yes. And the people that instructed him to do that at that time is no longer with the program.

MR. SECRETARY: So that is not something that he willingly went to do?

MS. DRUMGOLE: They offered him the opportunity and Anthony was used to -- although from twenty-seven up until now he was always used to voting still, you know, and we still discuss politicians and everything else and he says today on the way here, he says, mom, I will be able to vote again if they release me today. He still has that drive and the desire to do right and to get back on track.

MR. SECRETARY: Thank you. Any other questions? Mr. McIver?

MR. MCIVER: What a terrific mother you are. He is very, very lucky to have you.

MS. DRUMGOLE: I tell my kids that every day.

(Laughter from the gallery)

MR. MCIVER: Tell them to call me up and I will tell them.

MS. DRUMGOLE: Okay and I tell them all the time. My youngest one, he works two jobs and he goes to school full-time and he recently got a ticket and I said, I told him, you don’t want to start getting in the system. You want to take your time and leave early like I do. If you know the day before, prepare three hours before to drive, to take your time to avoid other drivers. You have to prepare and that is what I have learned in my twenty-six years of parenting.

MR. MCIVER: Well that was a predicate to my question. I think I asked this last time but is Anthony here.

MS. DRUMGOLE: Anthony is here.

MR. MCIVER: I am very honored to see that he came.

MS. DRUMGOLE: He follows me. Every day we walk, we change our health. Due to this medical scare with myself we changed our eating, we do things differently. He comes to help out. He helps in the house and I tell him, you know, keep walking. Keep your health up, do this -- you know if we can cut down on the smoking. The drinking, he stopped because he knows that is a no tolerance for me. I don’t do it and I am not going to ask you to do something that I don’t do, so. We are working on the smoking thing.

MR. MCIVER: Thank you.

MR. SECRETARY: Anyone else?
MR. SECRETARY: Alright, thank you, Ms. Drumgole. Appreciate you taking the time.

MS. DRUMGOLE: Thank you guys. I appreciate what you do.

MR. SECRETARY: Alright. Is there anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Do we have a motion or any other discussion?

MS. SULLIVAN: I move that the case against Anthony Smith be dismissed and the remaining cases be bound over to the attorney general’s office.

MR. MCIVER: Second.

MR. SECRETARY: Alright, Ms. Sullivan moves that we bind over everyone except for Anthony Smith and that his case be dismissed. Mr. McIver seconds it. 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 and that motion carries. Thank you all again for being here today.

Alright we are going to move on to 2013-005, which is the Randolph County case, number twenty in our binder. Ms. Watson?

MS. WATSON: Yes. 2013-005 Randolph County. The complainant in this case is Mr. Bobby Miller (phonetic) and he reported that residents of a nursing home were voting absentee when many of them were mentally incompetent to vote and individuals were collecting blank ballots and taking them to a central location for completion. A second complainant also reported that she was unable to vote during early voting and was told that she had already voted. During the investigation we were provided the name of one individual in a nursing home that was alleged to have voted absentee when mentally incompetent. The election records indicate that the individual did not vote in the March 19th election and she has sense passed away.

We were provided the name of four individuals that were reportedly collecting blank ballots for completion. Two of those individuals were located but there was no supporting evidence to substantiate the allegations.

Ms. Fulhurd (phonetic) reported that she was not able to vote during early voting and was told
she had already voted however the issue was cleared up by the election officials and she was able to cast her ballot.

During the review of the special-election documents there were several procedural violations discovered involving the absentee ballot applications and ballot envelopes. Two ballots were accepted and processed without the signature of an elector. The election office did not certify twenty-seven absentee ballots and write the day and hour of the receipt of the ballot on the envelopes and an election official used a list from a previous election to mail fifty-two absentee ballots to applicants without their requesting a ballot and without determining eligibility for the current March 9th, 2013 special-election. Poll workers failed to sign or initial the voter certificates of at least sixty-two electors.

The recommendation is to bind over Randolph County board of election and registration and Sandra Johnson (phonetic) elections supervisor to the AGs office for 21-2-386(a)(1)(c) safe keeping certification validation of absentee ballots for accepting two absentee ballots (indiscernible) for electors, 21-2-386(a)(1)(b) for safe keeping of certification validation of absentee ballots for failure to certify the ballot and write the day and hour of the receipt of the ballot on twenty-seven absentee ballots and 21-2-384(1)(2) mailing of ballots when fifty-two official absentee ballots were mailed to applicants without their requesting a ballot and 21-2-451(a) execution of voter certificates. Poll officers failed to sign or initial on at least sixty-two of (indiscernible) voter certificates.

**MR. SECRETARY:** Alright. Any questions for Ms. Watson?

(No response)

**MR. SECRETARY:** Hearing none, anyone else wishing to speak?

**MR. RAULERSON:** Mr. Secretary and Members of the Board, Kelly Raulerson. R-a-u-l-e-r-s-o-n, first name Kelly. My address is Post Office Box 71209 Albany, Georgia 31708. I come to represent the Randolph County board of elections and registration and Ms. Thompson (phonetic). Ms. Thompson furnished a response which I think has been furnished and I am presume y’all have it. I don’t have a whole lot more to say than what has been said in that response back in that time. This was a special election held for the sheriff of Randolph County. The sheriff passed away and they had a special election. She was under the impression that since this was a general election and the same cycle that she could send out these ballots without people requesting them. She took the list, as I understand, (indiscernible) and sent them out and that is a violation, no question about it and she readily admits it.

As far as the certificates not being signed, I think there was a technical violation because those people voted and they were not deprived of voting. The same way on the certification of the absentee ballots. Those people voted and there is nothing to indicate that they were not allowed to vote. Since this has been brought to attention, there has been a lot of additional training and
we assure you that we will work with them to try to ensure that these things do not happen in the future. One thing to keep in mind, shortly before this the board of registration and board of elections were separate entities. Ms. Thompson was on the board of elections but was not quite as involved with the day-to-day elections operation as she was. She then became election supervisor when the merge occurred. So you can’t say anything except it was errors and there was no intent to deprive anybody of the vote or direct the vote and I don’t think there was any of us that anybody was deprived and we just would request that, if possible, a letter of instruction be given but if you refer it to the attorney general we will certainly work to try to ensure that these things do not occur in the future and I don’t think they have since that time and this is 2013. With poll workers we know that even with the best of training some of the things do not get checked off as should. So we just ask, if possible, to get a letter of instruction but we will certainly try to make sure that these things do not happen in the future. Any questions?

MR. SECRETARY: Any questions?

MR. MCIVER: Did this have any impact on the election?

MR. RAULERSON: No, sir, it did not. I think that in that election for sheriff, gosh, he won by a hundred -- I think it was a hundred and fifty or something. You may know what it is. Tremendous amount. The guy that got elected had none whatsoever and these people, in fact, voted. I mean they were not -- nobody was deprived of voting or kept from voting. It was just that things were not necessarily done.

MR. SECRETARY: Do you happen to know how many of the fifty-two absentee ballots that were sent out, incorrectly were voted?

MR. RAULERSON: I don’t know. I tried to go back and couldn’t find the records. I think they did. A good many of them voted but I can’t give you the number, one-way or the other. I tried to find that out.

MR. SECRETARY: Okay. That’s alright. Any other questions?

(No response)

MR. SECRETARY: Thank you for being here. Anyone else wishing to speak?

MS. FULFUR: I am Virgi Fulfur (phonetic), 244 East Railroad Street Shellman, Georgia. I just want to clarify, the complaint is incorrect as to how I voted. I did actually go vote. It was stated in this that I was not able to vote and then go back to vote. That is incorrect. I did go vote and it was fine. I work in the government center also with the election supervisor. She came over to my office and told me that I had already voted and there was a witness in the lobby because I was out talking with him and he also notified someone that she did, in fact, tell me I had already voted. I later went back to her and I said, when was this that I voted, she told me, it was February 26th. I was not in the government center for two and a half days. I was out sick the
26th, 27th and on the 28th, I was in court. I work for the division of child support services so I was in court on the 28th. I did not get back to the office until lunchtime. So therefore I wasn’t even in the government center to have voted on the 26th. I later went back to her after I had made the complaint to the State and I said, can I see the signature card where I voted. You need to drop this. I didn’t tell you that. You misunderstood it. No, I didn’t. My witness also heard her tell me that I had already voted. So I just want to clarify that what is written in this complaint is incorrect as to how it actually happened.

**MR. SECRETARY**: So did you make a complaint?

**MS. FULFUR**: Yes.

**MR. SECRETARY**: And what was your complaint in regards to?

**MS. FULFUR**: The fact that she told me that I had already voted and I wanted it looked into. Did someone actually vote as me or is it a machine malfunction and then I also notified where the two ladies who have the same initials T.W., T.D.W., voted. There was some conflict there and it’s also in this letter that I received from Mr. Lewis where they talked to one of those ladies.

**MR. SECRETARY**: But you were able to vote; correct?

**MS. FULFUR**: Yes.

**MR. SECRETARY**: Now, did you vote early or on election?

**MS. FULFUR**: I voted early.

**MR. SECRETARY**: Okay.

**MS. FULFUR**: And I also want it noted, in this last election that we had the first of the month, Ms. Thompson was helping an elderly lady vote and when the lady was pressing one Ms. Thompson told her, no, no, no that’s not right, you want to do this one. She was trying to tell her which person--

**MR. SECRETARY**: Ms. Fulfur, that doesn’t have anything to do with this case. Now, as I said earlier if you have another complaint you let us know and we will be glad to look into that too.

**MS. FULFUR**: Okay.

**MR. SECRETARY**: Any other questions for Ms. Fulfur?

**MR. WORLEY**: I had a question.

**MR. SECRETARY**: Mr. Worley.

**MR. WORLEY**: Ms. Fulfur, were you able to look at the signature?
MS. FULFUR: No, she did not provide it. She kept saying that I had misunderstood her, which I did not.

MR. SECRETARY: Any other questions for Ms. Fulfur?

(No response)

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

(No response)

MR. SECRETARY: So, Ms. Watson, do we have the allegation for Ms. Fulfur is in -- do we have that?

MR. RAULERSON: It’s discussed in there but I don’t think there is anything substantiated or anything. It’s discussed in the report. It’s not cited, Mr. Secretary, as one of the violations.

MR. SECRETARY: It’s not cited?

MR. RAULERSON: No, sir.

MS. WATSON: Mr. Secretary, did you want to see the original complaint?

MR. SECRETARY: Sure.

MR. SIMPSON: What was the nature of the court proceedings regarding this special-election? The report says a court order was obtained for review of special-election documents.

MS. WATSON: That’s an order to unseal the election documents and an order for the investigator to review it.

MR. SIMPSON: I’m sorry. I didn’t hear you.

MS. WATSON: They came to superior court for a court order in order to unseal the election documents.

MR. SIMPSON: Who did that?

MS. WATSON: The investigator.

MR. SIMPSON: Okay, so we’ve got it done. Y’all got it done?

MS. WATSON: Yes, sir.

MR. SIMPSON: Okay. What did you determine about Ms. Fulfur’s voting status? I mean this paragraph in here is confusing.

MS. JONES: I’m Pam Jones, investigator with the Secretary of State’s office and I did this
investigation. Part of the original complaint was that Ms. Fulfur was told that she voted two times -- well had already voted when she attempted to vote. As it turns out from the interview with Ms. Thompson there was no documentation to support anybody voted for her or there -- it was just a misunderstanding as far as Ms. Thompson was concerned. She had put a check mark on the list that somebody voted but it was the wrong name. So Ms. Fulfur was able to vote. Mr. Simpson, what was your question?

**MR. SIMPSON:** Well, this says that, about Ms. Wiley (phonetic) was a registered voter but was not listed on the active list and was told she was not allowed to vote?

**MS. JONES:** There were two people that Ms. Fulfur alleged to have the same name and the middle name being different. When I researched the names I was not able to find a Tiffany Drew Whatley (phonetic) listed anywhere in the database nor any other search engines that I used. I did contact Tiffany Devane Whatley (phonetic)--

**MR. RAULERSON:** Excuse me, Mr. Simpson. I think you are getting confused a little bit because they’re unrelated to Ms. Fulfur’s name. The top of the second page there’s a report with Ms. Fulfur that she was allowed to vote. Now, did you say you were --

**MS. FULFUR:** I did vote.

**MR. RAULERSON:** She did vote. (Indiscernible) and all this other stuff has got nothing to do with her. She was initially told she had voted but she went back and she was allowed to vote. So there is nothing there.

**MR. SIMPSON:** Well, what about Ms. Whatley, I don’t see anything in the complaint that mentions Ms. Whatley?

**MR. RAULERSON:** No, there is nothing -- I mean that is not a…

**MR. SIMPSON:** Well, why is that in the report?

**MS. JONES:** That was information that Ms. Fulfur provided when I spoke with her initially.

**MR. SIMPSON:** But we don’t have any recommendation or status on that?

**MS. JONES:** There was no violation related to that information.

**MR. SIMPSON:** Ms. Whatley stated she completed a provisional ballot but it wasn’t found.

**MS. JONES:** Later on with this investigation, we determined that this was the transition period for annex from the old election system to the new system so there was a lot of data that didn’t get transferred over to ElectioNet for whatever reason and it couldn’t be determined what happened. When I say that, I meant voter credit. A lot of the voters that voted in that election, don’t show up in the databases, haven’t been given credit for voting and we couldn’t determine why. They
said it was a transition issue to the new system but Ms. Whatley did complete a provisional ballot.

**MR. RAULERSON:** Ms. Thompson, correct me if I am wrong, cooperated fully with Ms. Jones and the investigation, so, she was not trying to hide anything whatsoever. You mentioned about having to go to court to get the records. Those records are sealed. I had to go to superior court in order to get them and they did get them. So that was responding to that question.

**MR. SIMPSON:** Yeah, I just saw there was some contest concerning the election and that’s why there was a court order.

**MR. RAULERSON:** Those records have to be sealed. According to law, after the election, they put it in the Superior Court Clerk’s Office and the State Election Board’s investigator or us, we have had to do that, if we were trying to defend the judge signing an order to let us look at it.

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

**MR. SIMPSON:** I just didn’t understand that. Thank you.

**MR. SECRETARY:** Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Any other questions for Ms. Jones or Ms. Watson?

(No response)

**MR. SECRETARY:** We have a recommendation to bind over. Do we have any other discussion? Motion?

**MR. MCIVER:** I move that we bind over.

**MR. WORLEY:** Second.

**MR. SECRETARY:** Mr. McIver 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 and that motion carries.

I tell you, it is a little after noon, so, why don’t we break for lunch and we will start back right at one o’clock. We will break for lunch and come back at one o’clock.
(Recess at 12:02)

(Reconvene at 1:00)

**MR. SECRETARY:** Welcome back everybody. We will reconvene our March 23rd State Election Board meeting. Next is SEB 2013-040, the City of Leslie and Sumter County, which is number twenty-one in our binder.

Ms. Watson.

**MS. WATSON:** The City clerk for Leslie (indiscernible) reported that a candidate repeatedly entered the early voting place even after he had been given instructions from the elections superintendent. The investigation revealed that the candidate for mayor, Ms. Linda Cobb, (phonetic) entered the polling place on three occasions to handle personal business and also went with her husband to vote. Ms. Cobb advised that she did go in to handle personal business but does not recall anyone being present to vote or telling her she could not be inside the City Hall during election. If was verified that the City clerk had advised the City Council Members at a council meeting prior to the election that candidates could not come into City Hall unless they had official business. It was verified that Ms. Cobb was present for that meeting.

The recommendation is to refer to the AGs office Linda Cobb for 21-2-414(b) prohibition of candidate from entering certain polling places.

**MR. SECRETARY:** Any questions from the Board for Ms. Watson?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

**MS. COBB:** I am Linda Cobb, 106 South Kemp Street, Leslie, Georgia. I did go into City Hall. I was not aware that, business, meant only official business. It was personal business. I made some copies, I sent some faxes and at one point I got Ms. Newcomb (phonetic) to notarize some papers. There was nobody in City Hall that voted in the times that I was there. There was no intent in doing anything wrong. I was just not aware that, business, meant only City business and I hope that you would take that into consideration. It was just human error.

**MR. SECRETARY:** Any questions for Mayor Cobb?

(No response)

**MR. SECRETARY:** Thank you for being here. Anyone else wishing to speak?

**MR. SMITH:** Good afternoon, Mr. Secretary, Board Members. Bob Smith, 173 Lakeview Drive Collins, Georgia 31735. I would just like to speak on behalf of the City itself and first would like to say, thank you for hearing each and every one of us on this thing.
City of Leslie -- I just wanted to kind of expand out a little bit on this thing. The City of Leslie totals one point five square miles. You could throw a rock almost and hit somebody from one end to the other. Most of us there wear many hats. City Hall was actually -- that was the first time that our City Hall had been designated as an early voting place. We used to have the elections at a civic center which was away from City Hall and during this time -- during early voting there was several instances where, not only Mayor Cobb had came by or came in front of or went by or went by the end of the street or come by in front of the City hall itself, there were other members of the council that -- it’s just inevitable when these things go on since it is such a small community. I have been down there since 2005 with law enforcement, since 2008 as chief of police. I have seen the law of elections take place and go forth but, I think, that in my personal opinion and I am just sharing my opinion here, that when we get everybody crowded into a small place and trying to conduct business in a small town, which that office is used for many things. It is the water office, it is the City Clerk’s office and at that time was being used for the early voting for elections office. I think my biggest thing we would look for as law enforcement is whether or not there was any criminal intent that went on during that time, in my personal opinion and I would like to share it and say, no. I think if the Board would consider a letter of correction and what not. Mayor Cobb is no longer mayor. That has moved on and we actually have a another person now that is also an election supervisor or superintendent. I am not sure what the official call for that would be. So I think in a technical violation, from what Ms. Newcomb had reported, that probably, yes, by letter of that. We do have the technical violations but to get in any deeper into that to see if there was anything as far as a criminal attempt or wrongful violations to persuade early voting, it would not have gone on in that time. It would not have. Thank you very much.

MR. SECRETARY: Thank you, Chief.

MR. MCIVER: I have a question.

MR. SECRETARY: Mr. McIver.

MR. MCIVER: Does the City continue to run the elections?

MR. SMITH: Yes, sir, we do the local elections. That is correct, sir. There has been changes made now that going forward -- there has been discussions about early voting, that it would not be held in City Hall any longer, that a part-time city clerk could actually come in and fill-in, in the City Hall where the early voting could take place in an offside location whereas the mayor and council members, as needed, could still conduct business in City Hall whether it be personal or city business.

MR. MCIVER: When you say there have been discussions, can you tell me where the next city election will be?

MR. SMITH: We have a municipal building that’s two doors down and that would probably put
it in violation of the -- I’m not sure what the specific -- maybe I should be well versed on the hundred and fifty -foot rule maybe as far as being able to get near a polling place but we still do have access to the civic center. We still have access to the municipal building where we hold court. It is actually located at 111 Commerce Street and City Hall is actually numbered 115 Commerce Street a few doors down so you would not interact with anybody that may be in the voting place for early voting. In fact, the early voting and the -- and Ms. Newcomb is here. She can tell you further on that. The actual regular voting did not take place in the City Hall. It actually took place in the municipal building during that election. Only the early voting had took place in the current City Hall.

**MR. MCIVER:** See, our journey here is toward solutions.

**MR. SMITH:** Yes, sir.

**MR. MCIVER:** So it occurs to me there’s a solution here.

**MR. SMITH:** Absolutely.

**MR. MCIVER:** I am not hearing that it is being effective. Will it be effective?

**MR. SMITH:** Yes, sir, and--

**MR. MCIVER:** It is not your prerogative; is it?

**MR. SMITH:** No, it is not. I’ve watched a lot of these come and go, a lot of clerks come and go, a lot of employees come and go. I’ve worked for five different mayors now. Three, two twice and we will not hold any more early voting in the City Hall where city business needs to take place. People pay citations there, people pay water bills there, our city clerk in which Ms. Newcomb was our city clerk, she is our clerk of the court. She was actually our election supervisor. She read water meters. She wore many hats and when we, as a city, hold early elections or early voting in the City Hall, it kind of cripples some of the business that the day-to-day operations may need to go forward. So, therefore, the early voting will no longer be held in our City Hall.

**MR. SECRETARY:** Alright. Thank you, Chief.

Anyone else wishing to speak?

**MS. NEWCOMB:** Kelly Newcomb, 1832 Middlebrook Road, Americus, Georgia. Ms. Cobb and her husband came in to early vote then she came in -- the second time she came in for personal business that is when I advised her that she could not be in for early voting. That was on a Friday. The Monday morning her and her husband came back into the office to have something notarized and witnessed by one of my poll workers. I did notify before early voting started to all of the city council persons. I had a camera to go down, Chief Smith escorted the I.T. guy in and kept him in the closet while he fixed the camera so that he would not be open to
anybody coming in. When he got finished with the camera he walked out and the Mayor came in and signed the paychecks and did payables after early voting was finished for the day. That is all I have to say.

**MR. SECRETARY**: So, after you advised the Mayor, at the time, not to be in there, she came back to get something notarized?

**MS. NEWCOMB**: Yes, sir. Her and her husband were selling their home and she had to get me to notarize the sale of the home and get one of my poll workers to witness her and her husband’s signature.

**MR. SECRETARY**: So why did she have to get the poll worker to notarize it?

**MS. NEWCOMB**: It was a witness. I notarized it and my poll worker witnessed it that following Monday.

**MR. SECRETARY**: So in your eyes was that a violation?

**MS. NEWCOMB**: Yes, sir, after I had told her not to come back in.

**MR. SECRETARY**: Well, why wouldn’t you have just said, you need to go somewhere else to notarize it?

**MS. NEWCOMB**: Because she was one of my bosses at that time that needed something notarized.

**MR. SECRETARY**: Okay.

**MS. NEWCOMB**: And there was one other place in the City of Leslie that she could get something notarized fast and the police department has a fax machine. There is a lady over at Citizens Telephone that is right within walking distance that notarizes stuff. I have to get her to notarize stuff because I can’t notarize my own.

**MR. SECRETARY**: Right. Alright, thank you. Any other questions?

**MR. WORLEY**: Yes, I had some questions.

**MR. SECRETARY**: Mr. Worley.

**MR. WORLEY**: You said that after she voted she came back and did some personal business?

**MS. NEWCOMB**: Yes.

**MR. WORLEY**: What kind of personal business?

**MS. NEWCOMB**: She came in and said that she had some IRS problems -- that she owed the IRS money. She had made phone calls, she faxed, she made copies of some stuff. She told
everyone in the office about her IRS problems.

**MR. WORLEY**: And you are the person who filed the complaint in this case?

**MS. NEWCOMB**: Yes, sir.

**MR. WORLEY**: Did you file that after the election was over?

**MS. NEWCOMB**: No, sir, it was in October. It was right after the violation took place.

**MR. WORLEY**: So she was your boss and you were uncomfortable telling her that she couldn’t do it but you didn’t have any problem while she was still your boss filing a complaint against her?

**MS. NEWCOMB**: She was a councilperson at the time and when I was the election superintendent I was not working for them at that time during the election part.

**MR. WORLEY**: Okay.

**MR. SECRETARY**: Any other questions for Ms. Newcomb?

(No response)

**MR. SECRETARY**: Thank you for being here.

**MR. SMITH**: Mr. Secretary, may I re-approach?

**MR. SECRETARY**: Yes. Let me see if anybody else -- anyone else wishing to speak?

(No response)

**MR. SECRETARY**: Alright. What you got, Chief?

**MR. SMITH**: Bob Smith, 173 Lakeview Drive, Collins, Georgia 31735. Mr. Secretary, I would just like to do a couple of clarifications. About the escorting the I.T. guy to the service closet to where Ms. Newcomb had made reference that I escorted him in. He was actually a candidate on the elections. He was a city councilperson but he did I.T. work. So I just wanted to clarify, you know, it kind of seemed to me like, why would he just escort an I.T. guy in during early voting. That’s why I went in with the I.T. guy but I actually left the I.T. guy there. The only other thing I would like to just kind of put out there to Mr. Secretary and to the Board, is that the charter for the City of Leslie states that the department heads actually report to and work for the Mayor. They are supervised by the Mayor and the council as a whole. They do not work for any individual council members and we at that time Ms. Cobb was not the mayor and was not the direct supervisor of Ms. Newcomb at that time until after the election had took place. I just wanted to clarify a couple of things on that.
MR. SECRETARY: Any questions for the Chief?

(No response)

MR. SECRETARY: Thank you.

MR. SMITH: Thank you, sir.

MR. SECRETARY: Alright, anyone else?

(No response)

MR. SECRETARY: Any discussion from the Board? Motion?

MR. WORLEY: Just under discussion. Haven’t we had cases in the past where elected officials who worked in the county courthouse that have had to go into the courthouses during early voting to perform their work?

MR. SECRETARY: Yes, one involved the sheriff.

MR. SIMPSON: I think we’re probably fixing to draw a pretty fine distinction here. She said that she was not going into the voting place on business but it was personal business so I think that is a very fine distinction. I mean, if she was trying to get a deed signed and witnessed and notarized and faxed off to somebody connected with the sale of her house, I have a hard time saying that wasn’t a legitimate reason to be in there just like a businessperson. I think that’s a real fine distinction. So I just like for us to consider that when we make a motion.

MR. SECRETARY: Alright. Anybody else?

(No response)

MR. SECRETARY: Do you have a motion to go along with those thoughts?

MR. SIMPSON: Well, I would move to dismiss the case or issue a letter of instruction. I think she understands now what the problem is and you are not the Mayor any longer and so I tend to want to move to dismiss this. In fact, I guess, I ought to say I move to dismiss it.

MR. SECRETARY: We have a motion to dismiss. Do we have a second?

(No response)

MR. SECRETARY: That motion fails for lack of a second. Do we have another motion?

MR. MCIVER: I move we issue a letter of instruction.

MS. SULLIVAN: Second.
MR. SECRETARY: Alright. Mr. McIver moves for a letter of instruction. Ms. Sullivan seconds. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion has carried.

Alright, Ms. Watson, we are on to 2013-042 the City of Keysville-Burke County.

MR. WATSON: In this case Claudia Lanhan (phonetic) reported that a voting machine malfunctioned and the votes from the machine were not retrieved in the November 5th, 2013 City of Keysville municipal election. The investigation shows, the City of Keysville utilized two lever-styled voting machines during municipal election. The poll worker stated one of the machines malfunctioned during Election Day, which shut down for the remainder of the day. Election workers were re-recording the votes cast from the malfunctioned machine. They inadvertently recorded four votes cast for Ruby Rucker (phonetic) instead of the fourteen the machine had indicated. Ms. Rucker was shorted ten votes.

The review of election documents showed that the election superintendent Eunice Cegill (phonetic) failed to enter the date the ballot application was received as well as to prepare the identifying information and the signature or marks of the electors on the voter registration cards for twenty-one absentee ballot applications and ballot envelopes. Fifteen of those were not signed or certified. Forty-four absentee ballot envelopes were received via mail and during early voting were accepted but not properly signed or certified, three absentee ballot envelopes were accepted without an address or other required information. The investigators identified eighty-eight voter certificates with various issues such as no signature of the elector, the voter certificates did not have a poll officer’s signature or initials and the type of identification box, not checked.

The recommendation is to refer Eunice Cegill (phonetic) the city clerk’s election superintendent be bound over to the AGs office for 21-2-381(b)(1) determination of eligibility by ballot clerk when she failed to compare the identifying information and signature mark of twenty-one absentee ballot applications to the information and signature mark on the voter registration card and failed to enter the date the ballot application was received on the application. 21-2-381(b)(2) determination of eligibility by ballot clerk when she accepted fifteen absentee ballot applications without certifying them by signing the proper place on the application, fifteen counts. 21-2-386(a)(1)(b) certification invalidation of absentee ballots, when she failed to write the day and hour of receipt for certification on forty-four absentee ballot envelopes, when she received them via mail and or during the advanced voting period. 21-2-386(a)(1)(c) certification and validation
of absentee ballots when three absentee ballot envelopes were accepted from electors, who provided no street address at all or failed to furnish required information on the ballot envelopes. 21-2-451(a) execution of voter certificates when she failed to enter the number of the stub of the ballot and or the number and order of admission to the voting machine on the voter certificate she approved for sixteen electors and poll workers under her supervision failed to sign his or her name or initials on the six voter certificates. 21-2-455(b) canvass and return of votes when elections personnel failed to properly check the voting machine count before the number was recorded on the tabulation document sheet. 21-2-589(2) willful admission by poll officers, when she failed to record voting information, type of identification box, voter signature, residence of address on the voter certificate of two electors and also refer poll worker Roxy Russell (phonetic) to the AGs office for 21-2-451(a) execution of voter certificate when she failed to enter the number of the stub of the ballot and or the number and the order of admission to the voting machine on sixty-five voter certificates. 21-2-589 willful admission by poll officer when she failed to record voting information on the voter certificate of six electors.

**MR. SECRETARY:** Alright. Any question for Ms. Watson?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

**MS. CEGILL:** Good afternoon, I am Eunice Cegill (phonetic) and my address is 2160 Faircrest Avenue Augusta, Georgia 30906. I know those things happened. I did not want to do this election because I didn’t feel that I was adequately trained. I had done the election some years back and I let the council know that I did not want to do it but the Mayor -- it was a very important election coming up and they didn’t give me a choice so I went on with it and all the ballots, absentee, early voting was done in City Hall. I run the City Hall. I do everything that is done in there. It was a one-girl office, trying to do that and carry on the daily business of the City and of course, I can’t believe those things happened but I know they did. I am here to accept responsibility because I was the superintendent of elections.

**MR. SECRETARY:** Thank you for being here, Ms. Cegill. So you are not in that role currently?

**MS. CEGILL:** No, sir. I am retired as of 2014.

**MR. SECRETARY:** So, who is running the City elections?

**MS. CEGILL:** I have no idea. I don’t know if they have anyone but I know they need training, they need up to date machines. Those machines are as old as me that they are using with the crank in the machine.

**MR. SECRETARY:** Is that the old lever machines?
**MS. CEGILL**: Yes, sir, and Mr. Leroy Daniels (phonetic) ran the machine. I don’t know anything about the machine and it did jam. He went to the other machine and then when we took the total off he forgot to take -- the machine that broke down -- he didn’t take the right number from that machine however, it shorted one of the candidates about ten votes but overwhelmingly the Mayor won sixty-nine votes to twenty-eight.

**MR. SECRETARY**: Is there anyone else from the City here today that you are aware of?

**MS. CEGILL**: No, I am the only one here.

**MR. SECRETARY**: Are they aware of this case?

**MS. CEGILL**: They are aware. I have spoken with the Mayor but since my name was on here, I decided to come and try to see what I can do, you know.

**MR. SECRETARY**: I certainly appreciate your willingness to show up and take responsibility. I know, speaking for myself, as a member of Elections Board, we want to make sure the City understands the seriousness of these violations so going forward this doesn’t happen again. Do you think they are aware of that?

**MS. CEGILL**: I believe they are and I didn’t -- well, I talked with the Mayor and I said since my name was on here that I would just come and see what I could do since I was involved and I was the elections superintendent at the time and I would inform her what we need to do going forth. I don’t know if they have anyone. They’ve had a change of administration just this year. They just had an election. The person who ran that election doesn’t work there anymore so I don’t know who they have now.

**MR. SECRETARY**: Okay. Did anybody have any other questions for Ms. Cegill?

(No response)

**MR. SECRETARY**: Thank you for being here, ma’am.

**MS. CEGILL**: Thank you.

**MR. SECRETARY**: Is there anyone else wishing to speak in regards to this matter?

(No response)

**MR. SECRETARY**: Ms. Watson, your recommendation was to bind over, I guess, Ms. Cegill and Roxy Russell (phonetic) but would that be including the City as well or just the individuals or maybe, Chris, can you…

**MS. LEWIS**: By extension, it should also include the City even though they weren’t listed, particularly, as the respondent. They are the entity in charge of these elections.
MR. HARVEY: Normally that’s what would happen, the City would be listed as the respondent and would be included.

MR. SECRETARY: Have we noticed the City?

MR. LEWIS: No, they’re not.

MR. SECRETARY: Perhaps it would be good to send this back and let us notice the City because I hate to put Ms. Cegill through this all by herself especially since she is not the superintendent anymore. Would the Board have an objection with that?

MR. WORLEY: I think that is the best thing to do.

MS. CEGILL: I still would like to be involved, you know, in whatever the outcome of this because I still care about the City even though I don’t work for the City. It is a small rural town with about three to four hundred people and they need lots of help and I am willing to do what I can to try to help them along, if I can. So I don’t mind coming back if you want to get the other officials of the City to come and respond. Whatever you want I will be willing to help.

MR. SECRETARY: Thank you for that. Well, we will pull this off the agenda and send it back and notice the City and take this up at our next meeting.

Was there anyone else that’s here? I just want to make sure I don’t miss anybody that wanted to speak regarding this.

(No response)

MR. SECRETARY: Again, thank you Ms. Cegill for being here today.

MS. CEGILL: Yes, sir.

MR. SECRETARY: Alright, number 2013-043 City of Willacoochie.

MS. WATSON: In this case there were eight different allegations regarding the November 5th, 2013 general municipal elections. While we were unable to substantiate allegations such as during early voting there was only one poll worker and that three electors applied for absentee ballots but never received them and that councilman Glen Joyner (phonetic) had two residences with one of them being in Berrien County. The investigation did reveal concerns with the following allegations and issues. The name of candidate Jenny Nelson (phonetic) was misspelled on the ballot. Witnesses confirmed they were contacted just outside the polling location within the hundred and fifty no campaigning sign by Barion Fudge (phonetic) in order to prompt them to vote for Jenny Nelson. Other findings identified in the investigation include election supervisor Lorraine White (phonetic) failed to deliver election material to the city clerk after the November 5th, 2013 general, municipal and special election. and Atkinson County board of commissioners terminated Lorraine White after the November 6th, 2012 general
election and closed the election office. When the new county commissioners were sworn in January 2013 they hired Lorrain White back and opened the elections office.

The recommendation is to refer to the AG's office Atkinson County, Atkinson County board of elections and registration for 21-2-215(c) main office of board of registrars business hours, in that, the election office was closed for the entire month of December 2012 and Atkinson County board of elections and registration and elections supervisor Lorrain White for 21-2-383 printing and safe keeping of ballots and labels by superintendent for having misspelled a candidate’s name and for 21-2-390 delivery of election materials to clerk of superior court or city clerk after primary of election, in that they failed to deliver all required documents to the city clerk upon conclusion of the election and Barion Fudge for 21-2-414(a)(1) restriction on campaign activities when he was within a hundred and fifty-feet of polling precinct when he asked electors Johnny Rogers (phonetic) and Hershey Rogers (phonetic) to vote for his niece, Jenny Nelson on Election Day as they were walking up to the polling precinct.

**MR. SECRETARY**: Mr. Lewis, did we grant a continuance to Mr. Fudge?

**MR. LEWIS**: I never heard back from his attorney. I don’t know if she is here.

**MS. CARVER**: I am here and I talked to Mr. Fudge. He is unable to be here. I have a letter if you-all need it but he said--

**MR. SECRETARY**: No, that is good. I just wanted to make sure -- I know that had been discussed and didn’t want to go through all that if that was the case. Alright, any questions for Ms. Watson?

(No response)

**MR. SECRETARY**: Anyone else wishing to speak?

**MR. HALL**: My name is Gary Hall (phonetic). I am from the City of Willacoochie. My residence is 40 Jerryhall Road, P.O. Box 201 and it is 31650. I was a candidate back then, as a matter of fact, 2011, ’13 and ’14. At this point in time, Barion Fudge, he was up there talking to people who were going trying to vote and he was also doing just like hindering because Mr. Rogers -- Johnny Rogers (phonetic) he was trying to help his father which is Mr. Hershey Rogers because he was on a walker. He was trying to get him into the poll and Mr. Fudge was like hindering him and talking to him for probably, like, eighteen to twenty feet from the doorway.

**MR. SECRETARY**: What was he talking to him about?

**MR. HALL**: Mr. Rogers stated that he was trying to get him to vote for his niece.

**MR. SECRETARY**: Did you hear that?

**MR. HALL**: No, Mr. Rogers spoke to me and also he told Mr. Archie, the investigator.
MR. SECRETARY: Alright any questions for Mr. Hall?

( No response)

MR. SECRETARY: Thank you for being here today. Anyone else?

MS. CARVER: Good afternoon, I am Brenda Carver (phonetic). My address is Post Office Box 1276, 54 South Main Street Pearson, Georgia. I am the attorney for the City of Willacoochie. I want to state that I am the attorney for the City of Willacoochie and I was also the county attorney at the time of this election, so, if any of the Board has any questions specific to any of the other allegations I might could shed some light on what happened and what was going on in that regard and would be glad to answer any questions that you may have.

I would like to speak first as to the allegations regarding Mr. Fudge. Chairman Fudge was not able to be here today. He’s had a lot of heart problems here lately. He recently had neck surgery Tuesday the 15th so he is sorry he can’t be here today to talk to the Board and answer any questions that you may have. Mr. Fudge doesn’t remember whether he did this or not but he does, I think, but I talked to Mr. Lewis -- is that right? And he says that he does admit to doing that and if he did -- I was there that day and I am sure Chairman Kemp can verify the fact that Atkinson County has been the hotbed of political election contest recalling back -- Mr. Archie has been in Atkinson County probably more times than he wants to. There were allegations that some things were going on that day. I went down to City Hall that day. There had been a turnover in the board of elections therefore there were a lot of new poll workers. In fact, the person that had always been head supervisor of the Willacoochie polls was not there that day.

I was there that day to discuss some documents with him. We were standing there. He was outside of the polling area. The polling manager for the poll that day contacted him and asked him to come in to the poll. He had voted early that morning like at seven o’clock. I asked him to come into the poll. He walked into the poll. He said I need this locked at seven o’clock. He said here is the man that can be here to do it, gave him the number and he said I probably won’t be here, left and I think on his way out he did see somebody and he could have possibly said something to them. My point to the Board is it wasn’t like he was actively campaigning at the door or the poll. I mean he wasn’t there all day. They had called him in there to ask him a question and he went in there to answer their question and to help them in any way he could. He wasn’t on the ballot for any position, his niece was. Mr. Hall ran against his niece to sit on the city council and Mr. Hall won the election. So my statement to the court is that there was no harm created by what happened. Should he not have done it, I am sure but I mean I feel like it is kind of one of those things when you answer the phones all day long with your work -- This is Ms. Brenda Carver, attorney at law can I help you or whatever. It was
just kind of -- he slipped out and said it and I don’t think he actively meant to do this.

I would like to state that Mayor Fudge was first elected to the Willacoochie City Council in 1977. He was elected mayor in ’78. He served as mayor until Governor Zell Miller hired him to be an executive director of the Georgia Environmental Agency and he was over that and then later he was executive director of the South Georgia Regional Development Authority and after he retired from there he ran for mayor again in Willacoochie and won and he resigned as mayor of Willacoochie to run as chairman of Atkinson County in which he now serves in that capacity to this day. I say all this history to say that this is a man who served his hometown, his home county and his state honorably for almost forty-years in this capacity and I really feel like a letter of instruction, if you feel the need to do anything, would suffice.

I don’t know if y’all have any questions about anything that happened with the county. I will state I think -- we had a lot of issues. At that particular time we had the chairman of our local election board was an attorney and he ruled that election board with an iron fist and we had problems -- and not just me as a county attorney. I was county attorney at this particular time but other county attorneys, if they said something, which there is a legal advisor for the county election board, he would override and he would say this is the way it is going to be. So I really think that was a lot of Ms. White’s issues. She was listening to his instruction to her detriment and, in fact, I think her statement was that he had told her there was no storage. So he resigned, I think, between the primary election and the general election in November, dumped everything on her. She was new to the job and, in fact, I think, I actually called Linda Ford at your office because I think we had some deadline issues that she had not met and we were trying to get everything done and as I told you personally, Linda Ford is fabulous. I mean she has a wonderful staff and you should be very proud of that. So I think she is also someone who a letter of instruction would be beneficial, as well, because I don’t really think she also intended to do anything ill or improper. I think she had been listening to the prior chairman and then when he didn’t inform her or help her figure out some deadlines he resigned and left it with her to kind of take the brunt of the blame for it all.

**MR. SECRETARY**: Ms. Carver, can you help me understand why the elections office was closed? Sounds very concerning for somebody that may have been wanting to register to vote or other issues.

**MS. CARVER**: I mean, I guess, I am okay to go into this. There were huge issues and I don’t know how to explain. We were really trying to investigate what had gone on. During the time--

**MR. SECRETARY**: Let me ask this before you get into all that. Are you representing the county now?

**MS. CARVER**: No, sir, I do not. I mean, I just said if I can help in any way I would be glad to help but what is disconcerting of all, is the whole time that this person served as chairman of the county election board, when we got to digging and looking, because county attorneys of small
counties don’t act like great big brother. We only go look in stuff when there is a problem. We go to looking and they have not had minutes of a single meeting the whole time. There were a lot of problems that we were trying to figure out what was going on.

**MR. SECRETARY:** I don’t want to put you in a bad spot if you are not representing the county. Is there any questions for Ms. Carver regarding Mr. Fudge or any of the issues regarding that?

(No response)

**MR. SECRETARY:** All right thank you for being here.

**MS. CARVER:** Thank you, sir.

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

Yes, sir.

**MR. OHARA:** Reverend Larry Ohara. 1326 Roosevelt Street Waycross, GA. When I was district coordinator for the NAACP in the area I was called upon to go down there to help investigate and try to make sure that the election went good over in Atkinson County because that is one of my districts. However I noticed -- I can go back to 2011 when Mr. Hall and Mr. Fudge was running neck and neck for the mayor position and after every election there is always a bunch of mess over there in Atkinson County when they have it. So I would call the Secretary of State’s office to ask them to investigate and I went online to do it and one would win by one vote, two votes or whatever and so it was always really close. There have been times over there when they went to court and some of their votes was taken away from one or the other. So this been going on since 2011 and what I am going to say now is, there is something going on over there regardless of what anybody says. I been noticing this since 2011. It was a lot going on over there and I don’t even believe they even touched a small percentage of it. I really don’t.

The last time they had an election and I went over there and a lot of people didn’t like it because I wore my NAACP credentials and they didn’t like the idea that I was sitting there watching and asking questions, who is this and why did this one go in there with that one and whatever. They didn’t like that but I didn’t care. All I wanted was that the election was done fairly and from what I’ve seen I don’t think that election has been run fairly since I have been over there investigating and that is my view of it because that is what I saw.

**MR. SECRETARY:** Any questions for Reverend Ohara?

(No response)

**MR. SECRETARY:** Thank you. Anyone else wishing to speak?

**MR. ALLEN:** My name is Roscoe Allen, Jr. I live at 765 East Commercial Road in Douglas, Georgia. Well, in 2014 I subpoenaed folks in the middle of election on behalf of Mr. Gary Hall (phonetic). I have subpoenaed people that live in (indiscernible) Georgia that don’t even live in
Pearson or Willacoochie that voted in this election. I subpoenaed people in Pearson, Georgia that don’t even live in Willacoochie that voted in the election. Like Ohara said, it is a lot of problems down in Willacoochie with this election board. I am telling you. I couldn’t believe it. I mean I subpoenaed over twenty-five or thirty people that voted illegally that don’t even live in Willacoochie. That was what I was telling you earlier, something got to be done. It is a bad situation. I am telling you and I don’t think it is fair and right, this same situation every time Mr. Hall run for mayor of anything it’s always a big problem in Willacoochie dealing with this election board always and I am serious about it. I have subpoenaed people and I just couldn’t believe what’s going on down in Willacoochie. I am saying, I just couldn’t believe it and I am asking, y’all listen and please, please do something about this here. I am very serious. If y’all can please that is all I’m asking y’all. Just want to do what is fair and right by, that is all. Thank you very much.

MR. SECRETARY: Thank you. Alright, Ms. Carver?

MS. CARVER: I hate to take a lot of time to belabor this. Brenda Carver, Post Office Box 1276, 54 South Main Street, Pearson, Georgia 31642. Let me say very quickly about this. There have been fair elections in Atkinson County and particularly the City of Willacoochie. They were very close elections, which often happens in really small communities. Mr. Hall filed an election challenge against Mr. Fudge when he ran against Mayor Fudge. That election challenge he was represented by an attorney that was heard by Judge Altman from the Southern Judicial Circuit and his election challenge was thrown out and this was not done on argument before the court, this was done after over a day of witness testimony. So all the people that he claims had information about impropriety were heard by Judge Altman that day.

Now, this last election in 2014 where he ran against Sammy Newsome (phonetic) our present mayor, he also filed an election challenge and that also was brought before the court and I just want to, very briefly, because I think there is some kind of confusing information and I will try to be very brief. I talk too much. I know that but I will try to be brief. We are a small community. We have three polling places in Atkinson County. We have Atkinson, Pearson and Willacoochie. Willacoochie polling for advanced and Election Day is done at the municipal city hall but some people vote there that aren’t city residents. They’re countywide residents. So when you have a situation where you have city and county people running you will have people vote at the City of Willacoochie polling place but they are voted properly. The municipal people are given a municipal ballot, the county people are given a county ballot and what happens in that situation sometimes is, we are really close to the Coffee County border. We are really close to the (indiscernible) county line. We are neighbors so sometimes people may have a Nashville postal address but their location is actually within the county. So he filed again with an attorney an election contest and alleged that people who were not municipal residents voted in that election. His attorney recently did a voluntary dismissal because when we went to court we explained -- she didn’t understand. She thought everybody that voted there was voting in the municipal election. When she understood that people were voting county and municipal she
withdrew the petition because we were able to verify that they thought municipal people got municipal ballots and county people got county ballots. I just didn’t want there to be some misperception but this has been litigated at superior court as well.

**MR. SECRETARY**: Anybody else wishing to bring any other matter to us?

Yes, sir

**MR. HALL**: Mr. Secretary…

**MR. SECRETARY**: Let me just warn everybody I don’t want to rehash past challenges that this Board does not have on our docket today. So if you can let’s just address the allegations that we have on this case.

**MR. HALL**: My name is Gary D. Hall, City of Willacoochie, 40 Jerryhall Road, 31650. Okay, she was talking about 2011. Sure enough I ran in 2011 against Barion Fudge and I lost by two votes. Four of the votes, one was convicted felon, one was his nephew that stays in Coffee County, so they threw them two out. These other two, one stays in Pearson, Georgia, which is (indiscernible) out of the county, and the other guy stays in Nicholls, Georgia. I know because that is my cousin. He has been there twenty-six years and he was also using his deceased uncle residence to come over and vote and then you go to 2014 when I ran against Sammy Newsom. I lost by one vote. They allegedly changed the vote right there in front of my face. Changed the ladies whole name and the lady hadn’t voted in over fifteen years but they go back and counted her vote after they allegedly changed her name and everything. So, yes, I contested against them and beginning in 2011, when I did contest the elections supervisor said, they didn’t get the proper paperwork. So in 2014 I presented the proper paperwork and everything. Mr. Archie, he came and investigated it and he had the whole thing and also like Mr. Allen said, it was people who voted and continue to keep voting that stays out in Coffee County and in the City of Pearson that always keep coming and voting and I always would tell the board of election people, I said, what is the use in me challenging y’all and you never investigate these people’s name and also I took (indiscernible) records and showed them. Thank you.

**MR. SECRETARY**: Thank you, Mr. Hall. Alright, anyone else?

(No response)

**MR. SECRETARY**: Ms. Watson, I assume that we have noticed the county board of elections and registrations; correct?

**MS. WATSON**: Correct.

**MR. SECRETARY**: Is anyone here from the board or anybody representing the board?

(No response)
MR. SECRETARY: Alright, anyone else wishing to speak?

(No response)

MR. SECRETARY: Any discussion? Do we have a motion?

MR. MCIVER: I move we bind it over.

MR. SIMPSON: Second.

MR. WORLEY: Second.

MR. SECRETARY: We got a motion to bind over and a second -- several 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 and that motion carries.

Alright, 2013-044 City of Americus - Sumter County.

MS. WATSON: In this case, Mr. Wright (phonetic) reported that Calvin (phonetic) and Virginia Mentor (phonetic) were not allowed to vote in the City election, November the 5th, 2013. During investigation it was discovered that Calvin and Virginia Mentor attempted to vote but were told they were not on the list of eligible voters. Both were offered a provisional ballot. Mr. Mentor voted a provisional ballot. Ms. Mentor declined a paper ballot and was insistent that she be allowed to vote on the machine. The address for the Mentors was confirmed to be inside the City of Americus and had not changed for many years. It was later found there was a street with overlapping street numbers that may have caused the Mentors district to have been changed unintentionally. The elections supervisor Mr. Grady (phonetic) advised that the issue had been resolved and should not be an issue going forward.

We recommend a letter of instruction for Sumter County board of elections and voter registration and Robert Grady elections supervisor for 21-2-226(b) duties of county board in determining the eligibility of voter when they fail to ensure electors were placed in their proper districts.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MR. BRADY: Good afternoon, Mr. Secretary, ladies and gentlemen. My name is Robert Brady
(phonetic). My address is 205 Whett Road in the City of Americus, (indiscernible). As I understand it, the initial complaint here was that the Mentors were not allowed to vote. That, in fact, proved not to be the case. They were offered the opportunity to vote as soon as it was determined that they were eligible to. My records indicated that they were in a county precinct not a city precinct. They were able to show me that they were in fact in the city precinct. We offered them the opportunity to vote provisionally until we could get the records untangled. It was determined that the issue was a function of multiple street names and pre-ElectioNet information. Now ElectioNet is a wonderful system. It’s probably the best thing we have going. I think it has streamlined and improved my ability in my job tremendously but unfortunately it requires conversion from information prior to that and unfortunately it is my belief that this is one of those times where the information presented to the ElectioNet system was either misinterpreted or misreported by the system. I made it a point to keep an eye on this particular set of addresses with this issue and it did in fact flare back up again. It was about that time after I repaired it the first time that I contacted the Secretary of State’s office and they have fine folks and their I.T. folks that are topnotch. We went through looking for solutions and in the determinations made there was no possible way this could happen, yet it did. So what we did ultimately is we completely removed the Mentors and all of their records from the ElectioNet system. We replaced it with a replica of all of their information and made sure that they were correctly put in the precinct they were supposed to be in and we have not since then had any issues. I am not aware of any other places in Sumter County where this has happened. I guess this is the next question is, did I look. Yes, sir, I did. I looked around the edge of all the city precincts and county precincts and didn’t find any other duplications of this particular situation but the initial complaint that they were not allowed to vote, actually was incorrect. They were encouraged to vote and given the opportunity to -- one of them choose to, the other one choose to decline and other elections since then, there has been voting activity by the Mentors without issue.

MR. SECRETARY: So really at the time your only option was to offer the provisional ballot.

MR. BRADY: Yes, sir. It couldn’t confirm for me our legitimizing, for lack of a better word, systems that they were eligible to vote but it was my feeling that they were so the only option I had was to offer provisional ballots and that’s what I did. That was done in the office in front of better part of the entire board of elections and full staff and office staff and all that and again Mr. Mentor availed himself of this opportunity. Mrs. Mentor choose not to.

MR. SECRETARY: Was she just upset because she wasn’t in the system, I guess?

MR. BRADY: She somehow -- I got the impression, again, I have to give it to you as I got the impression, that she was somehow offended and felt somehow singled out and being forced to do something that she didn’t think was the way that everybody else was doing it. Well, to a certain extent, yes, sir, that is true. It is a provisional ballot not a DRE ballot but it has nonetheless the same effect and the vote was counted.
MR. SECRETARY: There would have been no way for you to allow her to vote on the sheet?

MR. BRADY: No, sir, that is absolutely -- and to the best of my knowledge, that his correct.

MR. SECRETARY: Any other questions for Mr. Brady?

(No response)

MR. SECRETARY: Alright, thank you for being here.

Mr. McIver.

MR. MCIVER: I think you said, but you’re satisfied that you have the solution to this issue?

MR. BRADY: The solution as near as we can tell was to not let the ElectioNet system believe the pre-ElectioNet information. So how we got around that was completely removing all reference to it and then putting it back in so they kept their voting history, they kept their precincts, they kept everything. This individual in the I.T. department is no longer with the Secretary of State’s office to help me out with this and that would be Mr. Whiten (phonetic) but between the two of us we reasoned again that there was no possible way for us to do this so the only way to do it was to kill it all and put it all back in.

MR. MCIVER: My question is, since that time it has been successful?

MR. BRADY: I have not noticed this to be the case anywhere else and the information that this particular set of voting clients has not changed. Yes, sir. I guess the answer is yes to your question.

MR. SECRETARY: Alright, thank you. Anyone else wishing to speak in regards to this matter?

(No response)

MR. SECRETARY: Hearing none, do we have a motion?

MS. SULLIVAN: I’ll move that a letter of instruction be issued.

MR. SECRETARY: Ms. Sullivan moves for a letter of instruction.

MR. WORLEY: I will second that.

MR. SECRETARY: Mr. Worley seconds. I’ll just say I’ll certainly vote for that but I appreciate Mr. Brady being here and working with us on this. I think he did exactly what you were supposed to in this situation to make sure that the citizens had the opportunity to vote. So we appreciate your work there.

Any other discussion?
**MR. MCIVER:** I would move to dismiss. It occurs to me everything has been done pursuant to what the system called for and this is a classic and perfect use of provisional ballots and that’s how it was engaged. I don’t know what they would have done differently at this point and therefore I move to dismiss and intend to vote against the motion.

**MS. SULLIVAN:** I will withdraw my motion.

**MR. SECRETARY:** Ms. Sullivan has withdrawn her motion.

**MR. SIMPSON:** I will second Mr. McIver’s motion.

**MR. MCIVER:** I guess, for purposes of the court reporter I would move to dismiss.

**MR. SECRETARY:** Mr. McIver moves to dismiss and Mr. Simpson seconds again, correct, Judge?

**MR. SIMPSON:** Yes.

**MR. SECRETARY:** Have a motion and a second to dismiss. I will be glad to support that motion as well. All in favor signify by saying, aye”.

(Whereupon the vote was unanimous)

**MR. SECRETARY:** All opposed same sign and that motion carries and we have dismissed that case.

Alright we will move over to 2013-048 City of Donalsonville- Seminole County, number twenty-five in our binder.

**MS. JONES:** On November the 12th, 2013 Phyllis Blakeson (phonetic) did a complaint with multiple allegations regarding the November 5th, 2013 Donalsonville municipal election. While we were unable to substantiate allegations such as poll watchers who were not allowed at the front desk where people would sign in before voting and tabulation of votes was not conducted in public view. The investigation did reveal some concerns. A review of election documents revealed seventy-two voter certificates were not signed or initialed by the poll officer and that a Mr. Charlie Fred Hicks (phonetic) reported to the Seminole County adult learning center to cast his vote. He presented his I.D., which read Charlie Fred Hicks, but his name could not be located in the voter registration system. The workers then began the provisional ballot process. As they were doing the provisional ballot process one of the poll workers recognized him and asked him if he sometimes went by Charles Fayette (phonetic) and he said, yes. They located the name Charles Fayette in the VR system and compared his identifying information and allowed him to vote on the DRE and they stopped the provisional ballot process at that time and marked his name off the list. The voter certificate by Mr. Fayette was received by the poll worker Vera Manly (phonetic) and she failed to check the top of identification that was provided by Mr. Hicks.
We recommend the following respondents by bound over to the AGs office for the listed violations, Amos Sheffield, probate Judge and elections supervisor, Jack Herring (phonetic) the poll manager of the Lyons (phonetic) Hall precinct and Betty Brow (phonetic) the poll manager of the Seminole County adult learning center.

MR. SECRETARY: Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

UNIDENTIFIED SPEAKER: Yes.

COURT REPORTER: Sir, May I have just one moment to change my battery?

MR. SECRETARY: Sure. We are going to suspend just one second.

(Suspended at 2:03 p.m.)

(Reconvened at 2:06 p.m.)

MR. SECRETARY: Okay, we’ll get back on here. Sorry about that. Welcome.

MR. SHEFFIELD: Afternoon, my name is Amos Sheffield, 2978 Hall Drive, Donalsonville, Georgia, down in Seminole County. I am the probate Judge there, elections superintendent, magistrate and I do the vital records stuff there too. Kind of a jack-of-all-trades and a master at none it seems like. I have here with me David Faircloth (phonetic). I have in my notes to say that. David is my right-hand man, this big guy sitting behind me. Navy vet here and good guy. So anything that I talk about he knows about. He is usually right there with me. This comes from the Mayor’s election. It was one of those real contested mayor’s elections the lady was talking about in Atkinson County. We have them there in Seminole County from time to time. I don’t know the lady that made the complained. Never heard her name before and I have asked around about her and nobody seems to know who she is but none of the allegations that she made, as I understood, it had any kind of foundation to it. Investigator Touchston (phonetic) came down and talked with us and he sifted through everything we had and he is a good guy to work with. We made available to him and he was real courteous to us.

The voter certificates with the voter there -- the voter certificates that was just a baldheaded thing for my poll workers to do. I got some really good poll workers that have been with me. They were there when I took office in 2010 and they will be there long after I am gone. They are really good people. This is one where it looks like early in the morning as we began to crank up, they didn’t sign the voter certificates as the people came in. People still got to vote. All the votes counted, it didn’t mess with the election. With Mr. Fayette, that is all on me or Charlie Fred Hicks, I guess. As election superintendent, I’ll handle the stuff at the courthouse but I’ll go around to all the polling places and check on things. I happen to be in there helping out in the
polling place when Mr. -- he’s Fayette, is who he is. He came in there to vote and was there with his niece and he had his driver’s license that said Charlie Fred Hicks. So he presents it to him and of course he’s not on the list and so they looked at it. Ms. Bailey (phonetic) who has been working with elections forever and she lives near that precinct and she said, that’s not your name. I always thought (indiscernible) the provisional ballot information later (indiscernible). Somebody else there and I forget who it was, they said, the same thing. They said, that is not your name and I looked at him and I recognized him as one of the Fayette. We got a bunch of them in Seminole County and that’s when I got to talking to him and it was my decision to stop the provisional process and let him vote on the DRE because I knew that -- in hindsight it was not the thing to do but I knew him. I knew who he was. I knew he was on our voter rolls and had voted before. What happened and I looked into this -- the reason I recognized him -- as we do vital records in our office people come to get their birth certificates changed and corrected in the office and that is how I knew him. He was a Fayette and always gone by Fayette, was in school as a Fayette but when he went to renew his driver’s license his birth certificate had Hicks on it, Charlie Fred Hicks. So ran into one of those situations. That’s where my last contact was with him was in my office trying to -- this man who can’t read and write good and all that -- trying to figure out how to get his birth certificate corrected so he could get his driver’s license and his -- the name he had always been known by. So that was the initial confusion and in hindsight I should have let the provisional process go through. His vote probably wouldn’t have counted because the names were different but I let him vote and that is completely on me. That was not right. It is also one of those things where it is his duty to update his voter registration information. I knew that’s what the law says and when he got his new driver’s license he should have said, hey, DDS renew my information on their and everything would have been clear but he didn’t do that, probably didn’t know to do that and I don’t try to put any blame on him. He was at that point stuck in one of those situations where because his birth certificate was wrong, you know, whenever he was born, you now have a problem and in hindsight, there, I did that wrong. I should have let him vote a provisional. I tell y’all that just to let you know what was going on in our county. The poll workers were ready to let him vote provision. They are good folks. They know what to do. If I would have kept my nose out of it he would have voted provisional. So turned out, it didn’t matter anyway. There was a three-vote difference in the election instead of a one-vote difference so I didn’t have to suffer that. If y’all have any questions for me.

MR. SECRETARY: So, Judge, thank you for being here. So his driver’s license has Charlie Fred Hicks on it?

MR. SHEFFIELD: Yes, sir.

MR. SECRETARY: And he is in the rolls as Charlie Fayette?

MR. SHEFFIELD: Yes, sir.

MR. SECRETARY: Could you issue him a voter I.D. card in the name of Charlie Fayette and
that would solve this problem?

**MR. SHEFFIELD**: I don’t think so Mr. Secretary because he has a photo I.D. and I don’t think we can--

**MR. SECRETARY**: Chris, couldn’t as a voter, couldn’t he get a free photo I.D.?

**MR. HARVEY**: In the code, if you’re issued a driver’s license or a State issued I.D. card you’re not entitled to a photo I.D. card.

**MR. SHEFFIELD**: I think that is where the catch is there between--

**MR. SECRETARY**: So you’ve got a tough situation whereas if you’ve got a guy on your voter rolls in one name and a driver’s license is in another name.

**MR. SHEFFIELD**: And it is not necessarily his fault. He should have corrected it but he’s an elderly black gentlemen and he had his niece there helping him that day. He is just not one who is going to go through all the steps to get everything right. But at the same time I should have let him -- I don’t think his vote would have counted if I would have let him vote provisional but--

**MR. SECRETARY**: Well that beats option two in my opinion. So speaking for myself I’m glad you let him vote. I had one more question, if you don’t mind. So, Ms. Blake, was saying, here, alleging that the tabulation was not done in public and some voters were not allowed to cast provisional ballots. I assumed y’all did your tabulations in public?

**MR. SHEFFIELD**: We do. I know you’ve been to Seminole County. When you come towards my office there is an elections room I have off to the right. It is not a large room but we keep the door open and on election night and I stand out in the hall while my I.T. person and my registrars and everybody are in there actually doing the tabulation. I usually do crowd control and I invite especially candidates and the news people and the newspaper editor is always there by my side but I invite them, hey, y’all might want to come look at this. When we did the recount too because there was a requested recount and I went ahead and did it. I actually took the two mayoral candidates and I made room for them to sit them down in front of the machines where they could see everything that was going on.

**MR. SECRETARY**: I applaud you for going around on Election Day to the precincts. I know there is not many probate judges that have the time or make the effort to do that so I am very appreciative of that.

Does anyone else have any questions for the Judge?

(No response)

**MR. SHEFFIELD**: I will say and I don’t want to be long-winded but on the voter certificate and provisional voting since then we have -- in all of our training we really stress, hey, ya’ll sign
When you look at it, signed it and I am sure there is better training that we can do but I’m the one in charge of it so we’ve got the best we’ve got it seems.

Thank you.

**MR. SECRETARY**: We appreciate the confidence you have there.

(Laughter from the gallery)

**MR. SECRETARY**: Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY**: Do we have any discussion with the Board or motions?

**MR. SIMPSON**: I think that Judge Sheffield did the right thing by letting the man vote even though his documentation was incorrect. If he knew him and he was a registered voter and could identify and let him vote you said that might not have been the right thing to do. In my opinion that was the right thing to do, is to let the man vote. Everybody is entitled to vote. We don’t want anybody to be prevented from voting and we want all the votes to count. I certainly don’t think that was -- although technically improper I don’t think it was wrong. So I will move to dismiss that allegation against him.

**MR. SECRETARY**: We have a motion by Mr. Simpson to dismiss the one allegation. Do we have a second?

**MR. SECRETARY**: I’ll 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 and that motion carries. Do we have a motion or discussion or any other items?

**MR. SIMPSON**: I’ll move to bind those two charges over.

**MR. SECRETARY**: We have a motion to bind over the remaining charges. Do we have a second?

**MS. SULLIVAN**: I’ll second it.

**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 and that motion carries. Judge thanks for being here today. I know the AGs office will work with you to resolve this and appreciate y’all taking the time to be here and explain what happened.

MR. SHEFFIELD: Thank y’all much. Have a good day.

MR. SECRETARY: Thank you for your service.

Alright we moved number six to the foot of the calendar so we’re on to 2013-066. The City of Bronwood-Terrell County, that’s number twenty-seven in our binder.

MS. JONES: Debra Sapp (phonetic) submitted a complaint with a number of allegations regarding issues she observed at the City of Bronwood polling precinct during the November 5th, 2013 City of Bronwood general election and the December 3rd, 2013 City of Bronwood general run-off. She was a poll watcher. We were unable to substantiate a number of the allegations that she made such as the city superintendent took personal phone calls while working inside the polling precinct. The state of elections superintendent stated that they needed a new ballot box because she had used a piece of metal to push the ballots down inside. The city elections superintendent made a comment that a social security card was an acceptable form of I.D.

The investigation revealed out of the fifteen reported allegations, two were substantiated. Allegation number nine, it was confirmed that an elector was allowed to vote her ballot from her vehicle during the November 5th, 2013 municipal election. The polling precinct had adequate access to the precinct to allow a voter to use a walker to gain access. In allegation fifteen, the badge issued to poll watcher Debra Sapp (phonetic) did not display the required information such as the primary or election and precinct in which the poll watcher was serving.

We recommend the following respondents be bound over to the AGs office for the listed violations. The City of Bronwood and Devina Devilla (phonetic) the city elections superintendent.

MR. SECRETARY: Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone else wishing to speak? Yes, ma’am.

MS. SAPP: Good afternoon, I am Debra Sapp. My address is 174 Thornton Street Bronwood, Georgia, 39826. First off, I would just really like to commend this Board on this wonderful way that you hold hearings. My family often goes to city council meetings and your hearings are so
organized and pleasant and you actually want to hear from the citizens, which I think is a wonderful thing and you are to be commended. Thank you.

In regards to being a poll watcher, I was not given any training whatsoever. I was asked to be a poll watcher by one of the candidates. I was not given any training, I didn’t know, but I had seen certain things in the past at elections that I thought were irregularities. So I went in there very cautious and I went in there with a lot of paper and I went in there with a pen. When I started taking notes -- I take copious notes. I took notes of just about everything. So some of these things that they said there isn’t any evidence for. I would think that notes taken, in time, would be evidence. I’m not a lawyer, don’t even play one on T.V. but I do have some of those, I have my handwritten notes. I still have them and so to me that would be evidence. I wish that an investigator had spoken to me. Mr. Archie was very good on communicating with me via email and that type of thing but when it got down to this part, I wish I had been able to ask a question such as what did you find and what did they respond to. For instance, an I.D. card that was red and black and I couldn’t see any kind of photo on it. So what did they respond. What did they say they had used instead of that. When voter, Maxwell Johnson (phonetic), had said, you know, his I.D. said he lived in Albany but they allowed him to vote anyway and I wish could have been informed. So what evidence was presented to say that was not how it was. The ballot box has been a joke for years. It had a cardboard divider down the middle and Ms. Devilla would take this funky little flat piece of metal and just always make a joke about having to shove them down in there.

I did not know until I was sitting here listening to several of these things that a voter could request a poll watcher to aid them in voting, is that true? Did I misunderstand that?

**MR. HARVEY:** Yes, ma’am.

**MS. SAPP:** Thank you. I don’t know the rules. Like I said, I was not trained in this. I try my best. I read the law but there seems like there are a lot of parameters that are expected that are not in the law. For instance, just a moment ago I heard Ms. Jones say that poll watcher was not allowed to sit where she could see what was going on. I didn’t even know that was something that was supposed to be done. My seating was very firmly made clear across the room or I would have made that as an allegation but I didn’t even know that was something…

I don’t know what evidence was given that Terry Jenkins (phonetic) no longer -- or that she did live in Bronwood, when she made several comments there in the polling room, that she did not live in Bronwood. I don’t know what evidence was given to say that Ruben Hawkins (phonetic), who was a candidate, had not come inside the polling precinct. I saw him. My note, in time, showed that he was there. You can ask anybody who votes in Bronwood he has always been there sitting, waiting for long periods of time in the polling precinct when he would be on the ballot. There was just an expected thing and even one of the poll workers, Ms. Terry Jenkins (phonetic) mentioned well, why haven’t you been here, you’re usually her to visit with us. We
don’t know why you’re not here. I don’t know what kind of evidence was given that city elections superintendent, Devilla, did not make a comment about social security card was accepted form of I.D. when again my notes, in time, shows that she did file them with the other (indiscernible). I watched Sandra Jackson (phonetic) vote her husband’s ballot. He was not even near her. She grabbed that ballot and said, here let me do that. He was still standing in the middle of the rug and she went over and voted for him. That’s not assistance that is just voting for him. I did not know that this Eddie Bayston (phonetic), who is one of the candidates, I didn’t know him by sight. I really didn’t know him until later, that yes that was him who came in to check and see how his name was written on the wall and then he turned around and went back out. I saw a poll officer point out to the candidates that there was a write-in candidate. She pointed out, see, right her. I don’t know what evidence was given that that did not happen but again I have my notes, in time. The part about the poll watchers badges I find very funny because I had no idea that they were supposed to be done in a certain way at all. We are a small, small, town, lots of times when you’re not doing anything. At the second election I was not allowed to bring in anything other than my purse and my paper and pen to take notes on. Couldn’t bring in any food, couldn’t bring in a book or anything like that but the other poll workers got to. So, I’m reading some of the things on the wall and I saw the rules about poll watcher badges and I thought, what. Well, mine definitely didn’t match that so I added that to my long list of allegations. Low and behold, I am really glad I did since you threw out all the others except for the fact that the ballot was allowed to leave the precinct room and go out to the voter’s car.

Again, I am very thankful to be here. I am very thankful to be in front of a deliberative body that thinks and doesn’t just take things at face value but I still do have my notes. I almost threw them away. Two weeks ago, before I got the letter, I almost threw away my poll watcher badges. I still have them with me because I didn’t think anything was going to happen. It took so long. Mr. Archie was very good to warn me at the very beginning that it would take a long time. My idea for a long time would be less than a year but I was wrong. I didn’t know some of these things were violations. There have been many violations, many violations going on at Bronwood and I think if the citizens knew some of the things, y’all have been really good about talking about sending letters of information. I think that there are some things that the citizens need to know that if you do have a problem even at -- I noticed the last time I went into vote that there was a sign on the door saying, if you have a problem call this number, the Secretary of State’s office. I don’t remember seeing that sign very often on the door and I am really thankful for that. Sometimes you encounter a problem that you don’t know is a problem like I had as a candidate in the past I had the door shut in my face and was told I couldn’t watch the counting but I didn’t know that was illegal.

**MR. SECRETARY:** Alright. Anymore questions for Ms. Sapp?

(No response)
MR. SECRETARY: Thank you for being here today.

MS. SAPP: Thank you.

MR. SECRETARY: Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Hearing none, we have a recommendation to bind over the City and the superintendent for the two potential violations.

MS. SULLIVAN: So moved.

MR. SECRETARY: Ms. Sullivan moves to bind over. Do we have a second?

MR. SIMPSON: Can I ask a question?

MR. SECRETARY: Yes, sir.

MR. SIMPSON: In your notes, you say that the registrar Rebecca Weiner (phonetic) told Ms. Floyd (phonetic) that there were not enough votes to change the outcome of the election and she didn’t need to open the provisional ballot.

MS. JONES: That’s a different case. We skipped over that one.

MR. SECRETARY: That’s the one we moved to the foot of the calendar.

MR. SIMPSON: Okay, I am sorry. I apologize.

MS. SAPP: I forgot one thing. I am so sorry. In the first election that was held the difference -- one of the things was that the superintendent of the election made a determination on a ballot that we couldn’t decide who had been voted for. She said let me see the signature. It was an absentee ballot. She said, oh this is how they voted. That election was a tie and we had to go to a run-off. So her decision made a decision in that election.

MR. SECRETARY: Okay, thank you. Let’s see, Ms. Sullivan I believe you moved to bind over; is that correct?

MS. SULLIVAN: Yes, that is correct.

MR. SECRETARY: Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: We have a second by Mr. Worley. Any other discussion.

(No response)
MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have bound that over. Ms. Sapp, thank you for being here today. I would keep your notes because the attorney general’s office may want to discuss this as this investigation continues.

Alright, SEB case 2014-002, Twiggs County case which is number twenty-eight in our binder.

MS. JONES: On March the 10th, 2014 a complaint was received from Twiggs County elections supervisor Debra Stevens (phonetic). Ms. Stevens reported that Twiggs County election officials accidently allowed a man to vote after confusing him with another family member. Marion Thomas, Jr. (phonetic) moved from Danville, Georgia to DeKalb County in 2008 where he registered to vote and obtained an I.D. card. Two years later he moved back to Danville to the same address as his father, Marion Thomas, Sr. (phonetic) but did not update his voter registration information regarding his change of address from DeKalb County. During early voting for the City of Danville municipal special election on March the 18th, 2014 Marion Thomas, Jr., reported to the polling place to vote. Mr. Thomas, Jr. completed an application for an absentee ballot and presented his photo I.D. to the Twiggs County elections superintendent Debra Stevens. A Mr. Thomas was located on the voter list at the same address provided by Mr. Thomas, Jr., and he was allowed to cast a vote on the DRE. Ms. Stevens was entering the voter’s registration information into ElectioNet when she noticed that the Marion Thomas registered in Danville must be Mr. Thomas, Sr. because of his date of birth and by this she determined that the Marion Thomas, Jr. was allowed to vote in error.

We recommend that the following individuals be bound over to the AGs office for the listed violations, Debra Stevens the Twiggs County elections superintendent and Mr. Marion Thomas, Jr.

MR. SECRETARY: So Marion Thomas, Jr., where was he registered?

MS. JONES: DeKalb County.

MR. SECRETARY: And he lives in Wilkinson?

MS. JONES: Wilkinson.

MR. SECRETARY: I mean Twiggs.

UNIDENTIFIED SPEAKER: It was a municipal election.

MS. JONES: But it’s split between (indiscernible) and Wilkinson.

MR. SECRETARY: Alright, so the recommendation is to bind an elector over because they
voted basically under a different name; correct?

**MS. JONES:** Correct.

**MR. SECRETARY:** And the wrong county. And the superintendent for allowing that to happen?

**MS. JONES:** Yes.

**MR. SECRETARY:** The superintendent did self-report; correct?

**MS. JONES:** Yes, she caught herself.

**MR. SECRETARY:** Anyone else wishing to speak?

**MR. ANDERSON:** Good afternoon, my name is Lars Anderson. I am an attorney here in Macon. My office address is 2476 Vineville Avenue, Macon, Georgia 31204. I represent the board of elections in Twiggs County. I am here with Ms. Debra Stevens. Just to clarify, the gentlemen I will refer to as Jr., moved and returned back home, moved into his father’s house and he did report. Ms. Stevens will be here to tell you she was the one who made the error. She did not until after he voted match up the birth date and so, in essence, what happened the son had moved back to Danville, moved back to his father’s address. The addressed matched up. We made an error. It was one certainly not of malice or willful wrongdoing. I think it’s demonstrated by Ms. Stevens’ immediate steps to self-report. Any further questions, I will have Ms. Stevens address. Any questions about how that happened I will ask that you direct to her.

**MS. STEVENS:** My name is Ms. Debra Stevens. My address is 194 Family Circle, Jeffersonville, Georgia 31044. 2013 I became the superintendent and in the year 2014. I am aware of the accident that I did do. Since then 2014 we have established new plans on verifying voter’s license through voter registration, through the Enet system and making sure that voters get the accurate voter identification.

**MR. SECRETARY:** Alright, well, thank you both for being here. I had one question for you, Ms. Stevens. Did you know the Thomas’?

**MS. STEVENS:** No, sir, I didn’t know the Thomas’. At that time when we did it, it was my first big election and just the rush of being a newly superintendent I did not verify his birth date as well as I should have.

**MR. SECRETARY:** Okay. That makes sense. Thank y’all for being here. Any other questions for Mr. Anderson and Ms. Stevens?

**MR. MCIVER:** (Signifies)

**MR. SECRETARY:** Mr. McIver.

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**MR. MCIVER:** To either one of you whoever wants to answer, should Mr. Marion Thomas, Jr., have reported that his address had changed and changed his registration?

**MS. STEVENS:** No, sir.

**MR. MCIVER:** No, but should he have done so?

**MS. STEVENS:** Should he? Yes, sir. He should have--

**MR. MCIVER:** For the system to work, he should have reported he had a new residence?

**MR. ANDERSON:** He did physically change his residence. He did not report the change for voting purposes but had a driver’s license, which reflected the address which was on the voting rolls unfortunately one was a Sr. and one was a Jr. He at the time lived with his father.

**MR. MCIVER:** But the driver’s license showed the correct address for voting?

**MS. STEVENS:** Yes.

**MR. MCIVER:** In other words, it was not the DeKalb address it was the Twiggs address.

**MS. STEVENS:** Twiggs and Wilkinson share a municipality together so it would show Wilkinson County as his address.

**MR. SECRETARY:** How was he in Enet? Was he registered in DeKalb through Enet?

**MS. STEVENS:** Yes. Upon -- we weren’t using Enet. We were just using our voter registration so now we are using Enet. When I went to verify, to put his information in after he had filled out his application I noticed he was in DeKalb based on the birth date after I pulled up the Senior and then in return called and reported that I had allowed a voter to vote under a number of the father and not the son.

**MR. SECRETARY:** Any other questions?

(No response)

**MR. SECRETARY:** Ms. Stevens, are you confident this won’t happen again?

**MS. STEVENS:** Yes, sir, I am.

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

(No response)

**MR. SECRETARY:** Do we have any discussion? Motion?

**MS. SULLIVAN:** I’ll move that a letter of instruction be issued to both respondents.
MR. WORLEY: I’ll second that.

MR. SECRETARY: Alright, we’ve got a motion and a second for a letter to be issued to respondents. Ms. Stevens, can I ask you another question, if you don’t mind?

MS. STEVENS: Yes, sir.

MR. SECRETARY: Marion Thomas, Jr., do you think he realized where he was registered to vote?

MS. STEVENS: I honestly don’t think he realized where he was registered to vote at because he didn’t come in as a person that was trying to do anything deceitful. It was a municipal election and he just wanted to vote.

MR. ANDERSON: Mr. Secretary, can I add to that. I just had a discussion with Marion Thomas on the phone and I honestly believe that he did not have any idea that he was doing anything wrong.

MR. SECRETARY: Well, that was what I certainly -- I just had some concern about not the letter for Ms. Stevens but with Marion Thomas which I am fine if he legitimately was confused about where he was registered. I can live with the letter. I just wanted to make sure that was the case. I know Ms. Sullivan and Mr. Worley will understand that. Thank you very much.

Any other discussion? We have a motion and a second for a letter of instruction for both respondents.

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we will issue the letters.

2014-039, Glynn County that would be number twenty-nine in our binder.

MS. JONES: Our office received a complaint from Glynn County election supervisor Tina Edwards concerning Zack Lye (phonetic) causing a disruption at the Burroughs-Molette school polling precinct and that he had to be escorted out by local police. The incident occurred on May 20th, 2014 during primary election. Zack Lye entered the Burroughs-Molette polling location causing a disturbance in the May 20th, 2014 election. During the incident he became loud, aggressive and uncooperative with both poll manager and deputy that was assigned to the precinct. He was yelling at the poll manager that she was giving him misinformation and turned voter away. Mr. Lye also shouted at the deputy that he was going to have to shoot him or take him because he was not leaving. There were two electors voting when the incident occurred and
Mr. Lye refused to leave the polling location when asked to do so by the poll manager Elaine Harmster (phonetic) and Deputy Williams (phonetic). Deputy Williams reported that he informed Mr. Lye that he was causing a public disturbance and interfering with normal poll business at the precinct. Mr. Lye did not walk outside the polling location until additional deputies arrived on scene and Coronel Stacy Young (phonetic) escorted him out.

We recommend that Zack Lye be bound over to the AGs office for the listed violations.

**MR. SECRETARY**: Any questions for Ms. Jones?

(No response)

**MR. SECRETARY**: Anyone else wishing to speak?

(No response)

**MR. SECRETARY**: Ms. Jones, wouldn’t that be criminal in nature? I assume it is under our jurisdiction and not the City?

**MS. JONES**: As I understand, they sent information to the D.A.s office and the D.A. wanted to wait until it was heard through our agency before they made a decision about whether to prosecute or not.

**MR. HARVEY**: Mr. Secretary, I am sorry, I was outside talking with somebody. Were you talking about the D.A.s role in this case?

**MR. SECRETARY**: Yes.

**MR. HARVEY**: Chris Harvey, Georgia Secretary of State’s office. When the D.A. contacted me as the Chief Investigator a couple of years ago she asked what we would do with this case, what the State Election Board would do and I said, we would do an investigation and the State Election Board would consider it for administrative action. At that point she seemed fine with that. She indicated that she really didn’t think it needed to go criminally as long as it would be addressed by this Board. I indicated, obviously, that the Board didn’t have criminal jurisdiction but they would consider it and take appropriate administrative action and I think she was fine with that. I don’t think, unless something is changed, she has intentions of pursuing any kind of criminal activity.

**MR. SECRETARY**: My concern would be us getting in front of a criminal investigation but if that’s not the case then I certainly don’t mind moving forward.

**MR. MCIVER**: What is significant to me is that they escorted him out and didn’t place him under arrest.

**MR. SECRETARY**: Sounds like he ought to be thankful he didn’t tazed. I’m sure that’s what
you would have done, Mr. McIver.

(Laughter from the gallery)

MR. MCIVER: Let’s not go there.

MR. SECRETARY: Anyone else wishing to speak?

MR. WOOD: I’m Richard Wood on the board of elections in Glynn County. The address is 1815 Gloucester Street, Brunswick, Georgia. The original intent of the board was to have this matter presented to the district attorney’s office for two felony counts and one misdemeanor count and somehow the proceedings ended up in the Secretary of State’s investigation. The Glynn County sheriff’s office was doing an investigation into the matter and was reporting it to the district attorney for that county. I am not sure how in the process of things the investigation was diverted to the Secretary of State’s office and it was my impression that the Board wanted it handled by the district attorney’s office of Glynn County.

MR. SECRETARY: Any questions?

MR. MCIVER: (Signifies)

MR. SECRETARY: Mr. McIver.

MR. MCIVER: In whose capacity do you appear?

MR. WOOD: I am a board member for the board of elections in Glynn County.

MR. MCIVER: Thank you.

MR. SECRETARY: I guess, I am correct in assuming this, that the complaint originally came to us through the elections superintendent?

MR. HARVEY: I don’t recall originally. I remember specifically that the district attorney called me personally and asked about us essentially taking the case from them.

MS. JONES: Ms. Edwards forwarded the complaint--

MR. SECRETARY: To us?

MS. JONES: --to us.

UNIDENTIFIED SPEAKER: She is also hear for the next matter if you have questions for her

MR. SECRETARY: Alright.

MR. WOOD: I believe that the Board directed her to send the letter to the district attorney’s office before it being presented to her and in my opinion as a courtesy it was reported to Mr.
MR. SECRETARY: Well, I’m open to whatever the Board wants to do -- the State Election Board but I certainly am open to whatever the locals want to do as well but I know a lot of times it’s tuff sometimes for the DAs to move forward on something like this but we’re -- you know, Mr. Harvey, you were saying that she is alright with us moving forward?

MR. HARVEY: Well, again, when I spoke with her originally she was very happy that the State Election Board would handle this and she didn’t indicate that she was planning on taking action either alongside or instead of the State Election Board. Like I said, she called me and essentially asked that the State Election Board handle this for her unless something has changed in that time. That was the last conversation I had with her.

MR. WOOD: I would like to add that this was at an elementary school and the classes were actually being let out at the time this incidence occurred.

MR. MCIIVER: I had a question.

MR. SECRETARY: Mr. McIver has a question.

MR. MCIIVER: Mr. Zack Lye, do we have notice on him?

MS. JONES: Yes, well--

MR. MCIIVER: He’s apparently not here.

MS. JONES: Yes. We attempted to contact him both by telephone, by certified letter and in person. Investigator Archie actually went to the residence and could hear activity inside and left a note on his door and we have never heard anything from him, so.

MR. SECRETARY: Thank you, Mr. Wood. Anyone else wishing to speak on this matter.

MS. EDWARDS: Good afternoon, I am Tina Edwards. My address is 1815 Gloucester Street Brunswick, Georgia 31520. I am the elections supervisor. I just wanted to report that Mr. Lye is aware. He came to my office with a friend of his and noted that he did receive his information and he was well aware of the hearing today. He didn’t tell me if he was coming or not but I just wanted to let you know he is fully aware that he (indiscernible).

MR. SECRETARY: Thank you, Ms. Edwards. Anyone else wishing to speak?

(No response)

MR. SECRETARY: Do we have a motion?

MR. MCIIVER: I move we bind it over.
MR. SECRETARY: Mr. McIver moves to bind over.

MS. SULLIVAN: Second.

MR. SECRETARY: Ms. Sullivan seconds. Any other discussions?

MS. SULLIVAN: I would just note, that I don’t think the State Election Board actions here would (indiscernible) from proceeding if the DA so choose to do, so, but I hate to dismiss this case without the State Election Board taking any action without knowing whether or not the DA would prosecute it.

MR. MCIVER: It would come back to us once the law department has done what they’ve done.

MS. JONES: I can contact the district attorney’s office to find out if they are going to take any action on it. It is my understanding in the past, the Board has not acted on cases that the district attorney acts on so that there isn’t--

MR. SECRETARY: We don’t want to get into double jeopardy.

MR. WOOD: One more comment if you don’t mind, it’s been my impression that the district attorney’s purpose was waiting for Mr. Harvey to produce a report so she could determine whether or not there was prosecuting grounds here and our last contact with our the district attorney indicated that she had not receive that report.

MR. SECRETARY: Well, one thing that we can do and we’ve done this in the past is we could recommend that this be referred to the attorney general’s office but we are getting, I think, mixed signals here. Mr. Harvey is saying that he spoke to the DA and she was saying that she was glad that we were taking this. So, I guess, one action we could take would be to vote to refer to the AGs office if that is what the Board wants to do and then if the DA doesn’t want to move forward then we can take it up again. Of course, that is going to prolong the process but we do have a motion and a second.

MR. MCIVER: But under these circumstances it comes back to us so the law department does whatever they’ve done--

MR. SECRETARY: I think, the issue is in the past -- it is my recollection and you have been on the Board a lot longer than I have but it seems like that we have not taken actions to refer it to the AGs office if there was criminal -- you know, if there was a criminal element then we would refer it to the DA to see if they would prosecute and then if they didn’t then that would still leave the door open for us to refer to the AG and let them prosecute on the civil side. I think if we take action to refer it to the AGs office that could jeopardize that.

MR. SIMPSON: Seems like to me if we send it to the attorney general’s office then the attorney general has some input or say so about whether it goes back to the local D.A. or whether they recommend to us that we proceed administratively. Isn’t that an option that the attorney
general’s office would have?

**MS. JONES**: We can certainly talk to the district attorney to find out if whether or not they are pursuing the case. I don’t know that--

**MR. SIMPSON**: We are not locked-in to an administrative action just because we refer it to the AGs office; is that correct?

**MS. JONES**: I believe that is correct.

**MR. SIMPSON**: So Mr. McIver’s motion is appropriate.

**MR. SECRETARY**: Suits me. All in favor?

**BOARD MEMBER**: “aye”.

**BOARD MEMBER**: “aye”.

**MR. WORLEY**: I just want to say before we vote, I’m been on the Board now for twelve years and I never seen a situation like this where somebody was so -- seem to be so deliberately interfering with the election process in a polling place. So I think we need to do whatever we can to prosecute this person civilly or criminally and it sounds like the DAs office may just be happy to have had the Secretary of State’s office do the investigation and hopefully we’ll take the file and proceed with it but I’m going to vote yes.

**MR. SECRETARY**: I completely agree with Mr. Worley. Alright, anything else, we’ve got a motion and a second to bind over. All in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

**MR. SECRETARY**: All opposed same sign and that motion carries and we have bound that over. We’ve got one more Glynn County case 2014-110, number thirty in our binder.

**MS. JONES**: Our office received a complaint from Glynn County election board member Richard Wood (phonetic) with multiple allegations concerning irregularities by election supervisor Tina Edwards during the November 4th, 2014 general election and the July 22nd, 2014 primary run-off. There are several allegations centered on issues with the handling of provisional and absentee ballots for both elections. We were unable to substantiate one of the allegations made regarding the mailing of an absentee ballot out to the name of a deceased voter, Mr. Williamson Wheeler (phonetic), and his wife Edna Wheeler (phonetic) voting the ballot. That was unsubstantiated. However the investigation did reveal concerns with the remaining allegations. During the November 2014 general election allegation one, the investigation revealed that two provisional ballots were misplaced and not located until November the 10th, 2014. During the investigation, it was learned that two voters had reported to the incorrect polling precinct on Election Day. The poll manager Lavonia Clark (phonetic) issued the voters
provisional ballots so they could cast their ballots. The poll manager failed to ensure all the procedures were followed when the voters voted their provisional ballots. She failed to ensure the provisional envelope was inserted into the (indiscernible) salmon-colored envelope and that it was sealed. The poll manager also failed to have voters insert their ballots into the provisional ballot container and her actions contributed to the ballots being misplaced and not found until November the 10th.

Allegation two, the investigation revealed the election’s supervisor Tina Edwards failed to have at least two assistants present on November the 10th, when the two-recovered provisional ballots were duplicated. During the investigation it was learned that on November the 10th assistant elections supervisor Monica Couch (phonetic) located the two missing provisional ballots and Tina Edwards advised that the ballots had to be counted by 5:00 p.m. and at that time it was 3:45. She stated she called the county attorney and he informed her that he needed at least two hours to render a decision. Ms. Edwards advised, it was already 4:45 by then and she was thinking she would be in huge trouble if she didn’t get the ballots counted so she decided to duplicate the ballots with only one person present.

In regards to allegation three, twenty-five original voted provisional ballots were inserted back into their salmon-colored envelopes after they were duplicated. The secrecy of the ballots was not maintained by doing that. Our investigator also reviewed the documents and located twenty-five provisional ballots where the original ballot had been inserted back into the salmon-colored envelope. The investigator determined that the secrecy of the ballots was not maintained since the ballots had not been separated from their envelope with the elector’s names written over them. During the review of the elections documents, the investigator also found eleven uocava envelopes from the November 4th, 2014 general election that contained marked ballots. The oath of the electors were attached to the envelopes so you could identify the voter. During a review of the election documents from July 22nd, 2014 primary run-off the investigator found four open uocava envelopes that contained marked ballots.

Allegation four, is related to the July 14th primary run-off. The investigation revealed that during the July 22nd, 2014 primary run-off an elector named Alice Crawford (phonetic) voted by absentee ballot but she failed to sign her name on the oath. The election office received Alice Crawford’s ballot and it should have been rejected but it was certified and counted. Elections supervisor Tina Edwards advised that it was human error and should have been rejected.

We recommend that the following respondents be bound over to the AGs office for the listed violations, Glynn County board of elections and registration, Tina Edwards, elections supervisor and Lavonia Clark, poll manager.

**MR. SECRETARY:** And then -- is that it?

**MS. JONES:** And then Monica Couch, assistance elections supervisor.
MR. SECRETARY: And on the other absentee ballots we’re holding on that?

MS. JONES: Yes, sir. We were going to make recommendation on that and hear it later.

MR. SECRETARY: Per our earlier conversation. Any questions for Ms. Jones?

(No response)

MR. SECRETARY: Anyone wishing to speak?

MR. PRIEST-GOODSETT: My name is Noah Priest-Goodsett. I am an assistant county attorney down in Glynn County, Georgia.

MR. SECRETARY: Can you spell your last name?

MR. PRIEST-GOODSETT: Sure. P-r-i-e-s-t hyphen G-o-o-d-s-e-t-t. Our office address is 701 G Street the Old Historic Courthouse, Brunswick, Georgia 31520. I’m not here to dispute any of the facts that are listed in the investigation report. However, I’ve heard several times today, specifically from Mr. McIver, that this Board is focused on solutions and resolution and that’s exactly what the county did in the circumstance. With regard to the first potential violation that was discussed, with regard to Ms. Clark not assisting the voters in placing the ballots correctly in the envelopes, Ms. Clark has since been demoted and no longer has any input in the polls. She still works in the office but she doesn’t have any poll responsibilities. Moreover, all workers now receive additional more detailed training on the handling of provisional ballots because of this issue being raised. I have both the elections supervisor, Ms. Edwards and Ms. Couch and our Chair and of course Mr. Wood, the complainant, is also here and they can answer any of those questions about how detailed the training has now become.

Now, with the second potential violation with regard to Ms. Clark’s misplacement of the provisional ballots, them not going into the provisional ballot box because they should have. Glynn County has purchased ballot bags in which voters now place their own ballots. So they have taken the potential for human error and poll workers out of the equation to ensure that all ballots are placed by the elector into the proper ballot bag and the ballot bag is also an improvement from the former banker’s box, is the thing they used to use. So again, Glynn County recognized this issue and responded.

The third potential violation was the lack of two consolidated assistants. As you can sort of note, these ballots were found on November 10th late in the day and Ms. Edwards was confronted with the situation where she had less than a few hours to decide how to act and because of that -- I think because of that shuffle and that emergency, she only had one consolidated assistant with her. She worked in the elections office for many years before she actually became the elections supervisor and was promoted as such and she has seen that before so she also believed that she was following protocol. In the two proceeding elections since this election in 2014 she just have always had two assistants with her and she is well aware of that requirement now.
With regard to the fourth violation, the twenty-five ballots that were placed back into the envelope such that their secrecy was not maintained, Glynn County again stepped up and said now board members have to be present when those ballots are dealt with. They assist with both opening and separating and monitoring all poll workers that deal with those ballots. So that will never happen again.

The fifth potential violation, the (indiscernible) ballots. This is sort of the same issue. The placement back of these emails back into the envelopes such that the secrecy wasn’t maintained. Again, same thing where there is additional training now. There is complete board oversight and again, that also relates to the sixth violation which was the identical violation in the election previous. Again, board oversight and additional training and at that time those ballots were covered in the investigation so it is not, as if, we didn’t act on the issue. As soon as the issue was raised and we realized there was a problem we acted.

With the seventh violation, with regard to Ms. Couch’s failure to reject an absentee ballot that failed to contain signature on the oath, that was a human error. She missed a ballot. How do you solve that. Now, we have two staff workers who double-check each other which they didn’t have at that time. The Glynn County board of elections and registration have had a municipal election in November of 2015 and a presidential primary election in March of 2016 without incident and with these new policies and procedures in place to ensure compliant and lawful elections. Every issue raised by the complaint have been addressed. If the State Election Board has any additional questions everyone is here to answer those questions and we all take the allegations extraordinarily seriously however in light of our response to these issues I would ask this Board to issue a letter of instruction or dismiss the complaint entirely. Thank you.

**MR. SECRETARY:** Thank you for being here. I have a question for you.

**MR. PRIEST-GOODSETT:** Sure.

**MR. SECRETARY:** I don’t want you to have to speak for your board members but is it your opinion, would you say that they are satisfied with the new procedures that are in place?

**MR. PRIEST-GOODSETT:** I wouldn’t want to speak in place of my board but what I would say is, that I think the board, as a whole, is satisfied and they’ve also been hands on in that when these issues were raised the board acted and all of these new procedures that I discussed and the changes that were made were with the oversight of the board and the desire of the board. So I think that the board is satisfied that the issues have been addressed.

**MR. SECRETARY:** Thank you. Any other questions for the counsel?

**MR. MCIVER:** Yes, sir.

**MR. SECRETARY:** Mr. McIver.
MR. MCIVER: Would any of this activity have impacted the results of the election?

MR. PRIEST-GOODSETT: There was no misplaced votes although the secrecy of the ballots weren’t maintained in a technical sense, none of that information was disseminated publically. All provisional ballots that there was an issue with got properly counted and should have been counted. One thing that I think is notable is when those two provisional ballots were found Ms. Edwards jumped into action. First she called the Secretary of State’s office to decide what to do, then she called Kennesaw State University to try to determine how she should re-open the machines so she could copy the ballots, then she called my office at 4:45 and said I got fifteen minutes, I need a legal determination now which I think everyone here that is an attorney realizes that is not a position you want to be put in and so we failed to render her an opinion because we were unable to do the research in that short window of time. I think what’s notable about what she did was she made every effort to figure out how to do this correctly and ultimately she did the right thing. Those duplicates got back into an envelope and that’s problem and we admit that that’s a problem but she ensured that those votes got counted and that she did as appropriately as she could and she tried to ask all the experts when she felt that her own knowledge fell short. So, I think that she did everything in her power to do the right thing and ultimately those votes were counted appropriately and it didn’t have any effect on the election.

MR. MCIVER: You cited two elections since these changes have been made.

MR. PRIEST-GOODSETT: That’s correct.

MR. MCIVER: Are you aware of any complaints that have come from those two elections?

MR. PRIEST-GOODSETT: I am not.

MR. MCIVER: I guess I would extend that to Mr. Harvey’s office.

MR. HARVEY: I’m not aware of any. I don’t know about investigations.

MR. LEWIS: I’m not aware of any current complaints along those lines in Glynn County.

MR. MCIVER: Would you join us in concluding that perhaps that these have been effective these changes?

MR. PRIEST-GOODSETT: I would absolutely agree.

MR. MCIVER: No other questions.

MR. SIMPSON: I have one question.

MR. SECRETARY: Judge Simpson.

MR. SIMPSON: You said that none of the results of any of these elections was altered by any of these mistakes but with regard to allegation five in the investigative report it says that one
absentee ballot should have been rejected but it was certified and counted. So that would have changed the result in terms of count of the votes. Was that not sufficient to alter the outcome of the election?

**MR. PRIEST-GOODSETT:** That was not a close election. That was not an election where one vote would have mattered. There were appropriate (indiscernible)

**MR. SIMPSON:** That’s what I was trying to find out.

**MR. PRIEST-GOODSETT:** Yes, sir.

**MR. SECRETARY:** Any other questions for the counsel?

(No response)

**MR. SECRETARY:** Thank you. Anyone else wishing to speak?

**MR. WOOD:** Richard Wood, board of election member, Glynn County, Georgia. 1815 Gloucester Street, Brunswick, Georgia. This board has had some problems since I have been on it in 2014 and the reason I brought this complaint initially was because those problems I could not seem to get addressed at the board meetings. I questioned the Wheeler matter. Ms. Wheeler, her name is Edna Wheeler (phonetic) the ballot sent to her address in her husband’s name. She actually signed her name Edna Wheeler which is the proper name that she should have been registered under. It seems that Seminole County has opened the door for one of the problems that we have and has recently as our last meeting trying to get a determination as to what is a legal name for a voter registering. We’ve asked the county attorney to provide such and they cannot furnish a plausible answer. It seems that a legal name is pretty clear in my assumption but the problem is not that we are training and addressing these things. The problem is that we’re not properly training and addressing these things. We have implemented programs that need more attention. I would like to see a lot easier access and cooperation from our board to make sure that these poll workers are properly trained and that the execution of these provisional ballots, especially, are handled properly. In our last election we just had March 1st, we didn’t start the provisional ballot process until Friday (indiscernible) as it turns out there was a problem that had to be addressed on Saturday and just efforts from my person to get these slight matters handled were met with resistance. I think that what’s needed is a more focused direction by this board to make sure that the voters of Glynn County are properly represented.

**MR. SECRETARY:** Mr. McIver.

**MR. MCIIVER:** How would you characterize the quality of the oversight by the board into this process?

**MR. WOOD:** Not very good.

**MR. SECRETARY:** Any other questions for Mr. Wood?
MR. SECRETARY: Alright thank you.

MR. PRIEST-GOODSETT: I am just sort of here to clarify, Mr. Wood is a valued member of our board and I personally appreciate what he’s done today because I think that he has brought about positive changes in our board of elections and how they’re run. However, I would just point out that he is a single member of our board and I think the board as a whole is satisfied with what’s been done and I would also point out that many of the issues that Mr. Wood raised aren’t actually before you. They’re issues that he’s continuing to investigate and I think that those issues really aren’t before you now and just that all of you sit on the board and you know that you don’t always agree on what the correct path for it and Richard may not always agree with the rest of the board and he may be frustrated by that but the board has, in fact, taken steps and does, in fact -- has participated in the oversight that is unprecedented in Glynn County and I am sure that these issues will never happen again. Thank you.

MR. SECRETARY: Anyone else wishing to speak?

MS. ROBINSON: I am Ruby Robinson (phonetic) chairman of the board of education. I’ve been on the board -- this is my second term. I can assure you that I have sat in on all of the training that has taken place since I’ve been chairman and--

MR. SECRETARY: Ms. Robinson, if you will just give us your address. My apologies.

MS. ROBINSON: My home address?

MR. SECRETARY: That would be fine.

MS. ROBINSON: 3030 East Third Street, Brunswick, Georgia 31520.

MR. SECRETARY: Thank you. Sorry about that.

MS. ROBINSON: Since this all has occurred or happened, I have been hands on, if you will, the rest of the board has been very engaged, if you will. We have put procedures in place that will remedy this. I have sat in on the provisionals. That was a big problem, it really was in not having a review, you know, person there to oversee that but in that I ask that she give out forms. She had forms that she did in her training step by step. The provisions are the steps that should be taken and those have been followed. I just sat through the ethics. I have gone through all of her training sessions and I have made notes and we have addressed them. So I feel that we are working together, yes, you know, maybe I have inherited some things or she did things that were not done properly but we are doing a concerted effort to come together as a board. We have opened communication which we have not had in the past and I think communication is everything when you try to work with a group of people. We have our disagreements but the proper and professional thing to do is to talk them out. We do not go outside of the board as a
single person to address those issues. Any time you work outside of the board you have your authority when you are in the board but when you go outside of that, you are treading very lightly.

**MR. SECRETARY**: Mr. McIver.

**MR. MCIVER**: Just so we will have a clear record, you mentioned that you are the chair of the board of education?

**MS. ROBINSON**: Yes.

**MR. MCIVER**: Would you prefer to say elections?

**MS. ROBINSON**: Yes, I did because I was chairman of the board of elections two years and served on that eight years. I do that all the time, excuse me. Yes, I am chairman of the board of elections. So sorry I do that all the time.

**MR. MCIVER**: It’s alright. We just need a clear record.

**MS. ROBINSON**: You know, you get the education and the elections but it’s all intertwined.

**MR. SECRETARY**: Ms. Robinson, I have a quick question for you. How many members are on your board and how are they appointed?

**MS. ROBINSON**: Well, we have five. The Republicans appoint two, the Democrats appoint two and it used to be the grand jury but the county commissioner appoints one.

**MR. SECRETARY**: Okay.

**MS. ROBINSON**: So we have five.

**MR. SECRETARY**: Any other questions for Ms. Robinson?

(No response)

**MR. SECRETARY**: Thank you for being here.

**MS. ROBINSON**: Thank you.

**MR. SECRETARY**: Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY**: Alright, hearing none--

**MR. SIMPSON**: I’ve got one question.

**MR. SECRETARY**: Mr. Simpson.
MS. ROBINSON: For me?

MR. SIMPSON: Yes, ma’am.

MS. ROBINSON: I know you. Make it easy. Make it light.

MR. SIMPSON: In your opinion, has the board reviewed the remediation efforts to correct these problems?

MS. ROBINSON: definitely, yes.

MR. SIMPSON: Is the board, as a whole, satisfied with that so the superintendent to correct these problems?

MS. ROBINSON: I think basically, yes. We always address them and come to the conclusion -- we come to a conclusion and then we relay that to the supervisor and hopefully--

MR. SIMPSON: Were these issues discussed in the board meetings before the complaint was made?

MS. ROBINSON: Somewhat, yes. Yes, but then you know majority rules. You know, when you talk about an issue and you bring it before and you vote on it and then sometimes people are not happy with the outcome.

MR. SIMPSON: Well, what I am trying to find out is if the issues were -- if the board was aware of some of these issues before it got to the point of having to bring it to the State Board of Elections or could the local board have corrected these problems without bringing it to us?

MS. ROBINSON: That’s hard to answer, I mean, because we did have discussion and we did discuss the issues that were brought forward and we thought they were concluded.

MR. PRIEST-GOODSETT: I’ll just say, I was lucky enough to sit in on those meetings and these issues were discussed at those meetings.

MR. SIMPSON: Thank you, ma’am.

MR. SECRETARY: Anything else from the board or thoughts on how to move forward here?

MR. SIMPSON: If this case were bound over then we might have an opportunity to see some plan for further remediation of these issues; is that correct, if there were consent orders discussed. Am I correct in that?

MS. JONES: Yes, sir. We could put that into a consent order if the respondents wished

MR. SECRETARY: Any other thoughts or motions?

MR. SIMPSON: Well, I feel this way. I think that the board as a whole needs to understand the
importance of making sure that the T’s are crossed and the I’s are dotted on all these proceedings that are required in office and that the training encompasses all of these issues in an attempt to correct them before something occurs that does impact an election. I think we are lucky in a sense that this has been brought to us now before there has been any adverse impact on the election in Glynn County, so. I do believe that a little more emphasis needs to be made on correction of these than just a letter of instruction. So what I would do is recommend that we bind this over and in doing that hoping that we could arrive at a consent order that would address further remediation and training on those issues.

**MR. SECRETARY**: Was that in the form a motion?

**MR. SIMPSON**: Yes, sir. Motion to bind it over.

**MR. SECRETARY**: Mr. Simpson has moved to bind over. Do we have a second?

**MS. SULLIVAN**: Second.

**MR. SECRETARY**: Ms. Sullivan seconds. Any other discussion?

(No response)

**MR. SECRETARY**: It is a well laid out motion. Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

**MR. SECRETARY**: All opposed same sign and that motion carries. Thank ya’ll for being here today.

Okay, we have to go back and catch 2013-054, which is the Lumber City-Telfair County case which is number twenty-six in our binder.

**MS. JONES**: (indiscernible) filed a complaint with our office that had several allegations about irregularities during the November 5th, 2013 City of Lumber City municipal elections, Telfair County. Some of the allegations were voters were turned away because they had a post office boxes listed on their driver’s license as their home addresses. Voters were being placed in new (indiscernible) without being notified. Some voters were asked about past criminal activity. The investigation revealed that we were unable to substantiate those allegations but found another issue while reviewing the documents. During the election there were six provisional ballots that were not turned in by the city of elections superintendent Amy Floyd (phonetic). Ms. Floyd said she had never processed a provisional ballot before and when she contacted the chief registrar of Telfair County and the city attorney. She was told by the Telfair County registrar that she didn’t have to open the provisional ballots because there weren’t enough of those to affect the outcome of the election. The chief registrar was contacted by the investigator but denied the discussion with Ms. Floyd that she should not have counted the ballots.
We recommend that Lumber city and Amy Floyd be bound over to the AGs office for the listed violations.

**MR. SECRETARY**: I assume we did notice the City and Ms. Floyd?

**MS. JONES**: Yes.

**MR. SECRETARY**: Any questions for Ms. Jones?

**MR. SIMPSON**: Yes, sir.

**MR. SECRETARY**: Mr. Simpson.

**MR. SIMPSON**: This is a case I asked about out of turn, you know, I was on the wrong page but I am curious as to why the registrar Rebecca Weiner (phonetic) is not listed.

**MS. JONES**: Because the city conducted their own election. She only called Ms. Weiner just to get information.

**MR. SIMPSON**: Well, would it be nice for Ms. Weiner to know what the rule was?

**MS. JONES**: Ms. Weiner denied them having the conversation.

**MR. SIMPSON**: I know that but if we get into the point of saying what person told me is right and what this person told me is wrong then we are adjudicating the case. We are not just referring it for probably cause. You see, we can't decide the fact issue. All we can do is determine whether or not there is probable cause to believe that there has been a violation.

**MR. SECRETARY**: Ms. Jones, in my recollection, when you talked to the registrar she denied giving the information that Ms. Floyd said she did.

**MS. JONES**: Correct.

**MR. SIMPSON**: Mr. Chairman, that is the point I am making is I don’t believe it is our job to make a fact decision. I think it is our job just to return on whether or not there is probable cause to believe that Ms. Weiner gave that information and what affect that would have had on the charge against Ms. Floyd.

**MR. SECRETARY**: I don’t think we are making the fact determination. I guess, the findings of the case are that Ms. Floyd, who I don’t believe is here, is saying that the registrar said one thing and we called the registrar and she said she didn’t say that which from my view being what I’ve heard so far, that could change with anyone else who may be here to speak, I would say that is probable cause for me to send it to the AGs office and let them interview both these people and see what they come up with, not that they were necessarily saying, you know, exactly what happened but at least it’s probable cause to continue the investigation and prosecution.
**MR. SIMPSON:** Well, I agree with respect to Ms. Floyd but I also thought that the case would be investigated with regard to the conduct of Ms. Weiner and her advice.

**MR. SECRETARY:** Well, I think the only reason Ms. Weiner was even mentioned was because Ms. Floyd said that was the advice that she gave.

**MS. JONES:** She only contacted Ms. Weiner because she was a person to contact. It wasn’t that Ms. Weiner had anything to do with the election whatsoever. It was just in her role as chief registrar she thought, according to Ms. Floyd, that she could get information from Ms. Weiner. Of course, Ms. Weiner denies the conversation occurred. Lumber City conducted their own election. Ms. Floyd was the election superintendent. She was the city clerk.

**MR. SECRETARY:** Let me ask this if you don’t mind. Is there anyone else wishing to speak in regards to this matter?

(No response)

**MR. SECRETARY:** It seems to me that in this case the superintendent obviously didn’t open the ballots that they should have and then when that was revealed or got caught she went into CYA mood. That’s what it appears to me.

Is there any other questions for Ms. Jones?

**MR. MCIVER:** I have one.

**MR. SECRETARY:** Mr. McIver.

**MR. MCIVER:** Would it have changed the result of the election? The not opening of the provisional ballots?

**MS. JONES:** No, sir, but those six votes didn’t get counted.

**MR. MCIVER:** I understand that but it did not -- it wasn’t determinative with respect to the results of the election.

**MS. JONES:** No, sir.

**MR. SECRETARY:** I can’t imagine that -- well, they say that same thing can happen and it does in an election but I know our registrars are very well trained about how to deal with these ballots and I cannot imagine them saying you don’t need to open those ballots because it wouldn’t affect the outcome of the election. I mean, that is completely a one eighty from the way we treat every single ballot. It has nothing to do with whether the elections are in doubt or not.

Alright, anything else for Ms. Jones?
MR. SECRETARY: We have a recommendation. I’m moving to bind over.

MR. SIMPSON: Second.

MR. SECRETARY: We have a motion by the Chair and a second by Mr. Simpson to bind over to the attorney general’s office. 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 and that motion carries and we have bound over.

Just before we move on to the attorney general’s report just to make sure we have the record straight here, the only case we did vote on was the City of Keysville, 2013-042. We are going to re-notice and bring that up next meeting.

We will move on to the attorney general’s reports. As we have done in the past we will vote on these on the consent calendar unless anyone is here, that would like to pull those out for individual discussion in the audience or if a Member of the Board wishes to pull one out. So at this time is there anyone in the audience that would like to pull out one of these attorney general reports.

(No response)

MR. SECRETARY: Any Board Member wish to pull one of these orders out?

MR. WORLEY: I would, Mr. Secretary.

MR. SECRETARY: Alright, what you got?

MR. WORLEY: I am not sure whether to pull out one or two but what I was interested in pulling out is the McIntosh County 2012-131 case…

MR. SECRETARY: Is that thirty..

MR. WORLEY: Burke County 2011-095 case, which is at tab forty. I guess my concern would be they both impose a one-hundred dollar penalty and it seems to me in the McIntosh County case there were a great many more violations than there were in the Burke County case--

MR. SECRETARY: We’ll pull those out.

MR. WORLEY: -- violations of the same statutory provisions so I just wanted to make sure..
MR. SECRETARY: Pulling that. Anybody else?

(No response)

MR. SECRETARY: Let’s go ahead and do this, is there anything else anybody wants to pull out if not we will go ahead and vote to accept the other recommendations.

(No response)

MR. SECRETARY: Y’all are good. So now on the consent calendar we have 2014 number thirty-five, 2014-059, 2009-061, 2011-071, 2011-023, 2010-111, 2012-007, 2012-121 and 2012-122. We can vote on those in block to accept the recommendation in the attorney general report if that is so moved.

MS. SULLIVAN: I’ll make that motion.

MR. SECRETARY: Alright, Ms. Sullivan moves. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Have a second by Mr. Worley. Any other discussion?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye:

(Whereupon the vote is unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we have moved to accept those recommendations.

Now, we will go to 2012-131 the McIntosh County, which is number thirty-three in our tab.

MS. JONES: It was initially referred over for violations both from the worker failing to initial the absentee ballots -- the absentee ballot clerk and also failing on some of those to put the date and time that they were received. They are more ballots than the Burke County matter. They are both similar in that they are violations of the same statutory codes. Both also included violations for accepting absentee ballots that were missing either a date of birth or a residence which we are recommending was missing on both of those. In Burke County they actually accepted absentee ballots without a signature which was the difference, I think, between the two. They were essentially the same statutory provisions but a different number of ballots and so I did not try to establish a find based on a per ballot but instead the type of error that occurred.

MR. WORLEY: Well, our practice generally in the past has been to access fines essentially on the number of violations (indiscernible) in general (indiscernible) appropriate for a violation then multiply that times the number of violation we have. So on that basis, it seems to me that
the McIntosh County case warrants a higher fine.

**MR. SECRETARY**: Have a suggestion for that?

**MR. WORLEY**: Well, this is a consent order so I guess that is something McIntosh County would have to agree here.

**MR. SECRETARY**: Would the like to address the Board in this matter? You are welcomed to. You don’t have to.

**MR. WORLEY**: If there is a reason that they don’t think that is appropriate I would like to hear it.

**MR. POPEL**: We’d be glad to answer any questions. I am Ad Popel, attorney for the board in Glynn County and we would be glad to answer any questions that you have. I think we are kind of caught flat footed when we come to acknowledge a consent and an issue like this comes up.

**MR. SECRETARY**: If you would just give us your name and address for the record.

**MR. POPEL**: My name is Adam Popel. My address is Post Office Box 2332 Darien, Georgia. Also present here today is elections supervisor Doll Gale and the chairman of the board of elections Bob (indiscernible).

**MR. WORLEY**: If I may?

**MR. SECRETARY**: Sure.

**MR. WORLEY**: I can appreciate you feel like you’re being caught a little flat-footed when a question like this comes up. I assure you, you are not the first person that this has happened to where a consent order has been submitted and addressed by the parties and the attorney general and then when it comes to us, you know, we have the final say.

**MR. POPEL**: I understand that.

**MR. WORLEY**: We have the ability to say whether we like it or not. So -- and I don’t want to put you on the spot to say, you know, to have to agree to something at this point without considering it and I would like to hear from the other Board Members or they may disagree with me and whether they have a particular amount in mind.

**MR. SIMPSON**: Mr. Chairman?

**MR. SECRETARY**: Mr. Simpson.

**MR. SIMPSON**: In the past, for example, with the Barrow County case which we have not pulled out but it’s on a per violation basis. The fine is based on a per violation basis. That’s felon voting, those type cases have always been -- the fine has been based on the number of
times there was a violation and to me it is a departure to do it by the nature of the violation rather than the number of violations. Seems like to me the more times you disregard the rules the more egregious the offense becomes. So I agree with Mr. Worley.

**MS. JONES:** Our office can certainly talk to Mr. Popel and bring it up at the next meeting if the Board wishes to send it back. That is one option.

**MR. WORLEY:** Well, I’d certainly be agreeable to that.

**MR. SECRETARY:** Mr. Worley, if you don’t mind me asking, what was -- because we’ve dealt with, you know, an absentee ballot before, when somebody was illegally handling we would charge, I think, a hundred dollars a ballot. That was our past but we are not talking about that here. We are talking about obviously a lot of violations but, I guess, in some respects, technical in nature. Certainly not to the level of illegally handling.

**MR. WORLEY:** Right.

**MR. SECRETARY:** So I don’t remember what we’ve done in the past in that regard quite honestly.

**MR. WORLEY:** Well, if we are doing a hundred dollar fine in the Burke County case for three violations and in this case in one respect there were thirty-three violations and in the other there was an additional or another violation on twelve of those ballots. So, I mean, I would be willing to say we have twelve violations here and have a four hundred dollar fine so that it would be proportionate to the Burke County case.

**MR. SIMPSON:** If it is for thirty-three violations at a hundred dollars, civil penalty is three dollars a shot.

**MR. WORLEY:** Well, I’m not sure that the thirty-three violations there are consistent with the same kind in the Burke County case.

**MS. JONES:** In the Burke County case the absentee ballots were actually failing to not have the signature of the voter or the voter’s card. So it was a little bit different even though it is the same statutory provision it was a different part of that statute on how the absentee ballots are marked.

**MR. WORLEY:** And in this case there were twelve ballots were both the date was left off and the ballot signatures were left off.

**MS. JONES:** In the thirty-three ballots from my understanding of talking with the county, was that they in fact had certified. What happened was somebody -- the poll clerk had not actually signed even though they had certified that the signatures matched on the ballot and the registration card on the -- ballot envelope, excuse me, and the registration card. So what was missing was they had not themselves signed it, not that -- it was the information from the ballot itself -- valid envelope missing for the thirty-three. The additional twelve are the ones where
they also failed to indicate the date and time received and that was twelve of the thirty-three not an additional twelve on top of it.

**MR. SECRETARY**: Any other Board Member have anything?

(No response)

**MR. SECRETARY**: Mr. Popel, you got anything for us?

**MR. POPEL**: Yes, sir, just briefly and I would ask that you entertain Ms. Gail also just briefly.

**MR. SECRETARY**: Absolutely.

**MR. POPEL**: It is my understanding that what this was, was a question of fact. There are two sides of the envelope. One side was preserved and one side was not. It is our position that it was written on the other side of the envelope and of course, now, the envelope because of the record keeping requirements of the clerk’s office, those documents have been destroyed because it has been a while and we were unable to get them and provide that information to the AG. Having said that, we acknowledge it costs us more than four hundred dollars to drive up here today. So if that is the Board’s decision. We are anxious to get this resolved today but I would ask that you hear--

**MR. SECRETARY**: The Board recognizes your time and I know y’all were here when this case was presented before the State Election Board. You are here today for the consent. A lot of people don’t even show up for the consent so I am certainly willing to hear Ms. Gail explain the situation real quick and then we can -- if we can reach a resolution I am all for that because I don’t want you guys to have to drive to another meeting if we can do that.

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

**MR. GAIL**: Eleanor Doll Gail, 1150 Oakcane Avenue, Darien, Georgia 31305. What happened was we stamp -- when we receive the ballots in, we stamp the front side of the envelope and when it’s received and then we go back and verify and the clerk that verified didn’t initial on the side where the oath was. She had initialed on the front side and when I checked with Chris Correia I asked her if she had a copy of the front side of the envelope and she said no, all they had was a copy of the oath side of the envelope but I had a -- I call my cheat sheet because I list all the ballots that come and go when people deliver their ballots back in I make them initial it and put the date and time on my -- I call it my cheat sheet and when I went back to it and looked you could see who checked it in and it was one of the clerks in the office but since then we have gotten the 911 in place, we’ve gotten the auto precincting in place, which at that time people were still using P.O. Boxes instead of the physical address and I have all my office people now are certified. The last one we went through in October and we have made a lot of changes in our office as far as absentee ballots and voting concerns.
MR. SECRETARY: Any questions for Ms. Gail?

MR. WORLEY: I had a question. When you provided the copy of the one side to the attorney general--

MS. GAIL: We didn’t provide them. They went and got a court order -- Ms. Pam Jones -- went and got a court order to open up the box and she made copies of the envelopes.

MR. SECRETARY: So we just copied one side of it.

MS. GAIL: Yes, sir. And when I went back to the superior court clerk, Ruby Goodrich (phonetic), she had told her girls not to destroy those two boxes of 2012 elections for that year and by accident they destroyed them so we had no way of going back to the box to get the copies of the envelopes.

MR. WORLEY: I would like to make a motion then under these circumstances if we would just accept the consent order already negotiated by the attorney general’s office in both the McIntosh County case and the Burke County case.

MS. SULLIVAN: Second.

MR. SECRETARY: Well we are going to talk about the Burke County case just because we got it on the agenda now. So we do have a motion to accept the original consent on 2012-131 the McIntosh County case, a motion by Mr. Worley and a second by Ms. Sullivan.

Anyone else wishing to speak?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “aye”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we will accept that consent. Thank y’all for being here.

MR. POPEL: Thank you very much.

MS. GAIL: Thank you.

MR. SECRETARY: Safe travels. 2011-095 the Burke County case. Is there anyone wishing to speak regarding this matter? Is there any other discussion the Board needs to have on this?

(No response)

MR. SECRETARY: Hearing none, do we have a motion, Mr. Worley?
MR. WORLEY: I move that we accept the consent order (indiscernible).

MR. SECRETARY: Alright do we have a second?

MS. SULLIVAN: Second.

MR. SECRETARY: We have a motion by Mr. Worley and a second by Ms. Sullivan to accept the consent order in the 2011-095 Burke County case. Any other discussion?

(No response)

MR. SECRETARY: Anyone wishing to speak?

(No response)

MR. SECRETARY: Hearing none, all in favor signify by saying, “ayes”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries. I believe that is all we have on our agenda today. So if there is nothing else I will take a motion to adjourn.

MS. SULLIVAN: So moved.

MR. SECRETARY: Second.

MR. SECRETARY: Ms. Sullivan moves that we adjourn, Mr. Worley seconds. All in favor signify by saying, “ayes”.

(Whereupon the vote was unanimous)

MR. SECRETARY: All opposed same sign and that motion carries and we are adjourned. Hope everybody has a safe trip back this afternoon. Thank you for being here.

(Meeting adjourned at 3:47pm)
CERTIFICATE OF COURT REPORTER

STATE OF GEORGIA

COUNTY OF DEKALB

I hereby certify that the foregoing was reported as stated in the caption and the proceedings were reduced to writing by me; that the foregoing pages represent a true, correct, and complete transcript of the proceedings given.

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 the attached disclosure 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 13th day of April 2016

Latasha D. Bethel
Certified Court Reporter
Georgia Certificate#2660
AGENDA

I. CALL TO ORDER
   Invocation and Pledge of Allegiance

II. APPROVAL OF MINUTES
   State Election Board Meeting - March 23, 2016

III. PUBLIC COMMENT UNRELATED TO CASES OR OTHER AGENDA ITEMS
   (Please fill out and submit comment card)

IV. INVESTIGATION REPORT (R. Lewis and F. Watson)

Consent Cases
SEB Case Number 2010-052  Brooks County Jail Primary
SEB Case Number 2013-050  City of Waycross
SEB Case Number 2014-108  Wayne County
SEB Case Number 2015-017  Glynn County
SEB Case Number 2016-024  Fulton County

New Cases
SEB Case Number 2013-042  City of Keysville
SEB Case Number 2014-007  Wayne County SPLOST
SEB Case Number 2014-015  Candler County BOE Qualifying
SEB Case Number 2014-030  Chatham County-Pooler
SEB Case Number 2014-031  Effingham County Ballot
SEB Case Number 2014-038  Jeff Davis County Absentee
SEB Case Number 2014-056  Long County Poll Worker
SEB Case Number 2014-057  Glynn County Felon Voters
A G E N D A (continued)

SEB Case Number 2014-092  Atkinson County-Willacooche
SEB Case Number 2015-009  Wayne County-Odum
SEB Case Number 2015-040  Appling County-GEMS Server
SEB Case Number 2015-041  Echols County
SEB Case Number 2015-048  City City of Register
SEB Case Number 2015-070  Brantley County Ballot Error
SEB Case Number 2015-082  Chatham County Redistricting
SEB Case Number 2015-091  City of Waycross
SEB Case Number 2016-001  Tybee Island Candidate

VI. EXECUTIVE SESSION AND/OR BREAK

VII. ATTORNEY GENERAL REPORT

Consent Orders
SEB Case Number 2012-108  Michael Jerome Ferguson
SEB Case Number 2012-144  Ales Campbell
SEB Case Number 2013-029  Olivia Ware
SEB Case Number 2012-201  Jasmine Costincia Lawson
SEB Case Number 2011-088  Judy Martin

VIII. ADJOURNMENT

STATE ELECTION BOARD MEMBERS
SECRETARY OF STATE, BRIAN KEMP, CHAIRPERSON
State Capitol
Atlanta, Georgia  30334
404.656.2881
TEX MCIVER, VICE CHAIRPERSON
603 Pea Ridge Road
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404.403.8137
DAVID WORLEY, OF COUNSEL
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Suite 900
Atlanta, Georgia 30361
404) 961-7650

JUDGE RALPH F. "RUSTY" SIMPSON
Simpson Mediation Services
Post Office Box 327
Tifton, Georgia 31794
229.388.8420

ALSO PRESENT:
Russ Willard
Russell Lewis
Frances Watson
Chris Harvey

CERTIFICATE -------------------------------- 234
DISCLOSURE -------------------------------- 235
MR. KEMP: All right. Good morning, again, everyone. I'm going to officially call the June 28th, 2016 state election meeting to order.

Our first order of business is our invocation and Pledge of Allegiance, and Mr. Mciver is going to lead us today.

(Invocation and Pledge of Allegiance preceded the meeting.)

MR. KEMP: All right. Thank you very much, Mr. Mciver.

Our next order of business is approval of the minutes for the state election board meeting of March 23rd, 2013. The minutes are in your book. Do we have any additions or corrections to the minutes or motions to approve?

MR. MCIVER: Move to approve the minutes.

MR. KEMP: Mr. Mciver moves we approve the minutes.

MR. SIMPSON: Second.

MR. KEMP: Mr. Simpson seconds.

Any other discussion? Hearing
none, all in favor signify by saying aye.
(An affirmative vote was cast by saying aye.)
MR. KEMP: All opposed, same sign.
That motion carries, and we have approved amendments. Thank you.
We'll now move on to our public comment period. As I mentioned earlier, if anybody wants to address the board about any specific issue, we'll give you a couple of minutes to do that.
As of right now, I have two folks that are signed up to speak. If anyone else would like to do that, we're glad to hear from you. Again, if you're here for a specific case, you also have the opportunity to call that case on our agenda for you to be able to do that.
And our first speaker will be Tom Mahoney. So, Mr. Mahoney, if you'd just come on up to the mic right here. And what we'll -- want to do with all
our speakers, for our court reporter,
is if you'll just introduce yourself by
giving your name and your address,
speaking a little slowly so she can get
all that, and give you two minutes.

MR. MAHONEY: Mr. Secretary, thank
you. My name is Tom Mahoney, III, and
I am the chairman of the board of
elections here. My address is on the
card. We're located on Eisenhower.

And I just wanted to speak. I've
got Collin McCray who's joining me as
well, and Collin is the chairman of the
board of registrars, and we just wanted
to welcome you to Savannah, and
appreciate y'all being here.

I want to thank you personally for
being here and taking time to travel
the state and make Savannah part of
your -- your travels, and we appreciate
working together with y'all to make
sure that the elections are fair and
follow the laws of the state of
Georgia.

MR. KEMP: Thank you very much for
being here. We appreciate the welcome from both of you-all. And I will just say, for the record, as well we're very appreciate to Mayor Deloach and the city council here in Savannah for letting us use this beautiful room and being so accommodating for us.

Martin Sullivan, the mayor's of staff, has been a great help to us with logistics, so we're very appreciative of that. It's great to be in Savannah.

We've held a state election board meeting here before, so we're glad to be back, and one of the reasons that we move these meetings around the state is because it helps raise awareness to this process, how serious this board takes the cases that are before us today and really how transparent and open we are from hearing from people on both sides of the case where we can make an educated decision. So thank you-all for being here today.

MR. MAHONEY: Thank you, Mr. Chairman.
MR. KEMP: And our next speaker is
Liz Overton.
And, again, I'll just remind you
if you'll give us your name and address
for the record, please.
MS. OVERTON: Hi. My name is
Elizabeth Overton, Liz. My address is
7 Aberstone Lane, 31411. And I'm the
past chairman of the Chatham County
republican party and the current and
past president of the Savannah area of
republican women.
And I am a poll manager, so I'm
actually in the -- in the field
managing the polls. Been a poll worker
for quite awhile.
One of the things that I wanted to
do, just like Mr. Mahoney, is thank you
for coming. Because of you going
around, everybody realizes you take
this very seriously, and the voting,
what we do in Chatham County, also,
very much.
But I'd like to ask of you -- and
I will provide it to you later -- is
that y'all consider -- and maybe you
already have, and I'm not knowledgeable
of it -- but do mandatory things within
each office.

One, mandatory audits, that you
have an audit like every other year.
Okay. It's not just something that the
local board will vote on, but that you
demand.

And I don't know if you do
mandatory criminal background checks on
every poll worker that you have. I
think that's something that needs to be
mandatory, and I think if you do
mandatory, the poll workers should be a
mix. Not just one certain group or one
certain party or whatever, but
mandatory that they aren't -- they're
mixed, so that you can ensure that, you
know, everything's been fair and going
on.

Because sometimes there's a group
that works at one for ten years
straight, and they don't flip them out
or change them around, and, you know,
I've been a poll watcher and sent to different polls and reported things going on.

And if these things were broken up and had been spread out fairly, I don't think the things that I acknowledged possibly would happen.

But -- and one of the things that we have, and maybe you can help us with, is help us get more poll workers. So, anyway, thank you.

MR. KEMP: Thank you for being here.

MR. MCIVER: I have question of her.

MR. KEMP: Ms. Overton, if you don't mind, Mr. Mciver had a question for you if you want to come back to the mic.

Mr. Mciver.

MS. OVERTON: Hi.

MR. MCIVER: Thank you for coming back.

MS. OVERTON: Yes, sir.

MR. MCIVER: Are you recommending
that we do these background checks or audits every election cycle? You mentioned that some people have served for ten years, and there could've been a blip in the -- in their life within that tenure.

MS. OVERTON: Well, what Chatham County's done, okay, recently with a new board and new chairman and all is that they did a background check, okay -- because it hadn't happened before -- and they lost 30 percent of the workers because of that.

And I wrote a letter to the editor recently that said they lost them because they were felons or had criminal records.

You know, if you don't do those, you don't know. You're putting felons in the schools, in churches and that sort of thing.

Audits, I think, should be, at least, every two or three years. I mean, that's a lot of money you're paying now. You know, you have checks
that just have bear on them. I mean, you know, if you don't do one for ten years, how do you know? Did I answer your question?

As far as, if someone signs up to be a poll worker, I think at that point in time, they should be screened, yes.

MR. MCIVER: Okay. How frequently afterwards, after the initial background check would you do it?

MS. OVERTON: Honestly, I haven't thought about that.

MR. MCIVER: Thank you, Mr. Chairman.

MR. KEMP: All right. Thank you.

MS. OVERTON: Okay.

MR. KEMP: All right. Anyone else, public comments? All right. Seeing none, we'll move on to our investigative report part of the agenda.

And for those of you that haven't been to a state election board meeting before, as we move into our consent cases -- we have a number of cases, as
you can see, on your agenda, and the recommendation by the investigative division is for these cases to be dismissed, so we'll take no further action on these cases and dismiss them.

It's been the purview of the board to do this, vote in block when we do this, to speed up our -- our meetings for those of you who have traveled a long way to get here.

However, if there's a board member or a citizen that would like us to pull an individual case or cases off of the agenda where they can speak to those, we're glad to do so.

So if -- I'm going to just go down -- first, I'm going to ask the board if there's -- a board member that would like to pull any of the cases off the consent agenda.

Okay. Hearing none, is there anyone that would like for us to -- and, again, these were recommended for dismissal, so this will be the end of the process and no further action taken
on these.

The first is a 2010 Number 52, Brooks County -- okay -- the second is 2013, Number 50, City of Waycross; the third is 2014-108, Wayne County; the fourth is 2015, Number 17, Glynn County; 2015, Number 35, Dekalb County; 2015, Number 77, City of Scotland; 2015, Number 96, City of Savannah; 2016, Number 11, Fulton County; 2016, Number 12, Liberty County; 2016, Number 24, Fulton County.

Okay. Hearing no objection to vote and block on the consent cases, the chair is prepared to take a motion.

MR. SIMPSON: I move these cases be dismissed.

MR. KEMP: All right. Mr. Simpson moves that the consent agenda and the cases on the consent agenda be dismissed.

Do we have a second?

MR. MCIVER: Second.

MR. KEMP: Mr. Mciver seconds.

Any other discussion?
Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we have dismissed all the cases on the consent calendar.

That will move us now to our investigative report. Now, these cases we will have an investigative report made to the board, and then I will call on any of the respondents or complainants or anyone else that's here that would like to speak to these cases, and give you an opportunity to address the board.

What we've done in the past is just gone down the roll real quick, and if you're here, if you'll just say, here, or raise your hand if you're here on that specific case. And if we have cases that no one's here or bothered to show up for, we'll move those to the foot of the calendar; therefore,
hopefully, getting you-all back on the road a little quicker today.

So if you're here for the City of Keysville case.

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: You're here? Okay.

Wayne County?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Okay. Chatham County, Pooler pre --

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Okay. Effingham County? Effingham ballot case? All right. Jeff Davis County, Absentee Ballot case? The Long County Poll Worker Training Case? The Glynn County -- I'm sorry. So nobody was here from Long, correct?

UNIDENTIFIED SPEAKER: Correct.

MR. KEMP: Glynn County Felon case?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Atkinson County, City of Willacoochee?

UNIDENTIFIED SPEAKER: Here.
MR. KEMP: Okay. Thank you.

The Wayne County, City of Odum?

Appling County, GEMS Server case?

Echols County case?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: The City of Register?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Okay. Brantley County?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Chatham County's here, correct, for redistricting? The City

of Waycross, and then the Tybee Island?

UNIDENTIFIED SPEAKER: Here.

MR. KEMP: Okay. We've got our

order set here. We'll start off with

the SEB Case Number 2013 -- yes sir?

UNIDENTIFIED SPEAKER: Excuse me,

Mr. Chair. As far as the consent

cases, I apologize. I didn't

understand the process. I thought

someone wanted to get participants to

be able to speak. You know, I thought

you were asking just about the board

members consent to dismiss it, but

we -- we did want to speak, my wife and
MR. KEMP: Well, we've -- we --
and I feel like I've made myself clear
on the --

UNIDENTIFIED SPEAKER: Okay. And
you did -- excuse me.

MR. KEMP: -- on the -- just hold
on one second -- on the process, so I
can't go back and undo an action of the
board, because the board has already
taken action to dismiss. But I'm glad
to give you a couple of minutes if you
would like to speak to that --

UNIDENTIFIED SPEAKER: Okay.

MR. KEMP: -- to that case.

UNIDENTIFIED SPEAKER: Fair

enough. Yes, sir.

MR. KEMP: So if you want to come
up, we'll go ahead and do that real
quick. I apologize for the confusion.

UNIDENTIFIED SPEAKER: Well, I
apologize for my admission and my
ignorance of the process. We just
wanted to have our say.

MR. KEMP: Yes, sir. And if you
would, just give us your name, both --
whoever's speaking at the time, when
you first come to the mic, just give us
your name and address for the record,
please.

MS. MURRAY: My name is Audrey
Murray, and I live at 1535 Pendleton
Street, in the Fifth District, in
Chatham County. It's the Fifth
District in the city of Savannah.

MR. KEMP: If you could give us
your address just a little slower where
she can get that.

MS. MURRAY: 1535 Pendleton
Street, Savannah, Georgia.

MR. KEMP: Is that Tindolton?

MS. MURRAY: Yes, Pendleton.

UNIDENTIFIED SPEAKER: Pendleton.

MR. KEMP: Pendleton Street.

Okay. Thank you.

MS. MURRAY: I wanted to speak,
and I understand clearly from the
letter that was sent that there was no
violation in trying to prevent me from
voting. I registered to vote. I am
registered and have been since I was 18 years old.

MR. KEMP: Ma'am, if you wouldn't mind, just let me ask you, which case are you referring to?

MS. MURRAY: The case is 2015-096.

MR. KEMP: Okay. City of Savannah.

MS. MURRAY: Yes.

MR. KEMP: Okay. Ma'am, go ahead. I'm sorry.

MS. MURRAY: And, no, I was not intimidated to try to keep from voting. I do vote, and I vote often, and I'm a registered voter and have been since I was 18.

My position was, is that there what intimidation, and I was trying to -- Shaundra McKeithen, who was running for alderman, Fifth District, was trying to intimidate me and my husband to be silenced and not to support the candidate of our choice.

And I felt like she crossed the line when her and her campaign manager,
Zeke Brown, decided to tape a letter to my door, and things that was in the letter. And I think that, no, she wasn't trying to keep us from voting, because I'm going to vote, but at the same time, to come out your door and find a letter taped on there, that -- that -- that is too much.

I felt like she crossed the line. I felt like she should be reprimanded some type of way for that. She was a candidate running for office. If you don't like what I'm saying or what I have said on public media, then it's okay. You don't have to come on my page. I don't come on hers. I never did.

My husband do not, and we have not, and I think that if you don't like what we're saying and you don't like us because we support a candidate, that's okay, but don't come on my porch and tape a letter to my door, threatening, talking to the house we live in, where we live and also saying that my husband
can be a -- a lawsuit can be taken out
on him through his job where he work.
If he say GOP or republican, it's
ridiculous.

But at the time, I was very upset
when I came out to find that. I was on
the way to pick my grandson up from
school. And to come outside and to
find a letter taped on your door, it's
unexpected, and I thought it just
utterly ridiculous, and it was just too
much for a person to do with election,
and I never experienced anything like
that before, supporting any -- any
candidate of my choice.

And I think that when people do
those things and cross those kind of
lines, it shouldn't just be okay, and
there's nothing that you can do.

So I did try to take out a warrant
on her and Mr. Brown, but I was told
that because I did not see them do it,
you know, that I couldn't do it. I
would have to have seen them leave that
on my porch.
But Mr. Brown, he said that he did it. And I know that this came from a Facebook back and forth from -- with Will Cubbage (phonetic) and my husband who was -- Will Cubbage was running for office at one time, during that time, but he dropped out of the race.

But that was between Will Cubbage and my husband. And if she don't like what was said, then she don't have to be on that page. There is no reason to inbox my husband at 11:00 at night and insult him and me, and then talk about the home that I live in, and I didn't appreciate that.

And it was following that when the note was put on my door. I know that Zeke Brown couldn't have known anything about it, because I know him. We live from in the same neighborhood.

When he first came to volunteer for the democratic party in 2012, he did not even have an e-mail address. My husband was the one to help him with that, because he does not have the
capacity to do something like that online, open up an e-mail address.

So I know he wasn't on Facebook. He does not have a Facebook page. His address is her campaign headquarters, so it's no way that he didn't know about it.

And when she found out about it and knew about it, she did not apologize. She didn't say, well, I'm sorry, Ms. Murray, that it happened, that Zeke Brown did that to you or put that letter on your door. She was there when he admitted to it, and she did none of that. So I felt like she was fully aware of it, and that also she participated in the decision about that being put on my door.

And I just wanted that to be on the record and it be stated and known that I don't think any candidate running for office should participate in any type of conduct like that.

MR. KEMP: Well, thank you for being here this morning. It will --
your comments will definitely be on the
record.

     MR. MURRAY: Well, my name --

     MR. KEMP: Yeah, just name and
address.

     MR. MURRAY: I'm sorry. My name
is Carl Murray, 1535 Pendleton Street,
Savannah, Georgia, 31405. I'd just
like to reiterate what my wife said.
One of the public speakers meant --
well, spoke about integrity, you know,
as far as the electoral process, and I
agree with her.

     I would like to also state that I
do believe in F-1 (phonic) who's had
a crime, and maybe that's just society.
And they have the right to vote.
They're not -- I do believe that they
should be afforded the right to vote.

     But that's, kind of, where I
sidetrack. I just wanted to put that
in there. I just wanted to put a face
with what's happening. That's really
why we came here. We understood that
it was going to be dismissed. And,
sure, I could have took out a Peace
Warrant on Ms. McKeithen and Mr. Brown,
but that -- that wouldn't have served
the purpose.

If you're running for public
office, you're supposed to have a
certain amount of integrity. I don't
have to believe in your political point
of view, but we still should respect
one another. That was total
disrespect.

I imagine -- you know, you
gentlemen sitting on the panel right
now, imagine the frustration of your
wife call you on your job. She's
having a panic attack, because there's
a threatening letter on your door.

Let's put a face on it. This is
not a normal prank. This is something
I would -- someone who's evil to even
put -- to print that, but I -- maybe
I'm overreacting.

But still, the point is,
hopefully, this is some type of vehicle
to stop people who have shown a pattern
of doing stuff like this. She's not
fit for public office in my humble
opinion.

I hope that -- that's all I have
to say at this time. Totally
frustrated. She should not be running
for public office. She's unfit. Thank
you.

MR. KEMP: Well, Mr. And Ms.
Murray, thank you for being here today.
I can assure you that this board likes
putting faces with the things that are
going on, and that's a big part of our
job is make sure we're listening to the
citizens.

So your comments will definitely
be on the record, and I would encourage
you in the future, if you're facing
similar things, that right when that
happens to let our investigative
division know, and we'll be glad to
look into that.

MR. MURRAY: Thank you very much.

MR. KEMP: Thank you for being
here today.
MS. MURRAY: Thank you.

MR. KEMP: Okay. We're going to move now to, again, our Investigative Report. The first case I'll call is 2013, Number 42, City of Keysville.

Mr. Lewis?

MR. LEWIS: Mr. Secretary, this case was presented the last --

MR. KEMP: No. Mr. Lewis, this is Number -- excuse me one second.

This'll be Number 12 in our binder.

MR. LEWIS: Yes, sir. This case was amended the last day the election board meetings were held in Macon, and returned to the investigation division so that we can assure the city Keysville to participate in these findings.

In this case, Ms. Lamden (phonetic) had reported that a lever voting machine, and the votes in that machine were not retrieved during the November 5th, 2013, city of Keysville, municipal election.

The city of Keysville was
operating two lever-style voting machines during that election, and one of the machines malfunctioned on election day.

As workers were reporting votes cast on the malfunctioned machine, they inadvertently reported only four votes for candidate, Ruby Rudman (phonetic), instead of the 14 votes that the machine had indicated she had received.

So she was, in essence, shorted ten votes during that election.

We also reviewed the election documents following up on the complaint, and we found several things involved with the election documents reviewed. The current, at that time, election superintendent was Youna Seigel (phonetic), and she failed to enter the date for the ballot applications received and compared to identify information and signature marks of the elector to the voter registration card, the 21 absentee ballots.

Fifteen of those were not signed or
31 certified. There were 44 absentee ballot on the list received via mail and during early, advance voting that were accepted but not properly signed as well. There were 88 voter certificates that had various issues such as no signature of elector, no poll officer signatures or initials, and type of indication on the box was not checked, ID indication. The city of Keysville was added as a respondent in this case and provided an opportunity to address the issues. I think the city attorney, Mr. Pomeroy (phonetic), is here today to speak to this and provide a response on behalf of the city outlining the corrective action that's been taken regarding these violations.

The city of Keysville continues to make changes to ensure that these type of violations do not occur in a future election. Each of the board members should have a copy of Mr. Forman's (phonetic) response in your binders.
At the last meeting, we recommended that this case be bound over to the Attorney Generals office with a list of violations of the parties involved, which would have been the city of Keysville, Union City, Roxy Russell, who was a poll worker.

The board might also want to consider accepting, in this case, the city's corrective action plan enclosed with a letter of instruction.

I would also just like to point out, Mr. Secretary, that Youna Seigel did call. She wanted to attend this meeting, had attended and spoke to the board at the last meeting and expressed her, you know, sincere sorrowfulness for being involved in this and the mistakes that were made. She was unable to attend today due to a conflict.

MR. KEMP: Okay. All right.

Thank you.

Any questions for Mr. Lewis? Mr. Mciver?
MR. MCIVER: What is your recommendation?

MR. LEWIS: Well, my recommendation was to bind over to the Attorney General's office. That was before we received a response from the city of Keysville outlining their corrective action plan.

So we're sticking to the original recommendation but also offering the board an opportunity to review the responses provided.

MR. KEMP: Mr. Mciver, I'll note for the record that one of the questions I asked is that we refer to the AG's office, what they would do, and it was, you know, discussed with me that they would -- they would probably require the same remedial plan, which the city has -- has already given us.

So I think if the board -- if the board is comfortable with that, we can accept the plan with a letter of instruction. If they're not, we can bind it over and let Mr. Willard and
his group address it.

But I think it would probably speed things up to do a letter, but I'm certainly open for whatever the board decides.

MR. MCIVER: Has there been any assessment of this plan measured against the election code?

MR. WILLARD: Well, we looked at it, sir, and it basically was encouraged they replace the election's supervisor with a -- with a new person, and training has occurred, and the city administrator has also received training.

So we have more people who that are trained now, and they've replaced the machines. They're not longer using the Jeep. They're using this election, a paper-ballot system, so they've made some changes that address the issues that occurred.

MR. KEMP: Mr. Simpson?

MR. SIMPSON: Do we have any history on the new election
superintendent? Has there been an
election since he or she was appointed,
and how do we know the training has
worked with the new superintendent?

MR. WILLARD: Yes, sir. To my
knowledge, since these changes
occurred, we haven't had any complaints
with the city of Keysville.

MR. SIMPSON: But have there been
any elections?

MR. WILLARD: Yes, sir.

MR. KEMP: City elections?

MR. WILLARD: Yes, sir.

MR. KEMP: Well, let me just --
let me just finish real quick with
the -- with the board member.

All right. Any other questions
from the board?

Okay. Anyone else wishing to
speak to this?

Good morning. Give us --

UNIDENTIFIED SPEAKER: Good
morning.

MR. KEMP: Give us --

MS. FLOURNOY: My name is Vanessa
Flournoy, and I'm the City attorney for the city of Keysville. My address -- my office address is 1101 11th Street, Augusta, Georgia, 30901.

On behalf of the City of Keysville and the reason I attend today is they wanted to make sure you understand that they are committed this to this, and they do not wish to disenfranchise any voter or infringe any voter in any way. So they're taking steps within the realms of the city.

I'm just saying, this is a small municipality, so resources are limited. We're limited resources, but these are the steps that we've taken.

It was not financially feasible to purchase another voting machine, so they would -- they opted with the paper ballot. And since that time, we've had elections without any problem.

The most recent election, we did not have a -- any problems at all, none. So it has been, I believe, two or three elections since then that
they've had under the new system, and we have not had a problem with them or any problem.

And the City administrator is trained, and she does monitor this to ensure that there is compliance. So we are committed to this, and we would ask the board to take the appropriate action, but -- and that we will honor whatever action you take and look forward to working with you to ensure that every vote -- every vote is counted, and we doesn't -- that this city does not, in any way, hamper or infringe upon any voter's rights.

MR. KEMP: Thank you for being here. Any questions for Ms. Flournoy, Mr. Simpson?

MR. SIMPSON: No, I don't have any questions. I have a question concerning the process. Your letter is, sort of, a showing of what the city has done thus far to try to direct the problems --

MS. FLOURNOY: Uh-huh.
MR. SIMPSON: -- as I understand it.

MS. FLOURNOY: Yes, sir.

MR. SIMPSON: It would seem like to me, and I -- that maybe the best thing to do, rather than doing a letter of instruction, is to have a Consent Order which is enforceable. And if we could go that route, then I think we could probably relieve the case and refer to the Attorney General and let his office work out a Consent Order with Ms. Flournoy that he can enforce at a later date.

Because I think it's a little too soon right now just to say, okay, because this is a real egregious case about violations. It looks like to me that we need a little track record or something that we can enforce before we just do a letter of instruction and move on, you know.

MR. KEMP: Okay. All right. Any other questions for the council?

Thank you for being here.
MS. FLOURNOY: Thank you.

MR. KEMP: Anyone else wishing to speak on this case? Okay. Hearing none, do we have a motion, any further discussion from the board?

MR. SIMPSON: Is the case bound over at this time?

MR. WILLARD: No, sir.

MR. KEMP: No.

MR. SIMPSON: Well, I'd move to bind the case over to the Attorney General.

MR. KEMP: All right. Mr. Simpson makes a motion to bind over to the Attorney General's office. Do we have a second?

MR. MCIVER: Second.

MR. KEMP: Mr. Mciver seconds it. Any other discussion?

Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries.
Thank you for being here this morning.

Our next case will be 2014, Number 7, the Wayne County SPLOST case. It's Number 13 in our binder.

MR. WILLARD: Yes, sir. It was alleged in the complaint that proper notices were not published regarding the East Lodge before the election. We found that the notice was published for five weeks prior to the election in Wayne County, and present on five different dates during the month of October.

So we found no violations with the complaint that we received; however, during our investigation, we discovered that the probate judge, Tammy Thornton, had failed to complete her election certification training after taking office in January of 2003.

Judge Thornton was able to provide copies of test scores and e-mail correspondence with the state election's office verifying she
initiated the certification process in 2011. The certification did not come into July 20 -- July 16 of 2012.

We recommend that Judge Tammy Thornton, the Wayne County probate judge, be bound over to the Attorney General's office to obtain her certification in the year she was appointed by the end of the year.

MR. KEMP: Mr. Lewis, what was -- when was this certification, did it become --

MR. LEWIS: She was appointed in January of 2009. She should've been certified by the end of that year, by December 31st of 2009.

MR. KEMP: And when did she became certified?

MR. LEWIS: She was certified officially July 16th of 2012.

MR. KEMP: All right. Any questions for Mr. Lewis from the board? Mr. --

MR. WORLEY: I have a question.

What --
MR. KEMP: I'm going -- I'm going
to call your name, so she -- because
she doesn't know who everybody is. Mr.
Worley.

MR. WORLEY: Thank you, Mr. Chair.

What, if any, remedial action can
be taken at this time, or has that
already been done?

MR. LEWIS: Well, she's already
obtained her certification. At this
point, I don't know if there are any
remedial training options available.

MR. KEMP: Any other questions for
Mr. Lewis? Anyone else wishing to
speak.

MS. THORNTON: My name is Tammy
Thornton. I am the Probate judge and
election's superintendent for Wayne
County. My office address is 359
Walnut street, Jesup, 31506.

I, honestly, did not realize that
I was supposed to be certified by
taking the test. I attended every
training that was required. I even
attended district meetings. I had already been to Kennesaw three different times to certify with their machines and what was mandated by the law for that.

When the -- when the complaint was filed and the investigator contacted me, she said there was an issue with my certification. And I told her that, one day in my office, I was just looking on the list, sir, and noticed something about taking some tests.

And it clicked, and I contacted my liaison, at the time was Michelle Simmons, and I said, Michelle, I did not realize that I was supposed to do that.

So I set a week aside at my office and took the time do the test. I had to contact Kennesaw several times, sent the test results to Rochelle. And long story short, I thought it was completed and over with until the investigation.

So I mean, that's -- it was an honest mistake, but I did attend every
training that was required and even additional training that was not required.

MR. KEMP: All right. Thank you, Judge Thornton, for being here and taking the time to come down this morning.

Let me see. Does any board member have a question for the judge?

Okay. Thank you very much.

MS. THORNTON: Thank you.

MR. KEMP: Anybody else wishing to speak on this matter? Hearing none, so we have any further discussion or a motion?

MR. WORLEY: Mr. Chairman, I think a motion that we send a letter of instruction --

MR. KEMP: Mr. Worley, let me get you to restate that. Mr. Worley?

MR. WORLEY: Mr. Chairman, I would make a motion that we send a letter of instruction to Judge Thornton on this matter.

MR. KEMP: All right. We've got a
motion for a letter of instruction from
Mr. Worley. Do we have a second? I'm
second. The Chair seconds. Any other
discussion, Mr. Worley.

MR. WORLEY: I would just say that
there doesn't seem to be much point to
binding it over given that the judge
has completed the training, has come
and admitted that she made a mistake,
and so I just think that that's a more
appropriate resolution of the case.

MR. KEMP: I would agree with
that, and, Judge Thornton, it may be
good to have the probate judge's
council maybe for new probate judges
that get elected or are appointed to
send a notice and make sure that the
judges are away that they do, for the
tones that have elections they have to
do, certifications or perhaps there's
something we could do on our end as
well.

So we'd love to work with you on
that in that regard.

MS. THORNTON: Yes, sir, I'd
certainly be honored. I think that it's something that is in the making some of the others will know. Thank you.

MR. KEMP: Okay. All right. Any other discussion from the board? We've got a motion and a second. Hearing none, all in favor signify signifying by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign. That motion carries.

We're now on SEB case, 2014, Number 30. Let's see. Mr. Lewis, the 2014, Number 15, Candler County BOE, we've got a continuance for that, correct?

MR. LEWIS: That is correct, sir.

MR. KEMP: All right. So we'll move to 2014, Number 30, the Chatham County-Pooler Precinct case, will be Number 15 in our binder.

MR. WILLARD: Yes, sir. Mr. Secretary, Tiffany reported to us that
they had received nonpartisan ballots
instead of the republican ballots that
they requested, that the Pooler
precinct had in Chatham County.

The election involved a general
primary election on May 20th of 2014.
A Marion Jordan was interviewed by the
investigator and reported receiving a
nonpartisan ballot when he requested
the republican ballot.

We did not realize the mistake
until after he had already cast his
ballot. We made several attempts to
contact Tiffany Davis by phone, visited
her residence, Certified Mail, and were
unable to speak with her. She did
acknowledge receiving an e-mail but
ignored our request to respond.

Investigator Braver (phonetic)
will confirm, however, that Tiffany
Davis and Marion Jordan received
nonpartisan ballots. They were both
certificates for both individuals that
were clearly marked and indicated a
republican ballot selection.
Our recommendation would be that the Chatham County Board of
Elections -- or Russell Bridges, the election supervisor and Ruth Crawford, the poll manager, be bound over to the Attorney General's office for violation of Court Rule 183-1-12-254(b).

MR. KEMP: Any questions for Mr. Lewis? All right. Anyone else wishing to speak?

UNIDENTIFIED SPEAKER: Good morning, Mr. Secretary.

MR. KEMP: Good morning.

MR. BRIDGES: I'm Russell Bridges. I'm the election supervisor for Chatham County. The instance that had occurred in Pooler, it did happen. It's an unfortunate thing that happened. It was a mistake; not a procedural error.

Whenever we hold a primary result, you know we have multiple ballots to deal with. And if the poles are busy and they're kind of in a rhythm and they're processing, sometimes they don't pay as close attention necessary
to the process.

In the case of this particular poll, the voter brought it to the man's attention that the vote was received and voted it. As you know, once it's voted, there is no recourse. There's nothing we can do on a poll, and it's just not a pleasant conversation to have with a voter that just the ballot that wasn't their choosing.

But every poll machine we have has a sign, that's mandated by law, that says, please make sure you have what you want before you press the green button to cast your ballot.

Ms. Crawford find, during the day, that she had this occur two or three more times, and realized that one of her express polls was evidently slightly out of calibration. They took it out of service. They notified us of this.

We sent a replacement unit to the poll, put it in service, and she had no more trouble with the problem. But
they actually did have two or three
people who came up and said, I didn't
get the battle I wanted, but they had
not voted it.

They canceled it off the machine
and reissued the corrective ballot, and
that's how it came to her attention to
correct the problem.

MR. KEMP: Well, thank you for
being here, Mr. Bridges. So when you
say that it was a mistake, not a
procedure error, would the expressed
poll not being calibrated right cause
that to happen?

MR. BRIDGES: Well, it's like any
touch -- touchable device, including
the touch screens. And the touch
screens -- you know, we calibrate every
touch screen --

MR. KEMP: Right.

MR. BRIDGES: -- before it goes
into an election, but it's never been
part of the process to calibrate it in
express polls. That was not something
that was, you know, introduced as part
of the testing procedure, and it's actually not in the processing flow such as it is on a touch screen.

It takes a lot of extra work. You have to take the unit and put it into a maintenance mode and go several levels in. So it's not something that we've ever had to do.

MR. KEMP: What -- I guess --

MR. BRIDGES: In this case what we found was when they -- when they put their finger -- you know, visual perception, you put your finger on where you think it is, and then you look away for the next action, you touch it, it says put the card in, and you put the card in, and you hit the button, and it creates.

MR. KEMP: Okay. All right. Any other questions for Mr. Bridges?

All right. Thanks for being here. Anyone else wishing to speak on this matter? Okay. Hearing none. Mr. Simpson?

MR. SIMPSON: Are --
MR. KEMP: Mr. Bridges, I think Mr. Simpson's got a --

MR. SIMPSON: All these machines calibrated now to ensure --

MR. BRIDGES: We have calibrated once in our inventory. And, in fact, we're in the process of -- now of -- I just got funding approval this last Friday to replace the units with newer devices.

But we went through, after this -- because we never really had this issue occur repeatedly. Every poll, during the primary, somebody's going to get the wrong ballot. I mean, when you've got three choices, you -- the voter comes in and says, I want the independent ballot, so they wind up with a nonpartisan.

They realize, you know, that they thought they we are going to get all the democrats and republicans to pick and choose from. So they're trained to handle canceling off the machine, reversing it on the express poll and
reissuing the corrected ballot, and
that's all part of their regular
training.

It's just unfortunate, if the
voter doesn't catch it before they cast
their ballot, they -- they leave us no
recourse, and that's -- I mean -- and I
mean, there was a way to, sort of like,
you code a card and go stick it in the
machine, and take it back and do it
over, but there's not. Privacy rules.

MR. SIMPSON: What do you do if
somebody says, I want an independent
ballot? There's no such thing.

MR. BRIDGES: Well, we have taken
-- because there's a lot of voter
confusion when it comes to the ballots
in the primary, we've basically put all
the ballots right at the check-in table
where they get their certificate.

And if they say, I want an
independent ballot, we show them the
nonpartisan and try to, you know, make
sure they understand it.

If it's a primary, you must choose
a party if you want to vote in a
party's candidates. But if you request
a ballot that's not one of the parties,
this is what you're going to get and
ask them to review it.

But we've had that issue time and
time again when there's a nonpartisan
election at the same time there's a
general primary. There's always some
measure of voter confusion. You know,
of course, it introduces the
possibility of three different ballots.
In this case, we had a unit that was
slightly out of calibration and issued
some wrong ballots.

MR. SIMPSON: What's the solution
for that?

MR. BRIDGES: Well, obviously, the
-- you know, the cleaner solution for
nonpartisans was the one we did years
ago where it aligned with the general
election.

But I know that then the general
election ballot became enormously
large, because you had the slates of
judges along with all the referendum questions and all the constitutional questions.

So we've been fortunate, over the years, to never experience a problem. I know some of the other counties have had two-page ballots where they've had multiple 21-inch pieces of paper. We've been very fortunate in always keeping them on a piece of paper.

So I understand the rationale why the nonpartisan, packed the general primary, because you don't have the questions to deal with typically.

So I mean, there's -- there's no perfect solution as long as there's a paper document involved in the system, and, you know, we can't do away with that.

MR. SIMPSON: Seems like it would be even worse with the -- with the voting machines with the card in. But if you, you know, ask for the republican or democrat ballot and given that one card that's just got those
candidates on it.

MR. BRIDGES: That's correct.

MR. SIMPSON: But if -- if you
wanted to vote, surely, an independent
ballot, it seems like you'd get a card
that had everybody --

MR. BRIDGES: Well, that --

MR. SIMPSON: -- and that way -- I
mean, we don't have a requirement to
declare a party, so you can vo -- as we
have open primary, so you -- you know,
if you're a republican, you can vote
for democratic primary and vice versa.

But -- so when an independent
comes in -- and apparently, they're are
a good number of those -- you've got to
have someway for them to be able to do
their -- you know, to vote their
conscience.

MR. BRIDGES: Well, that's true,
and I mean it --

MR. SIMPSON: That's why I'm here.
You're the man on the ground. I mean,
that's why I was asking what's your --
what's your solution?
MR. BRIDGES: Well, when we get a call -- if somebody goes to the polls, and we have the voter that goes to the poll, and they request an independent ballot, and they explain to them about this is a general primary, this is an election of the republican party or an election of the democratic party, the candidates who go to the general election.

And we also have a nonpartisan general election, so we try to explain there's actually three elections on the same day. If you wish to choose any of the candidates in either of the parties, you must select the appropriate part; otherwise, you won't see those candidates. What you will see are the ones in the nonpartisan general election.

And what about the independent candidate? Well, that's what the general election in November has. Everybody from the various parties come together, along with all of the
independent, political-bodied

candidates before it. There, you don't
have to choose who --

MR. SIMPSON: The both are posted

so --

MR. BRIDGES: Yes.

MR. SIMPSON: -- if somebody

wanted to vote as an independent, they

you could send them to both ballots,

and say, okay, now, look at these

ballots, and then you decide, and you

tell me what you want.

MR. BRIDGES: That's correct.

MR. SIMPSON: If you don't want

the voter thinking that they've been

pressed into taking a republican or a
democrat ballot.

MR. BRIDGES: Right. We know --

that's why I say, we have the ballots

-- we have -- always have the

nonpartisan ballot to make sure they're

not just thinking of nonpartisan as the

independent ballot.

And then we have the republican

and democrat ballots also posted right
there so that they can look and make
their choice.

We train our poll workers, don't
say, you need to vote democrat, you
need the vote republican, because now
I'm telling you how to vote.

MR. SIMPSON: Right.

UNIDENTIFIED SPEAKER: So there's
that fine line between guiding you to a
decision to make your choice or giving
you or telling you how to make the
decision, which we weigh very, very,
very hard, but -- and some people, I
mean, you just have line a way to
interpret that.

MR. SIMPSON: Thank you.

MR. KEMP: Mr. Mciver?

MR. WORLEY: One of our charges is
to deal with solutions. By the
purchase of this new equipment, I
gather it's a later general generation.

MR. BRIDGES: It's the Express
called 5,000.

MR. WORLEY: Yes, sir. Will that
prevent this in the future?
MR. BRIDGES: Well, it's a newer machine. It's a little faster. It's -- you know, it's a little more capable. It has some features that Express 4,000s don't. It has an onboard battery for date and time and several other things that more function oriented. They're more stable.

You know, the Express 4,000 is prone to having synchronization issues in the polls. The Express 5,000, sort of, eliminates that or, you know, largely eliminates it so we can focus more on serving the voter.

So the poles having equipment issues with the older machine, and they're sitting there dealing with it, and somebody -- somebody's over there rebooting the machine because it wouldn't synchronize, well, then they're all -- they're all rattled, because they're trying to solve the problems.

They're got customers standing there to serve, and they're, kind of,
giving him a little bit of pressure.
So you eliminates that, and let them
focus on the mission at hand, which is
to serve the voters that come through
the door.

And I do believe, my experience,
is the Express 5,000 is a little bit --
you know, a little bit newer model and
is a little more stable, and we will
calibrate them when we get them.

MR. WORLEY: Thanks.

MR. KEMP: Now, I will say, too,
just for the record and for everybody
that's here today, one of the things
that we do and work with election
center at Kennesaw State with, is after
election, we do surveys with the
counties and do an equipment assessment
to keep up with, you know, any
equipment that failed, we have issues
with, and then I'll meet with them to
get a full report on that so we can
keep a really up-to-date status on --
on our equipment around the state, how
it's doing and, you know, it certainly
performed very well in the past.

Those -- that rate has been, I believe, around one percent or lower, so I think it's just good for people to be aware that we do monitor that after every election site.

Mr. Simpson?

MR. SIMPSON: What -- what kind of training do we give to the election people to deal with this, I want an independent ballot? What -- how do we deal -- how do we tell the people out in the field to deal with it?

UNIDENTIFIED SPEAKER: You want me to address that?

MR. SIMPSON: Yes, sir, I want somebody from the election's office to address it. Like Mr. Mciver said, one of our things is to try to resolve the problems.

MR. HARVEY: Yes, sir. Chris Harvey.

MR. SIMPSON: It's going to be a bigger problem in --

MR. HARVEY: Yes, sir. My name is
Chris Harvey, and I'm an election
director for the Georgia Secretary of
State's Office. The question of
independent ballots is always a
mystifying one for some people in
primaries.

I probably took about 25 phone
calls in the course of the May 24th
primary. People are angry or upset,
because they couldn't -- you know, they
said, well, if I want to vote for this
person for sheriff and he's running as
a democrat but the tax commissioner is,
you know, my cousin and he's running
republican, and what do I do?

And the only real answer is to try
our best to explain to people that a
primary is really the function of a
party, and they -- they ultimately have
to choose.

There is no, as you -- as you
mentioned and pointed out, there is no
political registration in Georgia
that's -- that's connected to voter
registration. Our office has no record
of, you know, whether somebody
considers themselves a republican or
democrat, independent member of any
party.

Their voter history shows in which
primary they've voted in the past, and
people -- as you pointed out, people
are certainly free to -- to jump back
and forth between primaries in
different years if they want to.
There's no restriction with that.

As far as what we try to convey to
the county election officials, as I
think Mr. Bridges pointed out, the best
thing you can do is really to -- to
present them ballots. Say, look, these
are the ballots that are available.
And I understand you may want to, you
know, cross pollinate your ballot with
different parties; however, that's not
the way our system works. You have to
choose, you know, one or two or three
issues that you think are most
important and choose the ballot to
correspond with that.
And -- and a lot of people weren't happy about that, but that's simply the way the system is set up. And, you know, unless in legislator wants to change, you know, some things, how the election is based, there's really nothing else we can do.

As Mr. Bridges pointed out, election officials sometimes get into trouble if it sound like they're pushing you into your ballot. And in some -- in some cases, we get those complaints, too, where somebody comes in and they say, you know, I can't wait to vote for my cousin, Johnny who's running for sheriff, and -- and then they ask for the other party ballot.

And they say, well, if you want to vote for Johnny, you've got to choose a democrat ballot.

MR. SIMPSON: Yeah, I -- you're infringing on that right to vote by doing that. We don't -- if you don't have to declare a party to vote in a primary. When you have open primaries,
if you won't let me vote for whoever I
want to in either party, then you've --
you've restricted my ability to vote.

   MR. KEMP: Well, that's what --
   that's what the law says. I mean, we
don't have any --

   MR. SIMPSON: Well, I -- I know
this, but I mean --

   MR. KEMP: That's not our place.

   MR. SIMPSON: You know, seems like
to me that there should be a process to
open that up somehow. That's my only
issue.

   MR. WORLEY: Well, there is a
process that's called going to the
legislature and getting them to change
the law.

   MR. KEMP: All right. Anything
else for Mr. Harvey?

   Mr. Mciver?

   MR. MCIVER: Just to clarify,
particularly for judge and me. These
are a function of the parties?

   MR. HARVEY: Yes, sir.

   MR. MCIVER: The parties advance
their candidates?

MR. HARVEY: Yes, sir.

MR. MCIVER: Mr. Worley was a

candidate once upon a time or maybe two

or three times.

But -- anyway, but they advance

their candidates. That goes on a

ballot, and then those are left to

propel. So it's party based?

MR. HARVEY: Correct.

MR. MCIVER: That's what the

audience and we need to clarify. So

it's party based. And candidates,

through their choices of what ballot

they want to be on -- declare as a

democrat or republican or an

independent, green party, whatever it

may be -- that's their choice. And by

virtue of that choice, they're now in

the bucket of a democrat or a

republican or whatever it may be,

depending on the ballot?

MR. HARVEY: Correct. And the

individual voter decides whether they

want to participate in any -- in any
primary or any one particular party
primary they want to. And that, of
course, is the general election.

And as a matter of fact, right
now, we're in the process of
independent qualifying where, you know,
independents and other party
candidates, political bodies,
qualifying, as we speak, to appear on
the general election. And they're, of
course, Judge Simpson, and people can
pick and choose and vote for the
individual that -- that suits their --
their desires.

MR. KEMP: All right. Thank you.

MR. MCIVER: Thank you.

MR. KEMP: Okay. Back to our case
we were discussing. Is there anyone
else wishing to speak on the Chatham
County case? All right.

Hearing none, do we have any
further discussion or recomend -- or a
motion?

MR. MCIVER: Believe the
recommendation was to bind over.
UNIDENTIFIED SPEAKER: That is correct, sir.

MR. MCIVER: Ask them to --

MR. KEMP: All right. Mr. Mciver moves that we bind over. Do we have a second? I'll second. Any other discussion? Mr. Worley?

MR. WORLEY: I think that this, again, is a case that's appropriate to send a letter of instruction on, because it seems that the election's officials have done everything that they can to correct this problem from happening in the future, and I'm not sure that binding it over would change that or add to that.

MR. KEMP: All right.

Mr. Simpson?

MR. SIMPSON: I agree with Mr. Worley. I -- I think this is -- this is something, sort of, beyond the elected official's control, because I think it's equipment related.

And -- and I think maybe a letter of instruction concerning the
calibration of the equipment and how to
deal with these issues when they come
up with a -- with a voter would be more
meaningful than just binding it over,
Mr. Chair.

    MR. KEMP: Mr. Mciver?

    MR. MCIVER: Well, to me, this
goes to the integrity of the ballot,
which is the really sacred nature or
entire process. That's the reason I
think that through the Attorney
General's office, they'll be able to
reach a better solution than we are
here with a letter of instruction. So
I'll continue to support my motion.

    MR. KEMP: I had a feeling you
were going to support your motion.

    All right. We've got a motion and
a second to bind over. All -- any
other discussion? All in favor,
signify by saying aye.

    (An affirmative vote was cast by
saying aye.)

    MR. KEMP: All opposed?

    MR. WORLEY: No.
MR. SIMPSON: I abstain.

MR. KEMP: You're abstaining?

Okay. So that motion carries two to one then, and we have voted to bind that over.

All right. So we'll move on here to Case Number 2014, Number 92, Atkins -- or I'm sorry. 2014-57, Glynn County Felon's case, which will be Number 19 in our binder.

MR. LEWIS: Yes. Mr. Secretary, on August 26, 2014, Gina Edwards -- who's the Glynn County election's supervisor -- reported that several convicted felons had illegally voted in recent elections.

Tina Edwards reported that six individuals, believed to be convicted felons, under sentence, had voted in recent elections. Those individuals my name were Germane Way, Maury Reid, Lewis Mosley, Marcus Karmina, Donte Walker, Joseph Gardner.

After a thorough examination of the criminal history information and
election documentation, it was
determined that five of the original
six individuals were not, I repeat,
were not in violation of any election.

Trumane Way is the identical twin
brother a Germane Way and was found to
have been convicted of a felony on July
-- a felony on July 18th, 2005.
Registered to vote October 18th of 2007
and voted during the November 6th, 2007
Glynn County Special Election.

Dominque Walker was found to have
been sentenced for a felony on January
the 2nd, 2013 with ten years of
probation. He then voted during the
November 5th, 2013 Nonpartisan
Municipal Election in Glynn County.

Our recommendation would be that
Trumane Way unqualified Walker -- or
Dominque Walker unqualified Walker,
that we bound to the Attorney General's
office for violation of 21-2-216.

MR. KEMP: All right. Any
questions for Mr. Lewis? Hearing none,
anyone wishing to speak to this matter?
All right. Hearing none, the recommendation is to bind over the two individuals mentioned in the report.

MR. SIMPSON: So moved.

MR. KEMP: Mr. Simpson moves that we bind over.

MR. MCIVER: Second.

MR. KEMP: Mr. Mciver seconds.

Any other discussion?

Hearing none, all in favor significant by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we can bind those individuals over.

We're now on the 2014, Number 92. It's a Atkinson County, City of Willacoochee case, Number 20 in our binder.

UNIDENTIFIED SPEAKER: Yes, Mr. Secretary.

MR. KEMP: Ms. Watson?

MS. WATSON: The complainant, Gary Ball, who works the regulator, he's my
election supervisor, Lorraine White, in the November 4th, 2014, general election.

There were a total of 17 separate allegations, which included such things as UFI votes, not being counted during the election, that Lorraine White changed the last name of a voter on their ballot. The other voter voted in person and also by provisional ballot.

The de-voting, William Futch, voted in the election when he no longer resided in Willacoochee; the two deceased voters, William Vickers and Otis McDonald, might have voted in the election; that some people were paid for their votes and some were paid to hold up campaign signs during the election; that voters, Thomas and April Walker, resided in Atlanta, Georgia, and they voted in the election in Atkinson County; that when election supervisor, Lorraine White, duplicated some ballots she might not have copied them right; that a voter named Archie
Myers voted in the election, but he no longer lived in Atkinson County; it was also alleged that Mr. Myers was a convicted felon; that a voter named James E. Lott, Jr. was registered to vote in Willacoochee, Georgia, but resided in Pearson, Georgia.

The investigation shows there were four improper ballots that were requested, and they were mailed out. Two of those were returned, and the votes were counted. As to the name being changed on the ballot, the ballot does not have a name listed on the -- on the ballot for the elector to be changed, but it was determined that an elector's name was updated by Lorraine White at Election Net, which was not a violation of the election code.

In reference to William Futch and Archie Myers voting in the election but no longer living in Willacoochee, Georgia, it was found that the complainant had followed the tab to the -- to the voters with the Atkinson
County Board of Elections and Registration, and this was heard in November of 2015.

In reference to a voter possibly voting twice, it was determined that the voter was issued a voter access card, and the card would not work in the machine, so they were issued a provisional ballot.

In regards to the allegation that election supervisor, Lorraine White, duplicated some ballots and may not have copied them right, it was found that one or two absentee ballots had to be duplicated because the voters failed to blacken the ovals in next to the candidate's name. They marked it with an X or a checkmark.

The vote review panel duplicated the defective ballot -- or ballots but failed to label the duplicated ballots. And when the investigator asked to see the duplicated ballots and the defective ballots, they were unable to locate them.
All remaining allegations were
either not or were proven and
unfounded.

The recommendation is to bind over
Atkinson County Board of Election
Registration and Lorraine White, an
election supervisor, for a violation of
21-2-43(f), preparation of duplicated
ballots, for failing to label the copy
or copies as duplicate, and also
21-2-43(f) for failing to prepare true
duplicated copy of the defective
absentee ballots and 21-2-43(f)(h), for
preparation of duplicated ballots that
they failed to retain and filed the
defective ballots.

MR. KEMP: Any questions for Ms.
Watson from the board? Anyone else
wishing to speak this matter?

UNIDENTIFIED SPEAKER: Yes.

MR. KEMP: Yes, sir.

MR. HALL: My name is Gary Hall,
and my present address is 40 Jerry Hall
Road, Willacoochee, Georgia. I was a
candidate in the election on the 24th,
and my thing is about this here, it's been an ongoing process. There's been a lot of cheating, different ones coming from out of state voting, also, out of the city and different counties.

And seem to me, you know, just -- I feel like that the board of elections should come down on these elections and try to do more, investigate it, you know. At least, y'all should go ahead and try to -- I can't put it in exact words like I want, but should tighten up on everything.

And I think that these peoples are coming out of state voting, and the ones from out of different cities and counties should be prosecuted actually.

MR. KEMP: Well, thank you for being here, Mr. Hall. I would just encourage you now, or in the future, if you've got specific names or know who these individuals are, we're glad to look into that matter. I know we have -- already on some, but I would encourage you, in the future, to
continue to stay in touch with us,
because we're glad to look into those
type allegations.

Any other questions for Mr. Hall?

Okay. Anyone else wishing to speak?

MR. ALLEN: My name is Rosco
Allen, Jr. I live at 765 East Ridge
Road (phonetic) in Douglas, Georgia.

MR. KEMP: Sir, what was your last
name again?

MR. ALLEN: Rosco Allen, Jr.

MR. KEMP: Allen. Okay. Thank
you.

MR. ALLEN: I live at 765 East
Ridge Road in Douglas, Georgia. The
reason I'm up here is because Mr. Hall,
when ran for mayor, he lost by one
vote.

Now, y'all got all your
allegations, which is true. I don't
know what Ms. Maureen (phonetic) said.
All the allegations is true. Now, I
subpoenaed -- me, I subpoenaed peoples
that voted 30 miles of Willacoochee,
doesn't even live in Willacoochee,
voted 20 miles from Willacoochee.

And number three, I went to
subpoena Mr. William F. Futch on that
issue now. I went to their address.
The address was his father. You got
me? He voted. He lived in New
Orleans. You understand that? New
Orleans, he lived at. His daddy vote a
absentee ballot for him.

This has been going on for years
down in Willacoochee. This board need
to take some action. If this is going
to election, it needs to be stopped.

Now, if that's what the state --
what y'all do, y'all need to be doing
it. Now, here's a -- this is serious.
There's a corrupt world in
Willacoochee.

Now, we didn't come for two and a
half hours just to tell y'all lies.
I'm telling you the truth. I'd subpoena
people, you understand, y'all need to
do something here, so it can stop.

He the first one -- he'll
challenge the board and file a
complaint there. It's been going on
for years. He lost by one vote. All
the allegations, y'all need to put the
heat where it be at.

MR. KEMP: All right. Thank you.
Any questions for Mr. Allen?

Mr. Hall, I have one -- one other
question if you don't mind.

MR. HALL: Okay.

MR. KEMP: Did you file a
challenge in court to the election?

MR. HALL: Yes, sir, I did.

MR. KEMP: And what was the result
of that?

MR. HALL: Well, when we sent to
the Board of Elections, they, sort of,
like, brushed it over. The chairman of
the board, he be like -- he was in, I
think, Myrtle Beach, Carolina. And we
sat there, and they did a three-way
call, and he was trying to talk and
tell us, you know, how -- how to go
about doing the board election.

So Archie Miles, which is one of
the ones that voted 30 miles away, and
in William Futch, all right, what the
chairman of the board told the
supervisor that they were going to have
another meeting. They' rescheduled it.

And then we came down to the next
meeting. Wasn't nobody there. We was
there, like, 30 minute early, but we
never seen no one.

So just so happened, I knew one of
the election officer, so I went by her
house, and her husband told her to take
-- you know, he told us that the
meeting had been canceled, but no one
got in contact with us.

MR. KEMP: Okay. Was there -- was
there -- did you -- did you file a
challenge in Superior Court to overturn
the election?

MR. HALL: Yes, sir.

MR. KEMP: And what was the result
of that?

MR. HALL: Well, just like I said,
we were brushed off.

MR. KEMP: So -- so the --

MR. HALL: Somebody -- somebody
going -- through the chain of command,
somebody is --

MR. KEMP: So -- so did a judge
actually hear the case?

UNIDENTIFIED SPEAKER: Back in
2011, there was a case heard, but not
the one in 2014.

MR. KEMP: Okay. All right. Mr. Allen, did you have something else?

MR. ALLEN: Yeah. Archie Miles' name, I'm the one who subpoenaed him,
and he lived 30 miles away and don't
even live in Willacoochee. And I'll
bring you some more, too, who lives in
Pearson, Georgia, which is 20 miles
away that voted.

MR. KEMP: All right. Thank you.

All right. Anyone else wishing to
speak on this matter? Hearing none, I
believe the recommendation was to bind
over the county and Ms. White. No one
also wishing to speak? Okay.

Do we have any other discussion
with the board or a motion?

MR. MCIVER: Move we bind over.
MR. SIMPSON: Seconds.

MR. KEMP: Mr. Mciver moves that
we bind over. Mr. Simpson seconds.

Any other discussion? Hearing none,
all in favor signify by saying aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we have bound
that over.

All right. Our next case will be
2015, Number 41. It's a Echols County
case, which is Number 23 in your
binder.

MR. WATSON: Yes, sir, this --
this case, the complaint is the Echols
County Elections failed to send
confirmation notices within the
allotted time. The 40-day deadline had
expired on the notices.

The investigation shows the box of
notices were mailed to Echols County by
the Secretary of State's Office and
received by Probate Judge Carlos
Rodgers. The notices were then given
to the deputy registrar, Terry Lassiter (phonetic), and instructed to give them to the chief registrar, Delores Everett.

Terry Lassiter delivered the box to the office of Delores Everett, and called in to tell her about the box. Delores said she was out of town and would get to them when she got back. The notices should have been mailed by June 29th, 2015.

Echols County appointed a new chief registrar on July 6th of 2015, a Ms. Borshurt (phonetic). The new registrar discovered the confirmation notices in the previous chief registrar's office that were never mailed out.

The 40-day clock had expired on the cards. There were 107 notices and 14 precinct cards that were not mailed. Ms. Borshurt asked the Lowndes County election supervisor, Deb Vass (phonetic), on July 29th what she should do about the notices, and she
was advised to contact the county liaison, the Secretary of State's office.

She did that. She was advised immediately to mail out the notices. She mailed them out the following day.

Investigators spoke with Delores Everett, and Delores Everett acknowledged that it would've been her responsibility to make sure that the notices were mailed out.

We recommend that Honorable Carlos L. Rodgers, probate judge, election superintendent be dismissed as a respondent and that Delores Everett, former chief registrar, be bound over to the AG's office for violation of 21-2-234(a)(2), confirmation notice requirement and procedure.

MR. KEMP: Any questions for Ms. Watson? Hearing none, anyone else wishing to speak? Yes, ma'am.

MS. EVERETT: Hello. I'm Delores Everett, 234 Collier Lane, Statenville, Georgia. Thank you.
MR. KEMP: Yes, ma'am.

MS. EVERETT: Well, I -- this is unfortunate. I appreciate that I've been given the opportunity to speak to you. I'm sorry. I have a little bronchitis. Can we you hear me okay?

MR. KEMP: Yes, ma'am.

MS. EVERETT: I -- I have served as -- about 16 years as the registrar in Echols County and enjoyed it very much. It's a very small county, and I've joked many times that I worked for the funeral home part time, so I know when people die, and I'm also kin to most of the felons, so it was easy for me to keep the role in Echols County. But it is a hometown, and, you know, I've appreciated working there.

And during this last -- in 2015, July of 2000 -- all of them -- 2015, we did not have a -- an election. In the month of July, I had volunteered for a mission trip up in Charlotte, North Carolina, so I had looked ahead and planned to be away and thought I had...
everything covered.

And during that time, the secretary to the probate judge retired -- or not retired. She resigned quickly. Did not give enough time to really get a new deputy registrar in. She was the deputy registrar.

And so while I was away during the month of July, the deputy registrar left that position, and a new one was appointed, which had not had the training, of course, to know what to do when the -- the envelope came with the confirmation cards.

So whenever I was called, of course, it was something that if I able or would've known put stamps on them and sent them out. And so it was an unfortunate event that they did not get sent out.

However, whenever I got home, I was preparing to come to the next annual meeting, and called up the county commissioner's office to get the
vehicle assigned for me to come to the registrar meeting.

And at that time, the secretary to the county commissioner said, well, Ms. Everett, you don't know that you've been replaced by someone else? Well, I didn't know that. I do take -- I did take offense at that, that someone thought that I had said I was going to retire.

I had said whenever I came back from the mission trip that it was something I was considering, that, you know, whether or not to stay on. But I had not given anything, no written consent or anything in writing, that I was resigning from my deputy -- from my registrar position. So I will admit, I was offended by that. Actually, hurt but it.

And so whenever I got back in town and there was someone else already in the office, someone else already had found the confirmation envelope, someone else had already reported that
it wasn't done, and the activity that you have in hand was initiated.

I had worked 16 years or so as a deputy -- I mean as a chief of registrar -- and I appreciate working with Carl very much -- but there was never a time in those 16 years that Mr. Rodgers says, Delores, you're not doing your job. There's never a time when he come up to me and said, Delores, you haven't done your job. So I was offended by it.

At this point, maybe it was in God's will that I'm not a chief registrar anymore. I accept that, but to go out under a cloud of not doing what I should have done is offensive to me and the work that I've done in the past.

So I appreciate you being considerate of this. It was an unfortunate chain of events. No -- nothing intended whatsoever. I will take whatever, you know, you hand down for that, but I did want you to hear
from me how I feel about this.
And I appreciate the work that --
your board, you're doing, and I believe
in our -- in our voting system. It was
a delight of mine to be a part of that.
Thank you very much.

MR. KEMP: Thank you very much for
being here, Ms. Everett.

Mr. Simpson?

MR. SIMPSON: Could you help me
with a timeline on this now?

MS. EVERETT: Sure.

MR. SIMPSON: When you left on
your mission trip, do you remember the
date of that?

MS. EVERETT: Well, it was the
month of July, so it was --

MR. SIMPSON: In July?

MS. EVERETT: Right. So I did not
-- had not seen the cards before I
left, yes, sir.

MR. SIMPSON: That's -- that's my
question.

MS. EVERETT: And then April
resigned quickly, so when she resigned,
nobody knew what to do when those cards came in.

    MR. SIMPSON: Yes, ma'am. But the
cards had not come in --

    MS. EVERETT: They had not come to
me, right.

    MR. SIMPSON: -- before you left?

    MS. EVERETT: I would not have
left them.

    MR. SIMPSON: So the cards came in
after you were on vacation?

    MS. EVERETT: After I left, yes.

    MR. SIMPSON: Okay.

    MS. EVERETT: Well, it was a --

    MR. SIMPSON: And someone else was
appointed to your position during that
period --

    MS. EVERETT: While I was away.

    MR. SIMPSON: Yes, ma'am.

    MS. EVERETT: So I never really
actually ever saw the cards.

    MR. SIMPSON: Okay. And that --
that answers my question.

    MR. KEMP: Okay. Any other -- any
other questions for Ms. Everett?
All right. Thank you for being here.

Anyone else wishing to speak?

Judge, how are you doing?

MR. RODGERS: Good morning. My name is Carlos Rodgers. My address is 282 Hickory Road, Lake Park, Georgia in Echols County. I'm the election superintendent and probate judge for Echols County.

Yes, it has been a pleasure to have worked with Ms. Everett for 16 years. Never had a problem one time.

But she is correct. The day I received the box, it did not -- it just said from the Secretary of State's office to the registrar's office. It didn't have on there what it was. If I'd seen that it was some voter cards, I would've instructed that girl to go ahead and mail them out.

I told her to take it down there and put it on -- on her desk and contact Ms. Everett, which she did.

Ms. Everett said she'd get -- my
secretary had quit -- she'd told the
truth -- quit about two days or a day
before that without giving notice. She
had a baby and just called me and said,
hey, I'm not coming back to work, and
she was working at the registrar.

So my new girl, we appointed her
as the deputy registrar, which had no
training, though, so I told her to take
them down there and set it on the desk.
Ms.Everett said she'll get to it when
she comes back.

During that time, my Superior
Court clerk come over and says, we
elected Ms. Borshurt as the new chief
registrar. Well, first thing I asked
her, I said, did Delores already give
you a letter? I said, I know she spoke
to me and the -- the Superior Court
clerk about retiring, but I didn't know
she had a letter. She said, well, we
done appointed -- she said she was
going to retire and the -- well, you
heard -- what is it? Anyway, I can't
think. Have to appoint something.
The -- the grand jury appointed
Ms. Borshurt to take that office.

So I went down there and opened
the door for Ms. Borshurt. I seen the
box there. She said, what is this? I
said, I don't know. It's something
that come in. We opened it up and seen
what it was. I said, well, I don't do
much with the registrar work, because
they don't train us to do the registrar
part as the election superintendent.

I said call, Deb Cox, which she
did. I said either that or call
Secretary of State, Leanne, our
liaison. And they said, go ahead and
mail them out.

And it was a honest mistake. I
mean, if I'd known that they was that
important to be on there, I could've
done it.

But there is another thing of
this. Let's say if would've handed
them directly to Ms. Everett, and she
said she mailed them out, I would never
know if she did or didn't as the
Even though I know my case was dismissed on my part, but as a superintendent of elections, how would I know? Because there's no confirmation on this once you mail them out, so there's is no way.

And a couple of questions. This is not dealing with mine. I told Jim Allair (phonetic) what y'all was asking about and how you could put in procedure on the ballots. In my county, we had that problem (inaudible) machine's company.

So now we actually have a poll worker take that person to each machine. Put the card in for them. That way we're hear it click. Bring the ballot up, and we say this is a republican ballot, democratic or nonpartisan. Is this how you want to vote today?

If they say yes, we walk away. If they say no, then we go over and take the card back out and give them the
ballot they want. So -- and as far as
the express code, it is mandated that
they are LNA tests.

So, I mean, you still can have
effects. But that's all I got to say,
and I do appreciate the 16 years she's
worked with me. Like I said, I never
had no problem.

MR. KEMP: It was good to see you,
Judge. Thanks for being here.

MR. RODGERS: I'm sorry I missed
you the last time you come by.

MR. KEMP: Nah, that's all right.

Any questions for Judge Rodgers?

All right.

MR. RODGERS: Okay. Y'all have a
good day.

MR. KEMP: Thank you.

Anyone else wishing to speak on
this matter? All right. Any other
discussion or a motion?

MR. SIMPSON: I move we dismiss
the case against Ms. Everett.

MR. WORLEY: Second.

MR. KEMP: All right. We've got a
motion by Mr. Simpson and a second by Mr. Worley to dismiss the case against Ms. Everett. Any other discussion?

Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed. That motion carries, and we have dismissed Ms. Everett.

All right. We still have the judge cited as a respondent. The recommendation was to dismiss.

Do we have a motion to do that?

MR. MCIVER: I'll so move.

MR. KEMP: Mr. Mciver moves. I'll second. Any other discussion?

Hearing none, all in favor of dismissing the -- Judge Rodgers as a respondent, please signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries.
All right. That moves us to 2015, Number 48, the City of Register, which is Number 24 in our binder.

MR. WATSON: In this complaint, the city of Register had an incumbent qualify, and then went through before the end of qualifying. The city of Register failed to reopen qualifying under 21-2-132(c)(4).

The investigation shows the city registrar was conducting a general special election on November 3rd, 2015, and the city clerk handles qualifying in Bulloch County as contracted to handle the election.

On the last day of qualifying period, the incumbent candidate for Elaine Lee withdrew her candidacy. The city of Register or city clerk, Rhonda Deloach, a Bulloch County election supervisor, stated they were not aware of election code 21-2-132(c)(4), then states that any case for an incumbent that's filed notice of candidacy and paid the prescribed qualifying fee in a
nonpartisan election to succeed himself or herself in office but withdraws as a candidate for such office prior to close of applicable qualifying period prescribed in this subsection qualifying for candidates other than such incumbents shall reopen at 9 a.m. on the Monday next.

Following the close of proceeding, qualifying period shall cease at 5 p.m. on the Tuesday immediately following such reopening, notwithstanding the fact that any of these may be legal holidays.

The city of Register had no opposed candidates, and the announcement was posted in a legal order, that there would be no election.

The recommendation is for Rhonda Deloach, City clerk, and the city of Register be bound over to the AG's office for the listed violation of 21-2-132(c)(4), filing notice of candidacy nomination petition and affidavit, and that candidate, Elaine
Lee, withdrew prior to the close of qualifying, and the City clerk failed to reopen the qualifying.

MR. KEMP: Any questions for Ms. Watson? All right. Anyone else wishing to speak?

Yes, ma'am.

MS. DELOACH: My name is Rhonda Deloach. I'm the city clerk for the town of Register.

MR. KEMP: Ms. Deloach, if you don't mind, just bend that mic down a little. There you go. Thank you.

MS. DELOACH: And my business address is 37 Foster Road, Register, Georgia. I'm not sure what I'm being bound over to the Attorney General's office. I just wanted -- I did bring a statement from Pat Jones, the Bulloch County superintendent, and my own statement. They, pretty much, say the same thing.

And I just wanted to say that I had just taken a test to qualify or get certification for a qualifying officer
probably 30 days before that, and this law wasn't in any of the materially I studied. And it seeps keep of important. Of course, it's important to me now, because, you know, I find out we've messed up.

And I know that probably you can't get everything into the training material, but I -- I would like to say that if it had been, I would have known what to do and when to be here.

MR. KEMP: Okay. Any questions for Ms. DeLoach? Mr. Mciver?

MR. MCIVER: Would you like for us to look at those documents?

MS. DELOACH: Yeah. It's just a statement from Pat Jones and myself about what happened, what occurred. It's, pretty much, what she --

MR. KEMP: Are you moving that we accept the documents, Mr. Mciver?

MR. MCIVER: Yes, sir, I do.

MR. KEMP: Do we have a second?

MR. SIMPSON: Second.

MR. KEMP: All right. Mr. Mciver
moves that we accept the documents, and

Mr. Mr. Simpson seconds.

All in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we've accepted the documents.

Let me just say -- we talked about this case, Ms. Deloach, and I know the recommendation is to bind over, but I think, too, it could be consideration for a letter of instruction.

While it's clear the -- the law was -- well, this is a new law, and I'm sure there's probably a lot of people, especially at that time, were not aware of that. It is -- I think -- I think the law has passed with our input for very good reasons, but things -- depending on when potential candidates that qualify and then decide to drop out on when that happens, it does affect different results, so I could
understand the confusion, and certainly
you may be not knowing that that was
the case.

Did any -- the board have any --
any other comments or questions?

All right. Thank you for being
here.

MS. DELOACH: Thank you.

MR. KEMP: Does anyone else wish
to speak in this -- on -- in matter to
this case?

All right. Hearing none, do we
have any other discussion with the
board or motion?

MR. MCIVER: Again, I'd like to
ask what's the recommendation, Ms.
Watson?

MR. WATSON: It was divided.

MR. MCIVER: It was
responsibility. I move we bind over.

MR. WORLEY: Second.

MR. KEMP: All right. Mr. Mciver
moves to bind over. Mr. Worley
seconds. Any other discussion?

Hearing none, all in favor signify
by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, saying sign.

MR. SIMPSON: Vote no.

MR. KEMP: All right. That motion carries, but Mr. Simpson voted no.

All right. We move on to 2015, Number 70, which is Number 25 in our binder.

And, Ms. DeLoach, just so you'll know what -- and anybody in the audience, the binder over means that the Attorney General will continue the investigation or the prosecution on this case. In the case of this matter, it will be someone that'll be contacting you to talk through the issues and hopefully reach a Consent Agreement that everybody agrees to that'll sure that this doesn't happen.

So I didn't want you to -- don't -- don't worry too much about this. I'm sure Mr. Willard understands
what we're dealing with, and his office will as well. So thank you for taking the time to be here.

MS. DELOACH: Thank you.

MR. KEMP: All right. SED case 2015, Number 70, the Brantley County Case, Number 25 in our binder.

MR. WATSON: Yes, sir. In this case, Brantley failed to have all the candidates listed on the ballot for the City of Nahunta November 3rd, 2015, general municipal and special election. The Brantley County election supervisor, Christine Turner, advised that she submitted the correct list of candidates for the ballot to Kennesaw State University.

When the ballot brief returned, she did not notice that one of the candidates, Diane Morgan, was not listed on the ballot.

Early advanced voting started on October 12th, 2015, and on October 16th, 2015, an elector noticed that Diane Morgan was not on the ballot.
There had been eight electors that had came in and cast ballots and three absentee ballot requests.

The election's office contacted Kennesaw State University, and they corrected the ballot. Instructed Christine on how to download the new database, and this was completed, then election was continued, and three absentee ballots were sent out to the three that had already requested them with the corrected absentee ballots.

The result was that Diane Morgan, the candidate, did end up winning the seat on the city council.

We recommend Brantley County Board of Election and Registration and Christine Turner be bound over to the AG's office for Election Board Rule 183-1-12.02383, preparation for elections and that they failed to ensure the ballots were printed accurately for the election.

MR. KEMP: All right. Any questions for Mr. Watson?
MR. WORLEY: I have a question --

MR. KEMP: Mr. Worley.

MR. WORLEY: -- Mr. Secretary.

Ms. Watson, what -- could you go over again Kennesaw State's involvement in this? Did they leave the name off the ballot as they were putting it together?

MR. WATSON: Yes.

MR. WORLEY: And --

MR. WATSON: And then they sent the proof to the -- before they made the final.

MR. WORLEY: Okay.

MR. WATSON: They sent the proof to her, and she did not -- she approved them, the -- approved the final ballot.

MR. WORLEY: And is there -- to your knowledge, is there anything in the election code that relates to holding Kennesaw State liable for mistakes in the balloting process?

MR. WATSON: I'm not familiar with it.

MR. KEMP: Mr. Harvey, do you have
anything the add, because I know we've
had this issue before.

MR. HARVEY: There's nothing
specifically in the code as far as
Kennesaw State. I think as a state
entity, they would have some unity as
part of the Secretary of State's
office. It happens from time to time,
and that's why they always send it back
to the counties to give it the
once-over. It's rare, but it does
happen.

MR. KEMP: And I think, you know
-- and correct me if I'm wrong, but I
believe that we trained and stressed to
the local jurisdictions of the
counties, cities, whoever that they
have -- it's their responsibility to
double-check that ballot and make sure
it's correct.

MR. HARVEY: That's correct, yes.

MR. KEMP: And they have to do it.

They have the final sign-offs.

All right. Any other questions?

MR. MCIVER: Have one of the law
MR. KEMP: Mr. Mciver?

MR. MCIVER: Mr. Willard, would there be any problem with our indicating a letter of instructions should we issue to Kennesaw State?

MR. WORLEY: Mr. Mciver, Kennesaw State has not been noticed as a respondent. If you were to so choose to notice them, come back and issue a letter of instructions. I think this may be better handled, given that they are a state contractor with substantively the same thing as a letter of instruction, but an additional guidance from the Secretary of State Election's Division to Kennesaw State would serve the same purpose in this case, because they do work for the Secretary of State in this matter.

MR. KEMP: Well, I -- I would -- I would say, I think, before we took action on something like that, it might be good to give them a opportunity to
let them explain that ballot-building process.

I mean, you've got to think -- think of this situation. You've got a county dealing with their races in their county, you know, making sure they've got everybody on the ballot, then you've got Kennesaw State building ballots for all 159 counties.

I mean, with the work and the diligence that they have is extensive, so I would -- I would hate to -- and we don't see this happen much, but it does -- it does happen, and I think it might be -- you know, maybe that's something we can discuss, would be getting the presentation from them on exactly what they do -- do for our office, if the board would be open to that.

MR. MCIVER: Well, I'll certainly yield on the due process issue if they've not been noticed. We have a double standard -- or a double check-off here, and it appears that we're going to hold the county
responsible for on error made by
somebody else as well.

But if -- I guess I would be
assuaged if I knew Mr. Harvey's office
had the appropriate discussions with
Kennesaw State.

MR. HARVEY: Mr. Mciver, I can --
I can assure you, we coordinate very
closely with Kennesaw State. I speak,
you know, almost daily with the staff
out there. We coordinate very closely
with them. They're very loyal partners
and generally very skilled on what they
do.

It's just one of those things that
happens with a proofreading error.

MR. MCIVER: All right.

MR. HARVEY: I can assure you that
I'll -- I'll go back to Kennesaw State
and convey the board's concern that
they do everything they can do to make
sure that they're as accurate as we
expect the candidates to be.

MR. KEMP: All right. Anyone else
wishing to speak on this matter?
MS. TURNER: Yes, sir.

MR. KEMP: Yes, ma'am. Come on up.

MS. TURNER: Hi. My name is Christine Turner, election supervisor for the Brantley County. I live at 352 GW Highsmith Road, Nahunta, Georgia, 31553.

I'm very nervous.

MR. KEMP: Oh, no. You're fine. Pull that mic down just a little bit.

MS. TURNER: Seeing Chris's face kind of eases me. The day that I had to turn in the names to KSU, there is a Candidate Submission Form that we have to go through on the computer, and I submit these names to KSU during through the submission form. KSU receives it.

I believe that in the -- at that time, we had a new person -- new ballot over at KSU, so I think she was, kind of, getting used it the process or whatever at the time.

Anyway, I submitted it, the names,
whatever. We also had a very long SPLOST question on the ballot at the time. We had a special at the time.

And so when I received the proof back from KSU, myself and a board member, Ms. Betty Jo Morgan, sat down and reviewed the ballot. There was also, on the Municipal City of Nahunta Election, two more candidates. And when we reviewed the ballot, of course, seeing one Morgan name and thought that they were all there.

And then we proceeded to the -- making sure that everything was correct on the SPLOST and making sure that every word was in there. I assume we did not pay -- you know, did not take -- should have taken more time on you and the city names.

We have corrected that now. When we get a ballot proof in now, I have three, you know, four of the -- at least three or four of the board members come in. We sit down and review everything now. Name, we spell
it, pronounce it, everything. And so we have made sure that that will never happen again.

There was eight municipal voters who did come in the first day of that early voting on Monday, and we had nobody come in to vote. The second day, on Tuesday, we had one person come in from the city to vote. Wednesday, we had seven people come in to vote for the city. On that Friday at ten till five, a voter come in, and that's when it was brought to our attention that that person's name was not on the ballot.

I immediately contacted KSU. Got in touch with them. They instructed me to -- how to download another corrected database, and I worked and worked until 11:30, 12:00 that night to get everything straightened out. I contacted my county attorney. Let him know everything that was going on.

And come Monday morning, we had the corrected database, and everything
was good.

MR. KEMP: Ms. Turner, so there was two Morgans on the ballot?

MS. TURNER: Yes, sir, there was two Morgans' names.

MR. KEMP: So one of -- one of them -- the one that was left off was --

MS. TURNER: Ms. Diane Morgan.

MR. KEMP: And she had qualified to run for city council. What was -- what race was the other Morgan running?

MS. TURNER: City council.

MR. KEMP: The same seat?

MS. TURNER: Yes, sir.

MR. KEMP: Okay. Man all right.

Thank you.

Any other questions for Ms. Turner?

MR. SIMPSON: In the report, it says the lady whose name was left off the ballot won. Is that --

MS. TURNER: Yes, sir, she was actually the highest-vote getter.

MR. SIMPSON: Okay.
MR. KEMP: All right. Any other questions for Ms. Turner?

All right. Thank you for being here.

MS. TURNER: Thank y'all.

MR. KEMP: Anyone else wishing to speak on this matter?

Okay. Hearing none, do we have a motion? Any other discussion?

MR. SIMPSON: Well, let's -- I tend to agree with what Mr. Mciver said earlier, that this lady has been blamed for somebody else's problem and mistake. But by the same token, this is where the buck stops, you know, in the election's office.

This is a difficult case for me to decide, because there was no harm, no foul. No one was injured by the lady's name being left off, but I think we have to uphold a very high standard when it comes to making sure that the names of the candidates, things like incumbent, the names are spelt properly. Whether they're junior or
senior or a third or a fourth, all that has to be exactly perfect.

I know this is -- it's a difficult case, but I think that it's serious enough -- the result is serious enough in that something slipped through the cracks, so we need to bind it over to make a statement to make sure that all the other election -- local election officers understand how serious this problem could be.

We're lucky this time, but it could be a very, very serious problem.

MR. KEMP: Would you like to make a motion?

MR. SIMPSON: Well, I move that we bind it over.

MR. MCIVER: Second it.

MR. KEMP: All right. Mr. Simpson's got a motion to bind over. Mr. Mciver seconds. I would like any point of discussion just to say that I think that is appropriate.

And I think that the -- in my opinion, the Attorney General's office
could work with Ms. Turner and Brantley County to basically put into an order the remedial plan that she, kind of, verbally gave us that the county has now to make sure that this doesn't happen in the -- in the future.

Anyone else? Mr. Worley?

MR. WORLEY: I just wanted to say that I agreed with the comments of the judge and your comments, Mr. Secretary, that there are certain things in the code that, to me, we have to be especially careful with, and one of those is not putting somebody's name on the ballot. Another is not opening qualifying when we need to qualify people.

So I appreciate that the mistake didn't originate with the election's office, but I do think it's appropriate to bind it over in this case.

MR. KEMP: Okay.

MR. WORLEY: And I also wanted to say that -- that the fact that there was no harm done is good, but I, for
one, have always tried to look at these
causes without regard to whether --
without regard to how the election
results turned out, that whether
somebody loses by one vote -- as
somebody here did earlier -- or looses
in a landslide if the rules are not
followed properly. It shouldn't matter
what the result was.

MR. KEMP: Great points, Mr. Worley.

Anyone else?

All right. I believe we have a
motion by Mr. Simpson to bind over, and
a second by Mr. Mciver. Any other
discussion?

Hearing none, all in favor signify
by saying aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we have
bound that case over.

Thank you, again, Ms. Turner, for
being here today.
MS. TURNER: Yes. Thank you.

MR. KEMP: All right. Let's see.

We've got 2015, Number 82, Chatham County Redistricting Case that's in our -- Number 26 in our binder.

MR. WATSON: Yes, sir. This case has multiple complaints for the November 3rd, 2015 municipal election. They include that approximately 200 voters were unable to vote, because they were in the wrong voting district. Voters were turned away at one precinct, because it did not have any provisional ballots.

There was improper voter assistance involving senior citizens. Voters reportedly complained that they did not see their candidate's name on the ballot at the precinct. There was illegal campaign activity at some of the polling precincts, and DRE machines at a polling station were stored in an unsecured location.

The investigation shows, as to Allegation 1, that Chatham County
Registrar's Office failed to update the voting record for 272 residents of the Sweetwater subdivision in the city of Savannah. This resulted in them being placed in the wrong voting district.

A plan of action was developed to ensure these electors had an opportunity to vote on Election Day by provisional ballots.

As to Allegation 2, it was determined that a voter, Tracy R. Eddy, was not turned away at the polls when she went to vote on November 23rd, 2015.

The evidence shows that she went in to update her voting records with the Department of Voter -- Department of Motor Vehicles to change her address, but she didn't update her registration at that time. This left her as a county voter instead of a city voter in election net.

She was offered a provisional ballot at a precinct, and she opted to leave instead with the intent to return
later to vote. She alleged there was
no provisional ballots at the precinct.

There was insufficient evidence to
conclude that the Grace United
Methodist precinct did not have or ran
out a provisional ballots when she was
there to vote.

As to Allegation 3, the
investigators were unable to determine
the validity of any of the allegations
put forth by the complainant because of
the lack of information that she
provided.

As to Allegation 4, there was
evidence to show that, at least, one
individual was campaigning within
150 feet, no-campaigning area at the
Holy Spirit Lutheran Church leading up
to the November 3rd, 2015 election.

However, the investigators'
attempts to try to identify that
individual for who was responsible for
him being there were unsuccessful. We
were unable to identify that person.

As to Allegation 5, there was
evidence to show that the DRA machines
at Riverview Health and Rehab precinct
were not properly secure for the
November 3rd, 2015 election.

The doors to the voting area were
unlocked prior to the poll managers'
arrival. In addition, they were not
secure with any type of interlocking.
This was discovered by an investigator,
Glen R. Gee (phonetic), of the
Secretary of State's office during
monitoring on December 1, 2015.

Our recommendation is defined over
Chatham County Board of Registrars and
Sandra Williams, the director of voter
registration for violation of 21-2-226,
duties of county board, maps of
municipal boundaries, and then they
failed to provide the city of Savannah
with an accurate list of voters after
receiving changes to the city
boundaries from the City of Savannah.

Also, Chatham County Board of
Elections and Russell Bridges, an
election supervisor, for violation of
State Election Board rule
183-1-12.023-SD3 (phonetic) for voting machines, transport to polls in that they failed to ensure the voting machines at the Riverview Health and Rehab precinct were properly secured.

MR. KEMP: All right. Ms. Watson, so the Allegation Number five --

MR. WATSON: Yes.

MR. KEMP: -- that was -- that was Found during the run-off election in December; did you say?

MR. WATSON: Yes, that's correct.

MR. KEMP: Okay. All right. Any other questions for Ms. Watson?

All right. Anyone else wishing to speak?

MS. WILLIAMS: Good morning.

Sandra Williams, 1117 Eisenhower Dr., Suite E, Savannah, Georgia, 31406. I'm the director of the Chatham County Voter Registration Office.

Once it was discovered that we had the Sweetwater subdivision, which is primarily at a county precinct, within
the city of Savannah, we immediately
went to the board to find out what
provisions we could put in place so
these individuals could get to vote
prior to the election.

So we were able to get a list
together on the Sweetwater subdivision,
and we put ballots into the poll, so
the individuals who showed up on
Election Day were able to vote.

It was most unfortunate that the votes were annex'd, and we didn't catch it prior, but we did have provisions in place on Election Day that were able to vote.

MR. KEMP: Any questions for Ms. Williams?

Ms. Williams, I did have one question. So this was -- was this newly annex'd --

MS. WILLIAMS: Yes.

MR. KEMP: -- subdivision?

MS. WILLIAMS: Yes.

MR. KEMP: And so how -- how was -- so were y'all not notified, or
did you just miss that, or how did that --

MS. WILLIAMS: The City of Savannah annex a lot of little areas. You comes -- you're in a county, and then they got a little portion that they take into the city limits, so you're in the county again.

And in looking at the maps, it was inadvertently overlooked that they had added that portion.

MR. KEMP: Okay. Thank you.

Anyone else have a question for Ms. Williams? Okay. Anyone else wishing to speak?

MR. BRIDGES: I'm Russell Bridges. I'm the election supervisor for Chatham County at 1117 Eisenhower Drive, Suite F, 31406, and I'm here to speak on the unsecured equipment.

The equipment that we have, our transportation contractor delivers to a secure location at each polling site. Were we made aware by the investigator who made this discovery on an Election
Day that when they got there, he actually was at the poll when they opened the doors.

And the equipment was secured in a room that they don't use, but the maintenance man, sometime during the morning -- so that they didn't have to wait on him to unlock the door prior to their arrival -- so they were unsecured.

We were not aware of that. The equipment used to be delivered to the director's office and then moved just prior to the election to the space that we were going to use, and the -- he had changed that practice in putting them in this unused space.

So we're looking into adding the security change. We've not utilized that in the past with our equipment, because we just take steps to make sure they're in secured locations. But since things like this can happen and you don't find out about this until, you know, someone else discovers it,
the only remedy is to go forward.

So we're going to actually be looking at all our of our locations implementing use of security cable or chains. The point to notice is the equipment was secure and not tampered with, which, you know, is part of our main procedure.

MR. KEMP: Any questions for Mr. Bridges? All right.

Thank you, sir.

Anyone else wishing to speak on this case?

Okay. Hearing none, any other discussion from the board, or do we have a motion where --

I assume that, Ms. Watson, because we can't find the individual and we don't know who the individual was that was campaigning within 150 feet of a polling location, I mean, did we dismiss that case, or --

MR. WATSON: Yes, sir. We found it -- we couldn't substantiate that individual --
MR. KEMP: So we don't even know if it actually happened, or we do know it happened --

MR. WATSON: We know it happened --

MR. KEMP: -- we just don't know who it was.

MR. WATSON: -- because there was a photograph of -- of the individual that was handing out flyers. So we do know that it occurred, but we were unable to locate that individual.

MR. KEMP: All right.

MR. WILLARD: Mr. Secretary?

MR. KEMP: Yes, Mr. Willard.

MR. WILLARD: Procedurally, you're not dismissing that case, because there's not a respondent, and I would advise the board against making any sort of motion to dismiss in a case we already -- we can't identify somebody who is a potential respondent. We could go forward at that time.

MR. KEMP: So we just -- we do not want to take action number -- it --
let's see, on Number 4 about the illegal campaign?

MR. WILLARD: Correct. The only thing the board should do is take action on Allegation 1 and Allegation 5.

MR. KEMP: Okay.

MR. MCIVER: Or we can just bind it over all together, and you can sort that out.

MR. WILLARD: Bind it over as to the individuals who were noticed, which are the Board of Registrars and the registrar who spoke, the election superintendent, board of elections. That's the board's . . .

MR. MCIVER: But if that person is located who allegedly campaigned, then there's the notices.

MR. WILLARD: Well, it would cut you with -- after investigation, it was being noticed and come back and forth.

MR. KEMP: Well, I don't think we -- we wouldn't be binding that individual over, because they would
just do --

MR. MCIVER: I don't think you can.

MR. WILLARD: You could -- but you could in a subsequent meeting.

MR. MCIVER: Yeah, but not right now, because there's the notices.

MR. KEMP: All right. Any other discussion? Did you want to make a motion, Mr. Mciver?

MR. MCIVER: I was going to rely upon Judge Simpson to do that one.

MR. SIMPSON: I move to bind over the case against Sandra Williams and the Board of Registrar office and also Election Supervisor Bridges and the Chatham County Board of Elections as recommended.

MR. WORLEY: Second.

MR. KEMP: All right. We got a motion by Mr. Simpson, a second my Worley. Any other discussion?

Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we have bound over the Chatham County case.

All right. Case 2016, Number 1, which is a Tybee Island candidate for qualifications issue. It's Number 28 in our binder.

MR. WORLEY: It's the complainant, Montey Parks alleges that Tybee Island resident Stephen Friedman intentionally filed a false candidate qualification document when he ran for office in the November 3rd, 2015 general election in Tybee Island.

The investigation showed that on September 12th, 2014, Mr. Friedman purchased a home on Tybee Island in order to establish residency.

On November 4th of 2014, Mr. Friedman traveled to Cobb County to vote, signing a voted certificate, attesting that his residence was in Cobb County.

On September 3rd, 2015, Mr.
Friedman submitted notice of candidacy paperwork with an affidavit that he was a Tybee Island resident in one year, which would not have been for one year from the date of this home purchase on Tybee Island, nor would the election be one year from the date that he completed the voter certificate in Cobb County pending election set for November 3rd, 2015.

The requirement is for the resident to be 12 months prior to the election. Mr. Friedman was notified of the challenge. He withdrew his candidacy.

The recommendations is for Stephen Friedman, candidate of Tybee Island City Council, will be bound over to the AG's office for 21-2-565(a), making false statement of candidacy or qualifying candidate.

MR. KEMP: Any questions for Ms. Watson?

Hearing none, anyone wishing to speak?
MR. PARKS: Gentleman, ma'am,

thank you for having me here today. My

name is Montey Parks. I live at 1014

Jones on Tybee Island. I'm also an
elected official serving on the
council.

I have learn that when somebody
takes a podium and says I'm not going
to take much of your time, it's a bad
sign.

MR. KEMP: Let me remind you, if
you would, if you could just me your
last name and your --

MS. PARKS: Parks.

MR. KEMP: Parks?

MS. PARKS: Like state national.

MR. KEMP: Okay. And your
address, please.

MS. PARKS: 1014 Jones.

MR. KEMP: Thank you.

MS. PARKS: It's Tybee. Mr.

Friedman is one of the most intelligent
and articulate and well-informed people
that I've had the pleasure to meat.

He's a graduate of one of the
finest law schools on the east coast.
He clerked for a federal judge. He's an extremely successful entrepreneur in a time-based/deadline-sensitive business.

He's brought a new level of professionalism to our island. His family's got a history of distinguished legal service in this community. With his support on the island, it reads like a variable oontz (phonetic) into a significant business and community leaders.

I'm not privy to the details of the investigation on this. I don't want to be. I don't know all the its, ands or buts, but under my faith and respect for Mr. Friedman, it tells me that he knew full well what he was doing when he signed that affidavit.

Now, I'm deeply involved the Tybee politics. I did not run in the last election. I was not a candidate. Our island takes its politics very seriously. I don't know if you're
familiar with Tybee politics, but it tends to be spirited.

Our voter turnout is one of the highest, at least, in Chatham County if not in the surrounding area. And I think we've got an obligation to maintain a level of accountability, and I think that these voters demand it. They certainly demand it of me.

I contacted the election officials out of concern about -- after I learned about irregularities. I requested an investigation to set the record straight.

I was hoping that where there was smoke, there would be no fire; however, here we are today.

I know that a comment was made in the investigative report about the residency rule only being violated by one day. If a contractor should submit their bid to Tybee one day late, unconsidered. If I show up for a job interview one day late, it's a bad deal. One day matters.
The election rules aren't advertised. It's a plus-or-minus factor. I'm not seeking to escalate this. I'm not seeking any formal charges. I'm just seeking a letter of acknowledgment, or if there was a family box, I'd ask Stephen voluntarily go into it for a few years.

But I do feel that a consensus would be a disservice to a passionate and productive census. Thank you for your time.

MR. KEMP: Mr. Parks, I had a -- I have a question or two for you. So you said, if I'm correct, you did not run this election?

MS. PARKS: I did not.

MR. KEMP: So was Mr. Friedman running for the seat that you hold?

MS. PARKS: No, no. Six council members staggered four-year terms. Three people were in the election. Last year was not my turn. Mine's coming up in a year and a half. I'm probably sinking my career right now.
MR. KEMP: And you said that Mr. Friedman was an attorney?

MS. PARKS: Yes, sir.

MR. KEMP: Okay. Thank you.

Any other questions for Mr. Parks?

All right. Thank you for being here.

MR. PARKS: Thank you for your time.

MR. KEMP: Anyone else wishing to speak on this matter?

MR. RAY: Good morning, Mr. Secretary. My time is Chris Ray. I'm the counsel for the respondent. I just did not know if the panel might wish to hear from other complainants before -- before we begin. But you're ready to hear from --

MR. KEMP: Well, we can hold.

Does anyone else wish to speak for the council regarding this matter?

I think you're up, Counselor.

MR. RAY: Good morning, Secretary Kemp and members of the State Election Board. My name is Chris Ray, and I
practice law here in Savannah, Georgia
with the law firm of Oliver Maner. Our
professional address is 218 West State
Street, Savannah, Georgia, 31401.

I have the pleasure and the honor
this morning of representing the
respondent, Mr. Stephen Friedman, in
connection with this matter, and we
very much appreciate the opportunity to
be heard before the board today and to
address these charges, which we, in all
frankness, believe should not move
beyond this board and move to any other
level of investigation or adjudication.

Simply stated, Mr. Secretary and
members of this board, this is not a
case of fraud. This is not a case of
intentional misdirection. This is a
case of an honest mistake by the
candidate, and honest mistake alone
does not rise to the level of criminal
defense of false swearing, which is the
specific issue that's been referred
concerning Mr. Friedman in this case.

We believe that the clear weight
of the evidence in this case reveals
that Mr. Friedman has not violated
Georgia's election laws, and the only
appropriate outcome in the matter is
going to be an outright dismissal, and
that's what we're going to ask the
board to do today at the conclusion of
this hearing.

And Mr. Friedman is here today,
and he will and does wish to address
the board directly, but he's asked me
if I could first give an overview of
the basic facts and the underlying --
the underlying explanation as to why we
believe the evidence against him is so
scant that the case must be dismissed.

Just by way of background,
Mr. Friedman is a native of Savannah
and Chatham County, Georgia. He grew
up here. He spent much of his
childhood on Tybee Island. It's a
place that's special to him as a summer
residence for his family.

He spent much of his professional
life in metro Atlanta, living for most
the last eight years before he moved to Tybee, in Cobb County, specifically in Marietta.

He and his wife had a vacation home on Tybee Island, which they regularly used over the course of their life in Atlanta.

But in the summer of 2014, they made a specific decision and choice that they were going to change their residence and move to Tybee permanently and full time and make Tybee their home for the rest of their lives.

We know this, because on August the 16th of 2014, the Friedmans sent out an e-mail to all of their close friends. The subject line was: Friedmans are moving to Tybee. To our dearest friends, hope the subject line caught your attention. Annette and I have been negotiating to purchase a new house at Tybee, and today the final counteroffer was signed by all the parties.

Our plans are to sell our house in
Marietta and our current house at Tybee
and live full time in the new Tybee
house.

Our house here in Marietta will go
on the market in about two weeks once
some painting and minor repairs are
finished. We have 45 days of due
diligence on the new Tybee house
located at such and such an address
with a closing schedule for October of
'15. The rest of it's personal in
nature.

But one of the measures of
domicile in this state has always been
the clear intent of the individual for
where they wish to go and where they
wish to maintain themselves.

This was an overt act, making
clear to all the world that Tybee was
to be the new homes -- or the new home
of Mr. and Mrs. Friedman.

It may be helpful to see the
course of events in this timeline, and
I'll put that a little closer if I may
to the panel. Thank you, sir. Can
everyone see that?

The summer of 2014, Mr. And Mrs. Friedman engage a real estate agent to buy this new house on Tybee.

On August the 6th of 2014, they send this e-mail that I just showed the panel of their intent to move to Tybee.

In September of 2014, they listed the Marietta house up for sale and actually decamped to their old first house on Tybee, their vacation home.

Now, it's important to understand, and Mr. Friedman will address this himself, when they left this house in Marietta, they took every stick of furniture, every personal possession out of it, because the realtor, instead, wanted them to buy what they call staging furniture to stage the home to make it appear more attractive to potential buyers. It was no longer readily habitable by the Friedmans.

And, in fact, Tybee became the residence that they maintained over that next year, up through and
including the time of this election.

Now, from time to time, the Friedmans did have to return to Cobb County. There were a number of reasons for that.

For one, Mrs. Friedman was under the care of a physician whom she was still seeing in Marietta, and there were times to go up for those visits.

Of the one of the visits that took them back to the Marietta area, in fact, fell around Election Day, November the 4th of 2014, and it is undisputed in this case that Mr. Friedman did vote in Cobb County on November the 4th of 2014.

But the case here today is not about eligibility to vote or ineligibility to vote or correctness of voting or incorrectness of voting.

The case here today is what was Mr. Friedman's knowledge and intent at the time, nearly a year later, in September of 2015 when he filled out his notice of candidacy and represented
to the folks of Tybee that he had, in fact -- and this was truthful -- been living a Tybee for that entire year.

Mr. Friedman will tell you when he has an opportunity to address you, he did not recall, at the time he completed the notice of candidacy, that he had cast this vote in Marietta.

And he will also tell you that even if he had recalled casting that vote in Marietta, it's not clear that he would recommend that it was an impediment to the year-long residency requirement which was established by the notice of candidacy.

And, indeed, this is the document that brings us here today. This is the notice of candidacy which Mr. Friedman was required to submit in city -- in the city of Tybee Island.

And among the representations that do have to be made by any candidate is this one here that says, I am eligible to hold such office. That's actually the only language that specifically
attaches to what the eligibility requirements are, and the residency requirement is in the Tybee city chart.

And it is true, as was stated by Ms. Watson -- and, indeed, by Mr. Parks -- there is a one-year residency requirement under the city charter by which time someone must reside. And, of course, it's measured up to the Election Day.

So in order for Mr. Friedman to qualify, he had to have been a resident of Tybee Island for one year leading up to the actual date of the election, which was in November of 2015.

Now, in this particular case, it was brought to Mr. Friedman's attention on October 26th, he was provided with a copy of his voter record from Marietta. October the 26th of 2015, he was presented with this document which reflected that he had cast a vote up in Marietta in Cobb County.

He immediately, upon being provided with that information, that
same day, Mr. Friedman withdraw his
candidacy, recognizing that it could,
in fact, be an impediment to satisfying
the one-year rule.

And we know that not only because
there was a letter delivered to the
clerk of the city council in which he
posted his resignation, but Mr.
Friedman also posted an e-mail to his
friends on that date.

And I think the substance of this
is very important. The e-mail
reflects, quote, my dear friends, just
a few minutes ago, I submitted my
formal notice to Jan Leviner, Tybee
city clerk, that I was withdrawing from
the 2015 election for Tybee city
council.

I was notified earlier today that
I had voted in the November, 2014
elections in Marietta, Georgia. Upon
receiving a copy of my voting card for
that election, I became aware that as a
part of that voting process, citizens
swear a legal oath that the place they
are voting is their place of legal
residence.

Since my vote was cast on November
4, 2014, I cannot hold myself out as a
permanent resident of Tybee for the
full 365 days required.

From my perspective, once I saw
the document provided earlier today to
my attorney, there was no alternative
but to withdraw.

I sincerely apologize for letting
all of you down. I would never have
done so knowingly. I'm going to spend
just a few minute knowingly.

Tybee policy has reached a very
sad state of affairs. You have my
commitment that I will continue to work
to bring the truth about that to the
citizens of Tybee.

So as soon as he was confronted
with this information, which he will
tell you he did not recall, he
immediately withdrew his candidacy,
recognizing the potential disconnect.

But that, gentlemen, is not false
swearing, and that's what the particular notice that has been sent in this case is about. It's a recommendation to refer Mr. Friedman to the Attorney General's office for possible consideration of criminal prosecution for the false swearing statute.

You heard Mr. Parks, the complainant in this case, he got up here and told you, I'm not looking for a formal charge, but that's exactly what that issue is. That's exactly what the recommendation of the investigative body is, that you should turn this case, which does not involve true/false swearing, because it lacks intent over to criminal prosecution. I beg you not to do that.

This is the statute at issue. Official Code of Georgia, Section 21-2-565, false statement in connection with notices of candidacy in qualifying for party nomination.

Any person -- Sub A, any person
knowingly making any false statement in connection with filing notice of candidacy under Code Section 212-132 or in connection with qualifying as candidate for party nominations under Code Section 21-2-153 commits the offense of false swearing.

The knowing element is a scienter requirement. The knowing element is an intent requirement. And I went back -- because it's interesting to see how courts in Georgia have dealt with this issue.

And I went back to pull some case law and take a look at how courts have dealt with the issue of knowing falsehood in this state have addressed it. And believe it or not, two of the most trenchant and pithy statements I could find are from two 1942 decision of the Georgia Court of Appeals, but they're very insightful.

I want to share them with you very briefly. The essential elements of false swearing consists in one,
willfully, knowingly, absolutely and
falsely swearing under an oath or
affirmation upon matters to which a
party could legally be sworn. On an
oath administered by a person illegally
authorized to administer it -- and this
is the key language -- the intent to
testify falsely and to the falsity of
the testimony must both appear.

Even if we concede, for sake of
argument, that Mr. Friedman was not a
resident of Tybee. I don't necessarily
have to concede it. Let's do it for
sake of argument. Even if that is
true, there is no evidence of intent on
his part to falsify, and that's why
this should not be a criminal
prosecution.

This second piece of language down
here, I think, is also very telling.
The offense consists in swearing
falsely and corruptly without probable
cause of belief, not in swearing rashly
or inconsiderably.

Now, that's an interesting use of
the word inconsiderate. You know, in
our modern term or phrase, we think as
inconsiderate as simply being rude, but
that's not what the Court of Appeals
meant here in 1942.

Their use of the word
inconsiderately means without due
consideration, without properly
thinking and reflecting.

Whether he knew he had voted or
not, he did not know it was an
impediment to his being a resident of
Tybee. He had all of the other indicia
of being a resident of Tybee. He had
moved there. He had set up a PO Box
there. He had his utilities there. He
had announced to the world that that's
where he wished to live. He came into
the foray of trying to join the
political process in Tybee. All of
that is consistent with someone who
genuinely believes they live on Tybee.

When questioned, though, and
pointed out to him, hey, this vote
could be inconsistent with that, he did
the only honorable and reasonable thing
he could do. He immediately withdrew
his candidacy. That, ladies and
gentlemen, is not a criminal act.
That's a person who's to do the right
thing.

Let me leave just one point, then
I'll let Mr. Friedman address you
directly, and it concerns the one-day
issue for Mr. Parks.

I want to go back to the one-day
issue, because I think it's remarkably
important. If we assume, for sake of
argument, that voting in Cobb County
on November 14th, 2014 somehow, for
lack of a better term, reset
Mr. Friedman's Tybee residency clock --
in other words, he's living on Tybee;
he's living on Tybee; he's living on
Tybee -- he votes in Marietta.

If we assume for sake of argument
that somehow that one act obliterated
everything he had done, the bottom line
remains, when he leaves Cobb, he
returns to Tybee as his residence, and
starts the whole process of establishing his Tybee residency again.

If this was a restart, then he only misses by one day by the time the actual election came around. This is not an indicia of fraud, and this is certainly not something for which this gentleman should be criminally prosecuted.

Gentlemen, I'm going let Mr. Friedman address you, if I may, but let me just --

MR. KEMP: Mr. Ada (phonetic), I have a question --

MR. RAY: Yes, sir.

MR. KEMP: -- if you don't mind about your timeline there. Do you know where on the timeline that Mr. Friedman registered to vote in -- in the Tybee district?

MR. RAY: Later in -- later in that year, heading into the 2015 -- I believe into the 2015 timeframe, but I'll -- I can let him address that.

MR. KEMP: Okay.
MR. RAY: I mean, in fairness,
Mr. Secretary, there are all sorts of
things that change over that course of
a year. One must get a new driver's
license. One must register to vote.
He accomplished those things in
statements through 2015.
MR. KEMP: Okay.
MR. MCIVER: Should he have been
allowed to vote in Cobb County if he
wasn't resident?
MR. RAY: That is a fine question.
It absolutely is.
MR. MCIVER: That's a good
question.
MR. RAY: But it's also not the
matter that's referred here today on
this particular --
MR. MCIVER: Agreed. That
could've been a violation of --
MR. SIMPSON: I mean, one of these
statements is false.
MR. KEMP: Well, let me call on
y'all, if you don't -- if you don't
mind. Mr. Simpson?
MR. SIMPSON: Well, one of these statements is false. You know, so you're saying that we ought to forget it, because -- and say the other statement is false rather than the one that we swore to follow.

MR. RAY: The only thing I -- the only thing I can say, Judge, is that the only specific matter that's been referred to him is whether there was a false statement on his candidacy, and we would assert that as to that statement on candidacy, there was no falsehood.

With regard to the statement made on vote, obviously, I'm not here to address that today, nor am I equipped to do so. But all I can simply say is it is clearly mistaken. Whether it rises to level of falsehood or not, I don't know the answer to that question.

MR. KEMP: All right.

Mr. Friedman?

MR. FRIEDMAN: Mr. Secretary,

members of the board, thank you for the
opportunity to speak today. My name is Stephen Friedman, F-r-i-e-d-m-a-n. I live at Number 2 8th Terrace -- 8th Place, excuse me, 8th Place at Tybee Island, 31328.

MR. RAY: Stephen, would you give the board just a very synopsis of your professional background, please?

MR. FRIEDMAN: Sure. And let me -- I going to apologize in advance. Basically, what you're going to hear from me, virtually all of what you're going to hear from me -- you've heard, to some extent, from Mr. Parks and heard from my counsel, but it's important, at least, to me to have the opportunity for you to look me in the eye and for you to hear it directly from me.

So I was -- as you said, I was born and raised in Savannah, Georgia. I went to the University of North Carolina in Chapel Hill where I received an undergraduate degree in psychology.
From there, I went to Georgia Washington University, George Washington University Law School in DC where I was editor of the Law Review and graduated at the top of my class.

From there, I had what can only be described as a very rare and incredible opportunity. I was allowed to serve as the law clerk to Judge Peter T. Fay who was on the US Circuit Court of Appeals. At the time, it was the Fifth Judicial Circuit. Subsequently, it became the 11th Judicial Circuit.

And I would only mention the highlight of my career with Judge Fay, given the topic, we're discussing today. The judge and the Court asked me to write the opinion for the court regarding the cases called Leland versus Buxton.

Going to the question of whether the voting rights' laws, and certain voting right laws, actually at-large voting, are constitutional with respect to the rights of the minority
assistance.

And I'm very proud to say that I was able to write an opinion holding under the circumstances within the case, and that at-large voting was, in fact, discriminatory against the minority population and that which was contrary to the laws of time, and subsequently, the Supreme Court of the United States adopted my opinion. It's a true lifetime (inaudible).

Toward the end of my clerkship, I was recruited by a gentleman named Miles Long Sanders (phonetic) who worked at the law firm Kilpatrick -- back then it was called Kilpatrick, Cody, Rivers & Reinstein (phonetic). I won't spell all those names for you, but subsequently, it's now known as Kilpatrick Stockton.

I did not practice long, for very long. It didn't suit my personality well. I left the practice and moved back to Savannah. I was in Atlanta when I practiced law.
I moved back to Savannah where I worked with my father in the real estate law firm business for about eight years.

At that point, I actually moved back to Atlanta and started a business in my living room. I was a company of one.

And over the following years, I was able to grow that business to have over 350 employees in Cobb County, which I was extremely proud of. Ultimately, my company was acquired by a large publically held company, and I retired to Tybee.

MR. RAY: When did you and your wife decide to move to Tybee?

MR. KEMP: Mr. Ray, the way we do this is we let you speak, and then we'll get another person to speak. We need that person just to speak to the board to keep our transcript right.

MR. RAY: Of course, Mr. Secretary.

MR. KEMP: So if you want to feed
him the questions in writing, that's fine, but --

MR. RAY: I think he needs some addressing.

MR. KEMP: We -- we have no questions about your impeccable credentials, so --

MR. FRIEDMAN: Thank you.

MR. KEMP: -- you know, if you could move on to the matter at hand, I'm sure the board would appreciate that.

MR. FRIEDMAN: Sure. So I'll try to be as brief as I can. My wife and I decided in the May-June timeframe that -- of 2014 that we were going to retire. We were going to return to my hometown.

At the time, we already owned a home on Tybee. It was located at Number 7 10th Court, and we had been using it as a vacation home for our family for, I think, about since 2010. So at the time, that would've been four or five years -- four years.
That home is not large enough to serve as a permanent residence with all the furniture we had, so we hired a broker who lives at Tybee to help us find a place we could buy that would be larger.

She found us a place that we currently reside in. We signed a contract as, I think, the record indicates sometime in July of that year, and subsequently closed in September.

At the same time -- at the same time, I hired hear Harry Norman Realtors in Atlanta, a woman named Judy Funk, and this would've been in August of 2014, to help us sell the house in Marietta that we were leaving.

At the time, the real estate market and, in general -- but particularly the neighborhood that we lived in -- was fairly soft, and Judy recommended to us that we do what they call a staging of the house.

In essence, it's to make it look
like nobody lives, so they require that
you take all your pictures off the
walls, remove the furniture, and they
-- you know, they bring in stuff.

So it was very -- I lived in the
home -- because we continued to stay
there -- in a home that really was no
longer our home. It sounded like a bad
idea to us, so we told Judy, no
problem. We have this house in Tybee.
It's not going to be where we stay
forever, but we own it, on 10th Court.
We'll just go ahead now.

In September of 2014, we'll just
move into that houses, and we did, so
we packed up every stitch of clothes
that we had. We took all of our
pictures off the walls. We had, you
know, personal photographs of our
children and et cetera, et cetera.

Took all -- packed all that up and
moved it to -- moved it to Tybee where
we planned to live.

So, you know, in response to the
question of when exactly -- you know,
I've been asked when exactly did you consider yourself to be a resident of Tybee Island, I don't know that there's a date certain.

But for sure, we decided in May-June. We told our friends in August, and we moved all of our stuff, all of our stuff. Cleaned out the refrigerator. Cleaned out the pantry. We did that in September. So from my perspective in September of 2014, we were residents of Tybee.

Okay. So now for the -- I think the big question on everybody's mind, if you considered yourself a resident of Tybee, why did you vote in the November 4th, 2014 election? I can give you straightforward answer that, you know, in retrospect sounds a little kooky, but it's the truth.

It was an unfortunate but honest oversight. My wife had the doctor's appointment in Atlanta with this foot specialist she was seeing on November the 3rd of 2014. We had
purchased tickets to fly from Atlanta
to San Francisco for a family wedding,
and we were flying out on November the
5th. We weren't going to fly from
Savannah, because the ticket price to
fly Savannah to Atlanta to San
Francisco was just terribly experience.

So we went up on the 3rd. We saw
her doctor. We were in Marietta on the
4th. I had not yet registered to vote
in Chatham County. And apparently,
apparently, I voted in Cobb County.
I -- I can't dispute that, because
there's a signed affidavit to that
effect. We went to the wedding, then
we went back home to Tybee island.

So now I'm living on Tybee Island,
and the question comes, you know, did
you -- when you ran for office, did you
read the qualifications? Did you know,
in fact, what the rules were? And the
answer is absolutely, positively yes.

Mr. Secretary, I heard you were
questioning Mr. Parks was I an
attorney, and I think the implication,
and the correct implication, by the way, is that I'm held to a higher standard because of that, and I have no problem with that.

The answer is I absolutely read the one-year residency requirement, and I had honestly, sincerely but absolutely no recollection, no recollection of having voted in Marietta roughly a year prior.

I knew we had -- my wife and I had, in fact, been living there. We were getting our mail there. We had all of the utility bills there, all the things that one does when one lives in a residence.

Now, was that an oversight? You know, I think the answer is -- in retrospect, the answer is clearly yes.

Okay. So to go to what I've been accused of, which is not of making an honest mistake, which, actually, I'm okay with saying I made an honest mistake. But I'm actually accused of intentionally trying to deceive the
public, and absolutely nothing could be
further from the truth and let me tell
you what to me is the unequivocal
evidence in that.

On October 26th of the election
year 2015, and I've looked it up. It
was at 10:55 in the morning. My
attorney forwarded to me an e-mail that
he had gotten earlier that morning from
the Tybee City Attorney, Mr. Bubba
Hughes, and there was no text in the
e-mail at all. There was just an
attachment, and the attachment was a
copy of my voting card in Marietta,
Georgia.

It took me about 20 seconds to
realize that I had made a mistake. I
called my -- my wife was upstairs, and
I called my wife downstairs. I said,
honey, you and I both though we've been
living here for more than a year,
there's no question about it, but
because I voted on November the 4th,
2014, I cannot hold myself out to the
public as being eligible to be a
candidate 364 days later on Tybee Island. She said she understood.

I immediately typed up a two-or-three-sentence letter of withdrawal that I took to the clerk's office and submitted my withdrawal from the race. And I just think it's important to know that the time at 10:55 that I received that e-mail until the moment that I actually withdrew from the race was less than 30 minutes.

So I would say, I guess, I want you guys to know, I had an honest mistake but an honest nonrecollection of having voted a year earlier in Marietta. The moment, the moment that I discovered that, I immediately withdraw from the race. From my perspective, I corrected my error, and it was my error, yeah.

Now, I have spent my entire life building a career based on honesty, integrity. I can tell you with 100-percent certainty that I would
never, ever, ever do anything to risk
that, and thank you for the opportunity
to speak with you today.

        MR. KEMP: All right. Thank you,
Mr. Friedman.

Any questions from the board for
Mr. Friedman or Counselor Ray?

        I did have one question for you.
Do you know when you registered to vote
here at Ty -- in Tybee?

        MR. FRIEDMAN: I don't -- I --

        MR. SIMPSON: Mr. Secretary, if I
may. I believe it's going to be
March 18th of 2015.

        MR. FRIEDMAN: Thank you.

        MR. KEMP: March the 18th of 2015.

So I guess that would lead to my
question of -- so the election was in
November of '15, correct?

        MR. FRIEDMAN: The election from
which I withdraw?

        MR. KEMP: Yes.

        MR. FRIEDMAN: Yeah.

        MR. KEMP: So did it occur to you
when you registered to vote in March
that you weren't a registered voter of
the district a year before the
election?

MR. FRIEDMAN: There's no
requirement that you be a registered
voter. The law specifically requires
that you be a resident for 12 months.
It has nothing to do with when -- you
can register. You can file your
qualifications and actually register
after that. I don't know why you would
do that, but, technically, you could.

MR. KEMP: Mr. Willard -- I have a
question for Mr. Willard. When you
look at 21-2-217, Number 2, how would
that factor into this situation, in
your opinion?

MR. WILLARD: A(2), Mr. Secretary?

MR. KEMP: Because, I mean, it's
my -- it's my understanding when we're
qualifying -- Mr. Harvey, you can
correct me if I'm wrong, but you've got
to be a registered voter of the
district you live, correct?

MR. HARVEY: You have to be a
resident, so --

MR. KEMP: A resident? Okay.

Yeah, so 21-2-217, Number 2.

MR. WILLARD: Are you referring to A(2), Mr. Secretary?

MR. KEMP: Yes, A(2). I'm sorry.

21-2-217(a)(2).

MR. WORLEY: Are you asking whether voting is performing other acts indicating a desire to change his residency back to --

MR. KEMP: Well, I guess I'm asking more of your opinion on the matter in regards to that versus what Mr. Ray has put before us.

MR. WORLEY: Well, if I may be permitted to can Mr. Friedman a question --

MR. KEMP: Sure.

MR. FRIEDMAN: Sure.

MR. WORLEY: -- because there's -- we've, sort of -- we're talking about both the notice of candidacy as well as there's been some colloquy about the execution of motion in the election.
What was the date that you actually packed up, as you said, every stick of furniture, cleaned out -- the baking soda out of the fridge --

MR. FRIEDMAN: Sure.

MR. WORLEY: -- and moved out?

MR. FRIEDMAN: Sure. Sometime --

I can't give you a hard date, but sometime in September of 2014.

MR. WORLEY: Okay. And was it in the middle of the month? Was it the end of the month? There's -- I'm driving towards something.

MR. FRIEDMAN: Yeah, no. I mean, I understand your question. I don't want to just make up an answer just to satisfy you, okay?

MR. WORLEY: Okay.

MR. FRIEDMAN: It was -- you know, we met -- well, let's kind of go back. It was Labor Day. We listed the house just before Labor Day, I believe, the day before, so it wouldn't have been the first week of September. We were already in Tybee by -- I think it was
the 18th of September when we got our Post Office Box and had our mail forwarded to, so it would've been sometime -- we had to -- if you need a tag on a date, maybe between the 5th of September and the 18th of September.

It wouldn't have been -- it would not have been the end of September. I can say that.

MR. KEMP: Mr. Simpson?

MR. SIMPSON: When you say you moved the stuff out of the house in Marietta --

MR. FRIEDMAN: Yes, sir.

MR. SIMPSON: -- and moved it to your rental house or --

MR. FRIEDMAN: It wasn't a rental house.

MR. SIMPSON: You had to -- I mean, your vacation home; is that where you located?

MR. FRIEDMAN: So we did -- so we did two things.

MR. SIMPSON: You had not moved in the new house you had purchased?
MR. FRIEDMAN: No, the new house was actually under remodeling. We couldn't have moved in.

MR. SIMPSON: All right. So --

MR. FRIEDMAN: There was -- the electricity had been turned off. The --

MR. SIMPSON: When did you move in that house?

MR. FRIEDMAN: The first week of -- first week of, I want to say, February of 2015. I may be off by a couple of days, but the first week of February comes to --

UNIDENTIFIED SPEAKER: So when you say you moved your stuff, you moved it to your vacation home?

MR. FRIEDMAN: No, sir. Well, I mean, to some extent, we're having -- we owned a piece of property, the home in Tybee, which had historically been our Tybee residence.

We decided to move permanently to Tybee, and we already have a home that could be that permanent residence while
our new permanent residence was being completed.

MR. SIMPSON: But you had bought the house that you were going to move into as soon as it was renovated --

MR. FRIEDMAN: That's correct.

MR. SIMPSON: -- before you left Marietta?

MR. FRIEDMAN: That is correct.

MR. SIMPSON: And that was going to be your permanent residency?

MR. FRIEDMAN: Well, after we moved out of our other permanent residence on Tybee, that was going to be our new permanent residence on Tybee.

MR. SIMPSON: Well, you were telling us that you have a permanent residence on Tybee and a permanent residence in Marietta?

MR. FRIEDMAN: No, sir, no. Sir, to some extent, we're a little bit parsing words, and I don't mean to do that with you. But it's important, because it's the truth. We had a
vacation. Home when the real estate
agent told us what she was going to do
with our house, we had to have a place
to live.

We had made, before that time, a
decision to move to Tybee on a
permanent basis, so we said, literally,
to the real estate lady, right, we
said -- when she told us what she
wanted to do, we said, that's not
problem. We will move to our house
that we already own on Tybee, right?
So in that sense, if you want to figure
it that way, you could say, well, the
vacation home became our permanent home
once we actually moved into it on a
permanent basis.

MR. SIMPSON: Did you -- when you
voted in Marietta --

MR. FRIEDMAN: Yes, sir.

MR. SIMPSON: -- and signed a
residency statement --

MR. FRIEDMAN: I did.

MR. SIMPSON: -- you knew you
weren't living in Tybee Island --
MR. FRIEDMAN: Right. So --

MR. SIMPSON: -- right?

MR. FRIEDMAN: Right. So it's interesting, I mean, again --

MR. SIMPSON: Where were you living at that moment when you since that register?

MR. FRIEDMAN: I was living on Tybee Island.

MR. SIMPSON: So -- so the statement you made in order to vote in Marietta was false?

MR. FRIEDMAN: I -- I would no say that, sir.

MR. SIMPSON: What wouldn't you say that if you didn't live there?

MR. FRIEDMAN: Sure. I think it was an honest oversight on my part. Very candidly, again, if you want the -- the blunt answer to your question.

When -- on October the 26th, 2015, when I received a copy of my voting card from the lawyer who get to it from the City attorney, the very first things I did was read it, read it very
carefully, and I said to myself and
then, subsequently, to my wife, oh, my
God, I signed an oath in Marietta that
was inaccurate. Okay. Yeah.

Now, wait -- wait a minute. I
have to say, I don't know how many of
you, when you go to vote, you walk in,
you sit down, the nice man or woman
sitting behind the counter says, show
me your driver's license, sign your
name here, put your date and go get
your card, and that is what I did.

If what you're saying, sir, is
that I made an honest mistake, I would
agree with you. If what you're
suggesting is that I intentionally,
intentionally undertook to deceive
anyone about anything, I would have to
say, I will just dispute that till the
cows come home.

MR. SIMPSON: Are you a mem --
member of the state bar at present?

MR. FRIEDMAN: No, sir, I'm not.
I actually became inactive about 30
years ago.
MR. SIMPSON: Sir?

MR. FRIEDMAN: I became inactive about 30 years ago.

MR. SIMPSON: So you're not a member of the state bar?

MR. FRIEDMAN: I am a member of the state bar. They have two statuses.

MR. SIMPSON: So you're an inactive member?

MR. FRIEDMAN: I'm an inactive member of the state bar, yes, sir.

MR. KEMP: Mr. Friedman, I have another question for you. So when you voted in Cobb in November, did you still have your homestead exemption with the Cobb County house?

MR. FRIEDMAN: In 2014? Sure, because your homestead exemption runs January 1st to December 31st no matter what. Your homestead exemptions in Georgia are established as of January the 1st.

So we were living in the home on January the 1st of 2014 all the way till September of whatever of 2014.
MR. KEMP: Do you remember when
you changed your homestead exemption
when you took permanent at Tybee?

MR. FRIEDMAN: I -- I remember it
very, very clearly. So the first day I
was eligible to change my homestead
exemption was January the -- probably,
the 1st, they were closed -- the 2nd or
3rd, whatever the first business day
was of January, 2015.

And that week, I went in to the
Chatham County, I think, it's the Board
Assessor's Office -- wherever it is
that you go fill out your -- and I
said, hi, I'm here to apply for my
homestead exemption. And they said, no
problem. I said, but by the way, my --
my -- the valuation of my home is
higher, the tax -- the tax is higher
than what I paid for the house, and I
had a copy of my closing statement and
all that I could show them.

They said, fine, no problem. But
if you want the Stephens-Day, all the
rest going on -- on Tybee, you have a
Stephens-Day Exemption for people with permanent residence. Does that ring a bell? Okay. So she said, if you want to get the value that you actually paid as your value for Stephens-Day, you can't file for your homestead exemption today.

Go back -- the end of the homestead-exemption period, when they close the books, was the last day of March. She said, come back here any day from April the 1st forward. And, in fact, I think came in, I think, it was on April the 2nd or April the 3rd and filed for my homestead exemption.

MR. KEMP: All right. Any other questions for Mr. Friedman or Mr. Ray from the board?

MR. WORLEY: I don't have a --

MR. KEMP: Mr. Worley?

MR. WORLEY: -- question, Mr. Secretary, but I just need to recuse myself in this case. I didn't realize that when I read the report. But based on some of the testimony here today,
I'm recusing.

MR. KEMP: All right. Let the record reflect that Mr. Worley is recusing himself.

Anything else from the board?

All right. Thank you, gentlemen for being here.

MR. FRIEDMAN: Thank you, sir.

MR. RAY: Thank you.

MR. KEMP: Anyone else wishing to speak on this matter?

All right. Any other discussion by the board? Do we have a motion?

MR. MCIVER: Have a question for Mr. Willard.

MR. KEMP: Mr. Mciver to Mr. Willard.

MR. MCIVER: To the extent that the investigation conducted by the Secretary of State's Office did not include any issues with respect to his voting in Cobb, which, in my judgment, raises some questions at 21-2-560 and 561.

In binding this over, would you
have the authority to look at that?

MR. WILLARD: No, Mr. Mciver.

MR. MCIVER: Because of the notice issue?

MR. WILLARD: Because of the notice in terms of -- you know, it's one thing that it's a course of conduct or a factual scenario, and the investigation staff has just set over a recommendation as to certain elements, whether they're state election board rules or code provision, concerning the exciton of the notice of candidacy.

But when you start talking about violations concerning the voting in 2014, that was not noticed. It would be -- there's not anything sufficient in the investigative report to put the respondent on notice of those issues.

MR. MCIVER: All right. Well, that's predicate over my concern. I wasn't anticipating such a skillful answer.

But I'm very guided by Ray's remarks about intent with respect to
the Tybee Island issue. My motion, if
I'm provided the opportunity to do so,
will reflect that.

However, I'm very concerned about
the voting in Cobb, and I guess that
must be clear from my earlier
questions.

So I guess I would ask the chair,
if I were to propose a motion that we
send this back for further
investigation with respect to the
voting in Cobb and then, similarly, my
motion would deal with the dismissal of
the recommendations made by the
investigative group with respect to
21-2-565(a), I assume that would be a
proper motion in your view?

MR. KEMP: I'll -- I'll yield to
Mr. Willard, but I -- I don't even know
that we would have to have a motion to
do investigation on the -- on the
latter.

But you can certainly -- I don't
think it would be appropriate,
Mr. Willard, or inappropriate.
Do you think, Mr. Willard?

MR. WILLARD: If the board's druthers are to send them back for further investigation, I think they can move to send it back. I don't think you need to bifurcate it and move to dismiss the 565 allegations now.

MR. KEMP: Just to --

MR. WILLARD: Just sent back for further investigation.

MR. MCIVER: They can be done on the same motion?

MR. WILLARD: Yes. Well, if --

MR. KEMP: Don't -- he's saying don't bind over -- I mean, don't dismiss on one and send it back on another. If there's some questions, just send the whole thing back. We'll take the -- you know what I mean?

Mr. Simpson?

MR. SIMPSON: I think there's a lot that we don't know. I think Mr. Ray's presentation has been effective. He's raised a lot of issues that we don't know the answers to.
I think that the way to flesh this out and to find out -- because I think he's raised a lot of issues maybe that the investigators did not consider.

So I think the way to flesh all of this out is to get to a just resolution is to bind it over and let the Attorney General flesh out these allegations as well as the issues that Mr. Ray has raised.

MR. KEMP: So would that -- would that be including the voting in Cobb?

MR. SIMPSON: No, I think that that --

MR. KEMP: That's --

MR. SIMPSON: That would be another matter. That if the election's office wants to look into that, I think they can do that on its own, but I would -- I would think there would be information coming out of the investigation of the alleged issues, which would shed light on the situation in Cobb.

And so for that reason, I think
the best thing for us to do without --
or without acting in the dark is to
bind this over.

And I'd make it a motion.

MR. KEMP: All right. Mr. Mciver,
did you want to add anything else,
because I know you were wanting to make
a motion, yourself? I hate to cut you
off, but we did have -- we did have a
motion by Judge Simpson. But before I
could get a second, I feel like I ought
to give you the opportunity to weigh in
if you'd like.

MR. MCIVER: Well, no disrespect,
but I think we need to determine
whether or not there's a second for
this motion.

MR. KEMP: I --

MR. MCIVER: I'm certainly not
intending to second it.

MR. KEMP: All right. Do we have
a second? All right.

Hearing none, the information
fails to get a second.

Do you have anything else, Mr.
Mr. Mciver?

MR. MCIVER: Mr. Willard, I'm --
I'm a fan of bifurcation on an issue
like this, so I would move to dismiss
the matter before us which deals with
21-2-565(a), and in doing so, I intend
to follow with a motion that would ask
that the investigation be reopened with
respect to the voting in Cobb, and that
that be then referred to the AG.

MR. KEMP: But right at the
moment, you have a motion to dismiss?

MR. MCIVER: That's correct.

MR. KEMP: All right. All right.
We've got a motion to dismiss. Do we
have a second? That motion dies for
failure to have a second.

Any other discussion or perhaps
Mr. Worley can weigh in with a motion.

MR. WORLEY: No, I've -- I've
recused myself.

MR. MCIVER: He recused himself.

MR. KEMP: Oh, that's right. I
apologize.

MR. MCIVER: We're not going to
let him do that. We ought to ask him
why he recused himself.

MR. KEMP: Did you have a -- did you want to make your second motion,
Mr. Mciver?

MR. MCIVER: Yes, sir. I -- I will move that the -- we, the board,
request that Mr. Harvey's group,
through their investigative arm --

MR. KEMP: I believe Mr. Lewis now.

MR. MCIVER: All right. Well, I have no problem with Mr. Lewis. That they investigate the entire matter of whether or not the voting in Cobb County by -- in this case, the respondent, in the matter before us in any way violated the code.

And I would refer you to, among others, 21-2-560 and 561 and any others that you might find.

MR. KEMP: So Mr. Mciver, just to make sure the chair understands, your motion is to include the Cobb voting, plus the issue at hand, just continue
the current investigation as well?

MR. MCIVER: That's fine with --

MR. KEMP: Or send it back. That way we're still in --

MR. MCIVER: I'm -- I'm willing to include that in my motion --

MR. KEMP: All right.

MR. MCIVER: -- with the extent there's anything else for them to find.

I think we've heard a lot here today and --

MR. LEWIS: Mr. Chairman, can I interject --

MR. KEMP: Yes, sir, Mr. Lewis?

MR. LEWIS: As we looked at this case, you know, that was presented to us, the affidavit for candidacy issues, that was one of the -- to me, as far as the charge in this investigation, having to deal with the certificate of vote in Cobb County, so we gave Mr. Friedman the benefit of the doubt in the move in not knowing exactly when the move occurred and him still being a registered voter in Cobb County.
He did not register to vote in Tybee Island. That is why he wasn't cited for the voting in Cobb County, because we felt like he was still a resident and still there. Swore that he was a resident and still in the process of moving his residency in Cobb County, just as some insight as to why we did not cite for voter certificate.

MR. MCIVER: Well, in all candor, I think that's a shortcut if that's --

MR. LEWIS: Yes, sir, I understand that. I'm just offering the explanation, sir, as to why it went in that direction.

MR. MCIVER: Okay. That's fine.

MR. KEMP: All right. So we've got a motion. Do we have a second?

MR. SIMPSON: Second.

MR. KEMP: Mr. Simpson seconds.

Any other discussion? Hearing none, all in favor of the motion, signify by saying aye. (An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.
That motion carries, and we'll send that back for further investigation.

Thank y'all for being here.

MR. RAY: Thank you, Mr. Secretary. May we be excused?

MR. KEMP: Yes, sir.

Mr. Parks, thank you for being here today.

It is 12:14, so we'll adjourn for lunch, and we'll start back promptly at 1:15.

Do we have any matters of executive session, Mr. Willard, that we need to discuss?

MR. WILLARD: Yes. I believe that we do need to discuss the matter (inaudible).

MR. KEMP: All right. So do we need to vote to go into executive session?

MR. WILLARD: We do.

MR. KEMP: Do we have a motion to enter into executive session over our lunch break?
MR. WORLEY: So moved.

MR. SIMPSON: So moved.

MR. KEMP: Mr. Worley moves. Mr. Simpson seconds. Any other discussion?

Hearing none, all in favor signify by saying eye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

We have moved to go into executive session, and we will you-all back at 1:15.

(Lunch break.)

MR. KEMP: Let me call the State Election Board, the Tuesday, June 28th, back into order.

Our first order of business, we have to have a motion to come out of executive session. I'll be glad to entertain that.

MR. SIMPSON: I'll move.

MR. MCIVER: Second.

MR. KEMP: Mr. Simpson moves, and Mr. Mciver seconds the motion to come out of executive session.
All in favor, signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we are now back into our regularly scheduled meeting. I've been -- been told that the -- we've got cases that no one was here this morning that we're going to take up now.

And it's my understanding that someone's here for the Appling County case. I'm going to call that first, which is Number 22 in our binder.

Ms. Watson and Mr. Lewis, I'm not sure who's got that one, the Appling County, 2015, Number 40.

MR. WATSON: Yes, sir. Case Number 2015-40. The complainant was Michael Barns with Allstate University, and he reported that the gym server in Appling County was connected to the internet on July 29th, 2015.

Mr. Barns took possession of the
gym server to perform an audit of the
machine and replaced the gym server.
The investigation reveals the election
supervisor for Appling County requested
permission to move the server from the
Appling County Courthouse to the new
election's office.

During the move, the gym server
was plugged into the internet, and the
audited sheet revealed no unusual
content in the machine.

We recommend Appling County Board
of Elections, Donna Guard, election
supervisor be bind over to the AG's
office for State Election Board Rule
183-1-12-026(e), access to gym server.

By inadvertently connecting the
gym server an internet port, this could
have comprised the security of the
server and allowed others to access the
election process.

MR. KEMP: Any questions for
Ms. Watson? Anyone wishing to speak?

Yes, sir, if you'll just come up
to the mic and give us your name and
your address for the record, please.

Welcome.

MR. CANE: Thank you, sir. My name is Roy D. Cane. I'm the chairman in Appling County. Y address is 8425 Zoar, Z-o-a-r, Zoar Road, Baxley, 31513.

And as was pointed out, this was in judgment to move from an election's board. The server was moved with permission from the courthouse to the courthouse annex.

And I would just add to the findings this, that there was a -- the old way of doing things was the dial-up connection from the server to the Secretary of State's office. And so when were making the change, made a diagram, I think they inadvert - erroneously interpreted a telephone connection to a need for that connection and erroneously connected.

The occasion for Mr. Barns being there was our request for certification. It had not been placed
and used at that time, or turned on, we believe, in that current location.

And so the beginning the whole purpose of the exercise was moved from one location to another, moved from the Probate Judge superintendent to an election's board to throw ourselves on the mercy of the Court.

MR. KEMP: Thank you, Mr. Cane, for being here. We appreciate your service as a board chair. I'm sure you can identify with the concern that we have --

MR. CANE: Absolutely.

MR. KEMP: even though it was by mistake being hooked up to the internet --

MR. CANE: Sure.

MR. KEMP: and that is something that is very concerning. But I -- I appreciate you being here today to own up to the -- to that.

Anybody have any questions for Mr. Cane?

All right. Anyone else wishing to
speak?

Thank you.

Do we have a discussion recommendation? I think the recommendation was to bind over, I believe.

MR. MCIVER: So moved.

MR. KEMP: All right. Mr. Mciver moves that we bind over to the Attorney General's Office. Do we have a second? Okay. I will I would second Mr. Mciver's motion, because I think -- as I said earlier, I appreciate you coming. I think this is serious, and I think it can help to send a message to everyone when they're moving that you've got to pay close attention and due diligence.

And I think it's something that the Attorney General's Office can work with the county on to reach an order that will make sure that that is a signal, strongly, but also recognize that the county realizes the mistake that was made, so it's not going to
happen again, Mr. Chairman?

MR. CANE: To the best of my ability, it won't.

MR. KEMP: All right. So we got a motion and a second. Any other discussion, or anybody have a different thought?

Hearing -- hearing none --

Mr. Willard, you're looking confused down there.

MR. WILLARD: Mr. Secretary, I would just ask the investigative staff what provision and if there's a type of -- I think you're referring to 183-1-12. That's .02(2)(e).

But what provision of 2(e) is violated by plugging it into the internet?

MR. LEWIS: Overall, in speaking to the site that was listed in particular court, the -- the board rule specifies the security of the gym server, and that particular site indicated the best possible in line with what occurred in this case.
There's no wording of actual
internet connectivity, but the overall
security of the gym service, itself,
protecting that information.

MR. WORLEY: And I agree that (e)
talks about physical security of the
gym server by placing it under lock and
key in a room of limited access, the
gym server.

But that -- you're saying it's,
sort of, the intent under the rule for
taking security to the gym server;
therefore, plugging it into the
internet violates, at least, the spirit
of the rule.

MR. LEWIS: That's my
understanding.

MR. KEMP: All right. We got a
motion and a second. Any other
discussion?

Hearing none, all in favor signify
by say aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.
MR. SIMPSON: No.

All right. That motion carries on the 31 vote with Mr. Simpson voting no, so that will be bound over to the AG's office.

Thank you, Mr. Cane, for being here.

MR. CANE: Thank you.

All right. Let's see. I believe -- didn't we have someone here for the Waycross case? Are they still here?

Are y'all here for a specific case?

MR. FERGUSON: I'm Jerome Ferguson.

MR. LEWIS: He's here for the AG calender.

MR. KEMP: Oh, okay. Sorry.

Anybody else here for a specific case?

Okay. Very good. I just didn't want to keep anybody waiting if I can get you out of here quicker.

All right. We'll go back to the
top of the cases we have left. So
Effingham County, Number 16 in our
binder, that's 2014 14, Case Number 31.

    MR. LEWIS: Yes, sir. Mr.
Secretary, there's a hearing reported
that he received the wrong ballot when
he went to vote May 20th, 2014 during
the general primary election in
Effingham County.

    Mr. Herring completed the vote
sheet indicating his selection for a
republican ballot but was given voter
access party coded with a nonpartisan
ballot.

    Mr. Herring did cast the cast
ballot tab in an attempt to change
screens, but it actually cast his
ballot.

    The voter certificate did show
that Mr. Herring had selected a
republican ballot, but the poll worker
accidentally selected nonpartisan
instead what his choice was.

    Mr. Herring reported the issue to
the poll worker, but was advised that
once the cast-ballot button was pushed, they cannot correct the issue.

   During the investigation, it was learned that Mr. Herring refused to return the voter access card to the poll workers. The sheriff's department was called and dispatched to the scene. And even in the urging of the sheriff's department, Mr. Herring refused to return the voter access card.

   We have been able to try -- to contact Mr. Herring upon receiving the complaint in this case to obtain the voter access card from Mr. Herring. He advised that he had it, but when -- he later indicated that he had lost it, so the voter access card was never recovered.

   We recommend that Effingham County, Olivia Morgan, election supervisor and Juanita Scott, the poll manager and Donya Fryer (phonetic) be bound over to the AG's office for the illite violation of State Electric Board Rule 183-112.02(4)(b), and also
that Joseph Herring to be bound over for Violation of 21-2583, removal or destruction of election supplies and conveniences.

MR. KEMP: Any questions for Mr. Lewis? Anyone wishing to speak? I assume that Effingham County was noticed.

MR. LEWIS: Yes, sir.

MR. KEMP: They're right up the road. I'm surprised they not here.

All right. No one wishing to speak? The recommendation to bind everyone over, do we have a motion?

MR. MCIVER: Move.

MR. WORLEY: So moved.

MR. KEMP: All right. Mr. Mciver, and, I think Mr. Worley took the punch, so I assume that he'll --

MR. WORLEY: I second it.

MR. KEMP: All right. Got a motion by Mr. Mciver, a second by Mr. Worley to bind everybody over.

All those in favor, signify by
saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That's motion carries me to bound that over.

Our next case, a new case, Number 2014, Number 38. It's Jeff -- jeff Davis County absentee ballot case,
Number 17 in our binder.

MR. LEWIS: Yes, sir. Mr. Secretary, Rhonda Merchant, a candidate for the county commissioner's office in the May 20th, 2014 primary in Jeff Davis County reported that several voters who she helped get absentee ballot applications, and they never received their ballot. Four letters indication that their applications were rejected.

In all, she gave us nine names of individuals that she had helped complete absentee ballot applications who had not received their requested ballot.
The election documents were obtained, and it was determined that seven out of the nine individuals were mailed absentee ballots. Two of those seven were returned as undeliverable with incorrect addresses.

Four did not complete the ballots or failed to return them. We don't know which.

One of the individuals went to vote in person but forgot they had requested an absentee ballot and could not locate it until it returned to the election officials, and decided not to vote on their own.

The remaining two applications were rejected and not registered and mailed a rejection letter to the individuals.

During the review of the election documentation, the election's office could not provide an absentee ballot application for one of these individuals who's name is Margaret Dennis.
There were no violations found in regards to the original allegations that were presented to us, but we recommend that a letter of instruction be used to the Jeff Davis Board of Election and Registration, and Christy Riner (phonetic), relation's supervision, for violation of 21-2500, and they failed to maintain the records of absentee ballots.

MR. KEMP: All right. We've got a let -- a recommendation for a letter of instruction. Any questions for Mr. Lewis? Anyone else wishing to speak in regards to this matter?

Hearing none, do we have any other discussion or motion.

MR. SIMPSON: We issue a letter of instruction.

MR. KEMP: Any second?

MR. WORLEY: Second.

MR. KEMP: All right. Moves to issue the letter of instruction. Mr. Worley seconds. Any other discussion?

Hearing none, all in favor signify
by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.
That motion carries.

If the board doesn't object, we do have someone here for one of the Attorney General report consent orders.

So if you wouldn't mind, I'd like to get Mr. Willard to go ahead and call that case or that -- yeah, that case, so we can get these folks on the road.

MR. WORLEY: Well, I was going to ask, Mr. Secretary, does the board want to pull any of them? Because we normally do these by consent.

MR. KEMP: Yeah. I'll need to ask that. Which case are they here for?

MR. WORLEY: The first one, Mr. Secretary of Michael Burns.

MR. KEMP: Yeah, actually, I was wanting to pull that.

MR. WORLEY: All right.

MR. KEMP: So if you wouldn't mind just give us the details on that. If
y'all don't mind, we'll go ahead and
move that.

Number 29 in our binders, the Case
Number 2012-108.

MR. WORLEY: You have a situation
where you had a permanent resident
alien who was permitted to register to
vote in Fulton County, and actually did
vote in 1996. This is not an
individual who ever checked yes on the
citizenship box. This is a situation
where Fulton County election officials
failed to properly read the form, and
realized that he was not eligible to
vote.

So Mr. Ferguson got issued a
registration card and voted in 1996 in
Fulton County. He had a residency
change, and his voter registration was
switched to Dekalb County. And, once
again, Fulton and Dekalb didn't flag
that he had checked no on his
citizenship, and he was permitted to
and 2010 elections in Dekalb County.
And in 2012, he was called in for jury duty and reported that he was not a citizen at which point he was flagged in the system, and the investigation began.

You have a situation where Mr. Ferguson has completed the citizenship process except for the swearing in. He's awaiting the swearing in, so he is going to become a citizen.

But given the age of the registration and the fact that Mr. Ferguson had never tried to denote that he was, in fact, a citizen, when he either registered to vote or voted, our attorney had negotiated a consent order that falls for a cease and assist, a public reprimand and a $500 fine.

In addition, Mr. Ferguson is here. He's more than happy to answer any questions from the board and to express his regret of what has taken place up to this point.
MR. KEMP: Mr. Ferguson, you want to address the board?

MR. FERGUSON: Sure.

MR. KEMP: Just come on up to that mic right there, and give us your name and address for the record, please. Welcome.

MR. FERGUSON: Nigel Ferguson, 1102 West Chase Lane, Unit Number 637, Apartment 637. It's in Atlanta, Georgia.

Exactly what -- can I --

MR. WILLARD: All right. I'm sorry. I'm not Van Johnson. I'm Mr. Willard.

 MR. FERGUSON: But what he said happened, but when I was graduating from high school, actually, someone filled out the first form for me. And that's the part where I didn't know the American law as far as voting, and I thought I was doing the right thing, and perhaps I was actually doing the wrong thing.

And onto the part where he said I
-- I -- 2012, I think, when they sent
me to -- the jury duty summons, you
know, and the assist part, of course,
is much more, and I know the law a
little bit better.

And I call and told them I'm not a
citizen, so there's no way I can be on
a jury, and that's when the whole
situation started to unfold.

And, of course, I have applied for
my citizenship. I've done everything.
Just waiting for the swearing-in date,
and that's about it.

MR. KEMP: Thank you for being
here.

Any questions for Mr. Ferguson?
Mr. Mciver?

MR. MCIVER: And what country do
you hail?

MR. FERGUSON: I'm sorry?

MR. SIMPSON: From what country do
you hail?

MR. FERGUSON: Which country do I
hate?

MR. KEMP: No, where are -- where
are you from?

    MR. FERGUSON: Oh, Cape Knot (phonetic).

    MR. KEMP: Cape Knot.

    MR. WORLEY: But, remember, Mr. Mciver, at the time, he was a permanent-resident alien, of he was a resident of the United States. Just not a citizen.

    MR. MCIVER: Right.

    MR. FERGUSON: Yeah.

    MR. KEMP: Any other questions for Mr. Ferguson?

    Thank you for being here.

    MR. FERGUSON: Thank you.

    MR. KEMP: All right. I'll say the reason I wanted to pull this off is I didn't know from the two longest serving members of the board if we hand precedent for how we dealt with situations like this and, you know, the amount of the fines or what have you. I just thought it would be worth discussing, but I'm good with whatever the board thinks.
MR. MCIVER: Well, I think that fine is in the range of fines.

MR. KEMP: Okay. All right. Any other discussion?

Hearing none, do we have a motion to accept the consent order or --

MR. SIMPSON: So moved.

MR. MCIVER: Second.

MR. KEMP: Mr. Simpson moves to accept the order. Mr. Mciver seconds.

Any other discussion?

Hearing none, all -- all in favor,

signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we'll accept the consent order.

Thank you for being here today, and good luck on your swearing in.

MR. FERGUSON: Y'all have a good day. Thank you.

MR. KEMP: All right. We'll back to our investigative report cases. I believe we got the 2015, Number 9,
Wayne County, City of Odum, which is Number 21 in our binder.

MR. LEWIS: No, sir. We need to go back up to Long County, I believe.


MR. LEWIS: Yes, sir. The Long County Board of Election's member, Trisha Smith Johnson, reported that multiple poll workers were working in the July, 2014 run-off with no formal training.

On the day of the July, 2014 run-off, two poll workers called in and said that they cannot work. In response, Ms. Hamilton called in individuals to fill those vacancies.

One of the poll workers did not have up-to-date training, and the other poll worker had not received any training at all.

While this situation is not ideal,
the Election Code 212-99(b) does allow
for the appointment of poll workers to
fill vacancies that arise on Election
Day.

As a result of these Election Day
shortages, it was determined that from
6 a.m. to 8 a.m., there was only two
poll workers in two different locations
within the voting districts.

Following a technical violation in
this case did occur, we believe Ms.
Hamilton did everything she could give
given the circumstances presented to
her on Election Day.

There was no documentation to
suggest, in our investigation, that any
of the electors were inconvenienced at
either poll location.

Our recommendation would be, at
most, a letter of instruction in this
case against Long Count or issued to
Long County Board of Election and
Registration, Carrie Hamilton. But I
believe it would also be appropriate
for the board to consider dismissing
the case altogether.

MR. KEMP: Any questions for Mr. Lewis? Any else wishing to speak on this case?

MR. MCIVER: I do.

MR. KEMP: Mr. Mciver?

MR. MCIVER: She did all she could do, right?

MR. LEWIS: Yeah, yes, sir.

MR. MCIVER: What else would we expect of her? Had she had a pool of trained people, I would understand that.

MR. LEWIS: Right. If she had somebody else on call that she could've called in, theoretically, I would --

MR. MCIVER: But she didn't.

MR. LEWIS: Right.

MR. KEMP: Anybody else got a motion?

MR. MCIVER: I move for a letter of instruction. I think it's important we continue to send this message throughout the state. It seems to be the least of what we might do.
MR. KEMP: All right. We've got a motion for a letter of instruction. Do we have a second?

MR. SIMPSON: Second.

MR. KEMP: Mr. Simpson seconds.

Any other discussion?

Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we'll issue a letter.

All right. Now we're moving to Wayne County, correct, Mr. Lewis.

MR. LEWIS: Yes, sir.

MR. KEMP: 2015, Number 9, Number 21 in your binder.

MR. WATSON: It's the city of Odum in Wayne County. City of Odum was having an election on November 3rd, 2015, but failed to publish an ad know, by the public for qualifying fees.

The ad about qualifying fees should've been posted by February 1,
2015. The ad was published on February 14th in the Press Sentinel.

The city clerk for the city of Odum, Karen Howard, advised that the deadline went by.

We recommend Karen Howard and the city of Odum be issued a letter of instruction regarding 21-2-131(a)(1)(a), fixing and publicizing of qualifications.

MR. KEMP: What was the recommendation; do you know?

MR. WATSON: It was a letter of instruction.

MR. KEMP: All right. Any questions for Ms. Watson?

All right. Hearing none, do we have a recommendation? I mean, we've got a recommendation. Do we have a motion? What -- what was the thinking -- I know -- I think we talked about binding over or a letter.

MR. SIMPSON: Yeah, we've -- we've had some other situations today that were, sort of, iffy that we bound over.
For example, the one that we bound over where the election person did not know about the change of the law, and it was a new change of the law.

MR. LEWIS: That's correct.

MR. SIMPSON: And she hadn't been advised of that or was not aware of it. We bound that over, too. I think this is just as important as that, and I -- so only for that reason, I -- to be consistent when I make a motion to, you know, bind it over.

MR. KEMP: All right. Before I take a second, let me just ask, is there anyone else wishing to speak in regards to this? I want to give an opport -- no, I should've done that already.

Okay. Hearing none, so judge Simpson movies that we bind over. Do we have a second? I would second. Any other discussion?

Hearing none, all in favor signify by saying aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we bound that over.

All right. So we're on the 2015, Number 40, the Appling County Gym Certification. Is that -- no, we already did that. I'm sorry. We already did that. Okay.

MR. WATSON: The City of Waycross.

MR. KEMP: 2014, Number 15 -- I'm sorry, 2015, Number 91, City of Waycross, which is Number 27 in our binder.

MR. WATSON: Yes. The complaint alleges that John Tindol took a photograph of the ballot that he cast while he was inside the voting compartment, and posted the image on his Facebook page.

Mr. Tindol was running for a commissioner seat in Ware County in the November, 2015 general election. The investigation revealed that Mr. Tindol advised that he did take a photograph,
and did he post it on his Facebook page, and he was not aware of the code section, and immediately took the posting down.

And we recommend a letter of instruction be issued to John Tindol, councilman, City of Waycross for violation of 212-413(e), conduct of voter.

MR. KEMP: Any questions for Ms. Watson? I assume this is consistent with other Facebook postings in the past.

MR. LEWIS: No, sir.

MR. KEMP: Any other questions? Anyone else wishing to speak in regards to this matter?

MR. WATSON: The complainant, I sent an e-mail that should've been forwarded to be completed, also.

MR. SIMPSON: Haven't we bound over a photograph on Facebook before?

MR. WILLARD: Not for several years.

MR. MCIVER: Sent them all
letters.

MR. WILLARD: Not for several years.

MR. SIMPSON: Okay. I thought I remembered binding them over.

MR. KEMP: All right. Any other discussion? Anyone wishing to speak?

All right. We want to have a motion?

MR. WORLEY: I move that we send a letter of instruction to Mr. Tindol.

MR. KEMP: All right. Mr. Worley moves for a letter of instruction. Do we have a second? I'll second. Any other discussion?

Hearing none, all in favor,

signify by saying eye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries.

That's got us for all of our investigative reports, so we'll move onto the rest of the Attorney General report cases.
Has anybody on the board had anything they want to pull out? Does any -- I was just going to get case 2012-201 pulled out. It's Number 32 in our binder and just to ask a quick question, but -- so we'll pull that one out.

Does anyone else in the audience wishing to hear anything on the rest of the remaining cases?

All right. Hearing none, Mr. Willard, do you want to give us a quick synopsis on the loss of the case?

MR. WILLARD: The loss in the case, you have a legal permanent resident who was serving in the US military. She maintenance she received a packet of information from EDS, and, apparently, she did check that she was a US citizen.

So we have actually done a negotiated consent order that calls for cease and assist, a public reprimand and a $500 fine for her registering in that instance, because she did
actually, affirmatively, check she was a US citizen.

She did not actually vote in any election. She just registered.

MR. KEMP: All right. I just had the same question on this. Whether this was consistent with the others.

MR. MCIVER: I -- I believe it is.

MR. KEMP: Okay. All right. Does anyone else wish to speak on this matter?

Hearing none, do we have any other discussion or a motion to accept? I would move we accept.

MR. SIMPSON: Second.

MR. KEMP: We've got a motion by the chair to accept and seconded by Judge Simpson.

Any other discussion?

Hearing none, all those in favor signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries.
And then we've got Case 2012-144;
2013, Number 29; 2011, Number 88 that we can vote in a consent fashion to accept the orders in the Attorney General's report.

MR. WORLEY: Mr. Secretary, I move that we accept the remaining consent orders for the Attorney General.

MR. KEMP: All right. Mr. Worley moves. Do we have a second? I'll second. So we got a motion and a second to accept the rest of the consent orders in the Attorney General report.

Any other discussion?

MR. MCIVER: Just wanted to ask Mr. Willard. In your view, are these -- the results of these consent orders that have been negotiated, are they consistent with our past practice?

MR. WILLARD: They are.

MR. MCIVER: Thank you, Mr. Secretary.

MR. KEMP: All right. Thank you. So we got a motion and a second.
All in favor, signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we have accepted those consent orders.

So we have one bid of new business that we'd like to bring up, and Mr. Willard, I just want to make sure that I'm doing this properly.

So under the new business of the agenda before, we adjourn, we need to take up an issue, and I can let Mr. Germany speak to that. Would that be correct?

UNIDENTIFIED SPEAKER: Well, you know, and I apologize. Just make sure we've got all our I's dotted and T's crossed. If you would take a motion to add an item to the agenda --

MR. KEMP: Very good.

UNIDENTIFIED SPEAKER: --

regarding Mrs. Feeman (phonetic) and if the board so chooses to add to the
agenda, at that point, you would ask
for a recommendation.

MR. KEMP: So would that motion
need to be that we -- someone would
move -- move to add an agenda regarding
the discussion we had in executive
session dealing with subpoenas?

UNIDENTIFIED SPEAKER: It would.

MR. SIMPSON: Make the motion.

MR. KEMP: All right. Mr. Simpson
makes the motion to add the agenda item
dealing with the subpoenas that we
discussed in executive session.

Do we have a second?

MR. WORLEY: Second.

MR. KEMP: Mr. Worley seconds it.

Any other discussion?

Hearing none, we're voting to add
the agenda item.

All those in favor, signify by
saying aye.

(An affirmative vote was cast by
saying aye.)

MR. KEMP: All opposed, same sign.

We have now added the agenda item,
and I assume it'd be okay to call Mr. Germany to speak to that?

MR. WILLARD: Well, it's never okay unless it's not him.

MR. KEMP: Strike that from the record.

Mr. Germany?

MR. GERMANY: Thank you, Mr. Chairman. Brian Germany, general counsel, from the Secretary of State's office.

On behalf of the investigations division, the Secretary of State's Office is conducting an investigation on Case Numbers SEB, 2015-085. Title, Dekalb County districting issues.

It has to do with the hills (phonetic) referendum election in Dekalb County. Pursuant to that investigation, the investigation division would like to view the election and terms that are kept at the Dekalb County Superior Courthouse.

We would like to ask the board to authorize the Secretary of State as a
chairperson, on the State Election
Board, to issue that subpoena to the
Dekalb County Superior Court to view
the returns of that election.

What was the date of that
election? The November --

MR. LEWIS: November, what was it?

Chris Hayden?

MR. KEMP: Six, wasn't it?

MR. WATSON: Six.

MR. GERMANY: November 6th.

MR. KEMP: All right. Any
questions for Mr. Germany?

Hearing none, do we have a motion?

MR. SIMPSON: So move we issue a
subpoena as requested.

MR. KEMP: I think Mr. Worley beat
you this time, Mr. Simpson.

MR. SIMPSON: Oh, okay.

MR. KEMP: So Mr. Worley -- would

you like to second?

MR. SIMPSON: I'll second.

MR. KEMP: All right. Mr. Worley
moves to direct the Secretary of
State's Office to issue subpoenas for
the election returns to the Dekalb County Superior Court for the Lavista Hills November 6th, 2015 election.

Mr. Simpson seconds. Any other discussion?

Hearing none, all in favor, signify by say aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and we will get to the business of that work.

I believe that that concludes our business here today in the great city of Savannah. I, again, want to thank the mayor and the council and Martin Sullivan for their hospitality today.

I want to thank our security for a great job that he has done looking after us.

And if there's nothing else from the, board I'll entertain a motion that we adjourn.

MR. WORLEY: So moved.

MR. MCIVER: Second.
MR. KEMP: All right. Mr. Worley moves. Mr. Mciver seconds for adjournment.

Any other discussion?

Hearing none, all in favor, signify by saying aye.

(An affirmative vote was cast by saying aye.)

MR. KEMP: All opposed, same sign.

That motion carries, and I hope everybody has a safe trip back. Thank you.

(The proceedings were concluded at 2:15 p.m.)
CERTIFICATE

STATE OF GEORGIA:

CHATHAM COUNTY:

I, Pamela V. Mizell, Certified Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

____________________________
Pamela V. Mizell  CCR
Notary Public, B-1853
Savannah, Georgia
DISCLOSURE

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter.

I was contacted by my office of Coastal Court Reporting, Inc. to provide court reporting services for this deposition.

I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b).

I have no contract/agreement to provide reporting services with any party to the case, any counsel in the case or any reporter or reporting agency from whom a referral might have been made to cover the deposition.

I will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

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Date: June 28, 2016

Pamela V. Mizell, CCR, B-1853
THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF THE:

STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

TUESDAY, DECEMBER 13, 2016
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
TUCKER, GEORGIA 30085
770-414-9071
APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Rebecca N. Sullivan, Board Member, Georgia State of Election

Brian P. Kemp, Chairperson, State Election Board, Secretary of State, State of Georgia David J. Worley, Board Member, Georgia State of Election

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Sr., Chief Investigator, Investigations Division, Secretary of State Office

M. Frances Watson, Investigations Supervisor, Investigations Division, Secretary of State Office

Chris Harvey, Elections Director, Secretary of State Office

Cristina Correia, Office of the Attorney General, State of Georgia
MR. SECRETARY: Good morning, once again. I'm going to officially call the Tuesday, December 13th, State Election Board meeting to order. Our first order of business on our agenda will be the invocation and the pledge. So if you will pray with me, I will lead us in the invocation and the pledge.

INVOCATION
PLEDGE OF ALLEGIANCE

MR. SECRETARY: Allright. Next agenda item is we've got two sets of minutes to approve from previous meetings. The first one was our Tuesday, June 28th, 2016 meeting. Do we have a motion to approve or amend?

MS. SULLIVAN: So moved.

MR. WORLEY: Second.

MR. SECRETARY: Ms. Sullivan moves that we approve. 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. That motion carries and we have approved those minutes. The next meeting was the special-called State Election Board meeting on July 22nd, 2016. Do we have a motion to approve or amend?

MR. WORLEY: So moved.

MS. SULLIVAN: Second.

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

(No response)
MR. SECRETARY: Hearing none, all in favor of approving those minutes signify by saying "aye."

(Whereupon the vote was unanimous.)

MR. SECRETARY: All opposed same sign and that motion carries as well. Our next agenda item is our public comment period. As I said earlier, unrelated to our case agenda today we have -- and we've got a couple of people -- we will put those up but to get us started, first is Nicholas Granger. So if you would just come up. Just come on up. We will give you this mic. Well, you can stay right there if you would like. What we need you to do, if you don't mind, is give us your full name and your address for the record and then you will have two minutes to speak with us.

MR. GRANGER: Nicholas Granger, 44 Pryor Street, Atlanta, Georgia 30307.

UNIDENTIFIED SPEAKER: I think he's a little nervous.

MR. SECRETARY: You don't have to be nervous. Just tell us what is on your mind. You want us to come back to you in a minute?

MR. GRANGER: Yeah.

MR. SECRETARY: All right, we'll do that. Annette Salavantz? Did I pronounce that correctly?

MS. SALAVANTZ: (Inaudible) Do you want me to stand? This is my first time doing this.

MR. SECRETARY: You can if you would like. You are welcome to stand.

MS. SALAVANTZ: So I'm here as a mother. As a woman. As someone whose parents left a country to live in a democratic nation and I'm really concerned about what I'm hearing in the news in terms of the tampering of our election and I want to know what's being done about it. I want to know if
democracy exists, why it matters. What can I count on you guys for. That's my comment.

MR. SECRETARY: Okay, thank you very much. Okay, Molly Dailey?

MS. DAILEY: Right here. I don't think my mic is working.

MR. SECRETARY: Yeah, it is going to be hard for me to use the mic. We are going to have to get you to come up. You can use the wireless mic.

MS. DAILEY: My name is Molly Dailey. I'm from Marietta, Georgia.

MR. SECRETARY: If you don't mind, just give us your name and address for the record.

MS. DAVIS: My name is Molly Dailey. My address is 899 Power Spring Road, Southeast, Apartment C-15, Marietta, Georgia 30067. I am here today to ask you to please reconsider an electoral vote for Donald Trump. Please abstain from allowing a demagogue to lead our country. In light of recent (indiscernible) with Russia, I implore you to reconsider the intended purpose of the electoral college. Additionally, I have a comment for Secretary Kemp regarding status of his inquiry to the Department of Homeland Security regarding the recent (inaudible). Thank you.

MR. SECRETARY: Thank you very much for being here. I would just note for any of you who may be here today, this is normally a quarterly-type meeting that we have of the State Election Board. This has nothing to do nor do any of the board members serving on the State Election Board -- we have nothing to do with the electoral college vote that will occur -- that's going to be this coming Monday which will also be in the State Capitol. But that's a completely separate meeting and issue. Just so you'll know that.

UNIDENTIFIED SPEAKER: Excuse me. Is that meeting a public meeting?

MR. SECRETARY: That is a good question. I'm not real sure.
I believe it is but I don't want to give you a hundred percent answer on that. Okay, Chris Malone? You can come on up.

**MR. MALONE:** Hi, my name is Chris Malone. My address is 1016 Howell Mill Road, Apartment 1210, Atlanta, Georgia 30318. First, I'd like to thank you for giving us the opportunity to be able to have a public comment here and even though I understand that nobody on the board is one of the electors for the electoral college, I would still like to encourage everybody on the board because I feel that your presence -- basically, you guys have a lot more say if you were to talk to any of the electors than we would and I strongly encourage you to talk about what it means to be able to vote in the electoral college. It was established so that you can make sure we don't have anyone who has foreign ties leading this great country. To be able to make sure we don't have anybody who is a demagogue and also to be able to have someone who is able to provide us with a competent and great administration. I feel that Donald Trump is not able to provide us with any of those. So I strongly encourage you guys to talk to our electors and see if you can persuade them to either vote for another Republican or abstain from voting. Thank you very much.

**MR. SECRETARY:** Thank you for being here. Okay, Lee Ash or Leah?

**MS. ASH:** Hi, good morning. My name is Leah Ash. My address is 934 Grandview Way, Acworth, Georgia 30101. I am kind of restating some of the others. I assume all of the comments are going to be along the same line here, which is just publicly being able to state that a lot of us feel like our nation is in the middle of a crisis right now. Although I truly believe that Hillary Clinton is the candidate that the electoral college's vote should go towards, if our electoral college is unable, for whatever reason, to cast their vote based on party values, based on whatever for Hillary Clinton, I would like to publicly implore them to cast their vote for Mitt Romney and save us from Donald Trump for the good of our nation and in keeping with the job of the electoral college, which is to save us from an unqualified
candidate who would eventually damage our entire democracy. Thank you very much.

MR. SECRETARY: Thank you for being here. Let's see here, Louise Lastic. Did I say that right? I'm sure I probably didn't.

MS. LASTIC: You did. Louise Lastic, 100 Christophers Run, Alpharetta, Georgia 30004 and I'm here today as a mother of three, also as a businesswoman. I feel that our country is going the wrong way. I think it is very important that we take care of all Americans. I don't like the separation that this election has created and I think it's time to fight and I agree that if we cannot have a delegate vote for Hillary Clinton, then just abstain from doing that. So I just feel it's time to take back our country and the popular vote is what won. Thank you.

MR. SECRETARY: Thank you very much. Okay, Georgia Von.

MS. VON: I'm Georgia Von. 1446 Thompson Road Alpharetta, Georgia. I am imploring to please speak on behalf of us. I'm an American citizen and I really want to stand up for us and investigate and get all the answers to what is going on. We have so many questions and we would like to have answers because it just seems so blurred and I just challenge you to represent all of us. Thank you.

MR. SECRETARY: Thank you very much. Cary Tucker?

MS. TUCKER: I'm Cary Tucker. You can find me at 4000 Dunwoody Park in Dunwoody, Georgia. I am here as much as anybody else. I'm concerned about the electors and want to thank you for letting us come in and speak our minds. I am asking and imploring you to talk to the State electors that you have in power to just please not allow Donald Trump to become our president. The issues with the Russian involvement and the hackers has me very concerned mostly because, from what I understand of the incident is, basically he did not comply with whatever these hackers wanted but the RNC did and I find that to be deplorable. If
there is anything that we can do, just let us know. Thank you for letting us speak our mind.

MR. SECRETARY: Thank you. Alan Tucker.

MR. TUCKER: Good morning, my name is Alan Tucker. I also live at 4000 Dunwoody Park Dunwoody, Georgia, Apartment 1004, 30338. Thank you for having this commentary. I would also like to say, like many of us here, to register my very sincere concern about the direction this country is headed and the greatness of the vote the electoral college is about to make and why I sincerely respect the position and the power that is vested in the electoral college and the very odd position that we're in right now. I would ask to truly do the electoral duty and look at the constitution of the United States, especially, what the electoral college is intended to prevent and to my mind and to the minds of many others we are very concerned that Donald Trump does not match those requirements. News articles seem to be (inaudible) more every day. So thank you for your time. Thank you for this public comment.

MR. SECRETARY: Thank you. Gina Trugman.

MS. TRUGMAN: Hi, I'm Gina Trugman. I live at 3070 Greensbe (phonetic) Way, Alpharetta, Georgia 30009. I'm a mother and have four children and they're adopted from -- two from Hendorus, two from China. My youngest daughter has already been told to go back to her country. I'm very concerned about the divisiveness that Donald Trump has brought to this country and I don't think that not being the average white person does not make you not an American. My kids should be treated exactly like every other kid and have a future in this country.

I'm also concerned about his financial ties to Russia and Turkey. We don't know whatever country is going to come up in the next few days. There should be a full investigation because we don't want somebody controlling our country that has ties to another country that could potentially harm our country. We need to make it safe for everyone not just this generation but every generation and generations to come.
And also I'm concerned because every person that he has appointed to a job or position is the exact opposite of what that job requires. So we have to take care of the environment. We have to take care of health care. We have to take care of kids going to college because if all our kids went to college, this country would be awesome. We would be correcting everything. We'd have new alternatives to energy. We'd have medication that doesn't kill our bodies; it would actually heal them and we need to make sure that's what is done. So please talk to the electoral voters because if they vote for Trump, it's all just going to go downhill; it's just not going to go for the better and we owe our children the best and our grandchildren and our great-grandchildren. Thank you very much.

MR. SECRETARY: Thank you. Holly Smolen.

MS. SMOLEN: Hi, I'm Holly Smolen. I live in 919 Ormewood (phonetic) terrace Atlanta, Georgia 30316. I am here for the first time. I just came to voice -- there are two things that are top of mind for me under the current election. One is the ongoing investigation of hacking into the election this year and I would encourage everyone sitting up there to be active and vigilant about how that's going and to monitor how that has impacted the elections office. Secondly, since the election, I have been thinking a lot about the current state of immigration and the fact that Georgia has one of the worst records for granting amnesty. I don't know if this is the time or the place but that has been very top of the line of the incoming administration's opinions of goods of immigration and even cracking down a bit more. So, I appreciate everybody's time.

MR. SECRETARY: Thank you. Okay, Megan Surpen.

MS. SURPEN: Hello, my name is Megan Surpen. My address is 803 West Howard Avenue Decatur, Georgia. I'm here to just add one more voice to implore to anyone who has an ear of the electors to pass on to them that they should abstain from voting for Donald Trump.
MR. SECRETARY: Thank you very much. Gretchen Jacobson.

MS. JACOBSON: Good morning, my name is Gretchen Jacobson. I live at 1046 Delaware Avenue Southeast in Atlanta 30316. First of all, I would like to thank you for having this open comment period especially because I think many of us are here to comment on things that are specifically about the meeting of the electoral board. One thing has changed a little bit of what I was going to say here but since we are talking about the Georgia Electoral Board, my understanding is that one of the things you're responsible for is keeping honesty, integrity and safety in the election process. To keep the election fair and to give all citizens the ability to properly vote, should they choose to.

Having said that, in a more global standpoint we have heard much comments in this election cycle about foreign influence and involvement in our election process, about the corruption of voting machines, voting machines not being properly maintained so even if there was not a serious possibility of vote mishandling, that they are not kept in proper working order. So there can't be problems with people's votes not being properly counted or attributed.

Also, I want to continue to urge the election board to check the integrity of the voter box. That they are properly done. To resist the jury meandering and the redrawing of districts for political gain of either parties or any parties and that polling places be open in locations that are easy for all voters to reach. I noticed that there was a huge uptick [sic] of early voting this year and I've heard many stories of very long lines of people not being able to -- well, being able to vote but having to wait for extremely long periods and I think we also need to address that because most of those early polling places were not open on the weekend it seems or it was one day --

MR. SECRETARY: Ms. Jacobson, your time is up. So if you can wrap it up.

MS. JACOBSON: All right, thank you very much.

MR. SECRETARY: Next we have Rachel Patzer.

MS. PATZER: Thank you so much. My name is Rachel Patzer.
My address is 312 Gordon Avenue Atlanta, Georgia 30307. So, I'm here today. I'm a mother of two. I'm a professor at Emory University. I'm a teacher and I'm actually an independent voter. I've voted for Republicans and Democrats and Libertarians, so. I'm here because I have some of the same concerns that many the others have but my main point I would like to make is around evidence and facts. I would urge those in this room to consider getting bipartisan facts supporting demand that we get a briefing from the CIA about potential for foreign involvement in our elections. When we voted on November 8th, we assumed this was a failure. We had all the information available that this is a fair election process. I think there's a lot of evidence that, that has not been the case. So, I would ask, -- before the electors go and vote on December 19th that we have a security briefing -- bipartisan security briefing on this matter. Thank you so much for all of you.


MR. FORTUNE: Hi, my name is John Fortune at P.O. Box 808 Decatur, Georgia 30031. I've come to speak regarding the insecurity of our election system. I'm a computer professional. I programmed and consulted for some 20 years and I'm sorry to inform you all that our election system is completely insecure and instead of security being a word applied to it, it should be described as porosity in Georgia. There have been over twenty hacks documented by a team of the particular voting machine we use here in Georgia, the people TTS (phonetic) and you can get a copy of that report and if you're willing to risk being charged with a felony, you could change the results in entire counties or across the state. We've tried as a multiparty coalition to introduce bills year after year to address this problem. This problem has been known for quite some time by all Secretaries of State going back to Kathy Cox. We've introduced into the record here at the State Election Board multiple times the conviction papers of Jeffrey Dean (phonetic) who was the lead programmer at the company that subsequently became Diebold Election Systems. He was convicted of, I believe, seventeen counts of sophisticated computer fraud before he became employed at the company that subsequently became Diebold Election Systems. There is no
excuse for retaining such a porous and easily hacked system in this state --

MR. SECRETARY: Mr. Fortune, your time is up. So, if you can wrap up?

MR. FORTUNE: In 2006 multi-partisan efforts wrote a bill called SB 591. I look forward to working with Secretary Kemp, Governor Deal and good legislators from all parties to try and get this bill passed to resolve the inherent insecurity of our voting system.

MR. SECRETARY: Thank you very much. Next, we have Jane Washburn.

MS. WASHBURN: Hello, my name is Jane Washburn. My address is 3201 Henderson Mill Road Atlanta, Georgia 30341. As far as I'm concerned this is not a partisan issue. I have nothing against the Republican Party. Nothing against the Democratic Party. Nothing against the Libertarian or anybody else. This is about the integrity of the republic and of the constitution. The purpose of the electoral college as outlined by Alexander Hamilton in Article 68 of the Federalist papers, his rationale for the electoral college was as a final check to prevent someone from taking the office of the President of the United States -- a final check to prevent someone from taking office, who is clearly unqualified and has conflicts of interest, has ties to foreign nations that may be hostile to the United States. This is a historic moment. This is the first time in US history -- and I think that says a lot for us as a country. This is the first time in US history that this function of the electoral college can and should be invoked. Thank you very much.

MR. SECRETARY: Thank you. Next we've got Triona James. Hope I said that right.

MS. JAMES: Yes, you did. Good morning, I am the current reigning Miss Georgia and we've met before like earlier in the year and thank you. I want to say first and foremost thank you for allowing us to have a voice and continue to have a voice in the state of Georgia and to this open forum.
I am here and I concur with most of the sentiments and expressions that I've heard today with everyone. One, I implore the electoral college to take a look at everything. I have no problem with Republicans, Democrats, Libertarians, Green party or any of them other parties. I just want everyone to be informed. In order for us to make an informed decision, we need to be informed. We need to have the whole picture and I just feel like the picture is not being presented to the powers that be in order for them to understand what the American people are saying. I think that not just the minority vote but I think that our votes are being suppressed. I think what the people are saying -- the powers that be are saying is that our vote doesn't count.

What I'm afraid of is that people will -- this next election 2018 when we go back to the ballot box or 2020, that people will say what's the point, I'm not voting, the powers that be, they are just going to do what they do. My grandmother voted for the second time in her life. She's 93 years old and she was like yeah, I'll go, I'll register to vote but what's the point and that's what I'm afraid of. Afraid that our democracy is under attack. That our vote won't matter and that's why I'm here. Look at the whole picture. Look at the Russian ties.

Look at the fact that the President-elect has not released his tax returns in order for us, as American, to see what those ties are. So not only that but just look at the whole picture. I have the Dwarfin (phonetic) report. I have copies for the electoral college on the Dwarfin (phonetic) report and I want to be able to present that as well. I have enough copies for everyone. Thank you so much.

**MR. SECRETARY:** Thank you. Okay, Rosemary Kimbell.

**MS. KIMBELL:** Hello, my name is Rosemary Kimbell. I reside at 3015 Wildcat Bridge Road Bryson, Georgia 30662. I'm here again expressing my concerns to you. I know that you probably are able to speak with the electoral college better than us and I want to thank you for giving us the opportunity to come on. I believe that Donald Trump is not a leader. Since he has been campaigning, hate crimes in
this country have gone up by 35 percent. Many of my friends who have never been affected by hate crimes are being told to go back to their country or being dealt with rudely at stops and stoplights in downtown Atlanta. We're all experiencing things that we never had to experience in our lifetime and that is a result of this man's rhetoric and his condoning this type of language and behavior and it is unacceptable. It's not American and this isn't the leader that we need running our country or being a leader of the world. So, thank you for your time.

MR. SECRETARY: Thank you. Okay, Kelly Edwards.

MS. EDWARDS: Hello, my name is Kelly Edwards. I live at (indiscernible) Georgia. I'm here, like most of the people who have spoken up, to register my concern. I believe that what's happening with this election, particularly the very recent allegations or finding by the CIA, that it seems that there was a very distinct involvement on behalf of one of the candidates for president. Looking into times before us, it has happened before where the popular vote and the electoral college did not meet and come to a safe conclusion. It's never happened before with such a large margin even accounting for the population shift in growth. The electoral college's purpose is to protect Americans, not to necessarily side with any party and I just wanted to register my concern. I hope the electoral board of Georgia would be able to go forth with that purpose. Thank you.

MR. SECRETARY: Thank you. All right, Mr. Granger, you're our last speaker, if you were to take advantage of those two minutes. Just give us your name and address again. You can do it.

MR. GRANGER: Nicholas Granger, 44 Broad Street Atlanta, Georgia 30307. I don't really -- I want to say I don't like Trump nor do I like Hillary. I don't like either one at all. I was surprised that Trump won. I guess this is really about the electoral college but it's more about like, -- it's a good thing there are people here and that they are actually trying to change something and that is a good thing instead of just, like, protesting. Protesting is a good
thing but the way people have been doing it isn't very good. Thank you.

**MR. SECRETARY:** Thank you, sir. Appreciate you being here. Okay, thank you—all for being here.

We are going to move on to the rest of our agenda now, which is our investigative cases. For those of you that may be here for the first time, which I suspect many of you are, this board takes their work very seriously. The matters before us come from an array of activity in complaints that we get either from citizens from local election boards or from investigations that are started through the Secretary of State's office on things that we are seeing in doing our work in the field.

The first part of our investigative report are consent cases. The consent cases we will vote on in block for a recommendation of dismissal of these cases. These are things that our investigators have looked at, found that there is not enough evidence for violations, no violations were found and we are recommending that these be dismissed. So, if you want to stay and see how this board operates, we'd love to have you. If you do not and you would like to leave, you're welcome to do that. I would appreciate it if you would do that as quietly as you can. We will only vote in block on these cases unless somebody has an objection. So if there's a member of the public, anyone who was involved in this case, if there's anybody on the State Election Board, that wishes to pull one of these cases out, we'll hear the formal presentation from the Secretary of State's investigators; if not, I will ask for a motion for dismissal. So at this time is there anyone in the audience that would like to pull off any of the consent cases?

**UNIDENTIFIED SPEAKER:** City of Cleveland.

**MR. SECRETARY:** We're going to pull off SEB case 2016-002. The City of Cleveland. Anybody else?

(No response)

**MR. SECRETARY:** Anybody else on the board that wishes to pull off a case?
MR. WORLEY: Mr. Secretary, I'd like the pull off three of the cases at tabs five, six and eight. Those are 2014-028, DeKalb County case. 2014-045, Fulton County and 2014-067, Oconee County.

MR. SECRETARY: Mr. Worley asks to pull three cases out and we will do that. Anyone else?

(No response)

MR. SECRETARY: Just so you-all know, we have continued the first consent case, which is the Madison County registration case, which is 2012-042 for anybody that may have had an old agenda. Okay, we are going to pull off those four cases and what we'll do right now is I will take a motion to dismiss the following cases on our consent agenda which is 2014-027, 2014-062, 2014-095, 2014-102, 2015-056, 2016-021, 2016-037, 2016-049, 2016-053, 2016-055, 2016-074, 2016-098. Do we have a motion to dismiss those in block?

MR. WORLEY: So moved.

MS. SULLIVAN: Second.

MR. SECRETARY: Mr. Worley moves to dismiss. 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 and that motion carries and we have dismissed those cases. The first case we'll call today is the State Election Board case number 2014-028 which is a DeKalb County issue. All right, Mr. Lewis.

MR. LEWIS: Mr. Secretary, on July 3rd, 2014 Owen Walker (phonetic) filed a complaint with our office regarding
(indiscernible) request of a Republican ballot during the general primary election on May 20th, 2014. According to Mr. Walker the clerk began to (indiscernible) and challenged him on the type of ballot that he wanted to vote. Mr. Walker went and voted at the precinct. He failed to select which ballot style he was requesting. Poll worker Dorothy Strozier (phonetic) informed Mr. Walker that he had not selected the party ballot that he wanted to vote and in doing so Ms. Strozier asked if he was sure as he marked the choice for Republican ballot. Mr. Walker expressed that he felt that because he was a black man requesting a Republican ballot that the clerk asked him if he was sure when he made his election, was offensive to him. The poll manager was made aware of the situation and counseled Ms. Strozier about how that was not proper protocol or training. Maxine Daniels, the Elections Director for DeKalb County, was also contacted and she indicated to us that Dorothy Strozier was terminated from being a poll worker following this incident because she did not follow proper training protocol.

It is our recommendation that DeKalb County take appropriate action in addressing this issue. Furthermore, we recommend that no further action be taken and that the case be dismissed.

MR. SECRETARY: Anyone else here wishing to speak in regards to this matter? (No response)

MR. SECRETARY: Any questions from the board for Mr. Lewis? (No response)

MR. SECRETARY: Hearing none, do we have a motion?

MS. SULLIVAN: I'll move that case be dismissed.

MR. SECRETARY: Ms. Sullivan moves for dismissal. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: Mr. Worley 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 and that motion has carried. Next we have 2014-045, which is a Fulton County case. It is number six in our binder.

MR. LEWIS: Yes, sir. University of Georgia police department reported that Pierre Mortamast (phonetic) had registered as a voter in Georgia as a part of a scheme to gain in-state tuition for his daughter. University of Georgia PD brought this case to our attention as part of their investigation and provided information to the Secretary of State's office regarding Mr. Mortamast's purchase of a condo in Georgia. He obtained a Georgia driver's license. He registered to vote, has accounted structured taxes in the state of Georgia as well as provided from his employer saying that he had been given a job in Georgia when he was currently en route to move there. This was all done in an attempt to get in-state tuition for his daughter in the state of Georgia. Mr. Mortamast was charged at the local level with theft by deception, phony or false statements in Athens-Clarke County. He pled guilty to one count of theft by deception and entered into a pretrial diversion on October 14th of 2015.

We recommend that no further action be taken by the board because this issue has been adjudicated at the local level in Athens Clarke County and that the case be dismissed.

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak in regards to this matter?

(No response)
MR. SECRETARY: Do we have a motion?

MR. WORLEY: I would move we refer this to the Attorney General's office. Frankly, I think this is too serious an infraction to let the respondent get away with him merely pleading guilty to the charges he pled guilty to and not prosecuting him for the election code violation. I mean, essentially, this person engaged in behavior to cheat the voters of this state out of the thirty-seven thousand dollars in tuition payments and I think it's something that we need to follow up on and take seriously.

MR. SECRETARY: Mr. Worley moves that we bind over to the Attorney General's office. Let me ask a question before we get a "second". Mr. Lewis was your thinking not to bind over because of the double jeopardy issue?

MR. LEWIS: Yes, sir, that's been our position in the past. When we have cases adjudicated at the local level on issues similar to what comes before the board in an administrative process, then we would not pursue the case that has been prosecuted criminally.

MR. SECRETARY: Mr. Correia, do you have any enlightening information in regards to that?

MS. CORREIA: That has been the board's practice in the past not to refer a case that has been prosecuted criminally.

MS. SULLIVAN: I have a question, Mr. Secretary. What would be any consequences that might be available if we were to refer this to the Attorney General's office. It seems like there has been restitution in this case and he has been criminally prosecuted. I assume that any further consequence would be a civil fine.

MS. CORREIA: Exactly.

MR. SECRETARY: Mr. Lewis, have we had any discussions with the respondent about the meeting. I mean, I don't guess he is here.
MR. LEWIS: I hadn't had any communication with them. All parties were noticed in accordance with the rules.

MR. SECRETARY: All right, Mr. Worley has a motion. Do we have a second?

MS. SULLIVAN: I'll second this motion.

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

(No response)

MR. SECRETARY: Hearing none, all in the favor of referring to the Attorney General's office signify by saying "aye."

(Whereupon the vote was unanimous.)

MR. SECRETARY: All opposed same sign and that motion carries and we have referred that case. Next up we have 2014-067, which is number eight in our binder.

MR. LEWIS: Mr. Secretary, this was the reported case of Mr. Tim Echols (phonetic) had been seen with an absentee ballot with one of his sons. Mr. Echols did, in fact, take the absentee ballot for the son to deliver it. Mr. Echols returned with the absentee ballot for his son who then delivered it himself once he was notified that he was not allowed to possess someone else's ballot. On June 15th of this year, the Attorney General's office issued an opinion that simple possession of another voter's absentee ballot does not constitute a violation of 21-2-574 as we had Mr. Echols cited in this case.

In light of that opinion, we recommend that this case be dismissed with no further action by the board.

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter?
MR. SECRETARY: Seeing none, do we have a motion?

MS. SULLIVAN: I'll move that the case be dismissed.

MR. SECRETARY: We have a motion 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 and that motion carries. Our last consent case is 2016-002. The City of Cleveland, which is number twelve in our binder.

MR. LEWIS: Yes, sir. Russ Mone (phonetic) reported that he believed the voter registration list for the city of Cleveland, that he was provided with by White County Board of Registration, contained erroneous information and specifically incorrect addresses on deceased individuals. Mr. Mone also reported that White County Register's office did close early on October the 25th, 2015. Some of the letters that Mr. Mone sent to us that were returned to him were addresses that did not have mail receptacles eliminating the physical address and they were undeliverable by the post office. Our investigator (indiscernible) seven of those locations and found that all of the addresses matched the physical addresses listed on the Georgia voter registration system list that he was provided. There was no evidence that we could find to locate any deceased individuals on the list. In regards to his allegation about White County Register's office closing early, Ms. Lisa Manning (phonetic) did go home early one day sick but there were two other individuals in the office that were trained
on how to handle voter registration applications should the need arise.

We felt that there was insufficient evidence to pursue any violation to the elections code in this case and we recommend that it be dismissed.

MR. SECRETARY: Any questions for Mr. Lewis from the board?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MR. MONE: I would, please.

MR. SECRETARY: Come right here. We will give you this mic and again if you'll just give us your name and address for the record.

MR. MONE: My name is Russ Mone (phonetic) and I live at 177 Old Clarksville Road in Cleveland, Georgia 30528. I appreciate the board allowing me to come and speak. My concern is that our voter registration list for White County and specifically Cleveland is grossly incorrect and we discovered that -- or I discovered that as a result of my election campaign running for mayor in 2015.

I purchased a voter registration list for the city of Cleveland from the Secretary of State's office. Paid sixty dollars for a list and I've got the record of where I purchased that, thinking that list would be accurate and correct. I could be dramatic and dump all these that were returned to me out on the table here or you can just look in the box and see that over 25 percent of the mailings that I sent out based on the addresses and the voter registration list are incorrect. There are also people on the voter registration list that do not live in Cleveland or White County. The probably most famous one is Xavier Roberts (phonetic). Xavier Roberts is still on the voter registration list at the original Babyland (phonetic) address location on Underwood (phonetic) Street and he hasn't lived in White County for over thirty years. So it
seems strange to me that our voter registrar up there should not be held accountable for having an accurate list.

In good faith, again, I sent out seven hundred pieces of mail as a political situation and got over 25 percent of them returned to me. Now, the election board is not responsible for the actions of the post office and the post office tells me that they will not send anything unless it is to the official address that the postal patron has registered with the post office. Well, my question is, on the voter registration list which I also have a copy here, there's two address boxes and one says street name and the other one says mailing address. Does the statute not provide for the voter registration office to obtain both of those addresses? If it doesn't then I might as well go sit down but I couldn't get anybody to tell me when I called and asked. I got the letter from Mr. Lewis saying that it was going to be a recommendation to be closed after a year because this was, of course -- I did this in November of 2015 with no violations.

Our voter registrar in White County needs somebody to provide some training or background or oversight to her. I couldn't even get anybody to tell me who she reports to. I asked about Garrison Baker (phonetic) who is the Probate Judge in White County and I was told no not really, she doesn't really report to him. So, if she's charged with maintaining a list for the state of Georgia to be accurate and correct she is not doing her job. Now, I'm not out for Ms. Manning's (phonetic) job or anything because -- and this isn't an issue of voter fraud and or irregularities at the polling place except if the poll workers are supposed to ask for correct mailing addresses and physical addresses, they're not doing that in White County because it didn't happen in this last election in 2016.

I've got things that were returned to the mayor of Cleveland -- this was just within the city of Cleveland and three thousand people roughly and the mayor's mail was returned. So that means that his mailing address is not either on the list or incorrect and people that have lived in Cleveland over sixty years that did not get this information that I mailed out. So again, that's not the fault or anything to do with the election board unless the voter registration list is supposed to be accurate and correct. What does the statute say about allowing someone
that doesn't live within the city limits for over thirty years to still be on the voter registration list?

So I challenge this statement from Mr. Lewis that there are no violations. To me that seems like a violation and it also puts doubt and mistrust if we can really trust our registration system and our voter system. My wife has been telling me forever that the voting machines are not correct and I stood up and said yes they are, you're being ridiculous but, you know, with stuff like this who knows. You can't count on something being correct. So at a minimum, this board should at least send out some kind of reprimand to Ms. Manning for the inaccuracy of the list and I frankly would like my sixty dollars back because this list was worthless. Thank you.

(Laughter from the gallery)

MR. SECRETARY: All right, does the board have any questions for Mr. Mone?

(No response)

MR. SECRETARY: All right. Thank you, sir. Mr. Lewis?

MR. LEWIS: Yes, sir.

MR. SECRETARY: Can you go back over some of the allegations here and what your investigator found?

MR. LEWIS: In regards to the addresses that Mr. Mone provided sample letters to, the investigator (indiscernible) to prove his point about the address. The investigator went to those addresses and verified that the addresses and the location that Mr. Mone provided to him were correct and accurate according to what the list says. Now, I don't know how many -- I think it was around twelve letters that Mr. Mone provided to the investigator as a sample of what his issues were. So we did check the addresses. There were no mail receptacles (indiscernible) but the addresses were valid. I think it's incumbent on the elector to select whether they want a post office box or a physical address on
the list. I don't think there's any mandate in the code section that requires that they submit that.

**MR. SECRETARY:** Any other questions for Mr. Lewis?

**MR. MONE:** May I ask a question?

**MR. SECRETARY:** Hold on just a minute. Any other questions for Mr. Lewis?

(No response)

**MR. SECRETARY:** So I have a question for any of our attorneys that are with us today, Mr. Correia or Mr. Germany or Mr. Harvey, for that matter. I'm assuming, at the local level, do we know of any -- and Mr. Lewis, you might can answer this as well. Do you know if these allegations of the voter list not being correct can be challenged by the local election board process?

**MR. LEWIS:** I think we asked that question. I don't believe Mr. Mone challenged any of the electors with White County. Which he certainly has the right to do so but I don't think that process took place.

**MR. SECRETARY:** All right. Any other questions from the board?

(No response)

**MR. SECRETARY:** Was there anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** Mr. Mone, I'll give you one more crack at the apple here, if you want to ask a question.

**MR. MONE:** I just want some clarification because it was my understanding that a voter needs to put at least the address that they live in so that it could be determined if they were voting in the correct precinct or not. So people all over
the county have a PO box. So a way for the registrar to communicate with a voter would be with a PO Box, if they have one and with a street address if they don't have a PO box? But you need the street address to determine if they're voting in the right precinct.

**MR. SECRETARY:** Correct.

**MR. MONE:** Well, that's not what was just said. I think Mr. Lewis said it didn't matter whether it was a PO box or--

**MR. SECRETARY:** No. The statute says you have to put your physical address on your voter registration card.

**MR. MONE:** Does it say you have to put your mailing address?

**MR. SECRETARY:** I believe he said that wasn't in the statute.

**MR. MONE:** Okay.

**MR. SECRETARY:** Okay, anyone else?

(No response)

**MR. SECRETARY:** Any other questions for Mr. Lewis? If not, do we have a motion?

**MS. SULLIVAN:** Absent any evidence the county is required to supply a list of PO box numbers, I would move that we dismiss this case.

**MR. SECRETARY:** We have a motion to dismiss. Do we have a second?

**MR. WORLEY:** I second that.

**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 and that case is dismissed. Okay, now, we are going to move on to our other investigative reports. These are new cases that are to be taken up. What I'm going to do to try to save us a little time, for those that are here, I'm going to go through this list and if you're here for these cases, if you would just raise your hand or say "here." If there is someone that's not here who hasn't bothered to show up, we are going to put them at the bottom of the list and hopefully get you-all that are here out of here just a little bit quicker. So I'm going to go through this list. 2012-100, Baker County.

(Signified)

MR. SECRETARY: 2013-015, Gwinnett County, Roberts registration case?

(No response)

MR. SECRETARY: 2013-018, Lowndes County, double voter case?

(Signified)

MR. SECRETARY: 2013-026, Bibb County?

(Signified)

MR. SECRETARY: 2013-039, City of Marietta?

(Signified)

MR. SECRETARY: 2013-051, City of Sandy Springs?

(Signified)

MR. SECRETARY: 2013-059, City of Waco, Haralson County?

(Signified)
MR. SECRETARY: 2013-063, Macon-Bibb County, election day case?
(Signified)

MR. SECRETARY: 2013-064, City of Atlanta, election Palmer case?
(No response)

MR. SECRETARY: 2014-008, Greene County, White Plains precinct?
(Signified)

MR. SECRETARY: 2014-015, Candler County, Board of Education?
(Signified)

MR. SECRETARY: 2014-022, Fulton County, primary election case?
(Signified)

MR. SECRETARY: 2014-033, Pike County, voter registration case?
(No response)

MR. SECRETARY: 2014-036, Troup County, absentee ballot?
(Signified)

MR. SECRETARY: 2014-093, DeKalb County?
(Signified)

MR. SECRETARY: 2015-038, Fulton County, illegal campaigning?
(Signified)
MR. SECRETARY: 2015-088, City of West Point, Troup County.
(Signified)

MR. SECRETARY: 2016-001, Tybee Island, qualification issue?
(Signified)

MR. SECRETARY: All right, we've got it set. We'll call these in the order we have them on our agenda except for those that aren't here. We'll come back and get those at the end. The first will be the 2012-100, Baker County case, which is number twenty in our tab.

MR. LEWIS: Yes, sir, Mr. Secretary. This case was presented to the State Election Board in October of 2014 and at that time the board voted to refer a portion of the case related to the alleged (indiscernible) docket by Janetta Jackson (phonetic) to the Baker County DA's office for possible prosecution. The board also voted to return the case file to investigations in order to obtain a copy of the transcript from the October 3rd, 2012 Baker County Superior Court hearing regarding the election challenge. The board asked that we review the transcript in an attempt to make contact with individuals who provided sworn testimony related to electors accepting payments for voters. All the other listed violations in the original report were bound over to the Attorney General's office at that time.

From the board, the instruction and referral was made to the Baker County District Attorney's office regarding Janetta Jackson in regards to this case. The District Attorney's office communicated back to us stating that they declined to proceed with any prosecution at this time pending any further change in the evidence. From the board's request, a transcript was obtained through Baker County Superior Court regarding a hearing held in October and as a result of the review of those transcripts, there were nine hundred individuals that could be identified that could be interviewed in regards to a sworn testimony about purchasing or receiving something for votes.

As a result of those interviews and sworn testimony which was provided in the transcripts, we recommend that Janetta Jackson, Valerie Dawson (phonetic) and Eddie Dawson
be bound over to the Attorney General's office for the list of violations of 21-2-570 for giving and receiving or offering money or gifts for voting for a particular candidate. Ms. Jackson (phonetic) offered Valerie Dawson and Eddie Dawson two half pints of gin and twenty dollars in order to campaign for Dan Meed (phonetic) in that particular election. We recommend that it be bound over.

**MR. SECRETARY:** Any questions for Mr. Lewis?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** No one else?

(No response)

**MR. SECRETARY:** All right, do we have a motion?

**MR. WORLEY:** I would make a motion to bind this case over to the Attorney General's office.

**MR. SECRETARY:** Mr. Worley moves we bind over. I would 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 and we have bound that case over to the Attorney General's office. Our next case will be 2013-018, which is the Lowndes County case, which is number twenty-two in our binder.
MR. LEWIS: Yes, sir. In March of 2017, Debb Cox (phonetic) the election supervisor for Lowndes County reported that Eric Richardson (phonetic) had attempted to vote twice in the November 6th, 2012 general election. Eric Richardson (phonetic) went and voted on October the 31st of 2012 during the early voting period in the Lowndes County election's office. The following week on November the 6th 2012, Mr. Richardson went to the Old Pine Grove Elementary School precinct in an attempt to vote a second time. Poll workers noticed that Mr. Richardson was listed as having voted in the election cycle already, so they contacted the Lowndes County elections office who instructed them to provide a provisional ballot. Mr. Richardson then cast the provisional ballot which was later denied due to a previously cast ballot in that election cycle. When we contacted Mr. Richardson, he advised that he had forgotten that he had voted a week before and was apologetic with his attempt to vote a second time.

During the investigation it was determined that Mr. Richardson had submitted a change of address on March the 6th, 2012 but that change of address was not updated in the voter registration system to the new address. I think that led and contributed to the fact of his next attempted vote and the confusion of Lowndes County. According to Lowndes County the address was not updated and entered into the system -- it was, but it was not saved appropriately, which resulted in that October 31st, 2012 cast ballot. On (indiscernible) previous address showed that two different addresses, the old address and the new address. The voter certificate completed by Mr. Richardson on November the 6th, 2012 also listed his date of birth, which is at issue for us with the County.

We recommend that Barry Richardson, elector, be bound over to the Attorney General's office for the listed violations, 21-2-572 for repeat voting in the same primary or election and that Lowndes County, Deb Cox, Susan Henley (phonetic) and Sharon Holland (phonetic) be issued letter of instruction for violation of 21-2-218, the change in address and corrections, and for 21-2-589, for the additional voter certificate for the date of birth.

MR. SECRETARY: All right, any questions for Mr. Lewis from the board?
MR. SECRETARY: Anyone else wishing to speak on this matter? Yes, sir. You can come on up. If you would just give us your name and address for the record. Welcome.

MR. RICHARDSON: My name is Eric Richardson. I reside at 371 Cross Street Circle, Valdosta, Georgia. Sir, like I said I was in the process of moving during that time. So I just had a lot going on and it was truly an honest mistake and I -- mercy from the board if you-all would just give me the mercy on that I really -- it was a true and honest mistake and moving forward I would know to double-check that to make sure I do not make that mistake moving forward but I was in the process of moving to a different address. I had a lot going on during that time so -- my mercy at y'all to say I'm truly sorry and I hope that you would understand, sir.

MR. SECRETARY: Thank you for being here today. Any questions from the board for Mr. Richardson?

(No response)

MR. SECRETARY: Okay, thank you. Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Seeing none, do we have a motion? We have a recommendation to bind over and do letters to the County officials.

MR. WORLEY: I would make a motion that we send a letter of instruction to the County and that we bind over this case to the Attorney General's office.

MR. SECRETARY: We have a motion by Mr. Worley. Do we have a second?

(No response)

MR. SECRETARY: I'll second. 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 and that motion carries. Thank you, Mr. Richardson, for taking the time to be here today. Next we have 2013-026, Bibb County case, which is number twenty-three in our binder.

MR. LEWIS: In April 29th of 2013 the case opened regarding five complaint allegations for the Bibb County special nonpartisan election that was held on September the 13th of 2013. Complaints (indiscernible) issues are almost eight hundred voters in the wrong district. Somebody (indiscernible) voted improper ballot during the election. That on September the 13th CJ Ellis (phonetic), who was a candidate for mayor of Macon-Bibb at that time, drove by the line of voters waiting in the Bibb County election lines, stopped, gave a cooler to one of his female supporters who began handing out water to the voters. That a poll watcher working with the Elain Lewis (phonetic) campaign (indiscernible) voters who were entering the polling site and after being asked several times to leave, finally law enforcement was called but they left before law enforcement arrived. Finally, Elijah Lightfoot (phonetic) had a Facebook posting where he was offering money for gifts for electors to vote his welfare during the election.

Our investigation revealed that there were eleven streets and there were seven hundred eighty-eight voters who were improperly districted during the redistricting process and we, of course, talked to all of the Bibb County election's personnel and they provided information and there were a lot of numbers that were being thrown out at the time this issue came up with redistricting. But as the election went on and toward the end of the election, the election supervisor, Emma Watson (phonetic), advised that she had reviewed the list and she believed that the number of people that voted out of district with the incorrect ballot were twenty-nine electors for that election. It was determined that mayor candidate CJ Ellis had previously voted but
returned to the early advanced voting location and drove his vehicle within the hundred and fifty feet of the no campaign area (indiscernible) voter to pass out the water that he gave to his supporters. We found that was substantiated as well.

According to the statements provided by Bibb County election personnel, poll watcher Kaseem Powell (phonetic) did participate in actions prohibited by the election code by interfering in the election process by persistently conversing with electors as they walked in to vote, which he was asked to stop many times. And finally, Elijah Lightfoot (phonetic) admitted to posting on his Facebook page saying big party, entertainment, Saturday night, October the 5th at 2449 Pinewood (phonetic) Avenue in the Bibb County Board of Elections office, free food, drinks, some entertainment, benefits for a better community. All you have to do is vote.

So we recommend the following individuals and entities be bound over to the Attorney General's office, Bibb County Board of Elections Janetta Watson (phonetic). Veronica Seals (phonetic) for 226b of the twenty-nine electors not being properly districted. Clarence Jack Ellis (phonetic) for violation of 21-2-414(d), campaigning within a hundred and fifty feet. Cassandra Powell (phonetic) poll watcher for violation of 21-2-408(b). And Elijah Lightfoot (phonetic) for violation of 21-2-570.

MR. SECRETARY:  Any questions from the board for Mr. Lewis?

(No response)

MR. SECRETARY:  Anyone else wishing to speak on this matter?

MR. ELLIS:  Good morning, Mr. Chairman. My name is Clarence Jack Ellis. I'm the former mayor of Macon, Georgia. Spent two terms as mayor and in 2013, after we had voted to consolidate our government, I went to the board of elections requesting -- because we only have one voting location -- requested from the officials their -- because it was one of the hottest days in our community on that day -- requesting that they -- if they could provide water for several senior citizens who was in a very, very long hot line and of course
they said they had no provision to provide water. And I did, in fact, as I did in Vietnam, as a retired combat soldier, I recalled even giving a drink of water to a Viet Cong who we had captured because he needed a drink of water, and he was trying to kill me. There was no one in that line that was trying to hurt me nor did I ask anyone to vote for me nor did I have any paraphernalia or slides on my car or on my person. I merely -- a lady who had asked me to bring the water -- to get water. It was donated by a convenience store. Not to my campaign but to the voters and I did, in fact, not get near the voters but in the driveway on parallel to them, stopped and gave the water and kept going.

So I had every right to be in the polling place after I voted in order to go in to make a request of officials because water was in dire need and people were in dyer need of water. This wasn't the first time that this had happened, that I had taken upon myself to provide water and I hope it won't be the last. I remember when I was in office we had a driver's license bureau located in Central City Park and it was real hot, one of the hottest days of the summer, and we had people standing in the line outside. I don't know where they were from. From my city and probably the surrounding cities and I instructed -- my public works director and I went down and supervised to make sure that everyone there had some water because it was entirely too hot not to have a drink of water.

So by no means did I campaign. Did people recognize me? I am the first and only African-American mayor of this city. I'm sure they did recognize me as having been the mayor but I did not expect -- I didn't care who got the water, whether they were voting for me or against me. I think it was a very humanitarian thing to do and I have been impressing upon the board of elections for quite some time to have more than one polling place. The city of a hundred and sixty thousand people and we only have one polling place and I kept pushing that issue even after 2013 and I like to thank the chairperson of our election board, who is here today with a case, who this past year or year before last, I guess it was, did see fit to open another polling place. So hopefully we won't have people standing in long lines in the hot sun for long periods of time without having shelter and/or water. Thank you, Mr. Chairman.
MR. SECRETARY: Any questions for Mayor Ellis?

(No response)

MR. SECRETARY: I have one question for you. So you did vote, left and then returned to the polling location; correct?

MR. ELLIS: Someone called me and asked if I -- and I said I would go in and speak to the official about either providing -- you couldn't provide shade and the line was so long and it was so hot. I said the least you could do is provide some water for the people outside and of course they said they didn't have it in their budget to provide water and I took it upon myself. They didn't say I couldn't do it and I took it upon myself to provide water for a host of people. Not anyone who was voting for me or not voting for me but whoever wanted and needed a drink of water, they could have one.

MR. SECRETARY: Okay, thank you. Mr. Worley?

MR. WORLEY: Just to be clear, Mayor Ellis, when you asked the election officials if they could provide water and they said no, did they suggest at all that you provide water for the voters?

MR. ELLIS: They didn't but they didn't say I couldn't.

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

MR. NOLAND: Mr. Chairperson, this relates to --

MR. SECRETARY: Give us your name and address for the record.

MR. NOLAND: My name is Willie Noland (phonetic). I'm an attorney in Macon. I live at 559 Edgefield Way, Macon, Georgia 31210. I represent the Macon-Bibb County Board of Elections and Ms. Janetta Watson (phonetic) who is the elections supervisor in regards to this matter and the matter 2013-063 and they're both related. The two 2013
elections for the newly created Macon-Bibb County government -- and I want to first say that we are not here to contest the conclusions or the findings of the investigator. That is not our purpose. I think they are accurate. I just want to ask the board to consider the level of cooperation that is detailed in the report from Ms. Watson and from the board and the mitigating factors. When I say these are the elections as Mayor Ellis pointed out -- and it's always hard to follow Mayor Ellis because I am not as eloquent as he is -- but these were the nine newly created commission districts for a brand-new government and some of the lines were difficult to ascertain. One line in particular was drawn through the middle of an apartment complex and so a number of voters had the same street address but were in different districts. So there were a number of problems and I will just list two others.

Elaine Carr (phonetic), who had been the elections supervisor for twenty-six years, retired effective January 1, 2013 as all of this was coming. Now, she stayed around to help to some extent. We were also changing computer systems at that time I believe as was the Secretary of State's office and at the risk of sounding horribly cliche this was sort of a perfect storm of circumstances and an overwhelming transition that led to these issues, most of which relate to voters being placed in improper districts. We did not come here to excuse the county but we do believe that because we now have a new election cycle, we have put things in place to prevent this from happening again and we would just ask the board to take all these things into consideration but, again, we do not contest the findings or the conclusions of the investigator. Thank you.

MR. SECRETARY: Thank you, Mr. Nolan. I will state for the record that what you say is correct of Ms. Watson. Macon-Bibb County were in touch with our office as we were as well and I know that's a busy time for both of our offices. So we appreciate the level of communication and appreciate you being willing to show up here today and speak to us and answer any questions. Do we have any questions from the board for Mr. Nolan?

(No response)
MR. SECRETARY: Is anyone else wishing to speak?

MS. POWELL: Hi my name is Cassandra Powell. I live at 3926 Vista Circle (phonetic), Macon, Georgia 31217. I was a poll watcher that volunteered for Commissioner-elect Elaine Lewis (phonetic). Her previous opponent had dropped out of the race because of drug charges and convictions and whatever. So he went on to campaign and share a campaign for her opponent who preceded coming after him. Okay, this gentleman came into this polling place wearing his opponent's T-shirt, saw me sitting there working my crossword puzzle, told one of the people that were working in the polls that I was in there campaigning for Elaine Lewis, which was an outright lie. Okay, so, as a result he made all of these unfounded charges against me that I was in there campaigning for her, which I obviously was not. I know the rules. I'm very, very familiar with all of the codes. I was not in there talking to people. The only person that I spoke to were people that came in there to vote that knew me and I just spoke and pointed them to the table so we wouldn't have any conversation. After they voted they came to me and we went out into the hallway and entertained a conversation. I know the rules. I was not in there trying to campaign for Elaine Lewis. If I wanted to do that, I would've been outside with a sign. So all of these charges against me were just totally unfounded. I was never ever told to leave there. Never. I was not out there pulling up any signs because I had a broken arm. My arm was in a cast, okay. So it was impossible. I couldn't even pull up my pants, let alone a sign. So all of these charges are totally false and was brought on by a convicted felon and drug user.

MR. SECRETARY: All right. Any questions for Ms. Powell?

(No response)

MR. SECRETARY: I have a question for you. So, you're telling the board that this didn't happen, yet in our report we have multiple people that were in the polling location that are saying that this did.

MS. POWELL: Well, like I said, when I talked to Sheriff
Dennis (phonetic), he said that he got a call about me. He said when he found out it was me and it was that guy that was bringing the charges against me, he said I hung up my phone. He said because it was a plant. Now, yes, it was a lie. The person that you are talking about came in there with his candidate's T-shirt on.

**MR. SECRETARY:** Who was that individual?

**MS. POWELL:** That was Danny Glover (phonetic). I mean, you ain't got him down here for nothing. He was clearly in there with this T-shirt on. Now, that's a direct violation. Like I said, I know the rules.

**MR. SECRETARY:** Did anyone ask you to stop or to leave?

**MS. POWELL:** Nobody ever told me to leave. The poll manager came over and told me that I had to stop talking. One of my neighbors, she is eighty-something years old, after she voted she came over to me and asked me how long was I going to be there at the polls. I said I'll be here until one o'clock. That was it.

**MR. SECRETARY:** Any other questions for Ms. Powell?

**MR. WORLEY:** Ms. Powell, the report that we have in this case is that the sheriff's department was called because they had asked you to leave. Is that not the case?

**MS. POWELL:** I didn't see anybody from the sheriff's department. I talked to Sheriff Davis (phonetic) who is still our sheriff and I asked him about this. He said when this gentleman called him, the one with the checkered past, habitual drug offender, called him and told him that it was me, he said, I hung up my phone because I knew it was a lie. Because he knows me and anybody who knows me know that I know the rules and I'm always going to govern myself accordingly.

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

(No response)

MR. SECRETARY: Seeing none. Have any other discussion from the board or a motion?

(No response)

MR. SECRETARY: I would make the motion that we would bind everyone in this case over. I think there is probable cause to do that with multiple different stories and I think it would be best to send it to the Attorney General's office to let them have further discussions with all of the respondents, complainants and people that were involved in cases. I would note for the record, as far as Macon-Bibb County is concerned, I think we've noted and I will continue to note again as this goes to the AG's office that they have been cooperating with us and I'm sure that we can deal with this matter in a way that will be acceptable to all parties involved and I appreciate you all being here today. So I would make that motion to bind the list of respondents over that we discussed.

MS. SULLIVAN: Second.

MR. SECRETARY: We have a second by Ms. Sullivan. Any discussion from the board?

MR. WORLEY: I just think it's important to point out the role of our board at this stage in the process, which is to only determine if there is probable cause to refer the matter for further action and we do that by referring it to the Attorney General's office. But essentially our practice has been, on this board, that if one party makes an accusation and another person says it's not true, that we are not a factfinder at this point in the investigation. So our practice is to refer those cases on to the Attorney General. The Attorney General's office does an investigation. They may hold a hearing. At that point the case will come back to us for some final determination but
at this point in time we have to accept the allegations that are made and send them on to the Attorney General. So I'll be voting for that motion.

MR. SECRETARY: Thank you, Mr. Worley. Any other comments from the board?

(No response)

MR. SECRETARY: We have a motion and a second to refer to Attorney General's office. All those in favor signify by saying "aye."

(Whereupon the vote was unanimous.)

MR. SECRETARY: All opposed same sign and that motion carries. Next we have 2013-039. It is the City of Marietta Cobb County case, which is number twenty-four in our binder.

MR. LEWIS: Yes, sir. We received a complaint from the Marietta Police Department that Eva Robinson (phonetic) described Janita Carmichael (phonetic) as having illegally marked and taken possession of her absentee ballot. Janita Carmichael is the mother of City of Marietta counsel candidate Andrew Coleman (phonetic) and she was present (inaudible) application and ballot were completed for Eva Robinson. When Ms. Carmichael was first asked, she denied assisting Ms. Robinson but later stated that she may have helped Ms. Robinson with her absentee ballot application and elector information. She could not remember exactly. Complainant Eva Robinson identified Janita Carmichael as having assisted with the application, the marking of the ballot, providing stamps for her and mailing her absentee ballot.

On October the 29th, 2013, Ms. Robinson was visited by, I think, another candidate, Douglas Martin (phonetic), for the city council in Marietta and Ms. Carmichael she relayed -- Ms. Robinson relayed Ms. Carmichael visited him and that is how the Marietta Police Department was notified and called and issued the investigation report related to that incident. Ms. Robinson was disturbed enough about her ballot that on October the 30th, 2013, she went to the Cobb County elections office to cancel the absentee ballot that
was sent in and cited mishandling by a third party and then voted in person at the Cobb County elections office.

We recommended that Janita Carmichael be bound over to the Attorney General's office for 21-2-385, for failing to sign the absentee ballot as was assisting an elector voting and for violation 21-2-409(a), assisting an elector who was the mother of a candidate on the ballot.

**MR. SECRETARY:** Any questions from the Board for Mr. Lewis?

(No response)

**MR. SECRETARY:** Hearing none, anyone else wishing to speak?

**MR. BARNES:** Yes, Mr. Chairman. Can you hear alright?

**MR. SECRETARY:** Yes. We just want to make sure our court reporter gets everything down. Not that we don't know this but give us your name and address. (Laughter from the gallery)

**MR. BARNES:** I represent Janita Carmichael and I appreciate all these fine folks coming here today and speaking but if y'all are going to reopen elections, I got two or three I would like (inaudible). (Laughter from the gallery)

**MR. SECRETARY:** Governor, let me just say before we get started, it is good to have you back in the Capitol. I want to congratulate you and your daughter, Allison Barnes Salter, on getting sworn in yesterday as a new State court judge. So, I'm sure you are proud and excited about that.

**MR. BARNES:** (Inaudible)in the office. First, I understand the procedure but I do want to state for the record at this time what our view of the facts is. First, Eva Robinson is ninety-four years old, suffers from Alzheimer's, and in talking with her son, who was present that day when all of this occurred, he said -- and the facts are, Janita did not go over to Eva Robinson except at the request of Eva Robinson who said I need to figure out how to fill out the elector thing. Not the ballot. Janita did help her fill
out the elector. Did not give her any stamps, did not take possession of the ballot and in fact when Anthony Coleman (phonetic), who is her son, who is running -- this fellow (inaudible) he owns a business up -- he went to her and he said we need to report this.

Now, the only thing I will tell you in regards to this is several things. One is -- and I want to raise it on the first opportunity, 409 as it is written applies only to at bow (phonetic) that is when you assist someone at the polls not with an absentee ballot and so I do not see how -- or that is the only fair reading that you can give it because it says here she has a disability and then you shall identify yourself and then you may go inside the polls to enter the voting equipment and compartment. So I don't believe that 409 applies and I want to raise that at the first opportunity.

Secondly, as to 385, number one is, (b) says that a physically disabled or illiterate elector may receive assistance in preparing his or her ballot from one of the following: Any elector who is qualified to vote in the same county or municipality as the disabled or illiterate elector, semicolon. Now, that's in the disjunctive. It doesn't say that an attendant care provider or person providing attendant care or (indiscernible). These are all disjunctive in the assistance. So if there is no -- if this was not done at the polls (indiscernible) and if she only helped with the elector, then I suggest to you that whether her son is running or not is immaterial.

(Indiscernible) Janita are in the same Bible study and she called her over and says I can't fill out the elector part. I don't believe -- and that's always been alleged, is my understanding. Of course it depends on where you catch Eva on a lucid day or not as of course she said. So, what I would suggest is -- I (indiscernible) the ballot was never cast. I want to know how she got there. Eva ain't drove a car in about sixty or seventy years. How did she ever get there to cancel her ballot to vote and to vote in person? But in any regard I suggest to you that there is no probable cause without further investigation. Thank you.

**MR. SECRETARY:** Any question for Governor Barnes from the Board?
Anyone else wishing to speak on this matter?

Seeing none. Mr. Lewis, so is the issue here with not signing as assisting?

Yes, sir.

All right. No one else wishing to speak. Do we have a motion? Any discussion? Mr. Worley.

I just need to be clear that I have to recuse myself on this case.

That's going to create a quorum. Let's see, Ms. Correia, will that create a quorum? We have to have a quorum to vote or just a quorum to be at the meeting?

I believe you need a quorum to vote.

We're going to have to, unfortunately, continue this case because we don't have a quorum of voting members. I apologize.

Well, now, where is Tex? How many members are there?

Well, there are five. We have two missing today, which normally -- is a first time in almost seven years since I've been on the State Election Board that we hadn't had a least four members present, so.

Okay and I assume that Russell --

Yes, sir. We will and I apologize. I wasn't aware that Mr. Worley would need to do that and nothing against him on his part but it was something that I didn't think of but thank you-all for being here today and we will get back in touch with you.
MR. BARNES: Thank you.

MR. SECRETARY: Alright, State Election Board case 2013-051 City of Sandy Springs, which is number twenty-five in our binder. I tell you what, before we get going on that. Mr. Lewis, let me just ask the board are there any other cases that we may have a recusal on?

(No response)

MR. SECRETARY: Okay, good. Didn't want to have someone waiting around and then have this happen again. Alright, Mr. Lewis, we are on 2013-051, City of Sandy Springs, Fulton County.

MR. LEWIS: On November 20th of 2013, there were several allegations regarding the City of Sandy Springs municipal election nonpartisan election held on November the 5th, 2013. A couple of those were substantiated and dealt with voters, incorrect precinct and voters not listed in the express poll. There were eight hundred and forty-four voters listed that were assigned through SS08D (phonetic) combo seven twenty-six. That information was not provided to the election center at Kennesaw State University for the information to be uploaded into express poll or the gym (phonetic) server to be available on election day. As a result of that admission, there were thirty-six voters who had been given provisional ballots in order to cast. That was prior to them being able to fix or create a fix where the voter registration cards could be manually encoded with an alternate combo code to address the issue with the original people being left out. Electors Mr. and Mrs. Fisher (phonetic) were not listed in the correct precinct when they went to the polls to vote. They were provided provisional ballots and were reassigned to their correct precinct after the election.

Also a precinct issue were some voters being listed in the incorrect precinct involved SS13A and SS13B. It was found that they were voting erroneously assigned to SS13A and should have been in B. Out of the erroneously assigned voters there were seventeen voters that were affected when they went in to cast their ballots.

We recommend that Fulton County Board of Elections and
Registration (indiscernible) be bound over to the Attorney General's office for the list of violations primarily 2-26(b) in regards to proper (indiscernible).

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to address us on this matter?

MR. BOWEN: David Bowen from Fulton County Attorney's office. 141 Pryor Street. I have Mr. Ralph Jones who is chief of registration and Mr. Dwight Bauer who is chief of elections to provide some factual background on issues 51(b) and 51(f), which are all redistricting issues that Mr. Lewis referenced.

MR. JONES: My name is Ralph Jones, 2795 Ashley Downs Lane, College Park, Georgia. During this period in time there were (indiscernible) Street that were not redistricted correctly and what we did is that we identified those streets and sent them out to the correct poll place in order for that person to get their correct ballot in order for them to vote their correct ballot at the time. Even though they did not make it to KSU with the ballot, the ballots that they were presented was the correct ballot that they vote. They had to vote on a paper ballot.

MR. SECRETARY: Any questions for Mr. Jones?

(No response)

MR. SECRETARY: Anyone else?

MR. BAUER: Dwight Bauer, 130 Peachtree Street, Atlanta, Georgia. I just want to mention that there were -- the seventeen voters that were mentioned did, in fact, get to vote. Once we recognized that, I think, a lot of this (indiscernible) around the City of Sandy Springs on account of late redistricting. It was kind of a last minute redistricting, so we did, in fact, have some voters that were not in the correct side of the precinct.
MR. SECRETARY: Any questions for Mr. Bauer? Do you know when they went through that redistricting?

MR. BOWER: It was probably about three to four months before the date of the election in the November election.

MR. SECRETARY: Any other questions for counsel or for Mr. Jones or Mr. Bauer?

MR. BOWEN: I would just like to say, sir, that in light of the districting issue that was because of the City of Sandy Springs and the fact that everyone did, in fact, get to vote their correct ballot, we would ask that this be dismissed.

MR. SECRETARY: Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Mr. Lewis, the complaints that we got for this, where did they come from?

MR. LEWIS: From electors in the community.

MR. SECRETARY: Okay. All right, anything else from the board?

(No response)

MR. SECRETARY: Do we have a motion?

(No response)

MR. SECRETARY: I would move that we bind over to the Attorney General's office to let them sort this out and speak to some of the electors that made the complaints. Do we have a second?

MS. SULLIVAN: I'll 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 and that motion carries. We are at the end of the first page of our agenda, so I think we will go ahead and take our lunch break. We will come back here at one o'clock to reconvene.

(Session suspended at 12:00 p.m.)

(Session reconvened at 1:00 p.m.)

MR. SECRETARY: Welcome back, everyone. Mr. Lewis.

MR. LEWIS: Yes, sir?

MR. SECRETARY: If you don't object, I'm gonna call the State Election Board case 2015-088, City get West Point. The Troup County case.

MR. LEWIS: All right, sir.

MR. SECRETARY: Is that you or Ms. Watson?

MR. LEWIS: Ms. Watson.

MR. SECRETARY: We have someone involved with that case that has an appointment this afternoon, medical, that we need to get them on the road. So, that will be number thirty-six in our binder. We are ready when you are, Ms. Watson.

MS. WATSON: On 2015-088, West Point, Troup County filed miscellaneous complaints. This complaint was from (indiscernible) Williams reported in November 2015 that during the mayoral elections for the City of West Point there were inconsistencies in the results tape posted,
unauthorized early tabulation and failure to issue provisional ballots and improper campaigning at the polling place.

An investigation revealed in regards to the result tapes, the DRE unit failed to print the result tape of the OG scanner polling location on the night of November 3rd, 2015. The city clerk and the elections supervisor, Richard McCoy (phonetic), transported the DRE unit to the Harris County elections office with poll watcher Chaney Carlisle (phonetic) following him in a separate vehicle. At the Harris County elections office, election supervisor (indiscernible) Jarrett (phonetic) was able to get the unit to print and called out the results. Ms. Jane Carlisle reported on the morning of November 4th that the result tapes for the DRE unit from the OG scanner polling location had not been posted at the poll location. Ms. (indiscernible) immediately drove out to the location and posted the tape. Also missing was the result tape from the DRE unit 136631, which was a zero count; however, there were two tapes posted for unit 124411.

In regards to early tabulation, investigators interviewed election personnel regarding early tabulation of the DRE units and there was no admission that any early tabulation took place. However the result tapes for DRE unit 292966 shows a end election time at 12:33 p.m. on November 3rd, 2015 and DRE unit 296317 shows a end time of election of 12:37 on November 3rd, 2015. The poll manager Danny Curtis (phonetic) reported as the only member of the election staff who was in possession of the supervisor card on November 3rd, 2015 and both of these units were used for early voting.

In regards to failure to issue provisional ballots, the complainant provided the names of five individuals that were refused a provisional ballot. Contact information was provided for two of the individuals. When we contacted them, they stated they were not allowed to vote on election day. A check of the (indiscernible) system found that neither were listed as residents of the city of West Point. While both now reside in the City they had failed to update their address prior to the election. The remaining three individuals were checked in (indiscernible) as well. One showed a convicted felon. One was not registered to vote with Troup County until January 23rd, 2016 and the last
resided outside the city limits of West Point. It was found that Mr. McCoy failed to send letters to two of the individuals who voted provisional ballots explaining why their ballots were not counted.

In regards to improper campaigning at the poll, there was insufficient evidence found to substantiate any campaigning at the poll took place. Regarding incumbent Drew Ferguson (phonetic) one voter was heard saying we need to get (phonetic) in and a poll worker advised her that she could not make statements endorsing a particular candidate in the poll.

The recommendation is that the City of West Point and Richard McCoy, the city clerk election supervisor be bound over to the AG’s office for violation of State Election Board Rule 183-1-12.02 (5)(a)(6) when Richard McCoy failed to properly post all the DRE result tapes at the front door of the polling location and State Election Board rule 183-1-12-.02(5)(a)(8) when Richard McCoy transported election materials to Harris County elections office alone without another poll worker. Violation of 21-2-419(d)(1), violation of provisional ballots when Richard McCoy failed to mail letters of explanation to Tony Williams (phonetic) and Willie Mae Billingly (phonetic) whose provisional ballots were not counted and the City of West Point and Richard McCoy and Danny Curtis (phonetic), the poll manager, for violation of 21-2-379.11(c) procedure for tabulation of votes.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. TODD: Secretary Kemp and board members, my name is Jeff Todd. I practice law in Lagrange at 2015 North Lewis Street and I am here today with Richard McCoy who's been the city clerk in West Point for about ten years and has also been the election superintendent since September 17th, 2013. We intend today to answer any questions that the board may have or the staff may have and also would like to just give a brief summary of our position on these issues and lend my comments only to those issues that have resulted from the staff in the proposed finding.
As you heard from Ms. Watson, each of these -- at least the first two issues that have been discussed stem from an auditing. You have the voting machine, at issue didn't print in the polling place and Mr. McCoy, this was his second municipal election as superintendent. He did what was logical. As the polls closed and they couldn't get that machine to print, he called Sharrell Jarrett (phonetic) who is the election supervisor for Harris County. West Point sits actually partially in Troup and partially in Harris County. Ms. Jarrett had been somewhat Richard's mentor as he trained to become election supervisor and also these were her machines. So, I think it was a common sense thing to do to call her.

Another thing that's good and I think the board should consider is that this was done in the most transparent way you can imagine. It's a single room polling place. The call to Ms. Jarrett is on the speakerphone. Poll workers, poll watchers, everybody is still present. Here's the conversation between Mr. McCoy and Mrs. Jarrett. Ms. Jarrett, I think, gives Mr. McCoy a couple of ideas and things to try to troubleshoot. The machine still doesn't print, so Ms. Jarrett recommends to Mr. McCoy that he actually bring the machine to her office at the courthouse in Hamilton, Georgia, which is about a thirty-minute drive.

Again, I didn't see anything that led me to believe that the state was concerned with any sort of improper motive or manipulation with machine and that is also obvious by the fact that one of the poll watchers actually followed in the car -- followed Mr. McCoy in the car to Hamilton and was present in the outer room, I think, when ultimately Ms. Jarrett fortunately was able to get the machine to print.

As to the failure to take those results -- the result tape of that machine to the door, certainly, we don't contend that that's an error. Staff is right. We would just ask you to take into consideration the oddities that were occurring that night and also the fact that the other tapes were properly posted immediately after they properly printed.

I do have one question which perhaps we will end up discussing with the Attorney General's office but the proposal cites subparagraph eight for Mr. McCoy's failure to turn the election materials over to the superintendent with another poll worker present but Mr. McCoy was the
superintendent and those materials were turned over to him in the presence of other poll workers. Now, I'm not an election expert. I didn't see anything about what happened and Mr. McCoy indicates he doesn't recall anything in his training about what happens when a machine won't print but as a technical matter the proposed violation actually didn't occur because the materials were turned over to the elections superintendent with other poll workers present.

Now, even saying that we don't for a minute suggest that it wouldn't have been a great idea to have somebody else ride with Mr. McCoy. It is just that the code section that is cited in these materials as having been violated does not technically appear to apply here. The other proposed finding in this case involving Mr. McCoy correctly finds that two electors who voted provisional ballots were not notified in writing. That is a fact. As I read the statute that's cited, however, which is O.C.G.A. 21-2-419 (d)(1) that seems to be an obligation that is placed on the board of registrars but to further show our good faith in addition to being here, there is another problem in that statute that by our action we didn't comply with this. There's another subparagraph that Mr. McCoy is supposed to send that provisional ballot to the registrar. He didn't send it physically. He called them and talked to someone on the phone. So while we would argue, technically, we didn't violate (d)(1), there is another subparagraph that requires that we send that provisional ballot to the board of registrars and we admit that we didn't do that.

The final proposed finding concerns the early printing of the results tape from the absentee ballot machine and Mr. McCoy was present at this polling place almost the entire day. Maybe twenty or thirty minutes he left somewhere around lunchtime and he certainly didn't see it and can't really add to that for the boards, benefit. He didn't see that happen but he agrees with staff that the poll manager, Danny Curtis, was the sole individual with the card that would allow access to do that.

In summary, Mr. McCoy takes seriously the obligations associated with running elections in West Point and he wants them to be fair and transparent. We are gratified that the circumstances before the board today don't appear to me at least to allege any sort of improper motive or intent. We will be glad to answer any questions the board or staff has.
MR. SECRETARY: Thank you Mr. Todd. Appreciate you-all being here today. Any questions for counsel?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter?

MS. WILLIAMS: First, if I may ask is it possible --

MR. SECRETARY: Let us get your name and address for the record.

MS. WILLIAMS: My name is DeeDee Williams. I reside at 315 East Eighth Street, West Point, Georgia. Would it be possible for me to get a copy of what she read? We didn't realize we were coming up first. Apparently, it was requested that we go first after break. My campaign manager, poll watcher did not hear any of that and I did and of course I know what we allege but I don't know what the findings are. I was told that I was not privy to the information prior to this meeting. Is there any way I can get a copy of that?

MR. SECRETARY: Well, it's basically what she was telling us through the investigation.

MS. WILLIAMS: I just thought she could be reading it since she is not here. Is a copy available?

MR. SECRETARY: I don't believe it is. I think just the members have their copy.

MS. WILLIAMS: Okay, I will do the best to recall. Secretary of the State and Chairman of this committee Kemp, SEB board members, Mr. Chris Harvey, Mr. Russell Lewis, other staff member, representatives of the AG's office. First of all, thank you for serving the citizens of the state in your respective capacities and thank you for the opportunity to speak before this group. I think that voting is very serious. It is a serious matter and running for public office is a serious matter. I take them both very seriously. On the heels of a historic national election which is sure to leave us with many marks on American
history, I hope that all of you treat the election and the process of voting with the utmost seriousness.

I ran for mayor in the city of West Point in November 2015. There were many irregularities in the election process before, during and after the election which were reported to the Secretary of State's election division, investigations unit. We've had numerous conversations intermittently. Violations like early tabulation without notice, failure to post results, incomplete documentation, documentation with the appearance of tampering, early certification of election results.

The Thursday following the Tuesday election is when the election was certified. Normally at least three days are required for refiling a provisional ballot. According to Mr. Harvey normally elections are certified on Friday or Monday following the election. Again, this election -- there was a rush to certify because of the irregularities in the process I contend. Questions about the process of issuing provisional ballots, just to name a few of the irregularities. The incumbent candidate, Drew Ferguson, ran for re-election and immediately following the swearing in for the new term decided to run for Congress district 3 replacing Belinda Westmoreland. He handpicked his successor and his successor was simultaneously sworn in as the new mayor (indiscernible) and now functions as the mayor until November 2017. What an excellent way to give a person an opportunity to run as an incumbent.

**MR. SECRETARY:** Ms. Wilson, let me just interrupt you for just one second. I don't want to disrespect your comments in any way but if you could just keep to the specifics of this investigation. A lot of the other political things that are going on, this board really can't be concerned with that unless it's a potential violation and that will help us just keep things moving here today.

**MS. WILLIAMS:** Well, it all relates to the wrong person being in the mayoral seat and that is the position that I ran for and --

**MR. SECRETARY:** I understand people's opinion about the wrong person getting elected and that is nothing that this board can weigh in on unless there is a potential violation.
I'm not in any way trying to cut you off. I'm just saying if you can get to addressing the board about the allegations that we have or those matters, I would certainly appreciate that.

**MS. WILLIAMS:** Okay, I don't have much more of this. There are many issues raised by the scenario not the least of which is the question was the election fraudulent, was it premeditated fraud. Your guess is as good as mine. I think so. The information I provided raises that question and a bigger question, who really won the election. One of those Diebold machines, which we've heard about already today, would not print. Thirty minutes drive to Hamilton, Georgia the machines still would not print. The Harris County election supervisor Sharrell Jarrett reports that the machine had thirteen votes on it -- had fifty-two votes on it and thirteen for Williams and thirty-nine for Ferguson. Now, prior to that point when the polls closed the tally was three hundred and ninety-three to three hundred and seventy-five with Ferguson leading. The absentee votes were opened in Hamilton. There were twenty-six of them. Ferguson got four. William got twenty-two. That made a total of three hundred and ninety-seven to three hundred and ninety-seven as ironic as that sounds or if that is, there was a tie at that point except for a machine that supposedly had some votes on it. We don't know how many. We don't know who they're for. With all the other irregularities -- I don't think it's hard to understand why one might question the peculiarity of that.

Some ancillary concerns are first the perceived lack of urgency to address this complaint until after the November 16 election. I understand that Ferguson's campaign for congress would not have wanted any negative press which implicated impropriety associated with him but in a situation which conceivably impacted the outcome of the election one would think that (inaudible) placed on expediently.

Secondly, the lack of feedback provided of the results of the investigation. The defendants in the complaint will receive information but not the complainant. Despite being told by the investigator that he worked for me and that I would hear back from him on his findings. So, again, if there's something that's been reported that's inappropriate
or that is inaccurate, I would have an opportunity to offer a response to that. It never happened.

Thirdly, at least four other elections have taken place since the complaint was filed with seemingly no change in local oversight in the voting process except we seem to be using Troup County again to oversee our elections. For a couple of elections we've decided to use Harris, County for some reason. Now we are back under auspices of the supervision of the Troup County elections board. Don't know where Ms. Sharrell Jarrett is today but most of the questions have to do with what happened in Hamilton, Georgia. What happened with regard to her supervision of the process rather than the Troup County supervisor.

Now I realize that Mr. Harvey has been commended for improving response time since he took the position. He's in and I would hope that we can see some continued improvement because, you know, we used to see 2008 cases being brought before four, five, six years later. I think 2012 is the oldest one on today's agenda. Excellent improvement but again, if someone is -- the person in a position is the wrong person and if it's that egregious, I would hope that we could get to it before that term is complete to address the inappropriateness or the inaccuracy of it.

Finally, one of the basic tenets of our democracy is the right to vote. I feel an obligation on my part to address the threat of election fraud and its impact on West Point as well as the great state of Georgia. So that your children, grandchildren and mine will not be faced with election fraud. I have a couple of things that I would like to address specifically. We talked about the posting of election results and Mr. Todd made a point that all of the other tapes were posted, just this one was not posted. Well, that was a critical one. It was the tape that technically, if Drew Ferguson won the election, and I contend that he did not, that's the tape that won the election for him. Three hundred and ninety-seven votes for Williams. Three hundred ninety-seven votes for Ferguson until this failed machine with fifty-two votes which will not grant and still no one observed the printing of the machine of the tape but the result is yelled out from the back of the room indicating thirteen votes for Williams, thirty-nine for Ferguson which clearly gives him that supposed twenty-six vote increase or overage. That's very --
I'd like someone to explain that to me.

Secondly, the tape that was posted or that should have been posted appears to have been tampered with and I'd like for you to look at it for yourself or the members of the committee.

**MR. SECRETARY:** Do we have a motion to accept the documents?

**MR. WORLEY:** So moved.

**MS. SULLIVAN:** Second.

**MR. SECRETARY:** All in favor signify by saying "aye."

(Whereupon the vote was unanimous)

**MR. TODD:** Mr. Secretary, since it involves my client might we be able to see a copy?

**MR. SECRETARY:** Yes. Let's see, I just want to make sure we have a motion and a second. All in favor of accepting the documents signify by saying "aye." (Whereupon the vote was unanimous.)

**MR. SECRETARY:** All opposed same sign and that motion carries and we have accepted the documents. All right, go right ahead, Ms. Williams.

**MS. WILLIAMS:** If you will notice that there are two tapes that you're looking at. All of them except one, the one that would not print, are the same except the one that didn't print that was later provided when I continued to insist where are the results from that machine, where are the results from that machine. It was finally sent to me but if you notice there are circles around information that represents discrepancies from the tape on the right and I'd like to call my campaign manager up to maybe speak to any specifics regarding this. There's one signature on the bottom of the tape on the right and actually it's not a signature. It's R.M; Richard McCoy initialed it. The other tape that has all the items circled is missing on the tape that Richard initialed. You know, even down to the
statement that we the undersigned and then there is a sentence left out there. Are you with me? So you are really, supposedly, stating what you confirmed this tape to mean but you really take something out so that it doesn't mean what it should mean.

There are three people that signed the other tape that are taped but apparently they did not sign off on this after those machines were read. Normally that would be your initialing this verifying that this is correct and yes the signatures appear but some of the times don't jive with the time on the spreadsheet in the middle of the second document I gave you on page three -- excuse me, on page two. We talked about early tabulation. (Indiscernible) there was no indication that anything happened to tabulate early. These were early voting machines. 12:33 and 12:37 is when the tapes indicate that they were tabulated and we have copies of all of the tapes.

MR. TODD: We don't dispute that. I think it was clear. We just didn't have any information (indiscernible).

MS. WILLIAMS: So you're not disputing that?

MR. SECRETARY: Let's address the board. We're not going to have the respondents or the counsel getting off on a tangent here.

MS. WILLIAMS: So the record shows that they were, in fact, tabulated at 12:33 and 12:37 and somebody has to tabulate those machines. There was no indication that it had been approved or the Secretary of State's office had received a request to tabulate early, which I understand is the requirement. They were not aware of any such exceptions that was granted to us and then about one of the machines that had the votes that put him beyond the tie that's questionable.

Also, if you will look at the tape that was submitted by Mr. McCoy. There are repeated lines where it looks like some alteration took place. Is this a tape that was from another election maybe? I tried to figure out what could be a logical explanation for a tape that looks like this one and a tape that looks like all of the others. It's much
longer. Has more information and then this one, it seems like it's been compressed and the information has been taken out of the middle of it. Like I said, at the bottom, we the undersigned do hereby certify in accordance with the laws of the state of Georgia -- with the state. So a whole line has been taken out and if I read that, that means something very different than the others. So, again, I say premeditated. It's almost as if some thought was given to how to make this tape say what we've done. How to make it back up what we've done and what we've used in terms of numbers to certify this election in favor of Drew Ferguson.

Another irregularity, the time of the report that was printed off by Sharrell Jarrett. Unofficial election summary is time stamped twenty-one oh four. It's hardly enough time between the time the tape left or the card left West Point and arrived over there. There is a discrepancy in that and the official return.

Provisional ballots were not -- normally there's three days to clear that up. Elections, on a Tuesday. Anybody that has a provisional ballot has three days just -- as you mentioned, somebody may not have changed their address. If they gave documentation to show that, they have to wait seventy-two hours to bring that and present that. So someone makes the decision that vote should count or that vote should not count. When you certify the election prematurely, basically, somebody is making the decision that this provisional ballot, it is not going to count.

You might wonder with all of this going on what I was thinking at the time. I was thinking there needs to be a recount. Of course the law requires that a recount is mandated when your margin of losses are within 3 percent. Twenty-six votes with the numbers that we present at West Point doesn't fall within that threshold. It's a little bit more than that. However, if I were in charge of an election, I would, in good faith, want to say well, let's make sure we're right especially with all the things that's happened. We are supervised by Troup County; no we are not going to be supervised by Troup County. We are going to be supervised by Harris County this time. Just changes in the process altogether.

I asked for a recount and unequivocally I received a letter that has Richard's signature on it. Sounds kind of legalistic to me but anyway. Basically says we are not
going to do that. What do you have to lose. If you're right, double-check your numbers, confirm the decision. If you're wrong, make it right. I think if you know that you're wrong, you are not interested in recounting. You are not interested in double-checking. You're not interested in doing anything that's going to change the outcome of this election. I have more but I can see it in your eyes you're getting warm and you still have a long list of cases to take. Are there any questions?

**MR. SECRETARY:** Any questions for Ms. Williams? Mr. Worley.

**MR. WORLEY:** I had a question of Ms. Williams. Were there actually any provisional ballots cast?

**MS. WILLIAMS:** They were but they were not reported, however. On the documents that the election supervisor is supposed to complete and post it is supposed to say, this is before the election is certified, it is supposed to say X number of provisional ballots. None were reported. We know that there were some. They have decided well, it's not legit. He's an ex-felon. He's this. You know, I think even ex-felons, after they pay their debt to society, they might be eligible to vote. There are some things you need to do to (indiscernible)

**MR. WORLEY:** Do you know if the elections superintendent conducted any review of the provisional ballots to decide which ones should be counted and which ones would not be counted?

**MS. WILLIAMS:** They said that they called on the phone, I think, on the address situation. They called somewhere and verified something about an address. I do know that one person that had a question about an address came, was not allowed to vote, left, came back with a relative and then was given a provisional ballot. I don't know if that was Tony Williams. Is that one that you spoke to?

**MS. WATSON:** Yes, we did speak with Terry.
**MS. WILLIAMS:** Well, what was the resolution of that one?

**MS. WATSON:** He was provided with a provisional ballot and then on that one there was no letter sent to him explaining why the ballots were not counted.

**MS. WILLIAMS:** And I don't know the reason why his ballot would not have been counted because he does -- the address is the issue --

**MS. WATSON:** They were not residents of the city of West Point at that time.

**MS. WILLIAMS:** So not only was that not reported, there's a vote that didn't count.

**MR. SECRETARY:** I think, Ms. Williams, she was saying she wasn't eligible. Right?

**MS. WATSON:** Exactly.

**MR. SECRETARY:** She was not a citizen --

**MS. WILLIAMS:** He was not a citizen?

**MR. SECRETARY:** Right. Of the city. A resident of the city, not a citizen. Which is probably a bad word. The resident or the person found not to be a resident of the city.

**MS. WATSON:** They were not in the system as being residents. They had since moved and they did not update their addresses.

**MS. WILLIAMS:** But isn't that what a provisional ballot does?

**MR. SECRETARY:** Ms. Williams, what she's saying is the provisional ballot, when they looked at it they found that the elector was not a resident of the city, so they
therefore did not count the ballot. Is that correct, Ms. Watson?

MS. WATSON: He had moved and he was now a resident of the city and had not updated his address.

MS. WILLIAMS: But isn't that what a provisional ballot does? You've moved. You have not updated but you go to vote and they oh, you are not a resident and they say, oh, but yes I am. So you have got to prove -- that's what the seventy-two hours is for, I thought, for you to come and bring some mail or something to present to show your residency and that is precisely the case --

MS. WATSON: And they were cited for not providing that letter of rejection to him in order for them to come in and provide that information.

MS. WILLIAMS: And as I said before, so there's one vote that should have been on there. He didn't get noticed --

MR. SECRETARY: Ms. Williams, we're are not going to get into individual votes because that's something that -- the city certified this election. We need to stick to the allegations. That is one of the allegations here that we have.

MS. WILLIAMS: So the City certified the election whether it was supposed to have been certified or certified in error or certified with irregularities is inconsequential? I mean, you're not concerned about that?

MR. SECRETARY: I'm not saying it's inconsequential. I'm saying that the City went through the process and certified the election. So that's where we are today. From what I understand, the individual -- their ballot was rejected because they were not on the voter rolls in the city. Is that correct, Ms. Watson?

MS. WATSON: Correct.

MR. SECRETARY: So they couldn't legally count that vote if that person was not on the city voting rolls. So whether
they lived in the city or not, they were not on the rolls at the time of the election.

**MR. WILLIAMS:** And does the provisional ballot address that in any way?

**MR. SECRETARY:** Well, it gives them the opportunity if they say they're a resident at the time. The voter registration deadline ended to vote a provisional ballot and then prove that. It appears that they weren't able to prove that; therefore, the ballot was rejected.

**MS. WILLIAMS:** So why are you saying, "appears they weren't able to prove that" because that is actually what the situation is. They didn't receive notification.

**MR. SECRETARY:** That's why they have a violation of them not sending the notification but that doesn't change the ability of that voter to cast a ballot in an election when they don't appear on the voter registration list for that election.

**MS. WILLIAMS:** Right. I understand you saying that we cited them for not sending the letter but to me the underlying and additional issue is that the voter came, voted provisionally but because you certified the election, you're not --

**MR. SECRETARY:** Well, ma'am, it is the voter that was not eligible for the election because they had not updated their information. We need to try to refrain from getting down in the weeds too much here and speak to what this board can deal with.

**MS. WILLIAMS:** Right. You were about to say?

**MS. WATSON:** Yes. The investigator followed up on this and advised that it was not counted because he did not meet registration deadline.

**MS. WILLIAMS:** Did not meet the registration deadline?

**MS. WATSON:** That's correct.
**MS. WILLIAMS:** Let me say one more thing.

**MR. SECRETARY:** Okay.

**MS. WILLIAMS:** Because I see that we can go around and around forever. His mother and he registered the same day. His mother and he lived together. His mother was allowed to vote. She maybe changed her interest and he didn't. That's the only difference I see.

**MR. SECRETARY:** Well, your address has a lot to do with whether you're eligible or not. And if you don't have the right address, you're not eligible for that district.

**MS. WILLIAMS:** As I understand the difference would be she was able to walk up and vote with no questions asked. He was not because he didn't change his address timely --

**MR. SECRETARY:** I will urge you when you go back if either one of them had a problem that they think was there, they need to file a complaint with this office and we will be glad to look into that.

**MS. WATSON:** Mr. Chairman, I believe that she was already a registered voter and she was simply changing her address and he was not a registered voter and was registering at that time.

**MR. SECRETARY:** Okay. Any questions for Ms. Williams from the board? (No response)

**MR. SECRETARY:** I have one question for you, Ms. Williams. You made a lot of allegations here and brought a lot of good information to us. Did you actually contest the election?

**MS. WILLIAMS:** I did.

**MR. SECRETARY:** And how did that turn out?

**MS. WILLIAMS:** It's still pending because we've been waiting for this to come to this board. Waiting on the findings of the investigation.
MR. SECRETARY: I don't believe that --

MS. WILLIAMS: It doesn't have to wait.

MR. SECRETARY: I wouldn't think it would.

MS. WILLIAMS: It doesn't have to wait but if you're doing a thorough investigation I would like to have as much information as I can about the situation. Objective information from other people other than me and attorney --

MR. SECRETARY: So, just so you will know, this board doesn't have the ability to go back and contest elections.

Normally if an election is contested that's a whole separate legal matter that moves on a different track. That's why I was wondering if you had --

MS. WILLIAMS: I'm aware of that and that is still pending. To me it seems to be more logical to keep the horse before the cart and see what comes out of it.

MR. SECRETARY: And I had one other question that perhaps you or Ms. Watson can answer for me. You said that the City certified the election prematurely. What did you mean by that?

MS. WILLIAMS: Well, when I started asking questions about various things, posting of the results of that machine that is in question, I was first told that I would be sent a copy of it. I didn't receive it. The next day about six in the morning I emailed Richard McCoy saying I did not get the tape that you said that you were going to send and he sent that one that looks like it has all those alterations in it. He also sent the certification of the election. I mean, it was like two days after the election and again, like I said, before anybody's had time to really work through the provisional ballot process. I spoke with Chris Harvey, I think, on that day and was told normally certifications are done Friday or in most cases Monday. Friday would be the earliest after a Tuesday election. Monday prior to
(indiscernible). So that's what I base my comment on. It was earlier than usual from the expert here at the state level.

**MR. SECRETARY:** Okay. Any other questions for Ms. Williams?

(No response)

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

**MS. CARLISLE:** My name is Katy Carlisle. I reside at 6636 Bradford Drive in Columbus, Georgia. I was a poll watcher that day. I was there from 6:50 until about 7:45. I took probably one bathroom break and I (indiscernible) about twelve o'clock. Ms. McCoy left about twelve o'clock and told me he was going to the City Hall. He came back about two o'clock and he and I went to lunch together after that.

There were several machines in the polling place that day. It was four that the voters were voting on. It was two in the corner standing that Mr. McCoy told me were early voting machines and they are locked. Okay and it was one on the desk that the poll workers were working with. When we got to the end of the day, polls closed and when we got ready to leave they had tabulated four machines but I had totals for six machines. The two machines that you told me were early voting were not early voting because one of them did not print. The other one never had any votes. She was still working on that machine when we left. So, somebody had to tabulate those two early voting machines that were not in the polling place that day. Who did that I don't know.

Two assistant managers signed off on those two machines as if they tabulated. They did. They were working the polls between 12:33 and 12:37. I was sitting there at that time; therefore, I know those three people did not tabulate those two early voting machines.

Those two early voting machines were not in the polling place. Where they were I don't know. Who tabulated them I don't know. The guy here just said that Richard got on the phone with Ms. Jarrett that the machines wouldn't print. He was on the phone. It was not on speaker. I don't know who he was talking to, if he was talking to anybody. But he
said Ms. Jarrett said to bring it to Hamilton. So I just wanted to clear up that two machines, early voting, that was tabulated at 12:33 and 12:37, were not in the polling place. The manager and assistant managers did not tabulate those machines and who did it I don't know. Mr. McCoy did leave and he told me he was going to the City Hall about twelve o'clock. He came back about two o'clock. So, that is all I have to say.

**MR. SECRETARY:** Any questions for Ms. Carlisle?

(No response)

**MR. SECRETARY:** Thank you for being here. Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Mr. Todd, I know its been a lot of information put out here. Do you need to address the board on any follow-up?

**MR. TODD:** No, sir. Only that it would make us feel better if we say that we certainly deny any improper motives and changing of tapes and those sort of accusations that were made but we don't see any reason to say anything else.

**MR. SECRETARY:** Hold on one second, Mr. Todd. Mr. Worley had a question for you.

**MR. WORLEY:** Can you tell us or maybe Mr. McCoy why the votes were certified earlier?

**MR. TODD:** I'm not even aware and certainly have not heard today that is in violation of any period of time. I'm sure there's an expert here that can say whether that violated a rule but we've not --

**MR. SECRETARY:** Well, that was the question I was going to ask you was do we know if the certification was done prematurely. Did we look at that?
**MS. WATSON:** I did not have that in my list of points at that period in time.

**MR. HARVEY:** Mr. Secretary, if I may. Chris Harvey, Election Director for the State of Georgia. The three days generally for (indiscernible) ballots, overseas ballots and for voters who vote provisionally, they need an ID. They do have three days to come back. If you don't have that situation, there's nothing that prevents you from certifying before three days but generally speaking it is three days in large elections but if it's not an ID -- let's say two people vote provisionally and it's not an ID issue and they clear it up within one day, there is nothing that prevents certification.

**MR. SECRETARY:** As long as there's no other provisional ballots that haven't been accounted for, are previously rejected, you can go ahead and certify?

**MR. HARVEY:** Correct.

**MR. SECRETARY:** That makes sense. Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Ms. Williams, do you have something else?

**MS. WILLIAMS:** We keep explaining away the provisional ballot situation and if it's all cleared up in two days, then fine. But I think we've already stated that it wasn't in this case so we're right back where we started it seems to me.

**MR. SECRETARY:** Okay, thank you. Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Hearing none, do we have any other questions for Ms. Watson or are we ready for a motion?

(No response)
MR. SECRETARY: I will make a motion that we bind over the city of West Point, Mr. McCoy and poll manager, Danny Curtis. I think we've heard a lot -- got a lot of information today. Obviously there's a lot of disagreement but that's one reason that we bind cases over where the Attorney General can work through or talk to not only the respondents but also the witnesses and kind of get to the bottom of what's going on. So that's what I would recommend, we send this to the Attorney General's office.

MS. SULLIVAN: Second.

MR. SECRETARY: We've 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 and that motion carries and we'll bind that over. We are going to go back to the top of page two, which would be City of Waco, SEB 2013-059.

MR. LEWIS: Yes, sir. On November the 18th, 2013 it was reported that the elections superintendent in the City of Waco, Haralson County, allowed an unregistered voter to vote in the November 5th, 2013 special election. Brian Shumate (phonetic) went into the City of Waco on October 31st, 2013 during the early voting period. He provided a voter card and an ID; however, he was not found on the voter's list. Sherry Morgan (phonetic) the City of Waco election superintendent did not call the County to verify the status of this particular voter. (indiscernible) had been made by the County. Mr. Shumate was allowed to complete an early voting application and to cast a ballot. After the election Ms. Morgan found that Mr. Shumate was indeed an unregistered voter who should have only been offered a provisional ballot. Ms. Morgan stated to us that she had handled very few elections over the years and she had been doing this for
twenty-two years for the city without any certification as far as election processes go.

We recommend that the City of Waco, Sherry Morgan, election superintendent be bound over to the AG’s office for the listed violations of 21-2-590, poll officer permitting an unregistered voter to vote, 21-2-418, provisional ballot, when she failed to offer Mr. Shumate a provisional ballot, 21-2-101(a) certification program for the county and municipality election superintendent when she failed to become certified to conduct municipal elections and 21-2-714, powers and duties when she failed to fulfill her duties to be certified as superintendent.

**MR. SECRETARY:** Any questions for Mr. Lewis?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

**MR. MECKLIN:** Good afternoon, Mr. Chairman. I'm David Mecklin (phonetic) 100 Wagon North Plaza, Carrollton, Georgia.

**MR. SECRETARY:** How do you spell your last name?

**MR. MECKLIN:** M-E-C-K-L-I-N. First question everybody has asked me here is where is Waco, which is out of I-20 at the Bremen exit about a mile and a half the other way from Bremen. I am the city attorney. I became the city attorney after this particular election. We're here, simply, to show our good faith. Acknowledge that there were errors made. Ms. Sherry Morgan, who was cited for this, retired as the city clerk in the December after this particular election and has been replaced. At the time she was there -- she was a longtime employee, had worked there for a long time. She worked two days a week primarily as does the current city clerk. Since receiving this particular notice from the State Election Board, I have looked into and determined that we are going to enter into a contract with the county board of elections to handle the city elections. The city has five hundred people and it is just difficult for them to have a person certified. So we are going to contract with somebody to do the elections in the future. Don't deny
anything in this. Ms. Morgan, again, is not with the City any longer and has been retired for almost 2 years now. We would just ask -- throw ourselves on your mercy. Ask for instructions that we do better in the future which I can promise you we will. Thank you.

MR. SECRETARY: Thank you, Mr. Mecklin, for being here. Ms. Sullivan?

MS. SULLIVAN: Mr. Mecklin, in the consent cases that we had before us earlier today, in several situations the cities have accepted responsibility on behalf of their elections division (indiscernible) for any alleged violations. Is that something the city of Waco is prepared to do?

MR. MECKLIN: I would think so. Before I commit to you I would want to get commitment from majority of the city council that they will. Based on my knowledge and investigation into this, they're acknowledging the issue was not certifying and they understand their responsibility towards that. I do not believe the city knew what went on with this one voter. Again, because it's such a small City I believe that the facts will show that she knew him personally and knew that he'd been a longtime voter but he simply hadn't voted in several elections and that's why it got booted off the election rolls.

MR. SECRETARY: Any other questions for counsel?

(No response)

MR. SECRETARY: All right. Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Do we have a motion?

(No response)
MR. SECRETARY: I would move that we bind this case over to the Attorney General's office and I'm sure that Ms. Correia will be able to work with you to get a resolution that hopefully we can make sure that the big city of Waco doesn't come before us again anytime soon. We appreciate you being here. So I would make that motion to bind over. Do we have a second?

MR. WORLEY: Second.

MR. SECRETARY: 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 and that motion carries. Next we have Macon-Bibb County. 2013-063, which is number twenty-seven in our binder.

MR. LEWIS: On November the 25th, 2013, Ms. Cassandra Powell reported multiple issues with the polling places and vote tabulation on the October 15th, 2013 Bibb County runoff election. There were a total of twelve separate allegations submitted by the complainant, five of which were substantiated during the investigation. There were two absentee ballots from the September 17th, 2013 nonpartisan election that we've already discussed in an earlier case with Bibb County that were inside the October 15th, 2013 runoff election ballot envelopes. Those were mailed in the incorrect envelopes by the electors. The absentee ballot recap sheet failed to document the spoiled ballots in addition to the fact that the October 15th, 2013 runoff election documents were never filed, processed or received by the clerk of court in Bibb County.

The original complaint in this case -- one of the original complaints is that eighteen -- excuse me, eight hundred absentee ballots were not retrieved or counted and was found to be unfounded; however, during the investigation it was learned that there were approximately a hundred and
seventy-five absentee ballots that were received, stamped after the October 15th, 2013 runoff election. Many of the hundred and seventy-five absentee ballot envelopes did not have rejected written across the face of the envelope with the reason for the rejection. Ms. Hatcher (phonetic) completed the voter registration on August 16th, 2013 using her residence of North Ingle Place apartment 8A in Macon, Georgia, and she was assigned to Howard 6 polling precinct in district 1. When she went to vote she explained to the poll workers that she believed her address should be in district 2. Poll workers insisted that she was in district 1 and she proceeded to vote. According to Macon-Bibb County districting map Ms. Hatcher's address is indeed in district 2. She was changed to district 2 for a follow-up election and voted correctly in the October 15th runoff. There were thirty-two residents in a large apartment complex who were improperly districted for this election as well. It was found that the precinct boundary line located between Godfrey (phonetic) 1 and Godfrey (phonetic) 2 precincts had been altered. As a result after the election the residents of (indiscernible) home apartments were corrected and moved from commission district 2 to commission district 8, their correct district.

According to Ms. Watson there was another complex (indiscernible) complex that had a similar issue in that the census line had been redrawn and split the apartment complex. Elections personnel were unaware at the time the apartment complex had been split into two separate districts until a candidate brought it to their attention. So there were a list of forty-seven electors who were improperly voted in commission district 3 instead of commission district 2 because of the line being moved.

We recommend that Bibb County Board of Elections and Registration, Emma Watson (phonetic), election supervisor, Veronica Seals (phonetic) be bound over to the Attorney General's office for the list of violations which relate to 2-26(b), districting as well as the other listed charges involving 386-4 (indiscernible).

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)
MR. SECRETARY: Anyone else wishing to speak?

MR. WORLEY: I had a question for Mr. Lewis. I see now in the text of one of the reports that you say on October 17th, 2013 an investigator made face-to-face contact with complainant, district 2 candidate Henry Ficklin (phonetic) but Mr. Ficklin is not listed as a complainant in any place in the report above where you list the complainants. Is Mr. Ficklin a complainant?

MR. LEWIS: I don't believe Mr. Ficklin was listed as a complainant in this case. I think he was interviewed as the person who brought this violation -- the census line to the attention of the election board.

MR. SECRETARY: Give us your name and address for the record again.

MR. NOLAN: William Nolan. I'm an attorney in Macon. It is 559 Edgefield Way Macon, Georgia 31210. Mr. Ficklin was, in fact, the complainant in a challenge to the October 15th runoff -- I'll get the dates. September 17th and October 15th. October 15th runoff, that was what brought to the attention of the board the census block issue in Overlook Garden Apartments. What you had was an apartment complex where everyone had the same street address, which I believe is 1400 Gray Highway and yet the census block line and the district line went through the apartment complex such that these people were in two and some were in three and so Mr. Ficklin was, in fact, the complainant in contest whether or not he was at this proceeding.

MR. WORLEY: Well, I'm still unclear. Is he a complainant in this proceeding or just a witness who you took information from?

MR. LEWIS: Witness we took information from.

MR. SECRETARY: All right, Mr. Nolan.

MR. NOLAN: Thank you, Mr. Chairman. I won't burden the board with a repeat of my comments from earlier. This was the election cycle. These nine new districts in Macon-Bibb
County had just been created and I say that not to excuse the mistakes that were made but to simply point out that we have these matters under control at this point. People voting the right district have been worked out. It's unfortunate that it took an election cycle to get that done. Again, we do not contest the findings or conclusions and we just stress the mitigating factors and our cooperation.

**MR. SECRETARY:** Any questions for Mr. Nolan?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

(No response)

**MR. SECRETARY:** Hearing none, do we have a motion? I think I made a motion in the last case. I think I'll do it again. I think we should bind this case over to the Attorney General's office. As I said before in the previous case, I think they'll work with Macon-Bibb County who has been cooperative and we're dealing with a lot of the same issues here. So I'm sure we'll get that resolved, so I will make that motion that we bind over. Do we have a second?

**MS. SULLIVAN:** I'll second it.

**MR. SECRETARY:** Ms. Sullivan 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 and that motion has carried. All right. Our next case would be 2014-008 which is Greene County, which would be number twenty-nine in our binder.

**MS. WATSON:** This complaint was made on April 16th, 2014 by
Pam Lacey (phonetic). She alleged that the Greene County elections office merged the polling locations with White Plains and Solaom (phonetic) without proper notification. The investigation revealed that Greene County advised that they did fail to publish notification in the legal organ for two consecutive weeks before the merging of the White Plains and Solaom polling locations. There was documentation that was submitted that showed there was one notice that was posted in the paper but there wasn't one for the second notice. Greene County merged the two polling locations because they were unable to hire poll workers for the White County poll location. The issue was brought to Greene County's attention before the elections so they posted signs at the poll locations, issued radio DSA and sent out (indiscernible) voter precinct cards off by (indiscernible) election day. We recommend a letter of instruction be issued to Greene County Board of Elections and Registration, Mike Malone (phonetic), former election supervisor, for violation of 21-2-265(a).

**MR. SECRETARY:** Any questions for Ms. Watson?

(No response)

**MR. SECRETARY:** Anyone else wishing to speak?

**MS. GRANT:** I'm Andrea Grant and I'm the attorney for Greene County Board of Elections and Registration. My office address is 504 Bowers Street in the big city of Royston, Georgia 30662 and I have with me the interim elections supervisor and I will let her introduce herself as well as her address.

**MS. MEARS:** Kathleen Mears, 1831 Palmer Ridge Road Greenville, Georgia.

**MS. GRANT:** We don't dispute the findings. We are here basically to let you know how seriously the board of elections registration takes this matter and they were very cooperative with us in getting the problem resolved and their (indiscernible) we take our admissions very, very seriously and our board also takes it very seriously and
asks for a letter of instruction and we would ask that as well.

**MR. SECRETARY:** Thank you-all for being here. Any questions?

(No response)

**MR. SECRETARY:** Hearing none, anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** Seeing none, do we have a motion?

**MS. SULLIVAN:** I'll move that a letter of instruction be issued in this case.

**MR. SECRETARY:** Ms. Sullivan moves we issue a letter of instruction. Do we have a second?

(No response)

**MR. SECRETARY:** I'll 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 and that motion carries and we will issue the letter. 2014-015, Candler County Board of Education case. Number thirty in a binder.

**MS. WATSON:** This complaint was brought by Kendall Brooks an attorney representing Candler County Board of Elections. He reported that Wayne Culverson (phonetic) an elections director failed to qualify the nonpartisan board of education members in time for the May 20th, 2014 primary election. Additional information was received of
regarding the November 4th, 2014 school board election. He advised the county used incorrect district lines with the school district. The word incumbent was not known next to the incumbents name on the ballot and at some point during the evening tabulation was not in public view.

The investigation revealed elections superintendent Wayne Culverson stated that his office neglected to hold qualifying in a timely manner and he takes full responsibility for the oversight. After the oversight was discovered, Mr. Brooks contacted the state elections division in the Attorney General's office seeking advice. Mr. Brooks filed a petition in Superior Court to reopen qualifying for the candidates and for setting up a special election. Regarding the November 4th, 2014 election, electors Mr. and Mrs. Henry Young (phonetic) were both issued the wrong ballot style because of the previous districting issues. The problem was addressed without affecting any additional electors. Candler County election staff failed to ensure the word incumbent was beside Carolyn Burton's (phonetic) name on the ballot. The error was discovered only after it was too late to correct. Ms. Burton was running against Mr. Culverson's daughter, Terry Culverson (phonetic). It was found Mr. Culverson did not work as a poll worker in the precinct in which his daughter was a candidate; however, he was present at the precinct on two occasions on the date of the election; once early in the day to deliver breakfast to the poll workers and once during the day regarding the district issue. Finally, it was alleged that the door to the office where the votes were counted was closed at some point during the counting of the ballots. It was determined that the gym servers located behind the door to the office and occasionally the door was pushed partially closed for the tech to maneuver in the room but the door was immediately reopened.

The recommendation is for Candler County Board of elections and Wayne Culverson, former election superintendent be bound over to the Attorney General's office for 21-2-132(c)(2) filing notice of candidacy and Candler County Board of Elections Wayne Culverson and Brooke Wetak (phonetic), chief deputy registrar, be bound over for violation of 21-2-131(a)(1)(a), fixing and publishing of
qualification fees and 21-2-285, form of additional election ballot and 21-2-(indiscernible) duties of County board in determining eligibility of voters.

**MR. SECRETARY:** Any questions for Mrs. Watson?

(No response)

**MR. SECRETARY:** Just to clarify, which I think you said, so, they basically self-reported all these issues; correct?

**MS. WATSON:** That's correct.

**MR. SECRETARY:** Okay. All right, anyone else wishing to speak?

**MR. GROSS:** I'm Kendall Gross and I am the county attorney for Candler County and for the elections board and Mr. Wayne Culverson is walking up behind me. I practice law at 235 South Lewis Street Metter, Georgia 30439. I'll let Mr. Culverson introduce himself.

**MR. CULVERSON:** I'm Wayne Culverson. I live at 1128 Culbertson Lane in Metter, Georgia. I'll begin by saying that my name is Wayne Culverson. I'm on the election board of Candler County for twenty-two years. I worked for the county for twenty-two years. I worked in elections and registration office. I started off as a poll manager, was a probate judge and ended my time as an election supervisor and chairman of the election board. I was hired in 2006 as a part-time election supervisor with a salary of five thousand and fifty dollars a year and if you divide that it works out to nine and a half hours a week that you can work with pay. However I did have a full-time clerk in the office that was responsible for running the office as directed by the board members and its members. As part of her duties and responsibilities she was asked to do the clerical reporting that was necessary on a day-to-day basis. She was to report any updates, changes made in the state-elected office to me and the board.
On April the 28th until May the 22nd, I was in my office qualifying board members. When I finished on Friday I was filling out all the papers when I realized I was missing one form. I proceeded to call Linda Ford at the Secretary of State's office and ask her about this matter. It was at this time that I was informed that the qualifying times had been changed to March. After talking to Ms. Ford I proceeded to find a mistake was made. (Indiscernible) the clerk in human error and not give the board or me the updated email that changed those election dates. I immediately called the county attorney and was able to go to Superior Court and get the qualifying dates changed. As to the matter of redistricting, Candler County was done with the clerk and the past chairman of the board in 2012. I was not involved in this matter. When I was hired as chairman in 2014 I did not have time at nine hours a week to go through everything that had been done in the past. So I assume those people had the knowledge and the ability to do it correctly.

On November the 3rd it was brought to my attention that the redistricting was in error. I immediately called Ms. Ford and asked her what needed to be done. She made me a list of registered voters which were ten people. I was also told to give a list with express poll worker and inform them that these people were not to vote on regular ballot, that they would be given a corrected ballot (indiscernible) except Mr. and Mrs. Young, who their daughter is a school board member had went and (indiscernible) but they swore to me that he did not cast a ballot. The grievance of Ms. Burton's (phonetic) matter as an incumbent was an oversight on my staff's part. Ms. Burton did not go on the ballot (indiscernible) on the qualifying that she was incumbent. So I assume responsibility for that. I called Linda Burton (phonetic) and stated this to her.

Before my daughter was qualified for school board member, I called Linda Ford and asked her if there was any problem with me working as election supervisor and she informed me that there was no law that I could not. She asked me not to be involved in anyway more than I absolutely had to. Let me say again, I was an election supervisor. Not a poll worker. On the issue of the door being closed in my office.
That office is about eleven by eleven. It has two full-sized desks and it is my office also. It has a gym machine on another desk and a big file cabinet. That's where we store all of the machines. When I came in from closing out the other poll there was five people in there working on elections. I opened the door, put my keys in my door, spoke to them all and turned around and walked out. I was not there, at most, a minute.

Shortly after the election I was called to the attorney's office and Mr. Gross stated that the county commissions had met and my position as election supervisor and chairman was to be terminated or I could resign. I thought this over and I don't feel that it was right for me to resign because to me that's admitting I did something wrong. The county board met and they were ready to fire me and then they learned they had to have a public meeting. On December 4th (indiscernible) Candler County courthouse to set up a meeting regarding comments and whether the accusations warranted me to (indiscernible). There were eighty (indiscernible) concerned citizens there. Anyone could speak. Many citizens' voices were heard after the chairman of the board read the allegations against me. Many citizens stated that mistakes have been made but they didn't feel that I should be fired. Everybody on the board entered into executive session. Once they were back to the regular meeting, the statements were quoted from the minutes taken that night and they were as follows -- this statement was taken from the quote of the minutes that night.

Prior to a motion being made by Commissioner Jones, stated contrary to what is being heard the board has not made a (indiscernible) prior to tonight to fire Mr. Culverson. I think there's been a lot of serious mistakes in this (indiscernible) and the way it was handled. I do not believe that we have here tonight raised enough evidence to bind Mr. Culverson. I think a strong recommendation in writing is what it should be and he made that a motion.

The motion was made to give Mr. Culverson a letter of recommendation. Let me say that I (indiscernible) mistakes are made because of that fact. I did apologize to the citizens of Candler County. I apologized to Ms. Burton (indiscernible) during the voting period for the wrong by me and my office staff. As a matter of fact, that night the
staff and I declared to meet the next day to head off any problems that would come in the future.

**MR. SECRETARY:** Thank you Mr. Culverson. Anything else Mr. Gross?

**MR. GROSS:** I do. I am here in defense of the election board. I do want to point out that the election board that existed at the time these complaints were lodged is completely gone as is Ms. Voight (phonetic). They have been replaced either by their own volition or otherwise. Given that and given the cooperation and the fact that the county self-reported I would ask that the election board not be bound over but allow the matter that may need to be further investigated into Mr. Culverson and Ms. Voight be bound over. It's a completely separate crew that's there now. They are, to my knowledge, certified and are trained. We have had a couple of elections since this time. We haven't had any problems and given the totality of the circumstances I believe that would be appropriate as far as a disposition for the County.

**MR. SECRETARY:** Any questions for Mr. Culverson or Mr. Gross?

(No response)

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

(No response)

**MR. SECRETARY:** Hearing none, do we have a motion or any other discussion?

**MR. WORLEY:** I would make a motion that we bind over all of these violations to the Attorney General's office.

**MR. SECRETARY:** Mr. Worley has a motion to bind over. Do we have a second?

**MS. SULLIVAN:** I'll 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 and that motion carries. Next up we have 2014-022, which is number thirty-one in our binder, Fulton County primary election.

MS. WATSON: There were ten (indiscernible) complaints relating to the May 20th 2014 general primary in Fulton County regarding various issues, such as receiving an incorrect ballot style, voter not found on the voter list, no provisional ballot at the precinct and the precinct had changed without notification. Out of these allegations there were four that were substantiated. The first is that Peter Marshall (phonetic) (indiscernible) was not listed as a registered voter as a result of faulty GIS information recorded in Fulton County. This had been corrected and he is now in the correct district and polling location. Marshall was provided a provisional and that vote was counted. An elector, Veronica Pryor (phonetic) was redistricted in error and the districting GIS information resulted in her not being listed in an express poll recorded in Fulton County. She was offered and voted a provisional ballot that was counted. Michael Burnett (phonetic) was not located in the voter's list. Fulton County advised this was due to redistricting and faulty GIS information. Mr. Burnett provided a provisional that was counted. James Roberta (phonetic), William and Susan Scarborough (phonetic) all from the same address were all redistricted and due to error and faulty GIS information they were not listed in the voter list and they were not provided with a provisional ballot. We recommended Fulton County Board of Election and Registration, Richard Barron (phonetic), election supervisor, Dwight Bauer (phonetic), director of elections Ralph Jones (phonetic), registrations manager be bound over to the AG's office for the listed violations in 21-2-226(b),
duties of the county board to determine eligibility of voters and violation of 21-2-418(a) provisional ballots.

MR. SECRETARY: Any questions for Ms. Watson from the board? (No response)

MR. SECRETARY: Hearing none, anyone else wishing to address the board on this matter?

MR. GOLDMAN: Again, my name is David Goldman. Fulton County attorney's office, 141 Pryor Street Atlanta, Georgia. With respect to the remaining four complaints, Mr. Dwight Bauer, chief of elections, to provide information with respect to the Scarborough matter, which is the ninth complaint. Mr. Ralph Jones will provide that information.

MR. BAUER: Dwight Bauer, 130 Peachtree Street Atlanta, Georgia 30303. In reference to the Scarborough case, it is, in fact, treated as though those folks were not on the express poll but that is not our policy not to offer a provisional ballot to the voter. I think we have a pretty long history of sometimes getting accused of being too liberal with provisional ballots but provisional ballots were offered. The voters simply declined to vote the provisional ballot.

MR. SECRETARY: Let me just ask you a question about that. So, you're saying that they declined the provisional ballot?

MR. BAUER: Yes.

MR. SECRETARY: Because in the report it's saying they weren't offered a provisional ballot.

MR. BAUER: We saw that in several cases in the report but if you go back they were offered -- that is our policy. The poll manager states that they were, in fact, offered a provisional ballot but declined.

MR. SECRETARY: Mr. Worley.
**MR. WORLEY:** Do you know why they were not listed in the system?

**MR. JONES:** Mr. Ralph Jones, 130 Peachtree Street Atlanta, Georgia 30303. The reason why they were not on the list is because of a GIS coding error. Their office was the last one on the street and with the new redistricting system, if it doesn't match our street, they are automatically not assigned to a particular precinct. So, their name was not assigned to a precinct at the time of the vote. We have since then have corrected it (inaudible).

**MR. SECRETARY:** Do you have anything else on these other ones or is that it?

**MR. GOLDMAN:** In reference to the provisional ballot, I think this was the general primary that was (indiscernible). We did not get or receive all of the provisional supplies requested. I think the issue was provisional ballot envelopes and we requested five hundred and we were only issued three hundred. I think we got about 60 percent of what we asked for.

**MR. SECRETARY:** Anything else? Any questions for Mr. Bauer, Mr. Jones or Mr. Goldman?

(No response)

**MR. SECRETARY:** All right, thank you. Anyone else wishing to speak on this matter?

(No response)

**MS. WATSON:** Mr. Chairman, the Scarboroughts were contacted and they advised they were turned away (indiscernible) and not offered a provisional.

**MR. SECRETARY:** All right. No one else wishing to speak. Do we have a motion or any other discussion?
MS. SULLIVAN: I'll move that we accept the recommendation and bind these cases over to the Attorney General's office.

MR. WORLEY: I would second that.

MR. SECRETARY: We have a motion by Ms. Sullivan 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 and that motion carries. Next, we have 2014-036 Troup, which is thirty-three in our binder.

MS. WATSON: (Indiscernible) regarding the May 20th, 2014 general primary election and the July 22nd, 2014 primary runoff election and Troup County that were reported by Ms. Eleanor Moore (phonetic). The complaints included questions as to Amy Hyatt's (phonetic) qualification as a poll worker, absentee ballots were mailed out without voters requesting an application, the May 20th, 2014 election was certified with no participation by the board, Gilmore (phonetic) alleges that an elector, Mr. Hart, was placed in an incorrect district after being de-annexed from his property in the city of West Point to Troup County. The Troup County election supervisor, Andrew Harper (phonetic), and the board of elections and registration chair Jane Macoy (phonetic), submitted complaints alleging that Stephen Dale Jackson (phonetic) had voted on July 22nd at the Gray (indiscernible) polling location while wearing his third congressional Republican party identification badge. Poll workers requested that he remove the badge (indiscernible) stated that he could leave it on. The last complaint was that Stephen Dale Jackson (phonetic) took a photo of his ballot and posted it to his Facebook page. Of the investigations two of the complaints were substantiated that Keith Hart (phonetic) a Troup County voter voted a provisional ballot on May 20th, 2014 and later was notified
that his ballot did not count. Mr. Hart's property had been annexed in the city of West Point in 2008 and then de- annexed back into the County in 2012. Mr. Hart went in to vote and was directed to his correct polling location. He stated that he was pressed for time and asked for a provisional ballot and voted the ballot. The election supervisor was contacted and notified that Mr. Hart would have had time to go to his correct precinct and Mr. Harper, an election supervisor, rejected the provisional ballot.

The complaint alleging that Steven Dale Jackson took a photograph of his ballot and posted it to his Facebook page was also confirmed. Mr. Jackson stated that he did not see the sign stating cell phone usage was not permitted in the polls. Mr. Jackson also stated that he believed as long as the ballot was not legible a photograph was okay.

The recommendation is for Troup County Board of Elections and Registration be bound over to the AG's office for 21-2-419(b), validation of provisional ballots as Troup County Board of Election fail to properly examine the ballot cast by Keith Hart and make good-faith judgment in determining if he was entitled to vote in the primary election. 21-2-419(c)(2), validation of provisional ballots as Troup County Board of Elections failed to count the provisional ballot votes for candidates and Keith Hart was entitled to vote for. Violation of the State Election Board rule 183-12-064(d), provisional ballot when Troup County Board of Election failed to count all votes cast when Keith Hart was entitled to vote and also the City of West Point and Richard McCoy be bound over to the AG's office for 21-2-226 and 21-2-228 examination of electors qualifications and Stephen Dale Jackson be issued a letter of instruction for violation of 21-2-413(e), conduct of voters prohibit (indiscernible).

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this matter?

MR. TODD: Jeff Todd, I am the City of West Point city attorney. I practice law at 205 North Lewis Street in
Lagrange. I'm here on behalf of West Point just to acknowledge that they've had a number of annexations over the years. They have not had a lot of the de-annexations. As a matter of fact, I think, this one was the first one in several years. They simply did not have a procedure in place to notify the board of electors of a de-annexation. They notified the County and didn't realize that was not enough but that has certainly been remedied and will be remedied by the City going forward.

MR. SECRETARY: Any questions for Mr. Todd?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak?

MR. JACKSON: My name is Dale Jackson, 4204 Whites Field Road Lagrange, Georgia. Just wanted to simply state that I wasn't aware that I couldn't take a picture. I was primarily with my daughter in the voting booth. Not knowing this day was coming I haven't done it in the last two cycles. We take our picture outside of the building from now on, so I would ask for your leniency and I promise to never do it again. Thank you.

MR. SECRETARY: Thank you for being here, Mr. Jackson. Any questions for Mr. Jackson?

(No response)

MR. SECRETARY: I would just say for Mr. Jackson's knowledge and the rest of the audience we have tried -- you know, taking ballot selfies and pictures in the polls and those kind of things, we get a lot of calls about that. We've tried really hard whether you like that law or not we're required to follow that in the polling locations and I know the County election officials in our office have tried to make the public aware of that, not to do that and this board has had a pretty standard response when that happens for first-time offenders, if you will, is just to send a simple letter of instruction, make sure that doesn't happen again. I certainly appreciate that it hasn't, so that is the recommendation here and that's not anything out of the
normal -- that we normally do and any help you-all can give
the general public about spreading that word, we'd
appreciate it. Anyone else wishing to speak on this matter?

(No response)

**MR. SECRETARY:** Hearing none, do we have a recommendation or
a motion?

**MR. WORLEY:** I make a motion that we send Mr. Jackson a
letter of instruction not to take photographs in the polling
place again.

**MR. SECRETARY:** We have a motion by Mr. Worley. I'll second
that. 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 and that motion
carries and we will issue that letter. Thank you for taking
the time to be here today. We still have the matter dealing
with the other respondents. The recommendation, Ms. Watson,
was for the board of elections or the City or both?

**MS. WATSON:** Troup County Board of Elections and Registration
for 21-2-419 and State Election Board rule 183-12-.06 and
City of West Point and Andrew Macoy.

**MS. SULLIVAN:** I'll move that those cases be bound over to
the Attorney General's office.

**MR. WORLEY:** I'll second that.

**MR. SECRETARY:** We have a motion by Ms. Sullivan and a
second by Mr. Worley. Let me just make sure that we don't-
- I know we've heard from the City. Is there anybody from
Troup County here that wants to talk to us?
MR. SECRETARY: Hearing none, we have a motion and a second 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 and that motion carries. Okay, thank you-all for being here. Next case 2014-093, which is number thirty-four in our binders. It is a DeKalb County case.

MS. WATSON: November 2014 Alexandra Davies (phonetic) reported that she found two poll locations given to her by DeKalb County to vote on November 4th, 2014. At both locations she was not located in the express poll. Investigation showed that Alexandra Davies registered to vote in DeKalb County on October 6th, 2014 the last day to register for the November 4th, 2014 election. The voter registration application was processed on October the 9th, and for reasons unknown was canceled showing not verified.

On November 4th, 2014 registration showed changes had moved to active and assigned to the Chamblee Civic Center precinct. Ms. Davies called on November 4th to verify where to go to vote. She was told to go to the Saint Patrick Episcopal Church. When Ms. Davies was at the Saint Patrick Episcopal Church, she was not found in the express poll and they called the elections office and found her precinct to be Chamblee Civic Center. Ms. Davies went to Chamblee Civic Center and was not found in the express poll but was offered a provisional ballot which she declined to accept and left the polling location. Investigator confirmed with Maxine Daniels (indiscernible) voter registration application was processed, she was not placed in the proper precinct but was still listed with an unassigned precinct status until November 4th, 2014.

The recommendation is for the DeKalb County Board of
Election and Registration and Maxine Daniels, election supervisor be issued a letter of instruction for the listed violations of 21-2-226(b), duties in determining eligibility of voters.

MR. SECRETARY: Any questions for Ms. Watson?

(No response)

MR. SECRETARY: Anyone else wishing to speak?

MR. BRYANT: Ben Bryant (phonetic) Assistant County Attorney for DeKalb County representing the board of registration and elections. I practice law at 1300 Commerce Drive Decatur, Georgia 30030. Mr. Chairman and the board, we're not here to contest the facts as consistently with the investigation but provide a little bit of context to it. Really, the error that occurred here is that the data entry employee did not finish his or her job. Now, this employee is no longer with the County but the employee started processing the application but did not do a street search which is the process that assigns a voter to a precinct. So again instead of -- we understand that this is important and we regret that the voter was sent to two different places. She did not fill out or she did not cast a provisional ballot which she had an opportunity to do but not focusing on that would like to provide you with what the County has done to mitigate these factors and just make sure that this doesn't happen again.

A couple of internal procedures that we are putting in place is creating red flag reports to make sure that we understand when this process isn't completed by the data entry person. So say someone is registered to vote. Their process of the application has been processed but the research hasn't been done and therefore they have not yet been assigned a voter precinct. It will actually create an internal document that flags any of those cases. Obviously, it's also important to have proper training procedures in place. We will train our data entry folks to make sure that they are specifically looking for this and we will have them supervised and, in fact, assigned a specific staff member to take these red flag reports that we receive in addition to the ones that we create internally through the IT
department. Also, the information that we receive through the 9999 supplemental reports to periodically and regularly check to see if any voters have not been properly placed through the name search and if we find that if any data entry folks have not completed our process as trained, there will be remedial training and there will be remedial action taken. Finally, we also are going to put in place some fail-safe procedures that includes creating -- distributing the 9999 supplemental list to poll managers in each polling location. So, in this situation if the voter were to arise and the poll manager had a list, she would be on that list even if she wasn't on the voter precinct list and we could resolve it right on site without even her having cast a provisional ballot.

So considering that the board of elections takes this seriously and considering that the board of elections has already put in procedures to make sure this doesn't happen again, we respectfully request that you follow the recommendation of the investigator and just issue a letter of instruction.

MR. SECRETARY: Thank you. Any questions for Mr. Bryant?

(No response)

MR. SECRETARY: Hearing none, anyone else wishing to speak on this matter? We have a recommendation for a letter of instruction. Any other discussion or a motion from the board?

MS. SULLIVAN: I'll move that a letter of instruction be issued.

MR. WORLEY: I'll second that.

MR. SECRETARY: Alright Ms. Sullivan moves for the letter 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 and that motion carries and we will issue that letter. 2015-038 which is number thirty-five in our binders, Fulton County case.

**MS. WATSON:** Yes, sir. The complainants in the July 2015 -- a complaint was filed alleging that a candidate, Marie Metts (phonetic), campaigned in several Fulton County polling locations during the July 22nd, 2015 special runoff election. Investigations revealed it was determined that candidate representative-elect Marie Metts went into the Thicket Elementary poll location during the runoff election Ms. Metts entered the poll around 10:00 am. She did not introduce herself or speak to anyone but just proceeded to the poll area. She was not wearing any name tag or any campaign-related items. Poll workers approached and asked if they could assist her and she replied she was fine. She sat for approximately an hour and left and returned at approximately 1:00 p.m. at which time she approached the poll manager and introduced herself as a candidate on the ballot. The poll manager, Ms. Smith, advised Ms. Metts that she was not supposed to be at the poll and she immediately left the location.

At the West Manor Elementary School precinct, Marie Metts (phonetic) was also observed at the poll by candidate Shelitha Robertson (phonetic) who had entered the poll to observe Ms. Metts talking to voters and poll workers and reported her to the poll manager, Ms. Dunn (phonetic). Before Ms. Dunn could approach Ms. Marie Metts, she had left the poll area at which time Shelitha Robertson also exited the poll. The poll manager stated that Marie Metts had been at the poll twice: once to vote and then again when she was sitting in the poll area. When entering Marie Metts advised that she was not wearing any campaign items and that the other candidates were also in the polls. Marie Metts would only say that she entered to use the restroom and was not wearing campaign items and that the other candidates were also in the polls. This appears to contradict with the poll manager's statements that claim Marie Metts were in the poll area sitting for over an hour. Shelitha Robertson had stated that she had observed Marie in the West Manor poll location. Shelitha Robertson advised that she stood in the
hallway for five minutes and watched Ms. Marie Metts speak to voters and poll worker. Shelitha stated that Marie Metts then sat down on a chair within the polling area in the vicinity of voters. Shelitha Robertson went to report to the poll manager that candidate Marie Metts was in the poll and Marie Metts walked outside the poll.

The recommendation is that Marie Metts and Shelitha Robertson be bound over to the AG's office for 21-2-419(b), prohibition of candidates on entering certain polling places when Marie Metts entered the polling area of West Manner precinct and Thicket precinct and Shelitha Robertson entered the West Manner precinct while voters were listed as candidates on the ballot and the presence was not for the purpose of voting.

**MR. SECRETARY:** Any questions from the board for Ms. Watson?

(No response)

**MR. SECRETARY:** Hearing none, anyone else wishing to speak on this matter?

**MR. BROWN:** Dwight Brown, 130 Peachtree Street Atlanta, Georgia 30305. I guess this is kind of like self-reporting but I did receive a call from Ms. Robertson alleging that Ms. Metts was in the poll. I had talked with Ms. Metts and she immediately departed the poll per my discussion with the poll manager at that location.

**MR. SECRETARY:** Any questions for Mr. Brown?

(No response)

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

(No response)

**MR. SECRETARY:** Hearing none, do we have a motion? We have a recommendation to bind both respondents over.

**MS. SULLIVAN:** I move we accept the recommendation.
MR. SECRETARY: Ms. Sullivan moves we bind both over. Do we have a second?

MR. WORLEY: I second that.

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 and that motion carries and we will bind them over. Okay, 2016-001, Tybee Island qualifications issue, number thirty-seven in our binder.

MS. WATSON: This case was heard previously and was sent back for further investigation. The complaint was made by Lonnie Parks (phonetic) and complained that Tybee Island resident Stephen Freeman (phonetic) intentionally filed false qualification documents when he ran for office in the November 3rd, 2015 general election in Tybee Island. An investigation revealed on September 12th, 2014 Mr. Freeman purchased a home on Tybee Island in order to establish residency. On November 4th, 2014 Mr. Freeman traveled to Cobb County to vote and signed his voter certificate (indiscernible) his residence is in Cobb County. On September 3rd, 2015 Mr. Freeman submitted notice of candidacy paperwork with an affidavit that he was a Tybee Island resident for one year, which would not have been one year from the date of his home purchase on Tybee Island nor would the election be one year of the date that he completed the voters certificate in Cobb County. When Mr. Freeman was notified of the challenge, he withdrew his candidacy.

The recommendation is for Stephen Freeman, candidate of Tybee Island (indiscernible), be bound over to the AG's office for the listed violations: 21-2-565 and 21-2-562.

MR. SECRETARY: Any questions for Ms. Watson?
MR. SECRETARY: Anyone else wishing to address us?

MR. WITHERS: Good afternoon, members of the board. My name is Tom Withers (phonetic). I am an attorney from Savannah.

I practice at 8 East Liberty Street Savannah, Georgia 31401. This board heard the facts, including the testimony and statement of Mr. Freeman, at the June hearing as well as heard from the complainant. Given that Mr. Freeman took action to withdraw from the Tybee election when he was notified of his violation, I think he's done everything that he could do to remedy the situation and we'd ask that the case -- that this board issue a letter of instruction or letter of reprimand. Mr. Freeman is here with me today as a sign that we take this matter very seriously. Thank you.

MR. SECRETARY: Thank you, Mr. Withers. Any questions for Mr. Withers?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Ms. Watson, can you just give the board a brief recap of the Savanna meeting and why this came back?

MS. WATSON: Yes. Previously Mr. Freeman was not listed in violation of 21-2-562 regarding entry in the voting in Cobb County and signing a voter certificate.

MR. SECRETARY: Okay. In light of that, did you want to add anything?

MR. WITHERS: No.

MR. SECRETARY: Okay. Anyone else wishing to speak?

(No response)
MR. SECRETARY: Hearing none, do we have any other discussion or a motion?

MR. WORLEY: I would make a motion that we bind this over to Attorney General's office.

MR. SECRETARY: Mr. Worley moves that we bind this over. 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 and that motion carries and we will bind that one over. All right, we will go back to the start of this list on the cases that we skipped over because no one was here. I believe the first one is 2013-015, which is the Gwinnett County Roberts registration. I think it is number twenty-one in a binder.

MR. LEWIS: That is correct, Mr. Secretary. In March 2013 Gwinnett County reported two registration applications were received for elector Corey Roberts (phonetic), were noticeably different signatures. We contacted Mr. Roberts who stated that he was unaware of the second voter registration card being submitted in his name. He did verify that he completed one of the voter registration cards but indicated he had no knowledge of who might have completed the second card. One of the cards had a phone number for Kristie Roberts (phonetic) who is Mr. Roberts, ex-wife. When she was questioned about voter registration card, she admitted to having completed one of the cards for Mr. Roberts but indicated that she let him sign the card. Ms. Roberts agreed to submit a statement regarding her actions in this matter but no statement was ever received. Further attempt to contact either Mr. Roberts or Ms. Roberts
were unsuccessful (indiscernible) information for the investigation.

We recommend that Larissa Edna Roberts (phonetic) be bound over to the Attorney General's office for 21-2-561(2), false registration and 21-2-562, for fraudulent entries.

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter? (No response)

MR. SECRETARY: Seeing none, do we have further discussion or a motion? (No response)

MR. SECRETARY: I would move that we bind over to the Attorney General's office.

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 and that motion carries and we have bound that case over. We'll move to SEB case 2013-064, city of Atlanta, Palmer case. Number twenty-eight in our binder.

MR. LEWIS: Latonya Middlebrooks (phonetic) reported that Mary Palmer (phonetic), a candidate for the Atlanta school board District 5 had qualified when there were current IRS liens against her for the years of 2007 between 2013. The investigation revealed that we did discover IRS notice of tax forms filed on the clerk of Superior Court Fulton County, Georgia on December 18th, 2012 and January 15th,
2013 covering the tax years of 2002 to 2012. The (indiscernible) claimed the approximate amount was a hundred and three thousand dollars of owed taxes to the IRS. During the investigation Ms. Palmer admitted to owing taxes and led investigators to believe that there were negotiations ongoing and a possible payment plan to satisfy the tax liens. We contacted her accountant and her accountant advised that all of her compromised taxes were currently being prepared to submit to the IRS in order to settle the back tax issue. Ms. Palmer did provide copies of her paystubs indicating in involuntary Federal levy had been placed against her payroll checks for the months of May, June, December of 2013.

We recommend that Mary Palmer, candidate for the Atlanta school board, be bound over to the Attorney General's office for the listed charges in 21-2-6, qualifications of candidates for county and municipal office and 21-2-565, making false statements.

MR. SECRETARY: Any questions for Mr. Lewis?

(No response)

MR. SECRETARY: Anyone else wishing to speak on this matter?

(No response)

MR. SECRETARY: Seeing none, do we have any other discussion or a motion?

MS. SULLIVAN: I move we bind over this case to the Attorney General's office.

MR. SECRETARY: Ms. Sullivan moves that we bind over the case to the Attorney General's office. Do we have a second?

(No response)

MR. SECRETARY: I'll second. Any other discussion?

MR. WORLEY: I have a question for the Attorney General's office. I don't think we've ever had a case like this where
the issue of someone's qualifications is an issue before us when it comes to the Secretary of State and --

MR. SECRETARY: For a candidate challenge. I guess, qualifications are challenged.

MR. WORLEY: Right.

MR. SECRETARY: Are you asking if we have jurisdiction here?

MR. WORLEY: Well, we've just never had it come up. I'm just wondering if we refer it over to the Attorney General's office if they could carefully look at the basis for a complaint.

MS. CORREIA: Well, we will do that.

MR. WORLEY: That's all.

MR. SECRETARY: Let the record reflect that Mr. Worley has been on this board for as long as anybody can remember and he has never seen this before. (Laughter from the gallery)

MR. SECRETARY: Okay. Let's see, we had a motion and a second to refer to the Attorney General's office. With that being said, 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 and that motion carries. Our last new case on our agenda is SEB case 2014-033, which is number thirty-two in our binder.

MS. WATSON: This complaint was made on June 5th, 2014. The
Pike County registrar contacted the Secretary of State's office to report that they had incorrectly entered (indiscernible) codes for voters with addresses between the numbers of 7008 through 9476 on Georgia Highway 362. The (indiscernible) code affected the school board district for these voters. Investigations showed there were twenty-one electors listed in incorrect school board district for Pike County. Six of the twenty-one voters cast ballots in the May 20th, 2014 primary election. Mr. Chamblin, the chief registrar, discovered the error and corrected it by placing the voters in the correct district.

The recommendation is for the (indiscernible) Lynn Brandenburg (phonetic), Pike County election supervisor Sandy Chandler (phonetic), chief registrar, be bound over to the AG's office for 21-2-226(b).

**MR. SECRETARY:** Any questions for Mrs. Watson?

(No response)

**MR. SECRETARY:** Hearing none, anyone else wishing to speak on this matter? (No response)

**MR. SECRETARY:** Seeing none. Ms. Watson, you did say they self-reported; correct?

**MS. WATSON:** That is correct.

**MR. SECRETARY:** Do we have any other discussion or motion? We have a recommendation to bind over.

**MR. WORLEY:** I move we bind this matter over to the Attorney General.

**MR. SECRETARY:** Mr. Worley moves we bind over. Do we have a second?

**MS. SULLIVAN:** Second.

**MR. SECRETARY:** Ms. Sullivan 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 and that motion carries. Now we are moving on to our -- let me see, does anybody need to take a quick break?

(No response)

MR. SECRETARY: Alright, we will keep going. Our Attorney General report, our consent cases we will have the same procedure here. If anybody wants to pull one of these out, we will. Let me just go through these really quick. 2011-018, which is a noncitizen case.

UNIDENTIFIED SPEAKER: Sir, if we could, we would just like to hear the nature of the complaint and what the findings were.

MR. SECRETARY: You got it. 2011-075. It is the City of Lake City?

(No response)

MR. SECRETARY: 2012-028 Paulding County, felon case?

(No response)

MR. SECRETARY: 2012-170, Richmond County, nonresident voter case?

(No response)

MR. SECRETARY: 2013-025, Crisp County, felons?

(No response)

MR. SECRETARY: 2013-028, DeKalb County, voter registration?
UNIDENTIFIED SPEAKER: Just the nature and the findings, please sir.

MR. SECRETARY: Yes, ma'am. 2013-032, City of Ocilla, Irwin County?

(No response)

MR. SECRETARY: 2013-066, City of Bronwood in Terrell County?

(No response)

MR. SECRETARY: 2015-009, the City of Odum in Wayne County?

(No response)

MR. SECRETARY: Are there any board members that would like to pull off any of these consent cases?

(No response)

MR. SECRETARY: Alright, hearing none, I will take a motion to accept the recommendations on State Election Board case numbers 2011-075; 2012-028; 2012-170; 2013-025; 2013-032; 2013-066; 2015-009. Do we have a motion to accept the Attorney General report on those cases?

MR. WORLEY: So moved.

MR. SECRETARY: Mr. Worley moves. 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 and that motion carries. Okay, we will pull out 2011-018, which is number thirty-eight in our binder.

MS. CORREIA: This is a case from 2011. Mr. Ramone Espozo (phonetic) in Gwinnett County is a noncitizen and registered to vote in the county and voted in the years 2004, 2006 and 2008 and consent order calls for a cease and desist with public reprimand and a fine of fifteen hundred dollars.

MR. SECRETARY: Anyone else wishing to speak on this matter?

(No response)

UNIDENTIFIED SPEAKER: Would it be appropriate to ask the question -- I'm sorry. The question that we have is did the individual register himself or did he register through DDS? Do you happen to know how he was registered?

MS. CORREIA: He registered himself prior to 2004.

UNIDENTIFIED SPEAKER: Perfect, thank you. And thank you for allowing the question.

MR. SECRETARY: You're welcome. Anyone else?

(No response)

MR. SECRETARY: Hearing none, do we have a motion to accept, change or do anything else?

MS. SULLIVAN: I'll make the motion to accept.

MR. WORLEY: I'll second.

MR. SECRETARY: Ms. Sullivan moves that we accept. 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 and that motion carries. We will pull out 2013-028, which is number forty-three in our binder.

**MS. CORREIA:** This is a case originating in DeKalb County. Mr. Richmond Boulder (phonetic) was assisting with a third-party registration drive back in 2013. He was moving about the same time and misplaced some of the voter registration applications so that they were turned in beyond the statutory deadline but still within time so that no voter was affected in terms of their ability to vote in the upcoming election. So we're recommending a consent order with a cease and desist, a public reprimand and a fine of two hundred fifty dollars.

**MR. SECRETARY:** Anyone wishing to speak on this matter?

(No response)

**MR. SECRETARY:** Hearing none, do we have a motion?

**MS. SULLIVAN:** I'll move that we accept the proposed consent order.

**MR. WORLEY:** I'll second it.

**MR. SECRETARY:** Ms. Sullivan moves to accept. Mr. Worley seconds. Any other discussion?

(No response)

**MR. SECRETARY:** Hearing none, all in favor signify by saying "aye."

(No response)

**MR. SECRETARY:** All opposed same sign and that motion carries and we will accept it. Now, we will move to our proposed recommendations for dismissal. So let me just go through and call these cases. 2004-048; 2012-128; 2013-058;
2013-061; 2013-025; 2013-113. Did anyone want to pull one of these individual cases out to be discussed?

(No response)

**MR. SECRETARY.** Hearing none, anyone on the board would like to pull any of these out?

(No response)

**MR. SECRETARY:** Hearing none, we will vote on these in block. I had one question. Ms. Correia, are the reasons we are recommending dismissal all over the board or is there one pertinent issue on these?

**MS. CORREIA:** Two of the cases they are dismissals that we are recommending without prejudice because all the mail gets returned. We just can't find the respondents.

Three of the cases, 2004-048; 2012-128; 2013-061, all involve charges of possession of absentee ballots and under the 2016 Attorney General opinion, we don't believe that that's a violation of that statutory code.

The final one, 2013-058, involved the City of Lake City. The charge was that the City did not have somebody that was certified to run their elections and the City clerk was charged and the City. The board voted to send the city a letter of instruction but bound over the City clerk but the City clerk wasn't the person that was actually running their municipal elections. It was somebody else that charges were never brought against and that person, Billie Brown (phonetic), was actually appointed by the City to run their elections. He did take all of the training, passed all of the classes but just didn't submit his grades. So he technically had not gotten the certification but given that the City clerk wasn't actually running the elections and the City has already received a letter of instruction, we recommend dismissal.

**MR. SECRETARY:** I guess we have to vote in block on the proposed dismissal on the Attorney General report as I listed earlier. Do we have a motion?
MR. WORLEY: I move that we dismiss those cases.

MR. SECRETARY: Mr. Worley moves that we dismiss. Do we have a second?

MS. SULLIVAN: I'll second that.

MR. SECRETARY: Ms. Sullivan again seconds. And I hear no further discussion, so we'll vote. All in favor signify by saying "aye."

(Whereupon the vote was unanimous.)

MR. SECRETARY: All opposed same sign and that motion carries. And we have dismissed those cases. That appears to be all of the business before us. Mr. Lewis and Ms. Watson, I did not miss a case, did I?

MR. LEWIS: No, sir. You did not.

MR. SECRETARY: Alright with that being said, I would take a motion for adjournment.

MR. WORLEY: So moved.

MR. SECRETARY: Mr. Worley moves.

MS. SULLIVAN: I'll second.

MR. SECRETARY: Ms. Sullivan seconds again for adjourning the 2016 December 13th State Election Board meeting. All those in favor signify by saying "aye."

(Whereupon the vote was unanimous.)

MR. SECRETARY: All opposed same sign and that motion carries and we are adjourned and I hope you guys have safe travels back home today. Thank you for being here.

(Proceedings concluded)
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 101 pages represent a true, correct, and complete transcript of the proceedings given on December 13th, 2016.

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 the attached disclosure 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 27th day of December 2016.

LaTasha D. Bethel
Certified Court Reporter
Georgia Certificate #2660