

THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

APRIL 17, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

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APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Anh Le

Rebecca Sullivan, vice chair

Secretary of State Brad Raffensperger, chair

David J. Worley

Seth Harp

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Chief Investigator Secretary of State
Investigations Division

Frances Watson, Deputy Chief Investigator Secretary of
State Investigations Division

Russell Willard, Senior Assistant, Attorney General's
Office

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

. . . Indicates halting speech, unfinished sentence
or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning, everyone. Welcome to the State Election Board meeting. I'd like to call the meeting to order. And the first thing I'd like to do is have the invocation and call on Senator Seth Harp to open us up with the invocation.

(Invocation)
(Pledge of Allegiance)

MR. RAFFENSPERGER: Well, before we get started, I would like to have a few introductions. For some of us this is our first meeting.

My name is Brad Raffensperger. I'm the secretary of state. I'll be chairing the meeting this morning.

For those of you who have never been to one of these meetings, to my far left is Senator Seth Harp from Columbus, Georgia who has been a board member of the state election board for several years.

And to my immediate left is David Worley who's been a member for several years.

And to my right is our vice chair, Rebecca Sullivan.

And then to my far right is our newest member, Anh Le. Anh has a tremendous history and

1 we're excited that she joins us as a new member. She
2 was previously the deputy general counsel and
3 assistant elections director for the secretary of
4 state's office, so she brings experience to this
5 board. Instead of sitting where you all are sitting,
6 she's now up here. She understands how this works and
7 we're just looking forward to Anh working with us.

8 So welcome aboard.

9 Before we move into the agenda, I would
10 like to remember Anne Lewis. She passed away two days
11 ago. Her visitation was last night and the service
12 will be today. Anne was one of the stalwart -- she
13 was an icon in the whole area of election law. And
14 obviously she was a Republican and, you know, then we
15 have other folks from the other side of the aisle, but
16 I think both sides of the aisle would say that she was
17 a consummate professional and Georgia has benefited
18 from her work.

19 And she leaves behind her husband, Brad
20 Lewis, and two boys, Kyle and Kevin. It is very sad
21 that she has left us. We're very grateful for her
22 contributions to society. Much as she was a
23 tremendous attorney and tremendous public advocate,
24 she was a wife and she was a mom and she was a friend
25 to all of her friends that she had.

1 So we miss her, Godspeed and God bless
2 her soul. Thank you.

3 I'd like to -- we have before us --
4 Members, we have the approval -- we have the minutes
5 before you and hopefully you'll have had a chance to
6 review those. We have the meeting minutes from
7 September 11th, October 26th, and November 11, 2018.

8 Has everyone had a chance to review
9 those? Does anyone have any changes, additions they
10 would like to make? Or do we have a motion?

11 **MS. SULLIVAN:** I'll move that the
12 minutes be approved.

13 **MR. RAFFENSPERGER:** Second?

14 **MR. WORLEY:** Second.

15 **MR. RAFFENSPERGER:** All those in favor?

16

17 **THE BOARD MEMBERS:** Aye.

18 **MR. RAFFENSPERGER:** Motion carries.

19 Earlier one of our folks reached out to
20 you and said if you have public comments, to put your
21 name on a small card and that if you're going to be --
22 if you have a case before us, to fill out a sheet of
23 paper. If you haven't done that yet and you would
24 like to have a public comment, I don't know where that
25 paper is -- it's over there (indicating). Kevin has

1 that, but please reach out to him.

2 I guess right now then if there's -- on
3 public comments, if you needed this meeting --
4 typically to be opened up, you have two minutes and
5 keep your comments to what you would like to say. Two
6 minutes goes by quick. I was on the city council for
7 several years and I knew we had to be concise with
8 what we had to say.

9 If those people that have any comments
10 would like to come up, and we're going to make those
11 comments from this mic or that mic (indicating).

12 And do we have anyone that wants to
13 make comments? Do we have an order?

14 Our first person for public comment is
15 George Balbona.

16 **MR. BALBONA:** Could I request to go
17 last? I just have a lot to deal with and I want make
18 sure I get everything.

19 **MR. RAFFENSPERGER:** Sure.

20 **MR. BALBONA:** Thank you.

21 **MR. RAFFENSPERGER:** Next would be Wanda
22 Mosley if she's here.

23 Wanda Mosley, are you here?

24 **UNIDENTIFIED:** She's not here yet.

25 **MR. RAFFENSPERGER:** Pardon me?

1 **UNIDENTIFIED:** She's not here yet.

2 **MR. RAFFENSPERGER:** Okay. And Gloria
3 Wurtz?

4 **MS. WURTZ:** I'm not for public comment
5 but I have a case.

6 **MR. RAFFENSPERGER:** Okay. Got it.
7 And, Virginia Hall, are you here for a
8 public comment or a case?

9 **MS. HALL:** For a case.

10 **MR. RAFFENSPERGER:** For a case?

11 **MS. HALL:** Yes.

12 **MR. RAFFENSPERGER:** And just to make
13 sure, Donna Melieu (ph.), are you here for a case?

14 **MS. MERRELL:** Donna Merrell,
15 Mr. Secretary, and I'm here for a case.

16 **MR. RAFFENSPERGER:** Okay.

17 And, Marie Williams, here for a case
18 also?

19 **MS. WILLIAMS:** Yes, I am.

20 **MR. RAFFENSPERGER:** Gotcha.

21 So, Mr. Bal --

22 **UNIDENTIFIED:** That's public comment.

23 **MR. RAFFENSPERGER:** Public comment?

24 Okay.

25 Rick Hiers (ph.), are you here for

1 public comment?

2 **MR. HIERS:** No, sir. A case.

3 **MR. RAFFENSPERGER:** Case. Liz Throop?
4 Ma'am, if you could come down here to the front where
5 the mic should be on right now.

6 **MS. THROOP:** Hi, I'm Liz Throop.
7 Thanks for letting me speak today. I was a poll
8 watcher last October and November and had an
9 opportunity to speak to numerous citizens in Fulton
10 and DeKalb County who were told that they couldn't
11 vote a regular ballot in person because they -- their
12 address was not what they thought it was. They
13 claimed that they had not been notified of this change
14 of address.

15 One of them had his address changed
16 back to a previous address without his knowledge from
17 50 miles away. He drove from his new address in
18 Oxford, Georgia to Fairburn because he felt that
19 voting was that important.

20 Other people didn't have time to go to
21 what was now considered their assigned polling place
22 and so they voted a provisional ballot. It's possible
23 to change the poll book online, which is very
24 convenient, people like it, but all it takes is
25 birthdate, county, and driver's license number. And

1 that information is easily available on the web.

2 Okay, we know that companies like
3 Equifax have been hacked and that that information is
4 available on the dark web. You don't need to really
5 be a hacker to do any of that. We don't know who's
6 changing these addresses, but the state could
7 partially address this by keeping a log of IP
8 addresses of who is changing the poll book and making
9 that information available, you know, discoverable in
10 court cases. I think that's a very important thing.
11 I think it plays a part in voter participation.

12 (Timer sounding)

13 **MS. THROOP:** Thank you.

14 **MR. RAFFENSPERGER:** Thank you.

15 Is there anyone else here for public
16 comment? Anyone else?

17 (No response)

18 **MR. RAFFENSPERGER:** Mr. Balbona.

19 **MR. BALBONA:** Two minutes, correct?

20 **MR. RAFFENSPERGER:** Yes.

21 **MR. BALBONA:** I'll try to make it
22 short. I'm glad that you guys got around to having a
23 first meeting of 2019. It's April 17th. Thank you
24 for that.

25 I wanted to ask you if you had any

1 meetings last year, if you had a reason for drawing a
2 paycheck because on the website there are zero
3 meetings for 2018. The last documented meeting is in
4 September -- September 20th of 2017. That's a year
5 and seven months without any documentation of any
6 meetings or any hearings by this board. That's
7 unacceptable. If you're not having it, it's
8 unacceptable, and if you're having them and you're not
9 putting the minutes up, that's unacceptable. What do
10 you have to hide?

11 I also don't like that the current
12 Georgia election code is just the code in annotations.
13 It used to be the Georgia Code Title 21 and Title 183,
14 the rules that govern the board sitting right in front
15 of me. Now, I have to go to a website through the
16 Secretary of State Casemaker Libra -- who the hell are
17 they? -- for \$25 to have the right for 365 days to see
18 the rules that govern you. That's seems like
19 obfuscation. Why is that there?

20 I think the people who live in this
21 state should have a right to see the laws that govern
22 that and this board. Anything else is unacceptable.

23 And in the code of conduct for this
24 board, the first rule is honest and fair. It's
25 not honest and it's not fair.

1 And, Brad, I've tried to speak with you
2 multiple times and you've snubbed me multiple times.
3 That's not honest, that's not fair.

4 It also says to not have any conflict
5 of interest. And all of the lies that he has been
6 telling about the voting machines and how inaccurately
7 expensive handling paper ballots are, clearly shows a
8 bias and a gratuitous line and I think he should be
9 kicked off the board just for that. And he's done it
10 multiple times.

11 If you want to see a lot of lies, look
12 at the last AJC article where he says that you can
13 audit the paper ballots off the BMD. That is
14 impossible. Can't be done. Why? Because of bait and
15 switch. He's showing us a receipt with names, but the
16 scanner is scanning a barcode which no human on this
17 planet can read.

18 (Timer sounding)

19 **MR. BALBONA:** Thank you.

20 **MS. SULLIVAN:** Mr. Balbona, thank you
21 for your comments. I do believe that the board did
22 meet several times in 2018. If that's not accurately
23 reflected on the secretary of state's website, I
24 will -- we'll make sure that's it updated.

25 We just approved the minutes from the

1 three meetings that were all publicly advertised --

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

3 **MS. SULLIVAN:** We'll make sure that
4 it's updated on the website.

5 And on the second matter, I believe
6 that the rules of the state election board are
7 published on the secretary of state's website and are
8 available to the public, but we will look at that as
9 well.

10 **MR. BALBONA:** Yeah, I did that.

11 **MS. SULLIVAN:** Thank you.

12 **MR. WORLEY:** I also just wanted to make
13 it very clear for the record that the members of this
14 board serve without any remunerations at all. That's
15 all.

16 **MR. RAFFENSPERGER:** Thank you.

17 I believe we can move on to the
18 investigation report.

19 Mr. Lewis?

20 **MR. LEWIS:** Mr. Secretary.

21 **MR. RAFFENSPERGER:** We have several
22 people here for the reports of cases today. And so
23 when we call out the case number, if you could just
24 put up your hand and Mr. Lewis will, you know, mark
25 who you are and we'll move those cases to the front of

1 the line so you're not waiting here, to be efficient
2 with your time.

3 So the first ones will be investigation
4 report consent cases.

5 Investigative Case Number 2015-071,
6 City of Forest Park, possession of absentee ballots
7 and processing. Is there anyone here for that?

8 (no response)

9 **MR. RAFFENSPERGER:** SEB Case Number
10 2016-033 from Chatham County on qualifying. Is there
11 anyone here for that case?

12 **MR. LEWIS:** Mr. Secretary, we're going
13 to continue that case. I got a late request
14 yesterday, so that's going to be removed from the
15 agenda today.

16 **MR. RAFFENSPERGER:** Okay.

17 Case Number 2016-047, Clayton County,
18 candidate qualifying.

19 Case Number 2016-104, Taylor County,
20 voter registration.

21 Case Number 2016-130, Effingham County,
22 registration issue.

23 2016-142 -- 135, Lee County, suspicious
24 voter registration.

25 2016-142 in Camden County, intimidation

1 of electors.

2 2016-143, Bryan County.

3 2016-144 in Putnam County.

4 2016-147, Lanier County, felon voter.

5 2016-148, Stewart County, notification.

6 2016-149, Baldwin County.

7 2016-158, Bibb County.

8 2016-180, Ware County.

9 2017-006, Brooks County.

10 2017-012, Glynn County.

11 2017-042, Forsyth County.

12 2017-053, City of Conyers.

13 2018-006, DeKalb County.

14 2018-029 --

15 **MR. WORLEY:** Somebody had their hand

16 up.

17 **MR. RAFFENSPERGER:** DeKalb County?

18 Thank you.

19 2018-029, Madison County.

20 2018-033 in Fulton County.

21 2018-045 in Clayton County.

22 **UNIDENTIFIED:** (off mic) She said to

23 tell you (inaudible) she'll speak (inaudible) this

24 morning.

25 **MR. RAFFENSPERGER:** Okay, thank you.

1 And 2018-065 in Barrow County.

2 **MR. LEWIS:** Mr. Secretary, earlier you
3 did mention 2016-135 at the top of the agenda. And
4 that case was continued as well.

5 **MR. RAFFENSPERGER:** That's 135?

6 **MR. LEWIS:** Lee County. Yes, sir.
7 2016-135 is not on the agenda for this meeting.

8 **MR. RAFFENSPERGER:** Thank you.

9 **MR. LEWIS:** And might I add, too,
10 Mr. Secretary, if you don't mind, these cases are on
11 the consent agenda. So if you want to speak on the
12 case and want to have the case pulled so that we can
13 discuss that, we will. If you're satisfied with the
14 findings in the case, you can let the board vote in
15 full.

16 **MR. RAFFENSPERGER:** Do any of the board
17 members want to pull any of the cases off?

18 **MR. WORLEY:** I do, Mr. Chairman. I
19 would like to pull off Case Number 2016-104, Taylor
20 County, at Tab Number 5 --

21 **MR. RAFFENSPERGER:** Okay.

22 **MR. WORLEY:** -- Case Number 2016-158,
23 Bibb County, Case 14 -- Case Number 2017-53, City of
24 Conyers, Tab Number 19; and Case Number 2018-45,
25 Clayton County, Tab Number 23.

1 **MR. RAFFENSPERGER:** Any other cases
2 that anyone would like to remove?

3 (no response)

4 **MRS. LE:** Mr. Secretary, I would like
5 to recuse myself from all matters related to DeKalb
6 County. My husband serves on the board of elections
7 for the county.

8 **MR. WILLARD:** Mr. Secretary, that will
9 mean 2018 at 006 will need to come off so it can be
10 voted on in its entirety so it does not have a recused
11 vote on a consent.

12 **MR. RAFFENSPERGER:** Okay.

13 Mr. Lewis, do you want to bring up the
14 first case for discussion which would be 104, Taylor
15 County?

16 **MR. LEWIS:** I'm sorry, sir, I didn't
17 understand you.

18 **MS. SULLIVAN:** Discuss the first case
19 on the consent agenda that we took off, which is
20 2016-104, Taylor County.

21 **MR. LEWIS:** There was actually somebody
22 here for 2015-071 which is at the top, unless you want
23 to skip down to 104.

24 Did you want to speak on the case,
25 ma'am? Or are you okay with it being voted on in the

1 block and dismissed?

2 **UNIDENTIFIED:** Yeah, I can be blocked.

3 **MR. LEWIS:** You're good, okay.

4 And then the next was 2016-047, Clayton
5 County, candidate qualifying. Someone here -- Clayton
6 County, are they good with that?

7 **UNIDENTIFIED:** She's here. She stepped
8 out.

9 **MR. LEWIS:** Okay. All right. Well,
10 I'll go ahead and present 104.

11 (Unidentified person entered the room)

12 **MR. LEWIS:** Ma'am, did you want to
13 speak on the Clayton County case that you're here for?
14 Or are you good with the consent agenda?

15 **UNIDENTIFIED:** I'm good with the
16 consent agenda. Thank you.

17 **MR. LEWIS:** All right.

18 This is 2016-104, Taylor County, voter
19 registration.

20 Mr. Secretary, in June of 2016, the
21 Taylor County chief registrar reported that someone
22 had submitted a voter registration application in the
23 name of Mildred Troutman Robinson, a deceased
24 individual who passed away on April 10, 2013.

25 The investigation determined that the

1 phone number listed on the application was owned by
2 was Reece Robinson, the son of Ms. Robinson.
3 Mr.~Robinson was contacted and denied having been
4 approached regarding a new voter registration on
5 behalf of his mother.

6 Investigators obtained known documents
7 completed by Mr. Robinson for comparison with the
8 voter registration application. While they appear to
9 be similar to the voter registration application
10 submitted from Ms. Robinson, there was insufficient
11 evidence to support that the voter registration
12 application was actually completed by Mr. Robinson.

13 All attempts to contact Mr. Robinson by
14 phone, mail, or in person were unsuccessful.

15 There was no evidence conclusive for us
16 to substantiate the identity of the person that
17 submitted the voter registration application, so we
18 would ask that the case be dismissed.

19 **MR. RAFFENSPERGER:** Mr. Worley.

20 **MR. WORLEY:** Thank you, Mr.~Secretary.

21 Mr. Lewis, I was confused by your
22 report because the conclusion on their potential
23 violation says there is sufficient evidence to suggest
24 that Reece Cameron Robinson potentially violated the
25 statute by completing a registration application for

1 his deceased mother which is inconsistent with what
2 you just said. So could you elaborate.

3 **MR. LEWIS:** I would say that that's a
4 typo. There was some editing done to this narrative
5 once it was in supervisor review.

6 So based on the evidence that we had,
7 we did review that to determine -- try to determine if
8 he was responsible for it, but we were unable to come
9 to a conclusive finding that he was responsible. So
10 therefore the recommendation is to dismiss.

11 **MR. WORLEY:** Okay. Thank you for
12 clarifying that.

13 **MR. RAFFENSPERGER:** Mr. Lewis, for my
14 point of clarification, so should the record show that
15 there's insufficient instead of sufficient?

16 **MR. LEWIS:** Insufficient, that's
17 correct.

18 **MR. RAFFENSPERGER:** We'll adjust the
19 record to show that.

20 **MR. WORLEY:** Then under these
21 circumstances I move that we dismissed Case Number
22 2016-104, Taylor County.

23 **MS. SULLIVAN:** I'll second the motion.

24 **MR. RAFFENSPERGER:** Any other comment?

25 (no response)

1 **MR. RAFFENSPERGER:** All those in favor
2 of dismissing Case Number 2016-104, Taylor County,
3 voter registration please signify.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Ayes have it.

6 May we have the report of 2016-158 from
7 Bibb County.

8 **MS. WATSON:** Yes. Bibb County resident
9 Eric Russett filed a complaint with the secretary of
10 state's office alleging that a poll worker with the
11 Bibb County Elections Office issued him the wrong
12 ballot style. He wound up voting in a district in
13 which he did not live.

14 On November 3, 2016, Eric Russett
15 reports that he went in to vote at the Terminal
16 Station polling precinct in Bibb County and reported
17 to poll managers that he received a ballot with
18 incorrect candidates for the Georgia congressional and
19 house district.

20 The poll worker, Barbara White, encoded
21 Mr. Russett's voter access card with the ballot code
22 from Mr. Russett's paperwork. Ms. White states that
23 it is possible that she encoded the ballot
24 incorrectly, but unlikely with the correct ballot code
25 written on the paperwork.

1 Mr. Russett states that his voting
2 precinct information on the state's website is
3 correct. The Bibb County Elections Office used that
4 same information to encode his voter access card and
5 printed that information on his absentee ballot
6 application.

7 It is possible that the card was
8 encoded with incorrect information but the
9 investigation found no evidence to support that
10 possibility. We find and recommend that there is
11 insufficient evidence to suggest a violation of the
12 Georgia election code and recommend the case be
13 dismissed.

14 **MR. RAFFENSPERGER:** Are there any
15 questions from any members?

16 **MS. SULLIVAN:** I recommend Number
17 2016-158 be dismissed.

18 **MR. WORLEY:** I would second that.

19 **MR. RAFFENSPERGER:** Seeing no further
20 comment, all those in favor to dismiss the case?

21 **THE BOARD MEMBERS:** Aye.

22 **MR. RAFFENSPERGER:** Motion carries.

23 **MS. WATSON:** I show the next one is
24 2017-53 on Tab 19 -- is that correct? -- Morgan (sic)
25 County, buying votes.

1 In October 2017, Rockdale County
2 election supervisor Cynthia Welch reported that a
3 Conyers convenience store was giving away free gas to
4 individuals who had early voted in the November 7,
5 2017 municipal election.

6 Cynthia Welch was notified of the offer
7 and she went to the convenience store and provided a
8 copy of the code section 21-2-570 to the manager.

9 Investigations was unable to
10 substantiate that any individual presented evidence of
11 voting or receiving any free gas or other reward for
12 voting for the posted offer. Candidate Ronnie
13 Godwin's Facebook page contained the offer. Candidate
14 Godwin denied making the post and stated that several
15 people had access to the page to be able to make the
16 post. Mr. Godwin would not provide the list of
17 individuals that had such access to Investigations.

18 There is insufficient evidence to
19 suggest a violation of the Georgia election code. Of
20 note, we did send an investigator to the convenience
21 store in plain clothes in order to -- with an "I
22 voted" sticker to see if they would provide him with
23 the \$5 of free gas and they said that they were not
24 allowed to do so.

25 We recommend the case be dismissed.

1 **MR. RAFFENSPERGER:** Any comments?

2 **MR. WORLEY:** Yes. Thank you,
3 Mr. Chairman.

4 I'm concerned about this case. This
5 board has taken a pretty strong position in the past
6 on offers to buy votes. We have a situation here
7 where the candidate -- where this offer appeared on
8 the candidate's Facebook page, the candidate is saying
9 that he didn't post it and says that other people had
10 access to his Facebook page, but he's not providing
11 the names of those people. And I think this is a case
12 that's appropriate to be referred over to the attorney
13 general for further action.

14 **MR. RAFFENSPERGER:** Any other comments?
15 (no response)

16 **MR. RAFFENSPERGER:** Seeing no comments,
17 would you like to make a motion?

18 **MR. WORLEY:** Yes. I would make a
19 motion that we refer Case Number 2017-053 to the
20 attorney general's office.

21 **MR. RAFFENSPERGER:** Do we have a
22 second?

23 **MS. SULLIVAN:** I'll second that motion.

24 **MR. RAFFENSPERGER:** Okay. Do we have
25 any further comments?

1 (no response)

2 **MR. RAFFENSPERGER:** All those in favor
3 of referring this case to the attorney general's
4 office please signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MS. WATSON:** I show the next one as Tab
10 Number 20, 2018-006, DeKalb County, voter registration
11 fraud.

12 In April of 2018 the complainant
13 reported that an unknown individual had altered
14 information to the complainant's voter registration
15 entry that reflected a false address. It was found
16 the complainant in this case is Amanda Ptashkin. The
17 complainant's identity was stolen and a new driver's
18 license was issued in her name without change --
19 with -- changed the address. The voter registration
20 was not opted out during the fraudulent driver's
21 license change which initiated the change to the
22 complainant's voter registration.

23 The City of Avondale Estates has been
24 unsuccessful in identifying the suspect in this case.
25 The driver's license change was made online and the

1 address used for the change was an apartment mailbox
2 believed to have been used due to the lack of -- it
3 being unsecured.

4 The victim's voter registration was
5 corrected by the county elections office and there's
6 insufficient evidence to suggest a violation of
7 Georgia election code in that the identity of the
8 suspect was unable to be identified.

9 We recommend that the case be
10 dismissed.

11 **MR. RAFFENSPERGER:** Any comments?

12 **MS. SULLIVAN:** I'll make a motion that
13 that case be dismissed.

14 **MR. RAFFENSPERGER:** Do we have a
15 second?

16 **MR. WORLEY:** I'll second it.

17 **MR. RAFFENSPERGER:** Any comments?

18 (no response)

19 **MR. RAFFENSPERGER:** Then all those in
20 favor --

21 **MS. SULLIVAN:** Aye.

22 **MR. RAFFENSPERGER:** -- to dismiss it.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any opposed?

25 (no response)

1 **MR. RAFFENSPERGER:** Motion carries.

2 **MS. SULLIVAN:** Let the record reflect
3 that Ms. Le did not vote on that case.

4 **MS. WATSON:** I show the next case to be
5 presented as Tab Number 23, 2018-45, Clayton County,
6 interference with primaries and elections.

7 In July of 2018, Clayton County
8 elections director Shauna Dozier advised that an
9 unknown person was arrested at a polling location for
10 disrupting the voter process.

11 Mr. Michael Elmer Gilmore went in to
12 vote at the 121 Main Street, Jonesboro location in
13 July of 19 -- 2018. Mr. Gilmore became irate and
14 started cursing at poll workers when the poll worker
15 asked another person to step outside when their cell
16 phone rang. Mr. Gilmore would not calm down, was
17 being disruptive in the poll location.

18 The Jonesboro Police Department
19 arrested Mr. Gilmore for threatening poll workers and
20 electors that were voting. He was charged with
21 disorderly conduct under a city code violation. As a
22 result of his arrest, Mr. Gilmore was fined \$480 and
23 placed on six months' probation.

24 All electors in the poll location at
25 the time of the incident were able to complete the

1 voting process. Since this incident was handled by
2 local law enforcement, we were recommending the case
3 be dismissed.

4 **MR. RAFFENSPERGER:** Any members have
5 any comments?

6 **MR. WORLEY:** Thank you, Mr. Chairman.
7 I believe that -- I mean, I agree with the conclusion
8 of the report, that it is a violation of the code, and
9 I would at a minimum send a letter of instruction
10 pointing out to the violator that he was in violation
11 of the code and notwithstanding that he was punished.
12 I think -- I think the right thing to do is also
13 inform him that this was in violation of the election
14 code.

15 So I would make a motion that we send
16 the respondent a letter of instruction.

17 **MS. SULLIVAN:** I'll second Mr. Worley's
18 motion.

19 **MR. RAFFENSPERGER:** Any further
20 comments?

21 (no response)

22 **MR. RAFFENSPERGER:** All those in favor
23 of sending a letter of instruction in Case Number
24 2018-045 please signify by saying yes.

25 **THE BOARD MEMBERS:** Aye.

1 **MR. RAFFENSPERGER:** Any opposed?

2 (no response)

3 **MR. RAFFENSPERGER:** Motion carries.

4 Five voted.

5 On the remainder of the cases, is there
6 anyone that wants to speak to any of these cases?

7 **MS. FALOMI:** (standing)

8 **MR. RAFFENSPERGER:** Yes, ma'am.

9 **MS. FALOMI:** (inaudible)

10 **MR. RAFFENSPERGER:** Please move
11 forward.

12 **MS. FALOMI:** I didn't make any comments
13 for the City of Forest Park, but I have a question.

14 **MS. SULLIVAN:** She needs to move to the
15 mic.

16 **MR. RAFFENSPERGER:** Please come to the
17 microphone.

18 **MS. FALOMI:** Okay. I did not make
19 comments in reference to the City of Forest Park, and
20 I have a comment -- I mean a question. I don't know
21 what the word "block" means. And I know that that
22 word, "block," is just a legal advisement but I don't
23 want to violate my rights, so ...

24 **MR. RAFFENSPERGER:** Could you state
25 your name for the record.

1 **MS. FALOMI:** Okay, my name is Lawanda
2 Falomi and I work in the City of Forest Park. And I'm
3 the respondent to a letter that I received. And so I
4 just want to have some clarity what this is all about.
5 I'm new to this and I'm not ashamed to say I'm new.

6 **MR. RAFFENSPERGER:** Okay. Mr. Lewis
7 will present the case and that will probably answer
8 your questions.

9 **MS. FALOMI:** What does that mean?

10 **MR. LEWIS:** Just have a seat and I'll
11 present the case so you can understand what we're
12 doing.

13 **MS. FALOMI:** Okay. Thank you so much.

14 **MR. LEWIS:** Thank you.

15 Mr. Secretary, refer back to SEB
16 2015-071 at the top of the agenda, City of Forest
17 Park, absentee ballot.

18 On October 22, 2015, the secretary of
19 state's office -- investigations office distributed a
20 complaint in reference to absentee ballot possession
21 and the illegal rejection of absentee ballots from the
22 November 3, 2015 municipal election in the City of
23 Forest Park.

24 Ms. Falomi -- Lawanda Falomi dropped
25 off a number of absentee ballots at the City of Forest

1 Park elections office on November -- excuse me,
2 October 19, 2015. She was then contacted by the
3 elections supervisor, Ms. Wright, who told her she had
4 to pick up the ballots and return them to the voters
5 for them to submit.

6 Ms. Falomi advised that she had met the
7 voters while campaigning for a candidate. The voters
8 were elderly and she states that she was asked by them
9 to pick up the completed absentee ballots and deliver
10 them because they were unable to do so for themselves.
11 Once they completed the ballots, they would call her
12 and she would go by and pick them up and take them to
13 the elections office.

14 In June -- June 15, 2016, the attorney
15 general of the state of Georgia issued an official
16 opinion stating that it's his opinion on whether the
17 mailing of another person's absentee ballot
18 constituted a violation under O.C.G.A. 21-2-385(a) or
19 O.C.G.A. 21-2-574. In the attorney general's opinion,
20 the mere possession of another's absentee ballot does
21 not constitute a violation for either statute.

22 So in regards to that opinion and in
23 this case because she was merely bringing the ballots,
24 the ballots were then taken back out and mailed to the
25 elections office, we have not found there was

1 sufficient evidence to cite a violation. We recommend
2 the case be dismissed.

3 **MS. FALOMI:** Thanks.

4 **MR. RAFFENSPERGER:** Any other people
5 that would like to speak to any other case that's been
6 consented to?

7 (no response)

8 **MR. RAFFENSPERGER:** So, Mr. Lewis,
9 you've done the presentation, ready for a motion and
10 for the board to dismiss these, the remaining cases?

11 **MR. LEWIS:** Yes, sir. The remaining
12 consent cases that we vote on the block, that were not
13 spoken -- spoken to this morning and pulled from the
14 agenda, we recommend those be dismissed and voted on
15 by the board.

16 **MR. RAFFENSPERGER:** Do we have a
17 motion?

18 **MS. SULLIVAN:** I'll make a motion that
19 we dismiss the remaining cases on the consent agenda.

20 **MR. WORLEY:** I would second that.

21 **MR. RAFFENSPERGER:** Do we have any
22 other comments? Any board members? If not, call the
23 question. All those in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 Now, to the next section of cases --
4 letter cases. I'll call out the numbers and if
5 there's anyone here that wants to speak to those
6 cases, put your hand up where we can move you to the
7 front of the line.

8 Case Number 2015-081, City of Hiwassee
9 in Towns County, improper assistance.

10 Case Number 2015-092 in Houston County,
11 vote buying.

12 2015-097, City of Ellijay in Gilmer
13 County, ballot format.

14 Case Number 2015-099, City of East
15 Point in Fulton County, restrictions on campaigning.

16 Case Number 2016-005 in the city of
17 Walthourville in Liberty County for election
18 miscellaneous.

19 Case Number 2016-032, Coffee County,
20 qualifying (indicating).

21 Case number 2016-048 in Mitchell
22 County, gift to register.

23 2016-066 in Franklin County for poll
24 conduct.

25 2016-081 in Randolph County for

1 tabulation and reporting problems (indicating).

2 2016-082 in Glynn County for poll
3 opening.

4 2016-083 in DeKalb County for vote
5 buying.

6 2016-092, Ware County for a recount
7 notice (indicating).

8 2016-100 in Wilkes County for poll
9 conduct.

10 2016-115 in Randolph County for
11 absentee ballot issue (indicating).

12 2016-125 in Lamar County for the GEMS
13 Server.

14 2016-128 in the city of Tarrytown in
15 Montgomery, qualifying fee.

16 **MR. LEWIS:** Mr. Secretary, we would
17 mark that and pull it for discussion and presentation.
18 One of the respondents in that case has passed away.

19 **MR. RAFFENSPERGER:** 2016-136, Chattooga
20 County, prohibition on photography (indicating).

21 2016-137 in Bartow County, prohibition
22 on photography.

23 2016-139 in Fulton County, prohibition
24 (indicating).

25 2016-153 in Clarke County, prohibition

1 on photography.

2 2016-160 in Newton County, prohibition
3 on photography (indicating).

4 2016-167 in Cherokee County,
5 prohibition on photography.

6 2016-169 in Oconee County, prohibition
7 on photography.

8 2016-172, restaurant vote offers, vote
9 buying.

10 2017-018 in Ware County, voter
11 certificates (indicating).

12 2017-038, Cobb County, prohibition on
13 photography.

14 And 2017-062, City of Milton in Fulton
15 County, vote buying (indicating).

16 2018-043, Hall County, tabulation
17 (indicating).

18 **MR. RAFFENSPERGER:** Okay, Mr. Lewis,
19 hopefully you got all of those.

20 **MR. LEWIS:** All right, sir. The first
21 one I have marked is SEB 2015-099, City of East Point,
22 restrictions on campaigning.

23 In this case, Marie William (sic)
24 reported that there in the East Point general
25 municipal election on April 3rd, city council

1 candidate Thomas Calloway repeatedly entered and
2 exited the Jefferson Park Recreation Center and voting
3 precinct. Ms. Williams also reported that
4 Mr. Calloway escorted voters into the hundred and
5 fifty feet -- foot "no campaigning area," and
6 distributed candy to voters.

7 Witnesses confirmed Mr. Calloway was
8 observed entering and exiting the polling precinct
9 numerous times on election day for the purpose of
10 finding out the number of votes cast. Each time
11 Mr. Calloway would turn his shirt inside out.
12 Mr. Calloway stated he voted early and that precinct
13 he was campaigning at on election day was not his
14 voting precinct. It was a separate precinct.

15 There was no substantiated information
16 available from witnesses to confirm that he was
17 campaigning within a hundred and fifty feet or
18 distributing candy to the voters.

19 We would recommend Thomas Calloway,
20 candidate for city council, be issued a letter of
21 instruction for the listed violations.

22 **MR. RAFFENSPERGER:** Comment? Is there
23 someone that would like to speak to this?

24 **MS. WILLIAMS:** I would.

25 **MR. RAFFENSPERGER:** If you would come

1 forward.

2 **MS. WILLIAMS:** (complies)

3 **MR. RAFFENSPERGER:** Could you state
4 your name for the record.

5 **MS. WILLIAMS:** My name is Marie
6 Williams, Marie Terry Williams, and I am one -- I -- I
7 am the candidate. And what I would like to speak to
8 that I heard on these cases that you guys have here --
9 because this my first time coming to this kind of
10 gathering. In East Point, with my candidate -- when I
11 was running, I -- this was not my first time in the
12 county that I entered an election in East Point,
13 because I actually ran three times in East Point.

14 And each and every time that I ran for
15 Ward B in East Point, I've had a situation with the --
16 with the other candidates going to the polls. I've
17 had a situation as to where my campaign signs were
18 stolen. They even took them as far as to the superior
19 court and they came back and got arrested. I also had
20 another candidate the first time I ran, she went into
21 the polls.

22 And the last time I didn't come here
23 because I didn't understand and I still don't
24 understand how it's done. But I've heard all of these
25 cases and all of the cases being dismissed. I came

1 here because I do not want them to be dismissing this
2 Thomas Calloway because the City of East Point and the
3 way you guys gave the City of East Point the
4 opportunity to run an election, and East Point, the
5 city clerk is brand-new there. Everything is
6 brand-new to her. But then things happen.

7 And then the polls -- the polls are
8 being ran with the poll workers, with the managers you
9 guys are sending down there. I think you guys need to
10 actually have these managers -- y'all need to educate
11 these people when they vote.

12 I worked hard on that election. I paid
13 for my election myself. And for them to do me like
14 they do me in that city, I figured you guys up there
15 on that board -- that you guys need to push for more
16 about each and every election, whether it's for city,
17 state, or county because I went through a lot in East
18 Point. It is so much going on in those elections.
19 You know, people -- deprivation of character, I've
20 been -- they talking about and telling candidates
21 don't vote for me. Candy being given out.

22 When I hear these cases you guys got in
23 here, well, dismiss that, dismissed this, I'm here to
24 tell you guys, it's a lot of dirt going on in these
25 elections.

1 (Timer sounded)

2 **MS. WILLIAMS:** And I ran down here to
3 tell you something needs to be done with East Point,
4 something really needs to be done. It's a small city
5 and I think you guys can actually -- I don't know how
6 to say it -- take it back. Don't let that small city
7 with all that corruption do that because the
8 residents -- they want more. And half of the
9 residents in East Point, they're baby boomers. We
10 have about 35,000 people. They're baby boomers. They
11 don't know. Half of them don't even know there is an
12 election.

13 So you sit up on the board -- I'm
14 talking about in East Point, they sit there on the
15 board and, you know, they pick certain people to go
16 out and say, okay, okay then, we're going to vote.
17 But you got 35,000 people.

18 In Ward B -- we're in sections. In
19 Ward B it's like out of 35,000 people, Ward B you've
20 got over -- only 3,000 votes. Something is wrong with
21 the election system here. And --

22 **MR. KOVAL:** (inaudible)

23 **MS. WILLIAMS:** -- and -- my time's up?
24 I'm so sorry. Thank you guys for letting me speak.
25 Thank you so much.

1 **MR. RAFFENSPERGER:** Thank you for your
2 comments.

3 **MS. WILLIAMS:** Thank you.

4 **MR. RAFFENSPERGER:** Is there anyone
5 else that would like to speak to this case?

6 **MR. CALLOWAY:** My name is -- my name is
7 Thomas Calloway. Thank you, Mr. Secretary and board
8 members, for allowing me to speak today. This case, I
9 have -- I have worked as --

10 **MR. KOVAL:** (handing microphone)

11 **MR. CALLOWAY:** I'm sorry. Is this
12 better?

13 **MR. RAFFENSPERGER:** Yes.

14 **MR. CALLOWAY:** Okay. So my name is
15 Thomas Calloway. Mr. Secretary and board members, for
16 allowing me to speak today, thank you for that.

17 In this election, this was my first
18 election. I had worked as a -- on several campaigns
19 before. There were several allegations made that were
20 unfounded if you would read the report. But the
21 ones -- section D of the election code, which
22 specifically speaks to candidates, I had adhered to
23 the rules as I thought they were at the time from
24 working on other campaigns. I was unaware of section
25 D, which specifically talks about candidates entering

1 a polling place.

2 Any time I went in, I did take off
3 campaign material, I did not speak to anyone. But
4 ignorance of the law is no excuse nor is it a defense.
5 So I take full responsibility for my actions and I
6 realize that going forward that section D is there and
7 I will adhere to that.

8 More importantly what I've learning is
9 an elected official -- it is a position of power and
10 the decisions you make affect individuals, but more
11 importantly, it's a position of responsibility and it
12 behooves you to not only rely upon anecdotal evidence
13 or what you think to be correct but it behooves you to
14 read the law thoroughly and thoroughly understand what
15 is written.

16 Not only has my experience as an
17 elected official taught me that, but this instance --
18 excuse me, this instance in particular has taught me
19 that it is my responsibility, not only as an elected
20 official but as a -- someone who's campaigning to know
21 exactly what I'm doing. And I take that
22 responsibility very seriously and going forward I'll
23 be sure to make sure my behavior adheres specifically
24 to the written law. Thank you.

25 **MR. RAFFENSPERGER:** Any comment?

1 Members, would you like to speak to this?

2 **MR. WORLEY:** I would. Thank you,
3 Mr. Chairman.

4 The investigative office has
5 recommended a letter of instruction in this case. In
6 my opinion, we need to hold candidates to a higher
7 standard than we hold voters or campaign workers or
8 others. And I do not think that a letter of
9 instruction alone is sufficient in a case where a
10 candidate has, even through ignorance, violated the
11 law by going into a polling place several times on
12 election day. And there's really not any dispute
13 about that.

14 So I believe that we should refer this
15 to the attorney general for the negotiation of a fine
16 of some sort for this violation, rather than a letter
17 of instruction. And I would make that motion.

18 **MR. RAFFENSPERGER:** We have a motion.
19 Do we have a second? Do we have a second?

20 (no response)

21 **MR. RAFFENSPERGER:** Motion fails for
22 lack of second.

23 **MS. SULLIVAN:** Mr. Chairman, I'll make
24 a motion that we issue a letter of instruction in that
25 case.

1 **MR. RAFFENSPERGER:** Do we have a
2 second?

3 **MRS. LE:** I'll second it.

4 **MR. RAFFENSPERGER:** Any further
5 discussion?

6 (no response)

7 **MR. RAFFENSPERGER:** Okay, all those in
8 favor of the motion for a letter of instruction please
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** All those opposed?

12 **MR. WORLEY:** No.

13 **MR. RAFFENSPERGER:** Motion carries.

14 **MR. LEWIS:** Mr. Secretary, the next
15 case that I have marked is 2016-032, Coffee County,
16 qualifying.

17 The Coffee County election supervisor
18 reported to the secretary of state's office that on
19 Monday, March 7, 2016, the Republican Party did not
20 have all of the necessary paperwork and did not begin
21 their qualifying until 10 a.m. when they should've
22 started at 9 a.m. that morning.

23 Election supervisor Misty Hayes
24 reported that the Republican Party was not ready at
25 9:00 and the qualifying did not start until 10.

1 Dennis O'Connor and William Paul Hersey
2 with the Coffee County Republican Committee reported
3 the qualifying forms were misplaced and it caused a
4 delay of 15 to 20 minutes. All candidates were able
5 to qualify. No one was prevented from doing so as a
6 result of the delay.

7 We would recommend the Coffee County
8 Republican Committee, Dennis O'Connor, William Paul
9 Hersey be issued letters of instruction for the listed
10 violation.

11 **MR. RAFFENSPERGER:** I believe they have
12 someone here to speak to that.

13 Please come forward, please. Please
14 state your name for the record, please.

15 **MS. HALL:** Yes. Good morning. My name
16 is Virginia Hall. I'm here on behalf of Coffee
17 County. My law firm, Hall Booth Smith, represents
18 Coffee County.

19 Everything that was previously stated
20 is correct as far as it's been explained to me. I'm
21 just here to confirm that a letter of instruction is
22 going to be issued.

23 **MR. RAFFENSPERGER:** Thank you.

24 **MS. HALL:** Thank you.

25 **MR. RAFFENSPERGER:** Do we have a motion

1 or a discussion?

2 **MS. SULLIVAN:** I'll make one that a
3 letter of instruction be issued in Case Number
4 2016-032, Coffee County.

5 **MR. WORLEY:** Second.

6 **MR. RAFFENSPERGER:** All in favor?

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Any opposed?

9 (no response)

10 **MR. RAFFENSPERGER:** Motion carries.

11 Mr. Lewis.

12 **MR. LEWIS:** Mr. Secretary, the next
13 case that I have marked is SEB 2016-081, Randolph
14 County, tabulation. It's Tab 33 in your books.

15 There were two complaints regarding
16 this election in Randolph County. The secretary of
17 state's office, elections division, reported that
18 Randolph County had repeatedly failed to followed
19 instructions on procedures that must be met before
20 leaving on election night.

21 Randolph County election superintendent
22 Sarah Thompson -- excuse me, Sandra Thompson left
23 without confirming that her uploads and numbers were
24 correct in the May 24, 2016 general primary.

25 The second allegation in this case had

1 to do with a gentleman named Harold Piper, a candidate
2 for the Randolph County sheriff's race, in May of that
3 year as well. Mr. Piper believed that there could
4 be -- could be some issues with absentee ballots in
5 this election and what he called "false ballots" that
6 should be counted -- that shouldn't be counted, excuse
7 me.

8 Regarding Allegation 1, Ms. Thompson
9 sent an incorrect election night report, made a change
10 in the GEMS Server the SOS asked for, but then went
11 home before confirming the change had been completed
12 correctly. Ms. Thompson could not be reached until
13 the following day to address the outstanding issue.

14 It was also noted that during the
15 March 2016 presidential preference primary,
16 Ms. Thompson went home prior to receiving final
17 approval from the elections division.

18 Regarding Allegation 2, the
19 investigation did not reveal any evidence to support
20 violation of the election code regarding any of the
21 absentee ballot processes. Mr. Piper couldn't provide
22 any proof to support his allegation that there was --
23 it was apparently based on hearsay.

24 We would recommend the Randolph County
25 Board of Elections and Sandra Thompson, elections

1 superintendent, be issued letters of instruction for
2 the listed violation.

3 **MR. RAFFENSPERGER:** I understand
4 there's some people here to speak to this case.

5 If you would come forward, please. If
6 you would state your name for the record, please.

7 **MR. LAMAR:** Good morning. Gary Lamar
8 on behalf of Randolph County. And we do agree and
9 confirm the allegation that the investigator has
10 announced on the record and we have taken steps to
11 remedy those issues. Sandra Thompson is no longer
12 employed by Randolph County and we would accept then
13 to comply with any directives from the board. Thank
14 you.

15 **MR. RAFFENSPERGER:** Anyone else need to
16 speak on this?

17 (no response)

18 **MR. RAFFENSPERGER:** Members, do you
19 have any comments? Any questions? Do we have a
20 motion?

21 **MS. SULLIVAN:** Mr. Chair, I recommend
22 that a letter of instruction be issued in the case,
23 2016-081, Randolph County.

24 **MR. WORLEY:** Second.

25 **MR. RAFFENSPERGER:** Any discussion?

1 (no response)

2 **MR. RAFFENSPERGER:** All those in favor
3 of a letter of instruction to be issued.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, the next
9 case that I have is 2016-092, Ware County, recount
10 vote. This is Tab 36 in your books.

11 In June of 2016, the secretary of
12 state's office received a complaint from Sarah Thrift
13 stating that she was never notified in writing of a
14 recount that was conducted for the Ware County
15 commissioners race in which she was a candidate in the
16 May of 2016 general primary.

17 Ware County election supervisor Betty
18 Gillis advised that the results of the county
19 commission race were very close, so they decided to
20 have a recount. Betty Gillis advised that candidates
21 were notified in person, but they were not notified in
22 writing.

23 The recount was approved through the
24 board -- county board of elections and she notified
25 the candidates as they came into the office for

1 paperwork that the recount would be the following
2 Friday.

3 We would recommend Ware County Board of
4 Elections and Registration as well as Betty Gillis,
5 Ware County supervisor, be issued letters of
6 instruction for violation of the procedures for
7 recount.

8 **MR. RAFFENSPERGER:** I understand
9 there's people that would like to speak. Please come
10 forward.

11 **MS. HALL:** (complies)

12 **MR. RAFFENSPERGER:** And if you would
13 state your name for the record.

14 **MS. HALL:** Yes, sir. Good morning
15 again. Virginia Hall, here on behalf of Ware County
16 and here on behalf of the election supervisor Betty
17 Gillis.

18 She did inform Ms. Thrift verbally that
19 there would be a recount and therefore was under the
20 mistaken assumption that she did not have to provide
21 written notice. She now knows that henceforth she
22 will be providing written notice as well as verbal
23 notice.

24 And I'm just here to confirm that there
25 will be a letter being sent out to that effect.

1 **MR. RAFFENSPERGER:** Thank you.

2 Members, do you have any comments or a
3 motion?

4 **MS. SULLIVAN:** I move that a letter of
5 instruction be issued in the case, 2016-092, Ware
6 County.

7 **MR. WORLEY:** Second.

8 **MR. RAFFENSPERGER:** Any comments?

9 (no response)

10 **MR. RAFFENSPERGER:** All those in favor?

11 **THE BOARD MEMBERS:** Aye.

12 **MR. RAFFENSPERGER:** Anyone opposed?

13 (no response)

14 **MR. RAFFENSPERGER:** Motion carries.

15 **MR. LEWIS:** Mr. Secretary, the next
16 case that I have is SEB 2016-115, Randolph County,
17 absentee ballot issue, Tab 38 in your binders.

18 In June of 2016, complainant Erica
19 Ferguson reported that when she went to the polls she
20 was not allowed to vote because the system showed that
21 she had voted absentee.

22 Ms. Ferguson states that she had not
23 voted in the July 26, 2016 primary run-off election.
24 So she contacted the county election supervisor. She
25 advised the election supervisor informed her that she

1 could vote a provisional ballot, but she was concerned
2 it might be thrown out.

3 During the investigative process, we
4 found that Ms. Ferguson was given credit for early
5 advanced voting on July 22, 2016 even though she was
6 not the person that came in to vote. The entry in the
7 system for credit was entered by the election
8 supervisor Ms. Thompson. There was no entry on the
9 early voters list, numbered list, for Erica Ferguson
10 on July 22nd, so she was absent from that list.

11 It appears that Erica Ferguson was
12 selected in the system by human error when
13 Ms. Thompson was processing another elector on
14 July 22, 2016. Ms. Ferguson was given a provisional
15 ballot and after a further review it was determined
16 she had not early-voted in that election and was given
17 credit for a provisional ballot.

18 We would recommend the Randolph County
19 election -- board of elections and registration and
20 Ms. Thompson, the election supervisor, be issued
21 letters of instruction for the listed violation.

22 **MR. RAFFENSPERGER:** Is there someone to
23 speak to this?

24 **MR. LAMAR:** (raising hand)

25 **MR. RAFFENSPERGER:** Come forward,

1 please.

2 **MR. LAMAR:** Good morning again. Gary
3 Lamar on behalf of Randolph County. Again, we're
4 taking steps to remedy those issues, and we agree with
5 the investigator's findings and conclusions. Thank
6 you.

7 **MR. RAFFENSPERGER:** Thank you.
8 Members, any motions or any comments?

9 **MR. WORLEY:** I make a motion that we
10 issue a letter of instruction in Case Number 2016-115.

11 **MR. RAFFENSPERGER:** Do we have a
12 second?

13 **MS. SULLIVAN:** I'll second it.

14 **MR. RAFFENSPERGER:** Any discussion on
15 the motion? Seeing none, all those in favor of
16 issuing a letter of instruction in Case 2016-115,
17 Randolph County, please say aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. RAFFENSPERGER:** Any opposed?

20 (no response)

21 **MR. RAFFENSPERGER:** Motion carries.

22 Mr. Lewis.

23 **MS. WATSON:** No, no.

24 **MR. RAFFENSPERGER:** Sorry.

25 **MS. WATSON:** That's okay. The next

1 case is Tab Number 40, Montgomery County, City of
2 Tarrytown.

3 In September of 2016 the secretary of
4 state's office received a complaint from Mae Warnock
5 concerning the City of Tarrytown failing to impose the
6 qualify fees for mayor and council members by the
7 February 1, 2016 deadline.

8 Investigation shows Mayor Lynette
9 Coleman of Tarrytown stated it was an oversight that
10 qualifying fees were not imposed by February 1, 2016.
11 The posting was published in August of 2016, and there
12 was no response for anyone to qualify. Montgomery
13 County election supervisor Rubie Nell Sanders posted
14 the qualifying again in October of 2016.

15 We recommend the City of Tarrytown --
16 mayor and council -- be issued a letter of instruction
17 for the listed violation, and Lynette Coleman, the
18 former mayor of Tarrytown, be dismissed as a
19 respondent as she has passed away.

20 We did receive an e-mail from a
21 volunteer in the city who states that they would not
22 be attending due to the cost. They only have 38
23 citizens in the city of Tarrytown and they advise that
24 they are working diligently to try to resolve the
25 issue going forward.

1 **MR. RAFFENSPERGER:** Okay. Since we
2 have no one to speak to this in our audience, do we
3 have a motion from the board?

4 **MS. SULLIVAN:** I'll make a motion to
5 accept the recommendation and issue a letter of
6 instruction to the City of Tarrytown -- mayor and
7 council -- and remove Ms. Coleman as a respondent.

8 **MR. WORLEY:** I will second that motion.

9 **MR. RAFFENSPERGER:** Any discussion on
10 the motion? Seeing none, all those in favor signify
11 by saying aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?

14 (no response)

15 **MR. RAFFENSPERGER:** Motion carries.

16 **MS. WATSON:** The next case that I show
17 is Tab Number 43, 2016-139, Fulton County, prohibition
18 on photography.

19 In this complaint in October of 2016,
20 the Fulton County Elections Office reported that the
21 Facebook page with Brett Phillip Hulst displayed a
22 photograph of Mr. Hulst's electronic ballot with the
23 face of the DRE in it.

24 Fulton County also reported that a Mark
25 Paul Lachiewicz utilized a photographic device inside

1 the poll at the North Fulton Annex after being
2 instructed not to do so by the poll worker.

3 Investigation showed that Brett Hulst
4 early-voted at the Georgia Tech polling station at
5 177 North Avenue on the same date the photo with the
6 ballot appeared on his Facebook page. Mr. Hulst was
7 contacted and did not admit to taking or posting a
8 photograph but stated he would remove any reference to
9 his ballot from his Facebook page.

10 Poll manager Charlesetta Gibson
11 observed Mark Lachiewicz pull out his cell phone in
12 front of the DRE and appeared to take a photograph of
13 the DRE screen. Mr. Lachiewicz admitted to taking the
14 photograph and stated that once he was confronted by
15 poll workers that he deleted the photograph.
16 Mr. Lachiewicz advised he was not aware that it was a
17 violation although he states he was cautioned upon
18 entering the poll.

19 We recommend Brett Hulst and Mark
20 Lachiewicz be issued a letter of instruction for
21 21-2-413(e).

22 **MR. RAFFENSPERGER:** I believe we have
23 someone to speak to this case.

24 Please state your name for the record.

25 **MR. HULST:** My name is Brett Hulst, and

1 I'm just here to be present and answer your questions
2 if there were any, but no statement.

3 **MR. RAFFENSPERGER:** What is the ruling
4 of the committee?

5 **MR. WORLEY:** Mr. Chairman, I know that
6 the investigators have recommended a letter of
7 instruction to be issued in this case or two letters
8 of instruction. I would support a letter of
9 instruction to Mr. Hulst but not to Mr. Lachiewicz and
10 for reasons that are -- can be clear as we discuss
11 other cases.

12 I think it is one thing for a voter to
13 be enthusiastic about voting, sometimes for the first
14 time, and to take a photograph. But there are a
15 number of cases that we have today where a person was
16 instructed by a poll manager not to take a photograph
17 or not to use a cell phone and then they went ahead
18 and did it anyway. And I think in those cases
19 something more than a letter of instruction is needed
20 because, in effect, those -- those people already got
21 an oral letter of instruction from a poll manager and
22 ignored it.

23 So in those cases, I would suggest that
24 we refer the case over to the attorney general for the
25 negotiation of a cease-and-desist order and a fine of

1 some amount.

2 So in this case, I would move to send
3 the letter of instruction to Mr. Hulst and refer
4 Mr.~Lachiewicz over to the attorney general's office.

5 **MR. RAFFENSPERGER:** Do we have a
6 motion? Do we have a second?

7 **MS. SULLIVAN:** I'll second the motion.

8 **MR. RAFFENSPERGER:** We have a motion
9 and a second. Do we have discussion on the motion?

10 (no response)

11 **MR. RAFFENSPERGER:** I'll call the
12 question. All those in favor?

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any of those
15 opposed?

16 (no response)

17 **MR. RAFFENSPERGER:** Motion carries.

18 **MS. WATSON:** The next case I have is
19 Tab 46, 2016-167, Cherokee County, prohibition on
20 photography.

21 In November of 2016, Cherokee County
22 election superintendent Kim Stancil reported that
23 Valerie Hamby photographed her absent -- her
24 electronic ballot while early-voting at the Ball
25 Ground advance voting station.

1 Poll workers at the Ball Ground advance
2 voting station in Cherokee County advised voters in
3 line, warning of the prohibition of the use of cell
4 phones at the polling location. Valerie Louise Hamby
5 stated while she was waiting in line that she was
6 checking her phone, and she was told that she could
7 not use her phone in the polling location. She told
8 the poll workers that she was going to do what she
9 wanted.

10 Valerie Hamby was then observed by poll
11 workers at the DRE machine while voting to have her
12 cell phone in her left hand and operated the DRE
13 machine with her right hand. Several more workers
14 observed Ms. Hamby and stated she appeared to be using
15 her cell phone to take a photograph of the DRE screen.

16 We're recommending Valerie Louise Hamby
17 be issued a letter of instruction for the listed
18 violation.

19 **MR. RAFFENSPERGER:** I believe we have
20 someone to speak to this case.

21 If you would come forward please and
22 state your name for the record, please.

23 **MS. HAMBY:** I'm Valerie Hamby. So,
24 yes, I -- I had it out. I'm an anxious person and
25 it's a fidget device. And I didn't have any pictures

1 or anything. It's just -- I flip constantly. It's
2 just a stressful situation, so it's -- so I -- I'm
3 here -- the lady -- the lady at the poll -- there was
4 probably about ten of us in -- in the atrium and all
5 of us were fidgeting with our phones and --

6 **MR. HARP:** Ma'am, you're soft-spoken,
7 could you please hold the mic close.

8 **MS. HAMBY:** Okay. And we -- we were
9 all fidgeting with our phones and for some reason
10 she -- I don't know if I appeared nervous or what but
11 she singled me out. And I looked at the front, looked
12 at the back, I mean, there was people doing the same
13 exact thing. So I had already had it in my head to,
14 you know, put it away when I actually got into the
15 room, and then, you know, her coming up and doing
16 that, it just got way anxious. Like at this point,
17 I'm -- the last time that I went to vote, I had just
18 -- I actually had a panic attack when I got back to my
19 car.

20 And I actually came because I don't
21 know the -- the authorities or -- or what to do to get
22 one of those permission for absentee because I don't
23 think I can go back anymore. And it's just -- it's
24 just me. It's just my anxiety, it's my issue.

25 So I'm just here for any questions.

1 **MR. RAFFENSPERGER:** Thank you, ma'am.

2 Any questions?

3 **MS. SULLIVAN:** Ms. Hamby, thank you for
4 coming today. So just to clarify, so you did not take
5 any pictures --

6 **MS. HAMBY:** No, ma'am.

7 **MS. SULLIVAN:** -- at all.

8 **MS. HAMBY:** I flip it, and, you know,
9 stuff goes off. I don't know but I didn't have any --
10 any pictures or anything like that, so I don't know.
11 I have stuff in here now that's -- it just comes up,
12 so it's -- it's just what I do.

13 **MS. SULLIVAN:** Thank you.

14 **MR. RAFFENSPERGER:** Thank you, ma'am.

15 Members?

16 **MR. WORLEY:** Well, given that Ms. Hamby
17 has stated -- given that Ms. Hamby has stated that she
18 didn't take any pictures, I would move to dismiss the
19 case.

20 **MS. SULLIVAN:** I'll second that.

21 **MR. RAFFENSPERGER:** Any discussion?

22 (no response)

23 **MR. RAFFENSPERGER:** All those in favor
24 of dismissing this case, please signify by saying aye.

25 **THE BOARD MEMBERS:** Aye.

1 **MR. RAFFENSPERGER:** Any opposed?

2 (no response)

3 **MR. RAFFENSPERGER:** Motion carries.

4 **MS. WATSON:** The next case I show is
5 Tab Number 29, 2017-018, Ware County, voter
6 certificates.

7 Ware County election supervisor Betty
8 Gillis reported that poll workers at one of her
9 precincts used voter registration applications in lieu
10 of voters certificates when electors came in to vote
11 in an election on March 24, 2017.

12 Investigation revealed that poll
13 workers at the Emerson Park Volunteer Fire Station
14 precinct used voter registration applications instead
15 of voter certificates to sign in electors. The error
16 was discovered when the precinct paperwork was
17 submitted after the close of poll. There were a total
18 of 31 electors who completed the VRA instead of the
19 voter certificate. Poll workers knew it was an
20 incorrect form but assumed they did not have the voter
21 certificates available. No one questioned the poll
22 manager about if the voter certificates were in fact
23 available at the precinct and returned unused.

24 We recommend the Ware County Board of
25 Election and Registration; James D. Lang Jr., poll

1 manager; Vivian Reid, poll worker; Carolyn Towns, poll
2 worker; and Ebony Palmer, poll worker be issued
3 letters of instruction for the listed violation.

4 **MR. RAFFENSPERGER:** I believe there's
5 someone here to come speak to this case.

6 Please state your name, please.

7 **MS. HALL:** Hi. Virginia Hall, here on
8 behalf of Ware County. And everything that the
9 investigator spoke to is correct, based on my
10 understanding of the facts, and we are in agreement
11 with the decision to issue a letter.

12 **MR. RAFFENSPERGER:** Thank you.

13 Members? Any motions?

14 **MR. WORLEY:** I would move that we issue
15 a letter of instruction in Case Number 2017-018, Ware
16 County.

17 **MR. RAFFENSPERGER:** Is there a second?

18 **MRS. LE:** I'll second that.

19 **MR. RAFFENSPERGER:** Thank you.

20 Any discussion on the motion?

21 (no response)

22 **MR. RAFFENSPERGER:** All those in favor
23 signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 **MS. WATSON:** The next case is Tab 51,
4 2017-62, City of Milton, Fulton County, vote buying.

5 On November 1, 2017, the City of Milton
6 Police Department, William Lusk, and Ms. Karen
7 Chandler reported there was a vote-buying campaign in
8 the City of Milton, Georgia general elections. The
9 complainants advised that the City of Milton voters
10 would be rewarded with a gift card or cards to redeem
11 at a local restaurant in return for voting for three
12 specific candidates.

13 The investigation showed an offer was
14 posted to the Facebook page, "We call Milton Home."
15 The posting stated: Here's your chance to win a \$50
16 gift card to a Milton resident -- owner -- owned
17 campaign -- restaurant at 800 North Main Street. We
18 will give away nine gift cards, three each day left in
19 early voting for Milton city council, et cetera.

20 The owner of the Facebook page was
21 identified as Scott Tittle who advised that he made
22 the offer and the post. Mr. Tittle was not aware that
23 it was a violation. He states no rewards were
24 purchased or given as a result of the post.

25 And what we're recommending is Scott

1 Tittle be issued a letter of instruction for 21-2-570.

2 **MR. RAFFENSPERGER:** I believe there's
3 people who would like to speak to this.

4 If you would come forward please. If
5 you will pronounce your name, please.

6 **MR. KUNZ:** Thank you. I will. Is this
7 on?

8 **MR. KOVAL:** Yep.

9 **MR. KUNZ:** My name is Matt Kunz, a city
10 councilman in the City of Milton. Just like all of
11 you, I've sworn an oath to uphold the laws in the
12 state of Georgia, the laws of the constitution and the
13 laws of the City of Milton.

14 One of my favorite quotes from
15 Eisenhower is that a people that values its privileges
16 above principles soon loses both.

17 And the reality is is unfortunately
18 that the City of Milton has dealt with a lot of
19 tactics in elections over the last several years. And
20 with that, we've had several residents that have gone
21 through Georgia Government Transparency and Campaign
22 Finance Commission. We had ethics complaints filed
23 against the residents. One of those is actually being
24 dismissed tomorrow because they did nothing wrong.
25 Others had to spend a lot of moneys on attorneys.

1 And this particular case is very
2 interesting because we filed a complaint against the
3 same group for violating the Supreme Court decision,
4 *Buckley v Valeo*, 1976, and *FEC v McConnell*, 2003,
5 which goes before the Georgia Government Transparency
6 and Campaign Finance Commission because it allows the
7 elector to know who's behind these bodies that are
8 trying to influence elections. That states
9 specifically that if you're more than one person, you
10 spend any money at all or make an offer of any money
11 at all on an election, you're guilty of an ethics
12 charge.

13 Now, the issue was is that they
14 actually went above and beyond by offering the post
15 for the vote-buying deal by offering gift cards for
16 the campaign at a pizzeria. But people, again, who
17 values its privileges above its principles soon loses
18 both. The "We Call Milton Home" page still has not
19 made public who was behind the page. If you want to
20 maintain the elections of any community, there has to
21 be an accountability according to the Georgia
22 Government Transparency and Campaign Finance
23 Commission ethics rules as well as your rule per se to
24 make sure everything goes okay.

25 So I'm not here to say what your role

1 here should be as far as that goes, but who is behind
2 that page needs to be made public. I am public. When
3 I ran, I did everything right, so did Bill. Everybody
4 holds us accountable, hold us accountable. Everybody
5 else should be held accountable as well.

6 Thank you.

7 **MR. RAFFENSPERGER:** Thank you.

8 Is anyone else here to speak to this
9 case?

10 (Mr. Lusk approached the microphone)

11 **MR. RAFFENSPERGER:** If you could
12 identify yourself.

13 **MR. LUSK:** Mr. Secretary, members of
14 the board, I'm William Lusk, City of Milton. I am a
15 complainant in this case.

16 In addition to what your findings might
17 show, Mayor Lockwood has been in front of the state
18 ethics board on previous occasions -- (sound made)
19 excuse me -- (indiscernible) on this matter. I view
20 that as a total disregard of the rules and regulations
21 that are expected of elected officials. That's all I
22 have to say. Thank you.

23 **MR. RAFFENSPERGER:** Thank you, sir.

24 Anyone else that like to speak to this?
25 Provide your name, please.

1 **MR. TITTLE:** I'm Scott Tittle, and I
2 just wanted to speak to the -- so I'm the person that
3 made the post on the Facebook page. So I definitely
4 acknowledge that. And so I'm not a political pro, and
5 I did some research online to try to see if what I --
6 my thought in my head, promotion voting, would be okay
7 or not. And it didn't -- I didn't find anything
8 online to speak differently, so I made the post.

9 Within less than 24-hours somebody made
10 a comment referring to some election rules. And when
11 I saw that, I immediately took down the post and --
12 and haven't made a post since then.

13 So I just wanted to acknowledge that,
14 and I have no ties to any of the candidates, just
15 except from a public viewpoint of support for them.
16 So I just wanted to take responsibility and try to
17 give more context to the history of how that happened.

18 Later that same day, I got an e-mail
19 from Francis Watson from the office -- I'm assuming
20 the investigative office -- oh, hello. And so we
21 spoke and she also just reminded me of the rule and
22 I'd already removed the post and just acknowledged
23 that that won't happen again.

24 And that's all I want to say. Thank
25 you.

1 **MR. RAFFENSPERGER:** Thank you.

2 **MR. WORLEY:** I have a question.

3 **MR. TITTLE:** Sure.

4 **MR. WORLEY:** Did either Mr. Lockwood,
5 Mr. Jamison, or Ms. Bentley -- did any of them have
6 any knowledge or awareness of what you were doing when
7 you did it?

8 **MR. TITTLE:** No, they did not.

9 **MR. WORLEY:** That's all.

10 **MS. SULLIVAN:** I have a question.

11 **MR. TITTLE:** Sure.

12 **MS. SULLIVAN:** Just to clarify, was the
13 post to vote for specific candidates or was it to
14 vote?

15 **MR. TITTLE:** The vote was if you took a
16 picture -- so the vote -- what I posted was if you --
17 if you submitted a picture with your face in front of
18 one of the candidate's campaign signs and with an "I
19 voted" sticker, then you would be eligible for a
20 drawing for a gift card to the restaurant.

21 **MS. SULLIVAN:** So posting your picture
22 with any candidate would qualify you for this?

23 **MR. TITTLE:** I believe I designated
24 three candidates named in there.

25 **MS. SULLIVAN:** Thank you.

1 **MR. TITTLE:** Sure.

2 **MR. WORLEY:** And just to follow-up.
3 And each of those candidates had opponents in the
4 race?

5 **MR. TITTLE:** Two of the three had
6 opponents in the race, correct.

7 **MR. WORLEY:** Okay. And you -- I
8 believe the record says that you suggested that if
9 they posted on your Facebook page a picture with
10 Ms. Bentley, Mr. Jamison, or Mr. Lockwood's campaign
11 signs, they would get a gift card, correct?

12 **MR. TITTLE:** That's correct. Well,
13 they would be eligible for it, yes.

14 **MR. WORLEY:** Right. They'd be
15 eligible, but you didn't make the same offer for the
16 opponents of Bentley, Jamison, and Lockwood.

17 **MR. TITTLE:** That's correct.

18 **MR. RAFFENSPERGER:** Thank you, sir.

19 **MR. TITTLE:** Sure. Thank you.

20 **MR. RAFFENSPERGER:** Members, do we have
21 any comment or a motion?

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

23 I think that it's very important for
24 this board and its actions to draw a very bright line
25 between -- or bright line that says we don't tolerate

1 offering money or anything else to vote on behalf of a
2 candidate.

3 And essentially what happened here was
4 the gift card was offered for someone to show they had
5 voted and to take a picture with a specific
6 candidate's campaign sign. And I think the
7 implication is that they're being rewarded for voting
8 for particular candidates. And I think we have to
9 have a very bright line against that.

10 There's not any indication in our
11 record that the candidates were named as respondents,
12 participated in that, but I think that -- I think that
13 we need to refer this case over at least as against
14 Mr. Tittle to the attorney general's office because a
15 mere letter of instruction is not sufficient in these
16 kinds of cases.

17 And I will make it a motion that we
18 refer the case against Mr. Tittle over to the attorney
19 general's office.

20 **MR. RAFFENSPERGER:** Do we have a
21 second?

22 **MS. SULLIVAN:** I understand,
23 Mr. Tittle -- I appreciate you coming in today and
24 explaining your part in the previous report.

25 I second the motion.

1 **MR. RAFFENSPERGER:** Any discussion on
2 the motion?

3 (no response)

4 **MR. RAFFENSPERGER:** Call the question.
5 All those in favor of referring this over to the
6 attorney general's office please signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any opposed?
10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** The next case is Tab 52,
13 Hall County, Tabulation, Case Number 2018-43.

14 On July 16, 2018, Lori Wurtz,
15 supervisor of Hall County elections, reported issues
16 her office experienced with a counter that led to
17 questions from the public concerning the accuracy of
18 election returns during the general primary of May 22,
19 2018. Two citizen candidates complained to the Hall
20 County Board of Election and Registration that they
21 did not observe all of the relevant names and races on
22 one of the DRE result tapes placed at the Candler
23 polling station.

24 Investigation shows that after the poll
25 closed on May 22, 2018 it was confirmed that one of

1 the results tapes at the Candler precinct in
2 Gainesville did not show some of the candidates. It
3 was reported that on election night, by the poll
4 manager, that there was a problem getting one of the
5 result tapes printed due to an issue with a printer.

6 After troubleshooting, it was
7 determined that the plastic cover over the printer of
8 the unit had somehow come unsnapped. Once the cover
9 was snapped closed, the printer started printing
10 again. It was not noticed at the time that the
11 printer had resumed printing without including all of
12 the candidates.

13 Further investigation confirmed that
14 the DRE memory card for the DRE unit, with the result
15 tape missing information, contained all the candidates
16 and votes cast. An examination of the DRE and the
17 precinct voter counts were confirmed, showing that no
18 votes not logged -- that no votes were lost.

19 Lori Wurtz now includes training to the
20 poll workers to check each result tape to verify that
21 a complete list of races is listed on each tape.

22 And we recommend Hall County Board of
23 Election and Voter Registration; Cassandra Glass, Hall
24 County poll manager be issued a letter of instruction.

25 **MR. RAFFENSPERGER:** Okay. If anyone

1 would like to speak to this case, come forward and
2 identify yourself.

3 **MS. WURTZ:** Good morning. I'm Lori
4 Wurtz. I'm the director of elections in Hall County.
5 And I'm a little nervous. This my first time here, so
6 I want to thank you for taking the time. I would like
7 to respond to -- I don't remember your name -- to what
8 she just read and let you know that we have taken some
9 actions in our office and those do include, as you
10 stated, the -- the poll-worker training.

11 Also, that poll manager has not worked
12 since that event happened.

13 In the training, regarding the closing
14 down the polling place has been enhanced by simply
15 slowing down and actually demonstrating to the poll
16 workers how this occurred. And the poll managers are
17 now verifying all machine tapes are the same length.
18 That's a really good way to quickly verify that
19 everything has printed because all the tapes would be
20 the same lengths since all of the machines contain the
21 same races and the same candidates.

22 Also I would like to point out that the
23 public counter on the results tape would total to
24 equal the total of all of votes cast in section B of
25 the DRE recap sheet which should equal the GEM

1 statement votes cast report for that same precinct.

2 And in this case, all three matched.

3 The SEB rule, 183-12.025(a)6, in my
4 opinion, was not violated as all tapes were hung on
5 the door of the precinct and they did reflect the
6 exact same count recorded on the DRE recap. The
7 information was easily verifiable by comparing the
8 public counter total which is located at the beginning
9 of the tape and was included in the printing of the
10 tape with the machine totals.

11 And I -- I do -- I don't want you to
12 think that it's not important for all of the races to
13 show on the tapes, I do believe that is very important
14 and the quick -- the quick test for that is are they
15 the same length and that will tell you that they're
16 all contained in the same races and candidates.

17 So moving forward, that's what we will
18 do in Hall County. But I would like to ask that you
19 consider dismissing this case based on the fact that
20 we did hang the tapes as -- as instructed. They were
21 verified because all of the numbers matched. The only
22 way you could've told that anything was different was
23 if you were a candidate and you went and looked on
24 there or as she did and saw that her name was missing.
25 Because all of the totals, the machine information at

1 the very beginning of the tape and all of the totals
2 displayed on the tape were verified and were accurate.

3 Thank you.

4 **MR. RAFFENSPERGER:** Thank you.

5 **MS. WURTZ:** Yes, sir.

6 **MR. RAFFENSPERGER:** Members, do you
7 have any comments or would anyone like to make a
8 motion?

9 **MS. SULLIVAN:** I'll ask a question.

10 Ms. Watson, is there a -- the
11 recommendation still stands to issue a letter of
12 instruction in this case --

13 **MS. WATSON:** Yes, that's right.

14 **MS. SULLIVAN:** -- based on a potential
15 violation of the code?

16 **MS. WATSON:** Yes.

17 **MR. WORLEY:** I would make a motion that
18 we issue a letter of instruction to Hall County in
19 Case Number 2018-43, though I appreciate very much
20 Ms.~Wurtz being here and explaining it and making it
21 clear this is a problem that will not occur again.

22 **MR. RAFFENSPERGER:** Second?

23 **MRS. LE:** I'll second that.

24 **MR. RAFFENSPERGER:** Okay, a second.

25 Any discussion on the motion?

1 (no response)

2 **MR. RAFFENSPERGER:** Those in favor
3 signify.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 We have the rest of these. Any other
9 case the board might like to pull off?

10 **MR. WORLEY:** Yes, Mr. Chairman. I
11 would like to pull off the following letter cases for
12 individual discussion: SEB Case Number 2015-092,
13 Houston County, in Tab 26; SEB Case Number 2016-048,
14 Mitchell County, Number 31 in the tabs; SEB Case
15 Number 2016-083, DeKalb County, vote buying, Tab
16 Number 35; SEB Case Number 2016-153, Clarke County,
17 prohibition on photography, Tab 44; SEB Case Number
18 2016-160, Newton County, prohibition on photography,
19 Tab Number 45; and finally SEB Case Number 2016-172,
20 restaurants vote offers, vote buying, Tab Number 48.

21 **MR. RAFFENSPERGER:** Okay. Got that
22 right. 92, 48, 83, 153, 160, 172?

23 **MR. WORLEY:** Say those again.

24 **MR. RAFFENSPERGER:** 92, 48, 83, 153,
25 160, 172.

1 **MR. WORLEY:** Right.

2 **MR. RAFFENSPERGER:** Any others that
3 people would like to pull off?

4 Members, do we want to take a
5 five-minute break? We'll be in recess for five
6 minutes.

7 (Break taken)

8 **MR. RAFFENSPERGER:** Okay, everyone.
9 We'll go ahead and get started. That would be great.
10 Okay. The first case we have that we'll be looking at
11 is Houston County, 2015-092.

12 **MR. LEWIS:** Thank you, Mr. Secretary.
13 It's Tab Number 26 in your binders.

14 On November 20, 2015, the secretary of
15 state's office received a complaint concerning a
16 posting by Larry Walker the III on his Facebook page.
17 At this time, Mr. Walker was running for the Georgia
18 Senate District 20 seat during the December
19 special-election runoff that year.

20 On the posting, it stated for every
21 Saturday voter showing a sticker, Larry will donate a
22 turkey to a family in need in Middle Georgia this
23 Thanksgiving. "Let's make a difference in our
24 community by voting for the right leader and helping
25 those in need."

1 Mr. Walker was contacted and he advised
2 that his campaign staff had made the post. He advised
3 that he had removed the post, that he was taking
4 responsibility for it. He said he ended up not
5 donating any turkeys because no one showed up except a
6 friend from church. Mr. Walker states that he's
7 trying to bring awareness to the election in general
8 and not generate votes for himself although he hopes
9 voters would vote for him.

10 In this case, we recommend that Larry
11 Walker the III be issued a letter of instruction for
12 the listed violation.

13 **MR. RAFFENSPERGER:** Is there anyone
14 from the audience that would like to speak to this?

15 (no response)

16 **MR. RAFFENSPERGER:** Any members would
17 like to speak to this?

18 **MR. WORLEY:** Yes, Mr. Chairman, thank
19 you. I believe for the same reason that I discussed
20 earlier, in relation to the Milton case, that this
21 case should be referred over to the attorney general's
22 office. The posting offers something of value, a
23 donation to charity essentially, and specifically asks
24 that the person votes for the right leader. So --
25 which was clearly Mr. Walker in this case. So I think

1 it's appropriate to refer it over to the attorney
2 general.

3 **MR. RAFFENSPERGER:** Anyone else want to
4 speak to this?

5 **MR. WORLEY:** I don't believe I actually
6 made a motion, but I would make a motion to refer the
7 case over to the attorney general's office.

8 **MR. RAFFENSPERGER:** Okay.

9 **MR. HARP:** I'm going to second that
10 motion.

11 **MR. RAFFENSPERGER:** We have a second.

12 **MS. SULLIVAN:** Second.

13 **MR. RAFFENSPERGER:** We have a second.

14 **MR. HARP:** I did say --

15 **MR. RAFFENSPERGER:** Okay, Senator Harp.
16 Any further discussion?

17 **MS. SULLIVAN:** Yes, Mr. Chairman, I
18 have a question. And I think it's the same -- similar
19 case that we discussed because we're talking about the
20 person who's voting is not receiving anything of value
21 and there is no promise to donate a turkey in
22 someone's name. And I'm not sure if that actually
23 constitutes a violation of election campaigning.

24 And also I think it would be very
25 difficult to establish a case to refer that over

1 because the individual's not receiving anything of
2 value. He's not promising to give anything of value.

3 So for that reason I think that I
4 probably would vote for a letter of instruction, but I
5 understand the motion's on the table.

6 **MR. WORLEY:** And if I could just
7 respond to that. I do believe it's a thing of value
8 and I think you're not -- I think the person who is
9 being offered this is getting something, some, you
10 know, good feeling, and the person who's receiving the
11 turkey is obviously getting something.

12 I think it would be helpful in a case
13 like this if it was referred to the attorney general's
14 office so the attorney general could look at that and
15 see if it was actually a violation of the law and
16 makes a determination. That's all.

17 **MR. RAFFENSPERGER:** Any further
18 discussion?

19 **MS. SULLIVAN:** Nothing further. My
20 concern is the attorney general's province to
21 determine whether or not an actual violation of the
22 law has occurred.

23 **MR. RAFFENSPERGER:** We'll call the
24 question. All of those in favor of the motion before
25 us, signify by saying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any of those
3 opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 **MR. LEWIS:** Mr. Secretary, the next
7 case that I have marked on the list is SEB 2016-048,
8 Mitchell County, gift to register. It's Tab Number 31
9 in your binders.

10 In March of 2016, Ronald Spence
11 reported a posting on Trasontra Williams' Facebook
12 page. She states the posting was offering a free
13 all-expenses-paid trip to Jacksonville Beach. It was
14 verified that the posting was located on Ms.~Williams'
15 Facebook page, saying: Attention, attention,
16 attention. We would like you to go to Jacksonville
17 Beach for an all-expense-paid trip at no cost to you.
18 To qualify you must be 18 to 25 years of age and must
19 become a registered voter in the next 14 days. And
20 once you're registered and contact -- you must contact
21 me and I will give you the final details.

22 Ms. Williams was interviewed and said
23 that she did make the post as part of her attempt to
24 get young people registered to vote. She states that
25 she was not aware it was a violation to do so. She

1 stated no one had contacted her stating they had
2 registered as a result of the posting.

3 We recommend that Ms. Williams received
4 a letter of instruction for the listed violation.

5 **MR. RAFFENSPERGER:** Okay. Anyone to
6 speak to this? Anyone from the crowd? Anyone?

7 **MR. WORLEY:** Mr. Chairman, thank you.
8 I would make a motion that would refer this over to
9 the attorney general's office for the same reasons
10 that I expressed in relation to the Houston County and
11 the Milton matters.

12 This is clearly offering something of
13 value to register which is within the prohibition
14 language of the statute.

15 **MR. RAFFENSPERGER:** Is that a motion?

16 **MR. WORLEY:** Yes, I'm sorry. I would
17 make a motion that would refer this over to the
18 attorney general's office.

19 **MR. HARP:** I'll second the motion.

20 **MR. RAFFENSPERGER:** We have a second.
21 Is there discussion? Any discussion on the motion?

22 (no response)

23 **MR. RAFFENSPERGER:** Hearing no
24 discussion, call the question. All of those in favor
25 of sending this to the attorney general's office

1 signify by saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 Mr. Lewis.

7 **MR. LEWIS:** Mr. Secretary, the next
8 case that I have is SEB 2016-083, DeKalb County, vote
9 buying.

10 In May of 2016, the complainant alleges
11 the City of Avondale Estates, which lies within DeKalb
12 County, had offered voters cupcakes in return for
13 voting in the May of 2016 general primary election.

14 Russ Madison was the complainant who
15 reported that the City of Avondale Estates' Facebook
16 page offered a free cupcake to anyone who voted in the
17 May election. There was also a Twitter posting
18 referring to the Facebook post. It was found that
19 Laura Haass, the owner of Icing and Cake Design Sweet
20 Boutique decided to offer voters a free mini cupcake
21 for having voted in the general primary.

22 Ms. Haass contacted the City of
23 Avondale Estates communication manager Debbie Revzin
24 and presented the offer and then posted the offer on
25 the city's Facebook page. Both Ms. Haass and

1 Ms.~Revzin advised they were trying to encourage
2 voting and not advocating for any particular
3 candidate. They both stated that they were not
4 familiar that it was a violation.

5 We would recommend the City of Avondale
6 Estates, Ms. Revzin, and Ms. Haass be issued a letter
7 of instruction for the listed violation.

8 **MR. RAFFENSPERGER:** Is there anyone
9 here to speak on that? Any member that would like to
10 speak to this?

11 **MR. WORLEY:** Thank you, Mr. Secretary.
12 I would make a motion to refer this case also over to
13 the attorney general's office. While it seems like a
14 very small thing to offer cupcakes, we have in the
15 case of other food items in the past referred cases
16 over to the attorney general's office.

17 And this case is particularly troubling
18 to me because we have the city itself offering an item
19 in violation of the law.

20 So again I would move that we forward
21 this case to the attorney general's office.

22 **MR. RAFFENSPERGER:** And that's in the
23 form of a motion?

24 **MR. WORLEY:** Yes.

25 **MR. RAFFENSPERGER:** Do we have a

1 second?

2 **MRS. LE:** I'll second it.

3 **MR. RAFFENSPERGER:** We have a second.

4 Is there any further discussion of the motion?

5 (no response)

6 **MR. RAFFENSPERGER:** Hearing none, call
7 the question. All those in favor of referring this to
8 the attorney general's office please signify by saying
9 aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** Any opposed?

12 (no response)

13 **MR. RAFFENSPERGER:** None opposed.

14 Motion carries.

15 **MS. WATSON:** The next case is Tab 44,
16 2016-153, Clarke County, prohibition on photography.

17 On November 2, 2016, the complainant
18 forwarded a copy of the Facebook of Abel Klainbaum.
19 The page displayed a photograph of an electronic
20 ballot with the face of the DRE in it with wording
21 that indicated the image was of Klainbaum's own
22 ballot. Abel Klainbaum stated that he did take the
23 photo and post it to his Facebook page.

24 We recommend Abel Klainbaum be issued a
25 letter of instruction for the listed violation.

1 **MS. SULLIVAN:** Now, ms. Watson, was
2 this individual warned ahead of time that he was not
3 to use his cell phone? I believe we had that
4 presented in a case a minute ago where the complainant
5 was actually warned and did it anyway.

6 **MS. WATSON:** Right.

7 **MS. SULLIVAN:** Was this case similar --

8 **MS. WATSON:** Right. The poll workers
9 did not remember specifically, however they do state
10 that -- in general, that they advise all the voters
11 coming in are cautioned about using their cell phones.

12 **MS. SULLIVAN:** But they did not
13 remember --

14 **MS. WATSON:** No.

15 **MS. SULLIVAN:** -- a specific
16 conversation?

17 **MS. WATSON:** No.

18 **MR. WORLEY:** Well, if I could just
19 follow up on that, Ms. Watson. The report that we
20 have says Van Helden, who was the poll worker, stated
21 that he cautioned each individual who entered the
22 polling station not to use cell phones or photographic
23 devices and stated that he cautioned this individual
24 as well.

25 **MS. WATSON:** I stand corrected.

1 **MR. WORLEY:** I just wanted to make sure
2 that that was --

3 **MS. WATSON:** Correct.

4 **MR. WORLEY:** So under those
5 circumstances, I would make a motion that we refer
6 this case over to the attorney general's office.

7 **MR. RAFFENSPERGER:** Do we have a
8 second?

9 **MS. SULLIVAN:** I'll second it.

10 **MR. RAFFENSPERGER:** We have a second.
11 Any further discussion?

12 (no response)

13 **MR. RAFFENSPERGER:** All of those in
14 favor of referring this case over to the attorney
15 general's office please signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MR. RAFFENSPERGER:** Motion carries.

20 **MR. LEWIS:** The next case is Tab 45,
21 160, Newton County, prohibition on photography.

22 In November of 2016, complainant
23 reported a Facebook posting of James Aaron Brooks
24 which displayed a photograph of Mr. Brooks' ballot
25 with the face of the DRE in it. The complainant

1 observed the Facebook posting of James Aaron Brooks to
2 have two photographs of the DRE ballot screen with the
3 posting: My two favorite votes are in the pictures.
4 They told me to turn off my cell phone, but those of
5 you that know me know that I sometimes buck the system
6 a little bit.

7 The complainant also stated that there
8 was language on the posting to the effect that: I'm
9 hoping that someone reports me for taking a picture to
10 SOS office.

11 Also included in the Facebook posting
12 was a conversation between Brooks and outgoing circuit
13 district attorney Layla Zon. In the conversation,
14 Ms.~Zon cautioned Brooks as to the producing of the
15 photograph. Brooks responded by stating: I do
16 believe that taking pictures of the ballot screen was
17 found to be protected as a first-amendment right.

18 Mr. Brooks was contacted twice by the
19 investigator and asked if he would like to respond to
20 the allegation regarding taking the photograph of his
21 ballot. He declined to provide any statements.

22 We're recommending a letter of
23 instruction for the listed violation.

24 **MR. RAFFENSPERGER:** Any discussion?

25 **MR. WORLEY:** Well, it won't surprise

1 anyone at this point that -- that I think that we
2 should refer this matter as well to the attorney
3 general's office. If Mr. Brooks wants to challenge
4 the authority of the state to prohibit him from doing
5 that, then perhaps this is the right case for that to
6 happen. We have the attorney general to advise us on
7 that.

8 So I would make a motion to forward
9 this case to the attorney general's office for further
10 action.

11 **MS. SULLIVAN:** I'll second the motion.

12 **MR. RAFFENSPERGER:** Any discussion on
13 the motion?

14 (no response)

15 **MR. RAFFENSPERGER:** Hearing none, call
16 the question. All those in favor of referring this,
17 Case Number 2016-160, to the attorney general's office
18 please signify by saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. RAFFENSPERGER:** Any opposed?

21 (no response)

22 **MR. RAFFENSPERGER:** Hearing none,
23 motion passes.

24 **MS. WATSON:** The next case I have is
25 Tab 48, Fulton County, restaurants vote offers,

1 2016-172.

2 On November 8, 2016, Heather Searles
3 reported improper offers having been put forth by
4 various metro Atlanta businesses concerning voting in
5 the general election of the same date. It was
6 reported that on the date of the election six vendors
7 advertised gratuities to individuals who could provide
8 proof that they had voted.

9 Investigation shows that Doc Chey's and
10 Osteria 382 (sic) offered double karma points on
11 election day for online orders regardless if the
12 customer had voted or not. We found no violation.

13 Chuck E. Cheese, in honor of election
14 day, was holding a vote-on-your-favorite-pizza
15 promotion and was not offering free pizza to those
16 providing proof of voting. We found no violation.

17 Krispy Kreme Doughnuts Corporation was
18 offering a free Doughnuts for those providing proof of
19 voting until they were made aware of the violation.
20 They immediately changed the posting to their website
21 and social media and started providing a free
22 Doughnuts to all patrons in honor of election day.

23 Firehouse Subs was offering a free
24 medium drink to any patron that was wearing a
25 "I voted" sticker. Once they were notified, they

1 stated they would change the offer to a free medium
2 drink to any patron on election day.

3 Gold's Gym offered a free workout
4 session to anyone who came in with an I-voted sticker
5 on Election Day. Jeannette Treckman, the vice
6 president and senior counsel for Gold's Gym, advised
7 they were not aware that Georgia election laws
8 prohibited such an offer, but would make sure that the
9 marketing department is aware for the future.

10 Get Dinner to Go offered a free drink
11 with a "I voted" sticker. The company was contacted
12 and spoke to Mr. Drexel Mitchell. Mr. Mitchell did
13 not advise that he would stop providing the offer.

14 We were recommending Krispy Kreme,
15 Firehouse Subs, Gold's Gym, and Get Dinner to Go be
16 issued a letter of instruction for the listed
17 violations.

18 **MR. RAFFENSPERGER:** Any discussion?

19 **MR. WORLEY:** I -- I would distinguish
20 this case -- or parts from what we've seen before. I
21 think that the offer by Krispy Kreme, Firehouse Subs,
22 and Gold's Gym was to anyone and not connected with
23 any individual candidate and those establishments
24 ceased making the offer as soon as they were notified.
25 So I would be in favor of sending those three a letter

1 of instruction.

2 But Get Dinner to Go apparently was
3 contacted by the investigations division, told there
4 was a violation of Georgia law, would not confirm that
5 they would remove the promotion. It remained posted
6 the rest of the day during the general election. And
7 finally an e-mail from one of the operators suggested
8 they would continue the offer.

9 So under those circumstances, I would
10 make a motion to send a letter of instruction to
11 Krispy Kreme, Firehouse Subs, and Gold's Gym, and
12 refer Get Dinner to Go over to the attorney's general
13 office.

14 **MR. RAFFENSPERGER:** Do we have a
15 second?

16 **MR. HARP:** Second.

17 **MR. RAFFENSPERGER:** We have a second.
18 Do we have any discussion on the motion?

19 (no response)

20 **MR. RAFFENSPERGER:** Hearing none, I'll
21 call the question. All those in favor of referring
22 letters of instructions in Case Number 2016-172 for
23 Krispy Kreme, Firehouse Subs, and Gold's Gym, and
24 referring Get Dinner to Go to the attorney general's
25 office for further review signify by saying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any opposed?

3 (no response)

4 **MR. RAFFENSPERGER:** Motion carries.

5 We have the remaining cases before you
6 to be voted on as a block. Do I have that correct?
7 Is that before you? Do we have a motion?

8 **MS. SULLIVAN:** I move that letters of
9 instruction be issued in the remaining cases that we
10 have not discussed in the majority as recommended.

11 **MR. RAFFENSPERGER:** Do we have a
12 second?

13 **MR. WORLEY:** I will second that.

14 **MR. RAFFENSPERGER:** We have a second.
15 Any discussion on that?

16 (no response)

17 **MR. RAFFENSPERGER:** Hearing none, all
18 those in favor of referring that -- providing letters
19 of instruction for the remaining cases -- hearing
20 none, all those in favor say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MR. RAFFENSPERGER:** Any opposed?

23 (no response)

24 **MR. RAFFENSPERGER:** Hearing none,
25 motion carries.

1 We now have our new cases before us,
2 Mr. Lewis. I guess we can call these to see who's
3 here, in place.

4 SEB Case Number 2015-008 City of
5 DeSoto, Sumter County.

6 **MR. LEWIS:** Mr. Secretary, that case
7 was continued.

8 **MR. RAFFENSPERGER:** Okay.

9 **MR. LEWIS:** I apologize. It was not
10 updated on your list.

11 **MR. RAFFENSPERGER:** Case Number
12 2015-022, Lumpkin County, possible repeat voting.

13 **MR. WOLFF:** Good morning,
14 Mr.~Secretary. Jeff Wolff on behalf of Jason Wetzel.
15 Mr. Wetzel is also here.

16 **MR. RAFFENSPERGER:** Okay, thank you.
17 Case 2015-074, City of Cordele. Is
18 anybody here to speak on that?

19 **MR. LEWIS:** Mr. Secretary, they're not
20 going to be present today. This case was presented at
21 our last meeting, and I think the board had a tie on
22 the vote. We were instructed to bring it back here.
23 We brought it back today. We have letters from the
24 respondents in this case we'll pass out for a
25 presentation.

1 **MR. RAFFENSPERGER:** Okay.

2 Next case 2015-084, City of Roswell,
3 precinct changes. Anyone?

4 **MR. BARRON:** Rick Barron, Fulton
5 County.

6 **MR. RAFFENSPERGER:** Case 2015-087, City
7 of Demorest in Habersham County, repeat voter. No one
8 here.

9 2015-093, Hall County, precinct change
10 (indicating).

11 2015-095, City of Rossville, Walker
12 County.

13 **MS. MERRELL:** Your Honor, Donna Merrell
14 on behalf of the City of Rossville. I'm here with the
15 city clerk Ms. Sherry Foster and Ms. Russanna Jenkins
16 with the city is here.

17 **MR. RAFFENSPERGER:** Thank you.

18 **MS. MERRELL:** Thank you.

19 **MR. RAFFENSPERGER:** 2015-100, DeKalb
20 County, absentee ballot.

21 **MR. BRYAN:** Bennett Bryan on behalf of
22 DeKalb County. I'm here with the chairman of the
23 DeKalb County Board of Registration and Elections and
24 our director of elections, along with several members
25 of our election staff.

1 **MR. RAFFENSPERGER:** Thank you.

2 2016-006, Paulding County.

3 **MS. HOLDEN:** Deidre Holden, election
4 supervisor.

5 **MR. RAFFENSPERGER:** Thank you.

6 2016-007, Pike County.

7 2016-008, Douglas County.

8 **MR. COLE:** I'm David Cole for Douglas
9 County. I'm also here with Milton Kidd, the election
10 supervisor, and Moises (ph.) Bowman, the deputy
11 supervisor.

12 **MR. RAFFENSPERGER:** Thank you.

13 2016-009, Paulding County.

14 **MS. HOLDEN:** Deidre Holden, Paulding
15 County.

16 **MR. RAFFENSPERGER:** 2016-010 in
17 Bleckley.

18 2016-014, Glynn County.

19 2016-023 in Clayton County.

20 **MR. REID:** Charles Reid on behalf of
21 Clayton County along with Laterrial Francis.

22 **MR. RAFFENSPERGER:** 2016-052, Gwinnett
23 County.

24 We'll go in the order of those that --
25 of people that are here on their cases. I believe

1 that starts us with Tab 54.

2 Mr. Lewis.

3 **MR. LEWIS:** Yes, sir, Mr. Secretary.

4 The first case will be 2015-022,
5 Lumpkin County, possible double voter.

6 In May of 2015, it was reported by the
7 North Carolina Board of Elections that Jason Wetzel
8 may have been voting in North Carolina and Georgia.
9 Mr. Wetzel registered as a voter on September 9, 2011
10 in Lumpkin County, Georgia. Mr. Wetzel then
11 registered as a voter in North Carolina on March 8,
12 2012, in Cumberland County, and his voter status in
13 Georgia remained active.

14 Mr. Wetzel voted in person in North
15 Carolina in the primary election on May 8, 2012 and
16 then voted by absentee ballot in Georgia on July 31,
17 2012 for the Lumpkin County election. In person again
18 in North Carolina on November 6, 2012 and by absentee
19 ballot in Georgia for the Lumpkin County election on
20 November 6, 2012. In person again in North Carolina
21 for the November 4, 2014 election and then by absentee
22 ballot in Georgia for the Lumpkin County election of
23 2014.

24 It was determined through voting
25 documents and Mr. Wetzel's admission in an interview

1 with North Carolina law enforcement that he did admit
2 to voting in North Carolina and Georgia.

3 In a lot of this activity, we
4 referenced his voting registration to O.C.G.A.
5 21-2-217. In determining the residence of a person
6 desiring to register to vote or to qualify to run for
7 an elective office, the following rules follow as far
8 as they're applicable. Paragraph 13, that code
9 section states: If a person goes into another state
10 and while there exercises the right of a citizen by
11 voting, such person shall be considered to have lost
12 such person's residence in this state.

13 We would recommend that Jason Wilton
14 Wetzel be bound over to the attorney general's office
15 for the four listed violations in the report.

16 **MR. RAFFENSPERGER:** Okay. I believe
17 there's some folks here to speak to this case.

18 State again for the record who you are,
19 please.

20 **MR. WOLFF:** Thank you,
21 Mr.~Secretary. My name is Jeff Wolff. I'm here on
22 behalf of Mr.~Wetzel. Mr. Wetzel's here as well. I'm
23 going to give a brief statement and then my client
24 will give a brief statement, and, of course, he would
25 be happy to answer any questions.

1 I do have some medical documentation
2 that I'd like to hand out briefly if I may.

3 **MR. RAFFENSPERGER:** Please.

4 (Respondent's counsel handed documents to
5 the board members.)

6 **MR. RAFFENSPERGER:** Would you like to
7 move to enter this into the record also?

8 **MR. WOLFF:** I would like to move that
9 into the record. Thank you.

10 **MR. RAFFENSPERGER:** So moved.

11 **MR. WOLFF:** This is my first time
12 appearing, so I'm a little lacking on procedure.

13 I'm handing you just a brief medical
14 record. The situation -- first of all, my client
15 fully accepts responsibility and we don't dispute any
16 of the facts as related. My client admits to
17 violating Georgia election law.

18 We're here just to give a brief
19 explanation that my client was suffering some serious
20 medical problems at the time. The issue is that my
21 client had -- he was suffering from sleep apnea. It
22 caused hypoxia and it caused some serious issues with
23 memory.

24 My client doesn't know why he did this,
25 but once he -- for the first time in his life ever, in

1 his late 60s and early 70s, violated the law. He
2 went back and tried to understand why this may have
3 happened. My client has a long history of teaching
4 history. He was a civilian archivist with the U.S.
5 Army and certainly was not politically or criminally
6 motivated when he violated Georgia and North Carolina
7 election law. So we just offer this to show you that
8 there were some issues going on with him medically and
9 with his memory.

10 Further, I want to explain to the board
11 that he was punished in North Carolina. He was
12 criminally prosecuted. It was a deferred prosecution
13 but he paid fines. He had a mental evaluation. He
14 had a substance abuse evaluation and he did community
15 service. And so we want you to take that into
16 consideration as well.

17 That's essentially what we want you to
18 know. We are asking the board to consider a letter in
19 place of referral to the attorney general. My client
20 would like to make a statement, and he is available
21 for any questions as well.

22 **MR. WETZEL:** Thank you. What I did was
23 wrong and I take full responsibility for everything.
24 I deeply regret the problems I have caused the state.
25 I humbly ask for forgiveness. I did break the law,

1 but I did not break it with premeditation. All my
2 life I've obeyed our laws and lived to do the right
3 thing for myself, my family, and my community.

4 Yes, I did break the law, but
5 inadvertently and not with forethought. This was due
6 to health problems that impaired my memory and thought
7 processes. I have never been in trouble with the law.
8 I have always been civic-minded and worked to give
9 back to my community through volunteer organizations.

10 How could I do something that would fly
11 in the face of everything these groups represent? I
12 am filled with remorse that this has occurred. This
13 is a living nightmare for me. I attribute this costly
14 tragedy to my health problems. I am humiliated that I
15 brought such shame onto myself and anguish and
16 embarrassment to my family. I apologize for all of us
17 having to be here today and I ask for your
18 understanding and forgiveness. Thank you.

19 **MR. WOLFF:** Are there any questions?

20 **MR. RAFFENSPERGER:** Members, do you
21 want to ask him any questions?

22 **MR. WORLEY:** I had some questions and
23 either of you can answer these. First of all, how
24 much was Mr. Wetzel fined and how many hours of
25 community service did he do?

1 **MR. WOLFF:** Total fine including court
2 costs, \$380, and total community service, 25 hours.

3 **MR. WORLEY:** And could you just clarify
4 for me, was -- during this long period when these
5 violations occurred, was Mr. Wetzel living in both
6 states? Did he have residences in both states?

7 **MR. WOLFF:** Thank you, for -- I meant
8 to talk to that, but I didn't want to take too much
9 time. So Mr. Wetzel's legal residence we would argue
10 was in Lumpkin County, Georgia. He had bought
11 property in 2010 -- well, 2008, I think, and built the
12 home in 2010.

13 **MR. WETZEL:** In 1995, I bought the
14 property. I built the house in 2010.

15 **MR. WOLFF:** Okay.

16 And that was his -- that would be his
17 legal residence. He was commuting to Fayetteville,
18 Fort Bragg, and working on as a civilian for DMD. So
19 he commuted every week. His life partner of 30 years
20 lived in his Dahlonga house. He had -- I mean, we
21 have a lot of other evidence. I have a library card
22 and other things that would -- I have a number of
23 things, his driver's license -- I have a number of --
24 a number of things would show -- that would normally
25 show residency.

1 But the fact is that Georgia law --
2 he -- it revoked his res -- it revoked his residency
3 for voting purposes once he registered in North
4 Carolina. So, you know, I didn't want to get into
5 that whole argument because as a matter of law, he --
6 he lost his residency for voting purposes once he
7 registered to vote in North Carolina.

8 But, however, you know, as long as
9 we're talking about that, I mean, someone does have a
10 right to vote in one place in a general sense. He
11 lost that right once he registered in two places, as a
12 matter of law. But, you know, legally, yes, he was a
13 resident of Georgia, Lumpkin County specifically.

14 And he was commuting every week and
15 that added to his health problems in his late 60s.
16 He has apnea. He had other problems. That was just
17 the most pronounced. So he was commuting from
18 Dahlonega to Fort Bragg. It's about a seven-hour
19 commute.

20 **MR. WORLEY:** Thank you.

21 **MRS. LE:** Thank you for being here,
22 Mr. Wetzel. I have a question. Some of these
23 violations go back to 2012, and I see from your
24 medical records that it dates to 2015. Did you have
25 these conditions that may have impaired your thought

1 process during that time?

2 **MR. WETZEL:** Yes, ma'am. We -- we knew
3 something was amiss because of my memory issues that
4 were affecting my job and my personal life. We didn't
5 know what it was, and I was going through different
6 doctors and trying to ascertain what was going on.
7 And it wasn't until 2015 that we said something is
8 wrong. This is when it came to light. These problem
9 which affected my memory, I couldn't answer properly.

10 And so we knew something was wrong, and
11 it was advised that I seek medical help and try to
12 ascertain and get to the root of the problem which was
13 eventually diagnosed as hypoxia which is a lack of
14 oxygen to the brain causing memory issues, and then
15 resulting in an operation in 2016 that helped with the
16 airflow.

17 **MR. WOLFF:** And I just want to point
18 out in the opening paragraph of the clinical note that
19 it does say onset was gradual five years ago. So the
20 note is dated 2015, but it would -- if you take the
21 gradual onset, that would take it back to 2010 back
22 from 2015.

23 **MR. HARP:** Mr. Wetzel, are you a
24 veteran?

25 **MR. WETZEL:** No, sir. I served as a --

1 **MR. HARP:** I'm sorry, sir?

2 **MR. WETZEL:** I served as a civilian for
3 the Army. It was for the government.

4 **MR. HARP:** Do you receive any benefits
5 from the VA?

6 **MR. WETZEL:** No. No, sir.

7 **MR. HARP:** Have you applied?

8 **MR. WETZEL:** I'm not eligible for VA
9 benefits I do not believe. I don't think so.

10 **MR. HARP:** That's it.

11 **MR. RAFFENSPERGER:** Any further
12 questions? Any discussion? Anyone like to make a
13 motion?

14 **MR. WORLEY:** I'll make a motion and
15 make a comment beforehand. I appreciate the
16 circumstances that Mr. Wetzel and his attorney
17 described, however, I think the fact that he's paid a
18 fine in another state, done community service in
19 another state is something that should be taken into
20 account in assessing the penalty that we would impose.

21 I think a penalty more severe than just
22 a letter of instruction is warranted and for that
23 reason I move that we refer the case to the attorney
24 general's office.

25 **MR. RAFFENSPERGER:** Do we have a

1 second?

2 **MS. SULLIVAN:** I'll second Mr. Worley's
3 motion, understanding that the attorney general may
4 take into consideration that the fine and community
5 service already assessed in North Carolina in
6 determining what's appropriate for the consent form.
7 So I second the motion.

8 **MR. RAFFENSPERGER:** We have a second.
9 Any discussion on the motion.

10 (no response)

11 **MR. RAFFENSPERGER:** Hearing none, all
12 those in favor of referring this to the attorney's
13 generals office in Case Number 2015-022 please signify
14 by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MR. LEWIS:** Mr. Secretary, the next
20 case that I have marked is SEB 2015-084, the City of
21 Roswell, Fulton County, precinct changes.

22 In November of 2015, three complainants
23 advised of a situation regarding the change in their
24 polling location in Fulton County. The complainants
25 stated that they did not received proper notification

1 that their precinct had been changed from the Bridge
2 to Grace Church to the East Roswell Library until
3 either just before or on the day of the general
4 election in November of 2015.

5 The complainants also advised that they
6 had not yet received their new voter registration
7 cards indicating the change in location.

8 Investigation revealed that Fulton
9 County Registration and Elections did in fact change
10 the location, the RW20 poll from Bridge to Grace
11 Church to the East Roswell Library. The change was
12 published in the legal organ for Fulton County on
13 September the 16th and again on September 21, 2015.
14 The notice said that all voters would be notified
15 immediately by mail of the change. The complainants
16 did not receive a letter or an updated voter
17 registration card prior to the November 2015 election.

18 New voter registration cards were
19 requested for the precinct change in February of 2016.
20 Also the pastor of the Bridge to Grace Church stated
21 that he never received official notification from
22 Fulton County regarding the change in polling
23 locations. Fulton County advised that no letter or
24 other form of notification was forwarded to the
25 church.

1 We would recommend the Fulton County
2 Board of Elections be bound over to the attorney
3 general's office for two twenty -- twenty-six (e) in
4 violation of duties of the issuance of the new
5 registration cards, and the Fulton County Board of
6 Elections and Registration also be bound over to the
7 attorney general's office for two -- 21-2-265, that
8 has the superintendent selecting poll locations.
9 First cite's for the board, the second cite's for the
10 board, and Rick Barron, election supervisor.

11 **MR. RAFFENSPERGER:** Would someone like
12 to speak to this?

13 **MR. BARRON:** Good morning,
14 Mr.~Secretary.

15 **MR. RAFFENSPERGER:** Provide your name.

16 **MR. BARRON:** Rick Barron, Director of
17 Registration and Elections for Fulton County. Good
18 morning, Mr.~Secretary and members of the board. Good
19 morning, Mr. Russell.

20 We -- we don't dispute the facts on
21 this, although with -- with regard to notifying the
22 church, I can't imagine that we would've moved the
23 polling place there without -- without knowledge of
24 the -- without the church knowing. We -- we did have,
25 I believe if you check the records, 34 polling place

1 changes in that election cycle.

2 We have since changed the way that
3 we -- that the election side notifies our voter
4 registration side of the changes. Those cards now can
5 be -- we process those proposals as they come out of
6 the board of registration and election meeting. And
7 if they -- if any of those changes have to go to the
8 board of commissioners afterwards for approval, after
9 the board responds -- or after the boards of
10 registration and elections approved them, then those
11 are -- the voter registration division is notified
12 after the board of commissioners approves that one.

13 That's it.

14 **MR. RAFFENSPERGER:** Any members like to
15 ask any questions?

16 (no response)

17 **MR. RAFFENSPERGER:** Thank you.

18 Is there a motion? Any discussion for
19 the motion? What is the rule of the committee?

20 **MR. WORLEY:** I actually would ask
21 Mr.~Barron a couple of other questions if he wouldn't
22 mind coming back up.

23 **MR. BARRON:** Sure.

24 **MR. RAFFENSPERGER:** Thank you.

25 **MR. WORLEY:** The pastor of the church

1 said that he never received any official notification.
2 Is it normal to send those out in writing?

3 **MR. BARRON:** We -- we have contacts at
4 all of our polling locations. And my -- the staff
5 member that -- that does that, it may be that there
6 was somebody else in the church in which she was in
7 contact. We also -- one thing that I -- that I was
8 remiss in saying earlier, that the polling place was
9 across the street and we did -- I do have
10 documentation showing that we did order signs to put
11 at the old polling place.

12 **MR. WORLEY:** Okay. And -- but there's
13 no -- it's not your normal practice to notify the
14 locations in writing?

15 **MR. BARRON:** Yes. We -- we do notify
16 them in writing.

17 **MR. WORLEY:** Okay.

18 **MR. BARRON:** But there's contact made
19 by phone first and then -- then we do contact them in
20 writing, but I -- I'm not sure of the size of the
21 church, but it could be that there was somebody and
22 the office administrator or manager may have been
23 known about it without the pastor knowing that --

24 **MR. WORLEY:** Do you -- do you keep a
25 record of --

1 **MR. BARRON:** Yes.

2 **MR. WORLEY:** -- the written notices
3 that you sent to the church?

4 **MR. BARRON:** Yeah, I can get that to
5 the board if you so wish.

6 **MR. WORLEY:** Okay. And then do you
7 keep a record of whether the voters are notified in
8 writing?

9 **MR. BARRON:** We do -- you know, we
10 don't dispute the fact that we didn't order for that
11 precinct.

12 **MR. WORLEY:** Okay. All right.
13 That's all.

14 **MR. RAFFENSPERGER:** Thank you.
15 Do we have a motion?

16 **MRS. LE:** I move to send it to the AG's
17 office.

18 **MR. RAFFENSPERGER:** We have a motion to
19 send this to the attorney general's office. Do we
20 have a second?

21 **MS. SULLIVAN:** I'll second the motion.

22 **MR. RAFFENSPERGER:** We have a second.
23 Do we have discussions on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Hearing none, I'll

1 call the question. All those in favor of referring
2 this case, Case Number 2015-084, to the attorney
3 general's office please signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Anyone opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, the next
9 case I have marked is SEB 2015-093, Hall County,
10 notice of change in polling location.

11 In December 2015, an investigation was
12 conducted to determine if the Hall County Board of
13 Elections and Registration properly notified voters of
14 a poll change during the November 2015 special
15 election.

16 It was also alleged that the Hall
17 County Board of Elections and Registration failed to
18 print signs and ballots in Spanish and that Saturday
19 voting had been limited or omitted from a poll because
20 poll workers weren't trained to access the voter
21 registration files.

22 In reference to the Saturday vote
23 location, Hall County actually had three voting
24 locations open, so there was no evidence to support
25 any violations of limited access for the voters for

1 any reason. In addition to that, Hall County is not
2 currently mandated to have bilingual requirements
3 regarding signage or ballots, so there was no finding
4 for those allegations either.

5 Regarding the notification of poll
6 location changes, it was found that the Glade
7 Precinct, District 12 was voting in the Hall County
8 Health Department and was moved to the East Hall
9 Community Center. Notification was posted in the
10 legal organ with signage at the previous location.
11 However, electors were not provided with updated
12 precinct cards until after the November 2015 election.
13 Cards were ordered on November the 12th.

14 We would recommend the Hall County
15 Board of Elections and Registration be bound over to
16 the attorney general's office for the listed
17 violation.

18 **MR. RAFFENSPERGER:** And come forward.
19 State your name for the record, please.

20 **MS. WURTZ:** Hello, again. Lori Wurtz,
21 director of Hall County Elections, and I have with me
22 the former director Charlotte Sosebee who was the
23 director in 2015.

24 While we acknowledge that this
25 happened, it was an oversight, and I don't have any

1 personal knowledge because I wasn't there. I've only
2 been there for a year. So I'm going to ask
3 Miss Charlotte to answer any questions you might have.

4 **MR. RAFFENSPERGER:** Please state your
5 name for the record, please.

6 **MS. SOSEBEE:** Yes. My name is
7 Charlotte Sosebee. I currently serve as the director
8 of elections for Athens-Clarke County, formerly from
9 Hall County.

10 And in 2015, there were polling
11 location changes made. In addition to the cards being
12 printed to the voters, according to 21-2-235, there is
13 a need to post signs in three locations within the
14 vicinity as well as at the location.

15 And that particular location previously
16 was a library. It was torn down by the county and
17 became the Hall County Employee Clinic. There was no
18 room to have the election there. We -- of course, I
19 surveyed the location and it was not conducive for the
20 voters. So the sign was placed there. There were two
21 other -- or three other locations in the vicinity of
22 the area where the signs were also placed as the code
23 section requires. There were notices in the paper.
24 There were notices on our website. So we did
25 everything except double-check to make sure that

1 polling location had cards.

2 We had received phone calls and noticed
3 that there was a box of undelivered cards, and we
4 just -- I'm going to say presumed that the people that
5 were calling may have not gotten their cards because
6 of undelivered mail. So I started to inquire within
7 the office, people are staff members who lived in that
8 precinct and they said they hadn't gotten their cards.

9 We had an E-SPLOST election in November
10 where it was a county-wide election and it was then
11 that I thought well, let me go back and check the
12 system. We had everything written down, did
13 everything we were supposed to do, but we failed to
14 put the Glade precinct in our changes. What we did is
15 we combined the precinct that was attached and sent
16 those voters to the East Hall Community Center.

17 So the voters were not denied the right
18 to vote because they were directed to that location.
19 So if a voter had gone to that particular polling
20 location, they would've seen the sign out front. That
21 sign remained there until the election -- the
22 following county-wide election which was, I believe,
23 in March of that year, which was the PPP.

24 And from that point, prior to me
25 leaving, if I made any corrections like that, I made

1 sure somebody double-checked. And Lori does that and
2 we both agree, you know, this favorite quote:
3 Teamwork makes the dream work. So we work in teams,
4 and I carried that procedure with me to Athens-Clarke
5 County to make sure that somebody double-checks behind
6 me to make sure that we include all who should be
7 included.

8 **MR. RAFFENSPERGER:** Any of the members
9 have any questions?

10 **MRS. LE:** I have a question. How far
11 is the distance between the change? If someone were
12 to show up, they made arrangements to go to one place
13 and have to redirect, how cumbersome -- how difficult
14 would it have been between --

15 **MS. SOSEBEE:** It was two and a half
16 miles. Not quite three. And we did everything, like
17 I said, we were supposed to do. We informed the
18 secretary of state's office. And at the time we
19 weren't even supposed to send it to the US Department
20 of Justice. Across the street reinforcement. We did
21 everything we were supposed to do. Again, like I
22 said, when we went through -- back through the list --
23 and I -- I've said -- I'm sitting there and I'm naming
24 all of the precincts, I think it was about seven. And
25 when I got to that one, I was like: Oh no, we missed

1 that one somehow. And immediately I ordered those
2 cards and sent them. And again, it was after the
3 election and that was a very low turn-out election.
4 It was the E-SPLOST unfortunately, but those voters
5 were still allowed to vote and had -- if they had
6 shown up at that polling location, they would have
7 seen a sign.

8 **MR. RAFFENSPERGER:** Anything from the
9 members?

10 (no response)

11 **MR. RAFFENSPERGER:** Thank you.

12 **MS. SOSEBEE:** Thank you.

13 **MR. RAFFENSPERGER:** Okay, you have that
14 before you. Do we have a motion?

15 **MR. WORLEY:** Well, I think if we want
16 to be consistent with our previous actions, we need to
17 refer this case over to the attorney general as well.
18 And I would make a motion to do that.

19 **MR. RAFFENSPERGER:** Okay, we have a
20 motion. Do we have a second?

21 **MRS. LE:** Second that.

22 **MR. RAFFENSPERGER:** We have a second.
23 Any further discussion?

24 (no response)

25 **MR. RAFFENSPERGER:** Hearing none, all

1 those in favor of referring Case Number 2015-093, Hall
2 County, to the attorney general's office please
3 signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Anyone opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Thank you, Mr. Secretary.

9 The next case that I show is SEB
10 2015-095, City of Rossville, Walker County, spoiled
11 ballot. Should be Tab Number 59 in your binders.

12 November of 2015, multiple
13 complainants, five, reported issues with the municipal
14 general election ballot in the City of Rossville for
15 November 3, 2015. It was reported that five ballots
16 were marked spoiled by the city elections officials
17 and not counted.

18 The complainants reported the lack of
19 clear instructions for writing in a candidate on the
20 ballot helped contribute to the problem. It was also
21 reported that one section of the ballot was
22 completely -- completed improperly, the entire ballot
23 was discarded in its entirety.

24 Election Supervisor Jenkins reviewed
25 the ballots and tabulation and rejected five ballots

1 in their entirety. One ballot was rejected because
2 the voter had selected all three city council
3 candidates instead of only two. However, the voter
4 was not given credit for the mayoral vote properly
5 cast. The remaining four ballots had a write-in
6 candidate with no title of office included. However,
7 each of those ballots had correctly voted for the city
8 council candidates, two of three, but they were not
9 given credit for those selections.

10 The format of the ballot was not in
11 compliance with election code as the instructions on
12 the ballot itself were not complete and did not
13 explain the entire process of how an elector should
14 cast the vote for a write-in candidate in the space
15 provided. Because the votes were incorrectly cast, it
16 should not invalidate the votes on the remainder of
17 the ballot that's otherwise properly marked.

18 We would recommend the City of
19 Rossville and Russanna Jenkins, the city elections
20 supervisor, be bound over to the attorney general's
21 office for the listed violations.

22 **MR. RAFFENSPERGER:** Okay. There's
23 people here to speak to that.

24 **MS. MERRELL:** Yes. Thank you.

25 **MR. RAFFENSPERGER:** Yes. State your

1 name for the record.

2 **MS. MERRELL:** Yes, Mr. Secretary. My
3 name is Donna Merrill.

4 **MR. RAFFENSPERGER:** Yes, use the
5 microphone.

6 **MS. MERRELL:** Thank you. My name is
7 Donna Merrell, spelled M-e-r-r-e-l-l. I'm the
8 attorney representing the City of Rossville here
9 today, and I thank Mr. Secretary and members of the
10 board for hearing from her.

11 For over 30 years, the City of
12 Rossville used the same election ballot without
13 incident and followed their same procedures which
14 included instructions in each voting booth for how to
15 cast write-in ballots. They did not realize they were
16 in violation. We were not representing them at the
17 time. We began representing them last year.

18 We let them know that their ballot was
19 deficient. They had us create a new ballot. Then
20 upon reconsideration, we decided the very best option
21 for the city was to outsource the elections. We are
22 currently in negotiations with Walker County for them
23 to take over the election process from the City of
24 Rossville. At the time of these alleged violations,
25 the City of Rossville thought they were doing the

1 right thing. They did not certify themselves until
2 they contacted their liaison down here at the
3 secretary of state's office, Mr. Xavier Harris. They
4 told him about the spoiled ballots and that they did
5 not determine the intent of the voters and what they
6 were doing with the spoiled ballots. They sealed up
7 the spoiled ballots and have not opened them since.
8 They thought they were doing the right thing at the
9 time. They tried to obtain guidance from myself, the
10 secretary of state's office and have now planned to
11 outsource their elections.

12 So we would ask for something less than
13 referral to the attorney general's office since
14 they've taken all of the steps possible to correct
15 this problem moving forward.

16 Do you have any questions? This is
17 Ms.~Russanna Jenkins.

18 **MR. WORLEY:** I have a question. You've
19 indicated -- not for Ms. Jenkins, for your lawyer.
20 You indicated that for 30 years the City of Rossville
21 always did the election the same way. And they -- is
22 that the manner in which the errors occurred? Or did
23 that occur after the change in the election process?

24 **MS. MERRELL:** So this has been going on
25 for the whole 30 years. They never had a problem

1 alleged until the 2015 election. And from that point
2 they made the changes. No one had complained to them
3 prior. They didn't realize there was a problem with
4 their ballot.

5 **MR. WORLEY:** Okay.

6 **MR. RAFFENSPERGER:** Any other
7 questions?

8 **MR. WORLEY:** Actually, I think I have
9 another question. So there was no previous problem
10 with the structure of the ballot, the format of the
11 ballot, but there was a problem in this instance with
12 the way the ballots were counted in addition to the
13 structure, correct?

14 **MS. MERRELL:** So it's my
15 understanding -- and Ms. Jenkins is here if I say
16 anything that's incorrect, but it's my understanding
17 that where a ballot had a write-in candidate, they
18 were supposed to designate -- we had the instructions
19 that were contained in each booth where they were
20 supposed to write in that candidate, they were also
21 supposed to write in "city council" or "mayor" along
22 with their vote. Voters that only wrote a write-in
23 candidate and did not designate whether that was for
24 the office of mayor or the office of city council,
25 those votes were not counted.

1 **MR. LEWIS:** Mr. Worley, I think for
2 clarity, if I may, the ballot was in two parts, and
3 they would post a second sheet of instructions in the
4 voting booth and a lot of the voters did not see --
5 because they were looking at their ballot, they didn't
6 see the second set of instructions. The format should
7 be all in one piece.

8 **MS. MERRELL:** And as we indicated, they
9 corrected that but then we decided to go a step
10 further and just outsource the elections altogether to
11 Walker County going forward.

12 **MR. RAFFENSPERGER:** Any questions?

13 (no response)

14 **MR. RAFFENSPERGER:** Thank you.

15 **MS. MERRELL:** Thank you. We appreciate
16 your time.

17 **MR. RAFFENSPERGER:** The case is before
18 you. Do we have a motion?

19 **MS. SULLIVAN:** I'm going to make a
20 motion that this case be bound over to the attorney
21 general's office as recommended.

22 **MR. WORLEY:** I second that.

23 **MR. RAFFENSPERGER:** Any discussion on
24 the motion?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing none, all
2 those in favor of sending to -- referring this to the
3 attorney general's office, Case Number 2015-095,
4 please say aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MR. LEWIS:** Mr. Secretary, the next
10 case I have is 2015-100, DeKalb County, absentee
11 ballot and handicap parking entrance. There are two
12 separate complaints -- complainants in the
13 allegations --

14 **MRS. LE:** I'm sorry, Mr. --
15 Mr. Secretary, I'd like to dismiss myself from this
16 hearing for conflict of interest reasons.

17 **MR. RAFFENSPERGER:** Okay.

18 **MR. LEWIS:** I'm sorry, Mr. Secretary.
19 Again, there were two separate
20 complainants that made allegations of the DeKalb
21 County Board of Elections and Registration, against
22 them, regarding the November of 2015 general election.

23 A Timothy Hoffman reported that he had
24 requested an absentee ballot be forwarded to him by
25 DeKalb County during the time he was deployed

1 overseas. Hoffman stated he had not received the
2 absentee ballot as of November 13, 2015.

3 Daniele Xenos stated that on the
4 afternoon of November 3rd, during the election, the
5 only handicapped entrance to the DeKalb County School
6 of Arts polling station was locked, that handicapped
7 persons were not able to gain access into the
8 building.

9 In regard to Mr. Hoffman's absentee
10 ballot request on July 8, 2015, DeKalb County advised
11 that there was confusion over the eligibility of the
12 voter to receive an electronic ballot for that
13 election since there were only local candidates
14 running. A paper absentee ballot was mailed to
15 Mr. Hoffman's home address in Stone Mountain, but --
16 since Mr. Hoffman had not provided the overseas
17 mailing address.

18 On October 7, 2015, when Mr. Hoffman
19 contacted DeKalb County to inquire of the status of
20 his absentee ballot request, the county was able to
21 obtain the correct APO overseas address and mailed
22 another paper ballot on October 12, 2015. Mr. Hoffman
23 received and returned the absentee ballot to DeKalb
24 County with it arriving prior to the cutoff of
25 November 6, 2015, even though he told us he had never

1 received it.

2 The absentee ballot was not counted in
3 the election to which Maxine Daniels, the former
4 elections superintendent for DeKalb County, stated
5 they were in error of not counting the ballots.

6 In response to the reports that the
7 handicapped access doors were locked at the DeKalb
8 County School of Arts polling location, the poll
9 manager stated that the custodian must've locked the
10 doors at the end of the day and they would ask that
11 they be unlocked. It's not known exactly how long the
12 doors were locked or how many people were affected by
13 the lack of handicap access.

14 Ms. Daniels with DeKalb County did
15 advise the access to the school polling locations have
16 become an issue due to increased need for security in
17 school locations. It was decided that an extra poll
18 worker will be added to the school locations to
19 monitor the locations to make sure the voters had
20 access.

21 We would recommend that the DeKalb
22 County Board of Elections and Registration and Maxine
23 Daniels, retired DeKalb County Elections Supervisor,
24 be bound over to the attorney general's office for the
25 listed violations.

1 **MR. RAFFENSPERGER:** Okay. We have
2 people to speak to this. If you would identify
3 yourself.

4 **MR. BRYAN:** Mr. Chairman, members of
5 the board, my name is Bennett Bryan, I'm the senior
6 assistant county attorney with DeKalb County. I'm
7 here on behalf of DeKalb County with Ms.~Erica
8 Hamilton. The director of elections is also here if
9 there's any follow-up questions that the board has for
10 either of us.

11 In reference to the first complaint,
12 Mr.~Hoffman's complaint, I think that the results of
13 the investigation, we don't -- we don't necessarily
14 disagree with -- with the facts of those. I will say
15 that there -- there is some confusion about UOCAVA
16 absentee ballots for overseas members because only
17 certain elections actually have electronic ballots
18 that are able to be distributed. And it was strictly
19 municipal elections like this one, electronic
20 ballot -- an electronic absentee ballot was actually
21 not an option, and so the -- the application did not
22 indicate that -- that the voter would like to have a
23 absentee ballot sent by -- or sent to his overseas
24 address. Therefore, because there was no absentee
25 ballot, it was only sent to the -- the -- his home

1 address, his registered address.

2 Now, this -- this particular matter is
3 important to me. As a former marine myself, making
4 sure that our -- you know, our military members are
5 able to vote is extremely important. One thing that
6 in discussions with the -- you know, with our -- with
7 our staff, one way that we might be able to prevent
8 this from happening again is when a e-mail address is
9 provided, even if no electronic -- electronic ballot
10 is available for that particular election, then what
11 we need to do is that we need to be more proactive in
12 contacting that member to arrange for an alternative
13 way for that member to be able to vote.

14 And so one policy we will be
15 instituting is that not only will we be sending
16 notices to the home address but also attempting to
17 contact them through their e-mail addresses if they
18 provide them and any phone numbers if they decide to
19 provide those. Really any other -- or we'll just --
20 we'll just need to make more of an effort to contact
21 them and let them know that electronic voting is not
22 going to happen in this particular election.

23 And so, you know, again, we take it
24 seriously and we intend to -- we are instituting
25 policies to make sure this doesn't happen again.

1 In terms of -- in terms of why the vote
2 wasn't counted, it is my understanding based on the
3 letter that we received from your office, that Maxine
4 Daniels, the former elections director, has indicated
5 that it should've been -- it -- that it was received
6 in time, but it wasn't counted. I have not been able
7 to either confirm or deny that and have not spoken
8 with anybody that has personal knowledge of that, and
9 without Ms. Daniels being here, I am unable to confirm
10 or deny that fact.

11 However, again, we're putting policies
12 in place now to prevent this from happening in the
13 future and any additional clarity that perhaps the
14 secretary of state's office or the elections board
15 would like to direct us to do as it relates to
16 municipal elections that don't allow electronic
17 voting, we're happy to work with you on that.

18 In terms of the second complaint, that
19 has to do with access to -- that has to do with access
20 to the voting locations. Again we do not dispute the
21 factual findings. It is unclear exactly how long this
22 particular door was locked, but it is our
23 understanding that there is an automatic locking
24 mechanism in -- in certain schools. And so doors were
25 locked without -- without anybody actually physically

1 locking them. They locked on their own. And as soon
2 as our staff became aware of that, they opened it
3 immediately. We do not -- again, we don't know
4 exactly how long it was. We do not believe it was
5 very long and we've also now added staff members to
6 each school location to ensure that this doesn't
7 happen in the future.

8 I'm happy to answer any questions.
9 Otherwise I would request that you issue a letter of
10 instruction.

11 **MR. RAFFENSPERGER:** Any questions?

12 **MR. BRYAN:** Thank you.

13 **MR. WORLEY:** I do have some questions.

14 **MR. RAFFENSPERGER:** Mr. Worley.

15 **MR. WORLEY:** The automatic locking
16 mechanism that some DeKalb County schools have, I
17 think that's what you said.

18 **MR. BRYAN:** It -- it is -- that is my
19 understanding, yes.

20 **MR. WORLEY:** Okay. And is that the
21 case with the DeKalb School of the Arts?

22 **MR. BRYAN:** Yes, that is with DeKalb
23 School of the Arts.

24 **MR. WORLEY:** Okay. All right, thank
25 you.

1 **MR. RAFFENSPERGER:** Do we have a
2 motion?

3 **MR. WORLEY:** I would make a motion that
4 the allegation for the potential violations relating
5 to the handicapped access be dismissed because it
6 doesn't seem to be that there was anything in that one
7 instance that the election board could've done to
8 prevent it from automatically locking. And they
9 resolved it as soon as they knew about it. And also
10 they have taken steps to make sure it doesn't happen
11 again. So I would move for that one violation alone,
12 that that be dismissed.

13 **MS. SULLIVAN:** Are you going to have
14 two separate motions?

15 **MR. WORLEY:** I'm only making one
16 motion, yes, the motion that I made.

17 **MR. RAFFENSPERGER:** For Allegation
18 Number 2.

19 **MR. WORLEY:** For Allegation Number 2,
20 yes.

21 **MR. RAFFENSPERGER:** Okay, do we have a
22 second on the second allegation?

23 (no response)

24 **MR. RAFFENSPERGER:** I need a second if
25 there's going to be a second for dismissal.

1 (no response)

2 **MR. RAFFENSPERGER:** Hearing none, that
3 motion fails. Okay.

4 **MS. SULLIVAN:** Mr. Chairman, I make a
5 motion that a letter of instruction be issued and that
6 violation for -- I think it's the obligation of the
7 board to make sure that the doors aren't locked --
8 aren't locked. So I would -- I would make a motion
9 that a letter of instruction be issued on that.

10 **MR. RAFFENSPERGER:** Move to Allegation
11 1. Do you want to address that one at the same time?

12 **MS. SULLIVAN:** And I'll make the --
13 well, yes, we'll try that. I move for the first
14 allegation be bound over to the attorney general's
15 office.

16 **MR. RAFFENSPERGER:** So we have a motion
17 for Allegation 1 bound over to the attorney general's
18 office and for Allegation 2, a letter of instruction
19 be sent. Do we have a second for that one? Is that a
20 second, Senator Harp?

21 **MR. HARP:** Yeah.

22 **MR. RAFFENSPERGER:** So then before us
23 today, do I have any more discussion on that?

24 (no response)

25 **MR. RAFFENSPERGER:** Then all those in

1 favor of that Allegation 1 would be bound over to the
2 attorney general and the second allegation, a letter
3 of instruction -- all those in favor say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, we're going
9 to switch off. Would this be a good time for the
10 executive session?

11 **MR. RAFFENSPERGER:** The only question I
12 have is we have four people here that are -- they came
13 here and if we can do them before lunch, if that's
14 okay to the committee. That way they can get on down
15 the road, so just to respect their time. So if we
16 could do that, let's knock these four more cases out.

17 **MS. WATSON:** The next case that I show
18 is Tab Number 61, Case Number 2016-006, Paulding
19 County, felon.

20 In January of 2016, Paulding County
21 election supervisor Deidre Holden reported that Judy
22 Dianne Chastain had applied for voter registration in
23 December of 2015. Ms. Chastain was later determined
24 to be under sentence of felony probation at the time
25 of the application.

1 Investigation verified that Judy Dianne
2 Chastain was currently serving a felony probation
3 sentence through September of 2019. It was determined
4 that while serving the felony probation Ms. Chastain
5 voted in two elections: the general election held in
6 Cobb County on November 6, 2012 and November 4, 2014.
7 The explanation provided as to why Ms. Chastain was
8 not on the felon list was that when her conviction
9 information was entered by the jurisdiction, they did
10 not provide enough identifying information for a match
11 to have been identified with when compared to the
12 voter list.

13 Cobb County Elections would have had no
14 way of knowing she was not qualified to vote at the
15 time she presented herself as an elector.

16 We are recommending that Judy Dianne
17 Chastain be bound over to the AG's office for
18 21-2-216(b).

19 **MR. RAFFENSPERGER:** Does anyone want to
20 come speak to this?

21 **MS. HOLDEN:** I'm just available for
22 questions.

23 **MR. RAFFENSPERGER:** Did anyone else
24 want to speak to this? Members? Do you have any
25 questions for the election supervisor?

1 (no response)

2 **MR. RAFFENSPERGER:** Do we have a
3 motion?

4 **MR. WORLEY:** I make a motion that we
5 bind this case over to the attorney general.

6 **MR. RAFFENSPERGER:** Do we have a
7 second?

8 **MS. SULLIVAN:** I'll second.

9 **MR. RAFFENSPERGER:** Any further
10 discussion?

11 (no response)

12 **MR. RAFFENSPERGER:** Hearing none, all
13 those in favor of binding this over to the attorney
14 general's office?

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. WATSON:** The next case is Tab 63,
20 Douglas County, 2016-008.

21 In January of 2016, the elections
22 division reported that Douglas County was sent a voter
23 postcard application for an electronic ballot
24 delivery. On January 15, 2016, the applicant failed
25 to list a political party preference on the

1 application. Douglas County was late sending a ballot
2 until they contacted the applicant on January 19,
3 2016. On January 19, 2016, Douglas County requested
4 an electronic ballot to be sent to the applicant. The
5 electronic ballot was issued three days past the
6 deadline of January 16, 2016.

7 The investigation shows that Douglas
8 County should have entered election -- Elector Damien
9 Allen in the system and they could've sent him a voter
10 write-in absentee ballot. Douglas County could've
11 rejected the application by saying there was not
12 enough information. Douglas County attorney David
13 Cole responded that there were issues with the ballot
14 as it was and the applicant failed to select the party
15 preference and it was confusing as to where he wanted
16 the ballot to be sent. Attempts were made to contact
17 the applicant. Due to the holiday on Monday, it
18 delayed sending of the ballot.

19 We're recommending Douglas County Board
20 of Election and Registration and Laurie Fulton,
21 election supervisor from Douglas County, be bound over
22 to the AG's office for 21-2-384(a)(2).

23 **MR. RAFFENSPERGER:** Anybody like to
24 speak to this?

25 **MR. COLE:** (moving forward)

1 **MR. RAFFENSPERGER:** Come down the
2 center. There's a microphone for you. Will you state
3 your name for the record, please.

4 **MR. COLE:** Good morning. David Cole on
5 behalf of the Douglas County Board of Elections and
6 Registration. There's three points I think are
7 important to understand this case.

8 The first is that the slated deadline
9 of January 16th, which was 45 days prior to the date
10 of the presidential primary preference, was a
11 Saturday. And under O.C.G.A. 21-2-14 when a deadline
12 for action falls on a weekend or a legal holiday, the
13 deadline carries over to the next business day that is
14 not the weekend or legal holiday.

15 In this case, that means the deadline
16 for mailing these ballots was Tuesday, January 19th
17 because Monday the 18th was the Martin Luther King Jr.
18 holiday. That is in fact the day that this ballot was
19 mailed, so therefore the board complied with the
20 deadline and there was no violation.

21 Second of all, O.C.G.A. 21-2-384 only
22 requires that a absentee ballot be mailed to eligible
23 applicants within 45 days before the election. And
24 then for additional applicants that are determined to
25 be eligible after that date, that should be mailed

1 after determining their eligibility.

2 And in this case, the voter Damien
3 Allen was not previously registered. So when he sent
4 in his postcard application, that constituted both his
5 application to register and his request for the
6 ballot. Well, at that time, he wasn't yet determined
7 to be eligible to vote because he hadn't completed his
8 registration. The board has to enter his data into
9 the department of driver services system to confirm
10 the match of the data. That was not confirmed by the
11 department of driver services until Saturday the 16th.
12 That's referenced in the investigator's report.

13 Obviously offices were closed that
14 weekend and on the Martin Luther King holiday. So
15 when the offices reopened on Tuesday, they saw that
16 his eligibility had been confirmed. They properly
17 registered him and immediately sent him the ballot.
18 So in accordance with 21-2-384, even if the 16th on a
19 Saturday was the deadline, they still complied because
20 his eligibility wasn't determined until registration
21 was completed.

22 Lastly, O.C.G.A. 21-2-381 says that an
23 absentee ballot application must contain sufficient
24 information to identify the primary election runoff in
25 which the elector wishes to vote. In this case, the

1 elector did not specify which presidential preference
2 primary he was asking to vote in. So there was no way
3 that the board could determine which ballot to send
4 him because he didn't indicate which primary he was
5 voting in. So the application itself didn't meet the
6 requirements and could not be issued a ballot.

7 Now, I suppose the board could've
8 rejected the application at that time, but I don't
9 think that's really in the best interest of the voter.
10 What they attempted to do was contact the voter to get
11 the information on which primary he wanted to vote in.
12 Once he provided that, they sent the ballot right
13 away.

14 And so because of these three reasons,
15 we respectfully submit there was no violation in the
16 case and that a letter of instruction is not
17 appropriate and the case should instead be dismissed.

18 **MR. RAFFENSPERGER:** Any questions?

19 **MR. WORLEY:** Mr. Cole.

20 **MR. COLE:** Yes.

21 **MR. WORLEY:** And was the vote counted?
22 What happened with his ballot?

23 **MR. COLE:** He never even submitted the
24 ballot. He was issued a ballot and he did -- he did
25 not -- he did not submit a ballot.

1 **MR. WORLEY:** Okay, but had it --

2 **MR. COLE:** The voter --

3 **MR. WORLEY:** Had it been submitted, it
4 would've been counted, correct?

5 **MR. COLE:** Yes.

6 **MR. RAFFENSPERGER:** Any other
7 questions?

8 (no response)

9 **MR. RAFFENSPERGER:** Thank you.

10 **MR. COLE:** Thank you.

11 **MR. RAFFENSPERGER:** What is the ruling
12 of the committee?

13 **MR. WORLEY:** I would make -- due to the
14 evidence that the attorney for Douglas County has
15 presented -- I'm sorry -- given the evidence that the
16 attorney for Douglas County has presented, I would
17 move that this case be dismissed.

18 **MR. RAFFENSPERGER:** Do we have a
19 second?

20 **MRS. LE:** I'll second that.

21 **MR. RAFFENSPERGER:** We have a second.
22 Any further discussion?

23 (no response)

24 **MR. RAFFENSPERGER:** All those in favor
25 of dismissing Case Number 2016 --

1 **MR. WORLEY:** Aye.

2 **MR. RAFFENSPERGER:** -- 008 --

3 **MR. WORLEY:** Oh, I'm sorry.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MS. WATSON:** The next case is Tab 64,
9 Paulding County, 2016-009.

10 In January of 2016, it was reported
11 that Paulding County erroneously entered a UOCAVA
12 voter into E-Net with a ballot issue date that
13 indicated they had mailed a ballot. But the voter
14 requested electronic ballot delivery and when Paulding
15 corrected the status to electronic ballot delivery, it
16 showed no ballot being issued by the deadline.

17 Investigation substantiated the
18 allegation. Absentee ballot clerk Lacy Dunn
19 mistakenly entered a mailed date when processing the
20 request from Elector Kristen (ph.) Wilson and also
21 checked the request for electronic ballot. The system
22 would not send an electronic ballot due to the mail
23 date being entered. Once the issue was discovered, it
24 was corrected and an electronic ballot delivered three
25 days past the deadline. The electronic ballot was

1 returned prior to the March 1 PPP deadline.

2 We're recommending the Paulding County
3 Board of Elections and Registration and Deidre Holden
4 be bound over to the AG's office for 21-2-384(a)(2).

5 **MR. RAFFENSPERGER:** Okay. Would
6 someone like to speak to this case?

7 **MS. HOLDEN:** (standing at microphone)

8 **MR. RAFFENSPERGER:** Identify yourself,
9 please, for the record.

10 **MS. HOLDEN:** Deidre Holden, election
11 supervisor, Paulding County. The first thing I want
12 to let the board know, and Mr. Secretary, is this was
13 a self-reported incident. We take our UOCAVA voters
14 very seriously.

15 We received Ms. Wilson's application on
16 January the 14th. The deadline was the 15th. What we
17 had to do was -- it was a federal postcard
18 application, she was not a registered voter. She had
19 to go through the verification process. We entered
20 her in on the 14th, she verified overnight, and on the
21 15th was when we issued the ballot.

22 The reason why the ballot was not
23 issued is the Election Net System allowed us to put in
24 a mail date as well as an electronic ballot date.
25 When we request an electronic ballot, we are sent an

1 e-mail from the system stating -- it's basically a
2 copy of the letter that the voter has received that
3 you have been issued an electronic ballot.

4 When Ms. Dunn realized that she had not
5 received that in the proper time, we knew there was a
6 problem. We immediately called Erica Hamilton who was
7 working for the secretary of state at the time and
8 (indiscernible) Eglin (ph.) who was the UOCAVA
9 liaison. And immediately they saw what the issue was.
10 The system, in my opinion, should have never allowed
11 us to enter a mail date when the EBD was already
12 checked. We did not get to issue the ballot until the
13 19th. Ms. Wilson was actually residing in
14 New Zealand. She got her ballot and she returned her
15 ballot and her ballot was voted.

16 I am requesting either a dismissal of
17 this or a letter of instruction. We have also put
18 practices in place with our absentee process now that
19 no one, even if it's an EBD ballot, is to ever enter
20 in a mail date. And we have requested that there be a
21 prompt to come up into Election Net that when you
22 issue something like that, that could become an issue
23 that it would not allow. There are prompts that do
24 come up in Election Net when we change a street or
25 change the number on a street. With something as

1 important as a UOCAVA vote, I think we should be
2 prompted there, saying: Do you really want to enter a
3 mailed date.

4 So that is the issue that we have. I'm
5 very thankful that our UOCAVA voter did get to vote
6 and her vote counted.

7 So I am requesting either a dismissal
8 or a letter of instruction. If you have any
9 questions, I'll be glad to answer those.

10 **MR. RAFFENSPERGER:** Members, any
11 questions?

12 (no response)

13 **MS. HOLDEN:** Thank you.

14 **MR. RAFFENSPERGER:** Thank you so much.

15 Okay, it's before us. Do we have a
16 motion on this case?

17 **MR. HARP:** Sorry, what was that again?
18 Dismiss?

19 **MR. WORLEY:** I move to dismiss.

20 **MR. RAFFENSPERGER:** You move to
21 dismiss, okay.

22 **MS. SULLIVAN:** I'll second the motion.

23 **MR. WILLARD:** I'm sorry, what was the
24 motion?

25 **MS. SULLIVAN:** To dismiss.

1 **MR. RAFFENSPERGER:** Motion to dismiss.

2 **MR. WILLARD:** Mr. Secretary, may I be
3 heard for a moment?

4 **MR. RAFFENSPERGER:** Yes.

5 **MR. WILLARD:** In light of the state's
6 history in mitigating the UOCAVA issue and the fact
7 that this case does not possess some of the same
8 factual circumstances as the previous case where
9 errors were made by the applicant, I would actually
10 ask the board to consider in lieu of dismissing
11 issuing a letter of instruction in this case.

12 **MRS. LE:** Thank you for being here.

13 **MS. HOLDEN:** You're welcome.

14 **MRS. LE:** So this is UOCAVA -- issuance
15 of UOCAVA ballots is a somewhat of an important but
16 yet routine --

17 **MS. HOLDEN:** Yes.

18 **MRS. LE:** -- part of any election.

19 **MS. HOLDEN:** Yes.

20 **MRS. LE:** So has this happened in the
21 past and why this time and not others? And why before
22 the additional procedures were in place?

23 **MS. HOLDEN:** We've never had this
24 issue. It's just -- it was a human error. She put
25 the --

1 **MRS. LE:** Oh --

2 **MS. HOLDEN:** -- the EBD was already
3 marked and the system allowed her to enter a mail
4 date. It was just error. She didn't -- she was not
5 supposed to have put the mail date in, but she did.
6 Even though EBD was marked, it was -- it was allowed
7 in the system.

8 We -- we normally have -- and I'm
9 fortunate of this, we normally service over 200-plus
10 UOCAVAs during presidential elections and this
11 happened one time. So I think that speak volumes
12 about our absentee balloting.

13 **MRS. LE:** And in your corrective action
14 and plan, does it include training --

15 **MS. HOLDEN:** Yes.

16 **MRS. LE:** -- and being refreshing
17 classes --

18 **MS. HOLDEN:** Yes.

19 **MRS. LE:** -- or refresher classes?

20 **MS. HOLDEN:** We go through this every
21 election. And I know my people are experienced,
22 they've been working with me for years, but we still
23 sit down and we -- we adopt a plan of action. We make
24 sure that we're dotting every "i" and crossing every
25 "t". It's very important.

1 **MRS. LE:** Thank you.

2 **MR. RAFFENSPERGER:** So thank you,
3 Ms.~Holden.

4 There's a motion before us and there's
5 a second. We also heard from the attorney general's
6 office and their recommendation would be to -- in lieu
7 of dismissal, do a letter of recommendation -- a
8 letter of instruction.

9 So the choice is the person who made
10 the motion, it's their right, they could withdraw it
11 or we can proceed with the vote.

12 So is there any further discussion? If
13 not, I'll call the vote.

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor
16 of dismissal signify by saying aye.

17 **MR. WORLEY:** Aye.

18 **MR. RAFFENSPERGER:** All those in
19 favor -- all those opposed say nay.

20 **THE BOARD MEMBERS:** Nay.

21 **MR. RAFFENSPERGER:** Looks like the nays
22 have it. This is still before us then.

23 **MS. SULLIVAN:** Based on the advice of
24 the attorney general, I'll move that a letter of
25 instruction be issued instead of a dismissal.

1 **MR. WORLEY:** I'll second that.

2 **MR. RAFFENSPERGER:** Okay, we have that
3 before us. All those in favor of a letter of
4 instruction being sent, aye if you support that.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any of those
7 opposed say nay.

8 (no response)

9 **MR. RAFFENSPERGER:** Motion carries.
10 Letter of instruction will be sent.

11 **MS. WATSON:** The next case is Tab
12 Number 67, Case 2016-23, Clayton County.

13 On March 7, 2016 Clayton Board of
14 Elections and Registration self-reported that one of
15 their poll managers had failed to retrieve a memory
16 card from a DRE unit at the close of polls and
17 transport the card to the election office.

18 Investigation confirmed the report.
19 Brad Lacey was the poll manager for the polling
20 station, Riverdale 11, in Clayton County. Mr. Lacey
21 did not use one of the DRE machines during the
22 election and failed to retrieve the memory card for
23 the unit at the close of polls. It was discovered
24 once all of the election materials were turned in to
25 the Clayton County elections office at approximately

1 9:30 election night. It took until approximately
2 3 a.m. to get a key holder to come out in order to
3 retrieve the memory card. The memory card showed a
4 zero count.

5 We recommend the Clayton County Board
6 of Elections and Registration and Laterral Francis,
7 acting Clayton County election supervisor at the time,
8 and Brad Lacey, poll manager, be bound over to the
9 AG's office for the listed violation.

10 **MR. RAFFENSPERGER:** Is there anyone to
11 speak to this?

12 **MR. REID:** (approaching the microphone)

13 **MR. RAFFENSPERGER:** If you would
14 identify yourself, please.

15 **MR. REID:** Good afternoon,
16 Mr. Secretary and the board. My name is Mr. Charles
17 Reid and I represent the board and Ms. Francis in this
18 matter.

19 The first thing I want to state is that
20 the letter that was provided to us did not give a --
21 any notice that Ms. Francis was facing a violation.
22 It only talked about Mr. Lacey. It just said
23 potential violations but didn't say exactly what it
24 was, so we would just raise that as an issue that she
25 wasn't given any notice that she was facing anything.

1 But factually, I'll just summarize that
2 she's here to answer any questions. The -- this was a
3 self-reported issue. Ms. Francis had provided
4 training to all staff per usual guidelines. And this
5 poll manager was working that particular day, didn't
6 use the machine, and just failed to pull the card.

7 She was not present at that location
8 obviously. She was conducting the calculations -- or
9 the tabulations for all of the -- the votes and
10 realized that that particular precinct was missing a
11 card. She called the secretary of state and let them
12 know that. Because it was a location that had already
13 been locked by the time, it took some time to get that
14 card. There was no vote done on that machine, so it
15 wasn't like there was a vote that was missing.

16 But because of the seriousness of the
17 allegation, she removed that poll manager from
18 operating as a poll manager and he would no -- did no
19 longer conduct any poll manager duties going forward.

20 Also, in addition, Ms. Francis is no
21 longer the election supervisor. She continues to work
22 for Clayton County but in a different role. And so we
23 believe that it would be appropriate for this board to
24 dismiss the allegations against her. First for the
25 notice issue, also for the fact that -- that she

1 provided training. She did have a plan in place,
2 which was remove that person and not allow them to
3 conduct any more poll manager duties and that it was a
4 self-reported issue.

5 At best we believe that it would be a
6 letter of instruction to her. And I don't know
7 what -- what benefit that would be for her because she
8 no longer works in elections at all. So we would just
9 ask that the board would just dismiss this outright.

10 I don't speak for Mr. Lacey. And
11 whatever the board wants to do with him, we don't have
12 any issue with that.

13 But she's here to answer any questions
14 that the board has.

15 **MR. RAFFENSPERGER:** Thank you. Just
16 for the record, as I read it, she -- it's really poll
17 manager Brad Lacey that the recommendation was for
18 further action.

19 So that's how I read it, Ms.~Francis.

20 **MS. WATSON:** Mr. Secretary, we did
21 notice Laterral Francis in this case on March the
22 15th. We did send out a notice.

23 **MR. REID:** The notice does -- there's
24 a -- there is a letter to her, but within the
25 investigation summary, she's not listed as having done

1 any -- having any violations, at least in this summary
2 that I have.

3 **MR. RAFFENSPERGER:** Correct. Thank
4 you.

5 Is there any questions for the
6 gentleman?

7 (no response)

8 **MR. RAFFENSPERGER:** Okay, what is the
9 will of the committee?

10 **MS. SULLIVAN:** Ms. Watson, can you
11 state again -- is the recommendation in this case no
12 violations against Ms. Francis? Only the poll
13 manager? Am I reading that correctly?

14 **MS. WATSON:** We recommended the board
15 of elections and registration, Laterral Francis, and
16 Brad Lacey be bound over to the AG's office.

17 **MR. RAFFENSPERGER:** Okay, so it's both
18 of them.

19 **MS. SULLIVAN:** I'll make a motion that
20 the Clayton County Board of Elections and Registration
21 be bound over to the AG's office and that the
22 remaining two respondents be dismissed.

23 **MR. RAFFENSPERGER:** Is there a second?

24 **MR. WORLEY:** I'll second that.

25 **MR. RAFFENSPERGER:** We have a second.

1 Any further discussion?

2 (no response)

3 **MR. RAFFENSPERGER:** Hearing no further
4 discussion, all those in favor of sending this to
5 attorney general's office please sig -- please do so
6 by signifying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Any opposed?

9 (no response)

10 **MR. RAFFENSPERGER:** Motion carries.

11 Before we break for lunch, was there
12 anyone else that was here that's come to speak for
13 these new cases that we have before us?

14 (no response)

15 **MR. RAFFENSPERGER:** That being the
16 case, what we need is a motion to break for lunch and
17 also have an executive session to discuss a legal
18 matter. Do we have a motion for that?

19 **MS. SULLIVAN:** I'll make a motion that
20 this board enter executive session for the purposes of
21 discussing pending litigation.

22 **MR. WORLEY:** I'll second it.

23 **MR. RAFFENSPERGER:** Okay. We'll be
24 back in -- I forgot to take a vote. All of those in
25 favor of going into an executive session to discuss

1 legal matters?

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 We're breaking. We'll be back at 1:30

7 if that works for everyone. Thank you.

8 (Break taken)

9 **MR. RAFFENSPERGER:** It's just past
10 1:36. We were in executive session. Will there be a
11 motion?

12 **MR. WORLEY:** I make a motion that we
13 come out of executive session.

14 **MRS. LE:** Second.

15 **MR. RAFFENSPERGER:** All those in favor.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MS. SULLIVAN:** For the record, no
20 action was taken.

21 **MR. RAFFENSPERGER:** Right. And that
22 leads us back to Mr. Lewis. What case are we on right
23 now?

24 **MR. LEWIS:** 2015-074, City of Cordele,
25 districting issue. Tab Number 55 in your binders.

1 **MR. RAFFENSPERGER:** Okay.

2 **MR. LEWIS:** If the board's ready, I'll
3 proceed.

4 **MR. RAFFENSPERGER:** We're ready.

5 **MR. LEWIS:** The community-activist
6 group My Brother's Keeper filed a complaint with the
7 secretary of state's office after being made aware
8 that two electors were listed in the wrong voting
9 district and cast ballots in the wrong voting
10 district.

11 The Crisp County Elections Office then
12 instructed them to cast a second ballot, provisional
13 ballot, for the district in which they lived.

14 The investigation found that 74 Cordele
15 residents who lived at -- on Rainbow Drive, W 17 --
16 and West 17th Avenue were placed in the incorrect
17 voting wards. Two of those Cordele residents, Ricky
18 Redding and Taniesha King, voted early in the
19 November 2015 election. They both informed poll
20 workers that they cast ballots in a ward that they did
21 not live in.

22 Mr. Redding voted in Ward 2 and
23 should've voted in Ward 1. Mr. Redding was allowed to
24 cast a provisional ballot in Ward 1 and it was
25 counted.

1 Ms. King voted as a county voter when
2 she should've been listed as a city resident.
3 Ms.~King was allowed to vote a provisional ballot for
4 the city election and it was also counted.

5 District lines in the City of Cordele
6 were redrawn in 2011 based on the U.S. Census data
7 from 2010. It remains unclear to us and I think
8 unclear to the City of Cordele and Crisp County as to
9 how the district lines did not get updated in 2011
10 based on that census information.

11 However, Ms. Perkins with the county
12 elections office readily accepts responsibility.
13 Their office should've caught the error and taken
14 steps to prevent future problems.

15 We would recommend that the City of
16 Cordele and the Crisp County Board of Elections and
17 Registration Office be bound over to the attorney
18 general's office for 21-2-226(c), duties of placing in
19 the maps and working out the maps between the city and
20 the county, making sure all of that information was
21 correct, and they failed to review those changes and
22 that Becky Perkins and Crisp County Elections -- the
23 election supervisor and the Crisp County Board of
24 Elections and Registration be bound over for SEB Rule
25 183-1-12-02, conducting elections, when they allowed

1 two electors to cast additional ballots.

2 I'd put before you during the break for
3 executive session letters that we received from
4 Ms. Perkins, and I'll be happy to read her letter to
5 you. As the board remembers, we had this case at the
6 last meeting and it was undecided, the board action.
7 It was tie between being bound over to the attorney
8 general's office and letters of instructions.

9 So Ms. Perkins writes (reading): In
10 regards to the case pending, the Office of Crisp
11 County Elections and Registration does not plan to
12 attend this meeting.

13 They were here last time.

14 (reading): As I recognize the laws and
15 statutes concerning the complaint against us and value
16 that what I've learned in conducting the first
17 election in 2015 and about those responsibilities, I
18 carry those lessons and learn countless others in
19 every new election cycle. I regard the SEB
20 proceedings with respect and I did not have anything
21 to add from the information you have from Investigator
22 Calhoun's (ph.) findings. I feel sure the state
23 election board will be fair.

24 **MR. RAFFENSPERGER:** Well, this is
25 before some of the members from last year's board --

1 there's two of us that are new, but do the members
2 have any comments to make about this case?

3 **MS. SULLIVAN:** I would vote that this
4 case be bound over to the attorney general's office.

5 **MR. WORLEY:** And I would second that.

6 **MR. RAFFENSPERGER:** Do we have any
7 discussion on the motion?

8 (no response)

9 **MR. RAFFENSPERGER:** Okay. Hearing
10 none, all of those in favor of binding this over to
11 the attorney general's office please signify by saying
12 aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** All those opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MR. LEWIS:** Mr. Secretary, the next
18 case that I have is SEB 2015-087, the City of Demorest
19 from Habersham County.

20 In November of 2015, the election
21 supervisor of Habersham County self-reported to us
22 that the City of Demorest resident Ferman Stephens was
23 allowed to vote twice in the city election.

24 Mr.~Stephens voted during the early
25 voting period on October 27, 2015. On election day,

1 November 3rd, Mr. Stephens and his wife went to the
2 poll where he had told the poll worker that he voted
3 early and wanted to make sure that it counted. The
4 poll worker looked Mr. Stephens up in the ExpressPoll
5 and found that he was not credited with having voted
6 in the current election.

7 The poll worker created a voter access
8 card for Mr. Stephens who proceeded to vote for a
9 second time. The elections assistant in the office,
10 Ms. Conlon (ph.) looked up Mr. Stephens in the
11 EasyVote program and found that he had already voted
12 on October 25, 2015 -- 27th, excuse me, of 2015, and
13 immediately called the election supervisor. It was
14 determined that on November the 2nd, when Ms. Ellison
15 updated the only two ExpressPoll machines used during
16 the election, they did not verify that all of those
17 were updated in the system.

18 We would recommend that Habersham
19 County Board of Elections and Registration; Laurel
20 Ellison, election supervisor; and Johanna Owensby,
21 poll worker be bound over to the attorney general's
22 office for violation of a board rule.

23 We would also recommend that Habersham
24 County Board of Elections and Registration and Laurel
25 Ellison, election supervisor, be bound over to the

1 AG's office for a different board rule and I'll read
2 you this one: 183-1-12-.07(8) Preparation of the
3 Electors List for the ExpressPoll, and that Ferman
4 Stephens, elector, be bound over to the AG's office
5 for repeat voting in the same election.

6 And let me just repeat the first
7 recommendation so that it's clear. The Habersham
8 County Board of Elections and Registration; Laurel
9 Ellison, the election supervisor; and Ms. Owensby, the
10 poll worker be bound over for Board Rule 183-1-12-4 in
11 conducting elections when she failed to manually check
12 the paper list to determine if the voter was eligible
13 to vote.

14 **MR. RAFFENSPERGER:** Any comments?

15 Anyone on the board?

16 (no response)

17 **MR. RAFFENSPERGER:** Do we have a
18 motion?

19 **MR. WORLEY:** I would make the motion --
20 Mr. Chairman, I would make a motion that we bind over
21 Habersham County Board of Elections and Registration
22 and Laurel Ellison and Johanna Owensby for violation
23 of State Election Board Rule 183-1-12(4)(b) and we
24 bind over Habersham County Board of Elections and
25 Registration and Laurel Ellison for violation of State

1 Election Board Rule 183-1-12-.07(8) and that we bind
2 over Ferman Stephens, an elector, for a violation of
3 O.C.G.A. 21-2-572.

4 **MR. RAFFENSPERGER:** Do we have a
5 second?

6 **MRS. LE:** I'll second that.

7 **MR. RAFFENSPERGER:** Okay. Any
8 discussion on the motion?

9 (no response)

10 **MR. RAFFENSPERGER:** Hearing none, all
11 those in favor of binding over Habersham County Board
12 of Elections and Registration, Laurel Ellison, and
13 Johanna Owensby and also Ferman Stephens, elector, to
14 the motion signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. WATSON:** The next case to be
20 presented is Tab Number 62, Case Number 16-007, Pike
21 County.

22 In January of 2016, it was reported
23 that Pike County failed to mail a UOCAVA ballot by the
24 January 16, 2016 deadline. Pike County received the
25 application on January 15, 2016 and the voter's status

1 was pending. Pike County erroneously believed they
2 could not issue a UOCAVA ballot at that time.

3 On January 19, 2016, the registrar's
4 office learned the voter's status was changed to
5 active and they issued her a UOCAVA ballot. This was
6 three days after the deadline.

7 On January 15, 2016, Elector Ashley
8 Spellman contacted the Pike County Registrars Office
9 about moving her voter registration back to Georgia.
10 Ms. Spellman was instructed to cancel her registration
11 in North Carolina and to fax a copy of the
12 cancellation document as well as the voter
13 registration for Georgia and a copy of her driver's
14 license. These documents along with an application
15 for an absentee ballot were forwarded on January 15,
16 2016. The ballot was mailed on January 19, 2016.

17 According to Ms. Chamblin, Ms. Spellman
18 had been previously moved to an inactive status in
19 Georgia and the system would not allow her to enter
20 Ms. Spellman until she was removed from pending status
21 which was on Tuesday, January 19, 2016.

22 We recommend the Pike County Board of
23 Regis -- Registrar Ms. Sandi Chamblin, former Pike
24 County Chief Registrar be bound over to the AG's
25 office for 21-2-384(a)(2), mailing of ballots.

1 **MR. RAFFENSPERGER:** Okay, thank you
2 very much. Any questions or discussion?

3 **MS. SULLIVAN:** Yes, I just want to ask
4 a question.

5 Is this the same as the UOCAVA case we
6 had last time, where the 16th was the deadline and it
7 fell on a Saturday. Based on Georgia law, Monday
8 would've been the (indiscernible) day?

9 **MR. RAFFENSPERGER:** And the --

10 **MR. WILLARD:** Well, actually Tuesday
11 because Monday was a state holiday --

12 **MR. RAFFENSPERGER:** Martin Luther King
13 Day.

14 **MS. SULLIVAN:** All right, Tuesday. Is
15 this the same type of case as the first UOCAVA case
16 being considered today?

17 **MR. WILLARD:** Yes, the one --

18 **MS. SULLIVAN:** The way the dates fell
19 would prevent -- would prohibit this ca -- this
20 particular application to be processed in a timely --

21 **MR. WILLARD:** These are remarkably
22 similar facts in the same election cycle as what the
23 board did for another one before.

24 **MR. WORLEY:** If that's the case, I
25 would move that we dismiss this case.

1 **MR. RAFFENSPERGER:** That's a motion?

2 **MR. WORLEY:** Yes.

3 **MR. RAFFENSPERGER:** A second?

4 **MS. SULLIVAN:** Second.

5 **MR. RAFFENSPERGER:** Any discussion?

6 (no response)

7 **MR. RAFFENSPERGER:** Hearing no
8 discussion, all those in favor of dismissing this
9 case, 2016-007, signify by saying aye.

10 **MR. WILLARD:** Mr. Secretary, before you
11 take a vote, the motion is to dismiss and not issuing
12 a letter of instruction.

13 **MR. RAFFENSPERGER:** That's correct.

14 **MS. SULLIVAN:** I believe that we issued
15 a motion to dismiss in the first UOCAVA case, it would
16 be similar.

17 **MR. WILLARD:** No. What -- the first
18 letter of instruction suggests was a failure to mark
19 the -- election wasn't validated -- wasn't mailed out
20 of Paulding County and that actually got a letter of
21 instruction. I requested a letter of instruction go
22 out.

23 **MS. SULLIVAN:** Right.

24 **MR. RAFFENSPERGER:** Uh-huh.

25 **MS. SULLIVAN:** I thought that the facts

1 were similar to the first case where it was the -- the
2 dates were the issue.

3 **MR. WILLARD:** They're all that window
4 of the extended Martin Luther King weekend.

5 **MR. RAFFENSPERGER:** So does the
6 attorney also have a preference for a letter of
7 instruction?

8 **MR. WILLARD:** I would ask the board to
9 consider a letter of instruction for this set of
10 facts.

11 **MR. RAFFENSPERGER:** So we have a
12 choice --

13 **MR. WORLEY:** Well, I thought the
14 distinction was that it was the Election Net System
15 that caused the problem, that that was -- that was
16 true to the first case that we discussed, the case
17 that was not in Paulding County --

18 **MS. SULLIVAN:** I would --

19 **MR. WORLEY:** -- and that this is more
20 similar to that, the first case --

21 **MS. WATSON:** I would ask for a point of
22 clarification. If Chris could, I think they were --
23 Pike County was stating that they could not issue the
24 ballot because it was in a pending status. Is --
25 could they have issued a UOCAVA if it was in pending

1 status? I think they were erroneous -- erroneously
2 believed that. So they could have issued it is the --
3 is the reason why we're recommending that they be
4 bound over, is our understanding.

5 **MR. RAFFENSPERGER:** Do we have a --

6 **MS. WATSON:** So the ballot could have
7 been issued on -- on time.

8 **MR. RAFFENSPERGER:** We have a motion
9 before us. Are we going to vote it?

10 **MRS. LE:** I have a question.

11 **MR. RAFFENSPERGER:** Go ahead.

12 **MRS. LE:** What -- just from a
13 procedural processing point, if you had issued a
14 ballot with pending status and then it turns out that
15 for whatever reason it was not approved --

16 **MR. HARP:** You can issue a provision
17 ballot -- provisional ballot pending status.

18 **MR. WORLEY:** I with -- I withdraw my
19 motion.

20 **MR. RAFFENSPERGER:** Motion has been
21 withdrawn. Do we have another motion?

22 **MR. WORLEY:** Well, I would make a
23 motion that we issue a letter of instruction to Pike
24 County in this case.

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** Was that a second?

2 **MS. SULLIVAN:** Yes, it is.

3 **MR. RAFFENSPERGER:** I think we've
4 talked this out. So no further discussion?

5 (no response)

6 **MR. RAFFENSPERGER:** All those in favor
7 of issuing a letter of instruction signify by saying
8 aye.

9 **THE BOARD MEMBERS:** Aye.

10 **MR. RAFFENSPERGER:** Any opposed?

11 (no response)

12 **MR. RAFFENSPERGER:** Motion carries.

13 **MS. WATSON:** The next case is Tab
14 Number 65, 2016-10, Bleckley County.

15 In January of 2016, the elections
16 division reported that Bleckley County failed to mail
17 a UOCAVA ballot by the January 16, 2016 deadline.
18 Bleckley County received the application on
19 January 15, 2016. A UOCAVA ballot was mailed on
20 January 19, 2016.

21 Bleckley County's registrars office
22 received an electronic UOCAVA absentee ballot
23 application from Elector Jerry Maddox Woodbury (ph.)
24 on January 13, 2016. On January 14th, the absentee
25 ballot clerk Melanie Witte sent Mr. Woodbury an e-mail

1 because the application had failed to select a ballot
2 style as well as to sign his complete name to match
3 what was on file.

4 Due to the holiday, it delayed the
5 mailing of Mr. Woodbury's ballot. Mr. Woodbury made
6 the requested changes and e-mailed a second
7 application to the registrars office, and that
8 application was documented received on January 15,
9 2016. The ballot was not mailed to the elector until
10 January 19, 2016.

11 We recommend Bleckley County Board of
12 Registrars and Glennis Douglas, Chief Registrar of
13 Bleckley County be bound over to the AG's office for
14 21-2-384(a)(2), mailing of ballots.

15 **MS. SULLIVAN:** I would like to ask the
16 attorney general's recommendation prior to making any
17 motion.

18 **MR. WILLARD:** Thank you. I was going
19 to jump in this time.

20 I would ask the board to consider a
21 letter of instruction in this case. This is the same
22 election cycle where the deadline fell on a Saturday.

23 **MS. SULLIVAN:** I'll make a motion that
24 a letter of instruction be issued in this case.

25 **MR. WORLEY:** I'll second that.

1 **MR. RAFFENSPERGER:** Is there any
2 further discussion?

3 (no response)

4 **MR. RAFFENSPERGER:** All those in favor
5 of issuing a letter of instruction in Case Number
6 2016-010, Bleckley County, please signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any opposed?
10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** And the next case is
13 Tab 66, 2016-14, Glynn County.

14 In January of 2016, Glynn County
15 Election Supervisor Tina Edwards reported several
16 absentee ballots were hand-delivered to the elections
17 office during the November 3, 2015 election, but the
18 voters were not physically disabled. Investigators
19 followed-up on the ballots that were hand-delivered
20 and found that they were delivered by relatives.

21 We're recommending no violations be
22 cited due to the attorney general's opinion.

23 And during the investigation it was
24 learned that Willodeen James voted her daughter's,
25 Delphinia~(ph.) James', absentee ballot and signed her

1 daughter's name to the oath. Delphinia James
2 acknowledged she was out of town and requested her
3 mother to vote the ballot and sign her name.

4 We're recommending that Willodeen James
5 be bound over to the AG's office for 21-2-562(a)(1),
6 fraudulent entries and 21-2-568(a)(2), interfering
7 with an elector.

8 **MR. RAFFENSPERGER:** Do we have any
9 questions?

10 (no response)

11 **MR. RAFFENSPERGER:** Do we have a
12 motion?

13 **MR. WORLEY:** I make a motion that we
14 bind over Willodeen James to the attorney general's
15 office for further action.

16 **MR. RAFFENSPERGER:** Do we have a
17 second?

18 **MRS. LE:** I'll second that.

19 **MR. RAFFENSPERGER:** I have a second.
20 Is there discussion on the motion?

21 (no response)

22 **MR. RAFFENSPERGER:** Not hearing any, I
23 call the question. All those in favor of binding this
24 over to the attorney general's office as a continuing
25 motion for Case Number 2016-014, Glynn County, please

1 do so by signifying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 **MS. WATSON:** The next case is Tab 68,
7 2016-052, Gwinnett County, districting issues, the
8 seat for Georgia Senate District 5 held by Senator
9 Curt Thompson.

10 Senator Thompson challenged the
11 qualifications of Artur Bumburyak to oppose Senator
12 Thompson in the May 24, 2016 general primary based
13 upon the opponent's eligibility for candidacy
14 regarding the residency requirement.

15 Senator Thompson contended that
16 Mr. Bumburyak has not resided in District 5 for the
17 prescribed period of one year prior to the election to
18 office. Senator Thompson filed a petition with the
19 office of state administrative hearings to challenge
20 Mr. Bumburyak's eligibility to run for state office
21 based on Mr. Bumburyak's having not resided in
22 District 5 for the period of one year prior to
23 election to office.

24 The hearing was scheduled for April 7,
25 2016 and Mr. Bumburyak did not appear. The judge gave

1 him until four on the date of the hearing to provide
2 documentation that he met residency requirements and
3 no documentation was provided.

4 The OSAH judge, Michael Malihi, deemed
5 Mr.~Bumburyak was not qualified to be a candidate for
6 the District 5 seat due to his failing to establish
7 eligibility. The address provided in the affidavit
8 and declaration of candidacy was 2156 Old Camp Circle,
9 however the property records show the property owned
10 by Mr. Bumburyak to be 2176 Old Camp Circle which is
11 in District 55, not District 5.

12 We recommend that Artur N. Bumburyak be
13 bound over to the AG's office for 21-2-565(a), making
14 of false statements, and dismiss the -- a
15 recommendation of 21-2-5(a), qualification of
16 candidates, as that was handled at the OSAH hearing.

17 **MR. RAFFENSPERGER:** Okay, thank you
18 very much. Any questions?

19 (no response)

20 **MR. RAFFENSPERGER:** Do we have a
21 motion?

22 **MRS. LE:** I have a question.

23 **MR. RAFFENSPERGER:** Okay. Mrs. Le.

24 **MRS. LE:** So is there -- Mr. Bumburyak
25 stated that he wasn't aware, he was confused. Or did

1 he know that -- I think 565(a) -- 21-2-565(a) talks
2 about "knowingly." Do you have any more facts as to
3 that, other than that he stated he wasn't aware, he
4 was confused?

5 **MS. WATSON:** I don't -- let me check
6 the file so I can make sure that we have the -- I'm
7 not sure that he provided us with a statement
8 (reviewing).

9 It does state that he -- he stated he
10 was confused at the time of his filing, that he
11 believed his residence to be in Senate District 5 when
12 in actuality the residence was in District 55.

13 **MRS. LE:** Though these districts are
14 nine miles apart?

15 **MS. WATSON:** Yes.

16 **MS. SULLIVAN:** And the respondent was
17 given notice that he could attend this meeting today?

18 **MS. WATSON:** Yes.

19 **MS. SULLIVAN:** I'll make a motion that
20 we bind over -- is this appropriate for a motion?

21 **MR. RAFFENSPERGER:** Yes, it is for a
22 motion.

23 **MS. SULLIVAN:** We bind over this case
24 for (indiscernible) the violation of 21-2-565(a) and
25 dismiss the other potential violation regarding

1 21-2-5(a).

2 **MS. WATSON:** That --

3 **MS. SULLIVAN:** Is that the
4 recommendation?

5 **MS. WATSON:** It --

6 **MS. SULLIVAN:** The other way around
7 then. Let me restate the motion. Sorry, I got
8 confused on my statutory references. So bind over in
9 the case on 21-2-5(a) and dismiss the allegation
10 regarding 21-2-565(a). Is that correct?

11 **MS. WATSON:** Your recommendation is to
12 bind over 21-2-565(a) and not 21-2-5(a).

13 **MS. SULLIVAN:** Oh, that was what I said
14 the first time. That's what I said the first time. I
15 renew my initial motion.

16 **MR. WORLEY:** Second.

17 **MR. RAFFENSPERGER:** Second. We have a
18 second. Is there any discussion on the motion?

19 (no response)

20 **MR. RAFFENSPERGER:** Not hearing any,
21 all those in favor of the motion before us for
22 2016-052 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any of those that
25 are opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Not hearing any,
3 the motion carries. Okay.

4 We are now ready for the attorney
5 general reports, and four cases in consent orders and
6 two in dismissals.

7 Does the attorney general want to add
8 anything to these cases before we --

9 **MR. WILLARD:** If the board has any
10 questions, I'll be happy to respond, but otherwise I'd
11 ask you to enforce the order.

12 **MR. RAFFENSPERGER:** Do we want to pull
13 any of these cases or move forward with them all on
14 the block?

15 (no response)

16 **MR. RAFFENSPERGER:** On the block, do we
17 have a motion?

18 **MS. SULLIVAN:** I'll move we accept the
19 attorney general reports on the consent orders listed:
20 2014-30, 2014-79, 2015-72, 2015-82, and accept the
21 recommendation of dismissals in case number 2016-77
22 and 2014-49.

23 **MR. WORLEY:** I'll second that motion.

24 **MR. RAFFENSPERGER:** Do we have any
25 discussion?

1 (no response)

2 **MR. RAFFENSPERGER:** Not hearing any,
3 all those in favor of the motion that's before you
4 please vote aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Not hearing any,
9 there's a motion -- that motion carries.

10 **MS. SULLIVAN:** Thank you.

11 **MR. RAFFENSPERGER:** Yes.

12 Okay. I don't believe there's any
13 other business before us today. That being the case,
14 do we have a motion to adjourn?

15 **MR. WORLEY:** So moved.

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

17 **MRS. LE:** Second.

18 **MR. RAFFENSPERGER:** All those in favor?

19 **THE BOARD MEMBERS:** Aye.

20 **MR. RAFFENSPERGER:** We are adjourned.

21 Thank you very much for being here today. Thank you,
22 fellow board members. I appreciate all the help you
23 have given us in this first (indiscernible).

24 (Adjourned at 1:57 p.m.)

25

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

AUGUST 21, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning. Let's get started. We have a very extensive agenda today, as you can see. Let's begin with an investigation, if we're all ready.

(Invocation)

MR. RAFFENSPERGER: If y'all will stand for the Pledge of Allegiance.

(Pledge of Allegiance)

MR. RAFFENSPERGER: I see that there's 11 folks that signed up for public comments. If there's anyone else that hasn't signed the sheet, please step forward now, and put your name in there. And that's typical that we allow two minutes for that for people that have signed in. I guess do you want to get right into the approval of the board minutes? Members, have you had a chance to look at the board minutes from the April 17th meeting? Anyone have a problem or do you want to make a motion on that?

MR. WORLEY: I would make a motion that we approve the minutes of the meeting on Wednesday the 17th of April.

MR. RAFFENSPERGER: Is there a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

1 Okay. On public comments, you'll have to have folks stand
2 up. Kevin -- Mr. Rayburn has a mic for you. Yeah, we do,
3 we have --

4 MR. RAYBURN: Check, check.

5 MR. RAFFENSPERGER: Okay. And before we get going, I
6 guess the people that are following the office closely --
7 we've reached an agreement a few days ago and yesterday
8 posted our comments on that. And basically, what we said
9 was we were requesting -- requesting the re-examination of
10 the new paper ballot voting system. Almost immediately
11 after it was thoroughly tested and passed by an
12 independent testing lab. It is a waste of everyone's time
13 and resources and frankly, it's silly.

14 At some point, people need to accept that the Georgia
15 General Assembly did not agree with their policy
16 preferences, and you can decide if you want to be a
17 hinderance or a help to Georgia moving to a new paper
18 ballot voting system. Our office will comply with the
19 legal requirements to conduct the re-examination and the
20 actors requesting the re-examination will help pay for it.
21 We have not yet posted the costs for re-examination
22 because this system was just secured and certified. We're
23 currently reviewing how the re-examination should proceed
24 and what that cost would be. The re-examination will not
25 at all interfere with the timing -- timeline for

1 implementing the new paper ballot system by the March 21
2 presidential primary. Thank you.

3 So our first person today is George Balbona.

4 MR. RAYBURN: Will you please state your name, where
5 you live? We have a transcriptionist, so try to talk
6 slowly and clearly and stand about here so that they can
7 see your mouth.

8 MR. BALBONA: Not my first rodeo, Kevin. Hey there.
9 My name is George Balbona. B-a-l-b-o-n-a. I live in Cobb
10 County. I wanted to talk about the Secretary of State
11 Office hiring Teresa Payne's company Ford Elise Solutions
12 to conduct three ostensibly cyber security
13 evaluations/risk assessments. This was done in October
14 2017, February 2018, and November 2018.

15 In October 2017, Ford Elise found 22 vulnerabilities.
16 In February 2018, Ford Elise found 15 security risks
17 including significant risk to the voter registration
18 database. In November 2018, 19 of the 22 vulnerabilities
19 had failed to be remediated for the 2018 mid-term
20 elections. A penetration test successfully obtained
21 domain administration rights over the Secretary of State's
22 network. That's not good. All right, Ford Elise was told
23 about the breach of the CES server at KSU but was not
24 asked to investigate and -- investigate it or conduct a
25 breach assessment which is something that they do. At no

1 time -- at no time during these assessments did the scope
2 of these evaluations include any evaluation of Georgia's
3 current election system, DREs, memory cards, scanners, or
4 the GENS database. So forgive me if I don't think that
5 your certification of the BMD is worth the paper it's
6 printed on.

7 This is the equivalent to having a heart attack and
8 having a cardiologist give you a clean bill of health
9 without looking at your heart or checking your blood
10 pressure. You haven't looked at the security whatsoever.
11 That's Georgia law. You should look into it, Brad.

12 MR. RAFFENSPERGER: The next speaker is Mr. Garland
13 Favorito.

14 MR. FAVARITO: I'm Garland Favorito. I'm here today
15 from Roswell, Georgia. Mr. Chairman, in February 2002, I
16 wrote to Professor Williams and Assistant Secretary Barnes
17 that the machines that were under evaluation had
18 constitutional problems, and they could not produce
19 results that could be verified by voters, audited by
20 election officials, or recounted for candidates. We were
21 ignored. I even asked if they would authenticate it on
22 their own and trial and went to the Georgia Supreme Court.
23 The Georgia Supreme Court failed to apply a legal standard
24 of strict scrutiny to our constitutional right to vote and
25 dismissed the case.

1 In 2009, I took the evidence in that case to this
2 board and gave it to the Inspector General. She confirmed
3 that she had my evidence, and then wrote to me to explain
4 that she had lost my case in its entirety. In 2017, 20
5 computer scientists wrote to the office to urge them to
6 get off of these machines and offered them help for the
7 same reasons that I gave in 2002 15 years earlier.

8 Last week the U.S. District Court banned our current
9 voting system because it impairs our constitutional right
10 to vote just as I said 17 years ago. Now, the legislators
11 and the Secretary of State's office wants to give us a new
12 unverified voting machine that hides the votes in an
13 embargo so that the voter cannot verify. I'm predicting
14 right now that that voting machine will be declared
15 unconstitutional same as the old. So folks, I want to
16 appeal to the County Election Directors here. I told you
17 the truth for 17 years and you have been lied to. If you
18 don't believe me, read the U.S. District Court ruling. It
19 is absolutely unequivocal. Thank you.

20 MR. RAFFENSPERGER: Ms. Elyisa Goldklang.

21 MS. GOLDKLANG: Well, it's Elyisa --

22 MR. RAFFENSPERGER: Elyisa.

23 MS. GOLDKLANG: Goldklang. I'm German and it's a
24 beautiful sound.

25 MR. RAFFENSPERGER: I'm sorry.

1 MS. GOLDKLANG: Good morning. My name is Elyisa
2 Goldklang, and I'm from Cobb County. First of all, I want
3 to thank the board members for their service to the people
4 of Georgia. Overseeing the administration of elections in
5 159 counties and adjudicating problems that arise is an
6 overwhelming task, but we're here to talk specifically
7 about a certain list of your duties.

8 First of all, to promulgate rules and regulations so
9 as to obtain -- excuse me -- uniformity in the practices
10 and proceedings of superintendents, registrars, deputy
11 registrars, poll officers and other officials as well as -
12 - of course this would happen, right? -- as well as the
13 legalities and purity protecting voters' privacy in all
14 primaries and elections.

15 Two, to formulate, adopt and promulgate such rules
16 and regulations consistent with law, as will be conducive
17 to the fair, legal, and orderly conduct of primaries and
18 elections.

19 Three, to make such recommendations to the General
20 Assembly as it may deem advisable relative to the conduct,
21 administration of primaries and elections.

22 And, four, finally, to promulgate rules and
23 regulations to define uniform and nondiscriminatory
24 standards concerning what constitutes a vote, and what
25 will be counted as a vote for each category of voting

1 system used in this state and the following of those will
2 be discussed in detail. Thank you.

3 MR. RAFFENSPERGER: Thank you. Ms. Aileen Nakamura.

4 MS. NAKAMURA: I'm Aileen Nakamura from Fulton
5 County. Last September, Ms. Rebecca Sullivan wrote in a
6 declaration in federal court that there is little
7 institutional memory in Georgia to serve as a guide as to
8 the best practices to secure an election without DRE
9 machines. But in November of this year, there will be
10 pilot elections without DREs -- some with BMD devices,
11 some with hand marked paper ballots. And in less than 30
12 days, those elections will effectively begin from a
13 process standpoint.

14 There are no rules to guide the conduct of those
15 elections and the responsibility for that falls on you,
16 the Board. What is your plan? After 2019, no elections
17 may be conducted in Georgia using DRE machines. While
18 most attention is focused on the March presidential
19 primary, we all know that in Georgia it's pretty regular
20 to have elections in January and February. But there are
21 no rules to guide the conduct of those elections and the
22 responsibility for that falls on you. What is your plan?

23 The Secretary of State has agreed to reexamine the
24 new dominion voting machines upon the request of 1,450
25 Georgia voters from 100 counties. The citizens' petition

1 demonstrates that the correct procedures were not carried
2 out in certifying the Dominion system earlier this month.
3 Merle King, who developed the role for certifying new
4 voting machines in Georgia, wrote that the 2002
5 certification of the DREs took six weeks. And once the
6 machines are legally certified and procured the acceptance
7 testing of the machines must occur. In 2002, that took
8 three months for 23,000 pieces of equipment, one thousand
9 of which failed testing, were removed, replaced by the
10 vendor, and tested again. The rigorous testing process
11 required under Georgia law must be performed for the
12 70,000 new pieces of equipment to be used in 2020. How
13 long will that take? How long should that take? And will
14 all the testing just be rushed to have the equipment in
15 place by March? If the timeline flips, what will you do?

16 (Timer sounding)

17 MR. RAFFENSPERGER: Thank you. Susan McWethy.

18 MR. RAYBURN: Susan.

19 MS. MCWETHY: Good morning. My name is Susan
20 McWethy, and I'm from DeKalb County. Your rule-making
21 process is governed by the Georgia Administrative
22 Procedure Act. Where rule-making is a deliberative and
23 publicly transparent process generally requiring public
24 proposal of a rule, public inspection, notice to
25 interested parties with reasonable opportunity to submit

1 data, use, or arguments, deliberation before enactment,
2 and delayed effectiveness of the rule. It's hard to
3 imagine that rules can be properly implemented in less
4 than 100 days from the time you have the first proposal
5 for the public. And it takes time to develop that first
6 proposal. It's clearly impossible for you to follow that
7 process in time for the November pilot elections using
8 valid marking devices and hand-marked paper ballots and
9 not likely in time for any January or February elections.

10 MR. RAFFENSPERGER: Thank you. Shea Roberts.

11 MS. ROBERTS: Good morning. Shea Roberts from Sandy
12 Springs, Georgia. So what is your plan? Will the pilot
13 elections for both -- the two different modes of voting,
14 BMDs and hand-marked paper ballots, be governed by a
15 uniform set of rules? How will you come up with them?
16 Has work begun to draft such rules? Can pilot elections
17 be run under provisional rules? How will you adjudicate
18 any complaints or irregularities that come up in the pilot
19 elections? Both the counties operating pilot elections
20 and the voters casting ballots in those elections deserve
21 the protection and clarity of a uniform set of rules.
22 Whether provisional or final, for you to come up with the
23 uniform set of rules to govern future elections, you must
24 reach outside Georgia.

25 As we were reminded by Ms. Sullivan's declaration,

1 there is little institutional memory in Georgia to serve
2 as a guide to best practices. And surely Georgia voters
3 deserve elections run in accordance with best practices in
4 and of the 21st century and not but a few Georgians
5 remember it from the 1900s. If this were a private
6 business facing your problem, you would find well-regarded
7 jurisdictions outside Georgia who have developed model
8 rules and shown in practice that they work well. You
9 would review their rules to be sure they comply with
10 Georgia laws and rules and modify them as necessary.
11 But our unique challenge, we require a uniform set of
12 rules to govern elections in 159 counties that serve as
13 many as 700,000 voters and as few as 5,000 voters. But
14 this also means that the rules and procedures of a well-
15 regarded jurisdiction survey as few as 40 to 50,000 voters
16 could be very relevant to Georgia because most of our
17 counties are smaller, and it will not be hard to determine
18 how you would adapt the rules to accommodate our largest
19 counties. For hand-marked paper ballots, you may consider
20 the rules and procedures developed by Virginia, Martin,
21 and Columbia County, New York, for example. There's no
22 need to reinvent the wheel when so many jurisdictions have
23 field-tested procedures already in place.

24 One more point about the pilot elections. The
25 fundamental purpose of a pilot is to do something on a

1 small scale that can be reviewed and adjusted --

2 (Timer sounding)

3 MS. ROBERTS: -- before implemented on a large scale.
4 Who's responsible for deciding if the pilot election
5 worked properly? What criteria will be used for the
6 review? Who develops it? How will the success and
7 failure be evaluated? And how will those learnings be
8 incorporated before the presidential primary and beyond?
9 Thank you.

10 MR. RAFFENSPERGER: Thank you. Cam Ashling.

11 MS. ASHLING: Distinguished State Board of Election
12 members and Chairman, my name is Cam T. Ashling. I am the
13 chairman of the Georgia Mess and Farmers' Pact from Fulton
14 County, a political action committee. I should be
15 spending my time venting to candidates and gaining them
16 support, but I'm here because we have to make elections
17 safe, secure, and honorable again before we can invest in
18 candidates and voters. We believe the measure of success
19 -- of a successful election is this: It should be easy
20 for all eligible citizens to easily register and cast a
21 vote, and every vote should be counted as cast, and our
22 ballot must be secret as guaranteed by the Georgia
23 Constitution.

24 Robust audits are the cornerstone of confidence of
25 every voter -- every vote is being counted as cast. HB316

1 does require audits to be implemented as soon as possible
2 or no later than 2020. How will you enforce this? It is
3 your responsibility under HB316 to develop all the
4 standards to formulate, adopt, and vote as such. Rules to
5 be implemented statewide no later than November 2020.
6 Georgia has never required election audits statewide. How
7 will you do this? When will you do this? We urge you to
8 seek out best practices from jurisdictions around the
9 country and to consult with experts on election audits
10 such as Professor Philip Star.

11 If you're not beginning public hearings on your
12 proposal by the beginning of the first quarter of 2020, we
13 will likely not be prepared to have all these sets of
14 rules for audits in time, and we don't want that to
15 happen. Georgia voters are counting on you to get the
16 standard of process right. Confidence that every vote is
17 counted as cast is essential to election integrity and our
18 democracy. As you learn more about election audits from
19 experts, you will hear one common thread that will pose a
20 significant problem for us in Georgia and that is valid
21 summary produced by ballot-marking devices --

22 (Timer sounding)

23 MS. ASHLING: -- are apparently unauditabile [sic].
24 How will you overcome this challenge? Thank you.

25 MR. RAFFENSPERGER: Thank you. Ms. Rhonda Martin.

1 MS. MARTIN: Good morning. My name is Rhonda Martin.
2 I'm a voter in Fulton County, Georgia. In order for any
3 audit to be valid, you must have trusted source documents
4 showing the votes that have been cast. HB316 describes
5 the process where the voter verifies their selections on
6 the paper summary produced by the electronic marking
7 device so that these documents can then be considered
8 trusted. There are a number of problems with this
9 approach.

10 First of all, research has shown that less than half
11 the voters take the time to carefully review their votes
12 when asked to do so.

13 Secondly, even if the voter tries to check the
14 results, less than half notice when errors have been
15 introduced. At this point in the process, the touchscreen
16 no longer shows the voter's choices, and therefore is not
17 available to reference when checking the machine printout.
18 Voters cannot be required to have a photographic memory of
19 the full ballot so that they can verify the summary
20 document against memory. Few, if any, voters can
21 accurately recall every race and choice on a ballot that
22 contains a dozen or more races in addition to referenda
23 and the constitutional amendments.

24 If a voter cannot recall every race -- sorry -- and
25 choice, she cannot identify whether the machine printout

1 accurately reflects her intentions or instead added,
2 dropped, or changed one of her choices. This problem is
3 further exacerbated when the voter's choices are embedded
4 in unreadable codes and the tabulation machines count the
5 codes and not the words. Bottom line: the paper trail the
6 electronic ballot marking devices offer cannot be used as
7 a basis for an audit because voters cannot verify the
8 accuracy of the ballot summary cards. No valid audit can
9 be conducted on the basis of unverified source documents.
10 It is therefore impossible to meet the legal requirements
11 of HB316.

12 MR. RAFFENSPERGER: Ms. Bonnie Lyle.

13 MS. LYLE: I cede my time to Rhonda.

14 MR. RAFFENSPERGER: No. It's okay. We're moving on.
15 We have -- right now 52 cases and so we're going to move
16 on to the next person: Isabel Hidalgo.

17 MS. HIDALGO: Good morning. My name is Isabel
18 Hidalgo, concerned citizen from Georgia, Fulton County.
19 This switch to one of your most important duties defining
20 what constitutes a vote, to promulgate rules and
21 regulations to define uniform and nondiscriminatory
22 standards concerning what constitutes a vote, and what
23 will be counted as a vote for each category, voting
24 systems used in the state. The change from the earlier
25 machines to ballot marking devices requires a fresh look

1 at what constitutes a vote. The dominion BMD produces a
2 paper ballot summary that includes both a bar code and a
3 human readable text that the BMD scanner reads the bar
4 code while the human readable text is used for recounts
5 and audits. O.C.G.A. 21-237(9)(2)(3) states the paper
6 ballot printed by the electronic ballot marker shall
7 constitute the official ballot and shall be used for and
8 governed in result in any recount that pursuant to Section
9 21 2 495 and any other conducted pursuant to Section 21 2
10 498.

11 A fatal problem with the dominion system is that the
12 portion of the ballot that is readable by the elector is
13 not the portion that is machine-tabulated, and by law the
14 bar code is not to govern any result at any stage of the
15 ballot processing, which means that the bar code cannot
16 legally use the tally in vote counts. As a result, the
17 dominion system cannot comply with the Georgia elections
18 code. When you write the rules and regulations for one
19 constituent to vote, how would you resolve the problem of
20 a printed vote summary that contains voters' selections in
21 two forms, one human readable and one not? Which
22 constitutes the vote? There surely cannot be one vote for
23 scanning and another vote for recounts and audits. How
24 will you resolve this dilemma? We urge you to advise the
25 General Assembly that you find it impossible to formulate

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(Timer sounding)

MS. HIDALGO: -- a rule stating what constitutes the vote -- when there are actually two versions of the voter's choices printed on one paper ballot. Thank you very much.

MR. RAFFENSPERGER: Thank you. Ms. Jeanne Dufort.

MS. DUFORT: Good morning. My name is Jeanne Dufort. I am from Morgan County, from beautiful Madison. There's one more concerning issue about ballot secrecy. Georgia voters enjoy a constitutionally protected right to absolute ballot secrecy. The rules that govern New York mandate include a command to protect the legality and purity of all primaries and elections.

Election superintendents in the 159 counties are sworn to conduct all elections in a manner as to guarantee the secrecy of the ballot. According to the dominion's response to the state of Michigan's certification process, the scanners used by the dominion system appear to violate Georgia's secret ballot laws and the Georgia Election Code. The dominion precinct scanner records the ballots in chronological order of scanning with timestamps which are retained on memory cards and encrypted records. Although the timestamp for information may not be exported during routine reports writing, it appears that election

1 insiders or hackers with access to decrypted data on the
2 cards could replay scanned ballots in order to connect the
3 voter with his or her ballot.

4 It's absurd, isn't it, to think of you writing the
5 rule that says don't look for those who have access to the
6 voting system and just as absurd to imagine that rule
7 would offer protection from hackers. It is impossible for
8 you in the 159 counties to do your duty under the law to
9 protect Georgia's absolute right to a secret ballot if the
10 dominion scanners are deployed. We ask you to advise the
11 Secretary of State that the use of the dominion scanners
12 violates the Georgia Constitution and may not be used.

13 In summary, we're very concerned about the very difficult
14 timeline challenges you face to formulate, adopt, and
15 promulgate such rules and regulations consistent with the
16 law for conducting elections with ballot marking devices
17 and hand marked paper ballots and for conducting audits.
18 We urge you to find a balance that keeps the voter at the
19 center of the process.

20 (Timer sounding)

21 MS. DUFORT: Do not sacrifice transparency,
22 thoughtful deliberation, and assessment of current best
23 practices in the rush to meet deadlines. Thank you.

24 MR. RAFFENSPERGER: Board members, it's not on the
25 agenda, but if any of you would like to share a few words

1 right now? I think now is the appropriate time.

2 MR. WORLEY: I would. Thank you, Mr. Secretary. I -
3 - I just wanted to say a few words. First of all, I'd
4 like to thank those members of the public who made the
5 comments just now. We take our responsibility very
6 seriously. And we're certainly -- I, for one, can
7 certainly very seriously consider everything that's been
8 put before us today as we go forward in considering this
9 new system and our responsibility to make rules to carry
10 out the -- the new voting systems that the statements have
11 said.

12 I also wanted to say a word about Judge -- as has
13 been mentioned Judge Totenberg's recent order in the
14 election litigation. I have read it very carefully, and I
15 know the other members of the board have as well, and,
16 frankly, much of what the judge has said in her order is
17 disturbing and casts the previous administration of the
18 Secretary of State's Office in a very unfavorable light.
19 I'm particularly concerned with the many, many instances
20 that the judge has highlighted of problems with the
21 state's election database as used by the express poll
22 system in this state. The judge has clearly pointed out
23 flaws in that that we as members of this board need to
24 examine very carefully as this process moves forward.
25 Thank you.

1 MR. RAFFENSPERGER: Thank you.

2 (Applause)

3 MR. RAFFENSPERGER: We have -- the next item on the
4 agenda I really think will help answer some of your
5 questions, but if I could have our Chief Counsel Ryan
6 Germany speak to that, if you would like to speak?

7 MR. GERMANY: Yes. I'm Ryan Germany. The General
8 Counsel to the Secretary of State's Office.

9 MR. RAFFENSPERGER: Is it on?

10 MR. GERMANY: Is it working?

11 COURT REPORTER: It's not.

12 MR. GERMANY: Can you hear me now?

13 (no response)

14 MR. GERMANY: Okay.

15 MS. SULLIVAN: No.

16 MR. GERMANY: No.

17 MR. RAFFENSPERGER: Make sure it's on.

18 MR. GERMANY: It says it's on.

19 MR. RAFFENSPERGER: Yeah.

20 MR. GERMANY: I hear it on now. All right.

21 MR. RAFFENSPERGER: Good.

22 MR. GERMANY: My name is Ryan Germany, General
23 Counsel of Secretary of State's Office. I wanted to give
24 a quick update on the rule making process. As some of the
25 commenters mentioned, we need to overhaul our State

1 Election Board of Rules as we move to the new system.
2 Moving to a paper ballot system from a non-paper ballot
3 system is a very big change. We have obviously been
4 discussing the rules in our office internally for quite
5 some time.

6 Now that we have -- the procurement process is
7 complete, and we've selected a vendor, we can move forward
8 with the specifics. That vendor is sending us rules from
9 other jurisdictions that use this system for
10 consideration. I think some of the types of rules that
11 we'll be considering are polling place setup, storage, and
12 security of the equipment and the paper ballots, transport
13 of the voting equipment and paper ballots, ballot
14 handling, chain of custody, storage of paper ballots after
15 election. We'll be looking at early voting, absentee
16 voting, provisional voting, adjudication, audits,
17 recounts, and even -- and even possibly some voter
18 registration certification issues, if we need to look at
19 those as well. In addition to that, we'll be reviewing
20 forms like the recap sheets and reconciliation sheets that
21 we use -- those will need to change with the new system.
22 We've been discussing them internally.

23 We've recently formed a rules working group that
24 consists of Jordan Fuchs our Deputy Secretary, myself,
25 Chris Harvey the Elections Director, Kevin Rayburn our

1 Assistant Elections Director and Assistant General
2 Counsel, as well as Lynn Bailey, who's an Elections
3 Director in Richmond County. And Ms. Bailey heads up a --
4 an equivalent rules working group and the EAC Standards
5 Board. So I think through her we'll be able to get input
6 from additional counties and that was the idea behind
7 that. And also, Ms. Sullivan and Mr. Worley have agreed
8 to serve on -- on that working group.

9 So just one thing for -- for y'all to know. And we
10 do envision there will be numerous additional meetings for
11 the rest of this year to resolve that so just from a
12 scheduling side. And we'll continue to keep everyone
13 updated. Yes, the rules will be posted -- or proposals
14 will be posted for comment, so we'll go through that
15 process, as well.

16 I'd be happy to take any questions from the board.

17 (no response)

18 MR. RAFFENSPERGER: Thank you, Mr. Germany. I want
19 to thank everyone that has volunteered to be on that rule
20 making process. It's going to be very extensive and
21 obviously a quick timeline. And I just know it's a demand
22 an awful lot of your time, so really I just want to thank
23 you for making time and the people of Georgia are grateful
24 for you stepping up and volunteering for that. Thank you.

25 Okay. On the investigation reports, we have several

1 consent cases. It is 2 through 13. All right. Are there
2 any of those that we want to pull off?

3 MR. WORLEY: Yes, Mr. Secretary. On the consent
4 list, I would like to pull off to discuss individually the
5 following cases: Case Number 2016-135, Lee County; Case
6 Number 2016-165, Chatham County; Case Number 2018-013,
7 Fulton County; Case Number 2018-071, DeKalb County; and
8 Case Number 2019-003, Walton County.

9 MR. RAFFENSPERGER: Any other members want to pull any
10 other cases off?

11 (No response.)

12 MR. RAFFENSPERGER: So I'll go ahead --

13 MR. THOMAS: Sir, I'm representing a consent case
14 that was not called out that I'd like to speak to.

15 MR. RAFFENSPERGER: Which -- which case?

16 MR. THOMAS: Case Number 2015--

17 MR. RAFFENSPERGER: Which -- which --

18 MR. THOMAS: The City of Davisboro.

19 MR. RAFFENSPERGER: Okay. In the consent cases, are
20 there any other people that are here that would like to
21 speak to any cases in the form of a consent other than
22 Davisboro. Anyone else? All right. The representative
23 from Fulton, you'd like to speak to which case?

24 MR. HOLCOMB: I'm here for a private capacity here --

25 MR. RAFFENSPERGER: Yes, sir.

1 MR. HOLCOMB: -- Mr. Raffensperger. But yes, it's
2 already been pulled off the calendar, but it was for Mr.
3 McLaurin's case.

4 MR. RAFFENSPERGER: Can you --

5 MR. HOLCOMB: It's 2018 --

6 MR. RAFFENSPERGER: Fulton County.

7 MR. HOLCOMB: -- -013. Yes.

8 MR. RAFFENSPERGER: House District 51?

9 MR. HOLCOMB: Yes.

10 MR. RAFFENSPERGER: Thank you. Well then, why don't
11 you start with those -- the ones that are not being pulled
12 out, we'll vote on those, but the gentleman from
13 Davisboro, if you'd like to step forward and speak to the
14 board.

15 MR. THOMAS: Good morning. Thank you.

16 THE BOARD MEMBERS: Good morning.

17 MR. THOMAS: My name is Daniel Thomas. I'm the City
18 Manager for the City of Davisboro. I have two letters I'd
19 like to share with the board. The first one is written
20 from Ricky Ford who is the son of the individuals who
21 referred it and are filing it. "I, Ricky Ford, request
22 the State Board of Election to look further in the case
23 regarding the voter violation that took place during the
24 2015 election in the City of Davisboro. Mr. Nathaniel and
25 Gloria Ford are my parents, and I represent my family in

1 expressing complete outrage of this attempt to violate
2 their voting rights. I request that Mr. Thomas submit
3 this letter on my behalf since I was not asked to attend
4 this hearing."

5 The second letter is from our City Council. "This
6 letter is served on behalf of the members of the City
7 Council of the City of Davisboro to express our adamant
8 disagreement with the recommendation of the SEB to close
9 this case with no violation status. We respectfully ask
10 that a more complete investigation take place and to
11 ensure the indemnification of the party who illegally
12 signed the absentee ballots of Mr. Nathaniel and
13 Ms. Gloria Ford during this election, signed sincerely the
14 Mayor and the City Council."

15 We feel that the violation occurred -- the two
16 parties involved were kin of mine -- and certainly there
17 should be further investigation to determine who actually
18 signed those ballots for the absentee status. They were
19 not signed by Mr. and Ms. Ford. They were taken from
20 their home, they were told that they would be returned to
21 the election board office, and basically the ballots would
22 be returned to them. I'm concerned about this because
23 these are two elderly individuals. It's -- a small
24 community, but that violation was sincerely felt by
25 everyone in it. So for us to simply say this was

1 no-status -- that you could not identify -- I think, one
2 person's handwriting was taken but the other one was not
3 which means that it's not a complete investigation, I
4 would think. So we ask that you continue to look into
5 this and come up with another solution.

6 MR. RAFFENSPERGER: Members?

7 MR. WORLEY: Could we hear from Ms. Watson about the
8 facts of this case?

9 MS. WATSON: Certain -- certainly. Basically, I
10 agree with the majority of what the gentleman advised
11 except that we did get handwriting samples from all of the
12 appropriate parties.

13 The facts of the case are that the Washington County
14 Board of Elections and Registration reported illegal
15 possession of absentee ballots of two voters. Nathaniel
16 and Gloria Ford applied for and received absentee ballots
17 for the December 1st, 2015 General Special Runoff Election
18 in Davisboro, Georgia.

19 It was reported that a candidate for mayor had
20 contacted the Fords and said that a representative was
21 going to pick up their ballots. The representative
22 allegedly came to the couple's home and picked up their
23 two unvoted and unsigned ballots. When the Fords said
24 they had not voted the ballots, the representative
25 allegedly said they would be filled out for the couple.

1 Mr. and Mrs. Ford advised that Sandra Braswell called them
2 on the phone and asked if they had gotten their absentee
3 ballots in the mail. They said they had not and she said
4 that they were mailed and should be in the mailbox.

5 A Ms. Mamie Lou Pinkston went to the Ford residence,
6 picked up the absentee ballots at the request of Sandra
7 Brown -- I mean Braswell. The Fords have repeatedly
8 stated that they had not opened or completed the absentee
9 ballots. Mamie told them that it was okay because Sandra
10 would take care of the ballots.

11 Mamie Lou Pinkston left the Ford's residence with the
12 absentee ballots that were not completed or signed. Mamie
13 Lou denies that she signed anyone's ballots. She states
14 that Sandra Braswell picked up Gloria and Nathaniel Ford's
15 absentee ballot from her.

16 Sandra Braswell denies signing the absentee ballots
17 of Gloria and Nathaniel Ford. The absentee ballots of
18 Gloria and Nathaniel were reviewed for their signatures,
19 but the signatures clearly did not match the signatures on
20 file for the Fords. The Fords cancelled the absentee
21 ballots and were re-issued new absentee ballots that were
22 voted and counted.

23 We recommend the case be dismissed as there was no
24 evidence to determine who actually signed the absentee
25 ballots of Nathaniel and Gloria Ford. Both were able to

1 cancel the absentee ballots and cast ballots in the
2 election.

3 MS. SULLIVAN: Ms. Watson -- I'm just going to ask
4 Ms. Watson directly -- it appears that there's over 34
5 attachments and exhibits to this investigation. Is there
6 any more investigation that you could do that would help
7 identify who signed those ballots?

8 MS. WATSON: We could take it back and -- and request
9 further handwriting analysis to be conducted to -- to
10 compare to see if we can conclusively rule Mamie and
11 Ms. Braswell as not the contributors and that would be the
12 -- the final thing we could do.

13 MR. RAFFENSPERGER: On this particular case what is
14 the will of the committee? Ms. Le.

15 MS. LE: I say given that there is acknowledgement
16 here that someone else signed those documents and ballots
17 that it should go back for further investigation.

18 MR. WORLEY: I would second that.

19 MR. RAFFENSPERGER: We have a second.

20 (no response)

21 MR. RAFFENSPERGER: Any further discussion?

22 (no response)

23 MR. RAFFENSPERGER: All those in favor, say aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERBER: Motion carries. Okay. All the

1 other cases that were not pulled out -- I'll read those
2 off, and we could vote for those in a block.

3 MS. SULLIVAN: Sure.

4 MR. RAFFENBERGER: So that would be SEB Case Number
5 2015-080, 2017-016, 2017-054, 2017-067, 2018-075,
6 2019-007. Do we have a motion?

7 MS. SULLIVAN: I'll move the motion that the listed
8 cases be dismissed.

9 MR. WORLEY: And I would second that.

10 MR. RAFFENBERGER: Is there any further discussion on
11 those cases?

12 (no response)

13 MR. RAFFENBERGER: Hearing none. All those in favor
14 of dismissing the cases that I just presented?

15 MS. SULLIVAN: Aye.

16 MR. RAFFENBERGER: Say aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENBERGER: Any opposed?

19 (no response)

20 MR. RAFFENBERGER: Motion carries. Okay. So the
21 next case we'll call right now, if that's okay, 2018-013,
22 Fulton County, House District 51 Candidacy. Mr. Holcomb.

23 MR. WORLEY: Mr. Secretary, the reason that I asked
24 for this case to be pulled off is because I need to recuse
25 from that.

1 MR. RAFFENSPERGER: Okay.

2 MR. WORLEY: So I wanted to separate it.

3 MR. RAFFENSPERGER: Mr. Holcomb.

4 MR. HOLCOMB: I anticipated that's what Mr. Worley
5 was going to say. Mr. Worley, we thank you for doing
6 that. Very quickly, I represent Mr. McLaurin. I'm his
7 attorney, so I'm here in that capacity today. And the
8 evidence shows unequivocally that Mr. McLaurin was legally
9 qualified to be a candidate for House District 51 having
10 satisfied both the constitutional and statutory
11 requirements.

12 We agree with the investigator's finding recommending
13 no violation, and we've offered for the board's
14 consideration perhaps a tweak to the affidavit to make the
15 language more clear -- in -- in terms of what is being
16 sought should be the time period that the individual had
17 been in Georgia at the time of the election. What isn't
18 operative is the date that you sign the affidavit or even
19 the date of the primary, it's the amount of time for
20 residency that you had been here for the general election.
21 So to avoid confusion going forward, we recommend that you
22 update that affidavit form NC-S-0924. But in conclusion,
23 we agree with the investigator's recommendation that no-
24 violation by him occurred. Thank you.

25 MR. RAFFENSPERGER: Members of the Board, would you

1 like to speak to that case?

2 MS. WATSON: We agree with the -- the gentleman's
3 interpretation and we did discuss the -- the issue with
4 the form and that has been in the process.

5 MR. RAFFENSPERGER: Thank you very much.

6 MS. WATSON: Mmm-hmm.

7 MR. RAFFENSPERGER: That one we'll vote on. Mr.
8 Worley, are there any other cases that you we need to
9 recuse yourself on?

10 MR. WORLEY: No.

11 MR. RAFFENSPERGER: Let's vote on that one, then.
12 What is the will of the committee?

13 MS. SULLIVAN: I move that Case Number 2018-013 be
14 dismissed.

15 MR. RAFFENSPERGER: Is there a second?

16 MS. LE: Second.

17 MR. RAFFENSPERGER: All those in favor?

18 THE BOARD MEMBERS: Aye. (All members but Mr. Worley
19 who recused.)

20 MR. RAFFENSPERGER: Motion carries and that case is
21 dismissed. Okay. The next case: 2016-135.

22 MS. WATSON: Yes. This is the Lee County Suspicious
23 Voter Registration. Lee County Elections Supervisor
24 Veronica Johnson reported that someone submitted a
25 fraudulent registration application for a person that was

1 already registered for the county.

2 Veronica talked to an employee that she received four
3 voter registration applications with questionable
4 information on them. Veronica thought that she knew one
5 of the individuals was already registered in Dougherty
6 County because she personally knew this individual. She
7 contacted them and stated that she had not completed the
8 voter registration. The only information on that
9 application that was correct was the name with the
10 remaining information being fabricated.

11 The remaining three applications were checked and
12 found that, similarly, the names were actual names, but
13 the other identifying information was fictitious. The
14 applications were originally submitted to the Secretary of
15 State's Office and then forwarded to the counties listed
16 on the application.

17 The applications were processed, however, failed in
18 the verification process. The applications were submitted
19 by Field Works, LLC, an organization operating out of
20 Washington D.C. providing canvas services in Georgia. The
21 canvasser was identified as a Wendy Howard. We -- she was
22 interviewed. She denies that she completed the
23 application but states that she allowed individuals to
24 complete applications for others that were not present and
25 their forms could have been completed without their

1 knowledge.

2 We recommend the case be dismissed because there was
3 no means of identifying the specific person that completed
4 the fictitious applications.

5 MR. RAFFENSPERGER: Board members, do you have any
6 questions?

7 MR. WORLEY: Yes, Mr. Secretary. I have a question.
8 Ms. Watson, the report indicates that -- that there is
9 more investigation that could be possibly be done. A
10 portion of the report read that the findings state that on
11 April 23rd, the investigator called the New Georgia
12 Project to see if they could assist in the retained copies
13 of the transmittal sheets. No one answered the phones, so
14 the investigator left a message. It goes on to say that
15 the investigator did not receive a reply, so they mailed a
16 certified letter. At this time the investigator has not
17 received a reply from the New Georgia Project. If the
18 investigator receives any additional information, we will
19 reopen the investigation.

20 From reading your report it seems like there is --
21 there are additional documents which if retrieved could
22 establish how these applications were completed. And so
23 to me I -- I would -- it would be my preference to have
24 the investigation continue and attempt to get those
25 documents.

1 MS. SULLIVAN: Is that the motion?

2 MR. WORLEY: Yes. I would move that we return this
3 case to the investigations division to attempt further to
4 -- to obtain those crucial documents.

5 MS. SULLIVAN: I'll second that.

6 MR. RAFFENSPERGER: Okay a first and a second. Do
7 you have anything to further comment?

8 (no response)

9 MR. RAFFENSPERGER: Hearing none. All those in
10 favor, signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed?

13 (no response)

14 MR. RAFFENSPERGER: Motion carries. It's returned
15 for further investigation. Next case?

16 MS. WATSON: Yes. 2016-165 which is Chatham County,
17 Board of Election member conduct.

18 In November 2016, the Chatham County Board of
19 Elections Chairman Tom Mahoney reported one of the Board
20 of Elections members Deborah Rauers had interfered with
21 voters in Southside Baptist Church polling precinct.

22 On November 8th, 2016, Mr. Mahoney reported that
23 during check-in at the National Guard Armory, Ms. Rauers
24 had intimidated the same polling precinct assistant
25 manager. Mr. Mahoney also reported that he was told by

1 Collin McBray, the chairman in the Chatham County Board of
2 Registrars, about an incident that happened during early
3 advanced voting involving Ms. Rauers where it was alleged
4 she interfered with voters also.

5 During the investigation, we did not identify any of
6 the voters that were interviewed or identified as having
7 been interfered with or prevented from voting, and we're
8 recommending the case be dismissed.

9 MR. RAFFENSPERGER: Any comments or any questions
10 from the members of the board?

11 MR. WORLEY: Well, I guess I read the investigative
12 report somewhat differently. It -- it seems that there
13 was a lot of testimony that this member of the Elections
14 Board had interfered in the -- the voting of several
15 voters.

16 And the -- the general standard that we have followed
17 on this Board in the past is that if -- that we are here
18 to determine whether there's probable cause for further
19 investigation by the Attorney General's office and
20 possibly holding a hearing and that if an allegation is
21 made that is credibly supported by witnesses, and it is
22 correct under the -- under our interpretation of the law
23 that we would forward it to the Attorney General's office,
24 and it seems to me that this case fits that standard of
25 establishing probable cause to send it to the Attorney

1 General's office based on the descriptions of the
2 testimony of -- of the events that happened.

3 MR. RAFFENSPERGER: Mr. Worley, before -- I didn't
4 know if I was going to have a motion.

5 MR. WORLEY: No.

6 MR. RAFFENSPERGER: But, I'm sorry, but this -- this
7 lady is -- wants to speak.

8 MS. RAUERS: My name is Deborah Rauers. I'm the
9 person who's cited in this situation.

10 MR. RAFFENSPERGER: If you could come forward --

11 MS. RAUERS: Thank you.

12 MR. RAFFENSPERGER: -- and we'll give you a
13 microphone.

14 MS. RAUERS: Thank you. Hello. Thank you so much
15 for hearing my side of the story. My name is Deborah
16 Rauers. I'm an elected official in Chatham County. I was
17 appointed, and then I have been elected twice to four
18 separate -- to four-year terms -- two four-year terms.
19 The situation that has become the toxic situation is the
20 one with the board in Chatham County. To go backwards so
21 I can go forwards, please indulge with me, as I let you
22 know that I brought to the attention of the board over a
23 six-month period of time the abuse of bearer's checks,
24 made to the bearer of, which were to be paid all poll
25 workers. These had no accounting, and on two separate

1 occasions, I walked through the office subsequent to an
2 election and saw stacks of these checks not being checked
3 in, not being guarded, no accounting from the county, and
4 no accounting from my office. I found this to be
5 reprehensible, and as it worked out, one the county
6 commissioners happened to be in the office one day when I
7 was there and saw me upset that we couldn't find these
8 checks because they weren't in a safe, and they weren't in
9 a safe place.

10 He took that information to our county commission and
11 at that point Mr. Mahoney, an attorney, and the chairman
12 of our board sit up in front of the Chatham County
13 Commission and said there's no problem. As an elected
14 official, I have a problem with people who are not open to
15 rectifying potential problems -- probable cause if that's
16 what you would call it.

17 I spoke to the County Commission. I told them we
18 were \$10,000 in arrears in paying our polling places, and
19 I told them that we had an issue with the bearer's checks.
20 Subsequent to that the \$10,000 was paid, and it turned out
21 that upon forensic accounting, we were 30 years behind the
22 law -- the IRS law -- in putting people's names on checks
23 and handing them to them. It's a long time. That was a
24 lot of years of no audit and no accountability for those
25 bearer's checks.

1 I walked out of that meeting at the county commission
2 office, and Mr. Mahoney told me that he had a report about
3 me that he was going to take to our commission meeting.
4 At that commission meeting, I found out that he had --
5 this is hearsay -- that he had contacted or been contacted
6 by the Board of Registrars -- which is separate from
7 Chatham County Board of Elections -- that I had interfered
8 with people voting in line for early voting. That was not
9 the case.

10 What had happened was that I went to one of the two
11 people sitting, checking people in, and said you have
12 elderly people in line who are incapable and not
13 ambulatory and need to get to the front of the line. He
14 chose to bring that up. I talked to Collin McBray, who is
15 and was chairman of the Board of Registrars. The Board of
16 Registrars elected to take it up as a rule case and they
17 passed on it in their justice. They thought it was nothing
18 [sic]. I thank them.

19 Subsequent to this and -- and please understand, this
20 is right at Hurricane Matthew, so there was a lot going on
21 on the coast of Georgia. A lot of issues with voting,
22 machines that didn't work, electric -- electricity that
23 didn't work. It was a mess. I walked in as it is in our
24 habit for the Board of Elections in Chatham County to
25 Southside Baptist Church where they were voting. There

1 were about 20 people there. Two of them were -- I don't
2 know -- challenged voters. One of them -- the -- was with
3 his caregiver and she would talk and say dah, dah, dah and
4 hit the vote. Dah, dah, dah, dah, and hit the vote. And
5 then at the end, he hit to cast the ballot vote and I
6 asked -- I was standing behind the woman who was a poll
7 worker and I said can he do that because I really did not
8 know.

9 I then asked the manager, and I also called the
10 office to ascertain if we were treating this disadvantaged
11 voter correctly. And they gave us the okay to go ahead
12 and let it count. I in no way spoke to him. I in no way
13 did anything in that room at Southside Baptist to
14 interfere with any kind of an election process. There
15 were two voters like that. They both voted. I did not
16 speak to them. The woman who was there as the assistant
17 manager handled it. That night at check-in I asked her
18 how things were. She said fine -- we had a cordial
19 conversation -- and then as I turned around three of our
20 board members made a beeline for her. I mean, it was like
21 she had, you know, a beacon on her head. They went
22 straight for her to chat with her. The next day, there
23 was a complaint against me at the board meeting.

24 I would like to submit to you that my behavior has
25 been above-board. I am guilty of a lot of things in life

1 but interfering with voters' capabilities and voters'
2 rights is not one of them. I am a strong supporter of
3 voter rights. And if anything, I have been proactive in
4 making sure we do things better in Chatham County. And
5 for that I am censured. Do you have any questions?

6 MR. RAFFENSPERGER: Does the board have any questions
7 for the person speaking today?

8 MS. SULLIVAN: I have a question for Ms. Watson.

9 MS. WATSON: Yes.

10 MS. RAUERS: Do you want me to sit down?

11 MR. RAFFENSPERGER: You're -- you're fine. Yes. You
12 may sit down.

13 MS. RAUERS: Thank you.

14 MS. SULLIVAN: Thank you. Ms. Watson, I noticed that
15 the date of this event is November 2016. Are you aware of
16 any additional complaints since that time or during --

17 MS. WATSON: No.

18 MS. SULLIVAN: -- this case or referring to that kind
19 of --

20 MS. WATSON: Not involving --

21 MS. SULLIVAN: -- Ms. Rauers.

22 MS. WATSON: No.

23 MR. RAFFENSPERGER: What is the will of the
24 committee?

25 MR. WORLEY: I would just make a comment first. I

1 appreciate Ms. Rauers being here and stating her view of
2 the events. But the report, which is quite lengthy, has a
3 different version of the events than hers in terms of what
4 was said at the two locations that the report mentions.
5 And it's -- it's always been the policy of this board that
6 if there are two different versions of an event that it
7 gets referred to the Attorney General's office to
8 investigate further and perhaps a hearing. So I would
9 make a motion that we refer this case to the Attorney
10 General's office.

11 MR. RAFFENSPERGER: Do we have a second? Do we have
12 a second?

13 (no response)

14 MR. RAFFENSPERGER: Motion dies for lack of second.
15 Any further action going forward?

16 MS. SULLIVAN: Before I make a motion, are any of the
17 complainants here regarding this matter -- none of them
18 are here to address the board?

19 (no response)

20 MS. SULLIVAN: I'll make a motion that the case is
21 dismissed.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. LE: I'll second.

24 MR. RAFFENSPERGER: We have a first and a second.
25 All of those in favor say aye.

1 MS. SULLIVAN: Aye.

2 MS. LE: Aye.

3 MR. RAFFENSPERGER: All those opposed?

4 MR. WORLEY: No.

5 MR. RAFFENSPERGER: Motion carries. The case is
6 dismissed. Next case.

7 MS WATSON: The next case is 2018-71, DeKalb County.

8 MS. JONES: On October 29th, 2018, a complainant
9 reported that -- the Ku Klux Klan-related literature had
10 been located near the Reid Cofer Library polling station
11 in DeKalb County and that a possible case of voter
12 intimidation was involved.

13 The facts of the case are that plastic sandwich
14 baggies containing literature of the KKK had been
15 distributed in and around the Tucker area to include the
16 edge of the Reid Cofer Library polling station the week of
17 the November 6th, 2018 election.

18 The Homeland Security Unit of DeKalb County Police
19 Department investigated and found no connection between
20 the literature and any attempt to intimidate voters. We
21 recommend the case be dismissed as there is insufficient
22 evidence to support a violation of the election code.

23 MR. RAFFENSPERGER: Any members like to ask any
24 questions?

25 MR. WORLEY: Ms. Watson, you had very kindly sent me

1 a copy of the flyer. Oh, I'm sorry, excuse me.

2 MS. JONES: It's all right.

3 MR. WORLEY: But Ms. Watson sent me a copy of the
4 flyer, and the flyer itself had a phone number to call the
5 person from the Klan. Essentially they were soliciting
6 membership in the Klan and this was distributed around an
7 election precinct -- did the office attempt to call that
8 number and find out the intent of the person who was
9 distributing the literature? I couldn't tell from the
10 reports that I saw.

11 MS. JONES: The report reflect that, that I can tell,
12 but I am aware of that he actually went to the area and
13 walked the area to see if there were any additional
14 information or flyers in the area, like the neighborhood,
15 or in the library area, trash cans, and didn't find
16 anything else. I'm not certain that the people that --

17 MS. WATSON: We did do some research with that
18 particular phone number, and we did not receive a
19 response, as far as getting anyone to call us back.

20 MR. WORLEY: Is -- is there -- is there a way to
21 contact law enforcement officials in Alabama and find that
22 out who that number belongs to so that you could follow up
23 with that person?

24 MS. WATSON: Right. We -- we -- we certainly can do
25 that. In our investigation we found that they were

1 distributed in areas not just particular to the -- to the
2 polling place. We did not see anything with the flyer or
3 with any information that -- that we had that connected it
4 in any way to be particular to the polling station. We
5 didn't connect it with that at all. But it certainly --
6 if you -- the board would like for us to contact them or
7 make more efforts in order to identify the person that
8 distributed it then we can certainly do that.

9 MR. WORLEY: That's what I'm -- I would like to do.
10 I would like to see if you could identify who that person
11 was and that -- and then at that point make a
12 determination of whether they intended to intimidat the
13 voters. So I'm going to make a motion that we return the
14 -- the case to the investigations division for that
15 purpose.

16 MR. RAFFENSPERGER: Do we have a second?

17 MS. SULLIVAN: I second.

18 MR. RAFFENSPERGER: We have a second on the motion
19 before us. All those in favor say aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Any opposed?

22 (no response)

23 MR. RAFFENSPERGER: The motion carries. It's going
24 back to the investigations division. Next case.

25 MS. JONES: It's 2019-003 Walton County.

1 In December 2018, Joe Mickle reported that he was
2 removed from a polling place during the general election
3 for wearing a ballcap that had Trump 2020 on it. The
4 complainant stated that the candidate was not on the
5 ballot for the election and that he feels he was wrongly
6 treated.

7 Mr. Mickle went in to vote at the Walker County --
8 Walker Park School polling location in Walker County on
9 November 6, 2018 wearing a ballcap with Trump 2020 written
10 on it. He received his voter's access card and a female
11 poll worker advised him that he could not wear the ballcap
12 in the location. He removed the ballcap and placed it
13 under his shirt.

14 Mr. Mickle voted and was returning the voter access
15 card to the poll worker when he placed the cap back on his
16 head. The poll worker told him that he would need to
17 leave the polling location. Mr. Mickle ran into some
18 neighbors in the parking lot and stopped to talk. He says
19 that he was on the other side of the 150-foot campaign
20 sign. The poll manager, Mr. Stewart, approached Mr.
21 Mickle and told him he needed to leave the property
22 because of the ballcap or that he would have to call the
23 police.

24 Mr. Mickle left the polling location. Mr. Stewart
25 agrees with Mr. Mickle's account, but states that he

1 believes Mr. Mickle was within the 150 feet of the poll.
2 Mr. Mickle was contacted by the County Election
3 Supervisor, Laurie Wood, and advised that as long as a
4 person whose name is displayed is not on the current
5 ballot that it is acceptable.

6 Mr. Stewart called and apologized to Mr. Mickle. The
7 election supervisor, Laurie Wood, called a meeting of all
8 the poll workers to provide training with regard to
9 campaign-based clothing at the polls. We recommended that
10 the case be dismissed as there is insufficient evidence to
11 support violation. The poll workers have received further
12 training regarding the code section and made apologies to
13 Mr. Mickle.

14 MR. RAFFENSPERGER: Is there anyone here to speak?
15 Ma'am.

16 MS. WOOD: I'm Laurie Wood. I'm the Chairman of the
17 Board of Elections for Walton County for the past two
18 years. I'm just here for questions. We did have poll
19 worker training as soon as we, you know, we became aware
20 that this had happened. So we offered apologies, you
21 know, several of my colleagues went to speak with him to
22 try, you know, find some resolution. And I'm here so --

23 MR. WORLEY: I have a question. And -- and to your
24 knowledge is Mr. Mickle satisfied with this outcome?

25 MS. WOOD: I have not spoken with him since this

1 investigation came about. He has not called me or reached
2 out so I -- I'm unaware of his status at this time.

3 MR. WORLEY: Mr. Secretary, the reason that I ask for
4 this case to be pulled off is because I was concerned that
5 the Board be clear -- that our board and your board be
6 clear -- that it's okay to wear a Trump 2020 hat --

7 MS. WOOD: Oh, absolutely.

8 MR. WORLEY: -- or anything else as long as it
9 doesn't relate to the election that you're voting on.

10 MS. WOOD: Absolutely.

11 MR. WORLEY: -- and ord - ordinarily, I'd say, you
12 know, ask that we send you a letter of instruction, but it
13 seems pretty clear that you've done everything --

14 MS. WOOD: We did.

15 MR. WORLEY: -- to correct the situation --

16 MS. WOOD: Yes.

17 MR. WORLEY: -- to train people and I appreciate your
18 coming today to tell us that.

19 MS. WOOD: Yes. Absolutely. Yeah. We had the poll
20 worker training like, I want to say, it was in three --
21 within three weeks of the election in November that we had
22 -- we had all the managers.

23 MR. RAFFENSPERGER: Any other board members to
24 comment on this case? What is the will of the committee?

25 MR. WORLEY: Give -- given what Ms. Wood has been

1 said -- or has said I would move that we would dismiss
2 this case.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. LE: Second.

5 MR. RAFFENSPERGER: We have a second. All those in
6 favor say aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: None opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries. All right.
11 That's our consent cases, so the letter cases. On letter
12 cases, do we have anyone here that will be speaking before
13 we start the case reviews, please show your hands. Yes,
14 sir.

15 MR. TAYLOR: Mr. Secretary, I'm from the City of
16 Adrian and it is case number 2016-017.

17 MR. RAFFENSPERGER: Okay. Anyone else here to speak
18 on this case? Okay. Mr. Holden? Paulding County, 2018-
19 024. Anyone else?

20 MS. BRUMBAUGH: Good morning. I'm -- my name is Anne
21 Brumbaugh and I'm here on behalf of 2016-035, Cherokee
22 County.

23 MR. RAFFENSPERGER: Pardon me.

24 MS. BRUMBAUGH: 2016-035 --

25 MR. RAFFENSPERGER: Cherokee County.

1 MS. BRUMBAUGH: -- Cherokee County.

2 MR. RAFFENSPERGER: Anyone here to speak for any of
3 these cases -- in the letter cases?

4 (no response)

5 MR. RAFFENSPERGER: Would you just close that door,
6 please? There's a lot of background noise. Thank you.
7 Ms. Watson, we're going to start with I guess 2017-135.
8 Anything to report? Unless any board members want to pull
9 off any additional cases?

10 MR. WORLEY: I do not have any additional cases.

11 MS. WATSON: Mr. Secretary, we do have additional
12 cases that -- that we would like to pull for change of
13 recommendations.

14 MR. RAFFENSPERGER Okay. Please.

15 MS. WATSON: Yes. We have 2016-038, and of note:
16 2016-042, DeKalb County asked for a continuance that was
17 granted. And that's -- that's all for my district.

18 MR. RAFFENSPERGER: So you want to pull those two?

19 MS. WATSON: Yes.

20 MR. RAFFENSPERGER: Okay. Is there anything else?

21 MS. WATSON: No. So we'll start with 2018-024?

22 MR. RAFFENSPERGER: Sure. Although I think that this
23 gentleman -- what do you want to start with?

24 MS. WATSON: I can start with 2016-17. That's fine.

25 MR. RAFFENSPERGER: Okay. You can present first --

1 she'll present first.

2 MS. WATSON: This is the City of Adrian case, polling
3 place staffing issue.

4 On February 23rd, investigator Lynn Archie conducted
5 a polling place inspection in the City of Adrian precinct
6 during advanced voting. The investigator learned there
7 were only two people assigned to work the poll in advanced
8 voting. The City Elections Superintendent Lori Ann
9 Trammell advised she could not find a third person to work
10 during the election. And we are recommending a change in
11 recommendation to a bind over to the Attorney General's
12 office for 21-290, appointment of too few assistant
13 managers in that during advanced voting there were only
14 three poll officers working that precinct.

15 MR. RAFFENSPERGER: And the gentleman from Adrian?

16 MR. TAYLOR: Thank you, Mr. Secretary and members of
17 the Board. My name is William Taylor. I'm an attorney
18 from Dublin, Georgia and I represent the City of Adrian.
19 I'll -- what I would like to point out is that
20 Ms. Trammell, who was the City Clerk and the Election
21 Superintendent at the time, no longer works with the City
22 of Adrian. She's been gone for approximately a year. She
23 left under not unfavorable circumstances, but it -- it was
24 a situation where she was asked to leave.

25 I've spoken with her about this incident and, of

1 course, I've carefully reviewed the facts and read the
2 summary that was provided to the city and then later to
3 myself. She indicated something somewhat different, you
4 know, of course her version would -- would be somewhat
5 different, but she and I did later speak about it. I know
6 that she communicated with all the investigators about
7 this case and about her need to appear here today. I
8 don't think she was able to do so.

9 And plain and simple, I was not the city attorney at
10 that time. The mayor who is now the mayor who is with me
11 here and the current city clerk, Kim Adams and Stephanie
12 Jean -- Ms. Jean is the clerk, Ms. Adams is the mayor.
13 She was not even the mayor. This was her election when
14 this occurred. This was three and a half years ago, and,
15 of course, there's some of these things that take a long
16 time to -- to see the light of day before this Board.

17 But we've had multiple elect -- well, we've had one
18 election that I -- I can recall since that time. We've
19 had no further violations or -- or you know any deviations
20 from -- from the standard of what -- what we should be
21 doing that I am aware of. Ms. Jean -- excuse me, Ms.
22 Trammell -- no longer works with us. Ms. Jean, however,
23 has undergone the appropriate training and has been
24 instructed obviously to make sure that we're do everything
25 that we need to do to comply. So certainly, you know, we

1 would ask that this matter remain a letter case and that
2 we be allowed to just receive instructions from the office
3 about what we need to do to comply in the future.

4 Again, this did happen quite some time ago. None of
5 the parties who were really in -- in charge of or involved
6 in this particular process are even involved with the City
7 of Adrian. It's a very small jurisdiction. What Ms.
8 Trammell indicated to me was that while there were two
9 people working in the room, City Hall is -- it's a very,
10 very small building. She was seated in a different room
11 from the people -- the two people who were working the
12 poll that day. I -- again I know that there were somewhat
13 from what the investigator has -- has said here today.
14 But those were Ms. Trammell's version of the facts which
15 again, you know, the Board can take -- take that for what
16 it is.

17 But again we're happy and -- and would welcome any
18 recommendations or direction that the board has, and I ask
19 that it remain a -- a letter case and not be referred for
20 prosecution as I -- because I don't -- I don't know who
21 would be prosecuted. But that's all. Thank you, sir.

22 MR. RAFFENSPERGER: Anyone else want to speak for
23 this case?

24 (no response)

25 MR. RAFFENSPERGER: Any of the board members want to

1 speak, any questions?

2 (no response)

3 MR. RAFFENSPERGER: It's before you. What is the
4 will? Letter case or AG? What is your option? What is
5 your choice?

6 MS. SULLIVAN: I'll ask a question of Ms. Watson, if
7 that's all right.

8 MS. WATSON: Okay.

9 MS. SULLIVAN: Can you explain to us why you changed
10 the recommendation from a letter to a violation case?

11 MS. WATSON: Yes. In further review of the code
12 section and the seriousness of the requirement that they
13 have three poll workers there at all times, and in looking
14 at the information and the discrepancy, as he was saying,
15 Lori says that if she was there and would go in and out,
16 but at the time she had actually called our office to --
17 to ask because she couldn't find a third person, so she
18 knew there was not going to be three people there ahead of
19 time, so she just said she could not -- could not find the
20 third person to -- to staff the poll. But she is no
21 longer working as a -- as a poll worker or poll -- or city
22 clerk.

23 MS. LE: Can you clarify what changes have been made?
24 You said that there have been changes made to ensure that
25 that doesn't happen again. Can you elaborate on that?

1 MR. TAYLOR: I -- I -- thank you, Ms. Le. We have
2 again, Ms. Jean is -- is the new city clerk. She's been
3 in that role for approximately a year. I know that there
4 was another election that occurred, I believe, in 2016
5 following that, and -- and I would think that was probably
6 before I came on as City Attorney, so I'm not familiar
7 with that particular election cycle.

8 But moving forward in our elections, we will have the
9 appropriate amount of people -- people working as I said.
10 I think Ms. Jean has -- has just recently -- just in July
11 undergone her election training, and I think that's
12 probably been through GMA and other organizations that --
13 that -- that, you know, certify all those -- those folks
14 and make sure that they're following up on things
15 properly.

16 But if -- and again, for the discrepancy with Ms.
17 Trammell, she and I just had a personal conversation a few
18 days ago on the telephone and -- and -- and -- and I
19 acknowledge that as I did before that her version of the
20 events is somewhat different from -- from what was
21 included in the investigative summary. So I can't speak
22 for Ms. Trammell. She and I haven't had a whole lot of
23 conversations and -- and discussions over -- over the last
24 -- the last few, I guess, last year or so since she left
25 the city's employment. But -- but we are making sure

1 those folks are properly trained in observing the law and
2 regulations that are in place.

3 MS. WATSON: Mr. Secretary, I wouldn't have any
4 problem with changing the recommendation to a letter of
5 instruction since the City is here and knows it is a
6 serious situation.

7 MR. RAFFENSPERGER: Do we have a motion?

8 MR. WORLEY: I'll make a motion given that the City
9 seems to be taking this very seriously that we send a
10 letter of instruction regarding this matter to them.

11 MR. RAFFENSPERGER: Can we get a second?

12 MS. LE: I second.

13 MR. RAFFENSPERGER: I heard a second. All those in
14 favor of sending a letter if so say -- vote aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Any opposed?

17 (no response)

18 MR. RAFFENSPERGER: Motion carries.

19 MR. TAYLOR: Thank you, Mr. Secretary.

20 MR. RAFFENSPERGER: Cherokee County -- 035?

21 MS. WATSON: Yes. 2016-35, Tab 16.

22 On March 14th, 2016, we received a complaint alleging
23 the Cherokee County Board of Elections and Registration
24 improperly recorded the ballots of Meredith Loos and her
25 father, David Loos. The complaints were submitted by

1 Meredith Loos and are as follows:

2 The poll worker mistakenly selected Meredith Loos'
3 name in the express poll when issuing a voter access card
4 to her father David Loos. When Meredith Loos went to
5 vote, she was shown as having already voted. The poll
6 worker issued Meredith Loos' voter access card then
7 perverted -- permitted her to vote in the name of her
8 father David Loos.

9 Investigation revealed that David Loos went to vote
10 during the March 1, 2016 election. The poll worker
11 inadvertently marked Meredith Loos in the express poll
12 instead of David Loos. Meredith Loos then went to vote
13 and was showed to have already voted. The County
14 Elections Office was contacted and advised to allow
15 Meredith Loos to vote by selecting David Loos in the
16 express poll in order to encode the voter access card.
17 Cherokee County later corrected the voter histories for
18 the two voters. And we're recommending that Cherokee
19 County Board of Election & Registration Supervisor Kim
20 Stancil and poll managers Steven Keith and Diane Keith and
21 Juliana Tewksbury be issued a letter of instruction for
22 21-2-451 when they failed to properly execute voter's
23 certificate for voters Meredith Loos and David Loos when
24 issuing the voter access cards.

25 MR. RAFFENSPERGER: I believe there's someone here

1 from Cherokee County.

2 MS. BRUMBAUGH: Good morning. My name is Anne
3 Brumbaugh. I am the attorney for the Cherokee County
4 Board of Elections and Registration. With me today is Kim
5 Stancil, the director, and Jennifer Aikens, the assistant
6 director. We concur with the facts as stated, and we
7 would ask that you issue the letter of correction. Thank
8 you.

9 MR. RAFFENSPERGER: Does the board have any
10 questions?

11 MR. WORLEY: I just want to clarify something, Ms.
12 Brumbaugh. The -- the report and the thing that troubles
13 me about the report and leads me to want to send it to the
14 Attorney General's office is that the -- it says the Board
15 of Elections instructed the assistant poll manager,
16 Juliana Tewksbury, to make a fraudulent entry in the
17 express polls electors list and that she, Tewksbury,
18 knowingly marked the name of David Loos when, in fact,
19 Meredith Loos was voting. And I can understand that a
20 mistake was made, and the first voter voted improperly,
21 but to basically commit a fraudulent entry to attempt to
22 fix the situation was clearly not the right thing to do.
23 And -- and it -- to me, you know, it's elevates this to
24 another level that I think warrants sending it to the
25 Attorney General's office.

1 MS. BRUMBAUGH: I see where that is written on the
2 report. Ms. Stancil and the rest of her office reviewed
3 their records and searched their memories. They don't
4 have a memory or a record of giving this instruction. So
5 they -- they don't know really how this got -- how Ms.
6 Tewksbury decided to make that decision on her own because
7 they don't remember it happening, and they don't have any
8 records of it. They have done more training since this
9 happened. Not only about making sure you're marking the
10 right member of the family when you check someone in on
11 express poll, but also ballot recording and logging phone
12 conversations so that there is a record in the future.
13 And Ms. Stancil would like to speak.

14 MS. STANCIL: Kim Stancil, 400 East Main Street,
15 Canton, Georgia. I did disagree with that part of the --
16 the report. We have no documentation of ever speaking to
17 that manager about this incident. Every poll manager has
18 a notebook in their supplies that they are to write down
19 any situations such as this and document it when it
20 happens. There was nothing written in the poll manager's
21 notebook about this incident. And the poll manager did
22 not -- when I was interviewing her -- she never said she
23 spoke to anyone in the office. So we would not have
24 instructed her to do that. That would not have been our
25 instructions to do. So I -- I have to believe that they

1 did not call our office.

2 They looked up the voter certificate of the father to
3 make sure that he had indeed voted that morning and they -
4 - they just marked him for the daughter, but then it
5 turned out that they voted -- they each voted different
6 parties so we had to go back and change the credit for
7 voting to reflect that.

8 MR. WORLEY: I'm sorry. Could you explain how you --
9 one voted in the Democratic -- voted on a Democrat ballot,
10 correct?

11 MS. STANCIL: They got the correct ballots. But in
12 their voter history, it reflected that they voted the
13 opposite party.

14 MR. WORLEY: Okay. So they -- they got the ballot
15 that each of them wanted --

16 MS. STANCIL: Yes.

17 MR. WORLEY: -- but the voting history --

18 MS. STANCIL: In the express poll --

19 MR. WORLEY: -- was --

20 MS. STANCIL: yes.

21 MR. WORLEY: -- was wrong?

22 MS. STANCIL: Yes. Yes. So we corrected that
23 immediately because we didn't want each of them to start
24 receiving political mail from the opposite party. It
25 appeared from their voting history that they always voted

1 a certain party, and so we wanted to get that corrected as
2 soon as possible. So we just corrected that as soon as we
3 found out.

4 MR. WORLEY: But --

5 MS. STANCIL: But we did not --

6 MR. WORLEY: -- what -- what -- what is wrong there
7 is not correcting it.

8 MS. STANCIL: Yes. It is now. Because we corrected
9 it, but the poll workers never -- never --

10 MR. WORLEY: -- but -- yeah. But it's not -- it --
11 it's -- it indicates the party that they wanted to vote in
12 but not how they actually voted.

13 MS. STANCIL: Yeah. They got the correct ballots
14 that day.

15 MR. WORLEY: Okay.

16 MS. BRUMBAUGH: So -- but --

17 MS. STANCIL: They got --

18 MS. BRUMBAUGH: Do you want me to re-explain or --

19 MR. WORLEY: Yes. I'm totally confused.

20 MS. BRUMBAUGH: Okay. So David Loos is a Republican.
21 David Loos goes to vote in the Republican primary. David
22 Loos gets a Republican ballot, but in the express poll, it
23 is marked that Meredith Loos has voted and that Meredith
24 Loos has received a Republican ballot.

25 MR. WORLEY: Gotcha.

1 MS. BRUMBAUGH: Meredith Loos comes in in the
2 afternoon. She's a Democrat. She gets a Democratic
3 ballot but they, you know -- first, they look and they're
4 like you already voted. You voted Republican. She's like
5 mmm-mmm. And so she gets the -- the Democratic ballot.
6 She votes for whichever Democrat she wanted to vote for.
7 And at the time was credited -- well, at the time then
8 David Loos was credited for the Democratic ballot. When
9 this all came to light, they corrected the express poll
10 history. Any other --

11 MS. LE: So what concerns me with this case is the
12 integrity of the voting process and the after-the-fact
13 corrections. Mistakes are made -- I get that -- and it
14 happens, but in this case, you know, the correction was
15 made and to some degree you're asking us to just trust:
16 oh, you made the right correction, maybe this case but not
17 in other cases -- can you elaborate on what changes have
18 been made in terms of training because election integrity
19 even with an honest mistake is very important?

20 MS. BRUMBAUGH: Absolutely. So they -- I think used
21 this precise situation in training classes now. They kind
22 of refer to it and say this is what happened. They talk
23 about checking the dates -- the date of birth because
24 Meredith was the -- the daughter of David so there --
25 there was no way that they were -- could have been

1 mistaken if anybody had looked beyond the last name.

2 They also have changed the policy in their election
3 that all election staff -- I guess, this started -- so
4 this was 2016. So since that election all election staff
5 keep a phone log of all calls including times, names, and
6 telephone, and descriptions so that, you know, to the
7 extent this Ms. Tewksbury makes a decision it can be
8 verified as to whether that was something that the -- the
9 central office endorsed or not. So that -- any other
10 comments?

11 MS. STANCIL: At the time it -- if they had called us
12 -- at the time, it could've all been corrected and
13 straightened out right then and there, and we would not
14 have had to go back and correct the voting history because
15 it would have been a simple matter to unmark the original
16 voter in the -- in the express poll, re-mark for the
17 correct party and -- and mark the daughter correct. It's
18 -- if -- it's a very simple matter. It's just a record-
19 keeping matter. It has nothing to do with the voting.
20 You can unmark and -- and mark, and we would have
21 instructed the poll worker how to do that.

22 But, like I said, we didn't get the call. There's no
23 record of the call in our notes or in their notes. So
24 this is not how we would have handled it. We had no
25 choice but to go back and correct it later because we

1 weren't called.

2 MR. RAFFENSPERGER: Any more questions?

3 MR. WORLEY: The -- the investigative report that Ms.
4 Watson has presented to us says that all the poll workers
5 there: the manager, Mr. Gies, the assistant manager,
6 Ms. Gies, and, Ms. Tewksbury, the assistant manager, all
7 said they called the elections office for directions on
8 how to handle the situation.

9 MS. STANCIL: Were you given a copy of my statement?

10 MR. WORLEY: I'm not -- I heard what you said.

11 MS. STANCIL: Yeah. I wrote a very detailed
12 statement at the time that when I interviewed them --

13 MR. WORLEY: And did they say something different to
14 you? Or what?

15 MS. STANCIL: They did not mention calling the
16 office.

17 MR. WORLEY: Okay.

18 MS. BRUMBAUGH: I have her statement if you would
19 like to take a look at it. I only have one copy, but I'm
20 happy to --

21 MR. WORLEY: No. I -- I accept the fact that that's
22 what she saying in it. I may -- can you offer any
23 explanation for why all three poll workers would say that
24 they had called when in fact they did not? Did, in fact,
25 lie?

1 MS. STANCIL: I cannot and I couldn't -- I could not
2 swear to the fact, I mean, we had a huge turnout on that
3 election day. I'm not -- I can't swear to the fact that
4 they didn't call. I'm saying we don't have a record and
5 they wrote nothing about it in the -- the notebook. So --
6 and this is not how we would've handled the situation. So
7 that's all.

8 MS. WATSON: Her coworkers not positive who they
9 talked to over the phone. They said that it could've been
10 Ms. Stancil or Anne that they are adamant that they called
11 the office, but they cannot be positive of who they talked
12 to.

13 MR. WORLEY: And was Anne Dove spoken to? Did you
14 all speak with Ms. Dove?

15 MS. WATSON: They didn't advise Anne who.

16 MS. STANCIL: I doubt they did because, you know,
17 she's kind of over the poll workers.

18 MR. RAFFENSPERGER: What is the will?

19 MR. WORLEY: I would make a motion that we refer this
20 case to the Attorney General's office.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. LE: I'll second that one.

23 MR. RAFFENSPERGER: There's a second. Motion before
24 us. All those that are in favor of turning this over to
25 the Attorney General's office, please state aye.

1 MR. WORLEY: Aye.

2 MS. SULLIVAN: Aye.

3 MR. RAFFENSPERGER: Those opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries. It's sent over
6 to the Attorney General's office.

7 MS. WATSON: The next case is 2016-38, Tab Number 17,
8 Fulton County, Voter Ballot Formatting.

9 MR. RAFFENSPERGER: You know, excuse me.

10 MS. WATSON: Sure.

11 MR. RAFFENSPERGER: We have Paulding County here. Do
12 we have anyone from Fulton?

13 MR. LOWMAN: Fulton County.

14 MR. RAFFENSPERGER: Oh, they're here too? Sorry.
15 Thank you.

16 MS. WATSON: On March 1, 2016, Richard Pileggi
17 reported that he had not received a proper ballot while
18 voting in the presidential preference primary in Fulton
19 County, March 1, 2016. Mr. Pileggi stated that he
20 requested a Republican ballot on his voter certificate but
21 that he received a non-partisan ballot.

22 Mr. Pileggi cast his ballot prior to notifying the
23 poll workers that he had received an incorrect ballot.
24 The specific poll worker that encoded the card could not
25 be identified as all the poll workers had coded cards.

1 We're recommending that Fulton County Board of
2 Registration & Elections and poll manager Naomi Davila be
3 bound over to the AG's office per state board rule 183-1-
4 4.024B when Richard Pileggi was provided with a ballot
5 that was contrary to his request of his voter certificate.

6 MR. RAFFENSPERGER: Is there anyone from Fulton
7 County?

8 MR. LOWMAN: David Lowman, Fulton County Attorney's
9 Office. I have Mr. Rick Barron, Director of Elections,
10 and Mr. Ralph Jones, Chief of Registration.

11 MR. RAFFENSPERGER: We'll get you a microphone.

12 MR. LOWMAN: Good morning, board. This -- in this
13 case, we -- we have in all of our DREs, a big prominent
14 sign in the wings that says that if you receive the wrong
15 ballot to please let a poll worker know before you cast
16 your ballot. And in this case, the -- the poll worker
17 activated the wrong ballot on the -- on the card, on the
18 activation card and then after -- the voter let the poll
19 workers know after he cast his ballot.

20 MR. RAFFENSPERGER: Do we have any questions from
21 members? What is the will of the board?

22 MR. WORLEY: I'd make a motion that we send a letter
23 of instruction to Fulton County on this matter.

24 MS. LE: I'll second that motion.

25 MR. RAFFENSPERGER: There's a second. The motion

1 before is we send a letter of instruction for 2016-017.

2 All those in favor?

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Motion carries.

5 MS. WATSON: So the next case is 2018-24, Paulding
6 County, Poll Location Access.

7 MS. JONES: In May 2018, Robert Funk reported that
8 the Shelton Elementary School polling location in Paulding
9 County did not have appropriate handicap access. Shelton
10 Elementary School -- they went in the rear of the school
11 in gym area. Poll workers were in the parking lot
12 redirecting voters to the front of the school. Mr. Funk,
13 his wife, and an elderly neighbor all were there to vote
14 and found the distance to walk from the front of the
15 school to the gym to be difficult when other parking was
16 available closer.

17 He explained to a poll worker in the lot that they
18 required handicap parking access, and the voter -- and the
19 worker conceded and allowed him to park in the gym parking
20 handicap parking space. Deidre Holden, the Paulding
21 County Election Supervisor, advised that the complainants
22 arrived as the school was getting out and when the buses
23 and parents were picking up children. For safety reasons
24 and to reduce interference, the poll workers had been
25 stationed in the parking lot and were instructing voters

1 to park in the front and to watch for leaving students.

2 Ms. Holden advised that she tried to notify voters
3 regarding the congested times of drop-off and pickup at
4 the school, so voters could try to schedule around those
5 times. Ms. Holden stated that the parking issue had only
6 been a problem during the general primary and -- and would
7 not be a problem during the July and November elections.
8 We recommend that the Election Supervisor Deidre Holden
9 and Paulding County Board of Elections and Registration
10 violation be dismissed. The handicap parking issue was
11 only an issue for a short period of time, maybe 15
12 minutes.

13 MR. RAFFENSPERGER: Is there anyone from Paulding
14 County who would like to speak to this case?

15 MS. HOLDEN: Good morning. I just wanted to say to
16 this board that, you know, the complaints we get for
17 things such as this -- we take those very serious and we -
18 - we use complaints as a way to learn and a way to better
19 ourselves. And I wanted to inform the board that we knew
20 Shelton was going to be a issue. That area is very
21 populated. Our board -- we rented a van. We went into
22 this area to find polling locations way before the 2018
23 elections. It's kind of like that area wants us there,
24 but they don't want to give us a good facility to vote in,
25 so we had to use the school.

1 We are currently going through a precinct change. We
2 are going from 12 polling locations to 17, and we are
3 adding satellite voting locations. The Shelton precinct
4 has now been split into three polling locations -- three
5 precincts, and hopefully this will not happen. It's
6 unfortunate when we have a May primary: that is the last
7 week of school for Paulding, and the school system will
8 not allow us that Tuesday to -- yeah -- the students -- to
9 be out of school. But I brought maps to show you what we
10 are doing. I brought the precinct proposal that we are
11 currently working in and executing.

12 But I appreciate you listening to us because we do
13 listen to these complaints, and we never want to make
14 anything difficult for a voter. It's important that they
15 get to park where they need to park, especially our
16 handicapped and our elderly -- el -- elderly voters. So I
17 just wanted to come before the board and thank you and
18 just thank you for presenting this because it is serious.
19 And it is difficult for our elderly and disabled to walk a
20 distance to a precinct just -- just to get into vote. But
21 we are making changes, and we feel that these changes are
22 good changes and for the positive, so I just wanted to let
23 the Board know that -- that we are working on this.

24 MR. RAFFENSPERGER: Thank you. Oh, can you state
25 your name for the record?

1 MS. HOLDEN: I'm sorry. Deidre Holden, Supervisor of
2 Elections of Paulding County, 240 Constitution Boulevard,
3 Dallas, Georgia.

4 MR. RAFFENSPERGER: Thank you.

5 MS. HOLDEN: Do y'all have any questions?

6 MR. RAFFENSPERGER: Does the board have any
7 questions? Any further questions?

8 MR. WORLEY: I have a question for Ms. Watson. Ms.
9 Watson, initially you all had recommended the -- a letter
10 of instruction? Oh, sorry.

11 MS. JONES: It's okay.

12 MR. WORLEY: Excuse me. It's not Ms. --

13 MS. JONES: I can answer that.

14 MR. WORLEY: But -- but now you recommend a
15 dismissal, but why the change?

16 MS. JONES: After consideration, we felt like they
17 had made all the accommodations that they could because it
18 was just a temporary issue, and they did allow him to park
19 in the handicap access that he needed to park in. He
20 wasn't redirected to the front. He was able to park where
21 he wanted to park.

22 MR. RAFFENSPERGER: Do we have any further questions
23 from the board? What is the will of the board? Do we
24 have a motion?

25 MS. LE: I move to issue a letter of instruction for

1 those voters who don't get to have access even if it's
2 temporary, it's 100 percent difficulty for them, so I -- I
3 feel like it requires a letter of instruction.

4 MR. WORLEY: I would second that.

5 MR. RAFFENSPERGER: We have a second. The motion
6 before you. All those in favor, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries. Letter of
11 instruction. If no one objects, we'll vote on the
12 remainder. The remainder that I have is 2015-090, 2016-
13 045, 2016-068, 2016-087, 2016-0 -- 2016-156, 2017-057 and
14 2017-065. Did I miss any of those? And board, what do we
15 move?

16 MR. WORLEY: I would make a motion that we send a
17 letter of instruction in each of those cases, if the
18 secretary could just verify that.

19 MS. SULLIVAN: I second the motion.

20 MR. RAFFENSPERGER: Before you. All those in favor?

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: No one opposed?

23 (no response)

24 MR. RAFFENSPERGER: Motion carries. If you don't
25 object, I'm going to take a 10 minute break. I think

1 that'll be a good thing. We'll be back in 10 minutes.

2 (Break taken)

3 MR. RAFFENSPERGER: If we could get everyone -- we're
4 going to call -- go through the cases. If you are here on
5 a case, we'd like to know, and we're going to move those
6 to the front of the line. I know that some of you have
7 travelled 3, 4 -- 3 or 4 1/2 hours to get here, and we
8 want to be respectful of your commitment. So the first
9 case, 2013-046, City of Gordon. Is there anyone here for
10 this case?

11 MR. KENDALL: I'm here for that case. I represent the
12 party responsible. Wayne Kendall is my name.

13 MR. RAFFENSPERGER: Okay. We'll get to you in a
14 second. We're going to call them all out to see who's
15 here. 2013-052, City of Atlanta. Is anyone here for
16 that?

17 MR. LOWMAN: It's Fulton County.

18 MR. RAFFENSPERGER: Yes, sir. Okay. 2015-008,
19 Sumter County. Anyone here for that case?

20 MR. ARNOLD: Yes, sir.

21 MR. RAFFENSPERGER: 2015-059, Thomas County?

22 (no response)

23 MR. RAFFENSPERGER: No one here for that one. Okay.
24 2015-060, Baldwin County?

25 (no response)

1 MR. RAFFENSPERGER: It doesn't seem like that one.
2 2015-069, City of Sparta. Ma'am?

3 MS. GRANT: Hi, I'm Andrea Grant, attorney for
4 Hancock County and I'm here -- this is actually two-part
5 case. There's an individual -- Nancy Stephens was a
6 complainant and she's also the respondent. So I'm here to
7 represent the respondent. She's here to answer.

8 MR. RAFFENSPERGER: Okay. Put this one back. 2015-
9 079, City of Johns Creek.

10 (person indicating)

11 MR. RAFFENSPERGER: Yes, ma'am. 2015-089, City of
12 Snellville.

13 (no response)

14 MR. RAFFENSPERGER: Not that one. 2015-094, City of
15 Hazelhurst.

16 (person indicating)

17 MR. RAFFENSPERGER: Yes, sir. 2015-101, City of
18 Warwick.

19 MR. POWELL: Ralph Powell on behalf of the Warwick
20 County.

21 MR. RAFFENSPERGER: Yes, sir. 2016-016, Decatur
22 County.

23 (person indicating)

24 MR. RAFFENSPERGER: Thank you. 2016-018, Douglas
25 County?

1 MR. COLE: David Cole for Douglas County.
2 MR. RAFFENSPERGER: 2016-019, Tattnal County?
3 (no response)
4 MR. RAFFENSPERGER: No one here for that one. 2016-
5 025, Clarke County.
6 MR. HAWKINS: The petitioners are here from Athens-
7 Clarke County.
8 MR. RAFFENSPERGER: Certainly. And 2016-026, Hancock
9 County.
10 MS. GRANT: Andrea Grant.
11 MR. RAFFENSPERGER: Yes.
12 MS. GRANT: For the Hancock Board of Elections and
13 Registration.
14 MR. RAFFENSPERGER: Okay. 2016-027, Upson?
15 (no response)
16 MR. RAFFENSPERGER: Okay. 2016-028, Candler?
17 (no response)
18 MR. RAFFENSPERGER: No one from Candler. 2016-029,
19 Fulton County. Fulton County-030, you're here -- you're -
20 - 2016-034, Murray County?
21 (person indicating)
22 MR. RAFFENSPERGER: Oh, hey. 2016-036, Houston
23 County?
24 (no response)
25 MR. RAFFENSPERGER: No one from Houston. 2016-040,

1 Murray County, again. 2016- -- Fulton. That's you.
2 2016-043 from Oconee County.

3 MS. DAVIS: Good morning. Fran Davis, Director of
4 Elections.

5 MR. RAFFENSPERGER: Welcome. Okay. Those are --

6 MS. WATSON: Mr. -- Mr. Secretary, 2015-089, they
7 asked for a continuance and received it.

8 MR. RAFFENSPERGER: So there's no objection for it?
9 We will remove 2015-089. Okay. We'll start off at the
10 top. You got a list of who's here?

11 MS. WATSON: Yes. 2013-46, City of Gordon in
12 Wilkinson County. In November 2013, multiple complaints
13 were received regarding mentally incompetent and near-
14 comatose individuals being brought to the polls for the
15 November 5th, 2013 Gordon municipal election.

16 The investigation revealed that Total Care, Inc. was
17 owned by Ann Reeves, who is the sister of the then newly
18 appointed mayor Mary Culver Lou. The investigation
19 revealed eight individuals that were residents of the
20 facility that were assisted with voting. Of the eight
21 individuals, one had been adjudicated as incompetent. The
22 remaining seven were confirmed to have varying degrees of
23 physical and mental limitations. Their caregivers all
24 stated that the electors would not have been capable of
25 making a decision when casting a ballot.

1 The investigation was able to identify a staff
2 member, a registered nurse Chastity Harris Farrar who
3 completed the voter registration for Rene Carlisle, who
4 had been adjudicated as incompetent. And Ms. Farrar also
5 completed voter registration applications for John Dennis,
6 Irma Kursy (ph.) and Joseph Caseman (ph.) when she knew
7 their actual residence was Laurens County not Wilkinson in
8 the City of Gordon. She signed the voter registration
9 applications for Rene Carlisle, John Denise [sic], Irma
10 Kursy and Joseph Caseman knowing they did not possess the
11 qualification of electors. And we're recommending that
12 Chastity Harris Farrar be bound over to the Attorney
13 General's office for 21-2-216, 21-216-A4 and 21-2-560.

14 MR. RAFFENSPERGER: Is there someone here to speak to
15 this case?

16 MR. KENDALL: Yes.

17 MR. RAFFENSPERGER: Your name?

18 MR. KENDALL: My name is Wayne Kendall. I'm an
19 attorney. I represent Ms. Harris. Ms. Harris' sister ran
20 a personal care home in the City of Gordon. (person
21 speaking to him) Oh, I'm sorry. She's her aunt, not her
22 sister. I'm sorry.

23 This personal care home is operated in the City of
24 Gordon. These eight individuals who are listed here were
25 all residents of that particular personal care home which

1 is located in the City of Gordon. They were registered to
2 vote in the City of Gordon which is in Wilkinson County by
3 Ms. Harris because they were residents. And they intended
4 to stay at that particular facility because they were
5 under contract with the state of Georgia, who was paying
6 for their care at that particular facility located in the
7 city of Gordon, Georgia.

8 Now the fact -- the original claim here was that
9 these individuals were comatose. If you're comatose, by
10 definition, you can't walk into a polling place. So the
11 factual basis for these claims is patently false. These
12 individuals are not comatose. They were ambulatory. They
13 walked into that facility of their own volition or they
14 were in wheelchairs and were rolled into that facility.

15 Now, code section 21-2-216, which deals with
16 qualifications of electors -- as far as I can tell, it
17 does not speak to the mental capacity of the elector. And
18 there's no allegation here that anybody that was there in
19 that polling place is a healthcare or mental healthcare
20 professional to determine what the cognitive mobility of
21 any of these eight persons were in terms of their ability
22 to cast a ballot.

23 And because you have a known disability does not mean
24 that you give up your fundamental constitutional right to
25 vote. So to say that they were not qualified without any

1 medical evidence to prove that they were giving up their
2 right to vote due to some mental disability that they had
3 been adjudicated on a court of law is by per - per say,
4 unconstitutional.

5 So to apply this particular provision 21-2-216 to
6 these individuals and say that they were unqualified to
7 vote in my view is unconstitutional. So this statute
8 would be unconstitutional as applied even if - in fact the
9 State intends to apply this to these individuals to say
10 that they were unable to vote because of some mental
11 disability that they have that -- that indicated that they
12 do not have the cognitive ability to vote.

13 They were residents of the City of Gordon so 21-2-16-
14 A4 which talks about voter registration applications
15 because -- being in violation because they were residents
16 of Laurens County is factually false because they were
17 residents of the City of Gordon which is where they
18 registered to vote.

19 The 21-2-560 claim, making false statements, also
20 goes to -- apparently -- and I'm not sure from what's
21 written here, but apparently it goes to the fact that they
22 -- these individuals allegedly were residents of Laurens
23 County not Wilkinson County, but the facts are that they
24 were residents of this particular personal care home which
25 is located in the City of Gordon and that's where their

1 residence was and that's where they intended to stay
2 because they won the contract to live in that facility in
3 the City of Gordon.

4 Now with all of that said, my client has informed me
5 that she is nevertheless willing to accept a letter of
6 instruction if the state is willing to not refer this over
7 to the Attorney General's office.

8 MR. RAFFENSPERGER: Do any of the board members have
9 any questions for him? Please present them to the
10 speaker.

11 MR. WORLEY: I -- I just have one question for Mr.
12 Kendall. Had Rene Carlisle, who is one of the residents,
13 had she had been judicially determined to mentally
14 incompetent?

15 MR. KENDALL: Mr. Worley, I am not sure that she had
16 been determined to be mentally incompetent in my eye.
17 There's no evidence in the record of this case that that
18 is, in fact, the case. If that had been the case, then I
19 would expect that the investigator would have able to
20 prove that by showing some order that had been entered
21 indicating that this individual was mentally incompetent.

22 Now, even if she was mentally incompetent, I have a
23 question as to whether or not that obliterates your right
24 to vote, and unless there's some law somewhere that I'm
25 not -- that I'm not aware of that says that because of

1 your mental disability you do not have the right to vote,
2 then I will say it didn't matter if that was the case. I
3 know of no Georgia law that says that a person's
4 qualification to vote is dependent upon their mental
5 capacity.

6 MR. RAFFENSPERGER: Thank you. Do any other members
7 have any questions?

8 MR. WORLEY: I -- I have a question for Ms. Watson.

9 MS. WATSON: Yes.

10 MR. WORLEY: The file indicates that there are
11 incompetency documents --

12 MS. WATSON: Yes.

13 MR. WORLEY: -- in the file? Do those relate to Ms.
14 Carlisle?

15 MS. JONES: Yes.

16 MS. WATSON: Yes.

17 MR. WORLEY: And -- and what do they have to say?

18 MS. WATSON: Would you like me to read it or -- it
19 says that she --

20 MR. WORLEY: Well, just generally.

21 MS. WATSON: -- yes. She was -- she was adjudicated
22 as incompetent and needed a guardian.

23 MR. WORLEY: Okay. Then there is the document
24 relating to that in there?

25 MS. WATSON: Yes. That's from DeKalb County.

1 MR. WORLEY: Okay.

2 MR. RAFFENSPERGER: Any further questions or comments
3 from the board?

4 (no response)

5 MR. RAFFENSPERGER: What is the will of the board in
6 this case?

7 MS. SULLIVAN: I move that we bind this case over to
8 the Attorney General's office.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I second.

11 MR. RAFFENSPERGER: There's a second. It is the will
12 of the board to move this case 2013-046, City of Gordon,
13 to be binded over to the Attorney General's office. All
14 those in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Any opposed?

17 (no response)

18 MR. RAFFENSPERGER: Motion carries.

19 MS. WATSON: The next case is 2013-052, City of
20 Atlanta, Fulton County. In November 2013, there were a
21 total of 12 complaints regarding the City of Atlanta's
22 special election held November 5th, 2013. Of those 12
23 complaint allegations, six were substantiated during our
24 investigation.

25 Elector Dale Thomas reported that when she went in to

1 vote she was told that she could not, as she was listed as
2 a felon, and there was no provisional that was offered.
3 Fulton County was in error when they identified the
4 complainant as a felon and removed her from the roll.

5 Elector Ozgunes was challenged as a non-citizen when
6 she went to vote. Ms. Ozgunes is a citizen and voted in
7 2010 and 2012. Ozgunes reports that she has had to
8 provide citizenship documentation since 2009. Fulton
9 County failed to properly maintain their voter
10 registration files by continuing to show Ozgunes as a non-
11 citizen. This resulted in her being challenged as a voter
12 and not being able to vote.

13 Jon Heath and his wife Kelley (ph.) checked online
14 their voting precinct and were listed as Parson Recreation
15 Center in Grayson. This is not their usual precinct. The
16 Heaths know they live in District 1, but they received a
17 District 3 ballot. They notified the poll worker. The
18 poll worker did call the office to confirm and what we're
19 told that the Heaths had one ballot choice at the precinct
20 so they cast the ballot. In the December runoff election,
21 they again checked their poll and found that they were
22 moved back to their original precinct that they normally
23 vote at. They went to Parkside and were told they were
24 not on the list of electors for the runoff. The poll
25 workers called the elections office and were allowed to

1 vote on the DRE for District 1. Fulton County failed to
2 place elector Jon Heath and his wife Kelley in the proper
3 voting district.

4 Elector Jean Duncan went to vote and was told she was
5 not on the voter list. The poll workers asked if she was
6 a felon before providing her with a provisional ballot.
7 Fulton County misidentified the elector Jean Duncan as a
8 felon, causing her qualifications as an elector to be
9 challenged. She was able to vote a provisional and the
10 vote was counted.

11 Elector James [sic] Davingnon went to vote at his
12 regular voting precinct and was directed to a different
13 poll. The new poll location was in the City of Sandy
14 Springs. He knew he lived in the City of Atlanta so he
15 challenged the poll location. Fulton County placed
16 Jacques Davingnon into the wrong district. The elector
17 recognized the error and was provided a provisional ballot
18 that was counted.

19 Elector Pamela [sic] Myers went to vote and was told
20 voting location had changed to Chastain Park. This was
21 the City of Atlanta, and the ballot contained City of
22 Atlanta residents. Fulton County placed Patricia Myers
23 into the wrong district which resulted in her voting in
24 the wrong precinct and the wrong ballot. We're
25 recommending that Fulton County Board of Elections be

1 bound over for the listed violations.

2 MR. RAFFENSPERGER: Okay. Do we have someone from
3 Fulton County?

4 MR. LOWMAN: Thank you. David Lowman, Fulton County
5 Attorney's Office, and I have, to speak to the six alleged
6 violations, Mr. Ralph Jones, Chief of Registration. I did
7 want to point out that this is one of two 2013 cases on
8 the entire calendar. And as such, these violations took
9 place back in -- took place back in November of 2013.

10 We don't have -- I see there's an exhibit list -- we
11 don't have any of this information. So to be able to even
12 mount a decent investigation or defense in this case is
13 somewhat unclear -- to the extent that we are able to do
14 that I would have Mr. Jones speak to what he can.

15 MR. JONES: Complaint number four, we'll start with
16 complaint number four. And complaint number four: we
17 noticed that this person continuously went to vote, and at
18 that time, they were showing their -- they were marked as
19 a non-citizen, and when they went to go vote, they showed
20 their passport and what-have-you at the polling location.
21 Once they showed that information, the poll worker will
22 allow them to vote, but that information never got back to
23 our main office. So what we've done now is put something
24 in place that if a person shows that they are a citizen at
25 the polls, we have now put in place that information will

1 return back to our office so that we can update our
2 records. The records never got updated at our office
3 because the proof of citizenship was done at the polls
4 instead of at the office.

5 Complaint number two, that is office error. We had a
6 new employee at the time. We went through training again,
7 and he is now doing training. He made a mistake on four
8 voters and removed four voters incorrectly. We have since
9 then reinstated those four voters, and after training we
10 haven't had any problems.

11 The same thing with complaint number eight. It's the
12 same thing. The voter -- the person who was doing our
13 felony process -- this is one of the four people that he
14 removed. Two were reported to us. Once we understood the
15 error, we went back and corrected everybody who he had
16 mistakenly removed off the list.

17 Complaint number nine -- complaint number nine we
18 believe to have -- complaint nine, I think we believe that
19 we were okay with complaint number nine -- the person was
20 registered in a particular precinct, and we sent them to
21 the wrong poll based on express polls. When the election
22 on the express poll is not a county-wide election, express
23 poll does not allow you to use the precinct detail
24 function. The precinct detail function in express poll
25 should tell you where you will vote, what precinct that

1 you're in. But that only works if you are doing a county-
2 wide election. At this election, in complaint number
3 nine, in this election it wasn't county-wide, so the poll
4 worker then told them what they thought was the correct
5 polling place. We have since then notified our poll
6 workers not to use the precinct details and to call our
7 office to secure where a person should actually be
8 registered to vote. We updated his record and put him in
9 the correct precinct based on his provisional application.
10 When he voted provisional application, we then updated his
11 records based on his provisional voter registration
12 application, so that's why that information had changed.

13 Finally, complaint number 10: we agree with complaint
14 number 10. The person we questioned lived on Lake Forest
15 Drive Northwest. We -- when we were entering the voter
16 registration we put him on the Lake Forest Drive Northeast
17 which put him out of the district. It was an error on the
18 clerk's end.

19 If there is not any questions, that concludes my
20 report.

21 MR. RAFFENSPERGER: Do any of the board members have
22 any questions regarding what was presented?

23 (no response)

24 MR. RAFFENSPERGER: What is the will of the board?
25 Do we have a motion?

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(no response)

MR. RAFFENSPERGER: Ms. Watson, this goes back to 2013. Do you have a recommendation?

MS. WATSON: Yes, sir. My recommendation is to bind over Fulton County for the listed violations 21-2-226, failed to determine the eligibility of the elector in seven counts including Dale Thomas, Tuba Ozgunes. Failed to place Jon Heath and Kelley Heath in the proper voting district. And Jean Duncan and Jacques Davingnon, Patricia Myers. And 21-2-418 as the failed to offer provisional ballots to Dale Thomas and state board rule 183-112.064a and 183. -- I'm sorry -1-12.064e of the Board of Election rules as they failed to direct an elector Dale Thomas and Tuba Ozgunes to the provisional station and 21-2-228(d), examination of an elector's qualifications.

MR. WORLEY: I -- I would make a motion and here I'm going by the numbers of complaints in the report but I would make a motion to send a letter of instruction to Fulton County regarding complaint two, complaint four, complaint eight, complaint nine and complaint 10 and bind over the remaining items to the Attorney General's office.

MS. SULLIVAN: Just to clarify, Mr. Worley, you mean bind over whatever remaining complaints to which --

MR. WORLEY: It's --

MS. SULLIVAN: -- but which were substantiated.

1 Because some of them --

2 MR. WORLEY: Right. The -- the remaining complaints
3 that were substantiated, correct.

4 MS. SULLIVAN: I'll second the motion.

5 MR. RAFFENSPERGER: We have a motion before us for a
6 letter of instruction for claims two, four, eight, nine
7 and 10, if that's correct, and bind over the others to the
8 Attorney General's office. All those in favor, please
9 signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries.

14 MS. WATSON: The next case I show is 2015-008, Sumter
15 County, City of De Soto, no election held.

16 MR. WORLEY: Excuse me. I'm sorry for interrupting
17 you, Ms. Watson. I need to recuse in this case.

18 MR. RAFFENSPERGER: That was Sumter County. Okay.
19 Let's continue.

20 MS. WATSON: Okay. In February 2015, the Chairman of
21 the Sumter County Commissioner, Randy Howard, reported
22 that the City of De Soto was not holding a special
23 election in March of 2015. The Chairman states this is a
24 violation of the City of De Soto city charter. It was
25 determined that the City of De Soto had contracted with

1 Sumter County in December of 2009 to cut -- conduct the
2 City Municipal Elections. The City retained the
3 responsibility to hold qualifying for candidates and were
4 required to keep and entertain voter registrar.

5 In 2014, the City of De Soto failed to retain a
6 registrar or hold qualifying for candidates for their
7 municipal election in 2015 -- 2014 -- or for the special
8 election in March of 2015. The City of De Soto hired
9 legal counsel and filed a petition to hold a special
10 election on June 16, 2015. However, Sumter County Board
11 of Elections voted against the contract to hold the
12 election for the City of De Soto on April 15th, 2015. The
13 court order was signed by Judge Smith, was admitted on
14 June 8th, 2015, and changed the date of the election to
15 September 15 of 2015. The City contracted Ms. Sherry
16 Ratcliff (ph.), the former Sumter County Election
17 Supervisor, to conduct their elections and then the
18 election was held on September 15th, 2015.

19 We're recommending that the City of De Soto be bound
20 over to the AG's office for 21-2-131, fixing and
21 publishing of qualification; 21-2-540(b)(c)1b, conduct of
22 special elections generally, when they failed to make
23 arrangements to hold a special election in March 2015; and
24 21-2-9, date of election for offices when they failed to
25 make arrangements to hold an election in 2014.

1 And of note, we noted that there were similar
2 complaints filed in 2005 and 2009 for failure to hold
3 elections in the City of De Soto, and our records indicate
4 a consent article was presented to the AG for the 2009
5 case for a \$500 civil penalty and a cease and desist and
6 public reprimand for failure to hold general municipal
7 elections in 2009.

8 MR. RAFFENSPERGER: Okay. I see someone from Sumter
9 County is here to speak to this case. Step forward and
10 identify yourself.

11 MR. ARNOLD: Good morning, Mr. Secretary and members
12 of the board. I'm Justin Arnold from Fairfax, Georgia in
13 Sumter County, here on behalf of the City of De Soto. I
14 was involved with the -- getting the City up to speed in
15 2015. They acknowledge that they did not hold an election
16 when they were supposed to in 2014, and I was involved in
17 making sure that they did end up having an election in --
18 in 2015.

19 As far as that election that was held, the -- the
20 report acknowledges that there were no problems or issues
21 with having that election that was found held in 2015. As
22 a part of that election, the mayor -- prior mayor -- who
23 had been the mayor during these past prior issues that had
24 come up with election issues was -- is no longer the
25 mayor. Here, the mayor who is currently the -- the Mayor

1 of De Soto is -- is here and present. A number of the
2 council members has changed over since -- since that
3 election was held in 2015 -- a situation where in 2018 the
4 election process was gone through and again. I think this
5 week is qualifying for a -- the -- the current runoff
6 election. So it's a situation where they acknowledged the
7 problems that they've had in the past, have taken steps to
8 -- to make sure that those issues don't come up again, and
9 have different elected officials that are taking this much
10 more seriously. We'd ask that rather than binding it over
11 to -- a letter of reprimand would be involved in this
12 case.

13 MR. RAFFENSPERGER: Any of the board members have any
14 questions for Ms. Watson or the attorney foe Sumter
15 County?

16 MS. LE: What changes have you made because, I guess,
17 I -- I -- was it because the scope of contract didn't
18 cover qualifying and it has that incorrect -- can you help
19 me understand that?

20 MR. ARNOLD: Initially -- De Soto is a -- a small
21 town of less than 200 people, and there was issues I think
22 back in -- in 2005, 2009 related to who is going to pay
23 for these services and how much those -- these services
24 would be, and there was some significant discrepancies as
25 far as city and county issues between them about -- about

1 what -- what the appropriate fees would be in a situation
2 where there was sort of a standoff as far as dealing with
3 things and -- and a -- a prior administration that was
4 just willing to not do what needed to be done. And once
5 our office became involved and became the city attorney,
6 since that time they've tried to make sure to -- to hold
7 elections accordingly and make sure that the qualifying
8 process is taken into account even to -- or making sure to
9 -- to take those appropriate steps going forward with --
10 with -- at this point, different elected officials.

11 MR. RAFFENSPERGER: It's a simplistic analogy but
12 it's a little -- it's a little bit more serious than, you
13 know, your children just saying they're not going to do
14 their chores, like taking out the garbage, washing dishes.
15 Just saying we're not going to have an election -- I
16 don't think that's wise or will do well, especially in the
17 atmosphere that we're in right now. I think that everyone
18 recognizes the importance that everyone gets to choose to
19 vote. Maybe no one would run against the prior
20 officeholder, but maybe someone would have liked that
21 opportunity, so we consider it a very serious issue, and I
22 am troubled by how there could be, really, any excuse for
23 that. And so, what is the rule of the committee?

24 MS. LE: I hear your request for a letter of
25 instruction, but not holding an election is a pretty

1 serious violation, and it warrants something more than
2 just a letter. I move to send it to the AG's office.

3 MR. RAFFENSPERGER: We have a motion to bind this
4 over to the Attorney General's office. Do we have a
5 second?

6 MS. SULLIVAN: I'll second that.

7 MR. RAFFENSPERGER: The motion is before us. All
8 those in favor signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 (All except Mr. Worley.)

11 MR. RAFFENSPERGER: Anyone is opposed?

12 (no response)

13 MR. RAFFENSPERGER: It's going to the AG's office.
14 Thank you, sir.

15 MS. WATSON: The next case I show is 2015-069, City
16 of Sparta, tab number 31. During early voting for the
17 November 3rd, 2015 general election, the City of Sparta
18 Elections Supervisor Aretha Hill filed a complaint
19 alleging that Hancock County Election Board member Nancy
20 Stephens entered the enclosed voting area of a polling
21 place and refused to sit in the designated public viewing
22 area and that mayoral candidate R. Allen Haywood entered
23 the same polling precinct on several occasions while the
24 polls were open and that he did so without voting.

25 Hancock County Election Board member Nancy Stephens

1 also filed a complaint alleging that Sparta's polling
2 precinct violated several election laws regarding signage
3 and legal campaigning and activities inside the polling
4 place between the mayor William Edmonds, Junior and Aretha
5 Hill. Investigation revealed that Hancock Election Board
6 member Nancy Stephens entered into the enclosed area of
7 the polling place and refused to leave that area when
8 asked to do so by the Sparta Elections Supervisor Aretha
9 Hill.

10 There was a difference in opinions between the
11 parties as to the definition of the enclosed voting space
12 and authority to observe the election process. All the
13 other complaints were investigated and were not
14 substantiated. We're recommending that Nancy Stephens be
15 bound over for 21-2-413f, conduct of voters, campaigners,
16 and others in polling places in that she entered the
17 enclosed area poll -- polling place to observe voting when
18 she was not authorized to do so.

19 MR. RAFFENSPERGER: I believe there's someone here to
20 speak with us?

21 (no response)

22 MS. GRANT: Good morning. I think it's still
23 morning. I'm Andrea Grant. I'm an attorney for Hancock
24 County Board of Elections and Registrations and
25 specifically today for -- for Nancy Stephens. As she

1 mentioned correctly, this is a two-part case. There's two
2 complainants, and I am addressing the one where Nancy
3 Stephens was the respondent as far as the allegations of
4 entering into an enclosed polling place.

5 There's a couple of things that I'd like to share
6 with you that are -- are -- that creates some animosity
7 between Ms. Hill and Ms. Stephens. And then I will let
8 her explain to you about where she was sitting and how
9 everything went about. But Aretha Hill, the supervisor,
10 was fired by the Board of Elections and Registration in
11 Hancock County in 2015 and -- in the spring -- and then
12 this election occurred in the fall.

13 There's been a long history of Ms. Stephens wanting
14 to observe as a public member the activities going on in
15 the precinct. She is very, very versed in what is a
16 barrier, how far a barrier is located -- in fact, that can
17 be found in 21-2-267 and it does say part of which is
18 within the obstructed view of those present and shall be
19 furnished with a guardrail or barrier closing the inner
20 portion of such room, which guardrail or barrier shall be
21 so constructed and placed that only such persons as are
22 inside such rail or barrier can approach within six feet.
23 Well, you will hear from Ms. Stephens that they used
24 basically tape to mark off, and it moved from time to time
25 on different days of where that tape and chairs were

1 located.

2 Secondly and importantly, in that same statute in the
3 last sentence of sub-section a, it says the whole purpose
4 of this guardrail is to prevent the public to observe the
5 voting without affecting the privacy of the electors as
6 they vote. And that was all that -- that Ms. Stephens was
7 doing.

8 When Ms. Hill worked for the Hancock County Board of
9 Elections in 2012, the same situation occurred. I will
10 let her give you the details about calling the sheriff's
11 department, calling the Secretary of State, calling the
12 attorney, and she was ultimately permitted to stay in the
13 area. So after Ms. Hill was fired and running the city
14 elections, we had a repeat of the same situation. So it's
15 - it is our contention that it's the animosity between the
16 two persons that is the bottom of this which is not really
17 something you all have to -- should have to hear about,
18 but I think it's very important that -- that you do
19 realize that. It's a small town. There's a history of --
20 of -- of personal things going on between the two women,
21 but at no time did Ms. Stephens enter into the enclosed
22 area as defined as 21-2-267, and, furthermore, the -- the
23 supervisor continued to move the tapes and chairs around,
24 so it was a moving target from day-to-day which added the
25 additional confusion as to the enclosed area. I'm going

1 to let Ms. -- if it's the pleasure of the board, I'm going
2 to let Ms. Stephens tell you briefly about what happened.

3 MR. RAFFENSPERGER: By all means, go ahead.

4 MS. GRANT: Briefly.

5 MS. STEPHENS: Nancy Stephens, 389 Roy Smith Road,
6 Sparta, Georgia, and I am a board member. Let me say
7 first, I've been coming before the state elections board
8 for about 15 years trying to help Hancock County
9 straighten out their elections. I've been a board member
10 since the board was created in 2011. Beginning with
11 advanced voting during the primary for the 2012 election,
12 I began going to our office, sitting in a chair, and
13 observing advanced voting. I did not interfere with any
14 voters and do not speak to anyone while voters were
15 voting.

16 I saw many violations of the election code that I
17 reported to our board, and when no action was taken by the
18 board, I reported to the Secretary of State. Now, some of
19 these violations were advanced voting was being done in
20 our office, so absentee ballots were coming in at the same
21 time and people were bringing in stacks of absentee
22 ballots. Nobody was asking are you related. They were
23 just saying here, here they are, just take them. There
24 was also, in city elections -- and this has been going on,
25 it's been before the Attorney General's office since 2011.

1 Maxine Nevins, the mayor's sister, has assisted voters in
2 every city election. He is running in it, and she did in
3 2015 also.

4 On approximately three separate days, Ms. Hill called
5 the sheriff to have them resume -- remove me from the
6 office when I was observing. I filed a complaint with the
7 Secretary of State. Shortly prior to this time,
8 approximately 1500 voters had been removed from their
9 voting precincts in error of Hancock County by our office
10 staff. Around July 2012, board members and Ms. Hill were
11 asked to meet with then Secretary of State Brian Kemp and
12 Senator Johnny Grant and Representative Sissy Hudson.
13 During the meeting, the voters that were removed were
14 discussed, but also then Secretary -- then Secretary of
15 State Kemp advised Ms. Hill that we were allowed to
16 observe voting and that she could not have board members
17 removed. He also sent an investigator to inform the
18 sheriff of this.

19 Ms. Hill was hired by the City of Sparta to handle
20 their 2015 election. On October 13th, 2015, I went to the
21 city precinct to observe. Ms. Hill had set up a row of
22 several chairs in the precinct and I went in and sat down.
23 I observed for a while, not talking with anyone, and then
24 a city police officer politely came in and told me I had
25 to leave. I tried to explain to him what had occurred

1 during the 2012 primary, and if he would speak to the
2 sheriff, he could confirm that I could observe. Instead,
3 he said he was going to arrest me, and I had to leave. He
4 grabbed me by my arm and pulled me out of my chair and
5 across the room. When we got into the hallway, I again
6 told him I could observe. He took out his phone, and I
7 thought he was calling the sheriff. Instead, he called
8 his wife, board member Linda Clayton. He had the phone on
9 speaker, and he told her I was there observing and asked
10 if I could be there. Her response was hell no, get her
11 out of there, whatever you have to do get her out of
12 there.

13 I told Officer Clayton I had to retrieve my wallet so
14 I went back into the precinct, sat down, and started
15 putting my notebook -- notebook in my briefcase. I was
16 doing it as fast as I could. I was not just sitting there
17 and messing around. I was putting the stuff away. He
18 came back in and said I was not doing it fast enough,
19 grabbed my arm, and pulled me out of the chair and across
20 the room.

21 I went to our office where I checked with our board
22 attorney who said I could observe as could any member of
23 the public. I did return Sunday at 9:30 once it was
24 verified I could observe. Ms. Hill asked if I -- that I
25 sit in the hallway where I could not see anything. If I

1 moved to the location where I could observe, I was in the
2 way of people coming and going.

3 When I went back to observe on October 14th, 2015,
4 the row of chairs had been moved, and they were stacked
5 against the walls along with boxes and tables, taking up
6 most of the space in the polling place. Every attempt was
7 made to reconfigure the room to avoid people observing.
8 Surveyor's tape had been run around in the room, blocking
9 out most of the open space. The tape was approximately
10 eight feet from the DREs and covered the space where the
11 chairs had been. The only place that I could put my chair
12 to observe was about three feet inside the door next to
13 the surveyor's tape. I had to turn sideways to prevent
14 interference with voters coming into the polls. The
15 orange surveyor's tape was touching the tip of my shoulder
16 here (indicating). No part of my thigh was ever inside
17 the enclosed space. I did not at any time enter the
18 enclosed space. The only time I spoke to anyone was when
19 there was not -- were not any voters present, and I gave
20 Ms. Hill some open records requests.

21 Because of the actions of Ms. Hill and Officer
22 Clayton, I had extensive damage to both my knees. I'm
23 sorry (*crying*). In March 2016, I had to have replacement
24 surgery on one knee. In September 2016, I had knee
25 replacement surgery on the other knee. Their actions cost

1 me approximately \$5,000 for my portion of my medical bills
2 in about two years, directly from their actions. I was
3 also treated at the emergency room for swelling to my
4 knees and for bruising and pain in my arm and shoulder.

5 I did not enter the enclosed space during the 2015
6 City of Sparta election. I was told I could observe, and
7 it was verified that I could. I've been the victim of a
8 false complaint by Ms. Hill, and the Secretary of State
9 investigator found that Ms. Hill did not violate any
10 election laws when I was removed and injured at the
11 polling place. Thank you.

12 MR. RAFFENSPERGER: Thank you.

13 MS. GRANT: So unless there are any questions for --
14 for Ms. Stephens, I would ask that the Board reconsider
15 the -- her portion as being a complainant and dismiss the
16 portion where she is the respondent.

17 MR. RAFFENSPERGER: Are there any questions from the
18 board or Ms. Watson?

19 MR. WORLEY: Ms. Watson, what -- what is the evidence
20 that Ms. Stephens was in the enclosed space?

21 MS. WATSON: The room was a very small room, and it
22 was -- where she was sitting was -- we have -- have
23 photographs of the -- Pam observed the room. She can ad -
24 - advise you how close that she would have had to have
25 been, and in Ms. Stephens' statement back to us, she

1 states that they moved my chair position to where it was
2 on the other side of the threshold, and I could not see
3 into the room at neither to the registration table nor the
4 DRE machines which were turned so I could not see how
5 people could vote, which, you know, it was very tight and
6 people coming into to vote would -- would have concerns
7 for privacy with -- with someone sitting, you know, within
8 four feet of the DRE machines.

9 MS. GRANT: May I speak? If -- if her chair had been
10 within four feet, then they had it marked off incorrectly
11 because she at no time was on the other side of the red
12 tape. Now, I'll -- I think you probably have some
13 pictures after the fact with somebody sitting with their
14 hand over the tape in a -- in a chair. But that was not
15 the case. This was some type of re-creation that -

16 MS. WATSON: But there were two days that she was
17 there, not just one.

18 MS. GRANT: But there is -- there is no evidence that
19 she is -- if perhaps -- I'll -- I'm not there. I didn't
20 measure, but it sounds like its circumstantial. First, we
21 heard six; now, I -- we hear four and the -- and then at
22 one point we even heard eight.

23 MS. JONES: The tape was about eight feet from the
24 machines when I was there.

25 MS. GRANT: But she still was even two feet away

1 totally in compliance with -- with the law.

2 MR. RAFFENSPERGER: Any questions from any of the
3 members?

4 (no response)

5 MR. RAFFENSPERGER: What is the will of the
6 committee?

7 MS. SULLIVAN: Ms. Hill filed the complaint against
8 Ms. Stephens. Is that correct? Ms. Hill filed the
9 complaint against Ms. Stephens.

10 MS. WATSON: That is correct.

11 MS. SULLIVAN: Ms. -- Ms. -- Ms. Hill is not here,
12 right?

13 MS. WATSON: No, she's not.

14 MR. WORLEY: I'll make a motion that we dismiss the
15 complaint against Ms. Stephens.

16 MR. RAFFENSPERGER: There is a motion before us. Is
17 there a second?

18 MS. SULLIVAN: I'll second that.

19 MR. RAFFENSPERGER: There's a second. All those in
20 favor of dismissing the complaint in SEB Case 2015-069,
21 City of Sparta, just say by signifying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Any opposed?

24 (no response)

25 MR. RAFFENSPERGER: Motion carries. Case dismissed.

1 MS. STEPHENS: Thank you.

2 MS. GRANT: Thank you very much.

3 MR. RAFFENSPERGER: Do we want to jump down to the
4 other case right now for Hancock County since there's so
5 many related, or do you want to just go in line?

6 MS. WATSON: Yes. That's fine. Tab Number 40 is
7 2016-026.

8 MS. JONES: Two complaints were filed involving the
9 Han -- Hancock County Elections Office regarding the March
10 1st, 2016 election. The first one was Ralph Turner
11 complained that the elections office repeatedly placed him
12 and his wife in the wrong voting district.

13 The second was that voter Kimberly Gore complained
14 that she had went to the precinct to vote. The poll
15 manager told her she was in the wrong precinct and
16 ultimately prevented her from voting.

17 A monitoring inspection of the Devereux Fire Station
18 Precinct 5 by an SOS investigator found numerous
19 violations, and a poll manager at the second Buelah
20 precinct discovered a sealed provisional ballot from the
21 previous election in the provisional ballot bag during the
22 May 24th, 2016 election.

23 Regarding the first complaint, the investigation
24 substantiated that Mr. Turner and his wife and their
25 neighbors were placed in an incorrect district, District

1 2, instead of the correct district, District 4. Kimberly
2 Gore, regarding the second complaint, received a precinct
3 card on January the 16th, 20- -- 2016 and reported to the
4 precinct listed on the card. She was told that she was
5 not on the list and that she was at the incorrect
6 precinct. She was instructed to go to the correct
7 precinct to vote as there would be time for her to do so.
8 Ms. Gore reported that she had to go to work and did not
9 have time to go to that precinct, and she was not offered
10 a provisional ballot.

11 Investigator Archie was conducting -- monitoring
12 during the 2016 -- March 2016 election and reported the
13 following: there were only two poll workers at the
14 Devereux Fire Station precinct. The poll manager knew
15 where the poll workers took or signed their oaths prior to
16 opening the polls. Election Board member Linda Clayton
17 left the key to the precinct under a battery instead of
18 waiting to hand it over to the poll manager. There was no
19 voter disability device connected to any of the DREs, and
20 no hourly inspection of the DRE machines was conducted
21 when the polls were open for voting.

22 As to the allegation that a provisional ballot from a
23 previous election was found, it was determined that Larone
24 Hawkins went to the second Beulah precinct on March the
25 1st, 2016, and cast an original ballot after he did not

1 receive his absentee ballot in the mail. That ballot was
2 placed in a provisional ballot bag where it remained and
3 not discovered until the May 24th, 2016 election.
4 Therefore, his vote was never counted, and he was -- he
5 never received credit for voting.

6 We recommend the following be bound over to the AG's
7 office. Wanda Jordan, the poll manager for the second
8 Darian precinct, Tiffany Medlock, the Board of Elections
9 Supervisor at the time, and Hancock County Board of
10 Elections and Registration for 21-2-590(3), poll officer
11 permitting an unregistered or unqualified person to vote -
12 - or refusing a registered or qualified person from voting
13 -- in that Wanda Jordan prevented Kimberly Gore from
14 casting her regular provisional ballot; Annette Lenahan,
15 poll manager for the Devereux Fire Station, Tiffany
16 Medlock, who was Elections Supervisor at the time, and
17 Hancock County Board of Elections and Registration for
18 21-2-93, oath of office for manager Tony Parks and that
19 the manager -- in that manager Annette Lenahan and the
20 assigned clerks did not take their prescribed oaths prior
21 to opening the polls; 21-2-450(f), opening the polls
22 without inspection of machines in that they failed to
23 ensure the machines were inspected at least once an hour;
24 21-2-379.7(d)(4), preparation of polling station places in
25 that Annette Lenahan failed to ensure the voters'

1 disability device was connected to at least one DRE
2 machine. The next one has a typo: it should read 21-2-
3 405(a) instead of 21-2-450(f). 21-2-405(a) is meeting of
4 poll officers in the polling place prior to a primary
5 election when they don't have at least two assistant
6 managers present at Devereux Road; Annette Lenahan, poll
7 manager, Linda Clayton, board member, Tiffany Medlock,
8 Elections Supervisor, and Hancock County Board of
9 Elections and Registration for violation of state board
10 rule 183-1-12.02(2)(b)(5), voting equipment receipt
11 management and storage when they failed to ensure the
12 security of the DRE machines; Denise Battle-Wynn, poll
13 manager of the second Beulah precinct, Tiffany Medlock,
14 Hancock County Board of Elections and Registration for 21-
15 2-418(f), provisional ballots when Denise Battle-Wynn,
16 poll manager, failed to give the elector written
17 information that informs the voter how to ascertain if his
18 or her ballot was counted; State Election Board rule 183-
19 1-12.06(7)(8)(9), provisional ballots given written
20 information including paperwork; and 21-2-492(b), when the
21 provisional ballot of Mr. Hawkins was not securely
22 maintained; and 21-2-215(i) when they failed to give voter
23 Larone Hawkins credit for voting.

24 MR. RAFFENSPERGER: Okay. Is there someone to speak
25 from Hancock County?

1 MS. GRANT: Andrea Grant again for Hancock County. 9
2 of 10 alleged allegations the board takes full
3 responsibility for. There's the improper conduct of their
4 poll workers and their supervisor Tiffany Medlock who was
5 thereafter terminated from her position with Hancock
6 County Board of Elections and Registrations. And I'm not
7 making excuses, but it's a very hard line for small
8 counties such as this. There's -- it's a very thin line
9 with the board members overseeing the staffs and the poll
10 workers and being involved in -- in, you know, reaching
11 yet still being able to supervise and conduct the
12 election.

13 And unfortunately, we had a renegade supervisor at --
14 at that time, and it's the fault of the board. There's no
15 doubt about it. They were in charge of hiring and firing,
16 but since then, they have hired Mr. John Reid (ph.). He
17 was -- he is a prior mayor in Georgia, and he is now the
18 supervisor. They have implemented additional training and
19 backup procedures in order to handle some of these items,
20 and the supervisor is being more open in communication
21 with the board members so items such as happened in -- in
22 that particular election, we are doing our best to keep
23 this from reoccurring.

24 There's one of the allegations which -- if you're
25 counting numerically now, is item number six which

1 involves the violation and the State Election Board rule
2 183-1-12.02. There are some extenuating circumstances --
3 still no excuse to this one. However, with being in a
4 rural community again, it's very difficult, and we've got
5 to come up with ways that we can address these situations,
6 but we've got limited budgets and limited personnel
7 available.

8 But the -- one of the board members was delivering
9 the key to the poll -- polling place, and the poll manager
10 again -- the county -- the county hired the poll manager.
11 She called and said I'm going to be late. And then Mrs.
12 Clayton gets a phone call from the other polling place
13 saying it's almost an hour before -- we don't have anybody
14 here. So she's like okay, what do I do. I can't get
15 anybody in here quick enough to open it up or transmit the
16 key, yet I can't leave that polling place un -- unmanned
17 as well.

18 So -- and she understands that this was not proper
19 procedure -- that she placed the key underneath a battery,
20 so that when the poll worker that had called and said I'm
21 going to be there in a few minutes that she could open it
22 up. There's no doubt that that violates maintaining the -
23 - the sanctity of the equipment and the polling place.
24 And then she quickly went over to the other polling place.
25 So what the Board is -- is trying to do and planning to do

1 is having better backup plans to avoid situations such as
2 this from reoccurring.

3 And again basically all I can do, and we can do, is
4 throw you all -- we're -- we're just asking for your
5 mercy, that we are -- we now have -- our board has changed
6 over. We have two new members, so it's kind of counter-
7 productive to punish the current board for what the prior
8 board has done, and I understand you don't have any way to
9 do it, but their time would be so much better spent fixing
10 what these problems are then being punished for what prior
11 boards had done. Any questions?

12 MR. RAFFENSPERGER: Do the board members have any
13 questions?

14 MS. GRANT: And of course, we would ask for a letter
15 of instruction if that --

16 MR. WORLEY: I don't have any questions, but I just
17 wanted to say that I'm very unsympathetic to Ms. Grant's
18 argument. Other counties of similar size manage to get
19 this done. Hancock County -- I will say, there's only one
20 other county in this state that I recall being as many
21 times in front of this board over the last 15 years that
22 I've been a member. Only one other county has been here
23 as often as Hancock County.

24 So -- so I'm -- I'm not very sympathetic to that
25 argument. I'm very glad that you're -- you're improving

1 things. But I can't be -- I would not describe this
2 process as punishment for Hancock County. I would
3 describe it as continuing to educate Hancock County on
4 what it is that they need to be doing. So I -- I don't
5 want to prevent other board members from commenting, but I
6 would make a motion that we bind over Hancock County to
7 the Attorney General's office on all of these violations.

8 MS. LE: I'll second that.

9 MR. RAFFENSPERGER: We have a second to bind over all
10 these to the Attorney General's office. All those in
11 favor, say aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed?

14 (no response)

15 MR. RAFFENSPERGER: Motion carries.

16 MS. GRANT: Thank you. And as far as I see, I don't
17 have anything else on the calendar for this county, so may
18 I be excused?

19 MR. RAFFENSPERGER: Sure. Well now we're back up to
20 the top I think the next one was SEB Case Number 2015-079,
21 City of Johns Creek.

22 MS. WATSON: Correct. Two complaints were submitted
23 regarding candidate Nazeera Dawood during the City of
24 Johns Creek special municipal election on November 3rd,
25 2015. Jennifer Jenson reported that candidate Dawood

1 submitted false information on her candidacy affidavit
2 when she used her married name before she was legally
3 married. And Stephanie Endres reported that candidate
4 Dawood on two separate occasions held a breakfast prior to
5 voting, inviting electors to have breakfast before or
6 after voting. Investigations revealed records to the legal
7 name of candidate Dawood. It was verified --

8 MR. RAFFENSPERGER: Excuse me, excuse me, I'd like to
9 -- I think in the interest of caution, make sure I mind my
10 P's and Q's. I'm going to recuse myself because I am from
11 the City of Johns Creek. I was on City Council of Johns
12 Creek. I think I need to recuse myself from this and turn
13 this one over to our Vice Chairman.

14 MS. WATSON: All right. In reference to the legal
15 name of candidate Dawood, it was verified that she married
16 after the candidacy paperwork was filed. There was no
17 documentation that she changed her legal name after the
18 marriage so the candidacy affidavit is correct.

19 In reference to the second complaint, it was
20 substantiated that candidate Dawood acknowledged the two
21 breakfast events and referred to them as networking
22 events. Ashandra Sivilangam (ph.) advised that Dawood had
23 contacted him and asked him to sponsor a breakfast
24 campaign. Evidence from social media also substantiated
25 the events with posting the body of electors to have

1 breakfast before or after voting. The quote from the
2 posting dated November 21st: early Saturday voting is
3 today from 8:30 through 5:00 p.m. at the OC Library, and
4 there is free breakfast at Bharathakala Academy. Come say
5 hi before or after you vote. On October 24th, the posting
6 read join us this morning for a nice south Indian
7 breakfast when you come to the OC Library for early voting
8 served across the street at Bharathakala Dance Academy.
9 We are recommending that Nazeera Dawood be bound over to
10 the AG's office for 21-2-570.

11 MS. SULLIVAN: Do we have someone here from -- to
12 speak to this case?

13 MS. ENDRES: I'm Stephanie Endres, from Johns Creek,
14 Georgia. I was one of the complainants, and the reason I
15 filed a complaint was because of the importance of an
16 individual who was running for office, especially today,
17 for them to not have integrity at the beginning of the
18 process had they won what that would indicate as a
19 candidate because you have to take an oath of office, so
20 I'm filing.

21 Ms. Jennifer Jenson would have been here, but her
22 spouse was relocated to the west coast about a month ago,
23 and so she's following this case through me. I think it's
24 important to follow through on the process because our
25 underlying premises for this republic is the rule of law

1 and if you, as a candidate, are going to file to run for
2 office it's critical that you -- that individuals be able
3 to rely and trust in the person who's running for office.
4 And so I'm very interested in following this case through
5 in light particularly of how easy it is for campaigns to
6 be able to manipulate on which you can't hold them
7 accountable to in office. It's very important for me to
8 follow this through, so that's why I'm here today. So if
9 you have any questions --

10 MS. SULLIVAN: Thank you for being here today. Do
11 any of the board members have any questions for her?

12 (no response)

13 MS. SULLIVAN: Is Ms. Dawood present here today to
14 speak to this complaint? What is the will of the board?

15 MR. WORLEY: I would make a motion that we bind this
16 case over to the Attorney General.

17 MS. LE: I'll second that.

18 MS. SULLIVAN: We have a motion and a second. Do we
19 have any further discussion? All in favor of binding
20 over, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MS. SULLIVAN: Any opposed?

23 (no response)

24 MS. SULLIVAN: Motion carries. And I'll turn it back
25 over to the Secretary.

1 MS. ENDRES: Thank you.

2 MS. SULLIVAN: Thank you.

3 MR. RAFFENSPERGER: Well, we have now before us the
4 board the City of Hazelhurst.

5 MS. WATSON: Yes. 2015-94, City of Hazelhurst. In
6 December of 2015, Hazelhurst's Chief of Police Steven Land
7 contacted the Secretary of State's Office regarding the
8 November 3rd, 2015 City of Hazelhurst's mayor's election.
9 Chief Land reported that on November 24th, 2015, a bench
10 trial was held in the Superior Court of Jeff Davis County.
11 And on November 30th, 2015, presiding Senior Judge Gary
12 McCordy issued an order of judgment nullifying the
13 election. Chief Land went on to report that the judgment
14 court had ruled was the two-vote margin and victory by
15 Bayne Stone was obtained by bribery and fraud.

16 On February 26th, 2016, another complaint was
17 received by the Secretary of State's Office from Chief
18 Land reporting that Dan Stone, son of mayor candidate
19 Bayne Stone was going to Hazelhurst Court Care and
20 Rehabilitation Center and intimidating patients to vote
21 for his father.

22 The investigation revealed the identity of two
23 individuals that gave statements in court testimony that
24 they received money for their votes. Kenneth Woods
25 received \$7 cash, and George McCray advised in his

1 notarized statement that he got paid \$20 and then in court
2 that he got \$10.

3 The poll worker he told and showed the money to said
4 it was \$20. The individuals were approached and paid by
5 Dan Stone, who gave them a ride to the polls. Mr. Woods
6 stated Mr. Stone paid him to vote for Bayne Stone. Mr.
7 McCray said he was paid just to vote and not specifically
8 who to vote for. Both Woods and McCray testified under
9 oath during the court proceedings, providing testimony
10 that was consistent with statements given to Chief Land
11 during his investigation.

12 Superior Court of Jeff Davis County nullified the
13 election as the vote of margin was only two votes and two
14 individuals reported having been paid to vote. Dan Stone
15 testified under oath that he did not pay anyone to vote
16 for his dad. Dan Stone argues that the two witnesses were
17 offered jobs by the Police Chief with the city for
18 incentive to testify that they received money. This seems
19 to be a disproven by the statement of the poll worker that
20 reported immediately upon Mr. McCray telling the poll
21 worker of the payment. We're recommending Daniel Dukes
22 Stone and Bayne Stone be bound over for 21-2-570 as well
23 as George McCray and Kenneth Dawson Woods.

24 MR. RAFFENSPERGER: I believe there's someone here.

25 MR. BOLINES (ph.): Chairman, I'm Aubrey Bolines on

1 behalf of Dan Stone who's coming up here. My client, as I
2 said, is Dan Stone who is the son of the mayor Bayne Stone
3 in that election. And he has totally denied throughout
4 this process buying any votes. There were initially three
5 voters that he apparently or allegedly tried to give money
6 to. That was later changed too. Those two voters were
7 Mr. Woods and Mr. McCray, who were quickly and
8 miraculously identify right at the election and swept into
9 the Police Chief's office saw this and questioned by the
10 Police Chief.

11 This is the same Police Chief that Mayor Bayne Stone
12 had fired previously and was going to fire again. The
13 Police Chief did resign when Mayor Stone won the next
14 election. At that time, one of the witnesses Mr. McCray
15 said there was another man Mr. Jordan who was also paid to
16 vote. Mr. Jordan adamantly, bluntly denied being with Mr.
17 McCray and denied the pay. Mr. Woods and Mr. McCray have
18 both consistently changed their testimony throughout about
19 being paid to vote. That amount has changed from \$7 to
20 \$10 to \$20.

21 At the hearing -- well, Mr. Stone was not represented
22 by counsel at that hearing. It was also stated by
23 Mr. McCray that after his meeting at the Police Chief's
24 office and prior to the hearing he was given a city job
25 with Hazelhurst. He was given a city job with Hazelhurst.

1 Mr. Woods has since recanted his statement. Mr. Jordan
2 has denied that it ever happened. And Mr. McCray, as I
3 said, is inconsistent with his testimony. I realize these
4 are questions to credibility and motive, but I think it's
5 very important you get to the fourth floor. Danny, did
6 you have something you wanted to say?

7 MR. STONE: No. If you all have any questions, I
8 would be happy to answer any of them. But the information
9 there when the -- that the investigators departed, I'd be
10 glad to answer any questions you have for us.

11 MR. RAFFENSPERGER: Does the board have any questions
12 for Ms. Watson or --

13 MR. WORLEY: I have a question for Mr. -- Mr.
14 Bolines.

15 MR. BOLINES: Yes, sir.

16 MR. WORLEY: What was the basis for the judge's
17 determination that votes had been bought?

18 MR. BOLINES: I think the basis of the judge's
19 determination I have to ascertain was the credibility of -
20 - of the two witnesses. I read through the transcript and
21 there was -- as I said he was not represented by counsel,
22 so no one was there to challenge the fact that he got a
23 job offer or why did you change your -- your -- this
24 allegation from \$7 to \$10. Why did you change this
25 allegation from \$10 to \$20? I think because of that --

1 and I understand the credibility is a question for the
2 judge. But there was no one there to put their
3 credibility in question, and they're - there's just total
4 conflict of testimony, and I think he should have been
5 brought in about the relationship with the Police Chief
6 and the Mayor again. And that someone miraculously found
7 two voters immediately after the election that had
8 allegedly to have been paid to vote.

9 MR. STONE: I would really like to comment on that
10 just briefly. When we were in the witness room, it was
11 Chief Land and -- and George Woods and Kenneth -- George
12 McCray and Kenneth Woods. We were in there, and they
13 walked into the room, and Steve Land and I were already
14 sitting there. Well, when they came in, they said this
15 should be a Jack Cole trial not a Bayne Stone trial. I
16 was giving a job. They were laughing, carrying on. Chief
17 Land stood up and told them to shut up and I was just
18 taking notes, you know, because I knew Daddy wasn't
19 represented, so I wanted to take all the notes I could.
20 He stood up and told him to sit down, shut up, and quit
21 talking, and I told Chief Land. I said Chief Land, I've
22 been a warden for, you know, 20 years, and I said you
23 can't, I mean, your witness is not arrested in here. So
24 you know he sat back down and was quiet.

25 So during a break I told Dad. I said Dad, will you

1 please put me back on the bench and I can tell the judge
2 what's going on, what they're saying back there in the
3 back. He would have a very not-believable case to see.
4 He said oh no, we'd feel bad, whatever. And, you know,
5 Dad's old-school, and he didn't have any representation
6 like I've got today.

7 MR. BOLINES: Again, like I said, lack of counsel and
8 inability to follow-up with the police.

9 MR. STONE: That's me talking. I mean, it's
10 ridiculous. They could have been voting for Mr. Cole. I
11 -- I haven't a clue. I was just going to carry them to
12 the polls. I asked permission in advance if there was --
13 it was legal to do so. They said it was fine.

14 MR. RAFFENSPERGER: Anything else? Any other
15 questions? What is the will of the board?

16 MS. SULLIVAN: I'll make a motion to that we accept
17 the recommendations and bind this over in its entirety to
18 the Attorney General's office.

19 MR. RAFFENSPERGER: Do we have a second?

20 MR. WORLEY: I will second that, and I would just
21 like to say -- state for the record that as I said earlier
22 today, our practice here is to determine whether there's
23 probable cause to proceed further. And the judge making a
24 determination on whatever basis of that -- that votes were
25 bought is certainly enough probable cause to be sent to

1 the Attorney General's office which will in all likelihood
2 allow for -- to send it to an administrative law judge for
3 a hearing at which time that judge will be able to
4 determine or to assess Mr. Stone's credibility and so I
5 think that's just the appropriate way to handle this under
6 in practice.

7 MR. BOLINES: I could not disagree. I understand.
8 Thank you.

9 MR. RAFFENSPERGER: There's a second. All those in
10 favor of the motion to bind this over to the AG's office
11 signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Those opposed?

14 (no response)

15 MR. RAFFENSPERGER: Motion carries. I notice that
16 it's right after 12 and I think it's -- it's appropriate
17 that we break for lunch now. We also -- if someone wants
18 to make a motion -- I understand, we have to make a motion
19 on an executive session, plus a legal matter, so we could
20 include that in the motion to take a break and go to
21 lunch.

22 MS. SULLIVAN: I'll make a motion that the board will
23 push back the executive session for the purpose of
24 discussing pending litigation.

25 MR. WORLEY: I'll second that.

1 MR. RAFFENSPERGER: Okay. Pending. Be back here in
2 one hour.

3 MR. RAFFENSPERGER: All those in favor?

4 THE BOARD MEMBERS: Aye.

5 (break for lunch)

6 MR. RAFFENSPERGER: Okay, everyone, if we're ready to
7 get started, I want to be respectful of everyone's time.
8 So I think the next case on dock is 2015-101, City of
9 Warwick in Warwick County, if that's correct?

10 MS. WATSON: That's correct. Warwick County voter
11 and City of Warwick resident, Yvette Miller filed a
12 complaint with our office, citing a respondent for the
13 February 23rd, 2015 election and the subsequent December
14 run-off election. The violation included individuals
15 voting out of district, illegal campaign activity and poll
16 manager precinct problems. Investigation revealed that,
17 upon further review of the allegations, it was determined
18 that the electors list provided that Worth County to the
19 City of Warnick did not list Hannah Welsh, Charles Howard,
20 Anthony Pike, Misty Pike, Roy Savage, Gary Linshu (ph.),
21 Cheryl Linshu. All were provided a provisional ballot
22 based on the provisional elector list. Worth County only
23 counted two of those provisional ballots, Gary and Cheryl
24 Linshu.

25 The improper rejection of five provisional ballots in

1 the general election in allowing voters listed in District
2 1 to vote in District 2 resulted in a challenge to the
3 general election and a court order to null and void both
4 the general election and the runoff election results as it
5 relates to a District 2 council seat in the City of
6 Warnick and a new election be held. We're recommending
7 Sheree Olson, Worth County Elections Supervisor, and Worth
8 County Board of Elections and Registration be bound over
9 to the Attorney General's office for 21-2-224(d) eight
10 counts and 21-2-419(c)(1) five counts of violation of
11 provisional ballots. And we originally had listed 21-2-
12 226(c). We're recommending to dismiss that because it was
13 related to the electors list which would be covered under
14 21-2-224.

15 MR. RAFFENSPERGER: And I believe we have someone
16 here from Worth County.

17 MR. POWELL: That's correct.

18 MR. RAFFENSPERGER: Can you give us your name?

19 MR. POWELL: Ralph Powell, County Attorney for Worth
20 County and Board of Elections. I appreciate,
21 Mr. Secretary, the opportunity -- and board members -- the
22 opportunity to address the issues that have been raised.
23 I would also -- I do have a couple of items I'd like to
24 give to the board, Mr. Secretary, if I could approach?

25 MR. RAFFENSPERGER: Please. Thank you.

1 MR. POWELL: (approaches the board) Mr. Secretary,
2 the -- Brandy Harris, who is the super -- current
3 supervisor for Worth County Board of Elections and
4 Registrations and also Registrar, sends her apologies for
5 not being able to be here today. She's a single mother
6 with two young children and we're about -- depending on
7 what Houston County is like driving up from south Georgia,
8 it's either a three and a half to a four and a half hour
9 drive. So she was not able to come up here to spend last
10 night, so she sends her apologies.

11 The -- I would also like to thank Deputy Investigator
12 -- Deputy Chief Investigator Watson. She was extremely
13 helpful in my contacts with her, finding out specifically
14 the facts that was supporting this and assisting me in
15 preparing for this presentation to the board.

16 There are two violations as Investigator Watson has
17 outlined, and we admit them -- it's -- you know, my -- my
18 firm belief is you admit when you make a mistake, and you
19 try to work on it and move on. In way of some, I guess,
20 explanation, Sheree Olson was the superintendent at the
21 time and I think what -- from what I've been able to
22 determine, she's no longer there. She's no longer
23 employed there. She's actually out in the Midwest or out
24 west, you know, -- that this was an election that occurred
25 on November 5th -- or -- November 3rd. The deadline is

1 October 5th for submitting the applications for
2 registration. The October 5th -- of course, the code
3 section talks about 30 days. Well, October 5th fell on a
4 Monday in 2015 and the 30th day actually was on Sunday.

5 So I -- I'm surmising here -- I'm -- I've attempted
6 to contact her. I've not been able to contact her, but
7 I'm wondering if it was the belief that this was filed 29
8 days before the November election. I'm not sure because I
9 haven't been able to have contact with her. Either way in
10 my review, it is a situation where you're dealing with a
11 lack of training possibly in education number one, and
12 number two is what were the policies and procedures that
13 were in place at that time. Those were two of the errors
14 that I quite frankly think we probably were deficient in
15 my review of this. The -- of course, with the lack of
16 training and education is -- the concern is you don't know
17 what you don't know. And I'm -- I'm wondering if that's
18 what took place here regarding the -- the 29 days before
19 the election.

20 But there is really no excuse for Mr. Linshu, who was
21 not on the elector list for the runoff in -- in December
22 for not -- not being added to the supplemental list. So
23 that's the reason I say it sounded like a procedural
24 issue: lack of procedures number one and number two the --
25 there was a lack of training. So not to excuse what --

1 what transpired but what I've handed to the -- to the
2 board is a -- on the first page, is sort of an outline of
3 what's transpired over the last whatever 15, 18 years and
4 you can see that in the items -- the individuals that were
5 running the board of elections, Sue Potts and Brandy
6 Potts. Sue Potts was the supervisor from '04 to '15 and
7 at that time they had just a clerk, and Brandy Roberts --
8 who happened to be her granddaughter -- came in in 2011
9 and was working as a supervisor until 2015 -- on that day
10 on January 6th, 2015 and walked out of the office. No
11 notice. They simply walked out of the office and quit.
12 And that -- obviously that happened also to be a week
13 before I took over at the county attorney, so it was quite
14 eventful during this time period.

15 The board tried to find somebody to replace those two
16 individuals, who'd been there for obviously quite a bit of
17 time. Incidentally, there were apparently some papers and
18 that sort of thing and computers from -- a lot of the
19 items were wiped clean, so they were left in -- in a bit
20 of a lurch. It took three months for them to find
21 somebody to come in and replace those two individuals.

22 That person who was hired stayed for three months and
23 then Sheree Olson took over in June so this -- this was
24 the first election that took place after she took over in
25 June. So there was not a whole lot of time period

1 obviously to -- to get things taken care of. It doesn't
2 excuse it. I'm not attempting to excuse it. It simply is
3 -- is possibly an explanation of -- of how it happened,
4 but really the -- the issue as I said I -- I always think
5 that you can look at something that happened by mistake
6 and what have we done in the meantime.

7 And that's the other portion that I've given to you
8 is the lack of training and also the lack of education.
9 If you look on page 2 of what I handed to you, the -- that
10 is Brandy Harris' -- her training and her education since
11 taking over in 2015. She is motivated. She is
12 intelligent. She's got initiative. She wants to learn.
13 She doesn't want to make mistakes and she is showing that
14 through what she's doing with her training. Now, we
15 anticipate having her certified before the end of the
16 year. I've also put in there the trainings that she
17 intends on attending from now until the end of the year.

18 Behind that page is the Deputy Regis - Registrar.
19 One of the things that is changed in that office is that
20 there's a now deputy registrar rather than just a clerk.
21 Of course, that makes a difference because the deputy
22 registrar can do some of the functions of the registrar in
23 the absence of the registrar. So now we have somebody
24 else in the office if somebody comes in to -- to make an
25 application, if the registrar is on vacation that can be

1 taken care of. You can also see the training that the
2 deputy regis -- registrar has undergone. She is, in fact,
3 a certified person to conduct elections for the county.

4 Lastly is the board. The next page contains the
5 board members, the length that they've been on the board,
6 and also the training they're undergoing. You can see
7 from where the chairperson has been there for the last six
8 years and is certainly undergoing substantial training as
9 well as some of the other board members, so we're doing
10 our best to make sure that this -- that we resolve the
11 issue of not knowing what we don't know.

12 So the second thing that I talked about is the policy
13 and procedures that I -- in review seem to be missing, and
14 if you look at the next page after that, the -- the first
15 policy in place is something that was initiated by,
16 actually, Brandy Harris. This is a policy that sends the
17 list of the streets -- because this is -- Warwick is -- it
18 is a very small town. It's probably got maybe 500
19 electors. Streets sometimes have street signs, sometimes
20 they don't. And so what she has created is a policy where
21 she will send out to the superintendent for the city a
22 form with the list of the streets to make sure the streets
23 are accurately reported and then they have to sign that
24 and send that back to make sure we've got all the streets
25 that are necessary.

1 Now, the second -- and also below that you'll see in
2 the last portion of that policy is that if there is an
3 issue, if there is a change it is -- the -- the board is
4 to be brought in as well as the liaison of the Secretary
5 of State's Office or myself. If there's any questions
6 whatsoever they're -- that's how the policy is reading
7 that.

8 Now, the second policy that you see there is the
9 processing policy on how to handle applications, whether
10 they're coming into the office, whether it comes through
11 the Department of Driver Services, whether it comes
12 through the voting online, or whether it comes from the --
13 from the Secretary of State's Office. She has put in
14 there that obviously the input -- because I'm not sure if
15 my suspicion is that with Ms. Olson that there was not a
16 policy in place where you got an application and you put
17 that in as soon as practicable because obviously that's
18 important information to get on the list -- and the only
19 thing that I can imagine is it was not put on there, that
20 -- Mr. Linshu was not put on there for the supplemental
21 list and the runoff.

22 So her policy now is that as soon as possible she is
23 inputting the information. She's -- she told me when I
24 met with her there've been times when she has had four or
25 five hundred changes that have come in and that that takes

1 her -- she begins on it immediately and it takes her two
2 or three days to do that. But she begins immediately to -
3 - to get on to this information and input this
4 information.

5 So with the training component and the procedural
6 aspects that we have now changed, we're hoping, praying,
7 we're not going to have these issues anymore. I
8 understand what the investigators are recommending to the
9 board. I would respectfully request based upon what took
10 place, a little explanation that I'm not excusing, but
11 with what we've done also since then that the board
12 instead do a letter of instruction, specifically
13 requesting the board to implement these policies that --
14 that have been put before the board to make sure they are
15 in place with the board, and number two that they also
16 institute a policy of training for not only board members
17 but also for the superintendent and the deputy registrar.

18 MR. RAFFENSPERGER: Thank you.

19 MR. POWELL: Any questions?

20 MR. RAFFENSPERGER: Any of the board members have any
21 questions for the investigator or the presenter?

22 (no response)

23 MR. RAFFENSPERGER: What is the will of the
24 committee?

25 MS. SULLIVAN: Mr. Powell, thank you very much for

1 being here today. It's a very good explanation for all
2 the measures that you have taken, but as Mr. Worley said
3 earlier to be consistent with our practice, we'll have to
4 refer this to the AG's office. But thank you very much
5 for that very good explanation.

6 MR. RAFFENSPERGER: Do we now have a second?

7 MR. WORLEY: I'll second it.

8 MR. RAFFENSPERGER: There is a motion and there's a
9 second. All those in favor, signify that with aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries. It will be sent
14 over to the AG's office. Next case.

15 MS. WATSON: 2016-016, Tab Number 36, Decatur County.
16 It was reported that a Decatur County poll worker, Carla
17 Robinson, accidentally issued the wrong voter access card
18 to an elector during the March 2016 PPP. Decatur County
19 elections supervisor self-reported that the poll worker
20 selected the incorrect elector in the system, she selected
21 Ms. Sarah Jane Griffin instead of Sarah Colson Griffin.

22 When she issued the voter access card, it gave credit
23 to the incorrect person in the system. Trying to correct
24 this error, a new voter access card was created for Sarah
25 Colson Griffin and she was allowed to vote a second time

1 on a DRE. We're recommending that Decatur Board of
2 Election and Registration and Carla Robinson be bound over
3 to the Attorney General's office for 21-2-590 and state
4 board rule 183-1-12.4(b) and that the violations for Sarah
5 Colson Griffin be dismissed as she was following the
6 instruction that was given to her by a poll worker.

7 MR. RAFFENSPERGER: I believe we have someone from
8 Decatur County, Ms. Carol Heard.

9 MS. HEARD: Again, my name is Carol Heard. I'm the
10 Chief Elections Official in Decatur County. The minute or
11 approximately shortly after Carla realized what had
12 happened and she had only been -- she came immediately to
13 me and we, at that same time, pretty much reported it to
14 the Secretary of State's Office.

15 Carla had been employed with us only a month prior to
16 that. Since that time, we have two part-time workers who
17 work in the office. Carla is one of them, the other is
18 Margaret Bryant (ph). Both of them have stayed with us -
19 we've got them state certified. They came to a conference
20 with us. We're trying to do as much training to the poll
21 workers as possible about that -- of course, that is one
22 of the things we emphasize is that once the voter has
23 voted, that's it. So and again, we also have a mission
24 statement. Part of that is that we admit our mistakes, we
25 own our mistakes, and we try to learn from them.

1 MR. RAFFENSPERGER: Does anyone have any questions?

2 (no response)

3 MR. RAFFENSPERGER: Is there a motion?

4 MS. LE: Can you expand on the training program that
5 you have, in terms of -- how to get on board the new
6 employees as you roll them out? Sometimes it's a -- like
7 you said, it's difficult to learn from a mistake and
8 that's understandable, but even with a new job that person
9 is responsible. Ultimately, your office is responsible in
10 this case.

11 MS. HEARD: Yes, ma'am. Also, that was my second
12 election so a lot has progressed since that time. But
13 right now, we have separate poll worker training for
14 advance voters. We also have two separate trainings for
15 regular poll workers: one that entails the basics of poll
16 working like ID and e-polls and then another one for DREs
17 and provisional ballots. We -- so there's well over four
18 hours of training, maybe five hours if they work advanced
19 voting. I test all poll workers now so -- so that they
20 understand it and go through it. We do a lot of hands-on
21 as well and that was something on the computer. She got
22 the phone to call it in, you know, her background was in
23 banking, so she wanted to make sure everything was right,
24 and I think she was just caught up in a good intentioned
25 mistake, casting it.

1 MR. RAFFENSPERGER: And Ms. Watson, your
2 recommendation was again that the state --

3 MS. WATSON: Yes, for Decatur Board of Election and
4 Registration and Carla Robinson to be bound over for 21-2-
5 590 and state election board rule 183-1-4.40.

6 MS. SULLIVAN: I'll make that motion.

7 MR. RAFFENSPERGER: Is there a second?

8 MR. WORLEY: I'll second that.

9 MR. RAFFENSPERGER: It's before you now. We have a
10 second. All those in favor, signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed?

13 (no response)

14 MR. RAFFENSPERGER: The motion carries.

15 MS. WATSON: The next case is 2016-018, Douglas
16 County voter identification. In February and March of
17 2016, there were three complaints received concerning the
18 March 1, 2016 general primary.

19 Ms. Stanberry reported during check-in during early
20 voting in February 22nd, 2016, she was asked by a poll
21 worker for her date of birth and felt it was
22 inappropriate. David Sims reported that he received and
23 voted a non-partisan ballot after receiving -- or
24 requesting a Republican ballot during early voting on
25 February 26th. Ron Gilbert reported that Douglas County

1 Elections and Voter Registration failed to mail absentee
2 ballots requested by him and his wife.

3 Investigation showed that Ms. Stanberry presented a
4 federal employee ID to the poll worker when early voting.
5 The poll worker requested the date of birth to positively
6 identify Ms. Stanberry in the elector poll before allowing
7 her to vote. There was no evidence to support a
8 violation.

9 David Sims completed an absentee application during
10 early voting on February 26th at the Deer Lick Precinct in
11 Douglas County when Mr. Sims checked the box requesting a
12 Republican ballot. The poll worker printed the
13 application and had Mr. Sims review it for accuracy. Mr.
14 Sims did not notice during the review that non-partisan
15 was selected on the front of it. He was issued a voter
16 access card with only the SPLOST question on it and no
17 choices for President. He cast the ballot, then went to
18 complain to the poll worker. The poll worker advised it
19 was possible that he selected the non-partisan instead of
20 the Republican in error.

21 Regarding the request of Mr. and Mrs. Gilbert for
22 absentee ballots, it was discovered that the request for
23 the ballots was acknowledged by elections supervisor
24 Laurie Fulton but was not forwarded to the absentee
25 ballots clerk. The error was not discovered until March

1 2nd, 2016 the day after the March primary.

2 And we're recommending that Douglas County Board of
3 Elections poll worker David Churchill and the Election
4 Supervisor be bound for violation of board rule 183-1-
5 12.02(4)(b) when he failed to provide David Sims with the
6 correct electronic ballot, and Douglas County Board of
7 Elections and Laurie Fulton be bound over to the AG for
8 21-234-(a)2 for mailing the ballots when she failed to
9 provide Ron Gilbert and his wife with absentee ballots.

10 MR. RAFFENSPERGER: I believe we have someone here
11 from Douglas County. Please step forward.

12 MR. COLE: Good afternoon. My name is David Cole
13 with the law firm of Freeman, Mathis, and Gary. I
14 represent Douglas County Board of Elections. We would
15 agree with the investigator's recommendation on the first
16 complaint there was no violation there and that that
17 should be dismissed.

18 We respectfully disagree with the recommendation in
19 the evidence presented on the second complaint. The
20 evidence in the file, submitted during the investigation,
21 established that the voter requested and signed written
22 absentee voter application a non-partisan ballot and that
23 is what he was issued. The issue is that when he first
24 approached the desk, he claims he requested a Republican
25 ballot and then when they printed out the form they had

1 inadvertently checked the non-partisan ballot box.
2 Nonetheless, he was instructed to review that application
3 for accuracy. He did so, he signed it, he then submitted
4 that absentee ballot application requesting a non-partisan
5 ballot. It was only at that point that he was then issued
6 the non-partisan ballot as he had just requested in
7 writing with his signature.

8 Furthermore, as he proceeded to the ballot box, there
9 was ample signage throughout the place instructing voters
10 to ensure the accuracy of the ballot they were issued.
11 The screen on the DRE machine always instructs the voters
12 to ensure that. He went through the process, clicked cast
13 ballot knowing that there was not a Presidential candidate
14 shown to him on that ballot, and it was not until after he
15 went all through this that he notified anyone that he
16 thought he was given the wrong ballot. We respectfully
17 submit that the voter has ultimate responsibility. He was
18 given the exact ballot he requested in writing. That's
19 the evidence that was submitted, and so we don't think
20 there was any violation here that warrants a letter of
21 correction or binding over. We believe that one should be
22 dismissed.

23 As to the third complaint, Douglas County has
24 acknowledged that a mistake was made. The former
25 elections supervisor, Ms. Fulton, did receive an email

1 request for the absentee ballots. She made a mistake and
2 did not issue those ballots to the voter in time. That
3 was acknowledged during the investigation, and since --
4 after that happened, Ms. Fulton implemented several new
5 procedures to prevent that from happening again. She
6 created a designated absentee ballot email account, and
7 now all members of the elections office staff receive
8 those emails. They no longer rely on forwarding email
9 requests within their office. They actually print them
10 out and log those absentee ballot requests to ensure that
11 they are satisfied, and they also track those requests in
12 the easy vote software application to have accountability
13 through that.

14 And so while we understand that the mistake was made,
15 we just want the board to consider those corrective
16 measures, and also there's another factor here that I
17 think that needs to be acknowledged which is this happened
18 over three years ago. And we're all here today -- in that
19 time Ms. Fulton has retired. She is no longer with the
20 board of elections. There is a new elections director -
21 oh, I couldn't find you then, Mr. Kidd -- who has taken
22 over since then. The entire board except for one person
23 is completely different than it was, and we would just
24 respectfully submit that there would be no remedial
25 purpose achieved in this situation by binding it over to

1 the AG's office and trying to seek some kind of monetary
2 penalty against people who no longer are there or had
3 anything to do with this particular situation. We
4 understand the board can't ignore the fact that a mistake
5 was made, but we feel that a letter of correction would be
6 the appropriate action to take in light of the fact that
7 nobody there now are the ones who participated in this
8 incident.

9 MR. RAFFENSPERGER: Thank you. Do any of the board
10 members have questions?

11 MR. WORLEY: I have a question. I just want to make
12 sure I understand the facts and the way you presented
13 them, and I want to talk about Mr. Sims. So what you're
14 saying is that Mr. Sims went to the polling place and
15 verbally asked for a Republican ballot?

16 MR. COLE: That's his allegation. The vote -- the
17 poll worker cannot recall exactly what was stated but I
18 think we can assume that that's what the voter intended to
19 request.

20 MR. WORLEY: Right. And then because this was an
21 absentee ballot, they printed out the form for him.

22 MR. COLE: Correct.

23 MR. WORLEY: And he signed it?

24 MR. COLE: Correct.

25 MR. WORLEY: And so you're attaching some particular

1 significance to the fact that he signed the form that had
2 been pre-filled out for him by the election official as
3 showing a non-partisan ballot.

4 MR. COLE: Absolutely. He was given that printed
5 form and said please ensure that this is what you want and
6 that it's all accurate. He did that and signed it and
7 said yes, this is the ballot I'd like, and then that was
8 what he was issued. So as far as the regulation goes, you
9 know, the regulation says the board should issue the voter
10 the ballot that he requested --

11 MR. WORLEY: And --

12 MR. COLE: -- and that's what they did.

13 MR. WORLEY: -- and how is it that you know that he
14 was specifically asked by the poll worker make sure this
15 is what you want. How do you know that?

16 MR. KIDD: Okay. That's part of our policy of -- I
17 don't know if -- well, you should have in the file too --
18 the form that the voter is given at the time and asked to
19 verify the information is correct. But part of our policy
20 is to instruct poll workers to ask that every potential
21 voter to verify the information that is presented before
22 them. The form does clearly indicate -- it's not like the
23 hand-written form, where you can't delineate between the
24 boxes for which ballot style you want. I have copies of -
25 - of the form that we're referring to that clearly

1 articulate which ballot style the voter would be getting.

2 MR. WORLEY: Can -- can I see a copy?

3 MR. KIDD: Yes.

4 (reviewing document)

5 MR. COLE: And for what it's worth, I believe even
6 the -- the voter, Mr. Sims, acknowledged that he was told
7 to verify the accuracy of the information on there. For
8 some reason he thought that only that meant to verify the
9 accuracy of his address, but he admits he was told that
10 and to see -- and he didn't understand what that really
11 meant.

12 MR. WORLEY: All right. Thank you.

13 MR. RAFFENSPERGER: Anyone else have any questions
14 from the board?

15 (no response)

16 MR. RAFFENSPERGER: What is the will of the board?

17 MR. WORLEY: I would make a motion that we dismiss
18 complaint one and that we send a letter of instruction on
19 complaint two involving Mr. Sims and that we bind over
20 Ms. Fulton to the Attorney General's office for failing to
21 provide requested absentee ballots.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. LE: I'll second that.

24 MR. RAFFENSPERGER: There's a second. All those in
25 favor of dismissing complaint number one, a letter of

1 instruction for complaint number two, and binding over on
2 complaint number three, signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Any opposed?

5 (no response)

6 MR. RAFFENSPERGER: Motion carries. Yes.

7 MS. JONES: The next case is Clarke County
8 Provisional Ballots, Tab 39. In March 2016, there were
9 four complaints received concerning the Clarke County
10 March 1st, 2016 general primary. The first Clarke County
11 Board of Elections self-reported a problem with the manner
12 in which one of their poll managers processed the
13 provisional ballots that were received during the March
14 1st, 2016 general primary.

15 The ballots were placed in the white inner envelope
16 only without being double sealed in the outer orange
17 envelope. As such the identification of the voters was
18 impossible in most cases, making the county -- counting of
19 those ballots impossible.

20 The second complaint is Phillip Copeland reported
21 that a news reporter was present at Clarke County Precinct
22 3B in Athens. Mr. Copeland felt that the reporter was
23 positioned too closely to the DRE units and that his
24 presence was disruptive to the voting process.

25 The third complaint on March the 1st, 2016, it was

1 reported that the voting process at Clarke County Precinct
2 3B was disrupted by a malcontented voter. The voter had
3 been instructed by the poll manager to seek assistance at
4 the county elections office to correct an identification
5 problem. The voter became angry, began yelling at the
6 poll manager, and aggressively poked the poll manager in
7 the shoulder with his finger multiple times. All this
8 occurred within the polling station.

9 And the last one, on March the 1st, 2016, the poll
10 manager at Clarke County Precinct 6D discovered at close
11 of polls that a yellow voter access card was missing.

12 In regards to the provisional ballots, it was found
13 that on March 1st, 2016 at Precinct 4A, there were 50
14 provisional ballots issued. The poll manager Carrie
15 Jackson was unfamiliar with the procedure for handling the
16 -- and processing the provisional ballots. She sealed
17 each ballot in the white inner envelope only. She wrote
18 the voter's last name on the first 14 provisional ballots,
19 then became concerned with confidentiality and for the
20 remaining did not write the name on the envelope. Of the
21 14 with names recorded on the outside, they were checked
22 for eligibility and eight were found to be eligible and
23 they were counted. Six were not eligible Clarke County
24 voters, and their ballots were not counted. The remaining
25 36 sealed white envelopes with no outer envelope were not

1 opened or counted.

2 There was no substantiated violation in regards to
3 the media issue. It was approved by the poll manager with
4 -- with restrictions to maintain confidentiality.

5 In regard to the disrupted voter at Precinct 3B, it
6 was found that an individual was reporting that he had
7 legally changed his name to Simba Lion. His new name was
8 not listed on the voter list. The election office was
9 contacted, and they advised to have the voter come to the
10 elections office which was approximately five miles --
11 five blocks away. The voter became belligerent and poked
12 Ms. Ellis, the poll manager, several times with his finger
13 in her shoulder which was forceful enough to move Ms.
14 Ellis' entire body each time he did so. This deruption
15 [sic] -- this disruption was loud enough that voters
16 stopped what they were doing and wanted to view the
17 altercation. The altercation was pretty -- partially
18 witnessed by Investigator Hall of the Secretary of State's
19 Office.

20 Ms. Ellis was told that she could make a police
21 report with the local authorities as the physical contact
22 constituted sim -- simple battery and she advised that she
23 did not wish to do so.

24 We recommend that Carrie Jackson Clarke County
25 Precinct 4A manager, Gail Schrader Clarke County Elections

1 Supervisor, and Clarke County Board of Elections be bound
2 over to the AG's office for state election board rule 183-
3 1-12.06(4)(i), when poll manager Carrie Jackson failed to
4 double seal the 50 provisional ballots in the outer orange
5 envelopes; 21-2-419(a), validation of provisional
6 ballots, when the electors cast provisional ballots and
7 the ballots were not sealed and doubly closed; 21-2-
8 386(a)(5), when poll manager Jackson recorded 14 elector
9 names on the inner white envelope compromising the
10 confidentiality and secrecy of the ballot; and Gail
11 Schrader, Clarke County Elections Supervisor, and Clarke
12 County Board of Elections for 21-2-99(a), when elections
13 supervisor Gail Schrader failed to provide adequate
14 training with respect to the handling and processing of
15 the provisional ballots; Mr. Simba Lion for 21-2-566(2)
16 and (4), when he acted in an aggressive and belligerent
17 manner towards poll manager Janice Ellis by yelling at
18 her. This behavior interfered with Ms. Ellis' duties as
19 poll manager. And we also would like -- or recommend to
20 dismiss the listed violation for Terry Dole, Clarke County
21 Precinct 16 manager, Gail Schrader, Clarke County
22 Elections Supervisor, and Clarke County Board of Elections
23 regarding the yellow voter access card as it was located.

24 MR. RAFFENSPERGER: Okay. I think we have someone
25 here to speak in this case. Yes, sir.

1 MR. HAWKINS: Good afternoon. My name is John
2 Hawkins. I'm the Chief Assistant Attorney for Athens-
3 Clarke County. I represent the Athens-Clarke County Board
4 of Elections and Registration. Sitting to my right is Ms.
5 Lisa Long. She's one of the staff members of the
6 elections department in Athens-Clarke County and seated to
7 her right is Mr. Charles Knapper who is the Chair of the
8 Board of Elections and Registration.

9 I -- I don't plan to make a very lengthy initial
10 statement to the board. Certainly, if the board has any
11 questions that needs to be responded to that we'd be happy
12 do so. I did just want to note a couple of things. The
13 folks sitting at this table aside from Mr. Knapper, none
14 of us were with Athens-Clarke County at the time of the
15 allegations and therefore our knowledge of this is
16 somewhat limited. Both Ms. Schrader and Ms. Jackson are
17 no longer with Athens-Clarke County. So I just wanted to
18 point out those facts but certainly if the board has any
19 specific questions for us we'd be -- we'd be happy to
20 respond to those the best we can.

21 MR. RAFFENSPERGER: Thank you. Do any of the board
22 members have questions?

23 (no response)

24 MR. RAFFENSPERGER: What is the will of the committee
25 -- board?

1 MR. WORLEY: Well, I mean I'd just like to say
2 something. Causing 36 people to lose their vote is a
3 very, very serious thing. And I -- I don't think we've
4 ever had something come before the board where due to an
5 error by an election official that many votes were just
6 lost. So I think that's a very serious violation. I
7 think the incident of someone pushing an election official
8 is also very serious. And so -- so I think certainly
9 refer those to the Attorney General and the second we'd
10 like to dismiss -- apparently it's not a violation of the
11 law. And the third complaint, or the fourth complaint, in
12 this case, it seems -- it seems from the investigative
13 record that one of the 25 voter access cards was never
14 found. Two were missing but one was never found.

15 MS. JONES: Terry Doyle contacted the office in July

16 --

17 MR. WORLEY: Uh-huh.

18 MS. JONES: -- to let us know that the other one
19 actually was located as well. That both of them were.

20 MR. WORLEY: And how long as to -- how long after it
21 was lost was it found?

22 MS. JONES: About two and a half weeks.

23 MR. WORLEY: Well, I would make a motion to refer
24 complaint one, complaint three, and complaint four to the
25 Attorney General's office.

1 MR. RAFFENSPERGER: Do we have a second on that
2 motion?

3 MS. SULLIVAN: I'll second that.

4 MR. RAFFENSPERGER: As before us on the motion to
5 refer complaint one, complaint three, and complaint four
6 to the Attorney General's office, all those in favor,
7 signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed?

10 (no response)

11 MR. RAFFENSPERGER: Motion carries. And -- and just
12 so the record is clear, and we'll -- we'll dismiss
13 complaint two.

14 MR. WORLEY: And I want -- do you want to make that
15 as a motion?

16 MR. RAFFENSPERGER: Yes.

17 MR. WORLEY: I'll make a motion to dismiss complaint
18 two.

19 MR. RAFFENSPERGER: Do we have a second for that?

20 MS. SULLIVAN: Second.

21 MR. RAFFENSPERGER: All those in favor of dismissing
22 complaint number two?

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Motion carries. Next case.

25 MS. JONES: Upson County, it's 2016-027, Tab 41. It

1 was reported the Upson County polls were open past
2 7:00 p.m. on March the 1st, 2016 for the voters of the
3 presidential primary and special election.

4 The investigation determined that Brenda Dawson, the
5 Election Supervisor, made the decision and gave Bill
6 Westberry the authorization to relay information to a poll
7 manager to keep the poll open until 8:00 p.m. Ms. Dawson
8 stated that she received complaints about people being
9 turned away from the civic center and not being able to
10 vote. Ms. Dawson assumed that she was talking to someone
11 from the Secretary of State's Office when she received a
12 call from Julie Hope regarding people being turned away
13 and the need to keep the polls open later. We recommend
14 that Upson County Board of Elections and Brenda Dawson be
15 bound over to the AG's office for 21-2-403, times for
16 opening and closing the polls, when without proper
17 authorization the polls were directed to remain open until
18 8:00 p.m.

19 MR. RAFFENSPERGER: We have a gentleman from Upson
20 County.

21 MR. HANEY: Good afternoon. I'm Robert Haney. I'm
22 the Chairman of the Board of Elections and Registrations.
23 Also with me is Pam Rutherford, who is the Elections
24 Supervisor for our office. At the time Brenda Dawson was
25 the Elections Supervisor. She has since retired as of

1 earlier this year.

2 You know, we -- we acknowledge that -- that that was
3 a violation. Brenda assumed when this phone call --
4 because she was already speaking with the Secretary of
5 State's Office in the midst of all these phone calls. In
6 her mind, she assumed that this lady was from the
7 Secretary of State's Office. We also realize that that
8 being the case even if the Secretary of State's Office had
9 been the one calling and telling us to leave the polls
10 open that that was not proper thing to do.

11 We have since put in place several office procedures
12 for election day to mitigate the risk of anything remotely
13 like this to happen again. We have had remedial training
14 for all of our office staff and any elections since we've
15 followed those procedures without any problems. And, you
16 know, we're here to answer any questions you might have
17 for us.

18 MR. RAFFENSPERGER: Thank you. Do any members have
19 questions or comments?

20 MR. WORLEY: How -- how long had Ms. Dawson been the
21 Elections Supervisor prior -- prior to this?

22 MR. HANEY: She worked in the office a total -- close
23 to 30 years I think. She was the Election Supervisor for
24 about seven years.

25 MR. WORLEY: And -- and essentially according to the

1 investigative report someone at a Washington number called
2 Ms. Dawson and started this whole chain of events by which
3 polls were all left open until ten o'clock?

4 MR. HANEY: Eight.

5 MR. WORLEY: Eight. Okay.

6 MR. HANEY: We -- actually the official time we told
7 -- that they were told to leave the polls open was eight.
8 About 7:20 is when we actually closed after -- about 7:15
9 is when Ms. Dawson called me and said I made -- I made a
10 bad mistake, and she told me what happened, and I said
11 just shut them down now, call all the poll managers and
12 shut them down. We already had extremely long voting
13 lines because of just that election. I think everybody in
14 the state did, and we could only in our internal
15 investigation -- we can only find where two people
16 actually were allowed to vote that should not have been
17 allowed to vote.

18 MR. WORLEY: Okay. And how many polls were -- were
19 held open?

20 MR. HANEY: Four.

21 MR. WORLEY: Four?

22 MR. HANEY: Right.

23 MR. RAFFENSPERGER: Any other members have any
24 questions or comments?

25 (no response)

1 MR. RAFFENSPERGER: Is there a motion for this case?

2 MR. WORLEY: I would make a motion that we bind this
3 case over to the Attorney General.

4 MR. RAFFENSPERGER: Do we have a second?

5 MS. SULLIVAN: I'll second that.

6 MR. RAFFENSPERGER: We have a second. All right. On
7 the motion before you to bind over to the Attorney General
8 Case Number 2016-027, all signify by --

9 MR. WORLEY: And -- Mr. Secretary, if I could -- I
10 just wanted to state for the record there is a very, very
11 clear process that there -- it often happens that polls
12 have to be held open because it didn't open on time, and
13 there's a very, very clear process that every election
14 official in the state should know. You have to get a
15 superior court order to keep the polls open, and you just
16 don't do it on your own initiative. So I think that just
17 a very hard line that we have to have and I -- and -- and
18 that's why it should be sent up.

19 MR. RAFFENSPERGER: Thank you for that additional
20 clarification. All those in favor of sending this to the
21 Attorney General's office for further action, signify by
22 saying aye.

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Any opposed?

25 (no response)

1 MR. RAFFENSPERGER: Motion carries.

2 MS. JONES: The next case is 2016-029 Fulton County,
3 Miscellaneous, Tab 43.

4 On March 1st, 2016, the Secretary of State's
5 Investigations Division received the following eight
6 complaints related to the March 1st presidential
7 preference primary: handicapped voter access at the Summit
8 Elementary School in Milton, voter identification was not
9 accepted when voted at Price Middle School, qualified
10 voter turned away from voting at Washington Park Library,
11 a voter received the wrong ballot at Peachtree Christian
12 Church, Fulton County Board of Elections and Registrations
13 failed to properly process a voter registration, a voter
14 failed to receive their requested absentee ballot, a voter
15 turned away from being -- from voting at the Zion Lutheran
16 Church as they were identified as non-citizen, and voter
17 identification not accepted at Christian City Welcome
18 Center.

19 Of the eight complaints, only four were
20 substantiated. For allegation one, the investigation
21 found entrance to the poll at the Summit Elementary School
22 to be confusing which led to the wrong entrance being
23 selected. This was evident when Ms. Huddleston took her
24 82-year-old mother that uses a walker to Summit Elementary
25 School to vote. The handicapped markings led to a side

1 door marked with a handicap sign. The entrance led to
2 steps and then up onto a stage where voting was taking
3 place. A complaint was made to the poll worker and Ms.
4 Huddleston was told that the door marked with the handicap
5 sign was not the entrance to the poll. During the follow-
6 up, it was reported that the door marked with a handicap
7 sign is used for students with impaired mobility.

8 For allegation number three, the investigation found
9 that the elector Ms. Turner was misidentified with a Cobb
10 County voter having a similar name. The voter was turned
11 away from the poll in Fulton County having been
12 erroneously identified as being registered in Cobb County.
13 Ms. Turner left the poll, continued to follow-up
14 concerning her registration, then was found to be properly
15 registered in Fulton County. She returned to the poll and
16 was able cast her vote.

17 For allegation four, elector Jessica Powers went to
18 vote at Peachtree Christian Church and marked Democrat in
19 her ballot choice. She received a non-partisan ballot.
20 She noticed when she pulled up the ballot that the only
21 issue on the ballot concerned a water issue. She returned
22 to the poll workers to complain and noticed on her voter's
23 certificate that someone had changed the selection on the
24 certificate to non-partisan. Ms. Powers was given a
25 provisional ballot and allowed to vote. The voter

1 certificate provided by the county does not show any mark
2 for a Democrat choice, and it is not signed by either the
3 poll worker or the elector.

4 And for allegation number six, elector Mr. Ben
5 O'Callaghan reported problems receiving a requested
6 absentee ballot from Fulton County. He requested an absen
7 -- absentee ballot on 2/22/2016 to be mailed to him in
8 North Carolina where he was working. The absentee ballot
9 was instead mailed to his home address in Atlanta. Mr.
10 O'Callaghan contacted Fulton County, who had him complete
11 an affidavit concerning the first issued ballot and then
12 mailed him a ballot to the North Carolina address. He
13 returned the ballot, and it was counted.

14 We recommend that Fulton County Board of Elections
15 and Registration and Richard Barron, Elections Director,
16 be issued a letter of instruction for violation of board
17 rule 183-1-6.04(a)(b) as they failed to prominently mark
18 the handicap access path to the poll at Summit Elementary;
19 for a violation of board rule 1831-12.2(4)(b) as the poll
20 officer failed to properly verify the identity of the
21 voter; and 21-2-381(b)(2)(a) when making an application of
22 absentee ballots and failed to mail the absentee ballot to
23 the requested address -- out-of-county address filed on
24 the application.

25 We also recommend that the board -- Fulton County

1 Board of Elections and Registration and Richard Barron,
2 Election Supervisor, be bound over to the AG's office for
3 violation of 21-2-431(a) execution of voter's certificate
4 and for 21-2-590 for poll officers permitting unregistered
5 or unqualified persons to vote as the poll officer allowed
6 an unqualified elector Jessica Powers to vote a
7 provisional ballot while knowing the voter had previously
8 voted in -- in the same election. We also recommend that
9 the violation for Jessica Powers be dismissed as she was
10 following directions of the poll manager when she cast her
11 second ballot.

12 MR. RAFFENSPERGER: I believe we have someone here
13 for Fulton County.

14 MR. LOWMAN: Good afternoon. David Lowman, again,
15 with the Fulton County attorney's office and Mr. Rick
16 Barron, Director of Registration and Elections, in Fulton
17 County here.

18 I would like to point out that of the four
19 substantiated violations in two of them people were
20 allowed to vote provisional ballots so they voted. One we
21 admit, we sent the absentee ballot to the wrong place, so
22 we admit that. And the first one is a situation where the
23 handicap entrance -- so there were two handicap entrances,
24 and we don't control where the schools put their handicap
25 entrances. But we did have the required handicap access.

1 MR. BARRON: In remark on -- on allegation one, we
2 did have a handicap entrance marked. Evidently there was
3 another one at this building at which is where the voter -
4 - the voter went.

5 In allegation three, the poll worker misidentified
6 the voter, failed to offer a provisional ballot. The
7 voter did contact our office and then went back and was --
8 was able to vote. We train all of our poll workers to
9 offer provisional ballots.

10 The -- in allegation number four, we -- because of
11 retention statute, we don't have a copy of the voter's
12 certificate, so we are unable to see that anymore. We
13 don't have part of that in our records. The poll worker
14 did give the voter another provisional ballot which really
15 if you're going to turn a poll worker -- voter away, the
16 thing to do if there's any dispute is to offer a
17 provisional ballot which is what the poll worker did, but
18 he made the decision not to call it in, and we would -- we
19 have directed once we did the research that the voter
20 voted that provisional ballot would -- wouldn't have been
21 counted.

22 With regard to allegation six, that's -- that's our
23 error. We mailed it to the wrong -- the wrong address,
24 but we ended up correcting that and the voter was able to
25 vote. Does anybody have any questions?

1 MR. RAFFENSPERGER: Does the board have any other
2 questions or comments on these?

3 MR. WORLEY: I just have a question about allegation
4 number four so in -- in that case are -- are you agreeing
5 that there was a violation?

6 MR. BARRON: Well, as far -- we can't examine the
7 voter's certificate. We don't have it. We don't have
8 that record any more. With regard to what the poll worker
9 did with -- with handing out the provisional ballot, we
10 didn't -- we aren't privy to what the conversation was,
11 although if -- if a voter is going to get turned away, and
12 they do hand out a provisional ballot, it -- it's our job
13 once it comes in to do the research and decide whether a
14 provisional ballot is going to count.

15 MR. WORLEY: And do you know when this person was
16 given that credit for voting the provisional ballot?

17 MR. BARRON: We -- we don't know.

18 MR. RAFFENSPERGER: Any other questions or comments?

19 (no response)

20 MR. RAFFENSPERGER: Is the board prepared to make a
21 motion?

22 MR. WORLEY: Well, I'll -- I'll make one motion first
23 with one of the allegations and I would move that we
24 dismiss allegation number one about the handicapped voter
25 access since that's something completely outside the role

1 of the Board of Elections.

2 MR. RAFFENSPERGER: Is there a second for that one?

3 MS. LE: I second.

4 MR. RAFFENSPERGER: All those in favor of dismissing
5 allegation number one, please signify by saying aye.

6 THE BOARD MEMBERS: Aye.

7 MR. WORLEY: And then I would also move to dismiss
8 allegations two, five, seven, and eight since the
9 investigative report found no violations.

10 MS. SULLIVAN: I second.

11 MR. RAFFENSPERGER: There's a second. All those in
12 favor of dismissing allegations two, five, seven, and
13 eight, signify by saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Motion carries. We're left with
16 numbers three, four, and six.

17 MS. LE: I move to bind those.

18 MR. RAFFENSPERGER: Do we have a second?

19 MS. SULLIVAN: Can you remind me of the
20 recommendations -- the recommendations were to bind over
21 numbers three, four and six?

22 MS. JONES: Yes. Bind over.

23 MS. SULLIVAN: All three of those?

24 MS. JONES: Yes.

25 MS. SULLIVAN: I'll second that motion.

1 MR. RAFFENSPERGER: Okay. There's a second to bind
2 over allegations three, four, and six. All those in
3 favor, please signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Anyone opposed?

6 (no response)

7 MR. RAFFENSPERGER: Motion carries. That closes that
8 case. Next case. Fulton County.

9 MS. JONES: The next case is 2016-030, Tab 44, Fulton
10 County, Precinct Changes. On March the 1st, 2016,
11 election date for the presidential preference primary, the
12 Office of the Secretary of State received multiple
13 complaints alleging Fulton County Board of Elections and
14 Registration had changed voters' polling places without
15 properly notifying the voters. Multiple issues were also
16 reported at the polls.

17 In total, there were 19 complaints, and at the
18 conclusion of the investigation, only five of those 19
19 were substantiated: allegation two, polling station at
20 Sandy Springs Christian Church changed to Abernathy Arts
21 Center, Sandy Springs without notice; allegation six,
22 voter directed from their poll location at the Zion
23 Lutheran Church to an incorrect poll of St. Andrews
24 Catholic Church; allegation eight, the voters at the Metro
25 Library had the polls changed without notification;

1 allegation 13, a voter being directed to an improper poll
2 as the voter was directed from her normal poll of St.
3 James Methodist Church to Christian Bell Community Center;
4 and allegation 17, a voter attempted to vote by
5 provisional ballot at a polling location other than the
6 assigned precinct and was refused a ballot.

7 In regards to allegation two, Fulton County failed to
8 publish in the legal organ the polling location change for
9 Precinct SS18B. In regards to allegation six, the
10 allegation was substantiated in that the elector was
11 misdirected to the poll location to St. Andrews Catholic
12 Church resulting in the voter being unable to vote in the
13 election. Diana Ryan, whose name appeared on the list of
14 electors for JC 04 polling place, was not allowed the
15 opportunity to vote. In regards to allegations number
16 eight regarding the poll change without notice for
17 Precincts 12E1 and 12A, it was confirmed that notice was
18 published and sent to electors for 12E1. However, there
19 was no verification for publication for change of Precinct
20 12A. In regards to allegation number 13, it was
21 substantiated that a voter was misdirected from Precinct
22 07C to Clifton Community Center approximately 30 miles
23 away. Princess Cunningham, whose name appeared on a list
24 of electors for the 07C polling place, was not allowed to
25 -- to vote. In regards to allegation number 17, elector

1 Joshua Griffiths went to a precinct knowing that it was
2 not his assigned precinct and requested to be given a
3 provisional ballot. Mr. Griffiths expressed that he did
4 not have time nor the ability to get to his assigned
5 precinct. He was not allowed to cast a provisional
6 ballot.

7 Our recommendation is that Fulton County Board of
8 Elections and Registration and Richard Barron, Elections
9 Director, be bound over to the AG's office for violation
10 of 22 -- 21-2-265(a), when the superintendent as he failed
11 to publish in a legal organ the county polling location
12 change in Precincts SS18B and 12A; 21-2-224(h), when they
13 failed to allow an elector Diana Ryan at Precinct JC04A
14 and Princess Cunningham at Precinct 07C, whose name
15 appeared on the electors list for the precinct, the
16 opportunity to vote; and 21-2-418(a), provisional ballots,
17 when they failed to offer a provisional ballot to the
18 elector Joshua Griffiths that presented himself as a
19 timely registered elector to vote in the election.

20 MR. RAFFENSPERGER: Okay. We have someone from
21 Fulton County.

22 MR. BARRON: With regard to allegations two and eight
23 failing to publish a legal organ, we agree with -- with
24 the investigation. That was a transitional period between
25 one staff member leaving a position and someone else

1 taking over the position, and although that's not an
2 excuse, that's what happened. With regard to allegation 6
3 and 13, those -- we were unable to get any information
4 from the poll workers because they don't remember these --
5 these items so we were really at a loss. We just have to
6 take what the investigator -- the investigator's word for
7 this. And then with regard to allegation 17, that was,
8 like, it was the poll worker error not to offer a
9 provisional ballot which they are trained to do.

10 MR. RAFFENSPERGER: Any members have any comments or
11 questions?

12 MR. WORLEY: I -- I have a question for Mr. Barron.
13 At least recently, I hear a lot of incidents of people who
14 don't have time to vote, the polls are about to close, and
15 they go to another precinct other than their own in their
16 county and ask to vote a provisional ballot. What kind of
17 training do you give and which they are -- which they are
18 allowed to do. What kind of training do you give poll
19 workers and poll managers about provisional ballots?

20 MR. BARRON: Well we -- we train all poll workers.
21 We -- we -- we train them not to turn voters away. I
22 mean, if it's up until probably four or five o'clock in
23 the afternoon, we try to encourage -- the -- the poll
24 workers should encourage voters to go to their own polling
25 place in order for them to be able to vote a full ballot.

1 complainant reported that he was denied his right to vote
2 while attempting to vote at Shakerag Elementary in Fulton
3 County. The complainant stated that he believed he had
4 successfully registered to vote and offered no explanation
5 as to why he was not showing on the voter list of the
6 election list. The complainant reported that his Fulton
7 County polling location had been changed from Young
8 Elementary School to West Manor Recreation Center. The
9 complainant stated that he had received no notification of
10 this and had not received a new precinct card prior to the
11 primary.

12 Regarding complaints one and four, there were no
13 violations to substantiate as Fulton County met their
14 required steps and made -- and made the full changes.
15 Several similar complaints stated these complaints -- that
16 they had received precinct cards after the election.
17 As to complaint number two, no violation was
18 substantiated. It was found that Fulton County was not
19 notified of the elector's address change.

20 As to complaint three, Matthys Serfontein, who was
21 the complainant, and he stated that he had not listed --
22 he was not listed as an active voter when he went to the
23 polls to vote. It was found that he received a letter
24 from the Fulton County elections prior to the March 1st
25 PPP to confirm his citizenship. He did this and returned

1 the information to the county. The information was not
2 updated in the system and the status remained canceled due
3 to citizenship verification. Due to the system's status,
4 he was told by poll worker that his status was not an
5 active voter and he was offered a provisional ballot. He
6 refused the provisional ballot and left the poll.

7 Ralph Jones, Fulton County Elections and
8 Registration, was contacted as a result of the
9 investigation. He located the documents and changed the
10 status in the system on June 15th, 2016. The Fulton
11 County Board of Elections -- or our recommendation is that
12 Fulton County Board of Elections and Registration and
13 Richard Barron, Fulton County Director of Elections, be
14 bound over to the AG's office for violation of 21-2-222(4)
15 registration, when they failed to prepare an update of
16 valid voter list that included Matthys Serfontein in -- as
17 active status.

18 MR. RAFFENSPERGER: Gentlemen.

19 MR. JONES: Mr. Ralph Jones, Chief of Registration.
20 Good afternoon, Board. It is true. We did receive the
21 documentation in a timely fashion. What happened was that
22 the documentation was actually implanted inside the voter
23 registration application. When it was processed, it was
24 not pulled out, we went back and researched and found out
25 that the certificate of naturalization was implanted

1 inside the voter registration application. Therefore, the
2 workers missed it. What we did after that one is to set
3 up a procedure whereby they have to sign the inside of the
4 voter registration application so that we know that they
5 actually looked inside at every one that comes in to our
6 office.

7 MR. RAFFENSPERGER: Are there any board members that
8 have any comments or questions?

9 MR. WORLEY: And -- and, Mr. Jones, in that case the
10 -- the complainant was offered a provisional ballot?

11 MR. JONES: The complainant was offered a provisional
12 and he did not -- that he did not want that type.

13 MR. WORLEY: Right. And had -- had he voted a
14 provisional ballot would you process -- the process you
15 use to research the provisional ballots have found that
16 evidence that he was --

17 MR. JONES: Yes, it would have -- we went back in --
18 if it's a citizenship issue, sometimes some of the people
19 will forget that the citizenship is in the pocket, so in
20 our procedures, our due diligence search, we search every
21 application and see what kind it was. If there's a pocket
22 in a paper application, one of the procedures is to go
23 inside to make sure that we did not make that mistake.

24 MR. WORLEY: And -- and is -- is it your opinion that
25 -- that your procedures have been changed so that this

1 kind of incident would not happen again?

2 MR. JONES: Well, let's hope so as we did the best we
3 can in making sure that person looks inside the
4 application by actually signing inside the application.

5 MR. WORLEY: All right.

6 MR. RAFFENSPERGER: Any other board members have any
7 questions or comments concerning this case?

8 (no response)

9 MR. RAFFENSPERGER: What is the will of the board?

10 MR. WORLEY: I -- I -- I appreciate Fulton County for
11 being here and I appreciate that they've made all the
12 changes that could be made, that it seems to me could be
13 made, to take care of that situation and that they offered
14 the voter a provisional ballot in such case. So with
15 regard to this case and the four different complaints
16 contained in this case I would move to dismiss complaint
17 one, complaint two, and complaint four and send a letter
18 of instruction to Fulton County on complaint three.

19 MS. SULLIVAN: Second.

20 MR. RAFFENSPERGER: Do we have any further
21 discussion?

22 (no response)

23 MR. RAFFENSPERGER: All those in favor of dismissing
24 complaint one, two, and four and sending a letter of
25 instruction for complaint number three, please signify by

1 saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries.

6 MS. JONES: We'll go back up to Murray County.

7 MR. RAFFENSPERGER: Yes. Murray County.

8 MS. JONES: 2016-034, Tab 35. In March 2016, it was
9 reported that Linda Fowler of the Murray County Republican
10 party had begun qualifying candidates on March 7th, 2016
11 prior to the prescribed time at 9am. It was reported that
12 qualifying started at 7:30 a.m.

13 The investigation found that qualifying procedures
14 for both Republican and Democratic candidates for Murray
15 County offices were conducted starting on March 7th, 2016,
16 at the Murray County Senior Center in Chatsworth, Georgia.
17 Separate rooms were utilized for each party. Linda Fowler
18 denied that qualifying started prior to nine. A Facebook
19 posting by Linda Fowler on March 6th, 2016 announced
20 qualifying would begin at 7:00 a.m.

21 A candidate Donna Flood stated that she arrived at
22 approximately 8:30 and was informed that candidate Connie
23 Reid had already qualified. Donna Flood advised that she
24 waited until nine -- eight a.m. to submit her paperwork as
25 she thought 9 was when qualification began. Candidate

1 Connie Reid confirmed to the investigator that she did
2 receive the Facebook post and arrived at approximately
3 8:00 a.m. and had completed qualifying by 8:15. Candidate
4 Sam Bright advised that he did not receive the Facebook
5 post but was told by Linda Fowler that qualifying began at
6 seven. He stated he began the process around 8:50 and was
7 completed by 9:05. Sheriff candidate Ricky Bishop stated
8 that he arrived at approximately 7:15 and that he
9 completed the process and left around 8:00 a.m.

10 The investigator re-interviewed Linda Fowler
11 regarding the obvious discrepancies in her claim that she
12 did not start qualifying until 9:00 a.m. She could not
13 explain why candidates would say they started earlier than
14 nine. She said that she did not have a clock in the room
15 and really didn't understand that -- wouldn't remember
16 qualifying anyone before 8:00 a.m. Linda Fowler stated
17 that time had passed since qualifying ended and had
18 clouded her memory. We recommend that Linda Fowler and
19 the Murray County Republican Party be bound over to the
20 AG's office for violation of 21-2-153(c)(1)(a)
21 qualification of candidates, when on March the 7th, 2016,
22 she initiated qualification procedures for Murray County
23 Republican candidates prior to the mandated 9:00 a.m.
24 start time.

25 MR. RAFFENSPERGER: Do we have someone from Murray

1 County?

2 MS. FOWLER: Yes.

3 MR. RAFFENSPERGER: Can you identify yourself?

4 MS. FOWLER: What was that?

5 MR. RAFFENSPERGER: Name, ma'am.

6 MS. FOWLER: My name is Linda Fowler, 331 Oliver Dill
7 Road, Chatsworth, Georgia in Murray County. I've always
8 volunteered for civic organizations. The last 10 years
9 I've worked in the political organizations. I've never
10 received any reimbursements for any time I've worked.
11 I volunteered to do the qualifying for the Republican
12 party in 2016 and engaged nobody to help in this process.
13 I've -- I've been employed by the same company for 29
14 years and maintain a busy schedule by working remote two
15 days a week, working early and late hours, and using my
16 vacation time. By doing this, I was able to conduct the
17 qualifying of 2016.

18 I always arrive at or before 7:00 a.m. daily and stay
19 as long as needed. I -- I have run a couple of elections
20 and several county district Republican conventions and in
21 our local NAACP unit, while I was the secretary. All have
22 stringent cutoff times but were flexible on allowing early
23 arrivals in the process. That being said if someone came
24 early I would probably qualify -- qualify them because
25 there seemed to be no advantage being given. I did not

1 realize that the importance of the start time.

2 When contacted by the investigator, I was concerned
3 the candidates would be penalized for my actions and I
4 acted accordingly, not thinking on my situation. I
5 realize good intentions and ignorance is not
6 justifications, but I hope and pray they're a
7 consideration in this issue. I've -- I've always tried to
8 follow the rules and regulations. I -- I did the best I
9 could, acted in good faith, but did make a mistake. I
10 respectfully request a letter of instruction to be
11 appropriate for my circumstance.

12 MR. RAFFENSPERGER: Okay. Do any of the members have
13 any comments or questions? I have one.

14 MS. FOWLER: Yes, sir.

15 MR. RAFFENSPERGER: I assume that there are multiple
16 candidates with that's -- in the partisan primary and
17 everyone still got to enter, just to sum it up.

18 MS. FOWLER: Yes.

19 MR. RAFFENSPERGER: Just two hours before they're
20 supposed to.

21 MS. FOWLER: Pardon me.

22 MR. RAFFENSPERGER: I see you had a couple of
23 candidates -- two or three or whatever.

24 MS. FOWLER: Yes.

25 MR. RAFFENSPERGER: But everyone got in, no one was

1 ever excluded.

2 MS. FOWLER: And a matter of fact, it is the
3 paperwork -- it was not printed correctly, and they got --
4 some had come back and requalified later during the week
5 or later that afternoon.

6 MR. RAFFENSPERGER: It did not affect the other
7 parties involved in that --

8 MS. FOWLER: No, sir.

9 MR. RAFFENSPERGER: -- registration or qualifying.
10 Any other questions? Or comments?

11 (no response)

12 MR. RAFFENSPERGER: What is the will of the
13 committee?

14 MS. SULLIVAN: I'll make a motion that a letter of
15 instruction be issued in this matter.

16 MR. RAFFENSPERGER: Is there a second?

17 MS. LE: The only reason why I'm hesitating on the
18 letter of instruction, even though I -- I appreciate you
19 taking, you know, responsibility. It's -- it's variance
20 on the part of published rules of the office so that
21 everyone knows when start time and end time is, and even
22 if no harm was done, you know, in this case it seems like
23 no harm was done. The principle of when something gets
24 published, it's -- it's about the -- that's known. It's
25 very important that everyone gets the same rules and --

1 for those who couldn't make it to those hours, you just
2 have to -- like, oh, I can only come at 7:30, so that
3 conceivably was out of bounds. It's the only reason why
4 I'm hesitant about a letter.

5 MS. FOWLER: And I hear you looking for additional
6 training. I will do what's needed, I mean, it was just a
7 mistake.

8 MR. WORLEY: Mr. -- Mr. Secretary --

9 MR. RAFFENSPERGER: Yes, sir.

10 MR. WORLEY: -- am I -- the -- the other thing that
11 concerns me is that I -- it doesn't appear to happen to be
12 -- it is certainly possible that -- that the candidate
13 that you allowed to qualify between 7:00 and 9:00 a.m.
14 could have their candidacy challenged by another candidate
15 because -- because of that. I don't know if the judge --
16 how a judge would enforce that -- and that's why it's
17 important that the rules have to be -- have to be uniform.
18 I'm not suggesting that -- I think something more than a
19 letter of instruction is required and I'm suggesting the
20 attorney general's office. They shouldn't be overly harsh
21 in what they ask you to do but I -- I do think I would
22 prefer a consent order so that that's what I'm not
23 supporting Ms. Sullivan's motion.

24 MR. RAFFENSPERGER: I don't hear a second for the
25 motion. Is there another motion?

1 MR. WORLEY: I make a motion to bind this case over
2 to the Attorney General's office.

3 MR. RAFFENSPERGER: Is there a second?

4 MS. LE: I'll second that.

5 MR. RAFFENSPERGER: All those in favor of binding
6 this over to the Attorney General's office, signify by
7 saying aye.

8 MR. WORLEY: Aye.

9 MS. LE: Aye.

10 MR. RAFFENSPERGER: Any opposed?

11 MS. SULLIVAN: No.

12 MR. RAFFENSPERGER: Motion carried.

13 MS. JONES: Moving to the second Murray County case,
14 2016-040, Ballot Format, Tab Number 47. The complainant
15 stated that she alleges she went to vote in Murray County
16 during the March 1st, 2016 presidential preference primary
17 and was given a non-partisan ballot when she requested a
18 Republican ballot. Stephanie McKee went to vote at the
19 Main Street Fire Station and was processed by poll manager
20 Steven Phillips. The voter's certificate indicates the
21 request for a Republican ballot. A non-partisan ballot
22 was issued. Stephanie McKee voted the non-partisan ballot
23 and then notified Mr. Phillips.

24 At first, she stated she could not do -- at first, he
25 stated he could not do anything as he had -- she had cast

1 her ballot. Stephanie McKee began -- became upset and Mr.
2 Phillips went into the express poll and canceled her first
3 election and re-issued her a Republican ballot making it
4 possible for Ms. McKee to vote twice regarding the local
5 SPLOST question which she acknowledges that she did vote
6 for the SPLOST question on both ballots.

7 As an addition, Murray County Election Superintendent
8 Larry Sampson sent a letter to the office making an
9 indication that this poll worker had made an honest
10 mistake and that it was not purposeful and explained that
11 the issue had been dealt with, and he had made assurances
12 that it would not happen again.

13 Our recommendation is Murray County Board of
14 Elections and Registration, Larry Sampson, Murray County
15 Election Supervisor, and Steven Phillips, the poll
16 manager, be bound over to the AG's office for violation of
17 21-2-451(a), execution of voter's certificate, when the
18 poll manager failed to properly execute the voter's
19 certificate of Stephanie McKee and issued the ballots she
20 was requesting on that certificate; 21-2-590, poll
21 officer permitting an unregistered and unqualified person
22 to vote when Steven Phillips permitted Stephanie McKee to
23 vote a second time; and 183-1-12.02(4)(b), when he failed
24 to properly encode the voter access card for Ms. McKee
25 that would allow her to vote a ballot of her choice.

1 We also recommend that after further consideration
2 this -- dismissing the violation against Stephanie McKee
3 as she was just following directions of the poll manager
4 when she voted twice.

5 MR. RAFFENSPERGER: Is there someone here from Murray
6 County for this one?

7 (no response)

8 MR. RAFFENSPERGER: Okay. I guess not. Do we have
9 any comments or questions in this case from the Board?

10 MR. WORLEY: Well, I wish Murray County was here to
11 talk about this. But I would make a motion that we bind
12 this case over to the Attorney General's office.

13 MS. SULLIVAN: I'll second that.

14 MR. RAFFENSPERGER: Is there any discussion on this?

15 (no response)

16 MR. RAFFENSPERGER: All those in favor for binding
17 over Case Number 2016-040, Murray County to the Attorney
18 General's office for further action, please state aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed?

21 (no response)

22 MR. RAFFENSPERGER: Motion carries. Next case.

23 MS. JONES: 2016-043, Oconee County, Provisional
24 Ballot, Tab 49. On March 21st, 2016, Oconee County
25 Elections Supervisor Pat Hayes self-reported that Oconee

1 County Registrar transferred a voter after the voting
2 deadline, and the voter was allowed to cast a provisional
3 ballot in the March 1st, 2016 presidential preference
4 primary and that the ballot was counted by Ms. Hayes
5 during the provisional ballot count.

6 Mary Beth Phillips registered to vote through the
7 online voter registration system on February the 2nd,
8 2016, one day after the deadline to be eligible to vote in
9 the March 1st, 2016 election. Carole Amos, the Oconee
10 County Registrar, processed the voter registration on the
11 county voucher for it, assuming that all -- all
12 applications had been entered overnight which was the
13 deadline of February the 1st. The precinct card was
14 issued to Mary Beth Phillips as an eligible voter with the
15 date of the registration printed on the card as February
16 the 2nd, 2016.

17 On the date of the March 1st, 2016 PPP, Mary Beth
18 Phillips went into vote and was not in the express poll as
19 an eligible voter, and she was sent to the provisional
20 ballot table where she completed a provisional ballot.
21 The provisional ballot along with a copy of her precinct
22 card was secured in a ballot bag and on March the 3rd,
23 2016, provisional ballots were being verified when Pat
24 Hayes noticed that Ms. Phillips had registered after the
25 deadline and had been allowed to vote in the election.

1 Ms. Hayes decided to count that provisional ballot due to
2 the original error being made by Oconee County.

3 We recommend that Oconee County Board of Elections
4 and Registration and Pat Hayes be bound over to the AG's
5 office for violation of 21-2-419(b)(c)(3), validation of
6 the provisional ballots, when Pat Hayes validated the
7 provisional ballot of Mary Beth Phillips in the March 1st,
8 2016 election in which she was not a qualified voter. And
9 after further consideration, we recommend that the
10 violation for Carole Amos, the former Oconee County
11 Registrar, Pat Hayes, the Oconee County Elections
12 Supervisor, and the Oconee County Board of Elections and
13 Registration -- the violation 21-2-226 be dismissed as the
14 processing of the voter registration was the appropriate
15 action. It was the counting of the provisional ballot
16 that was the violation.

17 MR. RAFFENSPERGER: And I believe we have someone
18 here from Oconee County.

19 MS. DAVIS: Good afternoon. I'm Fran Davis. I'm the
20 Director of Elections and also the Chairman of the Board
21 for Oconee County Board of Elections and Registration.
22 Any questions for me? Well, before you decide, I have a
23 little bit of an explanation. I was there with Ms. Hayes
24 and Ms. Amos, who are no longer employed by Oconee County.
25 Ms. Hayes is retired and Ms. Amos quit after this

1 happened.

2 But when this occurred we realized that the voter was
3 being transferred from Clarke County which is the
4 neighboring county to us. If the poll manager Mr. Hanson
5 had called us to research about the provisional ballot
6 before he issued the ballot, we would have been able to
7 tell that the voter was inadvertently, or in error, taken
8 from Clarke County to Oconee County. We would have been
9 able to send that voter back to Clarke, even though it
10 would have been an inconvenience. We would have been able
11 to send the voter back to Clarke County and then she would
12 have been able to vote either as a supplemental voter or
13 either as a provisional voter in Clarke.

14 But unfortunately, because Mr. Hanson did not call us
15 and let us know about the provisional, we did not know
16 about the circumstances until we started to do the
17 research. We have since then -- right after that,
18 actually -- put in place a remedy to now all the poll
19 managers are required to call us before they issue a
20 provisional ballot, so that we may be able to do a little
21 research right then and there to hopefully remedy a
22 situation where they wouldn't have to vote a provisional,
23 and we could do something to help the voter, to make it
24 easier for them and not have to worry about a provisional.

25 MR. RAFFENSPERGER: Thank you. Any questions or

1 circum -- particular circumstances in this case that were
2 just explained that we send a letter of instruction to
3 Oconee County.

4 MR. RAFFENSPERGER: Is there a second on that motion?

5 MS. SULLIVAN: I'll second the motion.

6 MR. RAFFENSPERGER: Okay. We have a second. All
7 those in favor of sending a letter of instruction for Case
8 Number 26 -- 206 -- 2016-043, Oconee County, please
9 signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: All opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries.

14 MS. DAVIS: Thank you very much.

15 MR. RAFFENSPERGER: Okay. We're going back up to the
16 top.

17 MS. JONES: There was a second violation to be
18 dismissed.

19 MR. RAFFENSPERGER: Oh, yes, we haven't.

20 MR. WORLEY: And -- yeah, and -- and I'll -- I'll
21 also make a motion that the violation of 22-2-216 be
22 dismissed.

23 MR. RAFFENSPERGER: Is there a second on that?

24 MS. SULLIVAN: I'll second.

25 MR. RAFFENSPERGER: All those in favor of dismissing

1 violation that has been stated, signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed?

4 (no response)

5 MR. RAFFENSPERGER: Motion carries. Okay.

6 MS. WATSON: Okay. I believe that we going back to
7 2015-059, Thomas County.

8 MR. RAFFENSPERGER: Yes.

9 MS. WATSON: In this case, the Thomas County Board of
10 Elections and Registration reported voter identified as
11 Gloria Tillman, who registered to vote in 2003, wasn't a
12 U.S. citizen. Thomas County had contacted her again in
13 2012 where she checked she was not a U.S. citizen and
14 apparently she remained on the voter list. Ms. Tillman
15 went to the Thomas County Board of Elections and
16 Registration in October of 2015 and requested them to
17 remove her from the voter list so she could become a U.S.
18 citizen.

19 The investigation verified that the complaint, and
20 Ms. Tillman admitted to registering to vote while she was
21 not an American citizen and voted in two general elections
22 for presidential elections on November 2nd, 2004 and
23 November 6th, 2012. Ms. Tillman, a citizen from the
24 Philippines, stated that it was her ignorance thinking
25 when she married her husband that she automatically became

1 an American citizen and could register to vote. Ms.
2 Tillman was very apologetic and said she fully intends to
3 become an American citizen and will register to vote.

4 We recommend Thomas County Board of Elections and
5 Registration be bound over to the AG's office for 21-2-
6 226(a), duties of county board in determining eligibility
7 of voters, when they failed to determine the eligibility
8 of Gloria Tillman after she registered to vote in 2003 and
9 again in 2012 while she was not an American citizen. And
10 we are also recommending Gloria Tillman be bound over for
11 21-2-216(a)(2), qualifications of electors generally.

12 MR. RAFFENSPERGER: I don't think there's anyone here
13 from Thomas County.

14 (no response)

15 MR. RAFFENSPERGER: Does the board have any questions
16 or comments?

17 (no response)

18 MR. RAFFENSPERGER: What is the will of the committee
19 of this case?

20 MR. WORLEY: I'd make a motion that we bind over both
21 the respondents in this case to the Attorney General's
22 office.

23 MR. RAFFENSPERGER: Do we hear a second?

24 MS. SULLIVAN: Second.

25 MR. RAFFENSPERGER: All those in favor -- is there

1 any discussion from the board?

2 (no response)

3 MR. RAFFENSPERGER: Not hearing anyone. All those in
4 favor of binding Case Number 2015-059, Thomas County
5 forward to the Attorney General's office for further
6 action, please signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed?

9 (no response)

10 MR. RAFFENSPERGER: Motion carries.

11 MS. WATSON: Okay. The next case is 2015-060,
12 Baldwin County, Deceased Voter, Tab 130. Baldwin County
13 Chief Deputy Registrar Elizabeth Rodgers reported the
14 following: On October the 6th of 2015, the Baldwin County
15 Voter Registration Office received by facsimile an
16 absentee ballot application for a Linda Clemons for the
17 November 23rd, 2015 special election. The facsimile stamp
18 was LC4784141924. The absentee ballot application date
19 was 9/26 of 2015. The application was rejected by the
20 registrar's office with the reason that Linda Clemons'
21 voter record was marked as deceased on 7/2/2015. The
22 election date as well as the application date appeared to
23 be altered on Ms. Clemons' application.

24 The registrar's office also received a call on 10/6
25 of 2015 inquiring if 37 faxed absentee applications were

1 successfully received. Ms. Clemons' application was one
2 of the applications faxed in that group. A number of
3 other applications for this election had had dates altered
4 on them as well.

5 On February 25th, 2016, Baldwin County Voter
6 Registrations Office received an absentee ballot
7 application for Ruthie May Ford who was later determined
8 to have died on the same day the office received it. The
9 application was to request an absentee ballot for the
10 March 1, 2016 presidential preference primary. The dates
11 on the application had also been altered as on Linda
12 Clemons' application. A number of other applications for
13 this primary had the dates altered on them as well.

14 During the investigation of allegation one and two,
15 the Secretary of State's Office learned that Baldwin
16 County Registrar's Office received a combined total of 360
17 absentee ballot applications for the November 3rd, 2015
18 special election and the March 1, 2016 presidential
19 preference primary that were faxed from the same number of
20 4784141924. 295 of the applications had altered dates
21 either on the date of the primary election runoff or
22 application dates sections.

23 The investigation revealed that Beverly Calhoun
24 stated that she changed the dates on Linda Clemons'
25 absentee ballot application and faxed it to the Baldwin

1 County Registrar's Office on October the 6th, 2015. She
2 states that Linda Clemons had given her approval to do so.
3 Beverly was not familiar that Linda Clemons had passed
4 away in July of 2015 when she faxed the application in
5 October of 2015.

6 As to allegation two, Beverly Calhoun also changed
7 the dates on the absentee ballot application for Ruthie
8 May Ford and faxed it to the Baldwin County Registrar's
9 Office on February 25th, 2016, and she states that Ms.
10 Ford gave her permission to do so.

11 Allegation three: from October 6th through October
12 29th, 2015, 256 absentee ballot applications for the
13 November 3rd, 2015 special election were faxed from the
14 same number. 190 of the applications had altered dates
15 either on the date of the primary, the election runoff, or
16 application date sections. From February 24th through the
17 25th, 2016, Baldwin County Registrar's Office received 107
18 absentee ballot applications for the March 1, 2016 PPP
19 that were faxed from the same number. 105 of the
20 applications had altered dates either on the date of the
21 primary, the election runoff, or application date
22 sections.

23 Claudia Pinetta Calhoun (ph.) advised the fax number
24 was her personal fax number and Beverly Calhoun is her
25 mother. Ms. Calhoun states that she always tries to help

1 citizens in the -- the Milledgeville-Baldwin County area
2 with voting and did not know that she could not change the
3 dates on the applications. We're recommending that
4 Beverly Calhoun be bound over to the AG's office for the
5 listed violations of 21-2-381(a)(1)(a), 190 counts;
6 21-2-381(a)(1)(b), 190 counts; 21-2-381(a)(1)(g), 190
7 counts; and 21-2-562, on 295 counts.

8 MR. RAFFENSPERGER: Okay. I don't believe anyone's
9 here from Baldwin County that's named in this case. Are
10 there any comments or questions from anyone on the board?

11 (no response)

12 MR. RAFFENSPERGER: This is my personal -- I'm going
13 to have to write this number down because it's a record
14 breaker for me, but some of you have been on this Board
15 for a while. That's not a big number to you.

16 MR. WORLEY: No, Mr. Secretary, that is a very big
17 number.

18 MR. RAFFENSPERGER: Well, that's what I thought.
19 What is the will of the committee?

20 MR. WORLEY: I make a motion that we bind this case
21 over to the Attorney General's office.

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: Any comments? All those in favor
24 of binding this over to the Attorney General's office,
25 please let me know by signifying by saying aye.

1 THE BOARD MEMBERS: Aye.

2 MR. RAFFENSPERGER: Any opposed?

3 (no response)

4 MR. RAFFENSPERGER: Motion carries.

5 MS. WATSON: The next case is going to be 2016-019,
6 Tattnall County, Tab Number 38. In February 2016, it was
7 reported that a poll worker Ajamu Miller voted early
8 during early voting at the Reed School office in Tattnall
9 County for the March 2016 presidential preference primary
10 and special election. Later, he decided he did not like
11 who he voted for so by working at Glenville Voting Office
12 he went to the e-net system and canceled his ballot.

13 The investigation revealed that Mr. Miller confirmed
14 that he went to the e-net system to do what he believed
15 was canceling out his vote. What he actually did was
16 cancel out his credit for voting. The ballot he had cast
17 was not canceled. We recommend that Mr. Miller be bound
18 over to the AG's office for violation of 21-2-
19 562(2)(a)(2), unlawful altercation of voter registration
20 entries and 21-2-587(6), frauds by poll workers. We also
21 recommend that violations for Tattnall County Board of
22 Elections and Registration be dismissed as Mr. Miller went
23 outside the scope of his duties when he went into the e-
24 net system to cancel his credit for voting.

25 MR. RAFFENSPERGER: Okay. I don't believe we have

1 anyone here from Tattnall County, do we?

2 (no response)

3 MR. RAFFENSPERGER: Any comments or questions from
4 anyone on the board?

5 (no response)

6 MR. RAFFENSPERGER: Is there a motion?

7 MR. WORLEY: I move that we refer this case -- bind
8 this case over to the Attorney General's office.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. SULLIVAN: Second.

11 MR. RAFFENSPERGER: Any further discussion?

12 (no response)

13 MR. RAFFENSPERGER: All those in favor of binding
14 this case 2016-019, Tattnall County, over to the Attorney
15 General's office, please let me know by signifying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed?

18 (no response)

19 MR. RAFFENSPERGER: Motion carries. Next case.

20 MS. JONES: This case is Tab 42, Candler County,
21 Election Officials, 2016-028. Several complaints
22 concerning possible fraud and irregularities during the
23 March 1st, 2016 PPP and special election in Candler County
24 were reported.

25 Candler County Board of Elections member Teresa Gay

1 was at a polling precinct influencing voters to vote for
2 John Miles (ph.) for Sheriff while performing her duties.
3 The second is that Candler County Board of Elections
4 member Teresa Gay took the absentee ballots to residents
5 at Cedar Plantation Assisted Living facility located in
6 Metter, Georgia. The ballots were given to residents who
7 suffer from dementia and are unable to make clear
8 decisions. It was also alleged that Ms. Gay gave ballots
9 to Patrick and Gloria Seals who resided at Cedar
10 Plantation.

11 Third is that Wallie Porter (ph.) photographed his
12 ballot and put it on Facebook. The fourth, Shannon Powell
13 Farlow registered to vote in January 2016 when she removed
14 her license from the Department of Driver Services. When
15 she went to early vote in February 2016, she was told that
16 she was not a citizen. She also stated that she was not
17 given a provisional ballot.

18 Number five, Faye Collins Lanier assisted Barney
19 Walker by filling out his ballot application, but she did
20 not sign it stating that she had assisted him preparing
21 the application. Number six, some poll workers counting
22 ballots were public with getting votes for John Miles.
23 Number seven that a poll worker Alley Ford publicly
24 published her support for John Miles for sheriff, but she
25 was still found to be a poll worker. Number eight, the

1 poll workers were giving a preliminary vote count of
2 candidates during the election for sheriff.

3 Number nine, poll workers were heard recommending the
4 name of candidates to voters that were undecided. Number
5 ten, that people were taking pictures of the ballot in the
6 ballot booths. Number eleven, that the office of the
7 registrar did not know how to conduct the election and
8 said everyone was new and obviously untrained.

9 The investigation revealed that all allegations
10 except number five had -- were unsubstantiated. It was
11 determined that Faye Lanier Collins, while visiting
12 friends at the care facility was asked to bring five
13 ballot applications for her friends. Another resident
14 Barney Walker asked for her assistance also. Faye Collins
15 Lanier did assist Mr. Walker with the application not
16 knowing that she had to sign that she assisted. She later
17 learned that Mr. Walker was not a registered Candler
18 County voter.

19 It was also discovered during the investigation that
20 the election supervisor Victor Fordham that was appointed
21 in August of 2015 had not completed his election
22 verification training nor had he requested a waiver from
23 the Secretary of State's Office.

24 We recommend that Faye Collins Lanier be bound over
25 to the AG's office for 21-2-381(a)(1)(f), when she failed

1 to sign as assisting Mr. Walker with his application and
2 that Victor Fordham, Candler County Elections Supervisor,
3 and County -- Candler County Board of Election for
4 violation of 21-2-101 because he failed to receive his
5 certification.

6 MR. RAFFENSPERGER: Okay. Do we have any questions
7 or comments?

8 (no response)

9 MR. RAFFENSPERGER: What is the will of committee?

10 MS. LE: They're not here to speak to this,
11 unfortunately, so I would ask we move to the office -- to
12 the Attorney General's office.

13 MR. WORLEY: I second that.

14 MR. RAFFENSPERGER: Any further discussion?

15 (no response)

16 MR. RAFFENSPERGER: All those in favor of binding
17 this over to the Attorney General's office please let me
18 know by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed?

21 (no response)

22 MR. RAFFENSPERGER: Motion carries. Next one.

23 MS. JONES: The next one is Tab 46, 2016-036, Houston
24 County, Voter Registration. Rashaunda Chatmon said that
25 she went to the Veterans Hospital precinct for March 1st,

1 2016 shortly before the polling station was closed and was
2 unable to vote because she wasn't registered in Houston
3 County. The poll manager did not allow her to vote a
4 provisional ballot.

5 The second complainant Ciara White stated that she
6 registered to vote at DDS office in January of 2016. She
7 went to the My Voter website on March 1st, 2016 to get her
8 precinct signed up. The site indicated that she was not a
9 registered voter. She contacted Houston County Elections
10 Office and they told her there was nothing they could do
11 to resolve the issue.

12 Ms. Chatmon registered -- the investigation revealed
13 that Ms. Chatmon registered as a voter in 2008 in Bibb
14 County under her maiden name Rashaunda Logan. She updated
15 her name and address in Randolph County through DDS in
16 2014. Ms. Chatmon did not update her voter registration
17 information and thought that it would automatically go
18 through the DDS. Ms. Chatmon contends that she went to
19 the voting precinct her husband was assigned to and tried
20 to vote. She reports that she was told she was not on the
21 electors list. She protested, and she had her driver's
22 license to show that she actually lived in Houston County.
23 She was directed to the provisional ballot table and told
24 that she needed to go to the county she was registered in.
25 She said that she did not have time to get to Bibb County.

1 She stated in her interview that the poll worker told her
2 she could not vote a provisional ballot.

3 Poll workers at the precinct were interviewed and did
4 not recall any voters close to closing time that had any
5 issues such as Ms. Chatmon described. They recalled only
6 that one voter came in after the polls were closed and was
7 not allowed to vote.

8 As to complaint two, Ciara White: the DDS records
9 show that on her DDS application she did select to
10 register to vote. However, when she obtained her
11 temporary license on January 27th, it indicated that she
12 did not wish to register on her application. It is not
13 known how the error occurred, possibly a processing error
14 through DDS. Ciara White was officially registered as a
15 voter on April 15th, 2016.

16 We recommend that Stephanie Dixon, poll manager,
17 Joanne Shipes, Elections Superintendent, and Houston
18 County Board of Elections and Registration be bound over
19 to the AG's office for violation of 21-2-418(a),
20 provisional ballots, in that they did not allow a person
21 to vote a provisional ballot when that person believed
22 they were a registered voter.

23 MR. RAFFENSPERGER: And we have no one here from
24 Houston County.

25 (no response)

1 MR. RAFFENSPERGER: Any board members have any
2 comments or questions?

3 (no response)

4 MR. RAFFENSPERGER: Do we have a motion?

5 MR. WORLEY: I'll make a motion to bind this matter
6 over -- over to -- the charge related to Ms. Chatmon -- to
7 bind that over to the Attorney General's office and to
8 dismiss the complaint by Ms. White.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I second.

11 MR. RAFFENSPERGER: All those in favor of the motion
12 presented and want to move it over, please let me know by
13 signifying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed?

16 (no response)

17 MR. RAFFENSPERGER: Motion carries. Okay. Or for
18 clarification, the City of Snellville case was continued?

19 MS. WATSON: Continued.

20 MR. RAFFENSPERGER: So that is the end of all of our
21 new cases. And let's turn it over to the Attorney
22 General's office.

23 MS. CORREIA (ph.): Does the board want me to discuss
24 any one of them or vote on them as a group? I'd be happy
25 to discuss any one of them on its own if the board wants

1 to.

2 MR. RAFFENSPERGER: What is the will of the board?

3 MS. CORREIA: I'm sorry?

4 MR. RAFFENSPERGER: I'm just asking.

5 MR. WORLEY: I'll make a motion that we accept in a
6 block the consent order reports from the Attorney General.

7 MS. SULLIVAN: I'll second that.

8 MR. RAFFENSPERGER: All those in favor of accepting
9 the consent orders in a block, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed?

12 (no response)

13 MR. RAFFENSPERGER: Motion carries. Any further
14 discussions?

15 MS. SULLIVAN: Have we voted on the dismissal?
16 Unless any of the other board members want any further
17 presentation or information, I move that we dismiss SEB
18 case number 2016-052.

19 MR. RAFFENSPERGER: Do we have a second?

20 MS. LE: I second.

21 MR. RAFFENSPERGER: All those in favor -- any
22 discussion? All those in favor of dismissing Case Number
23 2016-052, Gwinnett County, signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed?

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(no response)

MR. RAFFENSPERGER: Motion carries. Do any of the board members have any additional comments they would like to share before I make a motion to adjourn?

(no response)

MR. RAFFENSPERGER: Do we have a motion to adjourn?

MR. WORLEY: So move.

MS. LE: Second.

MR. RAFFENSPERGER: All those in favor of adjourning?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: We are adjourned.

(Adjourned at 3:02 p.m.)

CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 2 through 201 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 25 day of September, 2019.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:

STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

DECEMBER 17, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Steven Ray Green, CCR
Atlanta, Georgia

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APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Secretary of State Brad Raffensperger, chair
Rebecca Sullivan, vice chair
David Worley
Anh Le

ALSO PRESENT IN ORDER OF PRESENTATION

Frances Watson, Chief Investigator
Charlene McGowan, Assistant Attorney General
Ryan Germany, SOS General Counsel

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Transcript Legend
[sic] - Exactly as said.
(ph) - Exact spelling unknown.
Break in speech continuity.
... Indicates halting speech, unfinished sentence
or omission of word(s) when reading.
Quoted material is typed as spoken.

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1 their time, I wanted to go ahead and get that
2 done.

3 I know that many of you are here for the new
4 SEB rules, and, you know, we'll be going into
5 that. So it's going to be a very full agenda
6 today.

7 As we always do, we allow two minutes for
8 our speakers to speak on any topics they wish to
9 bring to our attention. And we have allocated
10 about 30 minutes. We'll see how that works. And
11 if you have any SEB rule changes, we have
12 allotted also 15 minutes for public input at the
13 time from one of the presenters and then maybe
14 other public comments.

15 Our office is very pleased to announce that
16 yesterday we began voting demonstrations with our
17 new ballot-marking device voting system at the
18 King Center. We are excited that visitors will
19 have the opportunity to try out the new system.

20 Our office has been -- has done many voting
21 machine demonstrations that have included
22 Gwinnett County, a senior center in Clayton
23 County, the state fair in Perry where 3,700
24 Georgians tried it out, the Columbia County Fair
25 in the Augusta area where a thousand people tried

1 it out, the State Farm Bureau Conference in
2 Jekyll and ACCG Conference in Athens, and just
3 last week the Hall Business Chamber Meeting up in
4 Gainesville.

5 And I also note that county election
6 officials are also inviting opportunities in
7 their counties for voters to try the new system.
8 We are ahead of schedule for the March 24
9 presidential primary and excited that Georgia
10 continues to lead in innovations in voting.

11 And that is my comment for this morning.

12 Do any board members wish to offer any
13 comments before we get started?

14 **MR. WORLEY:** No.

15 **MR. RAFFENSPERGER:** Okay. Well, you have
16 the approval of the board minutes meeting before
17 you, do we have a motion?

18 **MR. WORLEY:** I'll make a motion that we
19 approve the minutes of the August 29th meeting.

20 **MR. RAFFENSPERGER:** Do we have a second?
21 Sorry.

22 **MS. SULLIVAN:** I'll second it.

23 **MR. RAFFENSPERGER:** All those in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Motion carries.

1 Okay. First thing we have is the
2 investigation of consent cases. And one of our
3 board members - public comments, I'm sorry.

4 Okay. We have two sheets and the first one
5 we have Hillary Holley on proposed rules. Do you
6 want to speak now or do you want to speak later
7 when we just talk about the proposed rule change
8 at that time?

9 **MS. HOLLEY:** Now is fine.

10 **MR. RAFFENSPERGER:** Pardon me?

11 **MS. HOLLEY:** Now is fine.

12 **MR. RAFFENSPERGER:** Okay. If you'd come
13 forward.

14 **MR. RAYBURN:** When public commentators
15 speak, please start with your name and where you
16 live. If you'll come into this area so the
17 transcriptionist can get it down.

18 **MS. HOLLEY:** Good morning. My name is
19 Hillary Holley and I live in Atlanta, Georgia.
20 So I'm the organizing director of Verified
21 Action.

22 I'm here today to say that 2020 is an
23 important year for Georgians. We are electing a
24 president, two U.S. senators, state
25 representatives, and many local elected

1 officials. In Georgia's 2020 elections,
2 historically high turnout is expected beyond even
3 what we saw last year where too many of our
4 systems failed voters. Because two weeks out --
5 two weeks out from here Georgia is unprepared.

6 I am here this morning to raise concerns on
7 how Georgians can ask the state election board
8 and the secretary of state to do its job to
9 prepare for the 2020 elections, because what we
10 saw in 2018 certainly cannot happen again.

11 In 2018, the state election board and the
12 secretary of state's office had massive
13 administrative failures which caused extremely
14 long lines, registered voters missing at the
15 polls, insecure and insufficient number and
16 malfunctioning voting machines, insufficient
17 provisional ballots, poorly trained election
18 official staff who were ill-equipped to meet
19 voters' needs. This all occurred -- this all
20 occurred because the secretary of state and the
21 state election board failed to do its job.

22 And now Georgia is implementing an entirely
23 new voting system during a presidential election
24 year. Responsible states took years to implement
25 these new voting systems, yet the Secretary of

1 State of Georgia has given counties less than
2 three months to prepare. The Colorado Secretary
3 of State told the AJC and I quote: What Georgia
4 is trying to do is basically -- basically blowing
5 my mind. We had two-and-a-half years to do it
6 and that was challenging. I cannot imagine
7 implementing with the number of counties Georgia
8 has in it, what -- in what two or three months?

9 But despite this our county election
10 officials are working hard to keep up with the
11 state's ever-evolving timeline and package of
12 resources. County officials have asked for the
13 secretary of state's support to only receive more
14 vague responses and unclear commitments. We have
15 a presidential primary in three months and
16 machines are delivered in early February.
17 Counties will have less than two months to train
18 poll workers, while required properly -- to
19 properly manage the election on new technology.
20 (timer sounding)

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

23 **MS. HOLLEY:** All right.

24 **MR. RAFFENSPERGER:** James Wood -- Woodan; is
25 that right?

1 **MR. WOODALL:** Woodall.

2 **MR. RAFFENSPERGER:** Woodall. Gotcha.

3 Sorry, James.

4 **MR. WOODALL:** Yes. James Woodall, pres --
5 well, I live in Atlanta, Georgia and I'm the
6 president of Georgia NAACP.

7 I come for two reasons in -- in addition to
8 what my colleagues have share -- will share and
9 have shared already is that the Georgia NAACP is
10 concerned about the direction of the election
11 here in this state.

12 As we go across the entire state, people are
13 -- are -- are disavowed with the process. They
14 don't want to vote quite frankly because the
15 process, they believe, is corrupt and does not
16 serve their best interests. And so there are two
17 specifics acts that Georgia NAACP is asking this
18 board and the secretary of state's office to
19 consider.

20 One being that the directives that are given
21 to local boards of election, those be given
22 primarily from the secretary of state's office as
23 opposed to being deferred to the local
24 jurisdictions of the boards of election.

25 The other is allowing for expanded access of

1 language for the ballot process so that we can
2 have those who don't have English as a first
3 language or those who are not able to articulate
4 in English what they desire as an election
5 result.

6 So we're asking for those two specific
7 things because we believe that those will allow
8 for us to have more fair and accessible elections
9 and we're willing to work with the secretary of
10 state's office and this board to ensure that
11 those things happen. Thank you.

12 **MR. RAFFENSPERGER:** Thank you.

13 Sean Young. Sean Young.

14 **MR. YOUNG:** Hello. My name is Sean Young
15 and I'm the legal director of the ACLU of
16 Georgia. The ACLU of Georgia is a nonpartisan
17 organization whose goal is to protect the sacred
18 and fundamental right to vote, especially for
19 those who are the most vulnerable among us. We
20 take our nonpartisan status very seriously. In
21 fact, we have sued and are suing both democrats
22 and republicans in various counties for failing
23 to protect our elections.

24 I want to focus primarily on two issues that
25 plague our elections -- long lines on election

1 day, particularly in the lower income
2 communities; and the belated processing of
3 absentee ballots -- and to that end, I'm going to
4 make four recommendations.

5 First, all polling places must be tested
6 well in advance to ensure that they can carry the
7 substantial electrical capacity required for
8 e-poll books and new voting machines. In fact
9 the clerk -- the elections director of Jackson
10 County is -- is actually doing that now and I
11 think all of our counties should be doing that.
12 A lot of people can't afford to take off four to
13 five hours of work to wait for malfunctioning
14 machines to be up and running again.

15 Second, the regulations must provide that
16 emergency paper ballots be available to all
17 voters in case of an emergency, which should
18 include malfunctioning machines. And, in fact,
19 that's exactly what Georgia law requires in
20 Section 2 -- 21-2-281. But right now the
21 regulations aren't implemented yet.

22 Third, regulations should require every
23 polling place to have an easy mechanism for poll
24 workers to determine a voter's correct polling
25 place. And poll workers should be required to

1 tell voters that if it's not practical to go to
2 the right polling place, that they can vote a
3 provisional ballot on the spot.

4 Fourth and lastly, absentee ballot
5 processing is haphazard and dysfunctional. We
6 recommend that the regulations require all
7 absentee ballot applications, absentee ballots,
8 and registration form be processed within 24
9 hours of receipt and that voters be called or
10 e-mailed immediately if there are any problems.
11 Promptly means promptly and 24 hours is more than
12 enough to do this promptly.

13 2020 gives Georgia the chance to rise above
14 partisan politics and ensure that everyone,
15 especially the most vulnerable among us --
16 (timer sounding)

17 **MR. YOUNG:** -- can participate in our -- in
18 our democracy. Thank you.

19 **MR. RAFFENSPERGER:** Thank you.

20 Marissa Dodson.

21 **MS. DODSON:** Good morning. My name is
22 Marissa Dodson. I am the attorney and the public
23 policy director of the Southern Center for Human
24 Rights. I'm here today to call your attention to
25 an issue around voting as it relates to people

1 who have been convicted of a felony.

2 The Southern Center for Human Rights is a
3 nonprofit, nonpartisan law firm. We are
4 committed to litigation and public policy reforms
5 that address injustice in our criminal legal
6 system in the state.

7 We want to bring to your attention that over
8 250,000 people were disqualified in Georgia in
9 2018 due to a felony conviction. What the law is
10 in this state is that people who were convicted
11 of a felony involving moral turpitude are denied
12 the right to vote until they have completed their
13 sentence. The right to vote is supposed to be
14 automatic -- automatically restored in Georgia.
15 However, there are fundamental problems with the
16 way the law is being implemented.

17 First and foremost, there is no definition
18 of moral turpitude. So therefore, every felony
19 is disqualified in Georgia which includes drug
20 possession and other things that people don't
21 assume would be -- there would be such a -- such
22 a severe consequence for their action.

23 The other issue is what it means to complete
24 your sentence. What we know is that Georgia has
25 some of the longest probations -- not some of --

1 the longest probation sentences in the country.
2 We have the most number of people per capita that
3 are under correctional control. And what happens
4 is that fines and fees and other criminal justice
5 debt stop people from being able to be restored.

6 We believe that these are modern poll taxes
7 designed to exclude or continue to perpetuate
8 wealth-based discrimination. Thus, those who
9 have the money to pay, can vote. But those who
10 do not, cannot vote.

11 Tomorrow there is a senate study committee
12 that has been meeting to address some of these
13 problems. Their final meeting where they will be
14 -- where they will consider recommendations and a
15 report will happen tomorrow. It will be in the
16 Coverdell Legislative Office Building in Room
17 307. We expect or are hopeful that there will be
18 some recommendations that come out of this
19 committee that will improve clarity and expand
20 the right to vote for people in this state who
21 are living in our communities --

22 (timer sounding)

23 **MS. DODSON:** -- and paying taxes and leading
24 productive lives in our -- in our state. Thank
25 you very much.

1 **MR. RAFFENSPERGER:** Thank you.

2 Mr. John Cusick.

3 **MR. CUSICK:** My name is John Cusick. I'm an
4 attorney with the NAACP Legal Defense and
5 Educational Fund.

6 In Georgia some polling place changes have
7 made it harder, if not impossible, for voters to
8 vote. In 2013, following the Shelby County
9 decision, Baker County considered closing four
10 out of five polling locations, a majority of
11 which would've impacted black voters.

12 More recently we saw in Randolph County
13 seven of nine polling place closures being
14 considered, again disproportionately impacting
15 black voters. In both of these cases, LDF along
16 with other civil rights organizations and
17 communities wrote in opposition and worked to
18 make -- ensure that these proposals would not be
19 considered. To this end, we continue to monitor
20 voting places throughout the state of Georgia.

21 In 2018, in the lead-up to the mid-term
22 elections, along with ACLU of Georgia, we wrote
23 to all 159 counties with a list of our
24 recommendations.

25 One, that they should make sure that there

1 are mechanisms to ensure that community members
2 have input in any decision to move or to close a
3 polling precinct.

4 Second, that the board must study and
5 analyze any disproportionate impact to black
6 voters, disabled voters, or elderly voters.

7 Third, that alternate proposals should be
8 considered during this review process, and
9 proposals that make it harder for racial
10 minorities should not be defended for cost
11 justifications or end runs around to complying
12 with the American Civil Liberty -- American
13 Disabilities Act.

14 We urge this board to adopt some of these
15 recommendations and issue guidance to all of the
16 counties moving forward to the 2020 elections.
17 We're concerned, given House Bill 316, that
18 certain board of elections are not going to be
19 able to comply with the new mandate, especially
20 given the Fair Fights analysis and that best
21 might be used as a justification to further
22 reduce polling place closures.

23 So we urge you to make these recommendations
24 and issue guidance to the different boards of
25 elections and make sure that they're in

1 compliance with their legal obligations in the
2 U.S. Constitution and Georgia state law and make
3 sure some of these recommendations are in place
4 so community members have a seat at the table
5 during and after the process. Thank you.

6 **MR. RAFFENSPERGER:** Thank you.

7 Ms. Laura Walker.

8 **MS. WALKER:** Hi. My name is Laura Walker.
9 I live in Columbus, Georgia. I'm the chair of
10 the Muscogee County Democrats. I'm here because
11 of a couple of different things.

12 I completely support what has all just been
13 said, especially of felony voting rights. I
14 spoke to the senate hearing that -- when it came
15 down to Columbus earlier this fall.

16 I want to implore you not to set up your
17 local county election boards for failure. From
18 what we understand, there's not enough funding
19 for the training, that there is not enough
20 machines purchased for the recommended standards
21 by the -- the people who implement the system,
22 it's not up to standard. And why we would not
23 fully fund and support that effort in an
24 election, right after such a -- an election year
25 of kind of failure is beyond me. Don't set them

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up to be in a similar position this year.

I also want to talk a little bit about the purges. We, as a county committee, were able to get the list of canceled voters from the last list that went out. And we decided to do a little test of it and we whittled it down to the voters who had been canceled. So they had already been dropped, but who had voted in the last election cycle in 2018. And for our county, there was 306 people.

According to the regulations, those people, if they voted last year but had already been dropped, should be either deceased or incarcerated. And we've done the list. We -- we've searched, you know, just trying to identify each person, and only about 85 percent of those people can be identified in those ways. I just wanted to let you know that these purges are not infallible. They impact voters who may not know until they get to the polling place that they've been dropped.

(timer sounding)

MS. WALKER: There is room for error. Please, please make sure that this election goes well.

1 **MR. RAFFENSPERGER:** Thank you.

2 Mr. George Balbona.

3 **MR. BALBONA:** George Balbona, Cobb County.

4 Hey, Brad. So much for -- for suppression,
5 so little time.

6 Let's start with this article that you
7 posted on the SOS website on November 13th. It's
8 entitled *Risk Limiting Audits Concludes*
9 *Paper-Ballot System Accurate*. Yeah. You've --
10 you're pleased as punch. You say that you're so
11 happy they have verified voting and their
12 president, Marian K. Schneider, is endorsing you.

13 Then, amazingly, eight days later, Phillip
14 Stark, the man who invented risk limiting audits,
15 he sent in his resignation letter to Verified
16 Voting because he did not believe that you can
17 have a meaningful, risk limiting audit on the
18 BMDs.

19 I have three articles here I wanted to
20 submit into the record. One's his resignation
21 letter; one's the letter he sent before this
22 so-called SAFE commission; and the other one is
23 Wenke Lee, the only cyber-security expert on the
24 SAFE commission, saying we should not be using
25 BMDs. There's a copy for everybody. So you each

1 can spread it.

2 So let's read from this resignation letter.
3 He says, "This is security theater not election
4 integrity." And if it's theater, Brad, you're
5 going for an Academy Award and it's all fiction.
6 Okay? He says that, you know, Verified Voting is
7 promoting the shiny part of auditing the risk
8 limiting audit procedure at the expense of a far
9 more fundamental requirement for trustworthy
10 elections: a trustworthy paper trail. You do not
11 have that.

12 Those little summaries that the BMDs spit
13 out is bait and switch because, A, it's just a
14 summary, and, B, you know those scanners are
15 tabulating off the QR code and the barcode. And
16 there's not a person on this planet who can read
17 either of those and you know that. It's bait and
18 switch.

19 You have a very sprite expression on your
20 face right now, Brad. Why is that? Are you
21 happy because you purged 313,000 people last
22 night from the voter rolls, registered Georgia
23 voters who took the time before we had the
24 automatic BMD?

25 (timer sounding)

1 **MR. BALBONA:** Smug.

2 (applause)

3 **MR. BALBONA:** Oh, we have -- I have copies
4 of the resignation letter here if anyone wants to
5 pick it up.

6 **UNIDENTIFIED AUDIENCE MEMBERS:** Thank you.
7 Thank you. Thank you.

8 **MR. RAFFENSPERGER:** Ms. Page Dukes.

9 **MS. DUKES:** Hello. My name is Page Dukes
10 and I work for Southern Center for Human Rights
11 as an assistant of communications.

12 I'm also a re-entering citizen. In 2007, I
13 was convicted of a violent felony. After
14 battling an addiction to opioids for several
15 years and dropping out of college, I was released
16 from prison two-and-a-half years ago after
17 spending my 20s there. I'll graduate from
18 college in May and I plan to have my rights
19 restored this year, but I am just one of too many
20 blanketly excluded from policy decisions that
21 directly affect us.

22 Colorado adopted House Bill 1266 earlier
23 this year redefining the language to restore
24 voting rights upon release. If the expectation
25 is that re-entering people become productive

1 members of society, that productive --
2 productivity requires self-sustainability and,
3 least of all, autonomy. A person is just as tied
4 to individual responsibility to vote as it is to
5 hold a job and pay taxes. Depriving us of our
6 civic voice while simultaneously requiring civic
7 contributions, financial and otherwise, is in
8 direct contradiction and it sends a message that
9 we are less than fully human.

10 **MR. RAFFENSPERGER:** Thank you.

11 Mr. Garland Favorito.

12 (applause)

13 **MR. RAFFENSPERGER:** Do you see Mr. Garland
14 Favorito?

15 **THE COURT REPORTER:** Well, he needs to use
16 the microphone, please.

17 **MR. FAVORITO:** (approaching microphone) I'll
18 give it back.

19 Mr.~Chairman, before I start, there was a
20 ballot-marking device security study that we
21 introduced in (indiscernible) California two
22 months ago. I'd like to get this on the record
23 if that's okay.

24 **MR. RAFFENSPERGER:** Certainly.

25 **MR. FAVORITO:** Thank you.

1 Mr. Chairman, I'm -- I'm, of course, this
2 board (indiscernible) the constitution for me to
3 support the rule changes that matter, that are
4 very common sense and -- and very important. But
5 what I want to do is talk to you as the founder
6 of VoterGa and identify how (indiscernible).

7 We've been explaining to the SAFE commission
8 (indiscernible) for the last two years that the
9 voting systems and some of the ballot-marking
10 devices which include the ones you purchased will
11 accumulate votes that are cued in barcodes from
12 the voter. So this is a totally, 100 percent
13 unverifiable system, just like the last system
14 that we had and we're trying to get rid of and
15 one that was ruled unconstitutional and banned
16 for use in this incoming year.

17 Now, all of this -- all of this is to say
18 that auditability will cover, but it will not --
19 it will not cover to this because you can't
20 expect on only one percent of the ballots and
21 then compensate from 100 percent of
22 (indiscernible) under our voting system.

23 In addition, the procedures that you're
24 going to use do not (indiscernible) in the state,
25 house, judicial, nonpartisan county or municipal

1 elections. So auditing cannot possibly cover
2 unverifiability.

3 In addition, Phil Stark, the inventor of
4 risk limiting auditing procedures that we are
5 going to use here in Georgia, he said they cannot
6 be meaningfully audited to -- to use the audit
7 (indiscernible) ballot marking devices that are
8 Georgia -- that I have mentioned.

9 Fourth, there is no incentive on the state
10 elections board and the state elections
11 department to resolve security problems when they
12 come up. For example, in 2018, the lieutenant
13 governor's race lost a hundred and twenty-five
14 thousand or so ballots. There was no
15 investigation, no attempt to find out what
16 happened to those votes.

17 (timer sounding)

18 **MR. FAVORITO:** And finally, when the central
19 ballot (indiscernible) --

20 (timer sounding)

21 **MR. FAVORITO:** -- was exposed in 2017, there
22 was no investigation, nothing was done on that.

23 Thank you.

24 **MR. RAFFENSPERGER:** Thank you.

25 Okay. We had another sign-up sheet here and

1 if I could call, like, three names so we can line
2 up here (indicating), it might help expedite it.

3 So the first one is Ms. Aileen Nakamura.
4 Number 2 is Ms. Liz Troop (pronouncing), Throop,
5 T-h-r-o-o-p, and Ms. Joy Wasson and Ms. Dana
6 Bowers. And maybe that will help.

7 So Ms. Nakamura.

8 **MS. NAKAMURA:** Good morning.

9 **MR. RAFFENSPERGER:** Good morning.

10 **MS. NAKAMURA:** My name is Aileen Nakamura
11 and I'm a Georgia voter from Sandy Springs.

12 The secretary of state reports that there
13 were only a few glitches with the new Dominion
14 Voting System in the six pilot counties, using
15 phrases like: The system is running as designed.

16 I'm here to tell you that if it is running
17 as designed, we're in big trouble. I know this
18 because I organized a group of about 30
19 volunteers who went and observed during early
20 voting election day in the run-off elections in
21 six of the seven total pilot counties. We
22 visited over 50 different polling places and
23 spent a total of 185 hours as poll watchers or
24 observers. I personally spent 25 hours observing
25 and watching at 11 locations and I can tell you

1 this, these municipal elections were so small
2 that they were -- we're kidding ourselves if we
3 think these pilots were a true test of the
4 system.

5 The voters who voted on BMDs in the pilot
6 elections represent less than one percent of the
7 voters expected in March of 2020. How can this
8 be looked at as a true test of the machines. I
9 saw a scanner stop working after scanning just
10 seven pieces of paper. And voters had to wait
11 40 minutes while poll workers, who not of their
12 fault, they just didn't know how to -- how to
13 handle the fix.

14 The voters ended up leaving with their paper
15 printouts in an emergency slot without scanning.
16 It took almost two hours for the scanner to get
17 fixed. But you know why this wasn't a big deal
18 even though there's only one scanner in each
19 polling place? Because there were only two
20 voters at that time.

21 But at the same precinct during the twenty
22 -- 2018 mid-terms, they had a record turnout with
23 a line that had doubled around a huge auditorium,
24 down the hall, and out the door. What happens
25 when the scanner fails in March or next November?

1 So let me repeat, all of the municipal
2 elections were so small that again and again when
3 poll booths, BMDs and scanners failed, it didn't
4 seem like a big deal. It's absurd to assume that
5 more training will overcome equipment failures
6 during the presidential primary with over two
7 million voters. So slow it down and let's get it
8 right.

9 (timer sounding)

10 **MR. RAFFENSPERGER:** Thank you.

11 Ms. Liz Throop.

12 (applause)

13 **MS. THROOP:** Hi there. I'm Liz Throop. I
14 vote in DeKalb County.

15 We need a solid contingency plan for 2020.
16 I spent 31 hours observing the Dominion system at
17 10 polling locations and I agree with Aileen.
18 These pilots were not the true test of the new
19 system. In fact, I was at a polling place long
20 enough to see that one of these claims made about
21 how things were fixed quickly simply wasn't true.

22 On election day in Carroll County, poll pads
23 were unable to format ballot access cards between
24 my arrival at 7:40 a.m. and when a vendor came to
25 fix them at 10:00 a.m. This differs from the

1 secretary of state's report that a fix was sent
2 out via Wi-Fi and that everything worked by
3 8:20 a.m. Until mid-morning I watched voters
4 fill out and sign paper certificates. The poll
5 manager had to go from machine to machine using
6 his own access card and password so voters could
7 vote. I also saw a BMD suddenly go black and it
8 couldn't be fixed so it had to be removed. Other
9 observers witnessed scanners that kept rejecting
10 printouts unless they were inserted just right
11 and other problems.

12 While many of these issues would have caused
13 a huge bottleneck on a large election, none of
14 these many problems we observed and documented
15 posed anything but a slight blip in these pilot
16 elections because the amount of available
17 equipment was so large, the staffing was extra
18 heavy, and the voting was extra, extra light.

19 It's urgent that you as a board allow
20 counties to only introduce new equipment that
21 they need -- that they can use with confidence,
22 that have been tested well, and that are known
23 not to fail. We need a solid contingency plan.
24 Unlike pilot elections, polling places in 2020
25 will be high stress.

1 (timer sounding)

2 **MS. THROOP:** Thank you.

3 **MR. RAFFENSPERGER:** Thank you.

4 (applause)

5 **MR. RAFFENSPERGER:** Joy Wasson.

6 **MS. WASSON:** Good morning. My name is Joy
7 Wasson and I'm a Georgia voter from Atlanta.

8 In the 2018 general election, a record
9 number of voters chose to cast their ballot by
10 absentee from home, using hand-marked paper
11 ballots. There are a bunch of steps involved.
12 You have to request the ballot by filling out a
13 form, which you mail or hand-deliver. Your local
14 election office mails the ballot to you, you
15 complete it, stuff it into two envelopes, sign
16 the outer envelope. You can then mail it back or
17 drop it at your election office. Once received,
18 election officials check your signature against
19 the electronic records before accepting the
20 ballot.

21 For many voters the system worked, but for
22 far too many the system failed and votes were not
23 counted. The signature match requires election
24 officials to have expertise they're not trained
25 for. Votes of Asian American, elderly and

1 disabled people are rejected at higher rates due
2 to signature mismatch. Mail delivery is not
3 always reliable. In large counties there have
4 been backlogs processing requests.

5 Today you'll be hearing a petition to adopt
6 four rules. Rule 1 allows voters to drop their
7 ballot off at their local precinct on election
8 day or at any early voting location. Show your
9 ID to the clerk, confirm you're an active voter,
10 and hand over the ballot. You leave with
11 confidence your vote has been accepted. I
12 support Rule 1 because it will reduce uncertainty
13 for voters while reducing workload for local
14 election officials. Thank you.

15 **MR. RAFFENSPERGER:** Thank you.

16 (applause)

17 **MR. RAFFENSPERGER:** After Ms. Dana Bowers,
18 we'll call John Peterson, Jasmine Clark, and
19 Terrence White. If they could line up also.

20 So Ms. Bowers.

21 **MS. BOWERS:** Good morning. My name is Dana
22 Bowers and I'm a Georgia voter from Gwinnett
23 County.

24 I've been working for fair elections in
25 Georgia for several years now, and in recent

1 years I have chosen to vote on hand-marked paper
2 absentee ballots. I fully understand the
3 procedures, but defi -- despite my best efforts,
4 my vote was not counted in the 2018 general
5 election. If Proposed Rule 1 was in effect, my
6 vote would have been counted. This rule will
7 make a difference for thousands of Georgia voters
8 like me.

9 I live in Gwinnett County which became
10 notorious for twenty -- in 2018 for the number of
11 absentee voters whose votes were not counted.
12 It's a perfect storm. Gwinnett is a fast-growing
13 and one of the most diverse counties in the
14 southeast. It's the only Georgia county required
15 to print ballots in both English and Spanish,
16 which makes the outer envelope of the absentee
17 ballot more complex.

18 Rule 1 has two big advantages for voters
19 like me. Number 1, we have the option to cast
20 our hand-marked absentee ballot on election day,
21 taking advantage of the latest information before
22 making our decision. When we hand our vote --

23 Number 2, when we hand our vote to an
24 election official, we will be confident that it
25 will be counted. I urge you to adopt Rule 1. It

1 -- it helps voters and reduces workload for
2 election officials.

3 **MR. RAFFENSPERGER:** Thank you.

4 (applause)

5 **MR. RAFFENSPERGER:** Mr. John Peterson.

6 Mr.~John Peterson.

7 Then Jasmine Clark and then Terrence White.

8 **MR. PETERSON:** Good morning. My name is
9 John Peterson and I'm a Georgia voter from
10 Cherokee County. I currently attend Georgia
11 State University here in Fulton County. And as a
12 college student, I'm deeply frustrated when the
13 health of our democracy makes speeches like ours
14 necessary. I know the problems that occur in
15 Georgia today on voting are not what our founding
16 fathers had in mind.

17 Our democracy is not healthy, Mr. Secretary.
18 As a voter in this state, I am very seriously
19 concerned about ballot secrecy. There are many
20 reasons why Georgia voters may want to keep their
21 votes private. For some, it's a workplace issue,
22 like for teachers. But for others, it's about
23 relationships with close family or friends. And
24 for others it's about being free from coercion or
25 intimidation over their votes, which has been

1 historically all too common in the state of
2 Georgia.

3 Our founding fathers felt so strongly about
4 this that they guaranteed absolute ballot secrecy
5 in the Georgia Constitution. So my question is:
6 Why are taxpayer dollars being spent on 33,000
7 ballot-marking devices that aren't keeping votes
8 secret? You can literally read the screen from
9 20 to 30 feet away. Ask anyone who watched the
10 pilot elections or attended a demo run by our
11 election office.

12 Could you dim the light?

13 **UNIDENTIFIED AUDIENCE MEMBERS:** (inaudible)

14 **MR. PETERSON:** When I first saw that, I
15 thought it was a joke. It's mind boggling. The
16 tablets are big, bright, and they stand upright.
17 When you choose a candidate, a bar lights up
18 across the screen and anyone familiar with the
19 ballot can easily tell the candidate selected
20 from a distance, anyone: poll workers, poll
21 watchers and observers or other voters.

22 You can't enforce a "just don't look" rule
23 for all of those people. We're asking you to
24 adopt a rule that reflects our constitutional
25 guarantee that our right to ballot secrecy must

1 be protected. I strongly support Rule 2.

2 (applause)

3 **MR. RAFFENSPERGER:** Dr. Jasmine Clark.

4 **DR. CLARK:** Good morning.

5 **MR. RAFFENSPERGER:** Good morning.

6 **DR. CLARK:** So for those who don't know, my
7 name is Dr. Jasmine Clark. I am a State
8 Representative in the Georgia General Assembly.
9 But today I'm actually coming here as a concerned
10 private citizen to express my concerns about the
11 new voting system in Georgia and, specifically,
12 to the electronic poll books used for voter
13 check-in and programming of voter cards.

14 I am asking you to consider Rule Number 3
15 that is being proposed in the petition this
16 afternoon which asks that there be paper backups
17 to the poll books at each polling precinct. This
18 is important to me because in the run-off
19 election of 2018, I experienced issues where I
20 was told I was at the wrong polling location
21 during the check-in process. It took several
22 minutes and phone calls before the issue was
23 mysteriously resolved. But I believe that if
24 there had been paper backups this could have
25 prevented a lot time and confusion during this

1 incident.

2 While I had the time to wait for the issue
3 to be resolved and I was sure about where I was
4 supposed to be, many voters could be discouraged
5 by being sent away or could end up filling out
6 provisional ballots while not understanding the
7 process of procuring those provisional ballots or
8 not being able to cast votes for their local
9 candidates.

10 Based on my personal experience, I implore
11 you to strongly consider protecting the integrity
12 of our elections by adopting Rule Number 3 and
13 providing paper backups to our electronic poll
14 books. Thank you.

15 **MR. RAFFENSPERGER:** Thank you.

16 (applause)

17 **MR. RAFFENSPERGER:** Mr. White.

18 **MR. WHITE:** Good morning. My name is
19 Terrence White and I'm a Georgia voter from
20 Paulding County. In addition, I am a member of
21 the Paulding County Board of Elections Support
22 Committee, the vice chair of the commun -- of
23 Community and Voter Outreach of the Paulding
24 County Democratic Party, and most recently a
25 declared candidate for Georgia House District 19.

1 For nearly over a decade I've dedicated
2 myself to being a voting activist in this state.
3 Paulding County has nearly 100,000 voters and our
4 four new voting sites will open in just 76 days.

5 We were a pilot county and experienced
6 equipment problems as noted in the secretary of
7 state's long executive summary. When the polls'
8 pads failed, lines formed, and voters left
9 without casting a vote. I think we can all agree
10 this is unacceptable. We do not know when we
11 will receive the balance of our new equipment.
12 We cannot schedule training. We're ready to do
13 our best to implement the new system, but time is
14 running short and there are more questions than
15 answers.

16 Mr. Secretary, you are predicting record
17 turnout for the 2020 elections. More than ever,
18 local election officials need to be confident
19 that they are using systems they can rely on.
20 Rule 4 permits all county election
21 superintendents to complete a smooth and
22 efficient transition from the Diebold GEMS Voting
23 System to the Dominion Voting System by choosing
24 the transition plan that best suits their
25 capabilities and resource availability without

1 using the old DRE machines.

2 It is simp -- it is a sensible solution and
3 one I urge you to adopt.

4 **MR. RAFFENSPERGER:** Thank you.

5 (applause)

6 **MR. RAFFENSPERGER:** The four next on the
7 list would be Libby Seger, Elisa Goldklang, Shea
8 Roberts, and Isabel Hidalgo. The first one will
9 be Libby Seger.

10 Ms. Seger.

11 **MS. SEGER:** Good morning. My name is Libby
12 Seger and I'm a Georgia voter from Roswell,
13 Georgia in Fulton County. I'm currently a
14 sophomore at Georgia State University pursuing a
15 double major in journalism and political science.
16 And the more I get involved and the more that I
17 learn the more and I -- the more I am concerned
18 about the future of our democracy, especially our
19 right to vote.

20 Now I am part of a rising generation of
21 Georgia young voters. Are you aware of the new
22 report that shows that Georgia leads the nation
23 with a 3-percent increase in the share of young
24 voters? That's right. We're willing and ready
25 to show up in record numbers in 2020.

1 And I am here today to speak in favor of
2 Rule 4 on incremental voting system conversion
3 because I know the problems in polling places
4 have unfair effects on young voters.

5 Now, a lot of us have crazy transportation
6 schedules and keeping polls open later because
7 the poll books didn't work in the morning isn't
8 really going to help us. And long lines don't
9 just disenfranchise young voters, they
10 disenfranchise all voters, not to mention that
11 most counties haven't even received their
12 equipment yet.

13 And the project manager shows that
14 deliveries will be complete sometime in February.
15 Early voting begins in 76 days. How can we --
16 sorry -- how can -- how can all a hundred and
17 fifty-nine counties train staff and set up
18 elections when they're still waiting for
19 equipment? It makes no sense the rush -- to rush
20 the transition from the old Diebold GEMS system
21 to the new Dominion system.

22 You have the authority to give counties
23 flexibility to choose a transition plan that they
24 can implement with confidence and that will give
25 voters the peace of mind and trust that our state

1 is doing what is the best for each county.
2 Please make the right decision. Thank you.

3 (applause)

4 **MR. RAFFENSPERGER:** Ms. Goldklang.

5 **MS. GOLDKLANG:** Good morning, sir. Good
6 morning, Board. My name is Elisa Goldklang and
7 in German that means beautiful sound, so we get
8 that right. I'm from Cobb County and I want to
9 talk about audits.

10 Robust audits are the cornerstone of
11 confidence that every vote is counted as voter
12 intended. HB316 requires audits to be
13 implemented as soon as possible, but no later
14 than November 2020.

15 And I agree with you, sir, when you said
16 audits are an important part of the new, secure
17 paper-ballot voting system because they give the
18 public confidence in how the election was
19 conducted and the integrity of the results. And
20 I fully agree with that.

21 And you did conduct one pilot test audit
22 last month, so thank you. But unfortunately, we
23 (indiscernible) the year ahead. But developing
24 robust standards, as you saw with other states,
25 can take up to a year. It requires a complex

1 series of questions and choices and we urge you
2 to seek out best practices from around the
3 country and to consult leading experts on
4 election audits, including Professor Stark who
5 was mentioned earlier who invented risk limiting
6 audits.

7 Stark says that risk limiting audits of
8 machine-marked ballots are only -- can only
9 confirm the tabulation is correct. That's
10 important to know. It's only getting the
11 tabulation. But it cannot confirm the election
12 outcome is right because the voter did not mark
13 the little receipt printout that we all get.
14 They didn't mark that, that's like a grocery
15 receipt. But the computer is only, you know,
16 calculating barcodes. So the voters really don't
17 know.

18 So most experts say you cannot have
19 meaningful audits when you use ballot-marking
20 devices except -- every cyber-security, every
21 computer scientist says that. So I'm a little
22 confused why we're using these and there are no
23 computer scientists on this board.

24 You are tasked with --

25 (timer sounding)

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MS. GOLDKLANG: -- formulating --

MR. RAFFENSPERGER: Thank you for your
comments.

MS. GOLDKLANG: Okay.

MR. RAFFENSPERGER: Ms. Roberts.
(applause)

MS. ROBERTS: Good morning. My name is Shea
Roberts. I'm a Georgia voter and a lawyer from
Sandy Springs. I'm also a candidate for State
House 252.

I'd like to speak about one of your most
fundamental duties to find what constitutes a
vote. The code requires you promulgate rules and
regulations to define uniform and
nondiscriminatory standards concerning what
constitutes a vote and what will be counted as a
vote for each category of voting system used in
this state.

The change from DRE machines to
ballot-marking devices requires a fresh look at
what constitutes a vote. The Dominion BMD prints
out a paper ballot summary that includes both
barcode and human readable text. The Dominion
scanner reads the barcode to tally votes while
the human readable text is used for recounts and

1 audits.

2 However, O.C.G.A. 21-2-379 states that
3 ballot-marking devices must produce a paper
4 ballot which is marked with the elector's choices
5 in a format readable by the elector. And
6 O.C.G.A. 21-2-379 states the paper ballot printed
7 by the electronic ballot marker shall constitute
8 the official ballot and shall be used for another
9 -- the result in any recount conducted pursuant
10 to section 21-2-489 and any audit conducted
11 pursuant section 21-2-498.

12 When you write the rules and regulations for
13 what constituted a vote, how do you resolve a
14 problem of a printed vote summary that contains
15 voter selections in two forms, one human readable
16 and one not. Which constitutes the vote? There
17 surely can't be one vote for scanning and another
18 vote for recounts and audits. How can you
19 resolve the dilemma?

20 We urge you to advise the general assembly
21 that you find it impossible to formulate a rule
22 stating what constitutes the vote when there are
23 actually two versions of the voter's choices
24 printed on one paper ballot, one which is human
25 readable and the other not. Thank you.

1 **MR. RAFFENSPERGER:** Thank you.

2 (applause)

3 **MR. RAFFENSPERGER:** Thank you.

4 **MS. HIDALGO:** Good morning. I'm Isabel
5 Hidalgo and I'm a Georgia voter from Atlanta.

6 Georgia is undertaking the largest, most
7 complex, fastest vote -- fastest voting system
8 transition ever attempted, and it's being
9 attempted in a presidential election year. That
10 is the -- that is being attempted without a
11 serious contingency plan and the equipment that
12 we will use are running quite late. Right now
13 there is every sign that a contingency plan and
14 relief valves are essential.

15 I'm here at the request of more than 500
16 Georgia voters from 54 counties that have signed
17 our petition in support of four rules that would
18 make Georgia elections better. These citizens
19 are choosing to be a part of the solution. They
20 understand that running good elections is hard
21 work and that rules play a critical role in
22 making that happen. The rules are common sense.

23 Rule 1 designates an absentee ballot clerk
24 at each early and election day polling place,
25 giving voters the option of delivering their

1 absentee mail ballot at any place they would be
2 eligible to cast their vote in person.

3 Rule 2 reiterates a guarantee found in our
4 constitution that Georgia voters are entitled to
5 absolute ballot secrecy.

6 Rule 3 requires carrying paper poll books to
7 be available in precincts on election day and to
8 be considered the very prime source in case of a
9 conflict with electronic poll books.

10 Rule 4 considers the new Dominion Voting
11 System an approved pilot program until it is
12 fully operational in all 159 counties and allows
13 local officials to choose a transition plan they
14 can reliably administer in 2020.

15 On behalf of these people who signed this
16 petition, I urge you to adopt these rules. Thank
17 you.

18 **MR. RAFFENSPERGER:** Thank you.

19 (applause)

20 **MR. RAFFENSPERGER:** Okay. If we could have
21 Megan My-set (pronouncing).

22 **MS. MISSETTE:** Missette.

23 **MR. RAFFENSPERGER:** Missette.

24 And then following her, last name is Blad,
25 B-l-a-d; is that right? And then Susan McWethy

1 and then Chris Chan.

2 Okay, Ms. Missette.

3 **MS. MISSETTE:** Good morning. My name is
4 Megan Missette. I'm a Georgia voter from Fulton
5 County.

6 I wholeheartedly support the four common
7 sense rules you're considering today which is the
8 result of a petition representing a coalition of
9 nonpartisan and politically diverse groups.

10 The rules reflect a deep understanding of
11 Georgia elections and a commitment to make
12 Georgia elections centered on voters and to
13 restore voter confidence that Georgia elections
14 are fair, run smoothly, are nondiscriminatory,
15 especially since we aren't going to be accepting
16 elections on any hand-marked paper ballots, which
17 is the gold standard.

18 The proposed rules were widely distributed
19 to the people responsible for running and paying
20 for our local elections in 159 counties and to
21 the general public prior to this meeting. More
22 than 500 Georgia voters from 52 counties have
23 already endorsed these rules.

24 Many local officials have said with
25 enthusiasm that they would welcome some of these

1 rules. They have concerns about the BMD rollout
2 and they appreciate some of these rules for
3 making their jobs easier, et cetera, and they
4 know that voters stand with them. This should
5 inform your decision as you consider the rules.

6 In contrast, the rules proposed by the
7 secretary of state staff have been drafted in
8 secret with the assistance from just a few
9 election officials. Many of us here today have
10 asked our election officials about these rules
11 and they have been kept in the dark. More than
12 one has commented that regular citizens seem to
13 be more informed than they are and that regular
14 citizens are pretty uninformed as it is, but ...

15 So I ask what would be a better process:
16 Help with gathering input from election officials
17 across the state and publishing the names of the
18 members of the rules work groups, advertise their
19 names, and allowing public input during the
20 drafting process, and gathering widespread
21 support of the rules before they come to you or
22 the process by which these rules arrived here
23 today from you, which is, frankly, a mystery to
24 most of us here today and most Georgia election
25 officials.

1 So as you consider --

2 (timer sounding)

3 **MS. MISSETTE:** -- which new rules to adopt,
4 I urge you to consider being more transparent and
5 more collaborative with local voters and local
6 officials or even to consider establishing a rule
7 that makes the rule-making process itself
8 (indiscernible). Thank you.

9 **MR. RAFFENSPERGER:** Thank you.

10 (applause)

11 **MR. RAFFENSPERGER:** Ms. Blad.

12 **MS. BLAD:** I'm Toche Blad from Sandy
13 Springs, a voter from there, and my concern with
14 the voting -- new machines is that you've
15 definitely got to look at adopting some rules
16 that will help mitigate this. Because you've
17 tried to roll this out in a rather quick way and
18 in doing so I think you're going to have some
19 shortcomings.

20 I know firsthand in 2018 my neighbor asked
21 me to register a friend of theirs to vote. He's
22 not computer literate, has problems getting to
23 the polls, et cetera. Between me and another
24 neighbor, we watched it firsthand. This -- this
25 person was registered. I pulled it up the day

1 that he was there voting. He was on the state
2 database, however, for whatever reason, that
3 Fulton County precinct did not have him on the
4 polls. Good news is it was all happening at the
5 North Annex. He could go back to the woman that
6 originally registered him there. She was able to
7 resolve the problem.

8 But that's why some of these rules, like
9 Rule Number 3, need to be implemented. We know
10 firsthand we had problems in 2018. You're coming
11 out with new machines and you've got to solve
12 this. This has got to be improved and we need
13 this for the most important election, which is
14 2020 where we're doing not only the presidential
15 but U.S. Senate seats. Thank you.

16 **MR. RAFFENSPERGER:** Thank you.

17 (applause)

18 **MR. RAFFENSPERGER:** Ms. McWethy.

19 **MS. MCWETHY:** Good morning. My name is
20 Susan McWethy and I'm a DeKalb County voter.

21 This is an example of what Georgia calls a
22 scanning ballot (indicating). You -- I know
23 you've all seen this up there. A ballot is
24 supposed to contain information that is
25 accessible to voters. Scanning ballots do not do

1 that. Scanning ballots provide only abbreviated
2 information about the candidates and initiatives
3 in summary lists that are difficult to read
4 because the print is tiny. And if you don't have
5 a really good memory, you're likely not to notice
6 that candidates were omitted from the list.

7 As for the ballot measures, these scanning
8 ballots will tell you something like this:
9 Amendment 1, you voted yes. Amendment 2, you
10 voted no. Does anybody remember ballot measures
11 by their number? In the 2018 election, there
12 were four amendments and you practically needed a
13 PhD just to read them. These ballots require you
14 to not only to remember what each one of them
15 said, but also its number on the ballot.

16 And, of course, the worst part of these
17 so-called ballots is the encrypted QR code that
18 allegedly embeds the voter's selections. No one
19 can verify that a QR code accurately reflects
20 what's in the barely readable summary lists. So
21 this is voter verifiability Georgia style.

22 Colorado also purchased this Dominion system
23 -- excuse me -- but recently outlawed ballots
24 with QR codes. Secretary of state, Jena
25 Griswold, recognized the security risks,

1 acknowledging that QR codes could be among the
2 next target of attack and are potentially subject
3 to manipulation. She was also concerned that
4 voters could not verify the QR codes. With a
5 software upgrade, these machines are capable of
6 producing full-face ballots --

7 (timer sounding)

8 **MS. MCWETHY:** -- that count votes using only
9 marked votes.

10 Mr. Secretary, what Jena Griswold did for
11 Colorado, you can do for Georgia. You can bring
12 to the voters of this state a ballot that is
13 worthy of the name.

14 **MR. RAFFENSPERGER:** Thank you.

15 (applause)

16 **MR. RAFFENSPERGER:** Mr. Chan.

17 **MR. CHAN:** Hi. My name is Chris Chan. I'm
18 a resident of Atlanta and have been a resident of
19 Georgia for 35 years. I'm a lawyer and an
20 engineer and I represent the interests of many
21 Asian Americans here in Georgia.

22 I am in support of the four requests in the
23 rules petition that has been submitted to you and
24 will be considered by this board. The right to
25 vote is the right to be heard and the right to

1 choose who leads us. The right to vote is what
2 fundamentally distinguishes our country as a
3 beacon of democracy and an example for the world
4 to follow.

5 Please restore credibility and
6 accountability to Georgia's election procedures.
7 Please continue protecting our democratic ideals,
8 our country, and our state by adopting the four
9 proposed rule changes in the petition. Thank
10 you.

11 **MR. RAFFENSPERGER:** Thank you.

12 (applause)

13 **MR. RAFFENSPERGER:** Okay. Moving on to the
14 consent cases and we'll hear those. Again, we'll
15 -- after -- one of our members is going to recuse
16 herself and that's going to be on Case Number
17 2018-112, DeKalb County, cast ballot.

18 Are there any other members that will recuse
19 themselves?

20 **MS. SULLIVAN:** No.

21 **MR. WORLEY:** No. But I would like to pull
22 Case Number 5 or Consent Number 5, Case Number
23 2018-071.

24 **MR. RAFFENSPERGER:** Okay.

25 Ms. Watson --

1 **MS. WATSON:** Is it tab --

2 **MR. RAFFENSPERGER:** -- present it to -- zero
3 seven -- the first one?

4 **MR. WORLEY:** And it might -- it might save
5 time for Ms. Watson if I indicated why I wanted
6 the case pulled. This was a case that we had
7 looked at at a previous meeting.

8 **MS. WATSON:** Right.

9 **MR. WORLEY:** And sent it back for further
10 investigation. The reason that I wanted it
11 pulled is because the report that we have today
12 doesn't really describe what that further
13 investigation was.

14 **MS. WATSON:** Yes, sir. Are we going to ...

15 **MR. RAFFENSPERGER:** Great.

16 **MR. WORLEY:** That's all.

17 **MS. SULLIVAN:** So we're starting with that
18 one?

19 **MS. WATSON:** In the --

20 **MR. RAFFENSPERGER:** Do you want to start
21 with that one. We just did -- do you want to
22 finish (indiscernible). (indiscernible)
23 information on that from Ms. Watson.

24 **MS. SULLIVAN:** I can make a motion to vote
25 on the first three in block unless any of the

1 board members wanted to go ahead and discuss.

2 **MR. WORLEY:** Why don't we -- why don't we --
3 why don't I make a motion that we adopt -- or
4 that we dismiss all of the consent cases except
5 for 2018-071?

6 **MS. WATSON:** And I think we need to go ahead
7 and pull 112 off too so they can be voted on
8 separately.

9 **MR. RAFFENSPERGER:** Are you going to --

10 **MR. WORLEY:** And I'll take that as a
11 (indiscernible), sorry.

12 **MR. RAFFENSPERGER:** Okay. Do we have a
13 second?

14 **MS. SULLIVAN:** I'll second that.

15 **MR. RAFFENSPERGER:** All those in favor?

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Okay. So those two are
18 culled and then 44, 96, and 13 stay on.

19 Ms. Watson.

20 **MS. WATSON:** Okay. I'm going to go ahead
21 and start with 44 or ... Let me just --

22 **MS. SULLIVAN:** I think we just --

23 **MR. RAFFENSPERGER:** Do want to --

24 **MS. SULLIVAN:** -- we just --

25 **MR. RAFFENSPERGER:** -- postpone --

1 **MS. SULLIVAN:** -- we'd just -- to either
2 dismiss all those.

3 **MR. RAFFENSPERGER:** Letter cases.

4 **MS. SULLIVAN:** We need to look at these
5 (indiscernible) --

6 **UNIDENTIFIED AUDIENCE MEMBERS:** Speak up.

7 **MR. RAFFENSPERGER:** Ms. Watson, if you would
8 present 71.

9 **MS. WATSON:** Okay. This was 2018-71, DeKalb
10 County voter intimidation. In this case -- and
11 it was in October of 2018 and a complaint was
12 reported that flyers had been distributed from
13 the Klu Klux Klan and it was located near a
14 polling place in DeKalb County. It was reported
15 that this would -- could possibly be voter
16 intimidation.

17 This was looked at through Homeland Security
18 of DeKalb County and they found no connection
19 between the literature and an attempt to
20 intimidate. As for further and -- further
21 follow-up, we did locate a -- an origin of this
22 flyer which was a website from a group that was
23 in North Carolina. I spoke with their leader.
24 He says these flyers are posted for anyone to
25 download and they have no knowledge of any being

1 distributed, the flyers or their intent.

2 **MR. WORLEY:** And DeKalb Homeland Security
3 found that --

4 **MS. WATSON:** No connection.

5 **MR. WORLEY:** No connection.

6 **MS. WATSON:** They were distributed in the
7 areas outside of the polling location
8 (indiscernible).

9 **MR. RAFFENSPERGER:** Does anyone want to
10 speak on this case?

11 **UNIDENTIFIED SPEAKER:** This lady
12 (indicating).

13 **MR. RAFFENSPERGER:** Give us your name.

14 **MR. RAYBURN:** (handing microphone)

15 **MS. TINDALL GHAZAL:** Thank you, sir.

16 **MR. RAYBURN:** You're welcome.

17 **MS. TINDALL GHAZAL:** My name is Sarah
18 Tindall Ghazal. I'm a voter in Cobb County and I
19 was the complainant in this case.

20 At the time that we issued the complaint, I
21 was the voter protection director for the state
22 party -- the -- the Democratic Party of Georgia.

23 The -- the state election board and the
24 secretary of state hold a sacred public trust in
25 overseeing the right and ability of all eligible

1 voters to cast their ballot freely with neither
2 fear nor favor.

3 When incidents occur that may impact that
4 right, they must be considered with the utmost
5 gravity. Voters called the Democratic Party of
6 Georgia's voter hotline on Saturday,
7 October 27th, to report these flyers were found
8 in Tucker, both in a housing complex nearby and
9 on the property of the Reid Cofer Library which
10 was used as an early voting location.

11 The voter sent a copy of the flyer as well
12 as photos of the lines of voters. It stretched
13 far past the doorway, in through the property.
14 Voters in line could easily have seen the
15 pamphlets which were placed in plastic baggies to
16 ensure that they would withstand the rain and be
17 read by passersby.

18 We understand it's difficult to attribute
19 blame or identify individuals who were
20 responsible for this cowardly, heinous act.
21 After all, the flyers were left anonymously,
22 likely under cover of darkness, although they
23 helpfully provided a telephone number.

24 What's not difficult to ascertain, however,
25 is the motive. These flyers were left precisely

1 where voters could see them. The message was
2 unmistakable and deliberate. The KKK was
3 watching. Any voter of color, ask them what
4 their reaction was and what they thought the
5 message was. It was an act of intimidation.

6 The broader context is also clear. Voices
7 nationally are fanning the flames of racism.
8 Brushing aside actions which were designed with
9 precision to target voters of color in an
10 historic election for the first black governor of
11 Georgia does nothing to quench those flames.

12 This isn't a warning bell; it is a siren.
13 Racism should never be a political issue or a
14 weapon. And weaponized white supremacy at the
15 very moment that Georgians exercise their
16 democratic votes should never be ignored.

17 On behalf of voters across Georgia, we ask
18 that you treat this matter with the utmost
19 seriousness that it deserves and ensure that
20 every investigation is as thorough as possible.
21 State led leadership, including the secretary of
22 state, must denounce these threats and the
23 organizations that fuel them and take steps to
24 protect Georgia's voters from intimidation and
25 threats designed to stop them from participating

1 in our democracy. Thank you.

2 **MR. RAFFENSPERGER:** Thank you.

3 (applause)

4 **MR. RAFFENSPERGER:** What is the will of the
5 committee?

6 **MR. WORLEY:** Well, I -- I certainly agree
7 100 percent with Ms. Ghazal's comments. Not only
8 that, I think this kind of voter intimidation's
9 outrageous which is why I asked that the case be
10 further investigated at the last meeting.

11 Unfortunately, there's -- there's very
12 little that can be done to identify the people
13 who are responsible for this. But I think we can
14 all be vigilant and conduct thorough
15 investigations any time something like this
16 happens again.

17 But under the circumstances, I know we had
18 no choice other than to dismiss the case. And so
19 I would make a motion that we dismiss the case,
20 unfortunately.

21 **MS. SULLIVAN:** I'll second that motion.

22 **MR. RAFFENSPERGER:** All those in favor?

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** The case is dismissed.

25 (audience making nonverbal sounds)

1 **MR. WORLEY:** For those -- for those of you
2 who are in the audience that were not here for
3 the last meeting and perhaps did not hear all of
4 the facts that were introduced at the last
5 meeting, we should make it clear that there was
6 no way to find the people who were responsible
7 for these flyers. That's just a fact. And so
8 there was nothing more that we could do other
9 than condemn this action.

10 **MR. RAFFENSPERGER:** So Case 2018-112,
11 Ms.~Watson.

12 **MS. WATSON:** Yes. In this case it was
13 reported that November 1, 2018, a voter, Brittany
14 Bentson, submitted an online complaint. She
15 states that she requested an absentee ballot
16 approximately one month and hadn't received it.
17 She explained that she was working temporarily
18 out of state and requested her absentee ballot be
19 mailed to a New York address. Ms. Benson said
20 she had not received her ballot and was concerned
21 that she would not be able to vote.

22 DeKalb County was notified of the complaint
23 by our office. It was determined that a ballot
24 had been issued but had not been received by the
25 complainant. The -- an additional absentee

1 ballot was overnighted to the complainant who was
2 able to vote and return the ballot which was
3 (indiscernible).

4 We see no election violation and we're
5 recommending this case be dismissed.

6 **MR. RAFFENSPERGER:** And Ms. Le will be
7 recusing herself from this vote. What is the
8 will of the committee on this? Do we have anyone
9 that wants to speak to this case?

10 (no response)

11 **MS. SULLIVAN:** I'll make the --

12 **MR. RAFFENSPERGER:** I just --

13 **MS. SULLIVAN:** Oh, I'm sorry.

14 **MR. RAFFENSPERGER:** I'm sorry. Sorry. A
15 little too quick about that.

16 **MS. MOMO:** Good morning. My name is Shelley
17 Momo and I'm here on behalf of the DeKalb County
18 Board of Registrations and Elections. We agree
19 with the preliminary findings. We received a
20 complaint that she had not received her absentee
21 ballot and overnighted it to her.

22 We would ask that it be dismissed.

23 **MR. RAFFENSPERGER:** What is the will of the
24 committee?

25 **MS. SULLIVAN:** I'll make a motion that

1 2018-112 be dismissed.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MR. WORLEY:** I'll second that.

4 **MR. RAFFENSPERGER:** All those in favor say
5 aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. RAFFENSPERGER:** Motion carries.

8 We next move on to the letter cases, page --
9 Tab 7.

10 **MS. WATSON:** Yes. This is 2016-50, Jasper
11 County, felon case.

12 In March of 2016, we opened an investigation
13 into a felon under sentence having registered to
14 vote in Jasper County. It was verified that the
15 individual, Mr. Clifton, did register on
16 February 23, 2016 while under sentence in Jasper
17 County. We also verified that he's currently
18 serving a sentence in a Georgia correctional
19 facility. We're recommending that Mr. Clifton be
20 issued a letter of instruction for the violation
21 of 21-2-216 (b) and 21-2-516.

22 **MR. RAFFENSPERGER:** Is there anyone here to
23 speak on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Then any comments or

1 what is the will of the committee? Any comments
2 from the committee?

3 **MR. WORLEY:** I'll make a motion that we send
4 a letter of instruction.

5 **MR. RAFFENSPERGER:** Do we have a second?

6 **MS. LE:** I'll second that.

7 **MR. RAFFENSPERGER:** There's a second. Any
8 other comments?

9 (no response)

10 **MR. RAFFENSPERGER:** All those in favor say
11 aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?

14 (no response)

15 **MR. RAFFENSPERGER:** Motion carries.

16 Ms. Watson, new cases?

17 Yes. First off, Ms. Le, I believe, will be
18 recusing herself from eight and ten. So we have
19 it on record.

20 And do we have any folks here in the crowd
21 that are here to speak on any of these cases?

22 (audience indicating)

23 **MR. RAFFENSPERGER:** Okay. We'll try and do
24 those first if we can.

25 **MR. WORLEY:** Mr. Secretary, I received an

1 e-mail this morning from one of the complainants
2 in this case, Linda Edmonds, who said that, you
3 know, that she was not able to attend this
4 morning due to a doctor's appointment but asked
5 that the election board accept a statement into
6 the record that she wished to make. And I have
7 it here and I would make a motion that we accept
8 this statement into the record.

9 **MR. RAFFENSPERGER:** There's a motion there.
10 Do we have a second?

11 **MS. LE:** I'll second that.

12 **MR. RAFFENSPERGER:** Any others who want to
13 speak to that?

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor?

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** That statement is, you
18 know, submitted into the record. Okay.

19 **MS. WATSON:** Mr. Secretary, are we starting
20 at 2018[sic]-85?

21 **MR. RAFFENSPERGER:** 85. Are we -- is there
22 a motion now to pull that also and -- Mr. Worley?

23 **MR. WORLEY:** No. I think all of those are
24 under the new cases.

25 **MR. RAFFENSPERGER:** All right.

1 **MR. WORLEY:** So that case and the following
2 cases. So they're under the new cases --

3 **MR. RAFFENSPERGER:** Okay.

4 **MR. WORLEY:** -- taken.

5 **MR. RAFFENSPERGER:** We'll start with -- go
6 ahead.

7 **MS. WATSON:** Okay. I had opened -- an
8 investigator, Officer Hall, investigated this
9 case and he is wanting to present this case and
10 the facts to you.

11 **MR. HALL:** Are you ready?

12 **MR. RAFFENSPERGER:** Yes, sir.

13 **MR. HALL:** (indiscernible)

14 **MR. RAFFENSPERGER:** Okay.

15 **MR. HALL:** Case Number SEB2015-085 is the
16 DeKalb County redistricting issue, tab 8. And
17 that case is involved in -- in 2015, we received
18 multiple complaints with reference to the
19 November 3, 2015, DeKalb County election. There
20 were a total of 19 separate allegations about
21 this election.

22 DeKalb County election supervisor, Leonard
23 Piazza, made allegations about internal
24 violations he witnessed. He also alleged that he
25 observed the election staff tampering with

1 election results.

2 Mary Woodworth was the chair of LaVista
3 Hills Alliance Civic Organization. She submitted
4 a spreadsheet. The spreadsheet contained 31
5 third-party complaints from people who called her
6 organization. Most of the allegations submitted
7 by Woodworth could not be substantiated during
8 this investigation.

9 Other complaints were made by the electors
10 who felt that they were eligible to vote and --
11 on the referendum question and were not able to
12 do so. The investigation revealed that 15 out of
13 the 19 allegations were unsubstantiated.
14 Allegations number 1, 3, 10, and 14 were found to
15 have merit.

16 The summary of allegation 1 is that on
17 election night after the polls closed, one of the
18 DRE machines at the Dunwoody Winters Chapel
19 precinct would not eject the memory card. The
20 poll manager transported the DRE machine back to
21 the elections office and the staff was able to
22 eject the memory card without incident. The poll
23 manager simply turned that memory card in with
24 the rest of the memory cards from that precinct.
25 The DRE at issue was left in the conference room

1 and discovered by Leonard Piazza later that
2 night. Maxine Daniels, who was the director of
3 elections and registrations for DeKalb County,
4 said that the machine was set up in the
5 conference room and the cover should have been
6 closed and the seal placed on the DRE machine and
7 we found that to be in violation of State
8 Election Board Rule 183-1-12-.02(2)(f), which is
9 located on page 30.02.

10 The summary of the allegation number 3 is in
11 Leonard Piazza's effort to gather information to
12 prove his suspicion that DeKalb County election
13 staff tampered with electronic results, Leonard
14 Piazza copied data from the GEMS server onto a
15 thumb drive. The allegations of tampering with
16 the results were proven as unfounded through a
17 forensics audit. Director Daniels -- it was also
18 discovered during the investigation that Director
19 Daniels left the keys to the secure entry where
20 the GEMS server was located hanging on a hook in
21 her office and that was accessible for anyone who
22 worked in the office and knew this was the
23 practice. That was determined to be in violation
24 of State Election Board Rule 183-1-12-.02
25 (2)(b)(6)(e)(2), which is located on page 30.02.

1 The investigation also revealed that Leonard
2 Piazza took one of the memory cards that was used
3 to report votes in the November 3, 2015 election
4 home. A forensics audit was conducted on -- by
5 Steven Dean at the Georgia Center of Elections
6 and it was determined that the memory card was
7 from one of the Dunwoody precinct DRE machines.
8 It had already been uploaded into the GEMS server
9 on election night and Piazza did admit that he
10 was aware that he may have committed an illegal
11 act, but hoped that he would receive
12 whistleblower protection. We determined that
13 that was a violation of State Official Code -- I
14 mean, Official Code of Georgia 21-2-585 and State
15 Election Board Rule 183-1-12-.02(6)(c) which is
16 located on page 30.24.

17 Allegation Number 10, Mary Kay Woodworth
18 submitted a spreadsheet that contained 31
19 numbered entries of people who called LaVista
20 Hills Alliance to voice their experience about
21 the November 3rd DeKalb County election. There
22 was only one complaint that could be
23 substantiated and that complainant was referenced
24 to Joseph Dew. And Mr. Dew had already filed a
25 complaint with the state elections office

1 himself.

2 There was a procedural violation of O.C.G.A.
3 21-2-386(a)(1)(f). DeKalb County office could
4 not provide evidence of intentionally destroying
5 Lucy Enquist's (ph) absentee ballot that was
6 returned as undeliverable by the United States
7 Postal Service. That was one of the
8 unsubstantiated allegations -- well, procedure
9 violation that was determined from the -- the 31
10 complaints that was listed in Mary Woodworth's
11 spreadsheet.

12 Allegation 14 dealt with Mr. William Dew --
13 Joseph William Dew. He filed a complaint and he
14 stated that he went to his polling location to
15 vote. While he was at the DRE machine, he
16 recognized that he had not gotten the correct
17 ballot. Mr. Dew got the poll manager's attention
18 prior to casting his vote. Unfortunately,
19 Mr. Dew was adamant that the ballot was wrong,
20 but unfortunately the poll manager advised him
21 that there was nothing she could do to resolve
22 the issue. Consequence -- Consequently Joseph
23 Dew cast a ballot that did not reflect the
24 original election race he was eligible to vote
25 in.

1 Glenda Woods and Maxine Daniels discovered
2 that the elections office failed to properly
3 redistrict Joseph Dew. Maxine Daniels instructed
4 Joseph Dew to go back to his polling location and
5 vote a provisional ballot. Joseph Dew went to
6 the polling location and cast a provisional
7 ballot. Dew's provisional ballot was rejected
8 during the calculation process because he had
9 already voted on a DRE machine.

10 During that chain of events, the following
11 violations occurred: Glenda Woods failed to
12 properly redistrict Joseph Dew which is a
13 violation of O.C.G.A. 21-2-226(b). Joseph Dew
14 informed poll manager, Hyacinth Scott, that he
15 did not have the correct ballot. There was a
16 procedure in place that canceled the ballot on
17 the DRE machine and that was not followed. This
18 is a violation of SEB Rule 183-1-12-.02(4)(j)
19 which is located on page 30.18.

20 Dew should not have been offered a
21 provisional ballot because he presented himself
22 as -- I'm sorry -- Dew should have been offered a
23 provisional ballot because he presented himself
24 as having been improperly redistricted.

25 And in addition to the four complaints that

1 yielded substantiated violations, Maxine Daniels
2 self-reported. She admitted that she discovered
3 after the election began the City of Dunwoody
4 elections contained the wrong ballot. This was a
5 violation of O.C.G.A. 21-2-283. She delegated
6 that responsibility to -- to Leonard Piazza.
7 However, no one caught the error and this was
8 determined to be in violation of State Election
9 Board Rule 183-1-12-.02(3)(a)(3) which is located
10 on page 30.05.

11 As a consequence of the error, 14 electors
12 voted the wrong ballots on DRE machines. Nothing
13 could be done to correct that error. A hundred
14 and fourteen electors voted the wrong absentee
15 ballot by mail.

16 A plan was to both remedy all the 19 of
17 those electors in this category. Also a dual
18 database had to be created in order to remedy the
19 wrong ballot issue for the county election.
20 Daniels had to manually input the precinct
21 results and Leonard Piazza observed Daniels and
22 her assistant, Cindy Moran, inputting this
23 information into the GEMS servers. This is what
24 led to him believing that election staff was
25 manipulating the election totals. Piazza's

1 suspicion was unsubstantiated from this
2 investigation.

3 After the certification of the elections,
4 DeKalb County determined that Renata Fleming
5 failed to send 40 more provisional ballots for
6 the electors who qualified to vote to the
7 tabulations for their votes to be counted in
8 violation of State Election Board Rule
9 183-1-12-.06(11) (A through F) which is a list of
10 procedures for provisional ballots. That's
11 located on page 30.34 through 30.35 and it was
12 also determined to be in violation of Official
13 Code of Georgia Annotated 21-2-419(b).

14 It was also determined that of those 41
15 provisional ballots that had to be tabulated
16 later, 19 of those provisional ballots were
17 counted during the LaVista Hills Alliance
18 referendum question and it did not change the
19 results of the outcome of the election. It
20 changed the total, but the outcome was still that
21 the referendum question failed.

22 Our recommendations are -- in response we
23 recommend that DeKalb County Board of Elections a
24 letter of instruction; Maxine Daniels, Director
25 of Elections and Registration, and Glenda Woods

1 be bound over to the AG's office for the listed
2 violations, violation of O.C.G.A. 21-2-226(b).

3 We also recommended that the DeKalb County
4 Board of Elections and Registration's Maxine
5 Daniels and poll manager Hyacinth Scott be bound
6 over to the AG's office for violation of State
7 Election Board Rule 183-1-12-.02(4)(j) and a
8 violation of 21-2-452(b).

9 We recommend that the DeKalb County Board of
10 Elections and Registration, Maxine Daniels, and
11 Leonard Piazza, the election supervisor, be bound
12 over the to AG's Office for the listed violations
13 of O.C.G.A. 21-2-283 and State Election Board
14 Rule 183-1-12-.02(3)(a)(3).

15 We recommend that Leonard Piazza who was the
16 election supervisor be bound over to the AG's
17 office for the listed violation of O.C.G.A.
18 21-2-585 and State Election Board Rule
19 183-1-12.02(6)(c)[sic].

20 We recommend that Maxine Daniels be bound
21 over to the AG's office for violation of State
22 Election Board Rule 183-1-12-.02(2)(b)(6)(e)(2).

23 We recommend that DeKalb County Board of
24 Elections and Registration, Maxine Daniels, be
25 bound over to the AG's office for violation of

1 State Election Board Rule 183-1-12-.02(2)(f).

2 We're recommending the DeKalb County Board
3 of Elections and Registration, Maxine Daniels,
4 and Renata Fleming who was the registration
5 technician be bound over to the AG's office for
6 the listed violations of State Election Board
7 Rule 183-1-12-.06(11)(A through F) and also
8 violation of Official Code of Georgia Annotated
9 21-2-419(b).

10 We recommend that the board -- DeKalb County
11 Board of Elections and Registration, Maxine
12 Daniels, and Deborah Christian who was the
13 absentee ballot mail supervisor be bound over to
14 the AG's office for the listed violation of
15 21-2-386(a)(1)(F), and that's it.

16 **MR. RAFFENSPERGER:** Thank you. And is there
17 anyone here to speak on this case?

18 **MS. VANDER ELS:** Yes.

19 **MR. RAFFENSPERGER:** If you would provide
20 your name again.

21 **MS. VANDER ELS:** Sure. My name is Irene
22 Vander Els. I'm here today on behalf of the
23 DeKalb County Board of Registrations and
24 Elections. And here with me today is Ms. Momo,
25 who spoke earlier regarding an earlier case, as

1 well as Samuel Tillman who is the chair of the
2 board, Erica Hamilton who is the director of our
3 department of voter registration and elections,
4 and several of our staff members.

5 I -- I -- do you mind if I (inaudible). I
6 just wanted to raise a procedural issue first
7 with respect to the claims against Ms. Daniels.
8 She did not receive personal notice at the
9 hearing today. She retired in 2017 and has not
10 been employed by the department since that time
11 and was not able to come today to appear for the
12 hearing, and so we requested that the cases be
13 continued to allow her the opportunity to review
14 the allegations and be present today.

15 I understand from speaking with Mr. Germany
16 that the board may not be inclined to do so, but
17 I just wanted to state that request for the
18 record.

19 **MR. RAFFENSPERGER:** Okay.

20 **MS. VANDER ELS:** With respect to the
21 potential violation designated number 1, the DRE
22 machine, the board does not dispute the machine
23 was left unsealed. I just would like to note
24 that it is the department's practice and
25 procedure to ensure that all equipment is sealed

1 when not in use. There was an unusual
2 circumstance here with regard to the equipment
3 and the -- the need to remove the memory card and
4 there may be some question about whether anything
5 else needed to be done to the machine after the
6 memory card was removed. But in any case, that
7 is the policy and procedure, to check and make
8 sure that all equipment remains under seal.

9 With regard to number 3 and the claims
10 against Ms. Daniels relating to the keys, she did
11 maintain keys -- I think it was noted in the
12 investigator's record -- in her office. They
13 were on a panel, I think, that was more secure
14 than just a hook. It was not in an area
15 available to the public and was only accessible
16 by members of her staff. There was a logbook
17 GEMS server and it was also -- it -- within view
18 of a security camera at all times, the GEMS
19 server was.

20 The practice now -- again, Ms. Daniels
21 retired in 2017. The department's practice now
22 is that the keys to the GEMS server are
23 maintained in the possession of Ms. Hamilton in
24 accordance with the logs requirement.

25 With respect to number 10, which it was a

1 failure to retain records of an undelivered
2 absentee ballot for Lucy Enquist, it is the
3 department's policy and procedure to maintain any
4 undelivered ballot, to send a notice letter to
5 the voter that the ballot had not been delivered.
6 It is the staff's belief that that was done in
7 this case.

8 I understand that the state's investigation
9 indicates that that ballot and notice letter were
10 not part of the records maintained by the clerk
11 of superior court following the election. I have
12 not had a chance to review those records yet
13 myself. But it is now the department's practice
14 to, in addition to sending the original
15 undelivered ballot to the clerk of court with a
16 copy of the notice letter, to also maintain a
17 copy of those documents with the department's
18 records of the voter's voter registration
19 applications to ensure that those records -- that
20 there's a duplicate maintained of those issues.

21 With respect to the districting issue
22 related to Mr. Dew, I just thought it would be
23 helpful to note that this was a very complex
24 election, the November of 2015, in DeKalb County.
25 There were two cityhood referenda on the ballot

1 for LaVista Hills and for the City of Tucker and
2 those proposed cities actually shared a physical
3 boundary. In addition to those issues, there
4 were multiple referenda related to annexation
5 into the City of Atlanta and other municipalities
6 of various unincorporated areas. All of those
7 issues required the creation of multiple maps
8 that had to be overlaid in order to establish the
9 voter districts.

10 The -- there -- in fact, there was a special
11 legislative commission set up to establish the
12 boundaries for LaVista Hills and the Tucker
13 issues, I believe, and those boundary maps were
14 created using census data which was somewhat
15 older than the maps used by DeKalb County GIS to
16 help create other maps in the election. There
17 were discrepancies in the overlays and the -- the
18 county went to the state reapportion office for
19 some guidance and were instructed that they had
20 to -- that the county was responsible for making
21 decisions about how to address the discrepancies.

22 And so together with GIS, the staff, and the
23 board, they reached a consensus related to
24 districting issues and unfortunately resulted in
25 one voter being placed in the incorrect district.

1 And that was just a -- an unfortunate human
2 error, but it was incredibly complex, I think, in
3 this particular election.

4 With regard to the actual voting, it is the
5 department's policy and procedure to train all
6 poll workers to try to address ballot access card
7 and ballot issues in the field, to call back to
8 the main office, to obtain further guidance with
9 respect to any issues that they can't address in
10 the field, and, failing all else, to provide the
11 voter a provisional ballot if there is an issue
12 with the ballot.

13 I spoke with Ms. Scott, she was unable to be
14 here today due to childcare issues, but she
15 acknowledged that it is her practice to follow
16 those rules. So this is how she is trained. She
17 did not have any specific recollection of this
18 particular election or incident.

19 With respect to the City of Dunwoody ballot
20 issue, with regard to incorrect ballots, this was
21 the result of an error in the transmission of
22 data -- of voter data from the City of Dunwoody
23 to the Georgia Center for Elections for the
24 creation of the election database. It was just a
25 -- a mistake. The voter should have been placed

1 in out -- at-large classifications for those
2 particular issues and instead the staff member
3 who transmitted the information placed them into
4 districts.

5 Upon discovery of the issue during early
6 voting, the department immediately took action,
7 had the ballots corrected and issued -- reissued
8 absentee ballots to all those voters who had
9 already voted, as well as to those voters who had
10 received ballots but not yet voted and were able
11 to ensure that most of those ballots were
12 corrected and were accurately voted.

13 Ultimately, there were 14 absentee,
14 in-person voters who were -- cast incorrect
15 ballots and 19 absentee-by-mail voters who could
16 not return corrected ballots. But the -- as
17 Mr.~Hall indicated, did not affect the outcome of
18 the election in this case. It changed the vote
19 tabulation but not the outcome of the election.

20 It is the department's practice to proofread
21 all ballots before they are finalized. The
22 current practice is to proofread in two-man
23 teams. That's done at the staff level. The
24 director then proofreads all completed ballots
25 and then in the case of municipal elections, the

1 ballots are sent to the cities to be proofread
2 and approved to ensure that all of the correct
3 information is available on each ballot.

4 And then, finally, with respect to the
5 provisional ballot issue, it was the practice at
6 the time that upon processing the -- by
7 Ms.~Fleming the accepted provisional ballots
8 would then be retrieved from her work area and
9 transmitted to the machine area where they would
10 then be tabulated electronically.

11 On election day in this case the ballots in
12 question were not retrieved and there was just a
13 misunderstanding with regard to whether those
14 were accepted or rejected ballots. Upon
15 discovery of the issue, the ballots were counted,
16 the election results were recertified, and it did
17 not affect, ultimately, the outcome of the
18 election.

19 And the current practice today from the
20 department is that all provisional ballots are
21 processed in two-man teams in the area. They're
22 maintained in the area where they will ultimately
23 be tabulated to prevent any kind of issue with
24 regard to transmission of the physical ballots
25 for tabulation in the future.

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MR. RAFFENSPERGER: All right.

MS. VANDER ELS: That's all I have. And if I can answer any questions. And Ms. Christian, Ms.~Fleming, Ms. Woods are here as well, and, again, Ms. Hamilton and Mr. Tillman are here.

MR. RAFFENSPERGER: Thank you.

Do any of the board members have any questions or concerns?

(no response)

MR. RAFFENSPERGER: Does anybody else want to speak to this case?

(no response)

MR. RAFFENSPERGER: Seeing none... okay, any members want to speak to this?

(no response)

MR. RAFFENSPERGER: Do we have a motion? Or do you want to speak?

MR. WORLEY: I'll make a motion. I'm going to make a motion that we refer all of the respondents except for Ms. Daniels over to the attorney general's office for further action on the claims that the investigator described to us and -- and that -- that we give Ms. Daniels an opportunity to come and speak at the next meeting for the board that handles such a case.

1 **MR. RAFFENSPERGER:** Do we have a second?

2 **MS. SULLIVAN:** I'll second that motion.

3 **MR. RAFFENSPERGER:** Okay. Do we have any
4 discussion on the motion?

5 (no response)

6 **MR. RAFFENSPERGER:** Hearing none, let's all
7 vote. All those in favor signify by saying aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** And let the record show
10 that Ms. Le recused herself from that.

11 Okay, next case.

12 **MS. WATSON:** The next case is 2015-89. The
13 City of Snellville in Gwinnett County,
14 mishandling and processing of provisional
15 ballots.

16 It was reported that the City of Snellville
17 mishandled provisional ballots occurring during
18 the November 3, 2015 general election. The
19 election office within the City of Snellville
20 separated 22 provisional ballots from their
21 envelopes prior to submitting the ballots to
22 Gwinnett County Elections Office for
23 verification.

24 The main issue being that even if Gwinnett
25 County Elections Office researched whether each

1 of the provisional ballots should count, the
2 separation of those ballots from their envelopes
3 made it impossible to determine which individual
4 provisional ballot went with which vote.

5 Our investigation revealed that the City of
6 Snellville formed an election committee to manage
7 the November 3, 2015 election. The committee
8 consisted of Michael Byrnes, Gretchen Schulz, and
9 the superintendent city clerk Phyllis
10 Moreland-Richardson. Mr. Byrnes and Ms. Schulz
11 confirmed that the committee was responsible for
12 separating 22 provisional ballots from their
13 envelopes.

14 Ms. Moreland-Richardson denied that she was
15 involved in the entry of the election after the
16 city council passed a resolution to establish the
17 election committee. She states she had no
18 knowledge of the provisional ballot issue.

19 After the election, the provisional ballots
20 were secured until November 5, 2015. They were
21 physically opened and stacked with the
22 identifying envelope in an orderly fashion. The
23 provisionals were again secured until November
24 the 6th. On November the 6th, poll manager Trejo
25 Hugo noted the infraction, returned to complete

1 the certification process that -- that at which
2 time the provisional ballots were separated from
3 the envelopes.

4 It was not until the election certification
5 paperwork was taken to Gwinnett County that it
6 was discovered that the provisional ballots had
7 not been processed correctly. Gwinnett County
8 could not identify which provisional ballot
9 belonged to which provisional ballot in order to
10 determine which voters were allowed credit for
11 voting and which not to allow credit due to
12 ineligibility.

13 Out of the 22 provisional cast ballots there
14 were -- should have only been five eligible
15 voters, however, due to the error, the election
16 committee decided to count all of the provisional
17 ballots thus allowing 17 cast provisional ballots
18 that were not qualified voters.

19 We're recommending that the City of
20 Snellville, Michael Byrnes, Gretchen Schulz, and
21 Phyllis Moreland-Richardson be bound over to the
22 AG's office for violation of 21-2-419(b),
23 violation of provisional ballots, and State
24 Election Board Rule 183-1-12-.06(10), provisional
25 ballots, and the City of Snellville, Michael

1 Byrnes, Gretchen Schulz, Phyllis
2 Moreland-Richardson and Troy Fraction, Hugo
3 Trejo, and Juanita Miller be bound over for State
4 Election Board Rule 183-1-12-06(12)(a), (12)(b),
5 (12)(c), processing of provisional ballots.

6 **MR. RAFFENSPERGER:** Do we have anyone who
7 would like to speak to this case?

8 (audience member indicating)

9 **MR. RAFFENSPERGER:** Please state your name
10 for the record.

11 **MR. EVANS:** Thank you, Mr. Secretary. I may
12 borrow this desk right here. Sorry about that.
13 My -- my name is Jake Evans. I'll first note, I
14 like your tie choice today. I noticed when you
15 first walked in that we look like twins here, so
16 I want to put that on the record.

17 But my name is Jake Evans. I represent the
18 City of Snellville, Michael Byrne [sic], Gretchen
19 Schulz and Hugo Trejo, and I think that you
20 mentioned a couple of other people that I didn't
21 know were requested to be bound over. So I
22 represent all the respondents except for Phyllis
23 Richardson.

24 I first want to thank each of you guys for
25 your pub -- public service, your dedi --

1 dedication to Georgia. I actually serve on the
2 state ethics commission and I know that -- that
3 it's a volunteer job, it's not a paid job, and so
4 I want to go ahead and recognize that. And I
5 want to recognize Ms. Watson for her hard work
6 through the process and her professionalism
7 throughout this.

8 I'm here today to show that this case
9 presents unique circumstances that warrant a
10 letter of instruction as opposed to bounding each
11 of these individuals in the city oath.

12 The mayor of Snellville, Barbara Bender, is
13 here today as well, and she's gonna make a couple
14 of very brief statements, and Mike Byrnes who was
15 actually the chairman at -- of the elections
16 committee for the subject election.

17 So first I think it's helpful to very
18 briefly talk about the election. The election is
19 -- was in November 2015, and there was actually
20 four seats up for election on that ballot. One
21 was for the mayor and that had a 559 vote margin.
22 The next was the city council post 1, 434; city
23 council post 2, 613; and a final city council
24 post 3, which was 626. So the -- the smallest
25 margin of error we had was 434 votes.

1 And the next thing I want to note is before
2 this election there was a new mayor that had been
3 elected and that new mayor appointed a city
4 clerk. And the city clerk, while she had many,
5 many great attributes, unfortunately she had
6 never done an election in Georgia. And because
7 of that, the city council had a lot of concerns
8 about her ability to do that election.

9 They obviously couldn't unilaterally remove
10 this person, but what they did was they appointed
11 an election committee. And election committees
12 are not used a lot in Georgia, but they are a
13 means by which both cities and counties can
14 provide kind of an additional level of oversight
15 for those elections. And so here they did that
16 and they had two people -- three people which
17 were appointed to this election committee. One
18 was Mr.~Byrne [sic], the next was Ms. Schulz, and
19 the last was Ms. Richardson and that was approved
20 by the secretary of state's office.

21 So what's important about that is it first
22 shows the city took proactive steps to address
23 what they regarded may be a potential election
24 issue. As it went forward, the election overall
25 prior to election day and during the election day

1 had no issues.

2 The issues that arise subsequent to the
3 election day, about the handling of the
4 provisional ballots, there's a dispute over who
5 caused the provisional ballots to be counted, but
6 for here today that -- that doesn't matter. What
7 matters and what's most important is the fact
8 that the second that Snellville discovered these
9 issues, they properly reported to the -- the
10 Gwinnett County Board of Elections and
11 Registration. They reported those to the
12 secretary of state's office and they worked very
13 diligently to try to address it.

14 The ultimate conclusion on the election was
15 we don't want to disenfranchise any of these 22
16 voters. And so through the secretary of state
17 and with their advice and guidance, they
18 concluded it's better to count all 22 votes
19 rather than not count some and potentially
20 disenfranchise eligible voters because it was --
21 they were unable to determine which envelope
22 correlated to which voter.

23 So as a result of that, you had 17 voters
24 who were not eligible and those votes ended up
25 counting. Again, the margin was 434 so it didn't

1 make a material difference. After the election,
2 a new mayor's elected. The first thing the new
3 mayor does is personnel changes to address these
4 issues with the provisional ballot. That's
5 important to note. They took immediate action to
6 do that.

7 In the beginning of 2016, Snellville learns
8 they're being investigated by the secretary of
9 state's office. When they do that, they promptly
10 retain a counsel outside of their city council --
11 who is B.J. Pak, currently the U.S. attorney --
12 and they complied fully with the investigation.
13 Nine witness interviews go forward. B.J. Pak is
14 ultimately appointed U.S. attorney and shortly
15 thereafter I was retained as counsel.

16 In order to take additional steps to ensure
17 that this doesn't happen again, the city has me,
18 who has election law experience, draft a
19 provisional ballot protocol. And that is
20 something that helps each of the staff determine
21 how they handle ballots, be trained on how
22 they're handling ballots.

23 And so I have that today. This -- this was
24 adopted on February 11th. And if I can give that
25 to each of the board members, that would be

1 great, and also move for that to be admitted into
2 the record.

3 **MR. RAFFENSPERGER:** It's admitted.

4 **MR. EVANS:** And so that was on
5 February 11th. After that they adopt an
6 extensive training protocol to ensure that
7 doesn't happen again. All of the poll workers,
8 elected individuals who are in any way affiliated
9 with elections, read it, are trained it, are
10 tested on it. And so this happened back in 2015.
11 After 2015 there's been no further issues.

12 What's important to note, again, and I can't
13 get how -- the exact date on this, but for the 27
14 years proceeding November 2015, there had never
15 been any issues involving election issues or the
16 administration of elections. So this was a
17 completely isolated incident. It happened once.

18 So with all of that, we -- it is our opinion
19 that a letter of instruction as opposed to being
20 bound over is appropriate. Snellville took
21 proactive action by adopting an election
22 committee, they self-reported with the secretary
23 of state's office, worked with the secretary of
24 state's office through the investigation in
25 addressing the 22 provisional ballots, took

1 initiative on it's own accord to then have a
2 protocol drafting provisional ballots be created,
3 adopted, and trained on each of the employees.
4 Then since it's highly aberrational, in this case
5 I've seen typically the election board will issue
6 a warning as opposed to be bound over. And the
7 19 counted provisional ballots was not outcome
8 determinative.

9 And so from my perspective, I'm hoping this
10 is an instance where the board sends a message
11 that this type of conduct is appropriate. It's
12 rewarded because this is what we want throughout
13 Georgia, election boards doing active --
14 proactively addressing issues and if they act in
15 this way, they're issued a warning as opposed to
16 being sanctioned.

17 And so I also want Mayor Bender to come up
18 and give a few brief statements.

19 **MS. BENDER:** Thank you. Thank you,
20 Mr. Evans.

21 I appreciate the board's time this morning
22 and I appreciate your investigation in working
23 along with the secretary of state so that we
24 could figure out exactly what happened and
25 determine what procedures need to be handled

1 differently in the future.

2 As the mayor of Snellville, I'm the current
3 mayor since January of 2019, and we do take
4 elections very seriously in Snellville. I was
5 first elected in 2005 and have been through many
6 election cycles there. We -- we take elections
7 very seriously. We took this investigation very
8 seriously. As soon as a situation was
9 determined, we did as Mr. Evans indicated. We
10 did self-report that to the Gwinnett County
11 Elections Board and also to the secretary of
12 state.

13 We've complied completely and fully with the
14 investigation as it's progressed over these years
15 and -- and we've taken the steps now to -- to
16 draft a new protocol, to make sure that our
17 election staff is fully trained on that protocol
18 before each election that has come up. And since
19 then we've had no other issues with our
20 elections.

21 So we would appreciate your consideration of
22 just a letter of -- of instruction in this matter
23 and allowing us to move forward in making sure
24 that -- that we will ensure that all elections
25 are properly handled in the future. Thank you

1 for your time this morning.

2 **MR. RAFFENSPERGER:** Thank you very much,
3 ma'am.

4 **MR. EVANS:** And Mr. Byrne [sic].

5 **MR. BYRNES:** Thank you. Mr. Secretary and
6 distinguished members of the board, thank you
7 very much for have -- allowing us the opportunity
8 to come explain a little bit about the
9 circumstances of why we're here. I thank you for
10 your investigation, as well.

11 This was quite an unusual circumstance as
12 far as we were concerned, first having an
13 election committee as acting as superintendent
14 rather than just the city clerk. As the
15 superintendent, I was chosen to be the chair of
16 that committee, in part, I think, because I had
17 been the prior city attorney for the years of
18 2001 to 2003. I did not seek reappointment
19 because at that time I was being ordained to
20 serve in ministry. I couldn't serve more than
21 one master at a time.

22 So I -- I chose not to seek reappointment as
23 city attorney. I was chosen, I think, because I
24 was also a peacemaker in the city. I've had my
25 practice in the city of Snellville for over 25

1 years. I've been very involved in the community
2 as far as being a local Rotarian, as well as
3 being part of our Snellville con -- excuse me -
4 Commerce Club.

5 This was an unusual election. When the
6 circumstances was discovered on the day that
7 myself and Ms. Schulz went back up to take care
8 of the remaining duties as far as the provisional
9 ballots were concerned, we discovered that they
10 had, in fact, been separated from their
11 envelopes. We could not identify who, in fact,
12 they -- each envelope belonged to. And then
13 immediately Mr. Sanders and I -- who was the city
14 manager at the time -- we took the ballots to
15 Gwinnett County to determine how we should handle
16 this further.

17 Ultimately, through their guidance and
18 through the secretary of state's guidance, we
19 elected to go ahead and certify all 22 and have
20 all 22 ballots counted. And as Mr. Evans said,
21 they were not outcome determinative. The
22 election was fairly large as far as Snellville
23 was concerned. They didn't affect the outcome of
24 any of the four elections at that time.

25 Like Mr. Evans, I take this very seriously.

1 Like Mayor Bender, I do as well. And we
2 attempted to do what was best for all concerned.
3 With that, I thank you for your time. If there
4 are any questions, I'm happy to answer them.

5 **MR. RAFFENSPERGER:** Thank you.

6 **MR. EVANS:** Thank you.

7 Thank you very much and we appreciate your
8 time. I think our request is based upon the fact
9 that it hasn't happened at a minimum of at least
10 32 years and they took proactive action to
11 address it, fully comply, and had executed a
12 rigorous training program. We would request a
13 letter of instruction. Thank you.

14 **MR. RAFFENSPERGER:** Thank you.

15 Members, do you have any questions?

16 **MS. LE:** I have a question. I have a
17 question for Mr. Evans.

18 **MR. EVANS:** Sure.

19 **MS. LE:** Thank you for coming today. You
20 speak about training and -- and the resolution
21 for the protocol of provisional ballots. Is your
22 training across the board of all your
23 responsibilities or the -- the city's
24 responsibilities with elections or just this?

25 **MR. EVANS:** Yes. So that it -- they train

1 and -- and Mr. Byrne -- we -- maybe Ms. Bender
2 can speak to the full extent. I know that within
3 my purview, we trained on this. We are -- the --
4 all election officials also participated in all
5 of the training programs implemented by the
6 secretary of state, which is very rigorous, and
7 they've done across-the-board training to make
8 sure that they have no election issues come up,
9 particularly, since this you -- issue, but even
10 before 2015. It's something that they took
11 seriously and that's indicated by the fact they
12 adopted an election committee to try to
13 proactively address any issues that come up.

14 **MR. RAFFENSPERGER:** Any further --

15 **MS. LE:** Thank you.

16 **MR. RAFFENSPERGER:** Any other questions?

17 **MR. WORLEY:** I'd like to comment.

18 **MR. RAFFENSPERGER:** Mr. Worley.

19 **MR. WORLEY:** I -- I just have a comment and
20 then and -- and then I'd be prepared to make a
21 motion.

22 I appreciate Mr. Evans being here, Mayor
23 Bender being here, Mr. Byrnes being here. I
24 appreciate the actions that you've taken to
25 resolve this matter. However, I find this to be

1 a pretty serious violation. Seventeen ineligible
2 voters were allowed to vote in the city election
3 as a result of what is frankly a very simple
4 task, which is keeping the envelopes and the
5 provisional ballots together.

6 So I -- I find that a very serious
7 violation. I also appreciate and I'm glad to
8 hear that it was not outcome determinative.
9 However, very frequently we have respondents come
10 before the board and point out that their
11 violation is not outcome determinative. To me
12 that makes no difference whatsoever. There is
13 nothing in our election code or in our rules that
14 say that a violation is not a violation if it
15 doesn't affect the outcome of an election. So
16 that's -- that's my view of the case. Again, I
17 appreciate what you've done, but I think this is
18 a violation that's serious enough to require more
19 than a simple letter of instruction.

20 So I would make a motion that we bind over
21 the respondents to the attorney general's office
22 for violations of O.C.G.A. 21-2-419(b), Board
23 Rule 183-1-12-.06(10) and (12)(a)(b) and (c).

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. SULLIVAN:** I'll second.

1 **MR. RAFFENSPERGER:** Do we have any further
2 comment?

3 (no response)

4 **MR. RAFFENSPERGER:** Hearing none, all those
5 in favor of binding this over to the attorney
6 general in the motion so stated signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any of those opposed?

10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 Okay.

13 **MS. WATSON:** The next case is 2016-42,
14 DeKalb County, ballot format. On March 15, 2016,
15 we received two complaints related to the
16 March 1, 2016 presidential preference primary
17 election held in DeKalb County.

18 The first complaint alleged that at the
19 Briar Vista Elementary School polling location
20 that the equipment was not set up and ready to
21 accept voters at 7 a.m. and that voters were
22 receiving incorrect ballot styles.

23 Poll workers did not appear to have been
24 properly trained in the operation and set up of
25 the voting equipment. And all of those problems

1 translated into voters being delayed in voting
2 and with some leaving the poll without voting.

3 The second complaint was received when
4 Ms.~Benoit alleged that she went to vote at
5 Brookhaven City Hall and Ms. Benoit further
6 alleged that the polling location was closed.
7 There was a sign indicating no voting here today.
8 There was no sign instructing her to another
9 voting location.

10 Investigation shows that Briar Vista
11 Elementary School polling location did have an
12 issue with poll workers not being familiar with
13 the need to power up the three express polls at
14 one time in order for them to properly sync.
15 This led to the delays in starting the actual
16 voting till 7:15 to 7:30 and many voters were
17 frustrated with the -- with the wait.

18 There was confusion on the voters' part in
19 understanding what nonpartisan ballots are, many
20 voters returning after getting a requested
21 nonpartisan ballot to complain that all
22 republican and democratic candidates were not on
23 the ballot and they expected them to be in asking
24 for the party ballot.

25 The complaint that Brookhaven City Hall

1 precinct was not open was unfounded as the
2 location is only used for advanced voting and not
3 for election day voting.

4 We're recommending that DeKalb County Board
5 of Elections and Registration and the former
6 DeKalb County Election Supervisor Maxine Daniels
7 be bound over for O.C.G.A. 21-2-99, instruction
8 of poll officers.

9 **MR. RAFFENSPERGER:** Is there anyone here to
10 speak to this case?

11 (Audience member comes forward.)

12 **MR. RAFFENSPERGER:** And if you would state
13 your name again for the record.

14 **MS. MOMO:** Hi. I'm Shelley Momo, again,
15 here on behalf DeKalb County Board of
16 Registrations and Elections. I'm also here with
17 Irene Vander Els who spoke on the 2015 case.

18 First, as a procedural issue, I would like
19 to bring up the fact that Ms. Daniels, our former
20 director, did not receive notice of this at her
21 home. She only received notice a few days ago
22 when we contacted her. So I would ask that
23 anything as to her being continued to the next
24 meeting.

25 I just have a few quick clarifications. We

1 don't deny that a violation occurred, but we do
2 wish to clarify. The manager told me that the
3 poll was open at seven and ready to accept
4 voters. We agree that we had issues with the
5 express poll syncing. And then he immediately
6 began to give out provisional ballots to voters
7 to begin the voting and allow it to start at
8 seven. We recognize that that is not the proper
9 procedure and we -- we know -- I confirmed that
10 we had trained poll workers on that procedure
11 prior to this.

12 We also no longer will use the express
13 polls. We will use the poll pads going forward
14 and we will ensure that every worker and staff
15 will be trained appropriately on those as to
16 troubleshooting and procedures if any issues
17 arise.

18 As far as -- I know there was an allegation
19 about the receipt of wrong ballots. We have no
20 evidence of that and it sounds as if it was voter
21 confusion and we would defer to your
22 investigation on that issue.

23 We did, however, investigate the complainant
24 and we noted that she should have received the
25 right ballot that she requested and she wasn't

1 districted for any other election that occurred
2 that day.

3 As to the second allegation, we agree with
4 the preliminary findings. Brookhaven City Hall
5 has never been used for an election place, only
6 for early voting, and it should not have appeared
7 on her voter page. We have no evidence that
8 shows that it actually did appear on her voter
9 page.

10 We would ask that a letter of instruction on
11 our violations be issued and us not be bound over
12 to the AG's office.

13 And I also have, as Ms.~Vander Els stated,
14 our current director, a board member, and several
15 of our staff here if you have any questions.

16 **MR. RAFFENSPERGER:** Thank you.

17 Any members have any questions in this case?
18 (no response)

19 **MR. RAFFENSPERGER:** And Ms. Le will be
20 recusing herself from this one.

21 Do we have any motion?

22 **MR. WORLEY:** Well, I'll make a motion to
23 dismiss the second ballot issue.

24 **MR. RAFFENSPERGER:** Is there a second?

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** All those in favor
2 signify by saying aye.

3 **THE BOARD MEMBERS:** Aye.

4 **MR. RAFFENSPERGER:** The second allegation is
5 dismissed.

6 **MR. WORLEY:** And I would make a motion to
7 continue the case against Ms. Daniels until such
8 time she receives notice of it.

9 **MR. RAFFENSPERGER:** Do we have a second?

10 **MS. SULLIVAN:** Second.

11 **MR. RAFFENSPERGER:** All those in favor
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** That will be continued
15 over.

16 Okay. Next case. Oh, I'm sorry. As a --
17 to the other charge -- other allegations, any
18 comments?

19 (no response)

20 **MR. RAFFENSPERGER:** Any motion?

21 **MR. WORLEY:** I -- I would make a motion that
22 we send a letter of instruction for the alleged
23 violation regarding opening of polls and bind the
24 remaining part -- or any part of the case that
25 violates O.C.G.A. 21-2-99(a) to the attorney

1 general's office.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MS. SULLIVAN:** I'll second that.

4 **MR. RAFFENSPERGER:** Okay. Any further
5 comment?

6 (no response)

7 **MR. RAFFENSPERGER:** Hearing none, all those
8 in favor of the motion on the floor please
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** The motion carries.

12 **MS. WATSON:** The next case is 2016-54,
13 Catoosa County, felon.

14 In April 2016, the Catoosa County Board of
15 Elections and Registration reported a felon as
16 having registered to vote on February 1, 2016,
17 and then voting in the March 1, 2016,
18 presidential preference primary.

19 It was determined that Mr.~Millican was a
20 convicted felon under sentence when he registered
21 to vote on February 1, 2016 and voted in the
22 March 1, 2016 PPP. This was after he -- his
23 voter registration was canceled due to his felony
24 conviction. He was sent a notice by the Walker
25 County Elections Office in October of 2015.

1 We recommend that Tracy Alan Millican be
2 bound over to the AG's office for 21-2-216,
3 21-2-561, and 21-2-571.

4 **MR. RAFFENSPERGER:** Was there anyone here to
5 speak on this case?

6 (no response)

7 **MR. RAFFENSPERGER:** And the members, do you
8 have any questions? Any comments?

9 (no response)

10 **MR. RAFFENSPERGER:** Do we have a motion?

11 **MR. WORLEY:** I'll -- I make a motion to bind
12 the allegations against Mr. Millican over to the
13 attorney general's office.

14 **MR. RAFFENSPERGER:** Do we have a second?

15 **MS. LE:** I'll second.

16 **MR. RAFFENSPERGER:** Do we have any further
17 comment?

18 (no response)

19 **MR. RAFFENSPERGER:** Hearing none, all those
20 in favor of binding over to the attorney general
21 as presented signify by saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any opposed?

24 (no response)

25 **MR. RAFFENSPERGER:** Motion carries.

1 **MS. WATSON:** The next case is 2016-56, Glynn
2 County, UOCAVA. It was reported that Glynn
3 County Elections Office failed to respond in a
4 timely manner to an absentee ballot request from
5 a member of the armed services to vote in the
6 May~24, 2016 election.

7 Elector Monty Dixon submitted a request for
8 electronic ballot on February 20, 2016. The
9 elections office in Glynn County had updated
10 Mr.~Dixon into an active voter in the system but
11 then failed to process the absentee ballot
12 request. The error was not found until after the
13 deadline. The ballot was mailed April 18, 2016,
14 and returned voted on April 27, 2016. Tina
15 Edwards, the former election supervisor for Glynn
16 County, states that she has implemented changes
17 to prevent similar occurrences.

18 We recommend that Tina Edwards and Glynn
19 County Board of Elections and Registration be
20 bound over for 21-2-384, preparation and delivery
21 of ballots.

22 **MR. RAFFENSPERGER:** Is there anyone here to
23 speak on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Okay. Members of the

1 board, do you have any questions, comments?

2 (no response)

3 **MR. RAFFENSPERGER:** Do we have a motion?

4 **MS. LE:** I think it's unfortunate they're
5 not here today because I'd like to know what kind
6 of training and processes they've put into place
7 to prevent this from happening again.

8 **MS. WATSON:** The state elections supervisor
9 did call. His name is Chris Channell and he
10 expressed that he could not make the meeting
11 today but that he has implemented changes in
12 their office to try and prevent this in the
13 future.

14 **MR. RAFFENSPERGER:** Any further questions or
15 comments?

16 (no response)

17 **MR. RAFFENSPERGER:** Do we have a motion?

18 **MS. LE:** And they haven't had any more
19 violations in this regard since 2016 or at least
20 any pending investigation?

21 **MS. WATSON:** Not that I'm aware of. Not for
22 -- for this. I'd have to confirm that.

23 **MR. RAFFENSPERGER:** Any questions, comments,
24 or motions?

25 **MR. WORLEY:** I make -- I just want to be

1 clear about something, Ms. Watson. They -- they
2 mailed the ballot out to him 46 days after they
3 received the request?

4 **MS. WATSON:** Yes, but that -- it was only
5 four days past the -- the -- the deadline that
6 they had a chance to mail it to him.

7 **MR. WORLEY:** Okay. All right.

8 **MR. RAFFENSPERGER:** Is there a motion?

9 **MR. WORLEY:** I make a motion that we send a
10 letter of instruction to the Glynn County
11 Elections Office and Tina Edwards.

12 **MR. RAFFENSPERGER:** So there's a motion for
13 a letter of instruction. Do we have a second?

14 **MS. LE:** I would second that. Given that
15 sending out UOCAVA ballots is a regular
16 occurrence in each election, this might have been
17 an oversight. It's a serious one, but given that
18 it's -- it's not happened since, that it's
19 something that they do at every election, I'll
20 second this motion.

21 **MR. RAFFENSPERGER:** Any further comment?

22 (no response)

23 **MR. RAFFENSPERGER:** Okay. On the motion
24 before us, all those in favor of sending letters
25 of instruction signify by saying aye.

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THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-58, Baker County, ballot error.

Sharon Heard was a candidate for a seat on the Baker County School Board in the May 24, 2016 election. She reported that the Baker County Elections Office listed her incorrectly on the ballot as the incumbent. Ms. Heard also alleged numerous other -- other issues.

The investigation shows that candidate Sharon Heard was listed incorrectly on the ballot as the incumbent for the Elmodel district for school board. Ms. Heard was previously elected to another position in the county in which she resigned in order to run for the new position. A second ballot error was noticed incorrectly during proofing of the ballot. Ms. Clemons consulted with the attorney, Tommy Coleman, and they both had planned to cancel absentee ballots that had already been voted and reissue corrected ballots.

All but two that had voted on the incorrect

1 ballot received and voted their corrected ballot.
2 The remaining two that received incorrect ballots
3 were accounted for. One did not vote. The
4 second ballot had health issues and the second
5 meant to vote in the first one. Investigators
6 followed up on the remaining allegations and all
7 were said to be unsubstantiated.

8 We're recommending that Baker County Board
9 of Elections and Registration and Linda Clemons,
10 Baker County Elections Supervisor, be bound over
11 for violation of SEB Rule 183-1-12-.02(3)(a)(3).

12 **MR. RAFFENSPERGER:** Okay. Is there anyone
13 here to -- from Baker County to speak on this?

14 **MR. BRITT:** Yes.

15 **MR. RAFFENSPERGER:** Come forward. There's a
16 microphone for you up there.

17 **MR. BRITT:** Thank you. Thank you,
18 Mr.~Secretary and the board members. I'm Russell
19 Britt with the law firm of Hall Booth Smith in
20 Atlanta. And I'm here on behalf of the Baker
21 County Board of Elections and I have a board
22 member here with me, Ms. Cindy Summerlin.

23 I -- I can't speak on behalf of Ms. Clemons
24 because she hasn't been the elections
25 superintendent for some time now, so I don't know

1 if she received service of this notice or not.
2 But I am here on behalf of the current board as
3 well as the board staff.

4 The -- as the investigation findings
5 revealed, the subject ballot was proofread by the
6 elections superintendent, and, in fact, the
7 elections superintendent reached out to her state
8 liaison about a question because it was a unique
9 situation that the elections superintendent at
10 the time didn't see it as black and white. And
11 the reason why is because the individual on the
12 ballot was a school board member in one district
13 but then she relocated to another district and
14 ran for that district. And so there was a
15 question for her on whether she should be
16 designated as incumbent or not, and she
17 ultimately made the judgment call that she should
18 be designated as an incumbent.

19 Now, we all know that that ultimately was
20 incorrect, but at the same time that doesn't
21 change the fact that she did go through the
22 proofing process, and, in fact, the investigation
23 revealed that she caught another error and
24 corrected that, and on this issue she just made
25 the decision, albeit the wrong one.

1 But that said, regardless of the error, the
2 error ultimately was caught by local officials.
3 It was corrected and the board self-reported it
4 to the state. And then ultimately ended up in a
5 "no harm, no foul" situation because every voter
6 that received an incorrect ballot received the
7 opportunity to vote to use the correct ballot.
8 So it was corrected in time not to cause a
9 problem.

10 And then it's also finally important to note
11 that the Baker County Board of Elections has had
12 a complete turnover. It's got a fully new board
13 that takes this very seriously. Hence,
14 Ms.~Summerlin traveling up from Newton today for
15 this meeting, and also there's a new elections
16 superintendent.

17 And so this current board has taken a lot of
18 corrective measures. It's really amped up and
19 increased the training for the current elections
20 superintendent and it's implemented a two-person
21 ballot proofreading process. So the elections
22 superintendent will go through the proofing
23 process and then Ms. Summerlin, as a board
24 member, will also assist with that.

25 So based on the unique circumstances and

1 facts of this case and based on the fact that the
2 board was able to catch it and correct it, and
3 based on the fact that it resulted in a situation
4 where everybody was able to vote with the correct
5 ballot, and based on the facts that the board has
6 implemented corrective measures, we respectfully
7 request that this board simply issue a letter of
8 instruction.

9 And unless y'all have any questions from me,
10 I will turn it over to Ms. Summerlin.

11 **MS. SUMMERLIN:** And I think he said
12 everything that I wanted to say. I just did want
13 to -- to say that we do have, now, the two-person
14 review process in place for reviewing the ballots
15 prior to print and as well as other measures just
16 within the office since we have new personnel,
17 new board members, and are -- are excited to be
18 there and serve.

19 **MR. BRITT:** Thank y'all.

20 **MR. RAFFENSPERGER:** Do any members have any
21 questions?

22 (no response)

23 **MR. RAFFENSPERGER:** No questions. Do we
24 have a motion?

25 **MR. WORLEY:** I -- I would make a motion that

1 we send a letter of instruction, and I -- I think
2 that you made a very persuasive case that there
3 was -- there was no harm to this at this point in
4 time. So if that -- if that makes a difference,
5 and we should send a letter of instruction.

6 **MS. SULLIVAN:** I'll second the motion.

7 **MR. RAFFENSPERGER:** Okay. Any further
8 discussions?

9 (no response)

10 **MR. RAFFENSPERGER:** Hearing none, all those
11 in favor of sending a letter of instruction
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MR. BRITT:** Thank you.

18 **MS. SUMMERLIN:** Thank you.

19 **MS. WATSON:** The next case is 2016-59,
20 Paulding County, ballot format. There were three
21 complaints reported for the March 1, 2016 PPP in
22 Paulding County.

23 First, Lori Trahan reported that she
24 received an incorrect ballot when she cast her
25 ballot, then was given a provisional ballot that

1 she voted.

2 Second, Ms. Davey reported that she was
3 asked to move her vehicle outside the 150-foot no
4 campaigning zone due to candidate stickers
5 displayed in the vehicle's window.

6 Third, Ms. Schulz reported overhearing poll
7 workers asking if they had any democrats in their
8 paperwork. And when they showed there had been
9 none, the poll worker announced "yes."
10 Ms. Schulz found this to be inappropriate.

11 Investigation showed Deirdre Holden, the
12 elections supervisor in Paulding County,
13 confirmed that Lori Trahan had received an
14 incorrect ballot and had already cast a ballot on
15 the DRE. Ms. Holden instructed that Lori Trahan
16 be given a provisional ballot and be instructed
17 to only vote the presidential portion of the
18 ballot as that was the only portion that she did
19 not have on the ballot that she voted on the DRE.
20 Ms. Holden deposited the provisional ballot and
21 it was counted.

22 As to the second and third complaints, they
23 were not substantiated as a violation.

24 We're recommending that elector Lori Trahan
25 be dismissed as the respondent as she was

1 following instructions from the poll workers.
2 And the Paulding County Board of Elections and
3 Elections Supervisor Deirdre Holden be bound over
4 under 21-2-452(b) where the voter access card was
5 not properly encoded for Lori Trahan and SEB Rule
6 183-1-12-.02(4) as the voter access card was not
7 properly encoded for Lori Trahan.

8 **MR. RAFFENSPERGER:** Is there anyone here to
9 speak from Paulding County?

10 (no response)

11 **MR. RAFFENSPERGER:** Any board members have
12 any questions?

13 **MR. WORLEY:** I have a question of
14 Ms.~Watson.

15 And you're also recommending being bound
16 over for violation of Election Code 21-2-590?

17 **MS. WATSON:** No. We're recommending to
18 dismiss that and we'd go with -- the codes were
19 21-2-452 and SEB Rule, more -- more appropriate
20 to the violations.

21 **MR. WORLEY:** Okay, but the one you're
22 recommending is that she was allowed to -- okay.
23 She was allowed to cast a nonpartisan paper
24 ballot and then -- and then a paper ballot in
25 addition to that.

1 **MS. WATSON:** That -- it -- for the voter
2 access card being not properly being coded by the
3 poll workers is the -- is the violation that
4 we're recommending be bound over.

5 **MR. WORLEY:** Okay. And why aren't you
6 recommending that she be bound over for --
7 essentially for the -- the Paulding County be
8 bound over for allowing her to vote twice?

9 **MS. WATSON:** That -- certainly, you know,
10 that was one of our findings and if -- if the
11 board feels that is appropriate, then that --
12 that's in your purview.

13 **MR. RAFFENSPERGER:** Any further comments or
14 questions?

15 **MS. LE:** So I think the facts as being
16 presented is that the voter got to vote on
17 portions, but were wrong -- overlapped --
18 incorrectly left out the encoded card; is that
19 correct?

20 **MS. WATSON:** The voter was instructed --

21 **MS. LE:** So they did cast two votes in the
22 same --

23 **MS. WATSON:** The voter was instructed to
24 only vote that section of the provisional ballot
25 that they did not receive on -- on the DRE

1 machine, that's correct.

2 **MR. RAFFENSPERGER:** Do we have a motion or
3 questions? What's the will of the committee?

4 **MR. WORLEY:** I would make a motion to bind
5 over Paulding County for violation of code
6 sections 21-2-572, 21-2-590, 21-2-452(b) and SEB
7 Rule 183-1-12-.02(4).

8 **MR. RAFFENSPERGER:** Okay. Do we have a
9 second?

10 **MS. SULLIVAN:** I'll second the motion.

11 **MR. RAFFENSPERGER:** Do we have any further
12 comment on this?

13 (no response)

14 **MR. RAFFENSPERGER:** Hearing none, the motion
15 is before you. All those in favor, you can do so
16 by signifying aye.

17 **THE BOARD MEMBERS:** Aye.

18 **MR. RAFFENSPERGER:** Any opposed?

19 (no response)

20 **MR. RAFFENSPERGER:** Motion carries.

21 **MS. WATSON:** The next case, Tab 15, is
22 continuing due to a conflict with the attorney
23 for Fulton County in a trial for election
24 challenge today.

25 So Tab 16 is 2016-62, Hancock County,

1 absentee ballots.

2 In April 2016, Hancock County Election
3 Supervisor Tiffany Medlock alleged that Dontrell
4 Andrews (ph), a candidate for the county
5 coroner's race was completing absentee ballot
6 applications and voter registration cards for
7 some Hancock County residents. Mr. Andrews would
8 then turned in those applications into the
9 elections office to be processed.

10 The second complaint alleges that Delores
11 Lamar~(ph) assisted the voter at poll precinct.
12 Delores Lamar's assistance reportedly includes
13 marking a candidate and casting a ballot.

14 The third complaint alleges that a voter,
15 Rodney Bell, received an absentee ballot for the
16 district that he did not live in.

17 Investigation revealed that Tiffany Medlock
18 left the position of elections supervisor shortly
19 after she made the complaint. She did not
20 provide a list of individuals prior to her
21 departure specifying which absentee ballot
22 applications and voter registration applications
23 she was referring to. The new supervisor did not
24 have any information concerning this report, and
25 Mr. Dontrell Andrews, the coroner candidate,

1 denied the allegation citing memory issues.

2 As to the second complaint, involving
3 Mr. Lamar, there was no violation substantiated.
4 He did assist several voters and signed as
5 assisting.

6 The investigation verified that Rodney Bell
7 was listed in the improper district and received
8 an incorrect absentee ballot.

9 We're recommending that Tiffany Medlock the
10 former elections supervisor and Hancock County
11 Board of Elections and Registration be bound over
12 to the AG's office for 21-2-226(b) and failing to
13 place the proper ballot in the proper district.

14 **MR. RAFFENSPERGER:** Okay. Is there anyone
15 from Hancock County that would like to speak?

16 **MS. GRANT:** Yes, sir. Andrea Grant.

17 **MR. RAFFENSPERGER:** Come forward then,
18 please.

19 **MS. GRANT:** Hi. I'm Andrea Grant. I
20 represent the Hancock County Board of Elections
21 and Registration. And some of you may have heard
22 a couple of the things I'm telling you, but for
23 -- for the benefit of those who have not, I would
24 like to let the board know that Hancock County,
25 back in 2011, switched from having a probate

1 judge conduct the registration and the elections,
2 events, to a board of elections and registration.

3 At that time, in addition to the
4 difficulties and challenges of the changeover --
5 and remember this is a rural county -- the board
6 of elections and its staff had to undo a lot of
7 problems that had occurred while the probate
8 judge had held office.

9 And, you know, I hate to bring up bad,
10 negative stuff, but, for those of you that don't
11 know, the probate judge did plead guilty to
12 taking county funds. She was convicted and she
13 was sentenced. So basically things were in a --
14 in -- in a pretty good mess back in 2011.

15 Then in 2014, the courthouse burns down with
16 all the records inside it. And, again, none of
17 these are any excuses, but I just wanted you to
18 have a little bit of the background that -- that
19 they're truly trying despite all of these
20 problems.

21 And for those of you that have been on the
22 board a long time, you would probably recognize
23 the probate judge prior -- and I'm not trying to
24 put all of the blame off on her because this
25 happened in twenty-six [sic], but I do -- for

1 those members that were here, y'all probably
2 recognize the number -- the name back from when
3 she handled the elections and registration.

4 As to the actual allegation, it's important
5 to note that our supervisor, as she stated,
6 Tiffany Medlock, she only worked with the board
7 from 2015 till right before this alle -- right
8 after this allegation, in May of 2016, and she
9 did self-report the problem once it did come to
10 light what -- what had happened.

11 And importantly, looking under the old --
12 the 2016 book, under 21-2-226, yes, indeed, the
13 county -- the board of elections and registration
14 has the responsibility to make sure their staff
15 supervisor does fulfill number (b) under the
16 section. However, under (c) -- I've always had a
17 little bit of difficulty with this, but under (c)
18 it's the duty of the cities to provide the
19 counties with a map -- and it started back in
20 1995, and it doesn't say they have to give you an
21 annual map or whatever, just when any annexation
22 or changes in boundaries of the municipality
23 occur.

24 Well, these individuals that voted in the
25 wrong district were in an apartment complex. And

1 once they discovered it -- hey, it should have
2 been in two instead of four -- they -- they could
3 get that taken care of. I can't stand here and
4 tell you when the last time Hancock County Board
5 of Elections and Registration received a map for
6 the City of Sparta in which these voters were
7 included. But it's kind of -- yes, the county
8 has a responsibility to make sure that they've
9 got the right voters in the right districts, but
10 yet the onus is on the city to let them know
11 whether or not anything has changed. And to my
12 knowledge -- and we don't have anybody that was
13 here that we could bring today to address that or
14 explain any of that.

15 But what I can tell you today is, not just
16 because of this, because we just received this,
17 but the board has been very active working with
18 the City of Sparta to make sure that we get
19 accurate, good boundaries maps to make sure
20 people are in the right districts.

21 And I -- I know -- again, I know it's not an
22 -- an excuse, but between all of those
23 complications, I would respectfully ask that the
24 board issue a letter of instruction or dismiss
25 the pending matter.

1 And if there are any specific questions, I
2 do have a board member with me, Nancy Stephens,
3 if you have any questions. She was -- she was on
4 the board at the time of this particular
5 occurrence.

6 **MR. RAFFENSPERGER:** Okay. Do any members
7 have any questions?

8 (no response)

9 **MR. RAFFENSPERGER:** Thank you.

10 **MS. STEPHENS:** Yeah.

11 **MR. RAFFENSPERGER:** Would you like to say
12 something?

13 **MS. STEPHENS:** Yes, briefly if I can. I'm
14 Nancy Stephens and I've been on the board since
15 it was created in July 1, 2011 and it was an
16 absolute mess. Our election records were
17 (indiscernible) in the courthouse and we had to
18 go through them, straighten all of that out. But
19 that's no excuse. I know it's not.

20 But to tell you a little bit about the
21 addresses that were in the wrong district, it is
22 two apartment buildings. They are the only
23 addresses on that end of Ghettis Street. Once it
24 crosses Highway 16, it changes districts. They
25 didn't realize it and it was actually a -- a

1 voter that brought it to our attention, and we
2 worked then -- it took us a while to even find
3 what the address of the apartments were to get
4 them changed over.

5 But we're making strides. Hopefully, we
6 won't get a whole lot more formal invitations to
7 come see y'all, not that I don't like to come in
8 and see y'all, but it's not the -- but thank
9 y'all and I appreciate you.

10 **MR. RAFFENSPERGER:** Any members have any
11 questions?

12 (no response)

13 **MR. RAFFENSPERGER:** I think we're fine.
14 Thank you.

15 Do we have a motion?

16 **MR. WORLEY:** Well, one of the allegations
17 here is -- is not against Hancock County but is
18 against Lashonda Reynolds for allegedly thanking
19 voters for voting for her brother by buying them
20 lunch and other things. And I would make a
21 motion that we bind over that allegation, which
22 is listed in the report as Allegation 5, to the
23 attorney general's office.

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. LE:** I'll second it.

1 **MR. RAFFENSPERGER:** Any further comment?

2 (no response)

3 **MR. RAFFENSPERGER:** All those who would like
4 to bind over Allegation Number 5 to the attorney
5 general's office let me know by saying aye.

6 **THE BOARD MEMBERS:** Aye.

7 **MR. RAFFENSPERGER:** Any opposed?

8 (no response)

9 **MR. RAFFENSPERGER:** That's bound over.

10 As to the other allegations, what is the
11 will of the committee?

12 **MS. LE:** I'd like to move we issue a letter
13 of instruction.

14 **MR. RAFFENSPERGER:** Is there a second?

15 **MR. WORLEY:** I'll second that.

16 **MR. RAFFENSPERGER:** Okay. Is there any
17 further comment?

18 (no response)

19 **MR. RAFFENSPERGER:** All those in favor of
20 letter of instruction for the balance of the
21 allegations -- 1, 2, 4, Allegation Number 3 --
22 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Motion carries.

25 **MR. WORLEY:** And then I would make a motion

1 that we dismiss the remaining allegations -- 1,
2 2, 4 and 6 -- as the investigation found no
3 evidence to support them.

4 **MR. RAFFENSPERGER:** Do we have a second?

5 **MS. LE:** I'll second that.

6 **MR. RAFFENSPERGER:** Any further comments?

7 (no response)

8 **MR. RAFFENSPERGER:** All those in favor
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** The next case is 2016-67,
13 Wilcox County, ballot error. It was reported
14 that Wilcox County Board of Elections failed to
15 put incumbent Senator Tyler Harper on the ballot
16 for district 7 during the May 24, 2016 general
17 primary special election.

18 Investigation showed that Patricia Ely, the
19 Election Supervisor at the time, was contacted
20 and advised that it was a mistake. She realized
21 it after she had mailed out approximately 95
22 ballots. She contacted the secretary of state's
23 office and advised that they were consulting with
24 the county attorney. She contacted all the
25 voters that had been sending in for a ballot and

1 mailed them a new corrected ballot.

2 We're recommending Wilcox County Board of
3 Elections and Patricia Ely be bound over to the
4 attorney general's office for State Election
5 Board Rule 183-1-12-.0 (indiscernible) ballot
6 (indiscernible).

7 The attorney for the county also sent a
8 packet to give to the elections board if they
9 would like to review it.

10 **MR. RAFFENSPERGER:** Yep. Thank you.

11 Do we have anyone from Wilcox County?

12 **MS. CARTER:** Yes, sir.

13 **MR. RAFFENSPERGER:** Come on forward.

14 **MS. CARTER:** Good morning.

15 **MR. RAFFENSPERGER:** Good morning.

16 **MS. CARTER:** My name is Toni Carter. I'm an
17 attorney in Fitzgerald, Georgia and I represent
18 the Wilcox County Board of Elections and
19 Registration. And I have with me the new
20 elections superintendent. That's April Brown.

21 And what I'm going to tell the board is,
22 essentially, what happened with a mistake.
23 Previously, Wilcox County had fully been located
24 within Senate District 13. But apparently there
25 was a -- a -- a split of senate districts back in

1 2014. Wilcox County wound up being placed in two
2 senate -- two senate districts. Part of the
3 county was still in 13 and the southern and
4 eastern part of the county was now placed in
5 Senate District 7. The board of elections was
6 not notified of it.

7 So when the 2016 senate district election
8 came about, the board printed the ballot thinking
9 that the county was still fully in Senate
10 District 13, not realizing that now there was a
11 -- a -- an issue of two precincts, so two
12 election districts being in a -- a new senate
13 district.

14 Absentee ballots were sent out and that was
15 when the elections superintendent was notified of
16 an error that the Senate District 7 candidate was
17 not printed on a particular ballot. I think she
18 was notified on April 18th. She immediately
19 contacted the office of reapportionment and was
20 told, yes, there was a reapportionment done
21 effective 2014. She was advised of what the new
22 election -- election districts were. She
23 contacted the secretary of state's office, she
24 contacted my office. We then realized that there
25 was a issue; we needed to correct it quickly.

1 We deemed those ballots that -- the absentee
2 ballots that had already been issued as four
3 ballots. We had new ballots printed; we did
4 LMA~(ph) again; we did everything we were
5 supposed to do. And all this was accomplished
6 within less than five business days.

7 I would like to note that no ballot that was
8 originally issued had been returned. Every
9 single person that had been issued an absentee
10 ballot was notified individually. They were sent
11 a notice advising that there was an error on the
12 original ballot. And they were sent a stamped
13 return envelope requesting that they return those
14 ballots and contact the office to get a new
15 ballot. I believe that just about every single
16 original ballot was returned.

17 I do believe that every single person that
18 received an absentee ballot originally was able
19 to vote and they voted on the new ballot and we
20 did what we felt like needed to be done in the
21 situation. We corrected it. Again, all of that
22 took place within a matter of five business days
23 which was prior to the May 24th actual election
24 date.

25 So because of that we would ask that Wilcox

1 County Board of Elections and Patricia Ely be
2 given a letter of instruction and would -- would
3 like to note that we do have a new election
4 office staff. They've all been to training. We
5 do have a practice in place of comparing the
6 ballots. We -- when there's a -- an election
7 dealing with the house or senate, we will contact
8 the office of reapportionment and make sure we
9 take those steps of contacting the appropriate
10 personnel -- or appropriate agencies to determine
11 -- make sure that this ballot error won't occur
12 again.

13 **MR. RAFFENSPERGER:** Okay.

14 Ma'am, do you want to speak about the case?

15 **MS. CARTER:** I don't think she does because
16 she was new --

17 **MR. RAFFENSPERGER:** I just wanted to make
18 sure.

19 **MS. CARTER:** She wasn't there at the time.

20 **MR. RAFFENSPERGER:** Do any members have any
21 questions?

22 (no response)

23 **MR. RAFFENSPERGER:** Thank you.

24 **MS. CARTER:** Thank you.

25 **MR. RAFFENSPERGER:** Okay. Do we have a

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motion?

(no response)

MR. RAFFENSPERGER: What's the will of the committee?

MS. SULLIVAN: I'll make a motion. Given the error was corrected -- and thank you for being here today to explain that -- I'll make a motion that a letter of instruction be issued to Wilcox County Board of Educations -- Elections, I'm sorry -- and Ms. Ely for violations listed.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I'll second it.

MR. RAFFENSPERGER: Do we have any further comment?

(no response)

MR. RAFFENSPERGER: All of those in favor of issuing a letter of instruction please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: Tab number 18, 19, and 20 requested continuances.

The next case would be Tab 21, 2016-79,

1 Fayette County, districting issue.

2 On May 2016, the complainant -- complaint
3 alleged that they had voted an incorrect ballot
4 during the May 24th general primary election due
5 to a Fayette County elections computer error.
6 Elector Jean Cofer reported that she voted early
7 in the May 24, 2016 general primary and was given
8 an incorrect ballot. She was given a ballot for
9 the 71st House District when she lived in the
10 72nd House District.

11 She voted the ballot prior to realizing the
12 error. Review of the districting information by
13 Fayette County revealed 36 improperly districted
14 voters in Precinct 18 with 33 having voted an
15 incorrect ballot. Additionally, a hundred and
16 fifty-six electors in Precinct 29 may have been
17 improperly districted with 19 having voted an
18 incorrect ballot involving House Districts 2 and
19 4.

20 We're recommending that Fayette County Board
21 of Elections and Registration be bound over to
22 the attorney general's office for 21-2-226(b) for
23 failing to place 36 voters from Precinct 18 in
24 the proper state house district and 21-2-226(b)
25 (indiscernible) placement 36 voters within an

1 improper state house district.

2 **MR. RAFFENSPERGER:** Okay. Anyone here from
3 Fayette County?

4 **MR. STOUGH:** Yes.

5 **MR. RAFFENSPERGER:** Come on forward. You
6 should have a mic right there for you.

7 **MR. STOUGH:** Thank you for letting me speak.
8 My name's Patrick Stough. I'm with the county
9 attorney's office from Fayette County. I'm here
10 representing the Fayette County Board of
11 Elections and I also have a member of our board
12 here, Aaron Wright, to answer any questions you
13 have.

14 We do not deny the facts that have been
15 presented. In 2016, the board was tasked with
16 redistricting the entire county as a result of a
17 legal settlement that we did not create new
18 districts for the entire county.

19 And we began that process in -- in March of
20 2016. And while we were in the middle of that
21 process, we were having some technical difficulty
22 with the software. The result of all that was
23 that we had a very limited amount of time to
24 complete the redistricting and as a result of
25 that there were several errors, and one being --

1 that resulted in cert -- certain streets being
2 assigned to the wrong house district.

3 Again, we don't deny that any of this
4 occurred. We do ask that the board consider the
5 unusual circumstance that the time constraints,
6 technical difficulties with the software, the --
7 the election supervisor at the time was out on
8 medical leave. He is also no longer the election
9 supervisor. We have a new staff and we do intend
10 to ensure that the staff is better trained to
11 handle these types of issues when we get to the
12 next redistricting process after the 2020 census.

13 And for that reason, we would respectfully
14 request that the -- a letter of instruction be
15 issued. But if the -- it's the will of the board
16 that there be a further investigation, we intend
17 to participate and assist as we can.

18 **MR. WRIGHT:** I just wanted to reiterate the
19 tight time frames we had to turnaround the entire
20 county and the short -- the -- the nature of the
21 short staff situation we faced. The -- the
22 election supervisor at the time is no longer our
23 election supervisor. We actually terminated him
24 as a result of this and other potential issues.

25 So coming on the board in '16 took very,

1 very quick and swift steps to rectify this
2 particular situation also. When we were notified
3 that this was happening during early voting, we
4 immediately took steps to correct the situation
5 at the polls during early voting so that this did
6 not continue throughout the rest of early voting
7 as well as on election day.

8 So it essentially amounted to a short staff
9 situation with the data entry error. We
10 immediately corrected as best -- as fast as we
11 could and took steps to fix staff, and I was --
12 had -- have hired new staff since then.

13 **MR. RAFFENSPERGER:** What's your name, sir?

14 **MR. WRIGHT:** Oh, I apologize. Aaron Wright,
15 Fayette County Board of Elections.

16 **MR. RAFFENSPERGER:** Thank you. Members?

17 **MR. WORLEY:** I have a question. I happen to
18 live in Fayette County, so I know that the
19 redistricting that was done in 2016 as a result
20 of the court order involved only the state -- I'm
21 sorry -- only the county commission districts and
22 the school board districts. So would you explain
23 how it is that that redistricting resulted or
24 caused a mistake in the districting of the two
25 house districts?

1 **MR. STOUGH:** I -- I have -- excuse me -- I
2 have a very limited knowledge of, you know, the
3 actual steps that were taken, but it's my
4 understanding that the process involves creating
5 new district combos, which, basically, identified
6 what ballot each voter would get, and part of
7 that was -- included the house district.

8 I don't specifically know why these
9 particular streets were -- were overlooked. From
10 what I understand, the staff was supposed to go
11 through and -- and give each street the new
12 district combo. But there was a set of streets
13 for which this didn't occur.

14 So we're certainly looking into what we can
15 do to not have that happen again when we come
16 back to this.

17 **MR. WORLEY:** Okay. So you're currently
18 looking into it and you haven't finished?

19 **MR. STOUGH:** Yeah. We --

20 **MR. WRIGHT:** We're done.

21 **MR. STOUGH:** We are done.

22 **MR. WORLEY:** Okay.

23 **MR. STOUGH:** We --

24 **MR. WRIGHT:** Years ago.

25 **MR. RAFFENSPERGER:** Okay. Thank you.

1 Any other questions from the board?

2 (no response)

3 **MR. RAFFENSPERGER:** Do we have a motion?

4 **MR. WORLEY:** I would make a motion to bind
5 this over to the attorney general's office.

6 I appreciate your being here. I appreciate
7 the steps that have been taken, but given the
8 large numbers of voters that voted in the wrong
9 district, I think it's serious enough to ...

10 **MR. RAFFENSPERGER:** Do we have a second?

11 **MS. LE:** I second that.

12 **MR. RAFFENSPERGER:** Do we have any further
13 discussion?

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor of
16 binding over to the attorney general -- attorney
17 general's office please do so by signifying aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. RAFFENSPERGER:** Any opposed?

20 (no response)

21 **MR. RAFFENSPERGER:** Any opposed?

22 (no response)

23 **MR. RAFFENSPERGER:** Motion carries. Okay.

24 **MS. WATSON:** The next case is 2016-80,
25 Chatham County, districting issues.

1 On May 24, 2016 there was a general primary
2 and nonpartisan general election. The elections
3 division learned that voters living on Whistling
4 Duck Court in Savannah were placed in the wrong
5 voting district. The voters were assigned to
6 District 1, but the proper voting district was
7 District 3.

8 The investigation found that 43 registered
9 voters on Whistling Duck Court were improperly
10 listed as District 1 when they should have been
11 listed as District 3. Three voters voted in an
12 incorrect ballot. On July the 5, 2016,
13 registered voters were placed in the correct
14 district.

15 We're recommending that Chatham County Board
16 of Elections be dismissed as a violation as they
17 now -- they have a separate board and the code is
18 specific to the board of registrars and that the
19 Chatham Board of Registrars be bound over to the
20 attorney general's office for 21-2-226(b).

21 **MR. RAFFENSPERGER:** Anyone from Chatham
22 County would like to speak on this?

23 (no response)

24 **MR. RAFFENSPERGER:** Let's see -- Chatham
25 County?

1 (no response)

2 **MR. RAFFENSPERGER:** No? Okay. Any board
3 members have any questions?

4 (no response)

5 **MR. RAFFENSPERGER:** Do we have a motion?

6 **MR. WORLEY:** I make a motion that we bind
7 over this case to the attorney general.

8 **MR. RAFFENSPERGER:** Do we have a second?

9 **MS. SULLIVAN:** Second.

10 **MR. RAFFENSPERGER:** Any further discussion?

11 (no response)

12 **MR. RAFFENSPERGER:** All those in favor of
13 binding it over to the attorney general's office
14 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. WATSON:** The next case is 2016-84,
20 Muscogee County, districting issues. On May
21 2016, Muscogee County Elections Supervisor Nancy
22 Boren reported that Hilton Woods Drive was
23 assigned to Council District 1 but the proper
24 district for the street is Council District 8.

25 Investigation shows that it was found that

1 Hilton Woods Drive was a boundary street between
2 Council District 1 and 8. It was found that
3 three electors received and voted an inaccurate
4 ballot (indiscernible) this issue. The remaining
5 electors were changed to the correct district in
6 the system on May 14, 2016, the same day it was
7 brought to the attention of the Muscogee County
8 Elections Office.

9 We're recommending that Muscogee County
10 Board of Elections and Registration be bound over
11 to the attorney general's office for 21-2-226.

12 **MR. RAFFENSPERGER:** Is there anyone from
13 Muscogee County to speak to this?

14 **MS. BOREN:** Yes. Good morning.

15 Mr.~Secretary, members of the State
16 Elections Board. My name is Nancy Boren. I'm
17 the director of elections and registration with
18 Muscogee County. We are a consolidated
19 city/county government with a population of
20 approximately 200,000 and about a hundred and
21 thirty thousand registered voters.

22 In May of 2016, I found a boundary street
23 for Council District 8 contained information that
24 did not reflect the proper district for council.
25 This part of the street had 39 voters. The day

1 it was discovered, Saturday, May 14, 2016, it was
2 corrected and those affected voters were sent new
3 precinct cards prior to the date of the primary
4 on May 24th.

5 Pursuant to this, I contacted the city's GIS
6 division requesting if we could marry the various
7 district information and their associated data
8 points to the voter registration addresses on
9 file. We are lucky to have a very robust GIS
10 division.

11 This partnership resulted in a list
12 comprised of matched and mismatched data. Voter
13 addresses from Enet, which is our state voter
14 registration system, were analyzed using
15 shapefiles from the legislative reapportionment
16 office and GIS data. We were able to determine
17 accuracy of districting information and
18 standardized street names, zip codes, and street
19 number ranges. This is a partnership we continue
20 to use, even today, and we do it several times
21 throughout the year as well as during election
22 years as we get new -- new streets in our county.

23 In the May 2016 primary, we determined that
24 those three voters did receive a ballot with
25 incorrect council district information prior to

1 May 14, 2016. The final outcome of the race was
2 separated by 515 votes after consolidation and
3 certification of the election. As noted in the
4 investigative report, this was self-reported to
5 Mr. Chris Harvey, the elections division
6 director.

7 Thank you for the opportunity to address you
8 today regarding this matter and advise of
9 corrective actions that were taken immediately
10 and continue today. I respectfully ask for the
11 board's positive consideration.

12 **MR. RAFFENSPERGER:** Thank you.

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

14 **MR. RAFFENSPERGER:** Mr. Worley.

15 **MR. WORLEY:** Ms. Boren, it -- it's unclear
16 to me but how -- how did this misallocation of
17 the 39 voters happen in the first place?

18 **MS. BOREN:** Prior to the ability to use GIS
19 to district voters, it was an eyeball method
20 where you took maps and you laid them on top of
21 street maps and then you eyeballed it to
22 determine what boundary streets were and then you
23 wrote district numbers in that area.

24 So Muscogee County, being in the middle of
25 the state, has quite a few house seats, senate

1 seats, council, school board. And so you would
2 take a variety of those maps, almost like you
3 were peeling or unpeeling an onion and you would
4 place it on top of a map and come up with
5 district combinations that you would then assign
6 to certain precincts.

7 With this being a cusp street, again,
8 eyeballing it in 2011, we just made the mistake
9 of -- of attributing it to a different council
10 district. The state seats were correct, but the
11 council districts were not.

12 **MR. WORLEY:** And when you then actively
13 partnershiped with the GIS system, did you
14 discover other mistakes?

15 **MS. BOREN:** We did discover other -- other
16 mismatches.

17 **MR. WORLEY:** Uh-huh.

18 **MS. BOREN:** We call them mismatches because
19 sometimes the data was how we spelled the street
20 name versus how our GIS division or even in Enet
21 those streets were listed. And so we were able
22 to correct zip codes, street names and voters
23 that -- that had been put into the wrong district
24 through this GIS partnership, something we
25 continue to use today and we'll still have copies

1 of those lists. We enter correct data and then
2 we do another mismatch or match list and we get
3 it to zero.

4 **MR. WORLEY:** Okay. And when -- when you did
5 that the first time, how many voters did you find
6 you had to move to a different district?

7 **MS. BOREN:** If my recollection is correct,
8 we had 1,400 names on the list. But, again, that
9 was due to spelling of streets. For example,
10 Martin Luther King Junior Boulevard or MLK
11 Boulevard, how the street was listed in the GIS
12 division, how it's listed in the state
13 reapportionment, and how we have it listed in the
14 statewide voter registration system.

15 So there were not that many voters, although
16 it appeared to be. Airport Freeway is another
17 street that we had to make similar so that that
18 would not show up on a redistricting list. But
19 also what we did find is that in 10 years there's
20 development in counties.

21 So we have an apartment complex now on
22 Veteran's Parkway that was not there 10 years ago
23 when reapportionment was done. The precinct line
24 goes direct -- or the district line goes directly
25 through apartment buildings and that's something

1 that we have been working with Ms. Wright in
2 legislative reapportionment to address in that
3 next cycle that we go through.

4 So we've been able to identify hot spots of
5 things that we'll look at in the next
6 redistricting process.

7 **MR. WORLEY:** Thank you.

8 **MS. BOREN:** Uh-huh.

9 **MR. RAFFENSPERGER:** Thank you. Any other
10 questions, comments from the board?

11 (no response)

12 **MR. RAFFENSPERGER:** Do we have a motion?

13 **MS. LE:** I move we issue a letter of
14 instruction. It looks like --

15 **MR. RAFFENSPERGER:** Okay. We have a
16 motion --

17 **MS. LE:** -- the county has -- it just looks
18 like the county has taken proactive steps in
19 addressing these issues and the changes so we
20 won't see this problem again, hopefully.

21 **MR. RAFFENSPERGER:** So the motion for a
22 letter of instruction. Is there a second?

23 **MR. WORLEY:** Second.

24 **MR. RAFFENSPERGER:** Any further comment?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing none, all those
2 in favor of issuing a letter of instruction
3 signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** The motion carries.

8 **MS. WATSON:** Okay. The next case is
9 2016-85, Bulloch County.

10 Campaigning violation in a complaint
11 alleging that someone parked a truck inside with
12 a large campaign sign on the bed within the
13 hundred-and-fifty-foot boundary at the Statesboro
14 polling precinct.

15 A second complaint also alleged that an
16 Evans County resident, being David Keith Stone,
17 was voting in the Bulloch County elections.

18 Investigation discovered the pickup truck
19 belonged to an Andrew Hitt. He parked his truck
20 at the Statesboro polling precinct on May 24,
21 2016, inside of the hundred-and-fifty-foot "no
22 campaigning area" with a large campaign sign in
23 the bed with the sheriff candidate. He was asked
24 to move the vehicle outside of the
25 hundred-and-fifty feet of the campaigning area

1 and did move the truck but it was still inside
2 the hundred-and-fifty-foot boundary.

3 In the second complaint, it was determined
4 that David Keith Stone registered to vote in 1992
5 in Bulloch County and having consistently voted
6 in Bulloch County over the years, Mr. Stone
7 states that he stays with a sickly uncle four to
8 five days a week in Bulloch County, but he lives
9 at home with his wife in Evans County. He filed
10 homestead on that Evans County home in 2011 and
11 has his driver's license issued in the Evans
12 County address.

13 Mr. Stone states that he called
14 (indiscernible) on May 23, 2016 election and
15 talked to someone in the elections office and was
16 told that if he spent 90 percent of his time in
17 Bulloch County, he was registered to vote in
18 Bulloch County and so he could vote.

19 After the May 2016 election, Mr. Stone's
20 voter registration was transferred to Evans
21 County where he has voted ever since.

22 We're recommending that Andrew Hitt be bound
23 over to the AG's office for 21-2-414(a)(1),
24 restrictions on campaign activities, and David
25 Keith Stone be bound over for 21-2-216(a)(1)(4),

1 polling location of electors.

2 **MR. RAFFENSPERGER:** Okay. Is there anyone
3 here to speak to that case?

4 (no response)

5 **MR. RAFFENSPERGER:** Okay. I don't see
6 anyone to speak to that case. Any board members
7 have any questions, concerns, comments or
8 motions?

9 **MS. LE:** Did we ever ascertain what
10 Mr.~Stone's intent was in terms of his residence?

11 **MS. WATSON:** I -- he worked for the
12 sheriff's office in Bulloch County and he -- he
13 lived -- lives or has a home and his wife lives
14 in Evans County. His -- his comment to us was
15 that he did stay four to five days a week with
16 his sickly uncle.

17 **MS. LE:** In Bulloch County?

18 **MS. WATSON:** In Bulloch County.

19 **MS. LE:** Okay.

20 **MR. RAFFENSPERGER:** Do we have a motion?

21 **MS. LE:** I move to bind over Andrew Hitt and
22 dismiss Keith Stone's case. The reason why I
23 think we should dismiss it is -- the second
24 allegation is because 21-2-217 has a list of
25 what's a residence, and I don't know from the

1 facts if we can determine that. We have cases
2 that establish homestead exemptions as
3 (indiscernible), so for those reasons.

4 He spends his -- four to five days in that
5 county that he's voting in. We don't know what
6 his intent is, which is also (indiscernible).

7 **MR. WORLEY:** I'll second that motion.

8 **MR. RAFFENSPERGER:** Okay. Any further
9 comment?

10 (no response)

11 **MR. RAFFENSPERGER:** All those in favor of
12 the motion signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MS. WATSON:** The next case is 2016-86, Polk
18 County ballot formatting.

19 On June 2016, there were three complaints
20 reported from Polk County voters that they
21 received the incorrect ballot, a DRE inoperative
22 at the poll, and voter access cards being
23 pre-programmed prior to voters submitting a
24 request for ballots.

25 Investigation revealed Stacy Baker went to

1 vote during the May 24, 2016 general election at
2 the Aragon Municipal Complex. She submitted a
3 voter certificate indicating her request for a
4 republican ballot. The poll worker that was a
5 new poll worker, Judy Burdette, stated that she
6 made a mistake when she encoded the voter access
7 card for Stacy Baker and mistakenly created a
8 nonpartisan ballot. Stacy Baker voted the
9 nonpartisan ballot prior to bringing it to the
10 attention of poll workers.

11 James Walker went to the Blooming Grove
12 precinct and requested a republican ballot on the
13 voter's certificate and was issued a nonpartisan
14 ballot. He cast his ballot prior to making his
15 complaints to poll workers. Karen Buffington a
16 new poll worker issued the incorrect ballot. No
17 other violations of the election code were
18 substantiated.

19 We recommend Polk County Board of Elections
20 and Registration; Karen Garmon, Polk County
21 Elections Supervisor; Judy Burdette, poll clerk;
22 and Karen Buffington be bound over to the
23 attorney general's office for violation of
24 21-2-352(b) for failure to properly encode Stacy
25 Baker's voter access card and failing to encode

1 James Walker's voter access card and SEB Rule
2 183-1-12-.02(4).

3 **MR. RAFFENSPERGER:** Okay. Is there anyone
4 here from Polk County?
5 (no response)

6 **MR. RAFFENSPERGER:** I see none. Does the
7 board have any questions, comments? Do we have a
8 motion?
9 (no response)

10 **MR. RAFFENSPERGER:** Do you have a motion?

11 **MR. WORLEY:** I'll make a motion that we bind
12 the case over to the attorney general.

13 **MR. RAFFENSPERGER:** Okay. We have a motion
14 to bind over. Do we have a second?

15 **MS. LE:** I'll second that.

16 **MR. RAFFENSPERGER:** We have a second. Any
17 further comment?
18 (no response)

19 **MR. RAFFENSPERGER:** Hearing none, all those
20 in favor of binding it over to the attorney
21 general signify by saying aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any opposed?
24 (no response)

25 **MR. RAFFENSPERGER:** Motion carries.

1 **MS. WATSON:** The next case is 2016-89, Cobb
2 County, ballot format.

3 On May 2016, Thomas Harris reported a
4 problem he encountered with a ballot while voting
5 in the general primary in Cobb County. The
6 complainant stated that he requested a republican
7 ballot but received a nonpartisan ballot.

8 Investigation shows Mr. Harris reported that
9 he had gone to (indiscernible) Elementary School
10 polling location in Cobb County to vote in the --
11 May 2016 in the general primary. He completed
12 the paperwork requesting a republican ballot. He
13 was issued a voter access card and upon reviewing
14 the ballot he only saw one person on it.
15 Mr.~Thomas [sic] believed that if he hit the cast
16 ballot button then the republican candidates
17 would then show.

18 The voter access card was ejected from the
19 DRE machine and Mr. Thomas [sic] brought this to
20 the attention of the poll manager who informed
21 Mr. Harris there was nothing anything -- not
22 anything they could do because he had already hit
23 "cast ballot."

24 The poll worker that encoded the voter
25 access cards stated he did not remember the

1 incident. They could have made the wrong
2 selection.

3 I have since received a -- information from
4 Janine Eveler from Cobb County that she conducted
5 an audit at this location and her audit shows
6 that the count is correct and that she believes
7 that the proper card was actually issued. Tony
8 Muller is unable to attend because he has serious
9 health issues and is no longer going to be
10 working as a poll worker.

11 Due to the additional information, we're
12 requesting that a letter of instruction be issued
13 to Cobb County Board of Elections and
14 Registration and poll manager Tony Muller.

15 **MR. RAFFENSPERGER:** Is there anyone here on
16 this case?

17 (no response)

18 **MR. RAFFENSPERGER:** Seeing none, do we have
19 any comments or -- what?

20 **MS. WATSON:** Janine Eveler did want --
21 expressed that she wanted to attend but she had a
22 conflict so she was unable to be here.

23 **MR. RAFFENSPERGER:** Okay. We have a
24 recommendation. What's the will of the board?

25 **MR. WORLEY:** I'll make a motion that we sent

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a letter of instruction to Cobb County.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any comment?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of sending a letter of instruction signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-91, Floyd County, voter turned away.

On May 24, 2016, a voter was reportedly turned away at the Gilbreath Recreation Center due to his wearing a politically-based t-shirt out in the polling station.

When Gerrick Cofia (ph) entered the Floyd County Gilbreath Recreation Center, he was wearing a white t-shirt with the words "Hillary sucks" printed on it and a likeness of Trump printed on it. Neither Trump nor Clinton were listed on that ballot during that election.

Ron Parker, the assistant poll manager,

1 instructed Mr. Cofia that due to the
2 politically-charged message on the shirt that he
3 would need to turn the shirt inside out while in
4 the poll. As Mr. Cofia and the assistant poll
5 manager debated this, the poll manager, Deborah
6 Ward, came over and also repeated the request to
7 turn the shirt inside out. Mr. Cofia stated that
8 the poll workers were keeping him from voting.

9 Ms. Ward contacted the elections office and
10 spoke to Vanessa Waddell who also stated that
11 Mr. Cofia needed to turn his shirt inside out.
12 This was relayed to Mr. Cofia who began to leave
13 the poll, telling others that he was being denied
14 the right to vote.

15 A few days after the primary Mr. Cofia went
16 to Floyd County Elections Supervisor Willie
17 Green. Mr. Cofia was not given an answer if
18 wearing his shirt was a violation of election
19 code or not, but was told Mr. Green was looking
20 into it.

21 On January 13, 2016, Floyd County provided a
22 statement that they plan to enact a policy
23 declaring by what point a person is not permitted
24 to vote due to having campaign materials within
25 or heard inside the polling place.

1 The board's rule included further and more
2 clarity in its training of poll workers related
3 to the matter, issue a letter of explanation,
4 clarification in accordance with SEB 199, as well
5 as issue an apology to Mr. Cofia in this specific
6 matter.

7 We're recommending that Floyd County Board
8 of Elections and Voter Registration, Floyd County
9 former election supervisor Willie Green, and four
10 -- Floyd County Elections Clerk Vanessa Waddell,
11 and poll manager Deborah Ward be bound over to
12 the AG's office for 21-2-593 when they did not
13 allow a qualified voter Gerreck Cofia to vote in
14 the general primary on May 24, 2016 due to that
15 he was wearing a politically-charged t-shirt at
16 the polling location.

17 **MR. RAFFENSPERGER:** Okay. Do we -- anyone
18 here from Floyd County?

19 (audience member indicating)

20 **MR. RAFFENSPERGER:** Please come forward and
21 state your name. Good morning.

22 **MR. BRADY:** Good morning, Mr. Secretary and
23 the board. My name is Robert Brady -- excuse me.
24 My name is Robert Brady and I'm the current chief
25 of elections for Floyd County. The activities

1 that were -- were just expressed took place
2 before I got here so I can only address this
3 secondhand. I can tell you what I have seen
4 taking place since this event.

5 There's been more of an emphasis on poll
6 worker/poll management training as to what
7 exactly constitutes campaigning in the work
8 place. Truthfully, the -- everybody involved in
9 this discussion was sincerely attempting to
10 uphold 20-2-414 [sic] and that was no campaigning
11 material.

12 I became aware of this three weeks ago and
13 at that point I reached out to the sources I have
14 available through the secretary of state's
15 office -- the legal sources, the training
16 sources -- and have gotten clarification on this.
17 No one at the time -- again, back in 2016 -- was
18 aware that a political t-shirt indicating the
19 names of candidates who were campaigning but not
20 necessarily on that ballot would not be
21 considered campaign material. I have been --
22 since this time been informed of all that and I'm
23 making certain that future poll training will
24 include an explanation of this.

25 And without regard to the outcome of this,

1 we appreciate all the guidance the secretary of
2 state's office has provided on this matter, and
3 all I can say is I really don't feel that any of
4 the people involved in this were -- were in any
5 way attempting to prevent this individual from
6 voting.

7 Also (indiscernible) notes that I make here
8 is none of the polling officials invited the man
9 to leave. He was ultimately invited to leave
10 because he exhibited signs of intoxication and
11 the -- and management of the venue where voting
12 was taking place and, you know, deemed him a
13 hazard and asked him to leave.

14 With that, again I appreciate your time and
15 the opportunity to explain just a little bit.

16 **MR. RAFFENSPERGER:** Thank you.

17 **MR. WORLEY:** Yeah. I had -- I had a
18 question. It's my opinion that --

19 **MR. BRADY:** Yeah.

20 **MR. WORLEY:** -- if someone's wearing a
21 Donald Trump t-shirt and goes into the polls and
22 Donald Trump's not on the ballot, that is not
23 campaigning in violation of the statute and
24 that's your understanding now as well?

25 **MR. BRADY:** Yes, sir.

1 **MR. WORLEY:** Okay.

2 **MR. BRADY:** Yes, sir. After -- after
3 further guidance on this matter, it's been
4 determined that t-shirts -- t-shirts with
5 candidate's names on them that are not on the
6 ballot are not, in fact, campaigning materials.

7 **MR. WORLEY:** Right.

8 **MR. BRADY:** Again, sir, I apologize --

9 **MR. WORLEY:** No. No. No. No. And -- and
10 in some sense it pains me that -- believe me, it
11 pains me to say that but --
12 (laughter)

13 **MR. WORLEY:** -- that's what I believe the
14 law is.

15 **MR. BRADY:** But regardless of who I would
16 have supported in that election --

17 **MR. WORLEY:** Right.

18 **MR. BRADY:** -- the -- the poll manager was
19 operating under the theory that because both of
20 the candidates mentioned on the t-shirt were
21 currently involved in an election process, they
22 erred on the side of a little bit of splitting
23 hairs as I understand.

24 **MR. WORLEY:** And that's all the questions
25 that I have.

1 **MR. BRADY:** And, again, I wish I could have
2 addressed it more specifically, but that I'm
3 sorry I wasn't there.

4 **MR. RAFFENSPERGER:** Thank you, sir.

5 **MR. BRADY:** Yes, sir.

6 **MR. RAFFENSPERGER:** Do we have any further
7 comments? Do we have a motion?

8 **MR. WORLEY:** I -- I would make a motion to
9 dismiss this case because the -- the allegation
10 here is that there was a violation of 21-2-593
11 which is -- involves refusing to allow someone to
12 vote. And it's not at all clear to me from the
13 record that Mr. Cofia was actually refused the
14 ability to vote. In fact, a number of times he
15 was told "we can't deny you the right to vote."

16 I -- I think there's an interesting
17 interplay here between prohibiting campaigning in
18 the poll and refusing someone's right to vote.
19 And maybe the attorney general's office can
20 clarify that to us -- for us -- somewhat.

21 But to me this -- the action that's here is
22 not a violation of that part of the statute, so I
23 would move to dismiss it.

24 **MR. RAFFENSPERGER:** Do we have a second?

25 **MS. LE:** I second that. I know that in

1 Nevada elections, you know, the officials at the
2 polling places struggle with that boundary
3 between what is solicitation versus someone's
4 right to vote in trying to keep order. And I
5 would agree that in this case I don't believe
6 that this gentleman's right to vote was denied.

7 **MR. RAFFENSPERGER:** Okay. Any further
8 comments?

9 (no response)

10 **MR. RAFFENSPERGER:** All of those in favor of
11 the motion to dismiss signify by saying aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?

14 **MS. SULLIVAN:** Opposed.

15 **MR. RAFFENSPERGER:** Motion carries.

16 **MS. SULLIVAN:** And I just thought that I
17 would recommend a letter of instruction be sent
18 on this case, just for the record.

19 **MR. RAFFENSPERGER:** Is that a motion?

20 **MS. SULLIVAN:** It's not. I think the motion
21 was passed. If this is the case --

22 **MR. RAFFENSPERGER:** That's what I thought.

23 **MS. SULLIVAN:** I just note for the record
24 that my opposition was not because I thought it
25 was a violation of the law, but -- but for the

1 one issue might benefit from a letter of
2 instruction.

3 **MR. RAFFENSPERGER:** Noted.

4 Okay, we need to go into an executive
5 session and probably break for lunch at the same
6 time certainly. So who wants -- who wants to
7 make a motion for the executive session and break
8 and then we'd like to be back at 1:00 sharp and
9 reconvene. Would you --

10 **MS. SULLIVAN:** I move that the board go into
11 the executive session to discuss pending or
12 potential litigation.

13 **MR. WORLEY:** Second.

14 **MS. LE:** Second.

15 **MR. RAFFENSPERGER:** Dismissed. We'll be
16 back at 1:00 sharp.

17 (recess)

18 **MR. RAFFENSPERGER:** Do we have a motion to
19 come out of executive session?

20 **MS. SULLIVAN:** So moved.

21 **MR. WORLEY:** So moved -- second.

22 **MR. RAFFENSPERGER:** Second. All those in
23 favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Motion carries. We are

1 out of the executive session and back on the SEB
2 cases. I believe tab 28.

3 **MS. WATSON:** Tab 28 is SEB2016-94, Jackson
4 County, cast ballot. On May 24, 2016, Jackson
5 County Election Superintendent Lori Wurtz
6 self-reported that a poll manager caused a voter
7 to cast an extra ballot following the voter's
8 complaint that he had initially received and
9 voted upon the wrong ballot.

10 Curtis Stowe checked nonpartisan on his
11 voter certificate and was issued a nonpartisan
12 ballot. He voted and then realized he had made
13 the wrong selection and complained to the poll
14 workers.

15 Carrie Propes, the poll manager, volunteered
16 to fix the situation but did not verify that he
17 had already cast his ballot or not. Another poll
18 worker, Sherry Mason, stated that she said he had
19 already voted but Carrie Propes stated she didn't
20 hear her nor understand her. Carrie Propes
21 issued Curtis Stowe a second voter access card
22 which he voted. Carrie Propes realized her error
23 when she crosschecked the DRE counter with the
24 number of voters. Carrie Propes was very
25 apologetic regarding the error.

1 We're recommending that Jackson County Board
2 of Elections and Registration Election Supervisor
3 Lori Wurtz and poll manager Carrie Propes be
4 bound over to the AG's office for 21-2-592 when
5 Propes allowed Curtis Stowe to vote in the
6 general primary on May 24, 2016 after Stowe had
7 already cast a ballot in the same primary, and
8 SEB Rule 183-1-12-.02(4), conducting elections,
9 in that they allowed Curtis Stowe to cast another
10 ballot after the voter had already cast a ballot
11 for the same election.

12 We're recommending elector Curtis Stowe be
13 dismissed as a respondent in that he was
14 following the poll worker instructions.

15 **MR. RAFFENSPERGER:** Okay. Do we have anyone
16 here from Jackson County?

17 (audience member indicating)

18 **MR. RAFFENSPERGER:** Do you want to state
19 your name?

20 **MS. LOGAN:** It's Jennifer Logan, the current
21 elections director of Jackson County. I just
22 wanted to tell you that the poll worker and also
23 Carrie -- she was under undue stress at the time.
24 She had recently lost her parents. And we take
25 this -- but we take this as a very serious issue

1 and we dismissed her. We also self-reported to
2 the state the incident.

3 We've implemented new training aspects to
4 cover situations like this. We thought we'd post
5 (indiscernible) and let voters know that once
6 they cast their ballot, it's final. We issued
7 new testing to our poll workers to make sure that
8 this doesn't happen again. We changed the
9 policies and procedures at polling places making
10 sure that managers contact us before any of these
11 types of incidents happen, and we changed the
12 structure of our polling places. We've added in
13 extra managers at the locations, some that just
14 are over the voting machines. They are there and
15 they are specifically trained to handle
16 situations with voters like this. Thank you.

17 **MR. RAFFENSPERGER:** Any members have any
18 questions for anyone?

19 Would you like to speak?

20 **MS. PROPES:** Hi. I'm Carrie Propes. I'm
21 the one that made the mistake and I'm sorry that
22 I made that mistake. I -- I'll let you
23 (indiscernible) observed a gentleman raising
24 really, really horrible angst about his card not
25 working and I had experienced the cards not

1 working even after use. The man had left it and
2 I took his card and I got it to where we could
3 redo it and then once he left, happy, then I
4 looked at my numbers and I checked them and
5 realized then I had messed up.

6 So I immediately started trying to get a
7 hold of the poll manager and let them know I had
8 made a mistake and they relieved me of my
9 position and sent me home. I have not worked at
10 a poll center since then and as of now I am not
11 capable of working at any poll centers anymore.

12 **MR. RAFFENSPERGER:** Thank you, ma'am.

13 **MS. LOGAN:** Also Lori Wurtz no longer works
14 for Jackson County, and we also have a new board
15 of elections through legislation.

16 **MR. RAFFENSPERGER:** Thank you. Any board
17 members have any questions?

18 (no response)

19 **MR. RAFFENSPERGER:** Do we have a motion?

20 **MS. LE:** Mr. -- is it Mr. Stowe? Mr. Curtis
21 Stowe? Does he already have -- the report says
22 he may have violated the law, but he voted
23 because a second card was given to him, right?

24 **MS. WATSON:** Yes. He was -- he voted -- he
25 was following a poll worker's instruction so

1 we're recommending he is -- be dismissed.

2 **MS. LE:** Okay.

3 **MS. SULLIVAN:** I'll make it a two-part
4 motion, under the circumstances, to dismiss that
5 allegation against -- actually to just absolve
6 the allegations in this matter.

7 **MR. RAFFENSPERGER:** Do we have a second?

8 **MS. LE:** I would revise that. I would move
9 to dismiss Curtis Stowe and Ms. Propes but issue
10 a letter of instruction to the county board of
11 elections.

12 **MR. WORLEY:** I would -- I would second that
13 -- or if -- if -- if that's accepted, or if we
14 get back to the motion --

15 **MR. RAFFENSPERGER:** Allow to amend the
16 motion?

17 **MS. SULLIVAN:** Yes, I will accept that.

18 **MR. WORLEY:** Okay. I'll second that.

19 **MR. RAFFENSPERGER:** So we have a motion --
20 an amended motion before us to dismiss Curtis C.
21 Stowe and also incidents of Carrie Propes and a
22 letter of instruction for all others. All those
23 in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 Next case.

4 **MS. WATSON:** 2016-19 -- I'm sorry --
5 2016-95, Macon County, felon registering.

6 The Macon County Board of Elections Office
7 reported Annie Ruth Towns registered to vote
8 May 2, 2016 while being a convicted felon and
9 still under sentence.

10 It was verified that Annie Ruth Towns did
11 sign a voter registration application on May 2,
12 2016 while being a convicted felon and still
13 under sentence. Ms. Towns advised that she
14 needed an ID in order to attend South Georgia
15 Technical College.

16 Keisha Green, the director of the GED
17 program, took Ms. Towns to register to vote in
18 order to get the identification. Ms. Green
19 completed the application for Towns and Ms. Towns
20 signed the form having not read it.

21 We're recommending that Annie Towns be bound
22 over to the AG's office for 21-2-316(b).

23 **MR. RAFFENSPERGER:** Is anyone here from
24 Macon County related to this case?

25 (no response)

1 **MR. RAFFENSPERGER:** Okay. Do any of our
2 board members have any questions?

3 (no response)

4 **MR. RAFFENSPERGER:** Do we have a motion?
5 Discussion?

6 **MR. WORLEY:** I'll make a motion to bind this
7 case over to the attorney general.

8 **MR. RAFFENSPERGER:** Do we have a second?

9 **MS. SULLIVAN:** Second.

10 **MR. RAFFENSPERGER:** Any further comment or
11 discussion?

12 (no response)

13 **MR. RAFFENSPERGER:** Hearing none. All those
14 in favor of binding this over to the attorney
15 general's office please do so by signifying aye.

16 **BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MR. RAFFENSPERGER:** Motion carries.

20 **MS. WATSON:** The next case is 2016-97,
21 Talbot County, absentee ballot voting out of the
22 district.

23 In June 2016, Joretha Ryles, a candidate for
24 Talbot County School Board District 1 reported
25 multiple allegations regarding the May 24, 2016

1 general primary. A total of 17 allegations that
2 fell into the category of absentee ballot
3 concerns, districting issues, and voter
4 eligibility issues.

5 The investigation found that 13 out of the
6 17 reported allegations were unfounded. The
7 first allegation concerning absentee ballot
8 processing revealed that four electors had their
9 absentee ballots rejected and were not mailed a
10 rejection letter.

11 The other three substantiated allegations
12 were 7, 8, and 17. They all were regarding
13 voters that moved and failed to update their
14 voter registration. Subsequently they voted in
15 an incorrect district.

16 We're recommending that Talbot County Board
17 of Elections and Registration; Marjorie Howard,
18 the Talbot County Elections Supervisor; and
19 Patricia Robinson, the chief registrar be bound
20 over for 21-2-386(a)(1)(c), rejection of ballot,
21 when they failed to send notification letters to
22 electors -- Denise Harris, Robert Leonard,
23 Charlie Harris, Junior, and Cherutney (ph)
24 Harris -- that their absentee ballots had been
25 rejected and Vanes -- Vanessa Searcy Dixon and

1 Veronica Cheney be issued letters of instruction
2 for failure to change the address affecting the
3 correct district assignment and Frederick Cotton
4 be bound over for 21-2-218(b) address -- I'm
5 sorry, be issued a letter of instruction for
6 failure to correct his address, change it from
7 Talbot County when he resides in Upson County.

8 **MR. RAFFENSPERGER:** Anyone here from Talbot
9 County?

10 **MS. HOWARD:** Yes, sir. I'm Marjorie Howard.
11 I'm the elections supervisor for Talbot County.
12 And thank you for the opportunity to be able to
13 address these. What we found when this -- I
14 worked with two investigators: Mr. Calhoun and
15 Mr. Monroe.

16 When this was reported to us, the four
17 individuals are all part of one household.
18 Ms. Watson, who was our chief registrar was very
19 familiar with this family and she actually talked
20 with them. When -- when they -- when they --
21 when they submitted their absentee ballots on the
22 old envelope, they put their P.O. box instead of
23 the physical address. She called them to advise
24 that they needed to come in to make that
25 correction. She spoke with -- and I don't know

1 if they have a copy of the letter that she
2 actually wrote regarding this for the
3 investigator, but she talked to Ms. Denise Harris
4 who was the one that usually works with the other
5 family members as far as making sure they
6 exercise their right to vote. She asked them --
7 explained what they needed to do and asked them
8 to come in. And she explained to them on two
9 different occasions that if they did not come
10 into the office to make the correction that their
11 ballots would be rejected. She actually went by
12 their house to talk to them.

13 But she knows this family well. She is a
14 former teacher and in some of these -- some of
15 the people in the -- in the family were actually
16 her former students. So she felt some degree of
17 comfort in calling them and going back to see
18 them because she told them on two different
19 occasions that if you don't come in to make this
20 change, we will have to reject your ballot.

21 Her second trip by the house she met with
22 one of the brothers, Timothy Harris, and advised
23 him of the same thing. So she made an effort,
24 however, we did not submit a letter -- we sent
25 them a letter after the election. At that

1 point -- and -- and I found this out in the
2 process of the investigation. And in her
3 statement she said that when she went by the
4 apartment to talk to them, she ad -- advised them
5 that the ballots would have to be rejected
6 because they didn't come in.

7 I realize that does not excuse us from
8 having to follow the code. We've done extensive
9 training since this happened in 2016 in our
10 office on the proper handling of absentee
11 applications and absentee ballots. So we have
12 gone through that with our board members, which
13 we are working for, and with the poll issues so
14 that everyone thoroughly understands our
15 obligation to send that voter a letter no matter
16 what. So that has not reoccurred and won't
17 reoccur again.

18 And in terms of the three individuals, no
19 one filed a -- a -- an actual residential
20 challenge to those three. Once this was called
21 to my attention and we investigated, we actually
22 went -- after the election, we went to driver's
23 services, the motor voter application. We took
24 it upon ourselves to compare their voter
25 registration information to what was in DDS. For

1 any one of the three individuals, Ms. Searcy, I
2 think it was Ms. Baron, and Mr. Cotton, their
3 driver's licenses that had been renewed did show
4 a different address outside of Talbot County. At
5 that point, we sent them a letter. We sent them
6 a voter registration form.

7 And there was a fourth person who had
8 actually moved from one precinct to another. We
9 sent her a change of address so that we could get
10 this corrected so that it would not come up in
11 any future elections.

12 So I believe that we have done everything we
13 can do at this point to make sure that this
14 doesn't happen again. But it does not excuse the
15 fact that we didn't send a letter to those --
16 that family -- those four individuals.

17 So at this point, I'm just going to ask
18 that -- you know, I put it upon the board to make
19 a decision in terms of what action needs to be
20 taken next. So we have addressed this within our
21 county as far as training.

22 **MR. RAFFENSPERGER:** Thank you. Do any of
23 the board members have questions?

24 **MS. LE:** I do. So just to clarify, you're
25 saying that when the board challenges a voter or

1 an elector, the qualifications, you do send out
2 the notice and they do have the right to appeal
3 that notice --

4 **MS. HOWARD:** Yes.

5 **MS. LE:** -- per the 228 --

6 **MS. HOWARD:** The letter --

7 **MS. LE:** Okay.

8 **MS. HOWARD:** The letter states to them that
9 they -- that if anything on the letter is
10 incorrect with the -- with the letter, it shows
11 their address that they have had on the
12 registration form, it states the address that we
13 see in DDS's system --

14 **MS. LE:** Right.

15 **MS. HOWARD:** -- and we ask them to let us
16 know if anything is incorrect. If the
17 information given is correct, at that point we
18 ask them to register in the correct county or do
19 a change of address from one precinct to another.

20 **MS. LE:** Okay. And I do have a question for
21 our investigators.

22 Mr. Frederick Cotton -- he's not here today,
23 is he? Right?

24 **MS. WATSON:** No. He did call. He had a
25 conflict with the meeting and he couldn't attend.

1 **MS. LE:** Okay. I see that with Ms. Dixon
2 and Ms. Cheney they did admit to living at
3 another address and intending that to be their
4 home.

5 Mr. Cotton, on the other hand, if I
6 understand the facts correctly, he says that he's
7 staying at his sister's house where he voted; is
8 that correct? And that he seems to be claiming
9 that to be his residence for voting purposes; is
10 that correct? Am I misreading the facts?

11 **MS. WATSON:** No. That is correct. He -- he
12 says that he moved his residence to Upson County.

13 **MS. LE:** But -- okay. But he didn't say
14 anything to the fact of claiming his sister's
15 home intending that to be his own home?

16 **MS. WATSON:** No. Not that I'm aware of.

17 **MS. LE:** Okay.

18 **MS. WATSON:** I'd have to go back and check
19 the case log.

20 **MR. RAFFENSPERGER:** Any other questions?

21 (no response)

22 **MS. HOWARD:** Thank you.

23 **MR. RAFFENSPERGER:** Thank you. Do we have a
24 motion?

25 **MR. WORLEY:** I would make a motion that we

1 send a letter of instruction on allegation 1, the
2 absentee ballot, the failure to notify of the
3 rejection of the absentee ballots to Talbot
4 County.

5 **MR. RAFFENSPERGER:** Do we have a second on
6 that?

7 **MS. SULLIVAN:** I'll second that motion.

8 **MR. RAFFENSPERGER:** All those -- any
9 discussion?

10 (no response)

11 **MR. RAFFENSPERGER:** All those in favor
12 signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Okay. That carries.

17 And, okay, allegations 7, 8, and 17.

18 **MS. LE:** I move to issue an LOI to
19 Ms.~Searcy, Mr. Cotton, and Ms. Cheney.

20 **MR. RAFFENSPERGER:** Okay. Do we have a
21 second?

22 **MS. MORLEY:** I'll second that.

23 **MR. RAFFENSPERGER:** There's a second. Any
24 further discussion?

25 (no response)

1 **MR. RAFFENSPERGER:** All those in favor of a
2 letter of instruction on 7, 8, and 17 signify by
3 saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 **MR. WORLEY:** Aye.

7 **MR. RAFFENSPERGER:** What's that?

8 **MR. WORLEY:** Aye, I mean, yes. I'm sorry.

9 **MR. RAFFENSPERGER:** Motion carries. Thank
10 you. Let the above allegations 2, 3, 4, 5, 6, 9,
11 10, 11, 12, 13, 14, 15, 16 -- so, I guess, that's
12 2 through 16 minus 7, 8, and 17. Do we need to
13 make a motion on that to dismiss, or ...

14 **MR. WORLEY:** I guess. I'll make a motion to
15 dismiss the remaining allegations.

16 **MR. RAFFENSPERGER:** Is -- is there a second?

17 **MS. SULLIVAN:** Second.

18 **MR. RAFFENSPERGER:** Any further discussion?

19 (no response)

20 **MR. RAFFENSPERGER:** Seeing none, all those
21 in favor of dismissing all allegations as listed
22 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Okay. Motion carries.

25 Next.

1 **MS. WATSON:** The next case is 2016-101,
2 Clayton County, memory cards.

3 On June 6, 2016, it was reported that two
4 DRE memory cards were left unsecured at a server
5 room in the Clayton County elections office
6 following the general primary of May 24, 2016.

7 Investigation showed two DRE memory cards
8 were discovered on a table in the Clayton County
9 election center on May 25, 2016, the day after
10 the election.

11 Shauna Dozier advised that at the time of
12 the May primary that she and Mr. Smith from IT
13 were the only people with keys to the election
14 center and does not believe that anyone else had
15 access to the cards in the 48-hour period they
16 were laying on the table. The cards were then
17 secured in the appropriate lockbox in the server
18 room.

19 Mr. Smith also stated that he nor any of the
20 IT personnel were sworn in by Ms.~Dozier for the
21 election. Ms. Dozier advised that they were
22 sworn in but could not provide any paperwork to
23 substantiate.

24 We're recommending that Clayton County Board
25 of Elections and Registration and Clayton County

1 Elections Superintendent Shauna Dozier be bound
2 over to the AG's office for violation of SEB Rule
3 183-1-12-.02(6)(c) by failing to properly seal in
4 an appropriate container two DRE memory cards
5 following the general primary of May 24th and
6 State Election Board Rule 183-1-12-.02(2)(g)(1)
7 by failing to properly administer oaths to IT
8 personnel prior to participation in the general
9 primary of May 24, 2016. And by failing to
10 retain copies of said oaths.

11 **MR. RAFFENSPERGER:** Okay. Do we have anyone
12 from Clayton County?

13 **MR. REED:** Good afternoon --

14 **MR. RAFFENSPERGER:** Good afternoon.

15 **MR. REED:** -- Mr. Secretary and board. My
16 name is Charles Reed and I am from the county
17 attorney's office in Clayton County. With me I
18 have elections director Shauna Dozier.

19 Some of the facts we admit to, but we
20 believe that on the totality of the
21 circumstances, as Ms. Dozier will explain to you
22 in more detail, that this is not a case that
23 should be bound over. I'll kind of summarize a
24 little bit and I'll have her fill in more of the
25 details. When Ms. Doz -- she was hired as the

1 Clayton County elections director in March 2016,
2 qualifying (indiscernible). So there were
3 processes that were in place before she arrived.
4 And she asked her deputy, who happened to be also
5 a candidate for the position, about how things
6 were to be run as far as sealing memory cards
7 after tabulation. And a lot of the things that
8 were part of the elections process were being
9 outsourced to other kind of departments,
10 including the county IT department where
11 Mr. Smith was.

12 After -- there were also some other issues
13 that she was having personnel-wise with
14 Mr.~Smith, including his actions on the day of
15 the election, that caused his supervisor and the
16 chief operating officer of the county to come in
17 and physically -- or physically be present to
18 watch him do his job because he just would not --
19 he refused to do anything that she was directing
20 him to do. And he happened to be the person who
21 was also responsible, from her understanding, for
22 sealing the memory cards and was also the person
23 who was the complainant in saying that he wasn't
24 provided an oath.

25 So I'm going to have her kind of give a

1 little bit more details to kind of give the board
2 some understanding of what that whole process was
3 like and then after that, I guess I'll kind of
4 summarize what we are asking the board to do.

5 **MR. RAFFENSPERGER:** Thank you.

6 **MS. DOZIER:** Good afternoon. I'm Shauna
7 Dozier. I'm the elections director for Clayton
8 County Board of Elections and Voter Registration.

9 The May primary election was my first
10 election as elections director in Clayton County.
11 The week that I started I met Mr. Smith as well
12 as my then assistant director to discuss the
13 procedures on how the office operates in regards
14 to elections. And from my understanding and what
15 I was told, that IT personnel was considered the
16 custodian of the voting equipment. They also
17 serve as the one that sets up all the record
18 retention, prepares the elections returns so to
19 submit to the secretary of state's office, as
20 well as handle any seals -- the memory cards
21 after we completed tabulation.

22 During this time, between my start date,
23 which was right after the presidential preference
24 primary in March, and leading up to the general
25 primary in May, I experienced several situations

1 regarding personnel. The first one is in regards
2 to my assistant director at the time. The
3 assistant director at the time went on
4 administrative leave, so I was the only managing
5 supervisor in the office and it was my first
6 election in Clayton County.

7 In addition to that, Mr. Smith in regards to
8 -- in regards to the election, I faced several
9 challenges in regards to giving directives as
10 well as services. I was always referred to -- I
11 needed to speak with his IT director instead of
12 taking directives straight from -- from myself.
13 And more specifically related to election night,
14 this was -- this order that I'm trying to paint
15 for you.

16 On election day, we report at 5:30 in the
17 morning. Mr. Smith did not report at 5:30 in the
18 morning. He didn't report to work until, I
19 believe -- well, I could not get in contact with
20 him until roughly 9 a.m. And when I asked him
21 for technical support, he told me that he does
22 not conduct technical support on election day.

23 So we also had a discussion in regards to
24 election night tabulation. And he, basically,
25 informed me that tabulation was performed in a

1 manner in which he chooses. I informed him that
2 at 7 p.m. we needed to start uploading tabulation
3 for absentee by mail. He refused. I asked him
4 to go ahead and end the election on the advanced
5 voting equipment. He also refused.

6 At this point, election day polling had
7 ended and we still had not uploaded election
8 results by 7:18. 7:30 we were still going back
9 and forth about going -- tabulation. And about
10 7:45 is when I started getting phone calls from
11 election officials, from the chief operating
12 officer's office, as well as candidates that were
13 on the ballot wondering why we didn't have any
14 election results for these.

15 I contacted the chief operating officer and
16 asked him if he could come down to help me get
17 Mr. Smith onboard with conducting tabulation. We
18 did not produce our first election results until
19 8:16 p.m. on election night. Also on election
20 night we did not complete tabulation until 2 a.m.
21 the next morning.

22 In Clayton County, we have 58 precincts.
23 Therefore, it should not have taken that long to
24 upload the election results unless we were
25 dealing with some -- some type of issues.

1 However, I was dealing with personnel issues
2 trying to get the election results tabulated.

3 After I -- after I called the COO, he also
4 contacted the interim director for IT at the time
5 and they both came down to the tabulation center
6 and stood beside Mr. Smith while he conducted the
7 tabulation for election night. After the --
8 after tabulation was completed at 2 a.m., I left
9 the tabulation center and went back to my office.

10 Now, I just want to just give you an idea of
11 how the server room is set up. Inside the -- we
12 have a building that we call the elections
13 bunker. From the outside, it's two double
14 heavy-metal doors with badge access. Upon
15 entering the building, there's another build --
16 there's another room that's called the GEM server
17 room in which I hold the key and at that time
18 Mr.~Smith held a key. The assistant director at
19 the time was on administrative leave, therefore,
20 she was not present. Inside the GEM server room
21 we also have two additional rooms and those also
22 have locked key access in which me and Mr. Smith
23 were the only ones that had access to them as
24 well.

25 Since then I have made a wholesale change in

1 personnel. IT was requested to be removed and
2 reassigned to another department. We have also
3 implemented a badge-access-only security service
4 to the GEM server room where only election
5 officials are allowed access into the room.

6 In addition, the assistant director was
7 transferred to another department. And recently
8 I was able to hire an official elections
9 technician to the department that started back in
10 November.

11 And I just -- I feel like with all the
12 changes that were instituted, personnel changes,
13 the additional badge access that was changed, we
14 have not had any problems with memory cards since
15 then and I just ask you to take this into
16 consideration when you're making your decision.
17 Thank you.

18 **MR. RAFFENSPERGER:** Thank you. Do any of
19 the members of the board have questions?
20 Comments?

21 **MR. REED:** Before -- I just want one issue
22 on the records of the oath. Since 21-2-73 only
23 had two years for retention records, that's why
24 she could not produce the records showing that
25 she administered the oath to them in 2016 because

1 those records were -- they got rid of them in
2 2018. And so even if we -- that was -- there's
3 no way we can prove that because we don't have
4 the records anymore. And so we're asking for
5 that case, both for Ms. Dozier and for the board,
6 to be dismissed and for -- because of all the
7 changes of -- that we are asking that there be a
8 letter of instruction given to both the board and
9 to -- to Ms. Dozier on the memory card issue.
10 Thank you.

11 **MR. RAFFENSPERGER:** Thank you. Okay.

12 **MR. WORLEY:** I just had a question. So --
13 so, essentially, the -- the two cards that were
14 floating around really weren't floating around.
15 They were under -- they were in a locked room
16 that only you and Mr. Smith had access to.

17 **MS. DOZIER:** Yes. That is correct.

18 **MR. RAFFENSPERGER:** Thank you. Any other
19 questions? Comments?

20 (no response)

21 **MR. RAFFENSPERGER:** Do we have a motion?

22 **MR. WORLEY:** I'll make a motion that we
23 dismiss the allegation about the failure --
24 failure to administer oaths to IT personnel and
25 send a letter of instruction regarding the

1 sealing of the cards in an appropriate container.

2 **MR. RAFFENSPERGER:** Okay. Do we have a
3 second on that?

4 **MS. LE:** I second.

5 **MR. RAFFENSPERGER:** Okay. Do we have any
6 discussion?

7 (no response)

8 **MR. RAFFENSPERGER:** Hearing no discussion,
9 the motion before you, all those in favor signify
10 by saying aye.

11 **THE BOARD MEMBERS:** Aye.

12 **MR. RAFFENSPERGER:** Any opposed?

13 (no response)

14 **MR. RAFFENSPERGER:** Motion carries.

15 Okay, next one.

16 **MS. WATSON:** The next case is 2016-102,
17 Paulding County, unqualified registrants.

18 Paulding County Elections reported that
19 Brian Stephen Williams and Steve Guinn McMichen
20 had submitted a voter registration application
21 while serving a felony sentence. Brian Williams
22 and Steve McMichen both stated that they
23 completed forms at DFACS and did not know that
24 they had completed a voter registration
25 application with the forms. Both stated that

1 they were handed a stack of forms and asked to
2 complete them and hand them back in and no one
3 went over the purpose for any of the forms. Both
4 stated that they were familiar that they were not
5 to register or to vote while serving their
6 sentence.

7 We're recommending that Mr. Williams and
8 Mr. McMichen be bound over to the AG's office for
9 21-2-216.

10 **MR. RAFFENSPERGER:** Okay. Is there anyone
11 to speak here for -- in this case?

12 (no response)

13 **MR. RAFFENSPERGER:** I don't believe so.
14 Okay, any questions?

15 **MR. WORLEY:** I have a question for
16 Ms.~Watson. Is there any evidence or allegation
17 that -- that either of these gentlemen attempted
18 to vote after they --

19 **MS. WATSON:** No. There's --

20 **MR. WORLEY:** -- registered?

21 **MS. WATSON:** No, there is not and -- and we
22 have been unable to get in touch with
23 Mr.~Williams as he has an apparent outstanding
24 warrant. Mr. McMichen did call and state that he
25 was not able to attend the meeting due to health

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issues.

MR. RAFFENSPERGER: Any questions?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MS. LE: I move to issue letters of instructions to both respondents.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: Motion before us to issue letters of instruction. Do we have any other comments? If not, those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-103, Jasper County, felon.

On June 30, 2016, Jasper County Chief Registrar, Carole Norris, reported that she had received an application for voter registration from Randall Lee DeLacerda while he was serving a felony sentence. Mr. DeLacerda advised he received a blank voter registration in the mail. He was not familiar with the stipulation that he

1 could not register while serving a felony
2 sentence. He completed and returned the voter
3 registration application.

4 We recommend that Mr.~DeLacerda be bound
5 over for 21-2-216(b).

6 **MR. RAFFENSPERGER:** Okay. Is there anyone
7 here from Jasper County to speak on this case?
8 (no response)

9 **MR. RAFFENSPERGER:** Not seeing anyone, does
10 anyone on the board have any questions?

11 **MR. WORLEY:** Okay. I'll ask the same
12 question as well. Is there any indication that
13 he attempted to vote after he registered?

14 **MS. WATSON:** No.

15 **MR. RAFFENSPERGER:** Okay. Do we have a
16 motion?

17 **MS. LE:** I move to issue a letter of
18 instruction.

19 **MR. RAFFENSPERGER:** Do we have a second?

20 **MR. WORLEY:** I'll second that.

21 **MR. RAFFENSPERGER:** We have a second. All
22 those in favor of the motion as presented signify
23 by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 **MS. WATSON:** The next case is 2016-106,
4 Candler County, redistricting voters.

5 On July 5, 2016, chief deputy registrar Dee
6 Dee Clark of Candler County self-reported that
7 they accidentally allowed two electors who voted
8 a democratic ballot in the primary to vote in
9 their republican run-off election. In those she
10 confirmed that elector Mary Simmons (ph) and
11 (indiscernible) voted in a republican run-off
12 after voting a democratic ballot in a primary.
13 There were no democratic candidates on the wrong
14 ballot.

15 We recommend -- our recommendation was for
16 Candler County Board of Elections and
17 Registration and Victor Fordham, elections
18 supervisor, to be bound over to the AG's office
19 for 21-2-224(d).

20 I have -- have since learned that the
21 Candler County Board of Elections is -- has been
22 done away with and they reverted back to a
23 probate judge. Probate Judge Tony Thompson has
24 sent a letter to certify to the board -- is that
25 the understanding (reviewing) -- and Mr.~Fordham

1 is no longer the elections supervisor.

2 **MR. RAFFENSPERGER:** Do any members have any
3 questions?

4 (no response)

5 **MR. RAFFENSPERGER:** Do we have a motion?

6 **MS. LE:** I think what I'm struggling with is
7 -- there's been some change so it's hard -- you
8 know, the point of sending it over to the AG's
9 office is also for remedial actions to this case.
10 But not checking an elector, properly verifying
11 when they come in, you know, what the requests
12 are, making sure all of that is issued correctly
13 is also a big violation.

14 I think, you know, given that, sending it to
15 the AG's office may not yield the results we
16 wanted in the circumstances, but we should at
17 least send a strongly worded LOI, at least, for
18 the next team that is in place, to know what
19 happened in the past. And it might not be the
20 standard letter, but more strongly worded is my
21 motion.

22 **MR. RAFFENSPERGER:** Okay. Do we have a
23 second?

24 **MR. WORLEY:** I'll second that.

25 **MR. RAFFENSPERGER:** Okay. Motion before

1 you. All those -- any further discussion?

2 (no response)

3 **MR. RAFFENSPERGER:** All those in favor of
4 the motion as presented signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MS. WATSON:** The next case is 2016-111,
10 Lamar County petition.

11 On July 20, 2016 Lamar County Elections
12 Supervisor Anita Reid reported her suspicious --
13 suspicions concerning the authenticity of a nom
14 -- nomination petition she had received for
15 independent candidate Jason Keith Lovett.

16 Ms. Reid stated that she believed that
17 several of the signatures on the petition were
18 fraudulent due to discrepancies with addresses
19 and dates of birth and that at least one
20 individual whose name appears on the petition is
21 deceased. A further complaint of similar nature
22 was received by Terry Colling, Spaulding County
23 Elections Superintendent.

24 The investigation revealed on July 11, 2016,
25 Jason Keith Lovett submitted a nomination

1 petition to the elections division of the
2 secretary of state with the summation to Lamar,
3 Spalding, and Henry County. The petition was
4 referred -- referenced State House Seat 130. The
5 affiants whose notarized signature attests that
6 they properly obtained these signatures: Jason
7 Keith Lovett, Omah Jerkeem Starks, and
8 Quantaevius McDowell.

9 In the case of Jason Keith Lovett, eight
10 individuals gave statements that they did not
11 sign the petition. Five listed on the petition
12 were deceased with their deaths predating the
13 petition.

14 In the case of Omah Jerkeem Starks, one
15 individual gave a statement that they did not
16 sign the petition and seven listed on the
17 petition were deceased with their deaths
18 predating the petition.

19 In the case of Quantaevius McDowell, five
20 individuals gave statements that they did not
21 sign the petition and seven on the petition were
22 deceased with their deaths predating the
23 petition.

24 We're recommending Jason Keith Lovett be
25 bound over to the attorney general's office for

1 violation of 21-2-563(5) and also reasonable to
2 conclude that Jason Keith Lovett violated OCGA
3 16-10-71(a) when on July 11th he knowingly
4 submitted a fraudulent document, being the
5 nomination petition to the office of the
6 secretary of state.

7 We also recommend that Omah Jerkeem Starks
8 be bound over for 21-2-563(5) and Quantaevious
9 McDowell be bound over for 21-2-563(5).

10 **MR. RAFFENSPERGER:** Okay. Do we have anyone
11 here from Lamar County?

12 **MS. BERNARD:** Good afternoon, Mr. Secretary.
13 Catherine Bernard here for Mr. Lovett.
14 Mr.~Lovett's here as well this morning.

15 So I wanted to give the commission a little
16 bit of background on this. My client --

17 Mr. Lovett, can you come up to the podium.

18 -- ran as -- or attempted to run as an
19 independent in the 2016 election for House
20 District 130. He had previously run in a
21 republican primary in 2014.

22 So in 2016 he began the very difficult
23 process of attempting to obtain the signatures
24 that are required, which in that case was --
25 under a previous version of the law was 5 percent

1 of all registered voters, which was 1,472 voters.
2 He actually obtained more than that. He hired a
3 team to assist him with obtaining signatures and
4 obtained over 2,800 signatures and took --
5 submitted that petition.

6 He was informed that the petition did not
7 meet the requirements, which shocked him, and so
8 he hired me to file a writ of mandamus to the
9 secretary of state's office demanding that they
10 accept his petition.

11 So at that point, he had no idea that there
12 was anything wrong whatsoever with the signatures
13 that he had submitted and submitted them all in
14 good faith believing them to be the actual
15 individuals who had -- had appeared on the voting
16 list.

17 Unfortunately, as the investigation
18 unfolded, it appeared that two of the individuals
19 who had been hired by Mr. Lovett were engaging in
20 fraudulent activity. Mr. Starks and
21 Mr. McDowell. It is a little surprising that
22 these individuals would -- would engage in such
23 fraud for such a small amount of money as they
24 were being paid, but it -- it does appear that
25 many of the signatures that they turned in were

1 fraudulent or were individuals who were deceased
2 or were not the signatures of the individuals who
3 -- who were represented on the petition. So it
4 was never something that Mr. Lovett had any
5 awareness of, had any acknowledgment of, and
6 certainly never encouraged.

7 He voluntarily gave an interview to the
8 secretary of state's investigators, provided them
9 with all of the information about this and,
10 again, I would note this is a situation in which
11 he filed a writ of mandamus which I believe would
12 be incompatible with someone who was trying to --
13 to get one over by submitting fraudulent
14 petitions and fraudulent signatures.

15 So he has at every step of the way
16 completely and fully cooperated. You know, as a
17 longtime member of the community, he recognizes
18 that his reputation is on the line with these
19 individuals who come -- who had come to him,
20 individuals whose homes he was going to and he
21 was sending individuals to get their signatures.

22 And so in this case the system worked. The
23 fraudulent signatures were caught which we would
24 note that even according to the investigation, it
25 was a vanishingly small percentage of the 2,800

1 that were submitted. But, of course, any false
2 signature is a problem.

3 And so in this case, the local county
4 election officials noticed it. They -- they
5 checked the signatures against the signatures on
6 the card, were able to locate these 35 that were
7 apparently not accurate, and so my client did not
8 appear on the ballot in 2016. So that -- that
9 was -- he was out quite a bit of money, he was
10 out quite a bit of the time. Obviously, there
11 was a reputational issue, but in this case the
12 system has worked as it was supposed to.

13 He does also have a statement available for
14 y'all today.

15 **MR. LOVETT:** Thank you.

16 Mr. Secretary and members of the board, I
17 want to thank you for your time. My name's Jason
18 Lovett and I've lived in the same district for
19 over two decades. I know the people around me
20 and they're not just neighbors, they're friends.
21 I saw what the economic downturn of twenty -- of
22 2008 did to our community, to my friends, and I
23 wanted to do something about it.

24 In 2014, I ran for the Georgia State House
25 of Representatives as a Republican. Shortly

1 after my announcement, the mail-hit pieces
2 against me began showing up in the mail. If
3 you're going to run for office, you have to have
4 thick skin. I think that you know something
5 about that, Mr. Secretary.

6 So the negative -- the negative ads didn't
7 affect me until the one that you saw there. It
8 questioned whether I was a republican. And the
9 problem that I had with that was that mailer --
10 it was true. I wasn't a republican. I'm not a
11 republican. But I'm not a democrat either. I am
12 what I've always been, with more than a hundred
13 million fellow Americans who are, an independent.

14 Immediately after losing the 2014 race, I
15 started saving money and preparing for an
16 independent run in 2016. The state of Georgia
17 has some of the most prohibitive ballot access
18 laws in the country. Variability is written in
19 the state handbook. On two visits to the state
20 elections office to seek guidance, I was told
21 that no one was available. Petition drive
22 companies were of no help; there are none
23 operating in the state. The only guidance I
24 found was from a few individuals who attempted --
25 who had attempted this before me.

1 In the spring of 2016, I sent out flyers,
2 assembled a team, and started knocking on doors.
3 My team and I knocked on over 5,000 doors and
4 amassed over 2,800 signatures. One of the
5 happiest days of my life was turning in the
6 massive ream of paper with all of those names on
7 it.

8 Then the sad days came. I was notified by
9 the elections office that we didn't meet the
10 voter names threshold. I filed a motion for a
11 hearing on the results. It wasn't until this
12 hearing that I was informed of irregularities in
13 my petition.

14 It's important to remember that until that
15 time I received no guidance from the state. No
16 one could tell me that sharing petition papers
17 was a really bad idea. No official list to check
18 or recheck. No access to voter cards to
19 pre-verify signatures before I turned them in.
20 We were forced to blindly shoot at a moving
21 target.

22 I willfully acknowledge that due to a lack
23 of official guidance and the deficiency of
24 personal knowledge in petitions, errors were made
25 and a much better signature drive could have been

1 run. I realize the actions of members of the
2 petition team reflect on me. Although as I
3 previously stated to the state's investigators,
4 at no time did I engage in, oversee, encourage,
5 or know about the breaking of campaign laws.
6 There are 35 names listed on the case summary.
7 Each is individually significant. Yet in total
8 they represent 1 percent of the names that we
9 collected. I would never risk the work of the
10 dozen-plus team members, the 20,000 I personally
11 invested, the integrity of the elections process
12 or my reputation on this deviation.

13 It's my hope that my presence here today
14 reinforces the earnestness of my petition efforts
15 and that this can be the last day of this
16 perilous journey. Thank you for your time.
17 Thank you.

18 **MR. RAFFENSPERGER:** Do any of the board
19 members have any questions?

20 **MR. WORLEY:** I have a question.

21 **MR. LOVETT:** Yes, sir.

22 **MR. WORLEY:** One -- one of the things that
23 troubles me about this case, Mr. Lovett, is that
24 the investigator found that you had signed one of
25 the petition sheets as having circulated it and

1 that there were a number of dead people on that
2 list. Do -- do you recall that?

3 **MR. LOVETT:** Yes, sir. I actually -- it was
4 several sheets. We worked in groups so if you
5 can imagine there's neighborhoods in -- in our
6 community where we would go and so maybe a group
7 of two of us or three and sometimes up to five
8 people that were working a neighborhood together,
9 all right?

10 And so since we had no guidance, there's
11 about a dozen signatures that go on the front
12 side of -- of the petition drive and on the
13 backside someone has to sign off that says,
14 "These were collected by me." All right. So
15 what we read the rules to say was that we had to
16 be in attendance when all of these were
17 collected.

18 So if you've got someone, me in particular,
19 that is out in the street and I'm directing
20 people to go to these houses, and I'm watching
21 them go because we're not far apart, I've got all
22 the materials, I'm seeing them collect, so I am
23 collecting those signatures. At the back of it,
24 only one person can sign off on those. That's --
25 and so there was not any guidance of how this

1 should have gone.

2 Had I known then what I know now, no one
3 would have been able to share a petition. We
4 shared across multiple platforms. The -- the two
5 gentlemen that are listed, obviously, did things
6 that I -- I do not approve of and, you know, they
7 spoiled it for everyone that worked on that
8 petition drive. 2,800 and change is what we
9 collected, far more than were necessary to make
10 the ballot. And so these 35, you know, ruined it
11 for -- for everyone.

12 **MR. WORLEY:** And just to be clear, you --
13 how many signatures did you need?

14 **UNIDENTIFIED SPEAKER:** 1,472.

15 **MR. LOVETT:** 1,472. Thank you. It's been a
16 few years, three years.

17 **MR. WORLEY:** That's all right. And you
18 submitted 2,800?

19 **MR. LOVETT:** I was told to get more -- I was
20 told to get 50 -- by the people who had ran
21 before and didn't make the ballot either, I was
22 told that you needed to have about 50 percent
23 more petition -- name -- names on your petition
24 than -- than the rule required.

25 **MR. WORLEY:** And why was that not

1 sufficient? Why was it not a sufficient number
2 according to the officials who received the
3 signatures?

4 **MR. LOVETT:** I -- I don't know. We -- aft
5 -- after, you know, after the allegations of this
6 came up, I -- I -- I just didn't feel like that
7 we could pursue -- pursue it any further after,
8 you know, after they had told us what had
9 happened. You know, at the end of the day, I was
10 out there and so this -- this reflected on -- on
11 me.

12 **MR. WORLEY:** But you filed a writ of
13 mandamus to get them to accept your signatures?

14 **MR. LOVETT:** We did not know about the
15 fraudulent signatures until it was disclosed at
16 the court hearing after the writ of mandamus.

17 **MR. WORLEY:** Okay.

18 **MR. LOVETT:** I was positive when I turned
19 out -- turned in the 2,800 that we far exceeded
20 any number necessary to make the ballot.

21 **MR. WORLEY:** And did the election officials
22 indicate how many fraudulent signatures were
23 among those 2,800 signatures?

24 **MR. LOVETT:** No, sir, not at the time. I
25 don't think that we found that out until we met

1 with investigators.

2 **MR. WORLEY:** Okay. I don't have any more
3 questions. Thank you.

4 **MR. LOVETT:** Anyone else?

5 **MR. RAFFENSPERGER:** Does anyone else have
6 any questions?

7 **MR. LOVETT:** Yes, ma'am?

8 **MS. LE:** What instructions did you give to
9 those you hired -- individuals you hired to go --
10 when they're out there collecting signatures for
11 you?

12 **MR. LOVETT:** What -- what we had to do --
13 and -- and I apologize, it's been several years
14 since we did this, but we knew that the people
15 that were at these addresses were registered
16 voters. So they knew the name and they knew the
17 address. After that, to verify, you had to get a
18 birthday -- a date of birth.

19 And so when we trained everybody it was: A
20 knock on the door, give out our literature that
21 said this is what we're doing, this is the
22 petition that we're circulating, can we get you
23 to sign. And then if they signed, then they had
24 to give a date of birth. They had to sign and
25 give a date of birth. And so the instructions

1 that I gave were make sure we're talking to the
2 correct person and then get them to sign and give
3 a date of birth. And I went with everybody on my
4 team multiple times to make sure that we were
5 doing this correctly as we knew it to be.

6 **MS. LE:** Thank you.

7 **MR. LOVETT:** Yes, ma'am.

8 **MR. RAFFENSPERGER:** Thank you.

9 **MR. LOVETT:** Yes, sir. Mr. Secretary, do
10 you need that for evidence?

11 **MR. RAFFENSPERGER:** No.

12 **MR. LOVETT:** It's the only -- it's the only
13 copy that I have and I -- I keep it as a constant
14 reminder.

15 **MR. RAFFENSPERGER:** Fair enough (handing
16 document).

17 **MR. LOVETT:** Thank you, sir.

18 **MR. RAFFENSPERGER:** Okay. We have this
19 before us. Is there any other discussion among
20 yourselves?

21 **MR. WORLEY:** I would make the motion to
22 refer this over to the attorney general. To me,
23 these are very serious alleged violations. It's
24 not at all clear to me that -- well, I'll just
25 say they're very serious allegations on the part

1 of all of the respondents and I -- I would think
2 if Mr. Lovett wants to clear this up, the best
3 way to do that is to get in front of the attorney
4 general, have it assigned to an administrative
5 law judge, and have a hearing on this so that the
6 facts can be laid out and the administrative law
7 judge can clear him or not.

8 So I move to bind it over to the attorney
9 general.

10 **MS. SULLIVAN:** I'd like to offer a friendly
11 amendment to include a recommendation that we
12 make sure the local district attorney is aware of
13 the allegations.

14 **MR. WORLEY:** Yes. I accept that as well.

15 **MR. RAFFENSPERGER:** Okay. We have it before
16 us that we'll send this to both the local
17 district attorney in Lamar County and also to the
18 attorney general's office, and we have a second.
19 So any further discussion?

20 (no response)

21 **MR. RAFFENSPERGER:** All those in favor say
22 aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any opposed?

25 (no response)

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MR. RAFFENSPERGER: Motion carries.

MS. WATSON: And the next case was continued, so we're on tab number 37 to Gwinnett County, non U.S. citizens, 2016-113.

On July 29, 2016, Gwinnett County Elections Office reported a noncitizen Charmaine A. Graham having voted. The complaint alleged the voter had come to the elections office and requested that her voter registration be canceled as they were not a citizen.

In processing their request, the elections office identified this voter as having voted in two elections. Ms. Graham moved to the U.S. with her mother in 1970 at the age of four from Jamaica. Ms. Graham's mother became a naturalized citizen in 1979 and it was assumed that she had become a citizen also.

In 2006 while working, she applied for a U.S. passport and was asked to provide a certificate of citizenship that she could not provide. She began to work in obtaining the certificate of citizenship, still assuming that she was a citizen of the U.S. She registered to vote in 2012 and voted in two elections -- November 6, 2012 and March 1, 2016 -- still

1 believing that she was a citizen.

2 During the process of trying to obtain the
3 certificate of citizenship, she was eventually
4 told that she had to go through the
5 naturalization process for the common citizen and
6 became aware that she was not a citizen already.

7 Once she learned that she was not a citizen,
8 she was not eligible to vote, she canceled her
9 voter registration and did not vote again.
10 Mrs.~Graham was waiting for open citizenship in
11 2016.

12 We recommend that Graham A. -- or Charmaine
13 A. Graham be bound over for 21-2-216(a)(2).

14 **MR. RAFFENSPERGER:** Okay. Anyone here on
15 this case?

16 (no response)

17 **MR. RAFFENSPERGER:** Okay. I don't see
18 anyone. Does anyone on the board have any
19 questions?

20 **MS. LE:** I'm curious to know about the
21 verification process when she was processed the
22 first time, how they didn't catch that.

23 **MS. WATSON:** That might be something that
24 either Kevin or Chris can give a better -- better
25 answer. That was a ...

1 **MR. RAYBURN:** This is Kevin Rayburn. My
2 understanding is that she registered back in
3 around 2002.

4 **MS. WATSON:** 2012.

5 **MS. LE:** 2012 you said?

6 **MS. WATSON:** Yes.

7 **MS. LE:** There wouldn't have been the DDS
8 verification process at the time, correct?

9 **MR. RAYBURN:** I know it was undergoing
10 preclearance around that time so we'd have to go
11 back and look exactly when that went to
12 (indiscernible).

13 **MS. LE:** I was just curious about that, that
14 regards she voted twice. I guess the issue is
15 she's claiming she didn't know.

16 **MS. WATSON:** Correct.

17 **MR. RAFFENSPERGER:** As I look through
18 everything, she applied for a job in 2006 working
19 for Virgin Atlantic Airways because her Jamaican
20 passport had expired. So she applied for a U.S.
21 passport. And then six years later -- I know the
22 federal government works slow sometimes, but six
23 years later, she then registered to vote and she
24 never, I guess, got a certificate of citizenship.

25 And having lived in a foreign country and as

1 a minor, and, I guess, as an adult for a few
2 years, I never voted in any election in those
3 countries and I know my parents never did. They
4 understood the rules very clearly that they were
5 still American citizens.

6 I'm trying to understand the rationale why
7 someone would think they're not -- why they're --
8 why they would be an American if they hadn't gone
9 through the citizenship process.

10 **MS. WATSON:** I believe that there is a
11 process for der -- derivation to once a parent of
12 a minor child becomes a naturalized citizen, if
13 the -- if they meet certain requirements that the
14 child also automatically becomes a citizen and
15 that was -- we have two cases in which they --
16 they both advised that they believed that to be
17 -- be the case and it turns out it's not correct.

18 **MR. RAFFENSPERGER:** So is that the process
19 -- you still have to go fill out paperwork with
20 the immigration service?

21 **MS. LE:** I have -- I have a certificate -- I
22 -- I became a citizen as a minor -- as a young
23 child. My parents -- both of my parents became
24 citizens. They do have certificates of
25 citizenship. That was in the early 80s. I'm not

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sure when she applied, but that --

MS. WATSON: In 1979.

MR. RAFFENSPERGER: Okay. Any further discussion?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MS. LE: I think because she voted as a noncitizen I move to send this to the AG's office to maybe further investigate her to work it out.

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: Okay. Is there any further discussion?

(no response)

MR. RAFFENSPERGER: All those in favor of binding this over to the attorney general's office signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Thank you. Motion carries.

That's good. Now, the attorney general's report.

MS. MCGOWAN: Would you like there to be each individual or --

1 **MR. RAFFENSPERGER:** I believe we vote --
2 vote for those in blocks. Do you have anything
3 specific you'd like to --

4 **MS. MCGOWAN:** I will say that I believe
5 someone is here to speak on case 2017-62, Fulton
6 County. It involves the city of Milton.

7 **MR. RAFFENSPERGER:** Okay.

8 **MS. MCGOWAN:** We have pulled it out to
9 address that issue. I was -- this involved an
10 allegation of ...

11 **MR. RAFFENSPERGER:** Okay. So pull that one
12 out?

13 **MS. MCGOWAN:** It's pulled out.

14 **MR. RAFFENSPERGER:** Okay.

15 **MR. WORLEY:** Mr. Secretary, I would also
16 like to note and pull out Tab Number 49.

17 **MR. RAFFENSPERGER:** DeKalb County?

18 **MR. WORLEY:** DeKalb -- 2015-100 and tab
19 number 55, which show are -- are a variety of
20 consolidated consent orders. I move to recuse
21 from those two cases. So I'd like to vote on
22 those separately and then --

23 **MR. RAFFENSPERGER:** Okay.

24 **MR. WORLEY:** -- I'll just vote on the -- in
25 the block.

1 **MR. RAFFENSPERGER:** And then 51 is also
2 DeKalb County. Do you want to pull that one too?

3 **MR. WORLEY:** No, not that one.

4 **MR. RAFFENSPERGER:** It's okay. So you -- so
5 you would like to see -- pull 49 and 55 and
6 recuse yourself from those?

7 **MR. WORLEY:** Right.

8 **MS. LE:** Mr. Secretary, I would also like to
9 be recused from tab, I believe, 49, case number
10 2015-100.

11 **MR. RAFFENSPERGER:** Okay. Well, that one's
12 coming off permanently, I think, because we won't
13 have a quorum then on that one, if both of you
14 recuse yourself. Okay. Is there anything else?
15 (no response)

16 **MR. RAFFENSPERGER:** And do we have a motion
17 now?

18 **MR. WORLEY:** I would make a motion that we
19 agree to the remaining consent orders on the
20 agenda under attorney general report. That is --
21 well, the -- the ones that have not been pulled.

22 **MR. RAFFENSPERGER:** Okay. Do we have a
23 second?

24 **MS. LE:** Second.

25 **MR. RAFFENSPERGER:** Any further discussion?

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(no response)

MR. RAFFENSPERGER: All those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Okay.

And then, I guess, we have number 49 still on -- 49's pulled. Did I catch everything? That it? Fifty --

MS. MCGOWAN: -- three.

MR. RAFFENSPERGER: Oh, fifty -- 53 pulled.

MR. MCGOWAN: (indiscernible) 53.

MR. RAFFENSPERGER: On 53, are you -- you're pulling that for today or did you want us to vote that individually?

MR. WORLEY: No --

MR. RAFFENSPERGER: That's pulled, isn't it?

MS. MCGOWAN: He said to vote on that individually, but I -- I think they're here to speak on behalf of that.

MR. RAFFENSPERGER: Okay.

MR. KUNZ: Thank you. So my name is Matt Kunz. I'm a city councilman of the city of Milton, Georgia, and I'm the northern most

1 elected official in all of Fulton County.

2 So I came here because I've been dealing
3 with election law battles for about four years.
4 And I think it's important to speak -- kind of
5 give you an education not just about this case,
6 but what's going on. In particular, because it's
7 about transparency and it's about making sure
8 that the voters have a right to know who is
9 supporting elections and behaviors and such.

10 So let me give you a case in point. A while
11 back there was another case that we dealt with
12 with regards to the Georgia Government
13 Transparency and Campaign Finance Commission.
14 And Georgia law 21-5-32, which was derived from
15 the supreme court decision *Buckley v. Valeo*,
16 1976, and *FEC v. McConnell* 2003, states that the
17 voters have the right to know who is trying to
18 influence an election, right? And in doing so,
19 that means that if there's more than one person
20 to expend money on an election and they are
21 working influence out there, first you register
22 with the secretary of state. You know those
23 little "paid for by" things at the bottom of your
24 campaign material, that's where that is derived
25 from.

1 So most people follow the laws, but what's
2 happening now with the adding of social media is
3 you've got a lot of people that are now
4 circumventing that through nontransparent means
5 and Facebook pages and blogs, et cetera, that are
6 helping to gain an influence in elections. And
7 it's not all bad in one sense, but, however, the
8 voter is not always sure who is behind these
9 things.

10 So the first case I dealt with actually
11 involved with the Georgia Government Transparency
12 and Campaign Finance Commission with a blogger
13 and the complainant of -- who filed the complaint
14 against him is here. And the ultimate course of
15 that, that blogger paid ten grand to defend a
16 coalition in order to try and allow for some
17 people to get on the council and in doing so --
18 what happened was he -- he hired a lawyer and the
19 resolution of the lawyer's case was that: Well,
20 we were not an organization. We were an
21 organization, but we stopped being one, but we
22 never told anybody. So we lied to the citizens
23 of Milton. But had we not lied, we wouldn't be
24 guilty of a violation. All right? And those
25 aren't good lies, but that's what happened in

1 that case.

2 So parallel to this, we have the "We Call
3 Milton Home" Facebook page, right? Now, that
4 page grew to about 3,000 followers in a very
5 short amount of time. As soon as I saw it, I
6 knew it was a wolf in sheep's clothing and it
7 would go political because that's what happens.
8 So in doing that, the page itself comes up and
9 sure enough in July, it goes political.

10 Now, I don't have proof or whatever that
11 they gained 3,000 followers on that page or not.
12 I know other Facebook pages that took years to
13 get 3,000 followers with organic means so I don't
14 have proof they did advertising. I don't know if
15 Facebook was reporting the advertising at that
16 time or not.

17 But the issue is they were more than one
18 person who call Milton home, all right? We don't
19 know who's behind it. The voters don't know
20 who's behind it.

21 The next thing is the -- we don't have proof
22 they were spending money, but they were trying to
23 influence an election. Nothing wrong with that
24 from a First Amendment perspective. However,
25 then as it came up, we were trying to decide, you

1 know, should there be a complaint on this? Is it
2 the same thing? Do you have 4,000 followers?
3 How does this work? We didn't file a complaint
4 on that and then they went ahead and they issued
5 restaurant gift cards trying to get people to
6 vote for specific candidates. And that was why
7 it was reported back in April of this year.

8 So on that particular case, that is the
9 reason why this case came before you in this body
10 because that's a different law than the Georgia
11 Government Transparency and Campaign Finance
12 Commission.

13 What's interesting is that in that
14 particular case, the page itself still doesn't
15 have transparency. I have no idea who's behind
16 that page as a voter or my constituents have no
17 idea either. And so April 16th when he came
18 before us here, what was interesting -- talk
19 about deception -- the creator of "We Call Milton
20 Home" doesn't even call Milton home. He lives in
21 Roswell, you know. And so as a Milton voter,
22 shouldn't you know things like -- and so what we
23 have here is a pattern of a behavior that causes
24 these -- some interesting dilemmas.

25 I think there's some overlap with regards to

1 the rules of the Georgia Government Transparency
2 and Campaign Finance Commission -- try saying
3 that 10 times fast -- and this body here because
4 right now what you have is deceptive practices
5 going on from a social media perspective.

6 So I know as an elected official what needs
7 to be transparent. I have a YouTube page. I do
8 videos after every single council meeting. I'm
9 out there. I'm out in front to let people know
10 exactly what I believe, where I am, and I don't
11 hide from that perspective.

12 The challenge is is that the voters should
13 have a right to know. And as far as "We Call
14 Milton Home" goes, I don't know if they are a
15 separate political action committee supporting
16 candidates. I don't know there if they're -- if
17 they're just individuals that are now posting
18 pages for candidates and how that's working.
19 There's no definition of that. It's very
20 arbitrary.

21 And so using astroturfing techniques, we're
22 just trying to show that hey, we call Milton home
23 even when they don't live in Milton. All of a
24 sudden he's trying to create pressure or the
25 perception that multiple people are supporting a

1 cause with a political prospective. And that
2 does distort some of the messaging that's out
3 there and it creates problems with regards to
4 letting voters know who's doing what with regards
5 to the spirit of the law in the supreme court
6 decisions I mentioned earlier.

7 So we have some overlaps here. Now, the
8 case before you is specifically with regards to
9 one instance where the -- the person offered
10 restaurant gift cards and the -- you know, no
11 money was transferred as far as that goes. We
12 know that. It got caught in time. And a lot of
13 people warned him about it. He tried to own it
14 down, saying it's not against the law. But then
15 he took -- pulled it, which I appreciated. But
16 the issue then no, still is that by definition of
17 law -- it was against the law and that's why I
18 came here before you on this one.

19 (indiscernible) rules you did, you needed to draw
20 a bright line in the sand on this kind of
21 behavior.

22 So I don't know from a -- a citizen's
23 perspective what the statutes state about how
24 you're going to rule. You know, I don't know
25 what your options are. I don't know from a

1 penalty perspective where it is. The only thing
2 I would like to see is that the behavior of pages
3 like this should be monitored very closely
4 because if they're allowed to be maintained, then
5 people can circumvent the laws in this deceptive
6 manner and in creating a condition to whereas you
7 have challenges from transparency to the voters.
8 And I worry that that will only continue to grow
9 from here.

10 So there needs to be some substantial thing
11 that you do, in my mind, that does draw that
12 bright line in the sand. I -- I worry a slap on
13 the wrist will only allow them to continue to
14 post, will only allow them to continue to
15 circumvent the law and not being transparent of
16 that, and, quite honestly, entice elected
17 officials who think it's okay.

18 If we don't get caught, we can go ahead and
19 do it. And that has been an issue, I think, in
20 the last election where he actually posted the
21 advertisement for -- for one candidate who was
22 probably unknowing about the rules, who was being
23 supported by other candidates or other elected
24 officials, who I don't know if they know about
25 the rules or not, but we all swore an oath to

1 uphold the laws in our state. This is tricky;
2 it's not easy. But the transparency is not there
3 and I would like for whoever's behind "We Call
4 Milton Homes" [sic] to make that known
5 specifically. I don't know what Facebook's terms
6 of service are because they have their own rules
7 with regards to their being a private company.

8 But I want it on the record to be known that
9 these deceptive practices are dangerous to the
10 integrity of our elections. And if we allow this
11 to continue on, it will only spread from Milton
12 and you will see more cases like this throughout
13 the state. And as legislatures, you'd like them
14 to think about, as the next legislative session
15 comes up, doing something to circumvent this.

16 I'll be glad to give you all my expertise.
17 I've done it for four years, fighting these
18 battles. I've served in the City Cou -- city of
19 Milton council for eight years. And I'm not
20 running again so I can take a break and study all
21 of this, quite honestly. I've been through a
22 lot.

23 But this is an issue that's growing. It's
24 something that people are starting to look at.
25 The -- the quick -- you know, some people think

1 that it's okay to break the law so long as you
2 don't get caught; you can be immoral until you
3 get power and then you can be moral. It doesn't
4 work that way.

5 So it's a matter of just making sure we
6 retain our -- and this needed to be said and
7 that's why I'm here. Thank you for letting me
8 speak.

9 **MR. RAFFENSPERGER:** Thank you. Any other
10 further comments anyone from the board?

11 **MR. WORLEY:** If the attorney general -- this
12 was the case that we heard in April. It was
13 referred to the attorney general. The attorney
14 general recommended a consent order that includes
15 a cease-and-desist order but no other penalty.

16 The action that occurred in this case is
17 that Scott Tibble, the respondent, who operated
18 the "We Call Milton Home" Facebook page, posted
19 on the Facebook page the following (reading):
20 Here is your chance to win a \$50 gift card to
21 Milton resident-owned Campania Restaurant at
22 800 North Main Street. We will give away nine
23 gift cards through each day left in early voting
24 from Milton City Council. Take a picture of
25 yourself with an "I voted" sticker and with a

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Bentley, Jamison, or Lockwood sign.

And those were candidates running in the city election.

The problem that I have with the attorney general's recommendation is that we have issued letters of instruction in the past, but those have been cases where someone said, "Come into my hot dog store with an 'I voted' sticker and I'll give you a free hot dog," without any reference to or encouragement to vote for any particular candidate. We have issued letters of instruction.

In this case, to me it's very different, very distinguishable. The offer is for a \$50 gift card to indicate support for particular candidates. And so I -- I could not support the consent order that the attorney general is recommending because I think we need to have a fine of some size. I would suggest twice the amount of money that is offered by the -- by the respondent, at a minimum, because I think this is just a -- a clear violation of the law and we need to send a strong signal that it's not to be permitted.

MR. RAFFENSPERGER: Any further comments

1 from the board?

2 **MS. LE:** Were there any other -- were there
3 any other candidates -- were there any other
4 candidates other than that name Jamison,
5 Lockwood?

6 **MR. KUNZ:** There was a Bill Lusk who's right
7 here.

8 **MS. LE:** Okay.

9 **MR. KUNZ:** And there was a Laura Rencher
10 running for mayor, as well, but she's not here.

11 **THE COURT REPORTER:** I believe that wasn't
12 captured if you need it in the record. Could you
13 repeat --

14 **MR. RAFFENSPERGER:** Could you repeat that
15 again with the mic. And capture your name again
16 also for the record.

17 **MR. KUNZ:** Yes. My name is Matt Kunz. The
18 other candidates were Bill Lusk, and then also a
19 Laura Rencher was running for mayor, as well.

20 **MR. RAFFENSPERGER:** Okay. And I saw
21 Mr.~Lusk this morning and he and I have been
22 business acquaintances for a long period of time
23 and since he is now involved in this, I will
24 recuse myself from anything on that and I
25 actually will -- I need to step back. I'll let

1 you be the chair on this one also.

2 **MS. SULLIVAN:** Okay. Did we have a -- do we
3 have a motion on the floor?

4 **MR. WORLEY:** I don't, but I will. I make a
5 motion that we send this case back to the
6 attorney general with direction that they
7 negotiate a separate order that includes a
8 minimum of a \$1,000 fine.

9 **MS. SULLIVAN:** Do we have a second?

10 **MS. LE:** I'll second. And since there are
11 other candidates and these were singled out as
12 opposed to other scenarios where we've issued
13 LOIs, our letters of intents, you know, it's --
14 it applies to all candidates (indiscernible) some
15 people were singled out. This needs to be
16 purged.

17 **MS. SULLIVAN:** We have a motion and a
18 second. Any further discussion?

19 (no response)

20 **MS. SULLIVAN:** All in favor please say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MS. SULLIVAN:** Any opposed?

23 (no response)

24 **MS. SULLIVAN:** No. The motion passes.

25 I'll pass it back to you, Mr. Secretary.

1 **MR. RAFFENSPERGER:** Okay. 54 we discussed;
2 did we not?

3 **MS. SULLIVAN:** Yes, we did.

4 **MR. RAFFENSPERGER:** So we're down to the
5 dismissals? Are we ...

6 **MS. SULLIVAN:** I believe we need the --

7 **MR. WORLEY:** 55.

8 **MR. RAFFENSPERGER:** 55?

9 **MS. MCGOWAN:** We still need to vote on the
10 -- tab 55, consolidated, Fulton County.

11 **MR. RAFFENSPERGER:** Okay.

12 **MS. SULLIVAN:** I'll make a motion to accept
13 the consent orders listed and consolidated in tab
14 25 -- I mean 55.

15 **MR. RAFFENSPERGER:** Is there a second?

16 **MS. LE:** Second.

17 **MR. RAFFENSPERGER:** Any discussion?

18 (no response)

19 **MR. RAFFENSPERGER:** All those in favor
20 signify by saying aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MR. RAFFENSPERGER:** Any opposed?

23 (no response)

24 **MR. RAFFENSPERGER:** Motion carries. Okay.
25 The dismissals. Any discussion on that?

1 56 through 60, we can vote on those in a
2 block unless we want to pull any of those out.

3 **MR. WORLEY:** Oh. I thought -- I thought
4 that we already did those -- we included those in
5 the earlier --

6 **MR. RAFFENSPERGER:** Okay. Done. Okay. So
7 the rules petition and presentation of proposed
8 rules. Can we take a 10-minute break? Would
9 that be -- or do you want to continue on or a
10 10-minute break?

11 **MS. SULLIVAN:** That's fine.

12 **MR. RAFFENSPERGER:** Ten-minute break.
13 Please come back at 2:30, please.

14 (recess)

15 **MR. RAFFENSPERGER:** Okay. If we could
16 reconvene.

17 We'll go ahead, and next on the agenda is
18 the rules -- the presentation of the proposed
19 rules and the rules petition.

20 Mr. Germany, you are --

21 Ryan Germany is our chief counsel of the
22 secretary of state's office.

23 And I don't know if you want to speak there
24 (indicating), but we're going to have -- I don't
25 know if you want to have the people with the

1 petition go first or do you want to -- first of
2 all make -- for the body that's here, explain
3 that rule-making process, if you had group of
4 folks that got together, who that was so that the
5 public has some information on that.

6 And then when you're appropriate you could
7 just, you know, hand the -- at that point present
8 the folks that wanted -- they've got some four
9 rules, I believe it is, that they wanted to
10 propose to us today. We were going to give them
11 15 minutes so they could talk about that, present
12 that.

13 So Mr. Germany.

14 **MR. GERMANY:** Yes, sir. And -- and -- I do
15 -- I did tell Ms. Duford and the petitioners with
16 the rules they could go first, but I'll give a
17 little background as to the process that we went
18 through.

19 At the last meeting with the state election
20 board, we put together a rules working group
21 which consisted of myself; Kevin Rayburn, the
22 deputy elections director in our office; Chris
23 Harvey, the elections director; Mr. Worley;
24 Ms.~Sullivan; and also Lynn Bailey from the --
25 from Richmond County.

1 Lynn is part of a county working group
2 through the Georgia Election Association. So
3 that was -- she - she provided our ideas to
4 counties so we could get feedback from -- from
5 multiple counties.

6 So that's -- that's the process that we went
7 through and when I present the rules, I'll --
8 I'll explain that. The rules working group has
9 asked that -- what we're -- what we're presenting
10 today -- what I'm presenting today are some of
11 the rules that I think are crucial to get into
12 place prior to the March 24th PPP. It's not --
13 it's certainly not every rule that I think needs
14 to be updated. The rules work -- I think that
15 the rules working group that was (indiscernible)
16 dealing with the entire group. There's other
17 rules that we continue to work on, such as audits
18 and recounts, and I think there's additional
19 rules and clarification that will become clearer
20 throughout next year.

21 So what -- what I'm going to ask later is to
22 post this subset of rules that we've been working
23 on for public comment, but also to just let the
24 board know that we envision a much longer rules
25 process than just what we're proposing today.

1 **MR. RAFFENSPERGER:** Ms. Duford. If you --

2 **MS. DUFORD:** Sure.

3 **MR. RAFFENSPERGER:** Do you want to come --

4 do you want -- would you prefer to be at that

5 podium over there (indicating)? Would that be --

6 **MS. DUFORD:** If -- if you want, there's four

7 of us. We're going to each do one rule for

8 speed.

9 **MR. RAFFENSPERGER:** Oh, okay.

10 **MS. DUFORD:** So we could be here or we could

11 be up there --

12 **MR. RAFFENSPERGER:** Well, then if that works

13 for you, then great.

14 **MS. ASHELAND:** Jean, I prefer over there so

15 we're not trying to hold microphone --

16 **MS. DUFORD:** Okay.

17 **MR. RAFFENSPERGER:** Okay. If you could

18 just --

19 **MS. ASHELAND:** We'll be quick.

20 **MR. RAFFENSPERGER:** -- and before you get

21 started, I just want to thank you for your review

22 and proposals. It's always great to get public

23 feedback and, you know, some very positive

24 comments and thoughts. The floor is yours.

25 **MS. ASHELAND:** Thank you. I'm going to

1 present proposed Rule Number 1. Good afternoon.
2 My name is Canti Asheland and I am a Georgia
3 voter residing in Atlanta. I am the chair of
4 Georgia Election Progress PAC and a
5 co-petitioner. We are in the business of making
6 Asian-American history in Georgia.

7 2020 is an important year for us because for
8 our PAC we are seeking to elect our first
9 historic Filipino state representative, Marvin
10 Lim, and also we seek to elect the first
11 Chinese-American Georgia Senator, Dr. Michelle
12 Au, in Gwinnett County.

13 And we're very concerned about our minority
14 voters' vote getting counted. In 2018, we had to
15 spend a great deal of resources to -- to track
16 down over, like, a thousand rejected absentee
17 ballots for a lawsuit in a heavy minority county,
18 Gwinnett County, to get them counted before
19 certification. And we really don't want to do
20 this again.

21 So we're really asking for absentee mail-in
22 ballots to be a -- a big -- a big focal point in
23 2020 due to the soaring number of mail-in
24 absentee ballots that we're expecting. We really
25 want to prevent more rejected absentee ballots

1 and so this -- this rule will reduce
2 administrative handling while increasing voter
3 certainty that their votes will be accepted.

4 The rule that we're posting -- proposing is
5 to designate an absentee ballot clerk in each
6 early and election day polling place to give
7 voters the option of reviewing and delivering
8 that absentee ballot in where they would normally
9 cast their vote in person. Election officials
10 that we have discussed this with are enthusiastic
11 about this proposed rule.

12 Many Asian-American voters and other
13 American citizens, as you know, find it less
14 intimidating and easier to vote by absentee
15 ballot on paper rather than in person on
16 computers. However, during the 2018 election,
17 voting absentee ended with a disproportionate
18 amount of eligible Asian-Americans voters getting
19 their vote rejected for various reasons leading
20 to a great number of voters being
21 disenfranchised, and we don't want to repeat
22 that.

23 Allowing election workers to accept voter
24 absentee ballots at early voting locations and on
25 election day precincts is a win for all. It

1 eliminates the risks of slow mail delivery and
2 having the ballot rejected for minor
3 discrepancies. And for election officials, it
4 reduces the office work of mailing back for
5 verification and associated ballot rejections and
6 having to cure it.

7 Best of all, an increase in absentee ballot
8 reduces voting lines for check-in, and BMDs at
9 the polling places will help everyone have a
10 better voting experience.

11 In short, adopting these new election rules
12 strengthens our civic participation and
13 strengthens our democracy and everybody wins.
14 Thank you.

15 **MS. DUFORD:** I think we missed the prelude
16 which is the group that is proposing these rules,
17 which citizens are allowed to propose rules for
18 consideration, is a -- quite a diverse group from
19 a nonpartisan political action committee. You
20 have democrats in the group, Libertarian party, a
21 con --

22 **UNIDENTIFIED SPEAKER:** Constitution.

23 **MS. DUFORD:** -- constitution party -- thank
24 you -- Coalition for Good Governance, so quite a
25 broad group.

1 Good afternoon. I am Jean Duford, vice
2 chair of the Morgan County Democratic Committee,
3 a co-petitioner.

4 Why would you want ballot secrecy? The
5 Georgia Constitution guarantees absolute ballot
6 secrecy. Georgia law guarantees ballot secrecy
7 and makes it one of the few enumerated
8 responsibilities of local election officials who
9 run elections.

10 But guess what, ballot secrecy is barely
11 reflected in the laws. It's really only
12 mentioned relative to helping disabled voters.
13 So it's missing from the law, from the rules, and
14 the rules are really what election officials, we
15 found, pay the most attention to.

16 Under the old Diebold system, protecting
17 ballot secrecy has not been a top-level problem.
18 It's had problems, but that was not one for the
19 most part. But the new Dominion Voting System
20 completely fails to protect ballot secrecy.

21 In September, I was here talking to you
22 about the auto-mark feature in the Dominion
23 scanner. Every ballot has a unique stamp on it
24 which could provide a way to connect the voter to
25 the ballot. It's one of several cyber-security

1 flaws we are concerned about and it requires
2 malfeasance on somebody's part to become a
3 problem.

4 But there is a much more immediate problem.
5 We now know that the Dominion ballot-marking
6 devices violate ballot secrecy virtually every
7 time they're used. The oversized tablets -- if
8 you were here this morning, you saw our demo --
9 they stand upright, they have bright screens,
10 they have large type. The very features that
11 make them easy for voters to use also make it
12 possible for anyone -- voters, election workers,
13 poll watchers, poll observers, anyone within 25
14 to 30 feet of the screen -- to see how you voted.

15 County officials we've talked to are racking
16 their brains to find a solution. Some are
17 thinking about it. They need more screening or
18 protective film or reconfiguring the layout of
19 their precincts. But adding a privacy screen,
20 for example, would require the agency
21 certification, so that's complicated and that's
22 not fast.

23 One official told me that any solution she
24 could think of would include reducing the amount
25 of equipment in a polling place. It's a space

1 problem. But, of course, Georgia law requires
2 250 ballot-marking devices per registered voter
3 in a precinct so there are some constraints on
4 that.

5 The women and men who run local elections in
6 Georgia are hardworking and they believe in
7 following the rules. And yet every precinct we
8 observed and -- and you heard we spent 185 hours
9 observing the pilot elections. Every precinct
10 running pilots was set up in a way they violated
11 ballot secrecy, everyone except for the Cobb
12 precincts where voters used hand-marked paper
13 ballots.

14 Our rights as Georgians to absolute ballot
15 secrecy is guaranteed by our constitution and
16 mandated by law. We ask you to re-enforce that
17 by adding a rule to protect ballot secrecy while
18 also protecting the right of the public to
19 observe.

20 You should also be asking how it's possible
21 that the state is purchasing 33,100 of these
22 devices when they violate Georgia law. How were
23 they certified when the certification attests
24 that they comply with Georgia code? The problem
25 with using the Dominion BMDs while maintaining

1 ballot secrecy is something that must be resolved
2 before the new system is considered as our
3 uniform system, which is one more reason you
4 should listen when Ronnie talks about Rule 4. It
5 allows some options for fixing them.

6 **MR. DAVIS:** Good afternoon members of the
7 board. My name is Ricardo Davis and I serve as
8 state chairman of the Constitution Party of
9 Georgia, a co-petitioner for these rules, and in
10 particular I'm going to be addressing Rule 3.

11 In my day job, I actually serve as a
12 healthcare IT information systems implementer,
13 where we actually deploy systems across
14 multistate regions in clinics across the west.

15 During the recent pilot elections,
16 electronic poll books malfunctioned at nearly
17 every precinct. Our proposed Rule Number 3
18 requires an updated paper copy of the poll book
19 for each polling precinct, printed from updated
20 records at the conclusion of advanced in-person
21 voting and that -- that it be taken as the
22 official record in case it differs from the
23 electronic poll book record. This in particular
24 will reduce the need for provisional ballots.

25 Complaints of inaccuracies in the electronic

1 poll votes were common during the five -- or
2 50,000-plus complaints in Cobb by the voter
3 hotline during the 2018 midterms. State Senator
4 Jasmine Clark has testified in federal court
5 about her experience during the 2018 runoff where
6 she was told that she was at the wrong polling
7 place during the check-in process. Now, as a
8 candidate, she knew exactly where she was
9 supposed to cast her vote. But after several
10 minutes and some phone calls, the issue was
11 mysteriously resolved.

12 Now, having an up-to-date, official paper
13 version of the poll book that could be referenced
14 in this type of situation could mitigate harm
15 that could be caused by sending voters away or
16 sending voters to incorrect precincts. Having a
17 paper backup would also protect voters when
18 electronic poll books malfunction as happened
19 widely during pilot elections. (coughing) Excuse
20 me.

21 Rule 3 proposes an inexpensive and efficient
22 means to protecting voters in election integrity
23 and preventing the disenfranchisement of voters,
24 in particular by eliminating one point of
25 failure.

1 And I -- again from my professional
2 experience, when we take a hospital and we change
3 their electronic medical record system, I can
4 assure you we do have backup records of every
5 patient account so that if something bad happens
6 we have a backup so that we can take care of the
7 patients and make sure they get the care they
8 need.

9 We are asking that you do the same and have
10 the same level of urgency regarding the voters of
11 Georgia. Thank you.

12 **MS. MARTIN:** Good afternoon. My name is
13 Rhonda Martin and I live in Atlanta.

14 When the secretary of state announced the
15 decision to purchase the Dominion Voting System
16 in August, everyone understood that the timeline
17 was very tight. The plan called for counties to
18 have new equipment in place for at least eight
19 weeks prior to the start of early voting. Not
20 much time to train staff and complete the steps
21 required to run an election.

22 The latest word from the project manager is
23 that some counties will have less than four weeks
24 to train and prepare. This ever-shrinking,
25 rushed timeline expecting counties to be able to

1 convert to a completely new system in a few short
2 weeks for an election where over two million
3 voters are expected to turnout is neither
4 practical nor responsible to the citizens of
5 Georgia.

6 The difficult is quickly becoming
7 impossible. Getting more than 80,000 pieces of
8 equipment through acceptance testing and out to
9 the counties is a big job. Some counties will
10 get their equipment sooner, some later. Sixty
11 counties have fewer than 10,000 voters. Twenty
12 have more than 70,000 voters. One size fits all
13 has rarely been a good solution for Georgia
14 counties.

15 Proposed Rule Number 4 solves for that.
16 Though some of the failures witnessed during the
17 pilot use of the new machines seem to have been
18 addressed, sometimes through extensive hands-on
19 training others will be much more difficult, if
20 not impossible, to correct. The observed
21 failures of the e-poll books alone would be
22 catastrophic if repeated in 2020. How many
23 voters have the luxury of being to able to stand
24 in line for hours or return to the polling place
25 multiple times in order to vote?

1 To avoid the potential disasters that are
2 looming in the near future, we are asking you to
3 adopt proposed Rule 4 which allows implemental
4 voting system conversion.

5 The proposal is simple. Let the people who
6 have the fundamental responsibility for running
7 elections choose a transition plan that bests
8 suits their local capabilities and resource
9 availability, thereby avoiding unnecessary
10 disruptions during the 2020 presidential election
11 year. This flexibility should allow the 159
12 counties of Georgia to complete a smooth and
13 efficient implemental transition from the Diebold
14 GEMS Voting System to the Dominion Voting System.

15 Under the proposed rule, the Dominion Voting
16 System would be considered an approved pilot
17 program and the Diebold system would not be
18 decertified until the Dominion system is fully
19 operational and adequately tested in significant
20 elections in all counties.

21 At the elections superintendent's option,
22 either current Diebold system components
23 excluding the DRE units or Dominion Voting System
24 components excluding the BMDs could be used as
25 part of a hand-marked paper ballot voting system

1 in lieu of fully installing the ballot-marking
2 devices during 2020. The BMD units and printers
3 make up the bulk of the new computerized
4 equipment and are the most difficult to install.

5 Also, we must not forget that at this time
6 the violations of ballot secrecy associated with
7 the BMDs have not been addressed. Georgia
8 statutes support these emergency options.

9 Two of the possible configurations we
10 envision with the adoption of this rule would
11 rely on using existing equipment that's familiar
12 with poll workers. They would both use existing
13 express poll books and GEMS servers coupled with
14 hand-marked paper ballots. One would use
15 AccuVote optical scanners for centralized
16 tabulation at the election office. The other
17 would use AccuVote scanners in the polling places
18 to tabulate votes.

19 In cases where the counties are ready to
20 start a transition to the new voting system, they
21 could duplicate the configurations used in Cobb
22 County pilots in November, this coupled with the
23 new poll pads, Dominion Election Management
24 Systems and scanners, hand-marked paper ballots.

25 In cases where the counties feel ready to

1 completely adopt the new voting system, they
2 would use the new poll pads, the Dominion
3 Election Management System, the BMDs, the
4 printers with their universal power sources
5 attached, and the scanners. This was the
6 configuration used in six counties who piloted
7 the new voting system last month.

8 Finally, counties with small populations
9 would have the option of using paper poll books
10 with hand-marked and hand-counted paper ballots.

11 One hundred fifty-nine counties are being
12 asked to bear the brunt of the state's decision
13 to buy the new Dominion voting machines. The
14 necessary training, logistical support, storage
15 facilities, and polling place upgrades are
16 nontrivial.

17 Please give the counties a fighting chance
18 to succeed in their efforts to support the
19 secretary and the voters of Georgia. Approve
20 proposed Rule Number 4. If you have any
21 questions, we are happy to entertain them at this
22 time. Thank you for your consideration.

23 **MR. RAFFENSPERGER:** One of our members has a
24 question for you.

25 **MR. WORLEY:** I have a question about your

1 proposed Rule Number 3 --

2 **MR. DAVIS:** Yes, sir.

3 **MR. WORLEY:** -- and the backup printed
4 electors' list.

5 **MR. DAVIS:** Yes.

6 **MR. WORLEY:** What is -- my understanding is
7 that currently every precinct has a paper list in
8 addition to the express poll.

9 **MR. DAVIS:** That's correct.

10 **MR. WORLEY:** What about that paper list do
11 you consider insufficient?

12 **MR. DAVIS:** Okay. Is that -- is that
13 particular list -- what's the date of that list?
14 Is that list updated as of prior to the date of
15 election voting?

16 **MR. WORLEY:** Generally.

17 **MR. DAVIS:** Well, again, if you make it
18 express in terms of the rule, then you will
19 ensure uniformity across the counties that, yes,
20 we have a complete backup of all of the voters
21 that are registered and approved at the time of
22 voting at the precinct.

23 **MR. WORLEY:** Well, and when I said,
24 generally, I meant usually -- my understanding is
25 that usually there is a paper list that's printed

1 shortly before the election and then a supplement
2 to that that includes all of the advanced voting.

3 So what -- what is insufficient with that?

4 **MS. DUFORD:** What we have found is
5 insufficient is two things. In practical use,
6 for example, in Lowndes County where I observed
7 elections, they were having problems, but the
8 printed poll book was staying somewhere down in
9 the box. There is not a habit or routine of
10 turning to that when the poll books fail. So
11 that's point number one. The -- the
12 strengthening of the poll to require that as a
13 system you turn to.

14 But secondly, nothing in your rules right
15 now defines which version should rule in case of
16 conflict. If the e-poll book -- as Jasmine found
17 when she went to vote, was told when she checked
18 in: Oh, no, you're supposed to go to another
19 place. She had checked it on the "My Voter"
20 page. She knew she was in the right place. And
21 eventually -- we don't know why, eventually the
22 poll worker was able to pull her up on their
23 screen. But the first thing that they told her
24 on that screen was to go someplace else.

25 Had that paper poll book been in place and

1 referenced, we believe it would've shown she was
2 in the correct place right away, avoiding a 20-
3 or 30-minute delay and time off the poll worker's
4 time and backing up the line. Does that make
5 sense?

6 So we're not reinventing the wheel here, but
7 we're saying make sure you have it and use it,
8 make sure it's current after all early voting is
9 concluded, and consider the printed version the
10 primary version in case of conflict with the
11 electronic. Thank you.

12 **MS. LE:** What process would you -- are you
13 saying in terms just to follow up with
14 Mr.~Worley's question -- would deem the paper
15 more reliable or -- in your opinion?

16 **MS. DUFORD:** So tricky question, but as of
17 the conclusion of early voting, there is a
18 state-wide version from which that update would
19 be pulled. We're capturing the entire Georgia
20 database reflected in individual counties. You
21 avoid a real-time issue or problem.

22 None of us know for sure why on that day
23 Jasmine was told to go someplace else, why it
24 showed something wrong. None of us know why in
25 one of the pilot elections in the fall when a

1 husband and wife checked in back to back, the
2 wife was allowed to check in, the husband was
3 told: Sorry, you already voted. And it turned
4 out it was because of a glitch in software with
5 -- with address lookup.

6 So electronic things sometimes have glitches
7 and so this recognizes that there's at least one
8 data source that we would fall back on as more
9 likely to be current and correct. Does that
10 sound ...

11 **MR. RAFFENSPERGER:** Mr. Worley?

12 **MR. WORLEY:** You -- you do understand that
13 the express poll, as it is now, or -- or what
14 will be in the new version --

15 **MS. DUFORD:** Yep.

16 **MR. WORLEY:** -- has access to the entire
17 state database and the paper does not -- the
18 paper is just what's in the precinct?

19 **MS. DUFORD:** Right.

20 **MR. WORLEY:** So to my mind there's --
21 there's an advantage to having the express poll
22 because you -- if someone is not in the right
23 precinct, you can find the precinct that they're
24 in.

25 **MS. DUFORD:** And that makes logical sense

1 except we have documented real-world examples
2 where in realtime the poll books have been less
3 accurate, so --

4 **MR. DAVIS:** Whereas if the master database
5 was incorrect, then --

6 **MR. WORLEY:** If -- if the master database
7 is incorrect, the printed paper backup copy is
8 also going to be incorrect.

9 **MS. DUFORD:** But it -- but it -- but it --
10 to be fair, in -- in Jasmine's case, the master
11 database was correct. For reasons no one can
12 explain, what the poll worker was seeing at the
13 moment she checked in was not correct and it
14 reset somehow and it became correct. We don't
15 know why had happened. We don't know why the
16 voter in the -- in the recent pilot -- like the
17 husband and wife, the wife came in and checked in
18 like normal, the poll book said, oh, Husband,
19 you've already voted or you've already checked
20 in, and he hadn't. He was in line behind her.
21 So -- so we don't always know why computers have
22 glitches, but we can accept that they do.

23 **MR. WORLEY:** And -- and it -- and do you
24 also accept that it's possible that it's because
25 of user error?

1 **MS. DUFORD:** It is.

2 **MR. WORLEY:** Okay.

3 **MS. DUFORD:** But, again, the -- the -- the
4 goal of this is to get to move things along,
5 right? To keep the lines moving, to keep people
6 checked in, and have some sensible basis they
7 could have a shot at moving things along and I'm
8 -- especially in a high-use environment. I'll --
9 I'll stipulate nothing is perfect.

10 **MR. WORLEY:** Thank you.

11 **MR. DAVIS:** And if I can add to that.
12 Again, I think the main gist behind this is
13 reduction of risk regarding the operation of
14 workload at the polling place. So, again, yes,
15 we -- we all know automation is a good thing and
16 it helps promote that, but if something goes
17 wrong, you don't want everything just coming to a
18 standstill at the polling place.

19 **MR. RAFFENSPERGER:** Any more questions from
20 the board?

21 (no response)

22 **MR. RAFFENSPERGER:** Thank you for your
23 presentation.

24 **MS. DUFORD:** Thank you for your time.

25 **MR. RAFFENSPERGER:** Mr. Germany?

1 **MR. GERMANY:** I'm going to ask Lynn Bailey
2 to join me up here. I want her to be available
3 if you guys have questions from -- from a county
4 perspective.

5 Mr. Secretary, would it be helpful if I
6 spoke at all to the rules in the petition or do
7 you want me to move straight to the rules -- the
8 rules for the proposal?

9 **MR. RAFFENSPERGER:** Well, perhaps it would
10 be -- you've reviewed the petition rules so if
11 you want to discuss those first.

12 **MR. GERMANY:** We reviewed the petition
13 rules. In -- in the rules, my view is that the
14 first rule about the dropping off absentee
15 ballots at precincts is one that should be
16 considered. I think it's a big change -- I'd
17 liken it to something like if a (indiscernible),
18 it would be a big change for Georgia elections
19 given all the -- all the additional big changes
20 we're putting -- we're already putting in place
21 next year. I don't believe next year is a time
22 to put that in place.

23 **UNIDENTIFIED SPEAKER:** I'm sorry, we're
24 having a hard time hearing.

25 **UNIDENTIFIED SPEAKER:** Yeah. Could everyone

1 speak up? Thank you.

2 **MR. GERMANY:** The -- sure. The -- is that
3 better?

4 **UNIDENTIFIED SPEAKER:** Yes. Yes. Yes.
5 Yeah.

6 **MR. GERMANY:** The -- the second rule about
7 the elect -- the paper poll list, as Mr. Worley
8 pointed out, that is already required to be
9 present. I think we addressed that some in the
10 proposed rules that -- that I'm going to speak
11 to.

12 And one thing that we do change in these
13 proposals is it's long been the practice of the
14 state to have the entire state voter list on
15 every electronic poll, which Mr. Worley pointed
16 out is -- can be helpful when someone shows up
17 who's not at the correct precinct. The change
18 I'm going to propose makes that practice
19 mandatory, but it's essentially already
20 mandatory, but we'd make it mandatory. And we
21 also require a paper backup list at -- at each --
22 at each precinct. So I think we appropriately
23 deal with that in the rules I'm going to propose.

24 **MR. RAFFENSPERGER:** And we'll make Rule
25 Number 1 -- what you're saying is, you liked it,

1 you're just saying now's not the right time just
2 because we have a lot on our plate.

3 **MR. GERMANY:** I think it's something that
4 the state election board should look at. I -- I
5 -- I can't say that I know enough now to say
6 whether I like it or not. To me it's something
7 like those centers where I think -- I think we
8 need to be very aware and really think toward
9 what all of that would require and kind of what
10 it would put in place.

11 **MR. RAFFENSPERGER:** Okay. Thank you.
12 Number 3?

13 **MR. GERMANY:** What's -- what's there --
14 what's that one again?

15 **MR. RAFFENSPERGER:** That was the one from
16 the -- that was the paper -- it's actually Rule
17 Number 2 was the ballot secrecy.

18 **MR. GERMANY:** Oh, yeah. So that -- that's
19 another one. I think the rules that -- that we
20 propose through the working group put in
21 appropriate measures to deal with -- with ballot
22 secrecy and also appropriate ballots that would
23 affect that next year in particular with the new
24 voting system. We want to make sure that voters
25 are able to have appropriate assistance from poll

1 officers.

2 So we have a proposed rule that puts in
3 place how to provide assistance and then leave
4 before the voter starts making any selections.

5 An incremental voting change, I -- I just --
6 I think that's, you know, not going to be
7 consistent with existing court orders and other
8 things that we're -- and -- and also existing --
9 existing state law.

10 So I would vote that we decline the petition
11 and either -- directly decline the petition and I
12 will be happy to move forward with presenting the
13 rules -- working group rules.

14 **MR. RAFFENSPERGER:** Okay. Present your
15 rules.

16 **MR. GERMANY:** Thank you. So first,
17 Mr. Secretary, I'd just like to thank all the
18 members of the rules working group. They put in
19 a lot of time. We were able to encompass
20 selection -- suggestions from a bipartisan group
21 of -- I'm trying to get a little less feedback
22 here -- we're able to encompass select
23 suggestions from a bipartisan group of election
24 lawyers and a lot of different counties.

25 You have in front of you what the rules

1 working group is proposing that the state
2 election board vote to post for public comment.

3 So that's what all this will do is start
4 basically the public comment period, the
5 secretary -- secretary of state's office posts
6 the rules. There will be a public comment period
7 and then this election board will review those
8 comments and we'll have to come back and vote to
9 adopt, modify, or other -- take other such
10 actions you find appropriate.

11 The first rule on your list is a revision to
12 Rule 183-1-6-.02, Number 6, required activities
13 from third-party voter registration groups. The
14 change is letter (d). It's to inform all
15 applicants that they're required to put their
16 Georgia driver's license or ID number on their
17 voter registration application if they have one.
18 That's already a federal law and a state law.

19 We have seen that especially paper
20 applications coming through third-party groups,
21 they don't seem to have that, and so we just want
22 to basically update those instructions to reflect
23 state and federal law.

24 The next page is similar in where it would
25 add to the prohibited parties [sic] from

1 third-party voter registration groups. It adds
2 number -- sorry, letter (i). It's prohibiting to
3 tell applicants they do not have to list their
4 Georgia driver's license or ID card number if
5 they have one.

6 I also made a couple of small changes in
7 letter (e) and letter (h). These are not
8 particular of what you had issues with, but it
9 was pointed out to me that the language in those
10 was pretty broad and so it's an attempt to
11 basically narrow down and just clarify some
12 things.

13 The current rule says, you're -- you're
14 prohibited from conducting voter registration
15 activities in a place that an entity knows that
16 illegal or criminal activities are being
17 conducted. I'm proposing we add "near the voter
18 registration activities." It's been a way to
19 limit that broad language a little bit.

20 And the same page, there's been some
21 questions as to conducting voter registration in
22 places where alcoholic beverages are sold and
23 consumed, especially in terms of kind of outside
24 type areas that might encompass a broad -- so
25 we're -- so we're clarifying that. This is

1 limited to places where the primary purpose of
2 the place is selling and consuming alcoholic
3 beverages.

4 The next rule, Rule 183-1-12, this is
5 basically a big rewrite of the conduct of
6 elections to deal with the new system. So this
7 deals to storage; it deals with logic and
8 accuracy testing; it deals with setting up
9 polling places; conducting elections on election
10 day; and carrying -- closing the polling places
11 and then delivering results to -- to -- back to
12 the county.

13 One -- okay. I think I'm going to highlight
14 the things that we -- that we do in here. One
15 thing that we do say is that every polling place
16 is required to have a sufficient number of
17 emergency paper ballots. There are some groups
18 that recommend a -- a fixed number. In speaking
19 with our counties, we've decided instead of doing
20 that, we're going to require that they have a
21 sufficient number.

22 One thing that we're also doing is providing
23 each county with mobile ballot-printing
24 capability where they can print ballots directly
25 from their county elections office. And we're

1 also requiring that they be -- the county prepare
2 to resupply polling places during the day if they
3 find that their emergency paper ballots are
4 running low.

5 I think that mobile ballot-printing option
6 is a more cost-effective way of ensuring that a
7 county doesn't run out of paper ballots or
8 provisional ballots.

9 So we've made some other updates to storage.
10 Just to making sure that machines are stored
11 securely and delivered securely. And in
12 conducting elections, one thing that we want make
13 sure of with the new system is that the paper
14 ballots are reviewed prior to a voter scanning
15 it.

16 So I have in here -- we have in here two
17 separate places where the poll officers are
18 instructing the voters to review their paper
19 ballots, once at the -- at the check-in spot and
20 another at -- these will require a poll officer
21 to be stationed at every ballot scanner and that
22 poll officer is -- is instructed to instruct
23 throughout the voting period that people review
24 their paper ballot. There is some proposals to
25 -- to make that -- require that poll officer at

1 the scanner to -- to state to every voter to
2 review your paper ballot. Some of the counties
3 were concerned that that might be an unworkable
4 burden and probably impractical too just given
5 that there will be multiple people in the same --
6 kind of in the same vicinity while they're giving
7 instruction.

8 We also require any time that memory cards
9 or paper ballots are being transported back to
10 the elections office that it's multiple people
11 who are doing that and it's sealed -- and the
12 sealed envelopes or containers in -- and the
13 secretary of state's office has put together
14 forms to develop that -- that chain of custody.

15 This also deals with log accuracy testing
16 which is a process that occurs before elections.
17 So this requires that every ballot-voting device,
18 every ballot scanner, and every electronic poll
19 device is tested by the county prior to the use
20 in elections. It lays out everything they have
21 to go through to make sure that each component's
22 working properly prior -- prior to the election.

23 And the next rule is Rule 183-1-12. It's
24 the same rule and it kind of gives a different
25 subject matter. This is starting with .17. This

1 deals primarily with the provisional ballots and
2 electronic poll books. The major change we're
3 making here is to update the rules to reflect
4 what I think is the practice the counties have
5 been doing.

6 So the update, if -- if someone shows up at
7 a polling place and they're not on the list of
8 registered voters, the poll officer and the
9 individuals will now have to instruct them --
10 inform them of their correct precinct if they're
11 registered in another precinct in the county.
12 But also inform them that if they cannot get to
13 -- if it's impractical for them to get to that
14 correct precinct prior to the close of the polls,
15 they can vote a provisional ballot in -- where --
16 where they are.

17 I think that accurately reflects the way
18 counties are doing that now. So that's -- it's
19 just an update to -- to reflect current practice.
20 Similar to emergency ballots, this requires every
21 county to have a sufficient number of provisional
22 ballots at each -- at each precinct. And it's
23 the same ballot so it's basically a stack of
24 paper ballots that are challenged, provisional
25 emergency ballots depending on -- on how they're

1 used. Another thing similar, it requires the
2 county to be prepared to resupply provisional
3 ballots throughout the day if necessary.

4 This rule also deals with the electronic
5 poll books. It makes mandatory that the
6 electronic poll book required has the entire
7 state registration list on it. It also requires
8 that every polling place have a paper backup list
9 of the voters that are registered to vote at that
10 -- at the precinct.

11 The next rule is Rule 183-1-13-.01, minimum
12 number of voting booths. State law requires that
13 there is one voting booth for every 250 electors
14 in a precinct. So this proposal is a way to
15 calculate that amount. It takes into account the
16 fact that about half the people now vote early.
17 So what -- what this rule proposes is that the
18 number of the -- the way the county shall
19 calculate that -- that ratio is take the number
20 of polling -- voting booths available at a
21 election day polling place and add to that the
22 number of machines that were available on the
23 last day of early voting.

24 It also clarifies that if polling places
25 have more than one precinct that votes in that

1 polling place, they need to take into account all
2 voters who vote in that polling place in their
3 calculation.

4 The next rule is Rule 183-1-14-.02. It
5 deals with advanced voting. So this similarly
6 takes -- does the -- does in the advanced voting
7 process what we're doing in the previous rule for
8 election day voting. So it puts into place
9 processes for the new system for advanced voting,
10 which are similar to election day, and it has
11 similar requirements that require a poll worker
12 to be stationed at each ballot scanner and
13 requires that poll worker to instruct throughout
14 the day people to review their paper ballot.

15 It also talks about how the county can
16 secure machines and components during advanced
17 voting.

18 183-1-14-.11 is the mailing and issuance of
19 ballots. This deals with the issuance of
20 absentee ballots and it makes a clarification
21 that we get updates in response to HB316.

22 So right -- current law requires -- current
23 absentee voting requires counties to get out all
24 absentee ballots within three days after the
25 absentee ballot request has come in. This adds

1 absentee ballots or provisional absentee ballots.
2 Now we've added some processes for provisional
3 absentee ballots. So we just want to clarify
4 that absentee -- provisional absentee ballots or
5 if the absentee application is rejected, that
6 notice -- all those notices are required to go
7 out in three days.

8 The next rule is 183-1-14-.12, eligibility
9 of application for absentee ballot. This adds a
10 requirement on -- on third-parties that when they
11 are sending out absentee ballot applications,
12 that they use a form that's substantially in the
13 same form as the application that the state makes
14 available.

15 Last year we saw some confusion to the past
16 to the people not knowing or not realizing that
17 they had requested an absentee ballot. When that
18 happens and a person shows up at the polls who
19 doesn't realize they requested an absentee
20 ballot, the poll worker then says: Oh, you
21 requested an absentee ballot. They have to then
22 go figure that out and it basically slows down
23 the whole process.

24 The rule also makes it clear that the
25 absentee ballot application shall still be

1 processed because we're not going to punish the
2 voter. We're looking to kind of put some -- some
3 standards in place on third parties to make sure
4 those forms are clear.

5 The final rule -- final two -- 183-1-14-.13,
6 prompt notification of absentee ballot rejection.
7 This is another rule that's implementing in some
8 portions of HB316. It requires HB316 put in
9 place a secure area for absentee ballots if the
10 signature doesn't match or if the ballot is not
11 signed. And this requires that the county turn
12 around the notice of a rejected absentee ballot
13 and not totally cure it within three days of
14 rejecting that absentee ballot.

15 But if you take into account of the fact
16 that the closer you get to election day, the --
17 the quicker you can get out that -- that ballot
18 -- or that notice, any submitted absentee ballot
19 rejected after the close of the advanced voting
20 period. So after that Friday, the board of
21 registrars shall notify the elector by written
22 notice no later than 3 p.m. on the next business
23 day.

24 So, basically, for the last few days, the
25 Monday and Tuesday of -- of election -- election

1 day, give a person a -- a next day period for
2 that. We'll -- we would also have a requirement
3 that the registrar shall attempt to notify the
4 elector by e-mail and telephone if the e-mail and
5 telephone number is on the elector's voter
6 registration record.

7 The next rule is 183-1-15-.02, definition of
8 a vote. What this rule does is it takes out the
9 DRE definition of a vote because we don't use
10 those machines anymore and puts in the new
11 section. It's section (g) for an optical scan
12 ballot marked by electronic ballot marker. And
13 it just states that any marks in addition to what
14 was printed by the electronic ballot marker shall
15 be ignored.

16 I'm happy to take any questions from the
17 board.

18 **MR. RAFFENSPERGER:** Members, do you have any
19 questions for Mr. Germany? I would -- sorry.

20 **MR. WORLEY:** I would ask that if Mr. Germany
21 could just explain to everyone, including the
22 members of the audience, the process for the
23 eventual adoption of some version of these rules.

24 **MR. GERMANY:** So what I'm -- what I'm going
25 to ask the board to do is to vote to post these

1 rules for public comment. So the board would ask
2 the secretary of state's office to post these
3 rules. I would ask that you allow the secretary
4 of state's office, as we're formatting to correct
5 scrivener's errors or typos that we see in -- in
6 this version. And that -- that starts a 30-day
7 public comment period.

8 So the -- the -- the posting will have
9 instructions on how to submit a public comment.
10 And then the board will have another meeting when
11 they can hear additional public comment and then
12 vote to adopt, modify, not adopt new rules that
13 we're going to post today.

14 **MR. WORLEY:** And if at that meeting, we
15 modify the rules, there'll be another 30-day
16 period before they can be adopted.

17 **MR. GERMANY:** Correct.

18 **MR. WORLEY:** Okay.

19 **MR. RAFFENSPERGER:** Okay.

20 **MR. GERMANY:** I would say the way I envision
21 that happening is -- I mean, for this one, we're
22 doing it more en masse and then that would be
23 more individualized.

24 **MR. RAFFENSPERGER:** Again, any members have
25 questions? So what is the will of the committee?

1 **MR. WORLEY:** Well, Mr. Secretary, I -- and
2 perhaps Mr. Germany can weigh in on this, but I
3 think under the -- under our rules we're required
4 to take some action on the petition that's been
5 brought before us today.

6 And so I would suggest that we discuss
7 and/or vote on the four individual rules that
8 have been proposed by the petitioners and then
9 move on to adopting -- or for posting only the
10 rules that Mr. Germany has presented.

11 **MR. GERMANY:** I think that's correct.

12 **MR. RAFFENSPERGER:** Okay. So as it relates
13 to the petition presented today, do you want --
14 is it the will of the board to -- to vote on them
15 separately? Okay.

16 **MR. WORLEY:** That would be my suggestion.

17 **MR. RAFFENSPERGER:** That's --

18 **MR. WORLEY:** I'm -- obviously I'm not the
19 only member of the board --

20 **MR. RAFFENSPERGER:** Right. So --

21 **MS. SULLIVAN:** The question is to consider
22 the petition as a whole?

23 **MR. RAFFENSPERGER:** Or one by one. There's
24 four rules that they -- they presented four --
25 four rules today. We can subdivide them, put

1 each to a vote or just do all four at once.

2 **MR. WORLEY:** I -- I'd like to have a vote --
3 a separate vote on each one because I have
4 different opinion about one --

5 **MS. SULLIVAN:** That's fine.

6 **MR. WORLEY:** -- one of those rules.

7 **MR. RAFFENSPERGER:** Okay. So Rule Number 1
8 was about the absentee ballot, about being able
9 to drop those off. If you want to summarize that
10 for us, Mr. Germany, for us, but that's basically
11 to, you know, drop those off --

12 **MR. GERMANY:** -- at polling places on
13 election day --

14 **MR. RAFFENSPERGER:** Right.

15 **MR. GERMANY:** -- which is currently not
16 allowed in Georgia.

17 **MR. WORLEY:** Well, I'll -- I'll start. And
18 -- and I wanted to start first by just saying
19 something in general about this process and the
20 petition. So you can see and -- and I wanted to
21 compliment the petitioners for their efforts and
22 their work that they've put into this process and
23 the very -- and the presentation and the -- the
24 civil way that they're going about this entire
25 process.

1 This is -- voting in Georgia now is -- has
2 become more of a controversial issue, for good
3 reasons, and I would think I -- I just would like
4 to compliment you all on how you're going about
5 this. And I think, you know, at this time when
6 democracy seems to be under attack, in some ways
7 it's just very good that you're doing this. So
8 that's first.

9 As far as the, you know, ballot returned to
10 the polling places, I think that's an excellent
11 idea. We -- we in the -- and I want to say those
12 of us who are in the working group have talked
13 about this. We've gotten feedback from local
14 election officials who think it's -- it's
15 something that's a good idea and can be achieved.
16 But we are, I think, in general, concerned this
17 year that this is a large enough change that on
18 top of all the other changes that local election
19 officials are going to have to do, that it -- it
20 would be difficult to add to everything else
21 that's going to be done.

22 But for my part, I think, I think this is
23 something that -- that ought be to done and can
24 certainly be taken up next year and added on next
25 year. That's what I would like to see done. So

1 that's -- that's my opinion.

2 **MS. LE:** I would agree with that. I think
3 that it sounds like a logical step, but if this
4 -- if any of you would appreciate any small
5 changes requires a lot of training, a lot of
6 rules to be placed making sure that they are
7 handled properly. When you add on additional
8 procedures at a location, it has to be rolled
9 down to every polling place.

10 And so because of that, something as simple
11 -- it sounds simple as just dropping off -- would
12 require, I would imagine, a lot of -- and I would
13 be interested in knowing what the impact would be
14 in the counties and how fast they can incorporate
15 additional changes.

16 So maybe next year's a better year than --
17 I'm sorry -- the year after next year so it would
18 be 2021 from the next year with all the changes.

19 **MR. RAFFENSPERGER:** And I think from my
20 standpoint, I think really (indiscernible) it
21 deserves further consideration. Just not now.
22 We actually had some people speak today that are
23 concerned about us getting this all done and then
24 you would place additional workload on us and so
25 they really are oppositional to each other.

1 We have a lot on our plates. For the record
2 though, we are ahead of schedule on
3 implementation. We are working quickly, we
4 understand that, but we are ahead of schedule,
5 but I could not support Rule -- Rule Number 1 at
6 the present time.

7 Do we want to bring it to a vote or just --
8 Ms. Sullivan, any comment on that?

9 Do we have a motion then?

10 **MS. SULLIVAN:** I'll make a motion that we
11 deny the petition for -- the first petition for
12 proposed Rule Number 1 at this time.

13 **MR. RAFFENSPERGER:** Do we have a second?

14 **MS. LE:** I second.

15 **MR. RAFFENSPERGER:** Okay. Are there any
16 further comments?

17 (no response)

18 **MR. RAFFENSPERGER:** Being no further
19 comment, all those that are in favor of denying
20 Rule Number 1 petition please signify by saying
21 aye.

22 **THE BOARD MEMBERS:** Aye.

23 **MR. RAFFENSPERGER:** Any of those opposed?

24 (no response)

25 **MR. RAFFENSPERGER:** The "ayes" have it.

1 Okay, Rule Number 2? It was about ballot
2 secrecy and I think there was a concern about the
3 large BMD size so it's very readable. I think it
4 should be the privacy of the ballot.

5 **MR. WORLEY:** I -- we have -- we had also
6 discussed this in the working group and the
7 advantages and drawbacks to it. And I've -- I've
8 changed by opinion after listening to some of the
9 presentations today.

10 I would vote to adopt this rule and if it's
11 not adopted, I will be working to take some of
12 the items that were presented in the rule into
13 consideration in -- in considering our other
14 rule, our -- the large group of rules that we may
15 adopt today.

16 I -- I do have concerns about the -- the
17 privacy of the ballot-marking device. And I
18 think we need to address that in supplementing in
19 -- in some significant way in the rules that we
20 adopt eventually, so...

21 **MR. RAFFENSPERGER:** Any other members have
22 any comments on that?

23 (no response)

24 **MR. RAFFENSPERGER:** But -- right now because
25 some of you probably would not support Rule

1 Number 2, but as you're working through with --
2 with your group over the next 30 days, I'm sure
3 there may be some additional nuances that we'd
4 like to add and that would be something that we
5 could consider at that point.

6 Any further comment?

7 **MS. SULLIVAN:** While I do not support, you
8 know, granting this petition, to post this rule
9 as written, I think that this is an issue that we
10 should consider -- continue to consider during --

11 **MR. GERMANY:** I --

12 **MS. SULLIVAN:** -- the rule-making --

13 **MR. GERMANY:** -- I --

14 **MS. SULLIVAN:** -- process.

15 **MR. GERMANY:** I -- sorry.

16 **MR. RAFFENSPERGER:** I'm sorry. Go ahead.

17 **MS. SULLIVAN:** I'm sorry. And while I would
18 not support granting this petition, to post this
19 rule as written -- proposed Rule 2, I agree that
20 we should consider to take this issue under
21 consideration as we continue the rule-making
22 process.

23 **MS. LE:** Are you talking about that part of
24 the problem is the font size; is that correct?
25 Is that --

1 **MR. GERMANY:** I believe the -- the issue is
2 the screens are now larger than the previous DRE
3 machines.

4 **MS. LE:** Right. So is -- is the font size
5 -- can it be changed to -- the screen would be
6 big, but if it's smaller and neighbors can't see
7 it kind of thing?

8 **MR. GERMANY:** I think, you know, part of it
9 is the sort of best practice part is to have one
10 vote, one contest per screen, and that would at
11 least make less confusion. So that -- that makes
12 each -- each screen bigger so which has a lot --
13 has benefits but it also, you know, raises this
14 concern.

15 So I think we're looking at -- at ways that
16 it can be addressed electronically, but I think
17 that it -- it -- we should also look at ways to
18 address it, be a regulation, but -- but I agree
19 with the secretary that, I think, that how the
20 rule is written is not the way to do it.

21 **MR. RAFFENSPERGER:** Do we have a motion?
22 Any further discussion?

23 **MR. WORLEY:** Well, we can have a motion to
24 adopt the rule or a motion to deny the rule.
25 Which?

1 **MS. LE:** I move to deny the rule as written.

2 **MR. RAFFENSPERGER:** Do we have a second?

3 **MS. SULLIVAN:** Second it.

4 **MR. RAFFENSPERGER:** Okay. Any further
5 discussion?

6 (no response)

7 **MR. RAFFENSPERGER:** Hearing none, all those
8 in favor of denying the rule signify by saying
9 aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** Those opposed?

12 **MR. WORLEY:** No.

13 **MR. RAFFENSPERGER:** Motion carries. Okay,
14 Rule Number 3. That was having the paper poll
15 book at every polling location and actually
16 having that be the poll book of record as I
17 understand it.

18 Is that correct, Mr. Germany?

19 **MR. GERMANY:** Correct.

20 **MR. RAFFENSPERGER:** Do we have any questions
21 or discussions from the board?

22 **MR. WORLEY:** I -- I think the current
23 intended process under our rules is sufficient to
24 deal with this problem. I think that your -- the
25 real problem is instruction and training of poll

1 workers. They need to -- that they need to go to
2 the printed list in case of questions or
3 discrepancies. And I will be working on that
4 issue as we're adopting the new rules. But I
5 have a -- I think they're difficult real issues
6 that are raised by deeming the paper be the
7 official public information.

8 So I will vote against this rule, but I will
9 be looking for ways to make sure that the rules
10 we do adopt achieve this result.

11 **MR. RAFFENSPERGER:** Any other board members
12 wish to comment on this?

13 (no response)

14 **MR. RAFFENSPERGER:** I'm not hearing any.
15 Can I ask for a motion to either deny or accept.

16 **MS. SULLIVAN:** I'll move to deny the third
17 rule from petitioners.

18 **MR. RAFFENSPERGER:** Do we have a second?

19 **MS. LE:** I'll second it.

20 **MR. RAFFENSPERGER:** Okay. Any further
21 discussion?

22 (no response)

23 **MR. RAFFENSPERGER:** Hearing none, all those
24 in favor of denying this rule signify by saying
25 aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Those opposed?

3 (no response)

4 **MR. RAFFENSPERGER:** Rule Number 3 has been
5 denied.

6 Rule Number 4 was a -- a phased
7 implementation, I guess would be the best way to
8 describe that. If you want to just resummarize
9 that for everyone just so we're all on the same
10 page on that, Mr. Germany.

11 **MR. GERMANY:** So Rule Number 4 is asking
12 that we keep certain components of the old
13 election system and basically leave it up to the
14 counties to determine when they're ready to
15 transition to the new voting system. I don't
16 think that's consistent with HB316 or frankly
17 consistent (indiscernible).

18 **MR. RAFFENSPERGER:** Okay. Any discussion
19 from the board?

20 **MR. WORLEY:** Yes. I am -- I would not have
21 picked ballot-marking devices. I've made it
22 clear for many years on this board and on other
23 occasions that my preference would be for
24 hand-marked Optiscan ballots throughout the
25 state. But unfortunately, from my perspective,

1 that is not what the general assembly decided to
2 do.

3 And I think it's important to keep in mind
4 our role on this board in relation to the general
5 assembly. We establish rules so that the
6 election laws can be carried out. But we have to
7 do that with reference to the existing statutes
8 and I don't think we have, frankly, the authority
9 to adopt this rule because it is very contrary to
10 the system that the general assembly adopted.

11 So I -- I cannot -- can't vote for this rule
12 because I think we need -- and whether we like it
13 or not, we have to make sure that the system that
14 the general assembly adopted is established and
15 works. And so -- and I also believe, honestly,
16 that what's been proposed here, while it is -- it
17 is -- it is extremely thoughtful and creative, it
18 is not what Judge Totenberg has ordered the state
19 to do. And I think -- I think it would be very
20 contrary to her existing orders and -- and would
21 violate them. And so I will vote against this
22 proposed rule.

23 **MR. RAFFENSPERGER:** Any other members wish
24 to comment on this?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing no further
2 comment, do we have a motion? Motion to deny or
3 motion to approve?

4 **MS. SULLIVAN:** I'm on a roll. I'll make a
5 motion to deny the fourth rule and the petition
6 for the fourth rule, as well.

7 **MR. RAFFENSPERGER:** Do we have a second?

8 **MS. LE:** I'll second it.

9 **MR. RAFFENSPERGER:** Okay. Any further
10 comment?

11 (no response)

12 **MR. RAFFENSPERGER:** Hearing no further
13 comment, all those in favor of the motion to deny
14 Rule Number 4 signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Those opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. SULLIVAN:** Mr. Secretary, I'd like to
20 make a positive motion to post the packet of
21 rules that were presented by the rules working
22 group by Mr. Germany for public comment. I would
23 like to make that motion if it's appropriate.

24 **MR. RAFFENSPERGER:** It's appropriate. Do we
25 have a second?

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MR. WORLEY: Second.

MR. RAFFENSPERGER: Okay. Do we have any discussion about the motion before us right now?

MR. WORLEY: Yes. I'd like to make a comment about --

MR. RAFFENSPERGER: Certainly.

MR. WORLEY: -- and -- and before I do, again, I want to compliment those who came today and presented their petition because this is the first time in the 15 years that I have been on the state election board that -- that I recall that citizens have taken advantage of the statutory provisions and presented rules -- a petition for rules adoption to the board. There -- there may be one other time, but at least it is available and in -- and while the -- those rules were not adopted today, those proposed rules, everyone should be aware that the members of the board and the working group are taking these proposals very seriously and that this whole process is -- it's a -- it should be a very (indiscernible) process.

We are only posting these rules today. This is not the final rule. We are looking to and encouraging suggestions of ways to improve the

1 rules that we're posting at this time and -- and
2 we are going to take seriously all of those
3 suggestions that come, both through the petition
4 process and through the comment process on the
5 rules as we're required to do by law.

6 So I want to thank everybody for
7 participating and please don't think that just
8 because the exact rules that you presented were
9 not adopted, that the issues that you're raising
10 are not ones that we are considering very
11 seriously. I know that I am and I believe the
12 other members of the board are as well, so...

13 **MR. RAFFENSPERGER:** Mr. Worley.

14 Any other members have any other comments?

15 **MS. LE:** I just wanted to thank, as well,
16 the groups that came today and -- and to share
17 your thoughts. I look forward to hearing the
18 comments from you. And to the extent that I had
19 to deny the proposals that you made, I hope you
20 understand that some of it is because, you know,
21 thinking that we have to work within the
22 framework. Just like Number 1, having to roll it
23 out in a timely manner, we have to consider the
24 counties' burden at this time. It's something
25 that's logical and simply would require rules and

1 procedures and it has to be rolled down from the
2 top all the way to the local precincts and -- and
3 polling places.

4 And so with those considerations, we have to
5 consider that and the parameters we have to work
6 in as in with Rule Number 4, the laws, and so --
7 but I look forward to hearing from you in your
8 comments and I appreciate you being here today.

9 **MR. WORLEY:** And -- and I would also just
10 like to add a word of thanks to Mr. Germany and
11 Mr. Rayburn for the work that they put in to
12 drafting these rules. It was very time
13 consuming. It's taken a number of months and
14 it's very intensive work. And I know that they
15 will continue to work hard on this until we get
16 -- get the right set of rules adopted. Thanks.

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

18 Any other comments?

19 (no response)

20 **MR. RAFFENSPERGER:** Hearing no other
21 comments, all those in favor of posting the
22 proposed rules for 30-day public comment signify
23 by saying aye.

24 **BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any of those opposed?

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(no response)

MR. RAFFENSPERGER: Motion carries.

That concludes our business today. I want to just also reinforce what Mr. Worley just said. The working group put an awful lot of time and effort into it. I wanted to make sure we reached out to election officials, all the key state corroboration, and we look forward to further -- further the improvement of the election process in Georgia. We understand how important it is for everyone.

Thank you for attending today.

And if we have a motion for adjournment, I'd be happy to entertain that now.

MR. WORLEY: I move that we adjourn.

MS. LE: Second.

MR. RAFFENSPERGER: Meeting adjourned.

(Adjourned at 3:45 p.m.)

