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

So welcome aboard.

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

And she leaves behind her husband, Brad Lewis, and two boys, Kyle and Kevin. It is very sad that she has left us. We're very grateful for her contributions to society. Much as she was a tremendous attorney and tremendous public advocate, she was a wife and she was a mom and she was a friend to all of her friends that she had.
So we miss her, Godspeed and God bless her soul. Thank you.

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

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

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

**MR. RAFFENSPERGER:** Second?

**MR. WORLEY:** Second.

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Motion carries.

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

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

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

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

Our first person for public comment is George Balbona.

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

MR. RAFFENSPERGER: Sure.

MR. BALBONA: Thank you.

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

Wanda Mosley, are you here?

UNIDENTIFIED: She's not here yet.

MR. RAFFENSPERGER: Pardon me?
UNIDENTIFIED: She's not here yet.

MR. RAFFENSPERGER: Okay. And Gloria Wurtz?

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

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

MS. HALL: For a case.

MR. RAFFENSPERGER: For a case?

MS. HALL: Yes.

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

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

MR. RAFFENSPERGER: Okay. And, Marie Williams, here for a case also?

MS. WILLIAMS: Yes, I am.

MR. RAFFENSPERGER: Gotcha. So, Mr. Bal --

UNIDENTIFIED: That's public comment.

MR. RAFFENSPERGER: Public comment?

Okay.

Rick Hiers (ph.), are you here for
public comment?

    MR. HIERS: No, sir. A case.

    MR. RAFFENSPERGER: Case. Liz Throop?

    Ma'am, if you could come down here to the front where
the mic should be on right now.

    MS. THROOP: Hi, I'm Liz Throop.

    Thanks for letting me speak today. I was a poll
watcher last October and November and had an
opportunity to speak to numerous citizens in Fulton
and DeKalb County who were told that they couldn't
vote a regular ballot in person because they -- their
address was not what they thought it was. They
claimed that they had not been notified of this change
of address.

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

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

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

(Timer sounding)

MS. THROOP: Thank you.

MR. RAFFENSPERGER: Thank you.

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

(No response)

MR. RAFFENSPERGER: Mr. Balbona.

MR. BALBONA: Two minutes, correct?

MR. RAFFENSPERGER: Yes.

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

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

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

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

And in the code of conduct for this board, the first rule is honest and fair. It's not honest and it's not fair.
And, Brad, I've tried to speak with you multiple times and you've snubbed me multiple times. That's not honest, that's not fair.

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

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

(Timer sounding)

**MR. BALBONA:** Thank you.

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

We just approved the minutes from the
three meetings that were all publicly advertised --

    MR. BALBONA: (inaudible)

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

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

    MR. BALBONA: Yeah, I did that.

    MS. SULLIVAN: Thank you.

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

    MR. RAFFENSPERGER: Thank you.

    I believe we can move on to the investigation report.

    Mr. Lewis?

    MR. LEWIS: Mr. Secretary.

    MR. RAFFENSPERGER: We have several people here for the reports of cases today. And so when we call out the case number, if you could just put up your hand and Mr. Lewis will, you know, mark who you are and we'll move those cases to the front of
the line so you're not waiting here, to be efficient
with your time.

So the first ones will be investigation
report consent cases.

Investigative Case Number 2015-071,
City of Forest Park, possession of absentee ballots
and processing. Is there anyone here for that?
(no response)

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

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

**MR. RAFFENSPERGER:** Okay.

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

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

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

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

2016-142 in Camden County, intimidation
MR. WORLEY: Somebody had their hand up.

MR. RAFFENSPERGER: DeKalb County?

Thank you.

MR. RAFFENSPERGER: Okay, thank you.
And 2018-065 in Barrow County.

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

MR. RAFFENSPERGER: That's 135?

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

MR. RAFFENSPERGER: Thank you.

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

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

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

MR. RAFFENSPERGER: Okay.

MR. WORLEY: -- Case Number 2016-158, Bibb County, Case 14 -- Case Number 2017-53, City of Conyers, Tab Number 19; and Case Number 2018-45, Clayton County, Tab Number 23.
MR. RAFFENSPERGER: Any other cases that anyone would like to remove?

(no response)

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

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

MR. RAFFENSPERGER: Okay.

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

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

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

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

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

    UNIDENTIFIED: Yeah, I can be blocked.

    MR. LEWIS: You're good, okay.

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

    UNIDENTIFIED: She's here. She stepped out.

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

(Unidentified person entered the room)

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

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

    MR. LEWIS: All right.

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

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

    The investigation determined that the
phone number listed on the application was owned by
was Reece Robinson, the son of Ms. Robinson.
Mr.-Robinson was contacted and denied having been
approached regarding a new voter registration on
behalf of his mother.

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

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

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

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

**MR. WORLEY:** Thank you, Mr.-Secretary.

Mr. Lewis, I was confused by your
report because the conclusion on their potential
violation says there is sufficient evidence to suggest
that Reece Cameron Robinson potentially violated the
statute by completing a registration application for
his deceased mother which is inconsistent with what
you just said. So could you elaborate.

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

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

    MR. WORLEY: Okay. Thank you for
clarifying that.

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

    MR. LEWIS: Insufficient, that's
correct.

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

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

    MS. SULLIVAN: I'll second the motion.

    MR. RAFFENSPERGER: Any other comment?
    (no response)
MR. RAFFENSPERGER: All those in favor of dismissing Case Number 2016-104, Taylor County, voter registration please signify.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Ayes have it.

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

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

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

The poll worker, Barbara White, encoded Mr. Russett's voter access card with the ballot code from Mr. Russett's paperwork. Ms. White states that it is possible that she encoded the ballot incorrectly, but unlikely with the correct ballot code written on the paperwork.
Mr. Russett states that his voting precinct information on the state's website is correct. The Bibb County Elections Office used that same information to encode his voter access card and printed that information on his absentee ballot application.

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

MR. RAFFENSPERGER: Are there any questions from any members?

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

MR. WORLEY: I would second that.

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: I show the next one is 2017-53 on Tab 19 -- is that correct? -- Morgan (sic) County, buying votes.
In October 2017, Rockdale County election supervisor Cynthia Welch reported that a Conyers convenience store was giving away free gas to individuals who had early voted in the November 7, 2017 municipal election.

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

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

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

We recommend the case be dismissed.
MR. RAFFENSPERGER: Any comments?

MR. WORLEY: Yes. Thank you, Mr. Chairman.

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

MR. RAFFENSPERGER: Any other comments?

(no response)

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

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

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second that motion.

MR. RAFFENSPERGER: Okay. Do we have any further comments?
(no response)

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

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

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

The City of Avondale Estates has been unsuccessful in identifying the suspect in this case. The driver's license change was made online and the
address used for the change was an apartment mailbox believed to have been used due to the lack of -- it being unsecured.

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

We recommend that the case be dismissed.

MR. RAFFENSPERGER: Any comments?

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

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I'll second it.

MR. RAFFENSPERGER: Any comments?

(no response)

MR. RAFFENSPERGER: Then all those in favor --

MS. SULLIVAN: Aye.

MR. RAFFENSPERGER: -- to dismiss it.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)
Mr. Raffensperger: Motion carries.

Ms. Sullivan: Let the record reflect that Ms. Le did not vote on that case.

Ms. Watson: I show the next case to be presented as Tab Number 23, 2018-45, Clayton County, interference with primaries and elections.

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

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

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

All electors in the poll location at the time of the incident were able to complete the
voting process. Since this incident was handled by local law enforcement, we were recommending the case be dismissed.

MR. RAFFENSPERGER: Any members have any comments?

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

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

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

MR. RAFFENSPERGER: Any further comments?

(no response)

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

THE BOARD MEMBERS: Aye.
MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Motion carries.

Five voted.

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

MS. FALOMI: (standing)

MR. RAFFENSPERGER: Yes, ma'am.

MS. FALOMI: (inaudible)

MR. RAFFENSPERGER: Please move forward.

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

MS. SULLIVAN: She needs to move to the mic.

MR. RAFFENSPERGER: Please come to the microphone.

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

MR. RAFFENSPERGER: Could you state your name for the record.
MS. FALOMI: Okay, my name is Lawanda Falomi and I work in the City of Forest Park. And I'm the respondent to a letter that I received. And so I just want to have some clarity what this is all about. I'm new to this and I'm not ashamed to say I'm new.

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

MS. FALOMI: What does that mean?

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

MS. FALOMI: Okay. Thank you so much.

MR. LEWIS: Thank you.

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

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

Ms. Falomi -- Lawanda Falomi dropped off a number of absentee ballots at the City of Forest
Park elections office on November -- excuse me,
October 19, 2015. She was then contacted by the
elections supervisor, Ms. Wright, who told her she had
to pick up the ballots and return them to the voters
for them to submit.

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

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

So in regards to that opinion and in
this case because she was merely bringing the ballots,
the ballots were then taken back out and mailed to the
elections office, we have not found there was
sufficient evidence to cite a violation. We recommend
the case be dismissed.

    MS. FALOMI: Thanks.

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

    (no response)

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

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

    MR. RAFFENSPERGER: Do we have a
motion?

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

    MR. WORLEY: I would second that.

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

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed?
(no response)

**MR. RAFFENSPERGER:** Motion carries.

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

Case Number 2015-081, City of Hiawassee in Towns County, improper assistance.

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

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

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

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

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

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

2016-066 in Franklin County for poll conduct.

2016-081 in Randolph County for
tabulation and reporting problems (indicating).

2016-082 in Glynn County for poll opening.

2016-083 in DeKalb County for vote buying.

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

2016-100 in Wilkes County for poll conduct.

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

2016-125 in Lamar County for the GEMS Server.

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

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

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

2016-137 in Bartow County, prohibition on photography.

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

2016-153 in Clarke County, prohibition
on photography.

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

2016-167 in Cherokee County, prohibition on photography.

2016-169 in Oconee County, prohibition on photography.

2016-172, restaurant vote offers, vote buying.

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

2017-038, Cobb County, prohibition on photography.

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

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

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

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

In this case, Marie William (sic) reported that there in the East Point general municipal election on April 3rd, city council
candidate Thomas Calloway repeatedly entered and
exited the Jefferson Park Recreation Center and voting
precinct. Ms. Williams also reported that
Mr. Calloway escorted voters into the hundred and
fifty feet -- foot "no campaigning area," and
distributed candy to voters.

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

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

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

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

MS. WILLIAMS: I would.

MR. RAFFENSPERGER: If you would come
forward.

**MS. WILLIAMS:** (complies)

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

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

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

And the last time I didn't come here because I didn't understand and I still don't understand how it's done. But I've heard all of these cases and all of the cases being dismissed. I came
here because I do not want them to be dismissing this
Thomas Calloway because the City of East Point and the
way you guys gave the City of East Point the
opportunity to run an election, and East Point, the
city clerk is brand-new there. Everything is
brand-new to her. But then things happen.

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

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

When I hear these cases you guys got in
here, well, dismiss that, dismissed this, I'm here to
tell you guys, it's a lot of dirt going on in these
elections.
(Timer sounded)

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

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

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

**MR. KOVAL:** (inaudible)

**MS. WILLIAMS:** -- and -- my time's up? I'm so sorry. Thank you guys for letting me speak. Thank you so much.
MR. RAFFENSPERGER: Thank you for your comments.

MS. WILLIAMS: Thank you.

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

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

MR. KOVAL: (handing microphone)

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

MR. RAFFENSPERGER: Yes.

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

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

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

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

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

**MR. RAFFENSPERGER:** Any comment?
Members, would you like to speak to this?

MR. WORLEY: I would. Thank you,

Mr. Chairman.

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

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

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

(no response)

MR. RAFFENSPERGER: Motion fails for lack of second.

MS. SULLIVAN: Mr. Chairman, I'll make a motion that we issue a letter of instruction in that case.
MR. RAFFENSPERGER: Do we have a second?

MRS. LE: I'll second it.

MR. RAFFENSPERGER: Any further discussion?

(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: All those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Motion carries.

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

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

Election supervisor Misty Hayes reported that the Republican Party was not ready at 9:00 and the qualifying did not start until 10.
Dennis O'Connor and William Paul Hersey with the Coffee County Republican Committee reported the qualifying forms were misplaced and it caused a delay of 15 to 20 minutes. All candidates were able to qualify. No one was prevented from doing so as a result of the delay.

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

MR. RAFFENSBERGER: I believe they have someone here to speak to that.

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

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

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

MR. RAFFENSBERGER: Thank you.

MS. HALL: Thank you.

MR. RAFFENSBERGER: Do we have a motion
or a discussion?

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

     MR. WORLEY: Second.

     MR. RAFFENSPERGER: All in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

     MR. RAFFENSPERGER: Motion carries.

Mr. Lewis.

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

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

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

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

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

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

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

We would recommend the Randolph County Board of Elections and Sandra Thompson, elections
superintendent, be issued letters of instruction for
the listed violation.

MR. RAFFENSPERGER: I understand
there's some people here to speak to this case.
If you would come forward, please. If
you would state your name for the record, please.

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

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

(no response)

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

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

MR. WORLEY: Second.

MR. RAFFENSPERGER: Any discussion?
(no response)

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

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

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

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

The recount was approved through the board -- county board of elections and she notified the candidates as they came into the office for
paperwork that the recount would be the following Friday.

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

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

**MS. HALL:** (complies)

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

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

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

And I'm just here to confirm that there will be a letter being sent out to that effect.
MR. RAFFENSPERGER: Thank you.

Members, do you have any comments or a motion?

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

MR. WORLEY: Second.

MR. RAFFENSPERGER: Any comments?

(no response)

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Anyone opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

Ms. Ferguson states that she had not voted in the July 26, 2016 primary run-off election. So she contacted the county election supervisor. She advised the election supervisor informed her that she
could vote a provisional ballot, but she was concerned it might be thrown out.

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

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

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

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

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

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

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

MR. RAFFENSPERGER: Thank you.

Members, any motions or any comments?

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

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second it.

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

Mr. Lewis.

MS. WATSON: No, no.

MR. RAFFENSPERGER: Sorry.

MS. WATSON: That's okay. The next
case is Tab Number 40, Montgomery County, City of Tarrytown.

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

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

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

We did receive an e-mail from a volunteer in the city who states that they would not be attending due to the cost. They only have 38 citizens in the city of Tarrytown and they advise that they are working diligently to try to resolve the issue going forward.
MR. RAFFENSPERGER: Okay. Since we have no one to speak to this in our audience, do we have a motion from the board?

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

MR. WORLEY: I will second that motion.

MR. RAFFENSPERGER: Any discussion on the motion? Seeing none, all 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 that I show is Tab Number 43, 2016-139, Fulton County, prohibition on photography.

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

Fulton County also reported that a Mark Paul Lachiewicz utilized a photographic device inside
the poll at the North Fulton Annex after being
instructed not to do so by the poll worker.

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

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

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

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

Please state your name for the record.

**MR. HULST:** My name is Brett Hulst, and
I'm just here to be present and answer your questions if there were any, but no statement.

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

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

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

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

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

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

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

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

(no response)

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

**THE BOARD MEMBERS:** Aye.

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

(no response)

**MR. RAFFENSPERGER:** Motion carries.

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

In November of 2016, Cherokee County election superintendent Kim Stancil reported that Valerie Hamby photographed her absent -- her electronic ballot while early-voting at the Ball Ground advance voting station.
Poll workers at the Ball Ground advance voting station in Cherokee County advised voters in line, warning of the prohibition of the use of cell phones at the polling location. Valerie Louise Hamby stated while she was waiting in line that she was checking her phone, and she was told that she could not use her phone in the polling location. She told the poll workers that she was going to do what she wanted.

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

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

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

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

**MS. HAMBY:** I'm Valerie Hamby. So, yes, I -- I had it out. I'm an anxious person and it's a fidget device. And I didn't have any pictures
or anything. It's just -- I flip constantly. It's just a stressful situation, so it's -- so I -- I'm here -- the lady -- the lady at the poll -- there was probably about ten of us in -- in the atrium and all of us were fidgeting with our phones and --

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

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

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

So I'm just here for any questions.
MR. RAFFENSPERGER: Thank you, ma'am.

Any questions?

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

MS. HAMBY: No, ma'am.

MS. SULLIVAN: -- at all.

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

MS. SULLIVAN: Thank you.

MR. RAFFENSPERGER: Thank you, ma'am.

Members?

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

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: Any discussion?

(no response)

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

THE BOARD MEMBERS: Aye.
MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

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

We recommend the Ware County Board of Election and Registration; James D. Lang Jr., poll
manager; Vivian Reid, poll worker; Carolyn Towns, poll
worker; and Ebony Palmer, poll worker be issued
letters of instruction for the listed violation.

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

Please state your name, please.

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

**MR. RAFFENSPERGER:** Thank you.

Members? Any motions?

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

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

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

**MR. RAFFENSPERGER:** Thank you.

Any discussion on the motion?

(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.

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

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

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

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

And what we're recommending is Scott
Tittle be issued a letter of instruction for 21-2-570.

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

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

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

MR. KOVAL: Yep.

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

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

And the reality is is unfortunately that the City of Milton has dealt with a lot of tactics in elections over the last several years. And with that, we've had several residents that have gone through Georgia Government Transparency and Campaign Finance Commission. We had ethics complaints filed against the residents. One of those is actually being dismissed tomorrow because they did nothing wrong. Others had to spend a lot of moneys on attorneys.
And this particular case is very interesting because we filed a complaint against the same group for violating the Supreme Court decision, *Buckley v Valeo*, 1976, and *FEC v McConnell*, 2003, which goes before the Georgia Government Transparency and Campaign Finance Commission because it allows the elector to know who's behind these bodies that are trying to influence elections. That states specifically that if you're more than one person, you spend any money at all or make an offer of any money at all on an election, you're guilty of an ethics charge.

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

So I'm not here to say what your role
here should be as far as that goes, but who is behind
that page needs to be made public. I am public. When
I ran, I did everything right, so did Bill. Everybody
holds us accountable, hold us accountable. Everybody
else should be held accountable as well.

Thank you.

MR. RAFFENSPERGER: Thank you.

Is anyone else here to speak to this
case?

(Mr. Lusk approached the microphone)

MR. RAFFENSPERGER: If you could
identify yourself.

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

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

MR. RAFFENSPERGER: Thank you, sir.

Anyone else that like to speak to this?

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

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

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

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

And that's all I want to say. Thank you.
MR. RAFFENSPERGER: Thank you.

MR. WORLEY: I have a question.

MR. TITTLE: Sure.

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

MR. TITTLE: No, they did not.

MR. WORLEY: That's all.

MS. SULLIVAN: I have a question.

MR. TITTLE: Sure.

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

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

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

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

MS. SULLIVAN: Thank you.
MR. TITTLE: Sure.

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

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

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

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

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

MR. TITTLE: That's correct.

MR. RAFFENSPERGER: Thank you, sir.

MR. TITTLE: Sure. Thank you.

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

MR. WORLEY: Thank you, Mr. Chairman.

I think that it's very important for this board and its actions to draw a very bright line between -- or bright line that says we don't tolerate
offering money or anything else to vote on behalf of a candidate.

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

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

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

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

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

I second the motion.
MR. RAFFENSPERGER: Any discussion on the motion?
(no response)

MR. RAFFENSPERGER: Call the question.

All those in favor of referring this over to the attorney general's office please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

Investigation shows that after the poll closed on May 22, 2018 it was confirmed that one of
the results tapes at the Candler precinct in Gainesville did not show some of the candidates. It was reported that on election night, by the poll manager, that there was a problem getting one of the result tapes printed due to an issue with a printer.

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

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

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

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

**MR. RAFFENSPERGER:** Okay. If anyone
would like to speak to this case, come forward and identify yourself.

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

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

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

Also I would like to point out that the public counter on the results tape would total to equal the total of all of votes cast in section B of the DRE recap sheet which should equal the GEM
statement votes cast report for that same precinct. And in this case, all three matched.

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

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

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

Thank you.

MR. RAFFENSPERGER: Thank you.

MS. WURTZ: Yes, sir.

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

MS. SULLIVAN: I'll ask a question.

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

MS. WATSON: Yes, that's right.

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

MS. WATSON: Yes.

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

MR. RAFFENSPERGER: Second?

MRS. LE: I'll second that.

MR. RAFFENSPERGER: Okay, a second.

Any discussion on the motion?
(no response)

MR. RAFFENSPERGER: Those in favor signify.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

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

MR. WORLEY: Say those again.

MR. WORLEY: Right.

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

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

(Break taken)

MR. RAFFENSPERGER: Okay, everyone.

We'll go ahead and get started. That would be great. Okay. The first case we have that we'll be looking at is Houston County, 2015-092.

MR. LEWIS: Thank you, Mr. Secretary.

It's Tab Number 26 in your binders.

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

On the posting, it stated for every Saturday voter showing a sticker, Larry will donate a turkey to a family in need in Middle Georgia this Thanksgiving. "Let's make a difference in our community by voting for the right leader and helping those in need."
Mr. Walker was contacted and he advised that his campaign staff had made the post. He advised that he had removed the post, that he was taking responsibility for it. He said he ended up not donating any turkeys because no one showed up except a friend from church. Mr. Walker states that he's trying to bring awareness to the election in general and not generate votes for himself although he hopes voters would vote for him.

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

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

(no response)

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

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

MR. RAFFENSPERGER: Anyone else want to
speak to this?

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

MR. RAFFENSPERGER: Okay.

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

MR. RAFFENSPERGER: We have a second.

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: We have a second.

MR. HARP: I did say --

MR. RAFFENSPERGER: Okay, Senator Harp.

Any further discussion?

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

And also I think it would be very
difficult to establish a case to refer that over
because the individual's not receiving anything of value. He's not promising to give anything of value.

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

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

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

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

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

**MR. RAFFENSPERGER:** We'll call the question. All of those in favor of the motion before us, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any of those opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

Ms. Williams was interviewed and said that she did make the post as part of her attempt to get young people registered to vote. She states that she was not aware it was a violation to do so. She
stated no one had contacted her stating they had registered as a result of the posting.

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

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

MR. WORLEY: Mr. Chairman, thank you.

I would make a motion that would refer this over to the attorney general's office for the same reasons that I expressed in relation to the Houston County and the Milton matters.

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

MR. RAFFENSPERGER: Is that a motion?

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

MR. HARP: I'll second the motion.

MR. RAFFENSPERGER: We have a second.

Is there discussion? Any discussion on the motion?

(no response)

MR. RAFFENSPERGER: Hearing no discussion, call the question. All of those in favor of sending this to the attorney general's office
signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

Mr. Lewis.

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

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

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

Ms. Haass contacted the City of Avondale Estates communication manager Debbie Revzin and presented the offer and then posted the offer on the city's Facebook page. Both Ms. Haass and
Ms. Revzin advised they were trying to encourage voting and not advocating for any particular candidate. They both stated that they were not familiar that it was a violation.

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

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

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

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

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

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

**MR. WORLEY:** Yes.

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

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

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

Is there any further discussion of the motion?

    (no response)

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

    **THE BOARD MEMBERS:** Aye.

    **MR. RAFFENSPERGER:** Any opposed?

    (no response)

    **MR. RAFFENSPERGER:** None opposed.

Motion carries.

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

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

    We recommend Abel Klainbaum be issued a letter of instruction for the listed violation.
MS. SULLIVAN: Now, ms. Watson, was this individual warned ahead of time that he was not to use his cell phone? I believe we had that presented in a case a minute ago where the complainant was actually warned and did it anyway.

MS. WATSON: Right.

MS. SULLIVAN: Was this case similar --

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

MS. SULLIVAN: But they did not remember --

MS. WATSON: No.

MS. SULLIVAN: -- a specific conversation?

MS. WATSON: No.

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

MS. WATSON: I stand corrected.
MR. WORLEY: I just wanted to make sure that was --

MS. WATSON: Correct.

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

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second it.

MR. RAFFENSPERGER: We have a second.

Any further discussion?

(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

In November of 2016, complainant reported a Facebook posting of James Aaron Brooks which displayed a photograph of Mr. Brooks' ballot with the face of the DRE in it. The complainant
observed the Facebook posting of James Aaron Brooks to have two photographs of the DRE ballot screen with the posting: My two favorite votes are in the pictures. They told me to turn off my cell phone, but those of you that know me know that I sometimes buck the system a little bit.

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

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

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

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

**MR. RAFFENSPERGER:** Any discussion?

**MR. WORLEY:** Well, it won't surprise
anyone at this point that -- that I think that we
should refer this matter as well to the attorney
general's office. If Mr. Brooks wants to challenge
the authority of the state to prohibit him from doing
that, then perhaps this is the right case for that to
happen. We have the attorney general to advise us on
that.

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

MS. SULLIVAN: I'll second the motion.

MR. RAFFENSPERGER: Any discussion on
the motion?

(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Hearing none,
motion passes.

MS. WATSON: The next case I have is
Tab 48, Fulton County, restaurants vote offers,
On November 8, 2016, Heather Searles reported improper offers having been put forth by various metro Atlanta businesses concerning voting in the general election of the same date. It was reported that on the date of the election six vendors advertised gratuities to individuals who could provide proof that they had voted.

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

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

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

Firehouse Subs was offering a free medium drink to any patron that was wearing a "I voted" sticker. Once they were notified, they
stated they would change the offer to a free medium
drink to any patron on election day.

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

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

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

**MR. RAFFENSPERGER:** Any discussion?

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

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

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

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

**MR. HARP:** Second.

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

(no response)

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

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I will second that.

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

(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Hearing none, motion carries.
We now have our new cases before us, Mr. Lewis. I guess we can call these to see who's here, in place.

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

MR. LEWIS: Mr. Secretary, that case was continued.

MR. RAFFENSPERGER: Okay.

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

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

MR. WOLFF: Good morning, Mr. Secretary. Jeff Wolff on behalf of Jason Wetzel. Mr. Wetzel is also here.

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

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

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

MR. BARRON: Rick Barron, Fulton County.

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

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

2015-095, City of Rossville, Walker County.

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

MR. RAFFENSPERGER: Thank you.

MS. MERRELL: Thank you.

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

MR. BRYAN: Bennett Bryan on behalf of DeKalb County. I'm here with the chairman of the DeKalb County Board of Registration and Elections and our director of elections, along with several members of our election staff.
MR. RAFFENSPERGER: Thank you.

2016-006, Paulding County.

MS. HOLDEN: Deidre Holden, election supervisor.

MR. RAFFENSPERGER: Thank you.

2016-007, Pike County.

2016-008, Douglas County.

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

MR. RAFFENSPERGER: Thank you.

2016-009, Paulding County.

MS. HOLDEN: Deidre Holden, Paulding County.

MR. RAFFENSPERGER: 2016-010 in Bleckley.

2016-014, Glynn County.

2016-023 in Clayton County.

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

MR. RAFFENSPERGER: 2016-052, Gwinnett County.

We'll go in the order of those that -- of people that are here on their cases. I believe
that starts us with Tab 54.

Mr. Lewis.

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

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

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

Mr. Wetzel voted in person in North Carolina in the primary election on May 8, 2012 and then voted by absentee ballot in Georgia on July 31, 2012 for the Lumpkin County election. In person again in North Carolina on November 6, 2012 and by absentee ballot in Georgia for the Lumpkin County election on November 6, 2012. In person again in North Carolina for the November 4, 2014 election and then by absentee ballot in Georgia for the Lumpkin County election of 2014.

It was determined through voting documents and Mr. Wetzel's admission in an interview
with North Carolina law enforcement that he did admit
to voting in North Carolina and Georgia.

   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
desiring to register to vote or to qualify to run for
an elective office, the following rules follow as far
as they're applicable. Paragraph 13, that code
section states: If a person goes into another state
and while there exercises the right of a citizen by
voting, such person shall be considered to have lost
such person's residence in this state.

   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.

   MR. RAFFENSPERGER: Okay. I believe
16 there's some folks here to speak to this case.
17
   State again for the record who you are, please.

   MR. WOLFF: Thank you,
19 Mr.-Secretary. My name is Jeff Wolff. I'm here on
20 behalf of Mr.-Wetzel. Mr. Wetzel's here as well. I'm
going to give a brief statement and then my client
will give a brief statement, and, of course, he would
25 be happy to answer any questions.
I do have some medical documentation that I'd like to hand out briefly if I may.

**MR. RAFFENSPERGER:** Please.

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

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

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

**MR. RAFFENSPERGER:** So moved.

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

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

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

My client doesn't know why he did this, but once he -- for the first time in his life ever, in
his late 60s and early 70s, violated the law. He went back and tried to understand why this may have happened. My client has a long history of teaching history. He was a civilian archivist with the U.S. Army and certainly was not politically or criminally motivated when he violated Georgia and North Carolina election law. So we just offer this to show you that there were some issues going on with him medically and with his memory.

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

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

MR. WETZEL: Thank you. What I did was wrong and I take full responsibility for everything. I deeply regret the problems I have caused the state. I humbly ask for forgiveness. I did break the law,
but I did not break it with premeditation. All my life I've obeyed our laws and lived to do the right thing for myself, my family, and my community.

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

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

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

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

**MR. WORLEY:** I had some questions and either of you can answer these. First of all, how much was Mr. Wetzel fined and how many hours of community service did he do?
MR. WOLFF: Total fine including court costs, $380, and total community service, 25 hours.

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

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


MR. WOLFF: Okay.

And that was his -- that would be his legal residence. He was commuting to Fayetteville, Fort Bragg, and working on as a civilian for DMD. So he commuted every week. His life partner of 30 years lived in his Dahlonega house. He had -- I mean, we have a lot of other evidence. I have a library card and other things that would -- I have a number of things, his driver's license -- I have a number of -- a number of things would show -- that would normally show residency.
But the fact is that Georgia law -- he -- it revoked his res -- it revoked his residency for voting purposes once he registered in North Carolina. So, you know, I didn't want to get into that whole argument because as a matter of law, he -- he lost his residency for voting purposes once he registered to vote in North Carolina.

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

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

MR. WORLEY: Thank you.

MRS. LE: Thank you for being here, Mr. Wetzel. I have a question. Some of these violations go back to 2012, and I see from your medical records that it dates to 2015. Did you have these conditions that may have impaired your thought
process during that time?

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

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

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

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

MR. WETZEL: No, sir. I served as a --
MR. HARP: I'm sorry, sir?

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

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

MR. WETZEL: No. No, sir.

MR. HARP: Have you applied?

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

MR. HARP: That's it.

MR. RAFFENSPERGER: Any further questions? Any discussion? Anyone like to make a motion?

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

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

MR. RAFFENSPERGER: Do we have a
second?

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

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

(no response)

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

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

In November of 2015, three complainants advised of a situation regarding the change in their polling location in Fulton County. The complainants stated that they did not received proper notification
that their precinct had been changed from the Bridge
to Grace Church to the East Roswell Library until
either just before or on the day of the general
election in November of 2015.

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

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

New voter registration cards were
requested for the precinct change in February of 2016.
Also the pastor of the Bridge to Grace Church stated
that he never received official notification from
Fulton County regarding the change in polling
locations. Fulton County advised that no letter or
other form of notification was forwarded to the
church.
We would recommend the Fulton County Board of Elections be bound over to the attorney general's office for two twenty -- twenty-six (e) in violation of duties of the issuance of the new registration cards, and the Fulton County Board of Elections and Registration also be bound over to the attorney general's office for two -- 21-2-265, that has the superintendent selecting poll locations. First cite's for the board, the second cite's for the board, and Rick Barron, election supervisor.

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

**MR. BARRON:** Good morning,

Mr.~Secretary.

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

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

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

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

    That's it.

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

    (no response)

    **MR. RAFFENSPERGER:** Thank you.

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

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

    **MR. BARRON:** Sure.

    **MR. RAFFENSPERGER:** Thank you.

    **MR. WORLEY:** The pastor of the church
said that he never received any official notification. Is it normal to send those out in writing?

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

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

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

MR. WORLEY: Okay.

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

MR. WORLEY: Do you -- do you keep a record of --
MR. BARRON: Yes.

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

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

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

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

MR. WORLEY: Okay. All right.

That's all.

MR. RAFFENSPERGER: Thank you.

Do we have a motion?

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

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

MS. SULLIVAN: I'll second the motion.

MR. RAFFENSPERGER: We have a second.

Do we have discussions on this case?

(no response)

MR. RAFFENSPERGER: Hearing none, I'll
call the question. All those in favor of referring this case, Case Number 2015-084, to the attorney general's office please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Anyone opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

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

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

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

In reference to the Saturday vote location, Hall County actually had three voting locations open, so there was no evidence to support any violations of limited access for the voters for
any reason. In addition to that, Hall County is not currently mandated to have bilingual requirements regarding signage or ballots, so there was no finding for those allegations either.

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

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

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

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

While we acknowledge that this happened, it was an oversight, and I don't have any
personal knowledge because I wasn't there. I've only been there for a year. So I'm going to ask Miss Charlotte to answer any questions you might have.

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

**MS. SOSEBEE:** Yes. My name is Charlotte Sosebee. I currently serve as the director of elections for Athens-Clarke County, formerly from Hall County.

And in 2015, there were polling location changes made. In addition to the cards being printed to the voters, according to 21-2-235, there is a need to post signs in three locations within the vicinity as well as at the location.

And that particular location previously was a library. It was torn down by the county and became the Hall County Employee Clinic. There was no room to have the election there. We -- of course, I surveyed the location and it was not conducive for the voters. So the sign was placed there. There were two other -- or three other locations in the vicinity of the area where the signs were also placed as the code section requires. There were notices in the paper. There were notices on our website. So we did everything except double-check to make sure that
polling location had cards. We had received phone calls and noticed that there was a box of undelivered cards, and we just -- I'm going to say presumed that the people that were calling may have not gotten their cards because of undelivered mail. So I started to inquire within the office, people are staff members who lived in that precinct and they said they hadn't gotten their cards.

We had an E-SPLOST election in November where it was a county-wide election and it was then that I thought well, let me go back and check the system. We had everything written down, did everything we were supposed to do, but we failed to put the Glade precinct in our changes. What we did is we combined the precinct that was attached and sent those voters to the East Hall Community Center.

So the voters were not denied the right to vote because they were directed to that location. So if a voter had gone to that particular polling location, they would've seen the sign out front. That sign remained there until the election -- the following county-wide election which was, I believe, in March of that year, which was the PPP.

And from that point, prior to me leaving, if I made any corrections like that, I made
sure somebody double-checked. And Lori does that and we both agree, you know, this favorite quote:
Teamwork makes the dream work. So we work in teams, and I carried that procedure with me to Athens-Clarke County to make sure that somebody double-checks behind me to make sure that we include all who should be included.

MR. RAFFENSPERGER: Any of the members have any questions?

MRS. LE: I have a question. How far is the distance between the change? If someone were to show up, they made arrangements to go to one place and have to redirect, how cumbersome -- how difficult would it have been between --

MS. SOSEBEE: It was two and a half miles. Not quite three. And we did everything, like I said, we were supposed to do. We informed the secretary of state's office. And at the time we weren't even supposed to send it to the US Department of Justice. Across the street reinforcement. We did everything we were supposed to do. Again, like I said, when we went through -- back through the list -- and I -- I've said -- I'm sitting there and I'm naming all of the precincts, I think it was about seven. And when I got to that one, I was like: Oh no, we missed
that one somehow. And immediately I ordered those
cards and sent them. And again, it was after the
election and that was a very low turn-out election.
It was the E-SPLOST unfortunately, but those voters
were still allowed to vote and had -- if they had
shown up at that polling location, they would have
seen a sign.

MR. RAFFENSPERGER: Anything from the
members?

(no response)

MR. RAFFENSPERGER: Thank you.

MS. SOSEBEE: Thank you.

MR. RAFFENSPERGER: Okay, you have that
before you. Do we have a motion?

MR. WORLEY: Well, I think if we want
to be consistent with our previous actions, we need to
refer this case over to the attorney general as well.
And I would make a motion to do that.

MR. RAFFENSPERGER: Okay, we have a
motion. Do we have a second?

MRS. LE: Second that.

MR. RAFFENSPERGER: We have a second.

Any further discussion?

(no response)

MR. RAFFENSPERGER: Hearing none, all
those in favor of referring Case Number 2015-093, Hall County, to the attorney general's office please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Anyone opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MR. LEWIS: Thank you, Mr. Secretary.

The next case that I show is SEB 2015-095, City of Rossville, Walker County, spoiled ballot. Should be Tab Number 59 in your binders.

November of 2015, multiple complainants, five, reported issues with the municipal general election ballot in the City of Rossville for November 3, 2015. It was reported that five ballots were marked spoiled by the city elections officials and not counted.

The complainants reported the lack of clear instructions for writing in a candidate on the ballot helped contribute to the problem. It was also reported that one section of the ballot was completely -- completed improperly, the entire ballot was discarded in its entirety.

Election Supervisor Jenkins reviewed the ballots and tabulation and rejected five ballots
in their entirety. One ballot was rejected because the voter had selected all three city council candidates instead of only two. However, the voter was not given credit for the mayoral vote properly cast. The remaining four ballots had a write-in candidate with no title of office included. However, each of those ballots had correctly voted for the city council candidates, two of three, but they were not given credit for those selections.

The format of the ballot was not in compliance with election code as the instructions on the ballot itself were not complete and did not explain the entire process of how an elector should cast the vote for a write-in candidate in the space provided. Because the votes were incorrectly cast, it should not invalidate the votes on the remainder of the ballot that’s otherwise properly marked.

We would recommend the City of Rossville and Russanna Jenkins, the city elections supervisor, be bound over to the attorney general's office for the listed violations.

MR. RAFFENSPERGER: Okay. There's people here to speak to that.

MS. MERRELL: Yes. Thank you.

MR. RAFFENSPERGER: Yes. State your
name for the record.

**MS. MERRELL:** Yes, Mr. Secretary. My name is Donna Merrill.

**MR. RAFFENSPERGER:** Yes, use the microphone.

**MS. MERRELL:** Thank you. My name is Donna Merrell, spelled M-e-r-r-e-l-l. I'm the attorney representing the City of Rossville here today, and I thank Mr. Secretary and members of the board for hearing from her.

For over 30 years, the City of Rossville used the same election ballot without incident and followed their same procedures which included instructions in each voting booth for how to cast write-in ballots. They did not realize they were in violation. We were not representing them at the time. We began representing them last year.

We let them know that their ballot was deficient. They had us create a new ballot. Then upon reconsideration, we decided the very best option for the city was to outsource the elections. We are currently in negotiations with Walker County for them to take over the election process from the City of Rossville. At the time of these alleged violations, the City of Rossville thought they were doing the
right thing. They did not certify themselves until they contacted their liaison down here at the secretary of state's office, Mr. Xavier Harris. They told him about the spoiled ballots and that they did not determine the intent of the voters and what they were doing with the spoiled ballots. They sealed up the spoiled ballots and have not opened them since. They thought they were doing the right thing at the time. They tried to obtain guidance from myself, the secretary of state's office and have now planned to outsource their elections.

So we would ask for something less than referral to the attorney general's office since they've taken all of the steps possible to correct this problem moving forward.

Do you have any questions? This is Ms.~Russanna Jenkins.

**MR. WORLEY:** I have a question. You've indicated -- not for Ms. Jenkins, for your lawyer. You indicated that for 30 years the City of Rossville always did the election the same way. And they -- is that the manner in which the errors occurred? Or did that occur after the change in the election process?

**MS. MERRELL:** So this has been going on for the whole 30 years. They never had a problem
alleged until the 2015 election. And from that point
they made the changes. No one had complained to them
prior. They didn't realize there was a problem with
their ballot.

MR. WORLEY: Okay.

MR. RAFFENSPERGER: Any other
questions?

MR. WORLEY: Actually, I think I have
another question. So there was no previous problem
with the structure of the ballot, the format of the
ballot, but there was a problem in this instance with
the way the ballots were counted in addition to the
structure, correct?

MS. MERRELL: So it's my
understanding -- and Ms. Jenkins is here if I say
anything that's incorrect, but it's my understanding
that where a ballot had a write-in candidate, they
were supposed to designate -- we had the instructions
that were contained in each booth where they were
supposed to write in that candidate, they were also
supposed to write in "city council" or "mayor" along
with their vote. Voters that only wrote a write-in
candidate and did not designate whether that was for
the office of mayor or the office of city council,
those votes were not counted.
MR. LEWIS: Mr. Worley, I think for clarity, if I may, the ballot was in two parts, and they would post a second sheet of instructions in the voting booth and a lot of the voters did not see -- because they were looking at their ballot, they didn't see the second set of instructions. The format should be all in one piece.

MS. MERRELL: And as we indicated, they corrected that but then we decided to go a step further and just outsource the elections altogether to Walker County going forward.

MR. RAFFENSPERGER: Any questions?

(no response)

MR. RAFFENSPERGER: Thank you.

MS. MERRELL: Thank you. We appreciate your time.

MR. RAFFENSPERGER: The case is before you. Do we have a motion?

MS. SULLIVAN: I'm going to make a motion that this case be bound over to the attorney general's office as recommended.

MR. WORLEY: I second that.

MR. RAFFENSPERGER: Any discussion on the motion?

(no response)
MR. RAFFENSPERGER: Hearing none, all those in favor of sending to -- referring this to the attorney general's office, Case Number 2015-095, please say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MR. LEWIS: Mr. Secretary, the next case I have is 2015-100, DeKalb County, absentee ballot and handicap parking entrance. There are two separate complaints -- complainants in the allegations --

MRS. LE: I'm sorry, Mr. --

Mr. Secretary, I'd like to dismiss myself from this hearing for conflict of interest reasons.

MR. RAFFENSPERGER: Okay.

MR. LEWIS: I'm sorry, Mr. Secretary.

Again, there were two separate complainants that made allegations of the DeKalb County Board of Elections and Registration, against them, regarding the November of 2015 general election.

A Timothy Hoffman reported that he had requested an absentee ballot be forwarded to him by DeKalb County during the time he was deployed
overseas. Hoffman stated he had not received the
absentee ballot as of November 13, 2015.

    Daniele Xenos stated that on the
afternoon of November 3rd, during the election, the
only handicapped entrance to the DeKalb County School
of Arts polling station was locked, that handicapped
persons were not able to gain access into the
building.

    In regard to Mr. Hoffman's absentee
ballot request on July 8, 2015, DeKalb County advised
that there was confusion over the eligibility of the
voter to receive an electronic ballot for that
election since there were only local candidates
running. A paper absentee ballot was mailed to
Mr.-Hoffman's home address in Stone Mountain, but --
since Mr. Hoffman had not provided the overseas
mailing address.

    On October 7, 2015, when Mr. Hoffman
contacted DeKalb County to inquire of the status of
his absentee ballot request, the county was able to
obtain the correct APO overseas address and mailed
another paper ballot on October 12, 2015. Mr. Hoffman
received and returned the absentee ballot to DeKalb
County with it arriving prior to the cutoff of
November 6, 2015, even though he told us he had never
received it.

The absentee ballot was not counted in the election to which Maxine Daniels, the former elections superintendent for DeKalb County, stated they were in error of not counting the ballots.

In response to the reports that the handicapped access doors were locked at the DeKalb County School of Arts polling location, the poll manager stated that the custodian must've locked the doors at the end of the day and they would ask that they be unlocked. It's not known exactly how long the doors were locked or how many people were affected by the lack of handicap access.

Ms. Daniels with DeKalb County did advise the access to the school polling locations have become an issue due to increased need for security in school locations. It was decided that an extra poll worker will be added to the school locations to monitor the locations to make sure the voters had access.

We would recommend that the DeKalb County Board of Elections and Registration and Maxine Daniels, retired DeKalb County Elections Supervisor, be bound over to the attorney general's office for the listed violations.
MR. RAFFENSPERGER: Okay. We have people to speak to this. If you would identify yourself.

MR. BRYAN: Mr. Chairman, members of the board, my name is Bennett Bryan, I'm the senior assistant county attorney with DeKalb County. I'm here on behalf of DeKalb County with Ms.~Erica Hamilton. The director of elections is also here if there's any follow-up questions that the board has for either of us.

In reference to the first complaint, Mr.~Hoffman's complaint, I think that the results of the investigation, we don't -- we don't necessarily disagree with -- with the facts of those. I will say that there -- there is some confusion about UOCAVA absentee ballots for overseas members because only certain elections actually have electronic ballots that are able to be distributed. And it was strictly municipal elections like this one, electronic ballot -- an electronic absentee ballot was actually not an option, and so the -- the application did not indicate that -- that the voter would like to have a absentee ballot sent by -- or sent to his overseas address. Therefore, because there was no absentee ballot, it was only sent to the -- the -- his home
address, his registered address.

    Now, this -- this particular matter is important to me. As a former marine myself, making sure that our -- you know, our military members are able to vote is extremely important. One thing that in discussions with the -- you know, with our -- with our staff, one way that we might be able to prevent this from happening again is when a e-mail address is provided, even if no electronic -- electronic ballot is available for that particular election, then what we need to do is that we need to be more proactive in contacting that member to arrange for an alternative way for that member to be able to vote.

    And so one policy we will be instituting is that not only will we be sending notices to the home address but also attempting to contact them through their e-mail addresses if they provide them and any phone numbers if they decide to provide those. Really any other -- or we'll just -- we'll just need to make more of an effort to contact them and let them know that electronic voting is not going to happen in this particular election.

    And so, you know, again, we take it seriously and we intend to -- we are instituting policies to make sure this doesn't happen again.
In terms of -- in terms of why the vote wasn't counted, it is my understanding based on the letter that we received from your office, that Maxine Daniels, the former elections director, has indicated that it should've been -- it -- that it was received in time, but it wasn't counted. I have not been able to either confirm or deny that and have not spoken with anybody that has personal knowledge of that, and without Ms. Daniels being here, I am unable to confirm or deny that fact.

However, again, we're putting policies in place now to prevent this from happening in the future and any additional clarity that perhaps the secretary of state's office or the elections board would like to direct us to do as it relates to municipal elections that don't allow electronic voting, we're happy to work with you on that.

In terms of the second complaint, that has to do with access to -- that has to do with access to the voting locations. Again we do not dispute the factual findings. It is unclear exactly how long this particular door was locked, but it is our understanding that there is an automatic locking mechanism in -- in certain schools. And so doors were locked without -- without anybody actually physically
locking them. They locked on their own. And as soon
as our staff became aware of that, they opened it
immediately. We do not -- again, we don't know
exactly how long it was. We do not believe it was
very long and we've also now added staff members to
each school location to ensure that this doesn't
happen in the future.

I'm happy to answer any questions.
Otherwise I would request that you issue a letter of
instruction.

MR. RAFFENSPERGER: Any questions?

MR. BRYAN: Thank you.

MR. WORLEY: I do have some questions.

MR. RAFFENSPERGER: Mr. Worley.

MR. WORLEY: The automatic locking
mechanism that some DeKalb County schools have, I
think that's what you said.

MR. BRYAN: It -- it is -- that is my
understanding, yes.

MR. WORLEY: Okay. And is that the
case with the DeKalb School of the Arts?

MR. BRYAN: Yes, that is with DeKalb
School of the Arts.

MR. WORLEY: Okay. All right, thank
you.
MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I would make a motion that the allegation for the potential violations relating to the handicapped access be dismissed because it doesn't seem to be that there was anything in that one instance that the election board could've done to prevent it from automatically locking. And they resolved it as soon as they knew about it. And also they have taken steps to make sure it doesn't happen again. So I would move for that one violation alone, that that be dismissed.

MS. SULLIVAN: Are you going to have two separate motions?

MR. WORLEY: I'm only making one motion, yes, the motion that I made.

MR. RAFFENSPERGER: For Allegation Number 2.

MR. WORLEY: For Allegation Number 2, yes.

MR. RAFFENSPERGER: Okay, do we have a second on the second allegation?

(no response)

MR. RAFFENSPERGER: I need a second if there's going to be a second for dismissal.
(no response)

MR. RAFFENSPERGER: Hearing none, that motion fails. Okay.

MS. SULLIVAN: Mr. Chairman, I make a motion that a letter of instruction be issued and that violation for -- I think it's the obligation of the board to make sure that the doors aren't locked -- aren't locked. So I would -- I would make a motion that a letter of instruction be issued on that.

MR. RAFFENSPERGER: Move to Allegation 1. Do you want to address that one at the same time?

MS. SULLIVAN: And I'll make the -- well, yes, we'll try that. I move for the first allegation be bound over to the attorney general's office.

MR. RAFFENSPERGER: So we have a motion for Allegation 1 bound over to the attorney general's office and for Allegation 2, a letter of instruction be sent. Do we have a second for that one? Is that a second, Senator Harp?

MR. HARP: Yeah.

MR. RAFFENSPERGER: So then before us today, do I have any more discussion on that?

(no response)

MR. RAFFENSPERGER: Then all those in
favor of that Allegation 1 would be bound over to the
attorney general and the second allegation, a letter
of instruction -- all those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MR. LEWIS: Mr. Secretary, we're going
to switch off. Would this be a good time for the
executive session?

MR. RAFFENSPERGER: The only question I
have is we have four people here that are -- they came
here and if we can do them before lunch, if that's
okay to the committee. That way they can get on down
the road, so just to respect their time. So if we
could do that, let's knock these four more cases out.

MS. WATSON: The next case that I show
is Tab Number 61, Case Number 2016-006, Paulding
County, felon.

In January of 2016, Paulding County
election supervisor Deidre Holden reported that Judy
Dianne Chastain had applied for voter registration in
December of 2015. Ms. Chastain was later determined
to be under sentence of felony probation at the time
of the application.
Investigation verified that Judy Dianne Chastain was currently serving a felony probation sentence through September of 2019. It was determined that while serving the felony probation Ms. Chastain voted in two elections: the general election held in Cobb County on November 6, 2012 and November 4, 2014. The explanation provided as to why Ms. Chastain was not on the felon list was that when her conviction information was entered by the jurisdiction, they did not provide enough identifying information for a match to have been identified with when compared to the voter list.

Cobb County Elections would have had no way of knowing she was not qualified to vote at the time she presented herself as an elector.

We are recommending that Judy Dianne Chastain be bound over to the AG's office for 21-2-216(b).

**MR. RAFFENSPERGER:** Does anyone want to come speak to this?

**MS. HOLDEN:** I'm just available for questions.

**MR. RAFFENSPERGER:** Did anyone else want to speak to this? Members? Do you have any questions for the election supervisor?
MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I make a motion that we bind this case over to the attorney general.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second.

MR. RAFFENSPERGER: Any further discussion?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of binding this over to the attorney general's office?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is Tab 63, Douglas County, 2016-008.

In January of 2016, the elections division reported that Douglas County was sent a voter postcard application for an electronic ballot delivery. On January 15, 2016, the applicant failed to list a political party preference on the
application. Douglas County was late sending a ballot until they contacted the applicant on January 19, 2016. On January 19, 2016, Douglas County requested an electronic ballot to be sent to the applicant. The electronic ballot was issued three days past the deadline of January 16, 2016.

The investigation shows that Douglas County should have entered election -- Elector Damien Allen in the system and they could've sent him a voter write-in absentee ballot. Douglas County could've rejected the application by saying there was not enough information. Douglas County attorney David Cole responded that there were issues with the ballot as it was and the applicant failed to select the party preference and it was confusing as to where he wanted the ballot to be sent. Attempts were made to contact the applicant. Due to the holiday on Monday, it delayed sending of the ballot.

We're recommending Douglas County Board of Election and Registration and Laurie Fulton, election supervisor from Douglas County, be bound over to the AG's office for 21-2-384(a)(2).

MR. RAFFENSPERGER: Anybody like to speak to this?

MR. COLE: (moving forward)
MR. RAFFENSPERGER: Come down the center. There's a microphone for you. Will you state your name for the record, please.

MR. COLE: Good morning. David Cole on behalf of the Douglas County Board of Elections and Registration. There's three points I think are important to understand this case.

The first is that the slated deadline of January 16th, which was 45 days prior to the date of the presidential primary preference, was a Saturday. And under O.C.G.A. 21-2-14 when a deadline for action falls on a weekend or a legal holiday, the deadline carries over to the next business day that is not the weekend or legal holiday.

In this case, that means the deadline for mailing these ballots was Tuesday, January 19th because Monday the 18th was the Martin Luther King Jr. holiday. That is in fact the day that this ballot was mailed, so therefore the board complied with the deadline and there was no violation.

Second of all, O.C.G.A. 21-2-384 only requires that a absentee ballot be mailed to eligible applicants within 45 days before the election. And then for additional applicants that are determined to be eligible after that date, that should be mailed
after determining their eligibility.

And in this case, the voter Damien Allen was not previously registered. So when he sent in his postcard application, that constituted both his application to register and his request for the ballot. Well, at that time, he wasn't yet determined to be eligible to vote because he hadn't completed his registration. The board has to enter his data into the department of driver services system to confirm the match of the data. That was not confirmed by the department of driver services until Saturday the 16th. That's referenced in the investigator's report.

Obviously offices were closed that weekend and on the Martin Luther King holiday. So when the offices reopened on Tuesday, they saw that his eligibility had been confirmed. They properly registered him and immediately sent him the ballot. So in accordance with 21-2-384, even if the 16th on a Saturday was the deadline, they still complied because his eligibility wasn't determined until registration was completed.

Lastly, O.C.G.A. 21-2-381 says that an absentee ballot application must contain sufficient information to identify the primary election runoff in which the elector wishes to vote. In this case, the
elector did not specify which presidential preference primary he was asking to vote in. So there was no way that the board could determine which ballot to send him because he didn't indicate which primary he was voting in. So the application itself didn't meet the requirements and could not be issued a ballot.

Now, I suppose the board could've rejected the application at that time, but I don't think that's really in the best interest of the voter. What they attempted to do was contact the voter to get the information on which primary he wanted to vote in. Once he provided that, they sent the ballot right away.

And so because of these three reasons, we respectfully submit there was no violation in the case and that a letter of instruction is not appropriate and the case should instead be dismissed.

MR. RAFFENSPERGER: Any questions?

MR. WORLEY: Mr. Cole.

MR. COLE: Yes.

MR. WORLEY: And was the vote counted?

What happened with his ballot?

MR. COLE: He never even submitted the ballot. He was issued a ballot and he did -- he did not -- he did not submit a ballot.
MR. WORLEY: Okay, but had it --

MR. COLE: The voter --

MR. WORLEY: Had it been submitted, it would've been counted, correct?

MR. COLE: Yes.

MR. RAFFENSPERGER: Any other questions?

(no response)

MR. RAFFENSPERGER: Thank you.

MR. COLE: Thank you.

MR. RAFFENSPERGER: What is the ruling of the committee?

MR. WORLEY: I would make -- due to the evidence that the attorney for Douglas County has presented -- I'm sorry -- given the evidence that the attorney for Douglas County has presented, I would move that this case be dismissed.

MR. RAFFENSPERGER: Do we have a second?

MRS. LE: I'll second that.

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

(no response)

MR. RAFFENSPERGER: All those in favor of dismissing Case Number 2016 --
MR. WORLEY: Aye.

MR. RAFFENSPERGER: -- 008 --

MR. WORLEY: Oh, I'm sorry.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is Tab 64, Paulding County, 2016-009.

In January of 2016, it was reported that Paulding County erroneously entered a UOCAVA voter into E-Net with a ballot issue date that indicated they had mailed a ballot. But the voter requested electronic ballot delivery and when Paulding corrected the status to electronic ballot delivery, it showed no ballot being issued by the deadline.

Investigation substantiated the allegation. Absentee ballot clerk Lacy Dunn mistakenly entered a mailed date when processing the request from Elector Kristen (ph.) Wilson and also checked the request for electronic ballot. The system would not send an electronic ballot due to the mail date being entered. Once the issue was discovered, it was corrected and an electronic ballot delivered three days past the deadline. The electronic ballot was
returned prior to the March 1 PPP deadline.

We're recommending the Paulding County Board of Elections and Registration and Deidre Holden be bound over to the AG's office for 21-2-384(a)(2).

Mr. Raffensperger: Okay. Would someone like to speak to this case?

Ms. Holden: (standing at microphone)

Mr. Raffensperger: Identify yourself, please, for the record.

Ms. Holden: Deidre Holden, election supervisor, Paulding County. The first thing I want to let the board know, and Mr. Secretary, is this was a self-reported incident. We take our UOCAVA voters very seriously.

We received Ms. Wilson's application on January the 14th. The deadline was the 15th. What we had to do was -- it was a federal postcard application, she was not a registered voter. She had to go through the verification process. We entered her in on the 14th, she verified overnight, and on the 15th was when we issued the ballot.

The reason why the ballot was not issued is the Election Net System allowed us to put in a mail date as well as an electronic ballot date. When we request an electronic ballot, we are sent an
e-mail from the system stating -- it's basically a
copy of the letter that the voter has received that
you have been issued an electronic ballot.

    When Ms. Dunn realized that she had not
received that in the proper time, we knew there was a
problem. We immediately called Erica Hamilton who was
working for the secretary of state at the time and
(indiscernible) Eglin (ph.) who was the UOCAVA
liaison. And immediately they saw what the issue was.
The system, in my opinion, should have never allowed
us to enter a mail date when the EBD was already
checked. We did not get to issue the ballot until the
19th. Ms. Wilson was actually residing in
New Zealand. She got her ballot and she returned her
ballot and her ballot was voted.

    I am requesting either a dismissal of
this or a letter of instruction. We have also put
practices in place with our absentee process now that
no one, even if it's an EBD ballot, is to ever enter
in a mail date. And we have requested that there be a
prompt to come up into Election Net that when you
issue something like that, that could become an issue
that it would not allow. There are prompts that do
come up in Election Net when we change a street or
change the number on a street. With something as
important as a UOCAVA vote, I think we should be
prompted there, saying: Do you really want to enter a
mailed date.

So that is the issue that we have. I'm
very thankful that our UOCAVA voter did get to vote
and her vote counted.

So I am requesting either a dismissal
or a letter of instruction. If you have any
questions, I'll be glad to answer those.

**MR. RAFFENSPERGER:** Members, any
questions?

(no response)

**MS. HOLDEN:** Thank you.

**MR. RAFFENSPERGER:** Thank you so much.

Okay, it's before us. Do we have a
motion on this case?

**MR. HARP:** Sorry, what was that again?

Dismiss?

**MR. WORLEY:** I move to dismiss.

**MR. RAFFENSPERGER:** You move to
dismiss, okay.

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

**MR. WILLARD:** I'm sorry, what was the
motion?

**MS. SULLIVAN:** To dismiss.
MR. RAFFENSPERGER: Motion to dismiss.

MR. WILLARD: Mr. Secretary, may I be heard for a moment?

MR. RAFFENSPERGER: Yes.

MR. WILLARD: In light of the state's history in mitigating the UOCAVA issue and the fact that this case does not possess some of the same factual circumstances as the previous case where errors were made by the applicant, I would actually ask the board to consider in lieu of dismissing issuing a letter of instruction in this case.

MRS. LE: Thank you for being here.

MS. HOLDEN: You're welcome.

MRS. LE: So this is UOCAVA -- issuance of UOCAVA ballots is a somewhat of an important but yet routine --

MS. HOLDEN: Yes.

MRS. LE: -- part of any election.

MS. HOLDEN: Yes.

MRS. LE: So has this happened in the past and why this time and not others? And why before the additional procedures were in place?

MS. HOLDEN: We've never had this issue. It's just -- it was a human error. She put the --
MRS. LE: Oh --

MS. HOLDEN: -- the EBD was already marked and the system allowed her to enter a mail date. It was just error. She didn't -- she was not supposed to have put the mail date in, but she did. Even though EBD was marked, it was -- it was allowed in the system.

We -- we normally have -- and I'm fortunate of this, we normally service over 200-plus UOCAVAs during presidential elections and this happened one time. So I think that speak volumes about our absentee balloting.

MRS. LE: And in your corrective action and plan, does it include training --

MS. HOLDEN: Yes.

MRS. LE: -- and being refreshing classes --

MS. HOLDEN: Yes.

MRS. LE: -- or refresher classes?

MS. HOLDEN: We go through this every election. And I know my people are experienced, they've been working with me for years, but we still sit down and we -- we adopt a plan of action. We make sure that we're dotting every "i" and crossing every "t". It's very important.
MRS. LE: Thank you.

MR. RAFFENSPERGER: So thank you, Ms. Holden.

There's a motion before us and there's a second. We also heard from the attorney general's office and their recommendation would be to -- in lieu of dismissal, do a letter of recommendation -- a letter of instruction.

So the choice is the person who made the motion, it's their right, they could withdraw it or we can proceed with the vote.

So is there any further discussion? If not, I'll call the vote.

(no response)

MR. RAFFENSPERGER: All those in favor of dismissal signify by saying aye.

MR. WORLEY: Aye.

MR. RAFFENSPERGER: All those in favor -- all those opposed say nay.

THE BOARD MEMBERS: Nay.

MR. RAFFENSPERGER: Looks like the nays have it. This is still before us then.

MS. SULLIVAN: Based on the advice of the attorney general, I'll move that a letter of instruction be issued instead of a dismissal.
MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: Okay, we have that before us. All those in favor of a letter of instruction being sent, aye if you support that.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any of those opposed say nay.

(no response)

MR. RAFFENSPERGER: Motion carries. Letter of instruction will be sent.

MS. WATSON: The next case is Tab Number 67, Case 2016-23, Clayton County.

On March 7, 2016 Clayton Board of Elections and Registration self-reported that one of their poll managers had failed to retrieve a memory card from a DRE unit at the close of polls and transport the card to the election office.

Investigation confirmed the report.

Brad Lacey was the poll manager for the polling station, Riverdale 11, in Clayton County. Mr. Lacey did not use one of the DRE machines during the election and failed to retrieve the memory card for the unit at the close of polls. It was discovered once all of the election materials were turned in to the Clayton County elections office at approximately
9:30 election night. It took until approximately 3 a.m. to get a key holder to come out in order to retrieve the memory card. The memory card showed a zero count.

We recommend the Clayton County Board of Elections and Registration and Laterrial Francis, acting Clayton County election supervisor at the time, and Brad Lacey, poll manager, be bound over to the AG's office for the listed violation.

MR. RAFFENSPERGER: Is there anyone to speak to this?

MR. REID: (approaching the microphone)

MR. RAFFENSPERGER: If you would identify yourself, please.

MR. REID: Good afternoon, Mr. Secretary and the board. My name is Mr. Charles Reid and I represent the board and Ms. Francis in this matter.

The first thing I want to state is that the letter that was provided to us did not give a -- any notice that Ms. Francis was facing a violation. It only talked about Mr. Lacey. It just said potential violations but didn't say exactly what it was, so we would just raise that as an issue that she wasn't given any notice that she was facing anything.
But factually, I'll just summarize that
she's here to answer any questions. The -- this was a
self-reported issue. Ms. Francis had provided
training to all staff per usual guidelines. And this
poll manager was working that particular day, didn't
use the machine, and just failed to pull the card.

She was not present at that location
obviously. She was conducting the calculations -- or
the tabulations for all of the -- the votes and
realized that that particular precinct was missing a
card. She called the secretary of state and let them
know that. Because it was a location that had already
been locked by the time, it took some time to get that
card. There was no vote done on that machine, so it
wasn't like there was a vote that was missing.

But because of the seriousness of the
allegation, she removed that poll manager from
operating as a poll manager and he would no -- did no
longer conduct any poll manager duties going forward.

Also, in addition, Ms. Francis is no
longer the election supervisor. She continues to work
for Clayton County but in a different role. And so we
believe that it would be appropriate for this board to
dismiss the allegations against her. First for the
notice issue, also for the fact that -- that she
provided training. She did have a plan in place, which was remove that person and not allow them to conduct any more poll manager duties and that it was a self-reported issue.

At best we believe that it would be a letter of instruction to her. And I don't know what -- what benefit that would be for her because she no longer works in elections at all. So we would just ask that the board would just dismiss this outright.

I don't speak for Mr. Lacey. And whatever the board wants to do with him, we don't have any issue with that.

But she's here to answer any questions that the board has.

MR. RAFFENSPERGER: Thank you. Just for the record, as I read it, she -- it's really poll manager Brad Lacey that the recommendation was for further action.

So that's how I read it, Ms.~Francis.

MS. WATSON: Mr. Secretary, we did notice Laterrial Francis in this case on March the 15th. We did send out a notice.

MR. REID: The notice does -- there's a -- there is a letter to her, but within the investigation summary, she's not listed as having done
any -- having any violations, at least in this summary that I have.

MR. RAFFENSPERGER: Correct. Thank you.

Is there any questions for the gentleman?

(no response)

MR. RAFFENSPERGER: Okay, what is the will of the committee?

MS. SULLIVAN: Ms. Watson, can you state again -- is the recommendation in this case no violations against Ms. Francis? Only the poll manager? Am I reading that correctly?

MS. WATSON: We recommended the board of elections and registration, Laterrial Francis, and Brad Lacey be bound over to the AG's office.

MR. RAFFENSPERGER: Okay, so it's both of them.

MS. SULLIVAN: I'll make a motion that the Clayton County Board of Elections and Registration be bound over to the AG's office and that the remaining two respondents be dismissed.

MR. RAFFENSPERGER: Is there a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: We have a second.
Any further discussion?
  
  (no response)

  **MR. RAFFENSPERGER:** Hearing no further discussion, all those in favor of sending this to attorney general's office please sig -- please do so by signifying aye.

  **THE BOARD MEMBERS:** Aye.

  **MR. RAFFENSPERGER:** Any opposed?

  (no response)

  **MR. RAFFENSPERGER:** Motion carries.

  Before we break for lunch, was there anyone else that was here that's come to speak for these new cases that we have before us?

  (no response)

  **MR. RAFFENSPERGER:** That being the case, what we need is a motion to break for lunch and also have an executive session to discuss a legal matter. Do we have a motion for that?

  **MS. SULLIVAN:** I'll make a motion that this board enter executive session for the purposes of discussing pending litigation.

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

  **MR. RAFFENSPERGER:** Okay. We'll be back in -- I forgot to take a vote. All of those in favor of going into an executive session to discuss
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.
We're breaking. We'll be back at 1:30
if that works for everyone. Thank you.

(Break taken)

MR. RAFFENSPERGER: It's just past
1:36. We were in executive session. Will there be a
motion?

MR. WORLEY: I make a motion that we
come out of executive session.

MRS. LE: Second.

MR. RAFFENSPERGER: All those in favor.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MS. SULLIVAN: For the record, no
action was taken.

MR. RAFFENSPERGER: Right. And that
leads us back to Mr. Lewis. What case are we on right
now?

MR. LEWIS: 2015-074, City of Cordele,
districting issue. Tab Number 55 in your binders.
MR. RAFFENSPERGER: Okay.

MR. LEWIS: If the board's ready, I'll proceed.

MR. RAFFENSPERGER: We're ready.

MR. LEWIS: The community-activist group My Brother's Keeper filed a complaint with the secretary of state's office after being made aware that two electors were listed in the wrong voting district and cast ballots in the wrong voting district.

The Crisp County Elections Office then instructed them to cast a second ballot, provisional ballot, for the district in which they lived.

The investigation found that 74 Cordele residents who lived at -- on Rainbow Drive, W 17 -- and West 17th Avenue were placed in the incorrect voting wards. Two of those Cordele residents, Ricky Redding and Taniesha King, voted early in the November 2015 election. They both informed poll workers that they cast ballots in a ward that they did not live in.

Mr. Redding voted in Ward 2 and should've voted in Ward 1. Mr. Redding was allowed to cast a provisional ballot in Ward 1 and it was counted.
Ms. King voted as a county voter when she should've been listed as a city resident. Ms. King was allowed to vote a provisional ballot for the city election and it was also counted.

District lines in the City of Cordele were redrawn in 2011 based on the U.S. Census data from 2010. It remains unclear to us and I think unclear to the City of Cordele and Crisp County as to how the district lines did not get updated in 2011 based on that census information.

However, Ms. Perkins with the county elections office readily accepts responsibility. Their office should've caught the error and taken steps to prevent future problems.

We would recommend that the City of Cordele and the Crisp County Board of Elections and Registration Office be bound over to the attorney general's office for 21-2-226(c), duties of placing in the maps and working out the maps between the city and the county, making sure all of that information was correct, and they failed to review those changes and that Becky Perkins and Crisp County Elections -- the election supervisor and the Crisp County Board of Elections and Registration be bound over for SEB Rule 183-1-12-02, conducting elections, when they allowed
two electors to cast additional ballots.

I’d put before you during the break for executive session letters that we received from Ms. Perkins, and I’ll be happy to read her letter to you. As the board remembers, we had this case at the last meeting and it was undecided, the board action. It was tie between being bound over to the attorney general's office and letters of instructions.

So Ms. Perkins writes (reading): In regards to the case pending, the Office of Crisp County Elections and Registration does not plan to attend this meeting.

They were here last time.

(reading): As I recognize the laws and statutes concerning the complaint against us and value that what I’ve learned in conducting the first election in 2015 and about those responsibilities, I carry those lessons and learn countless others in every new election cycle. I regard the SEB proceedings with respect and I did not have anything to add from the information you have from Investigator Calhoun’s (ph.) findings. I feel sure the state election board will be fair.

**MR. RAFFENSPERGER:** Well, this is before some of the members from last year’s board --
there's two of us that are new, but do the members
have any comments to make about this case?

    MS. SULLIVAN: I would vote that this
case be bound over to the attorney general's office.

    MR. WORLEY: And I would second that.

    MR. RAFFENSPERGER: Do we have any
discussion on the motion?
    (no response)

    MR. RAFFENSPERGER: Okay. Hearing
none, all of those in favor of binding this over to
the attorney general's office please signify by saying
aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: All those opposed?
    (no response)

    MR. RAFFENSPERGER: Motion carries.

    MR. LEWIS: Mr. Secretary, the next
case that I have is SEB 2015-087, the City of Demorest
from Habersham County.

    In November of 2015, the election
supervisor of Habersham County self-reported to us
that the City of Demorest resident Ferman Stephens was
allowed to vote twice in the city election.

    Mr.-Stephens voted during the early
voting period on October 27, 2015. On election day,
November 3rd, Mr. Stephens and his wife went to the poll where he had told the poll worker that he voted early and wanted to make sure that it counted. The poll worker looked Mr. Stephens up in the ExpressPoll and found that he was not credited with having voted in the current election.

The poll worker created a voter access card for Mr. Stephens who proceeded to vote for a second time. The elections assistant in the office, Ms. Conlon (ph.) looked up Mr. Stephens in the EasyVote program and found that he had already voted on October 25, 2015 -- 27th, excuse me, of 2015, and immediately called the election supervisor. It was determined that on November the 2nd, when Ms. Ellison updated the only two ExpressPoll machines used during the election, they did not verify that all of those were updated in the system.

We would recommend that Habersham County Board of Elections and Registration; Laurel Ellison, election supervisor; and Johanna Owensby, poll worker be bound over to the attorney general's office for violation of a board rule.

We would also recommend that Habersham County Board of Elections and Registration and Laurel Ellison, election supervisor, be bound over to the
AG's office for a different board rule and I'll read you this one: 183-1-12-.07(8) Preparation of the Electors List for the ExpressPoll, and that Ferman Stephens, elector, be bound over to the AG's office for repeat voting in the same election.

And let me just repeat the first recommendation so that it's clear. The Habersham County Board of Elections and Registration; Laurel Ellison, the election supervisor; and Ms. Owensby, the poll worker be bound over for Board Rule 183-1-12-4 in conducting elections when she failed to manually check the paper list to determine if the voter was eligible to vote.

**MR. RAFFENSPERGER:** Any comments?

Anyone on the board?

(no response)

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

**MR. WORLEY:** I would make the motion -- Mr. Chairman, I would make a motion that we bind over Habersham County Board of Elections and Registration and Laurel Ellison and Johanna Owensby for violation of State Election Board Rule 183-1-12(4)(b) and we bind over Habersham County Board of Elections and Registration and Laurel Ellison for violation of State
Election Board Rule 183-1-12-.07(8) and that we bind
over Ferman Stephens, an elector, for a violation of

MR. RAFFENSPERGER: Do we have a
second?

MRS. LE: I'll second that.

MR. RAFFENSPERGER: Okay. Any
discussion on the motion?

(no response)

MR. RAFFENSPERGER: Hearing none, all
those in favor of binding over Habersham County Board
of Elections and Registration, Laurel Ellison, and
Johanna Owensby and also Ferman Stephens, elector, to
the motion signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case to be
presented is Tab Number 62, Case Number 16-007, Pike
County.

In January of 2016, it was reported
that Pike County failed to mail a UOCAVA ballot by the
January 16, 2016 deadline. Pike County received the
application on January 15, 2016 and the voter's status
was pending. Pike County erroneously believed they
could not issue a UOCAVA ballot at that time.

On January 19, 2016, the registrar's
office learned the voter's status was changed to
active and they issued her a UOCAVA ballot. This was
three days after the deadline.

On January 15, 2016, Elector Ashley
Spellman contacted the Pike County Registrars Office
about moving her voter registration back to Georgia.
Ms. Spellman was instructed to cancel her registration
in North Carolina and to fax a copy of the
cancellation document as well as the voter
registration for Georgia and a copy of her driver's
license. These documents along with an application
for an absentee ballot were forwarded on January 15,
2016. The ballot was mailed on January 19, 2016.

According to Ms. Chamblin, Ms. Spellman
had been previously moved to an inactive status in
Georgia and the system would not allow her to enter
Ms. Spellman until she was removed from pending status
which was on Tuesday, January 19, 2016.

We recommend the Pike County Board of
Regis -- Registrar Ms. Sandi Chamblin, former Pike
County Chief Registrar be bound over to the AG's
office for 21-2-384(a)(2), mailing of ballots.
MR. RAFFENSPERGER: Okay, thank you very much. Any questions or discussion?

MS. SULLIVAN: Yes, I just want to ask a question.

Is this the same as the UOCAVA case we had last time, where the 16th was the deadline and it fell on a Saturday. Based on Georgia law, Monday would've been the (indiscernible) day?

MR. RAFFENSPERGER: And the --

MR. WILLARD: Well, actually Tuesday because Monday was a state holiday --

MR. RAFFENSPERGER: Martin Luther King Day.

MS. SULLIVAN: All right, Tuesday. Is this the same type of case as the first UOCAVA case being considered today?

MR. WILLARD: Yes, the one --

MS. SULLIVAN: The way the dates fell would prevent -- would prohibit this ca -- this particular application to be processed in a timely --

MR. WILLARD: These are remarkably similar facts in the same election cycle as what the board did for another one before.

MR. WORLEY: If that's the case, I would move that we dismiss this case.
MR. RAFFENSPERGER: That's a motion?

MR. WORLEY: Yes.

MR. RAFFENSPERGER: A second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any discussion?

(no response)

MR. RAFFENSPERGER: Hearing no discussion, all those in favor of dismissing this case, 2016-007, signify by saying aye.

MR. WILLARD: Mr. Secretary, before you take a vote, the motion is to dismiss and not issuing a letter of instruction.

MR. RAFFENSPERGER: That's correct.

MS. SULLIVAN: I believe that we issued a motion to dismiss in the first UOCAVA case, it would be similar.

MR. WILLARD: No. What -- the first letter of instruction suggests was a failure to mark the -- election wasn't validated -- wasn't mailed out of Paulding County and that actually got a letter of instruction. I requested a letter of instruction go out.

MS. SULLIVAN: Right.

MR. RAFFENSPERGER: Uh-huh.

MS. SULLIVAN: I thought that the facts
were similar to the first case where it was the -- the
dates were the issue.

**MR. WILLARD:** They're all that window
of the extended Martin Luther King weekend.

**MR. RAFFENSPERGER:** So does the
attorney also have a preference for a letter of
instruction?

**MR. WILLARD:** I would ask the board to
consider a letter of instruction for this set of
facts.

**MR. RAFFENSPERGER:** So we have a
choice --

**MR. WORLEY:** Well, I thought the
distinction was that it was the Election Net System
that caused the problem, that that was -- that was
true to the first case that we discussed, the case
that was not in Paulding County --

**MS. SULLIVAN:** I would --

**MR. WORLEY:** -- and that this is more
similar to that, the first case --

**MS. WATSON:** I would ask for a point of
clarification. If Chris could, I think they were --
Pike County was stating that they could not issue the
ballot because it was in a pending status. Is --
could they have issued a UOCAVA if it was in pending
status? I think they were erroneous -- erroneously
believed that. So they could have issued it is the --
is the reason why we're recommending that they be
bound over, is our understanding.

MR. RAFFENSPERGER: Do we have a --

MS. WATSON: So the ballot could have
been issued on -- on time.

MR. RAFFENSPERGER: We have a motion
before us. Are we going to vote it?

MRS. LE: I have a question.

MR. RAFFENSPERGER: Go ahead.

MRS. LE: What -- just from a
procedural processing point, if you had issued a
ballot with pending status and then it turns out that
for whatever reason it was not approved --

MR. HARP: You can issue a provision
ballot -- provisional ballot pending status.

MR. WORLEY: I with -- I withdraw my
motion.

MR. RAFFENSPERGER: Motion has been
withdrawn. Do we have another motion?

MR. WORLEY: Well, I would make a
motion that we issue a letter of instruction to Pike
County in this case.

MS. SULLIVAN: Second.
MR. RAFFENSPERGER: Was that a second?

MS. SULLIVAN: Yes, it is.

MR. RAFFENSPERGER: I think we've talked this out. So no further discussion?

(no response)

MR. RAFFENSPERGER: All those in favor of issuing 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 Tab Number 65, 2016-10, Bleckley County.

In January of 2016, the elections division reported that Bleckley County failed to mail a UOCAVA ballot by the January 16, 2016 deadline. Bleckley County received the application on January 15, 2016. A UOCAVA ballot was mailed on January 19, 2016.

Bleckley County's registrars office received an electronic UOCAVA absentee ballot application from Elector Jerry Maddox Woodbury (ph.) on January 13, 2016. On January 14th, the absentee ballot clerk Melanie Witte sent Mr. Woodbury an e-mail
because the application had failed to select a ballot style as well as to sign his complete name to match what was on file.

Due to the holiday, it delayed the mailing of Mr. Woodbury's ballot. Mr. Woodbury made the requested changes and e-mailed a second application to the registrars office, and that application was documented received on January 15, 2016. The ballot was not mailed to the elector until January 19, 2016.

We recommend Bleckley County Board of Registrars and Glennis Douglas, Chief Registrar of Bleckley County be bound over to the AG's office for 21-2-384(a)(2), mailing of ballots.

**MS. SULLIVAN:** I would like to ask the attorney general's recommendation prior to making any motion.

**MR. WILLARD:** Thank you. I was going to jump in this time.

I would ask the board to consider a letter of instruction in this case. This is the same election cycle where the deadline fell on a Saturday.

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

**MR. WORLEY:** I'll second that.
MR. RAFFENSPERGER: Is there any further discussion?

(no response)

MR. RAFFENSPERGER: All those in favor of issuing a letter of instruction in Case Number 2016-010, Bleckley County, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: And the next case is Tab 66, 2016-14, Glynn County.

In January of 2016, Glynn County Election Supervisor Tina Edwards reported several absentee ballots were hand-delivered to the elections office during the November 3, 2015 election, but the voters were not physically disabled. Investigators followed-up on the ballots that were hand-delivered and found that they were delivered by relatives.

We're recommending no violations be cited due to the attorney general's opinion.

And during the investigation it was learned that Willodeen James voted her daughter's, Delphinia~(ph.) James', absentee ballot and signed her
daughter's name to the oath. Delphinia James acknowledged she was out of town and requested her mother to vote the ballot and sign her name.

We're recommending that Willodeen James be bound over to the AG's office for 21-2-562(a)(1), fraudulent entries and 21-2-568(a)(2), interfering with an elector.

MR. RAFFENSPERGER: Do we have any questions?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I make a motion that we bind over Willodeen James to the attorney general's office for further action.

MR. RAFFENSPERGER: Do we have a second?

MRS. LE: I'll second that.

MR. RAFFENSPERGER: I have a second. Is there discussion on the motion?

(no response)

MR. RAFFENSPERGER: Not hearing any, I call the question. All those in favor of binding this over to the attorney general's office as a continuing motion for Case Number 2016-014, Glynn County, please
do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is Tab 68, 2016-052, Gwinnett County, districting issues, the seat for Georgia Senate District 5 held by Senator Curt Thompson.

Senator Thompson challenged the qualifications of Artur Bumburyak to oppose Senator Thompson in the May 24, 2016 general primary based upon the opponent's eligibility for candidacy regarding the residency requirement.

Senator Thompson contended that Mr. Bumburyak has not resided in District 5 for the prescribed period of one year prior to the election to office. Senator Thompson filed a petition with the office of state administrative hearings to challenge Mr. Bumburyak's eligibility to run for state office based on Mr. Bumburyak's having not resided in District 5 for the period of one year prior to election to office.

The hearing was scheduled for April 7, 2016 and Mr. Bumburyak did not appear. The judge gave
him until four on the date of the hearing to provide
documentation that he met residency requirements and
no documentation was provided.

The OSAH judge, Michael Malihi, deemed
Mr. Bumburyak was not qualified to be a candidate for
the District 5 seat due to his failing to establish
eligibility. The address provided in the affidavit
and declaration of candidacy was 2156 Old Camp Circle,
however the property records show the property owned
by Mr. Bumburyak to be 2176 Old Camp Circle which is
in District 55, not District 5.

We recommend that Artur N. Bumburyak be
bound over to the AG's office for 21-2-565(a), making
of false statements, and dismiss the -- a
recommendation of 21-2-5(a), qualification of
candidates, as that was handled at the OSAH hearing.

MR. RAFFENSPERGER: Okay, thank you
very much. Any questions?

(no response)

MR. RAFFENSPERGER: Do we have a
motion?

MRS. LE: I have a question.

MR. RAFFENSPERGER: Okay. Mrs. Le.

MRS. LE: So is there -- Mr. Bumburyak
stated that he wasn't aware, he was confused. Or did
he know that -- I think 565(a) -- 21-2-565(a) talks about "knowingly." Do you have any more facts as to that, other than that he stated he wasn't aware, he was confused?

**MS. WATSON:** I don't -- let me check the file so I can make sure that we have the -- I'm not sure that he provided us with a statement (reviewing).

It does state that he -- he stated he was confused at the time of his filing, that he believed his residence to be in Senate District 5 when in actuality the residence was in District 55.

**MRS. LE:** Though these districts are nine miles apart?

**MS. WATSON:** Yes.

**MS. SULLIVAN:** And the respondent was given notice that he could attend this meeting today?

**MS. WATSON:** Yes.

**MS. SULLIVAN:** I'll make a motion that we bind over -- is this appropriate for a motion?

**MR. RAFFENSPERGER:** Yes, it is for a motion.

**MS. SULLIVAN:** We bind over this case for (indiscernible) the violation of 21-2-565(a) and dismiss the other potential violation regarding
21-2-5(a).

    MS. WATSON: That --

    MS. SULLIVAN: Is that the recommendation?

    MS. WATSON: It --

    MS. SULLIVAN: The other way around then. Let me restate the motion. Sorry, I got confused on my statutory references. So bind over in the case on 21-2-5(a) and dismiss the allegation regarding 21-2-565(a). Is that correct?

    MS. WATSON: Your recommendation is to bind over 21-2-565(a) and not 21-2-5(a).

    MS. SULLIVAN: Oh, that was what I said the first time. That's what I said the first time. I renew my initial motion.

    MR. WORLEY: Second.

    MR. RAFFENSPERGER: Second. We have a second. Is there any discussion on the motion? (no response)

    MR. RAFFENSPERGER: Not hearing any, all those in favor of the motion before us for 2016-052 signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any of those that are opposed?
(no response)

MR. RAFFENSPERGER: Not hearing any, the motion carries. Okay.

We are now ready for the attorney general reports, and four cases in consent orders and two in dismissals.

Does the attorney general want to add anything to these cases before we --

MR. WILLARD: If the board has any questions, I'll be happy to respond, but otherwise I'd ask you to enforce the order.

MR. RAFFENSPERGER: Do we want to pull any of these cases or move forward with them all on the block?

(no response)

MR. RAFFENSPERGER: On the block, do we have a motion?


MR. WORLEY: I'll second that motion.

MR. RAFFENSPERGER: Do we have any discussion?
(no response)

MR. RAFFENSPERGER: Not hearing any, all those in favor of the motion that's before you please vote aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Not hearing any, there's a motion -- that motion carries.

MS. SULLIVAN: Thank you.

MR. RAFFENSPERGER: Yes.

Okay. I don't believe there's any other business before us today. That being the case, do we have a motion to adjourn?

MR. WORLEY: So moved.

MR. RAFFENSPERGER: Is there a second?

MRS. LE: Second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: We are adjourned.

Thank you very much for being here today. Thank you, fellow board members. I appreciate all the help you have given us in this first (indiscernible).

(Adjourned at 1:57 p.m.)
CERTIFICATE

STATE OF GEORGIA }
COUNTY OF DEKALB }

I, Mary K. McMahan, Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing pages, 4 through 176, line number 24, constitute, to the best of my ability, a complete and accurate transcription of the proceedings and were accurately reported and transcribed by me or under my direction.

I further certify that I am neither related to or counsel to any of the parties herein; nor have any interest in the outcome of the above-styled proceedings.

This certification is expressly denied upon the disassembly and/or photocopying of the foregoing transcript, or any portion thereof, unless such disassembly/photocopying is done by the undersigned and original signature and official seal are attached thereon.

WITNESS my electronic signature this the 2nd of July, 2019.

**Mary K McMahan**

Mary K. McMahan
Certificate No. 2757
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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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.
Okay. On public comments, you'll have to have folks stand up. Kevin -- Mr. Rayburn has a mic for you. Yeah, we do, we have --

MR. RAYBURN: Check, check.

MR. RAFFENSPERGER: Okay. And before we get going, I guess the people that are following the office closely -- we've reached an agreement a few days ago and yesterday posted our comments on that. And basically, what we said was we were requesting -- requesting the re-examination of the new paper ballot voting system. Almost immediately after it was thoroughly tested and passed by an independent testing lab. It is a waste of everyone's time and resources and frankly, it’s silly.

At some point, people need to accept that the Georgia General Assembly did not agree with their policy preferences, and you can decide if you want to be a hinderance or a help to Georgia moving to a new paper ballot voting system. Our office will comply with the legal requirements to conduct the re-examination and the actors requesting the re-examination will help pay for it. We have not yet posted the costs for re-examination because this system was just secured and certified. We're currently reviewing how the re-examination should proceed and what that cost would be. The re-examination will not at all interfere with the timing -- timeline for
implementing the new paper ballot system by the March 21 presidential primary. Thank you.

So our first person today is George Balbona.

MR. RAYBURN: Will you please state your name, where you live? We have a transcriptionist, so try to talk slowly and clearly and stand about here so that they can see your mouth.

MR. BALBONA: Not my first rodeo, Kevin. Hey there. My name is George Balbona. B-a-l-b-o-n-a. I live in Cobb County. I wanted to talk about the Secretary of State Office hiring Teresa Payne's company Ford Elise Solutions to conduct three ostensibly cyber security evaluations/risk assessments. This was done in October 2017, February 2018, and November 2018.

In October 2017, Ford Elise found 22 vulnerabilities. In February 2018, Ford Elise found 15 security risks including significant risk to the voter registration database. In November 2018, 19 of the 22 vulnerabilities had failed to be remediated for the 2018 mid-term elections. A penetration test successfully obtained domain administration rights over the Secretary of State's network. That's not good. All right, Ford Elise was told about the breach of the CES server at KSU but was not asked to investigate and -- investigate it or conduct a breach assessment which is something that they do. At no
time -- at no time during these assessments did the scope
of these evaluations include any evaluation of Georgia's
current election system, DREs, memory cards, scanners, or
the GENS database. So forgive me if I don't think that
your certification of the BMD is worth the paper it's
printed on.

This is the equivalent to having a heart attack and
having a cardiologist give you a clean bill of health
without looking at your heart or checking your blood
pressure. You haven't looked at the security whatsoever.
That's Georgia law. You should look into it, Brad.

MR. RAFFENSPERGER: The next speaker is Mr. Garland
Favorito.

MR. FAVARITO: I'm Garland Favorito. I'm here today
from Roswell, Georgia. Mr. Chairman, in February 2002, I
wrote to Professor Williams and Assistant Secretary Barnes
that the machines that were under evaluation had
constitutional problems, and they could not produce
results that could be verified by voters, audited by
election officials, or recounted for candidates. We were
ignored. I even asked if they would authenticate it on
their own and trial and went to the Georgia Supreme Court.
The Georgia Supreme Court failed to apply a legal standard
of strict scrutiny to our constitutional right to vote and
dismissed the case.
In 2009, I took the evidence in that case to this board and gave it to the Inspector General. She confirmed that she had my evidence, and then wrote to me to explain that she had lost my case in its entirety. In 2017, 20 computer scientists wrote to the office to urge them to get off of these machines and offered them help for the same reasons that I gave in 2002 15 years earlier.

Last week the U.S. District Court banned our current voting system because it impairs our constitutional right to vote just as I said 17 years ago. Now, the legislators and the Secretary of State’s office wants to give us a new unverified voting machine that hides the votes in an embargo so that the voter cannot verify. I’m predicting right now that that voting machine will be declared unconstitutional same as the old. So folks, I want to appeal to the County Election Directors here. I told you the truth for 17 years and you have been lied to. If you don't believe me, read the U.S. District Court ruling. It is absolutely unequivocal. Thank you.

MR. RAFFENSPERGER: Ms. Elyisa Goldklang.

MS. GOLDKLANG: Well, it’s Elyisa --

MR. RAFFENSPERGER: Elyisa.

MS. GOLDKLANG: Goldklang. I'm German and it’s a beautiful sound.

MR. RAFFENSPERGER: I'm sorry.
MS. GOLDKLANG: Good morning. My name is Elyisa Goldklang, and I'm from Cobb County. First of all, I want to thank the board members for their service to the people of Georgia. Overseeing the administration of elections in 159 counties and adjudicating problems that arise is an overwhelming task, but we're here to talk specifically about a certain list of your duties.

First of all, to promulgate rules and regulations so as to obtain -- excuse me -- uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers and other officials as well as -- of course this would happen, right? -- as well as the legalities and purity protecting voters' privacy in all primaries and elections.

Two, to formulate, adopt and promulgate such rules and regulations consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.

Three, to make such recommendations to the General Assembly as it may deem advisable relative to the conduct, administration of primaries and elections.

And, four, finally, to 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 and the following of those will be discussed in detail. Thank you.

MR. RAFFENSPERGER: Thank you. Ms. Aileen Nakamura.

MS. NAKAMURA: I'm Aileen Nakamura from Fulton County. Last September, Ms. Rebecca Sullivan wrote in a declaration in federal court that there is little institutional memory in Georgia to serve as a guide as to the best practices to secure an election without DRE machines. But in November of this year, there will be pilot elections without DREs -- some with BMD devices, some with hand marked paper ballots. And in less than 30 days, those elections will effectively begin from a process standpoint.

There are no rules to guide the conduct of those elections and the responsibility for that falls on you, the Board. What is your plan? After 2019, no elections may be conducted in Georgia using DRE machines. While most attention is focused on the March presidential primary, we all know that in Georgia it's pretty regular to have elections in January and February. But there are no rules to guide the conduct of those elections and the responsibility for that falls on you. What is your plan?

The Secretary of State has agreed to reexamine the new dominion voting machines upon the request of 1,450 Georgia voters from 100 counties. The citizens' petition
demonstrates that the correct procedures were not carried out in certifying the dominion system earlier this month. Merle King, who developed the role for certifying new voting machines in Georgia, wrote that the 2002 certification of the DREs took six weeks. And once the machines are legally certified and procured the acceptance testing of the machines must occur. In 2002, that took three months for 23,000 pieces of equipment, one thousand of which failed testing, were removed, replaced by the vendor, and tested again. The rigorous testing process required under Georgia law must be performed for the 70,000 new pieces of equipment to be used in 2020. How long will that take? How long should that take? And will all the testing just be rushed to have the equipment in place by March? If the timeline flips, what will you do?

(Timer sounding)

MR. RAFFENSPERGER: Thank you. Susan McWethy.

MR. RAYBURN: Susan.

MS. MCWETHY: Good morning. My name is Susan McWethy, and I'm from DeKalb County. Your rule-making process is governed by the Georgia Administrative Procedure Act. Where rule-making is a deliberative and publicly transparent process generally requiring public proposal of a rule, public inspection, notice to interested parties with reasonable opportunity to submit
data, use, or arguments, deliberation before enactment, and delayed effectiveness of the rule. It's hard to imagine that rules can be properly implemented in less than 100 days from the time you have the first proposal for the public. And it takes time to develop that first proposal. It's clearly impossible for you to follow that process in time for the November pilot elections using valid marking devices and hand-marked paper ballots and not likely in time for any January or February elections.

MR. RAFFENSPERGER: Thank you. Shea Roberts.

MS. ROBERTS: Good morning. Shea Roberts from Sandy Springs, Georgia. So what is your plan? Will the pilot elections for both -- the two different modes of voting, BMDs and hand-marked paper ballots, be governed by a uniform set of rules? How will you come up with them? Has work begun to draft such rules? Can pilot elections be run under provisional rules? How will you adjudicate any complaints or irregularities that come up in the pilot elections? Both the counties operating pilot elections and the voters casting ballots in those elections deserve the protection and clarity of a uniform set of rules. Whether provisional or final, for you to come up with the uniform set of rules to govern future elections, you must reach outside Georgia.

As we were reminded by Ms. Sullivan's declaration,
there is little institutional memory in Georgia to serve as a guide to best practices. And surely Georgia voters deserve elections run in accordance with best practices in and of the 21st century and not but a few Georgians remember it from the 1900s. If this were a private business facing your problem, you would find well-regarded jurisdictions outside Georgia who have developed model rules and shown in practice that they work well. You would review their rules to be sure they comply with Georgia laws and rules and modify them as necessary. But our unique challenge, we require a uniform set of rules to govern elections in 159 counties that serve as many as 700,000 voters and as few as 5,000 voters. But this also means that the rules and procedures of a well-regarded jurisdiction survey as few as 40 to 50,000 voters could be very relevant to Georgia because most of our counties are smaller, and it will not be hard to determine how you would adapt the rules to accommodate our largest counties. For hand-marked paper ballots, you may consider the rules and procedures developed by Virginia, Martin, and Columbia County, New York, for example. There's no need to reinvent the wheel when so many jurisdictions have field-tested procedures already in place.

One more point about the pilot elections. The fundamental purpose of a pilot is to do something on a
small scale that can be reviewed and adjusted --

(Timer sounding)

MS. ROBERTS: -- before implemented on a large scale. Who's responsible for deciding if the pilot election worked properly? What criteria will be used for the review? Who develops it? How will the success and failure be evaluated? And how will those learnings be incorporated before the presidential primary and beyond? Thank you.

MR. RAFFENSPERGER: Thank you. Cam Ashling.

MS. ASHLING: Distinguished State Board of Election members and Chairman, my name is Cam T. Ashling. I am the chairman of the Georgia Mess and Farmers’ Pact from Fulton County, a political action committee. I should be spending my time venting to candidates and gaining them support, but I'm here because we have to make elections safe, secure, and honorable again before we can invest in candidates and voters. We believe the measure of success -- of a successful election is this: It should be easy for all eligible citizens to easily register and cast a vote, and every vote should be counted as cast, and our ballot must be secret as guaranteed by the Georgia Constitution.

Robust audits are the cornerstone of confidence of every voter -- every vote is being counted as cast. HB316
does require audits to be implemented as soon as possible or no later than 2020. How will you enforce this? It is your responsibility under HB316 to develop all the standards to formulate, adopt, and vote as such. Rules to be implemented statewide no later than November 2020. Georgia has never required election audits statewide. How will you do this? When will you do this? We urge you to seek out best practices from jurisdictions around the country and to consult with experts on election audits such as Professor Philip Star.

If you're not beginning public hearings on your proposal by the beginning of the first quarter of 2020, we will likely not be prepared to have all these sets of rules for audits in time, and we don’t want that to happen. Georgia voters are counting on you to get the standard of process right. Confidence that every vote is counted as cast is essential to election integrity and our democracy. As you learn more about election audits from experts, you will hear one common thread that will pose a significant problem for us in Georgia and that is valid summary produced by ballot-marking devices --

(Timer sounding)

MS. ASHLING: -- are apparently unauditable [sic]. How will you overcome this challenge? Thank you.

MR. RAFFENSPERGER: Thank you. Ms. Rhonda Martin.
I’m a voter in Fulton County, Georgia. In order for any audit to be valid, you must have trusted source documents showing the votes that have been cast. HB316 describes the process where the voter verifies their selections on the paper summary produced by the electronic marking device so that these documents can then be considered trusted. There are a number of problems with this approach.

First of all, research has shown that less than half the voters take the time to carefully review their votes when asked to do so.

Secondly, even if the voter tries to check the results, less than half notice when errors have been introduced. At this point in the process, the touchscreen no longer shows the voter's choices, and therefore is not available to reference when checking the machine printout. Voters cannot be required to have a photographic memory of the full ballot so that they can verify the summary document against memory. Few, if any, voters can accurately recall every race and choice on a ballot that contains a dozen or more races in addition to referenda and the constitutional amendments.

If a voter cannot recall every race -- sorry -- and choice, she cannot identify whether the machine printout
accurately reflects her intentions or instead added, dropped, or changed one of her choices. This problem is further exacerbated when the voter's choices are embedded in unreadable codes and the tabulation machines count the codes and not the words. Bottom line: the paper trail the electronic ballot marking devices offer cannot be used as a basis for an audit because voters cannot verify the accuracy of the ballot summary cards. No valid audit can be conducted on the basis of unverified source documents. It is therefore impossible to meet the legal requirements of HB316.

MR. RAFFENSPERGER: Ms. Bonnie Lyle.
MS. LYLE: I cede my time to Rhonda.
MR. RAFFENSPERGER: No. It's okay. We're moving on. We have -- right now 52 cases and so we're going to move on to the next person: Isabel Hidalgo.

MS. HIDALGO: Good morning. My name is Isabel Hidalgo, concerned citizen from Georgia, Fulton County. This switch to one of your most important duties defining what constitutes a vote, to 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, voting systems used in the state. The change from the earlier machines to ballot marking devices requires a fresh look
at what constitutes a vote. The dominion BMD produces a paper ballot summary that includes both a bar code and a human readable text that the BMD scanner reads the bar code while the human readable text is used for recounts and audits. O.C.G.A. 21-237(9)(2)(3) states the paper ballot printed by the electronic ballot marker shall constitute the official ballot and shall be used for and governed in result in any recount that pursuant to Section 21 2 495 and any other conducted pursuant to Section 21 2 498.

A fatal problem with the dominion system is that the portion of the ballot that is readable by the elector is not the portion that is machine-tabulated, and by law the bar code is not to govern any result at any stage of the ballot processing, which means that the bar code cannot legally use the tally in vote counts. As a result, the dominion system cannot comply with the Georgia elections code. When you write the rules and regulations for one constituent to vote, how would you resolve the problem of a printed vote summary that contains voters' selections in two forms, one human readable and one not? Which constitutes the vote? There surely cannot be one vote for scanning and another vote for recounts and audits. How will you resolve this dilemma? We urge you to advise the General Assembly that you find it impossible to formulate
(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.


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
insiders or hackers with access to decrypted data on the
cards could replay scanned ballots in order to connect the
voter with his or her ballot.

It's absurd, isn't it, to think of you writing the
rule that says don't look for those who have access to the
voting system and just as absurd to imagine that rule
would offer protection from hackers. It is impossible for
you in the 159 counties to do your duty under the law to
protect Georgia’s absolute right to a secret ballot if the
dominion scanners are deployed. We ask you to advise the
Secretary of State that the use of the dominion scanners
violates the Georgia Constitution and may not be used.

In summary, we're very concerned about the very difficult
timeline challenges you face to formulate, adopt, and
promulgate such rules and regulations consistent with the
law for conducting elections with ballot marking devices
and hand marked paper ballots and for conducting audits.

We urge you to find a balance that keeps the voter at the
center of the process.

(Timer sounding)

MS. DUFORT: Do not sacrifice transparency,
thoughtful deliberation, and assessment of current best
practices in the rush to meet deadlines. Thank you.

MR. RAFFENSPERGER: Board members, it’s not on the
agenda, but if any of you would like to share a few words
right now? I think now is the appropriate time.

MR. WORLEY: I would. Thank you, Mr. Secretary. I - - I just wanted to say a few words. First of all, I'd like to thank those members of the public who made the comments just now. We take our responsibility very seriously. And we're certainly -- I, for one, can certainly very seriously consider everything that's been put before us today as we go forward in considering this new system and our responsibility to make rules to carry out the -- the new voting systems that the statements have said.

I also wanted to say a word about Judge -- as has been mentioned Judge Totenberg’s recent order in the election litigation. I have read it very carefully, and I know the other members of the board have as well, and, frankly, much of what the judge has said in her order is disturbing and casts the previous administration of the Secretary of State's Office in a very unfavorable light. I'm particularly concerned with the many, many instances that the judge has highlighted of problems with the state's election database as used by the express poll system in this state. The judge has clearly pointed out flaws in that that we as members of this board need to examine very carefully as this process moves forward.

Thank you.
MR. RAFFENSPERGER: Thank you.

(Applause)

MR. RAFFENSPERGER: We have -- the next item on the agenda I really think will help answer some of your questions, but if I could have our Chief Counsel Ryan Germany speak to that, if you would like to speak?

MR. GERMANY: Yes. I'm Ryan Germany. The General Counsel to the Secretary of State's Office.

MR. RAFFENSPERGER: Is it on?

MR. GERMANY: Is it working?

COURT REPORTER: It's not.

MR. GERMANY: Can you hear me now?

(no response)

MR. GERMANY: Okay.

MS. SULLIVAN: No.

MR. GERMANY: No.

MR. RAFFENSPERGER: Make sure it's on.

MR. GERMANY: It says it's on.

MR. RAFFENSPERGER: Yeah.

MR. GERMANY: I hear it on now. All right.

MR. RAFFENSPERGER: Good.

MR. GERMANY: My name is Ryan Germany, General Counsel of Secretary of State's Office. I wanted to give a quick update on the rule making process. As some of the commenters mentioned, we need to overhaul our State
Election Board of Rules as we move to the new system. Moving to a paper ballot system from a non-paper ballot system is a very big change. We have obviously been discussing the rules in our office internally for quite some time.

Now that we have -- the procurement process is complete, and we've selected a vendor, we can move forward with the specifics. That vendor is sending us rules from other jurisdictions that use this system for consideration. I think some of the types of rules that we'll be considering are polling place setup, storage, and security of the equipment and the paper ballots, transport of the voting equipment and paper ballots, ballot handling, chain of custody, storage of paper ballots after election. We'll be looking at early voting, absentee voting, provisional voting, adjudication, audits, recounts, and even -- and even possibly some voter registration certification issues, if we need to look at those as well. In addition to that, we'll be reviewing forms like the recap sheets and reconciliation sheets that we use -- those will need to change with the new system. We've been discussing them internally.

We've recently formed a rules working group that consists of Jordan Fuchs our Deputy Secretary, myself, Chris Harvey the Elections Director, Kevin Rayburn our
Assistant Elections Director and Assistant General Counsel, as well as Lynn Bailey, who's an Elections Director in Richmond County. And Ms. Bailey heads up a -- an equivalent rules working group and the EAC Standards Board. So I think through her we'll be able to get input from additional counties and that was the idea behind that. And also, Ms. Sullivan and Mr. Worley have agreed to serve on -- on that working group.

So just one thing for -- for y'all to know. And we do envision there will be numerous additional meetings for the rest of this year to resolve that so just from a scheduling side. And we'll continue to keep everyone updated. Yes, the rules will be posted -- or proposals will be posted for comment, so we'll go through that process, as well.

I'd be happy to take any questions from the board.

(no response)

MR. RAFFENSPERGER: Thank you, Mr. Germany. I want to thank everyone that has volunteered to be on that rule making process. It's going to be very extensive and obviously a quick timeline. And I just know it's a demand an awful lot of your time, so really I just want to thank you for making time and the people of Georgia are grateful for you stepping up and volunteering for that. Thank you.

Okay. On the investigation reports, we have several
consent cases. It is 2 through 13. All right. Are there any of those that we want to pull off?

MR. WORLEY: Yes, Mr. Secretary. On the consent list, I would like to pull off to discuss individually the following cases: Case Number 2016-135, Lee County; Case Number 2016-165, Chatham County; Case Number 2018-013, Fulton County; Case Number 2018-071, DeKalb County; and Case Number 2019-003, Walton County.

MR. RAFFENSPERGER: Any other members want to pull any other cases off?

(No response.)

MR. RAFFENSPERGER: So I’ll go ahead --

MR. THOMAS: Sir, I’m representing a consent case that was not called out that I'd like to speak to.

MR. RAFFENSPERGER: Which -- which case?

MR. THOMAS: Case Number 2015--

MR. RAFFENSPERGER: Which -- which --

MR. THOMAS: The City of Davisboro.

MR. RAFFENSPERGER: Okay. In the consent cases, are there any other people that are here that would like to speak to any cases in the form of a consent other than Davisboro. Anyone else? All right. The representative from Fulton, you'd like to speak to which case?

MR. HOLCOMB: I'm here for a private capacity here --

MR. RAFFENSPERGER: Yes, sir.
MR. HOLCOMB: -- Mr. Raffensperger. But yes, it's already been pulled off the calendar, but it was for Mr. McLaurin's case.

MR. RAFFENSPERGER: Can you --

MR. HOLCOMB: It's 2018 --

MR. RAFFENSPERGER: Fulton County.


MR. RAFFENSPERGER: House District 51?

MR. HOLCOMB: Yes.

MR. RAFFENSPERGER: Thank you. Well then, why don't you start with those -- the ones that are not being pulled out, we'll vote on those, but the gentleman from Davisboro, if you'd like to step forward and speak to the board.

MR. THOMAS: Good morning. Thank you.

THE BOARD MEMBERS: Good morning.

MR. THOMAS: My name is Daniel Thomas. I'm the City Manager for the City of Davisboro. I have two letters I'd like to share with the board. The first one is written from Ricky Ford who is the son of the individuals who referred it and are filing it. "I, Ricky Ford, request the State Board of Election to look further in the case regarding the voter violation that took place during the 2015 election in the City of Davisboro. Mr. Nathaniel and Gloria Ford are my parents, and I represent my family in
expressing complete outrage of this attempt to violate their voting rights. I request that Mr. Thomas submit this letter on my behalf since I was not asked to attend this hearing.”

The second letter is from our City Council. “This letter is served on behalf of the members of the City Council of the City of Davisboro to express our adamant disagreement with the recommendation of the SEB to close this case with no violation status. We respectfully ask that a more complete investigation take place and to ensure the indemnification of the party who illegally signed the absentee ballots of Mr. Nathaniel and Ms. Gloria Ford during this election, signed sincerely the Mayor and the City Council.”

We feel that the violation occurred -- the two parties involved were kin of mine -- and certainly there should be further investigation to determine who actually signed those ballots for the absentee status. They were not signed by Mr. and Ms. Ford. They were taken from their home, they were told that they would be returned to the election board office, and basically the ballots would be returned to them. I'm concerned about this because these are two elderly individuals. It’s -- a small community, but that violation was sincerely felt by everyone in it. So for us to simply say this was
no-status -- that you could not identify -- I think, one
person's handwriting was taken but the other one was not
which means that it's not a complete investigation, I
would think. So we ask that you continue to look into
this and come up with another solution.

MR. RAFFENSPERGER: Members?

MR. WORLEY: Could we hear from Ms. Watson about the
facts of this case?

MS. WATSON: Certain -- certainly. Basically, I
agree with the majority of what the gentleman advised
except that we did get handwriting samples from all of the
appropriate parties.

The facts of the case are that the Washington County
Board of Elections and Registration reported illegal
possession of absentee ballots of two voters. Nathaniel
and Gloria Ford applied for and received absentee ballots
for the December 1st, 2015 General Special Runoff Election
in Davisboro, Georgia.

It was reported that a candidate for mayor had
contacted the Fords and said that a representative was
going to pick up their ballots. The representative
allegedly came to the couple's home and picked up their
two unvoted and unsigned ballots. When the Fords said
they had not voted the ballots, the representative
allegedly said they would be filled out for the couple.
Mr. and Mrs. Ford advised that Sandra Braswell called them on the phone and asked if they had gotten their absentee ballots in the mail. They said they had not and she said that they were mailed and should be in the mailbox.

A Ms. Mamie Lou Pinkston went to the Ford residence, picked up the absentee ballots at the request of Sandra Brown -- I mean Braswell. The Fords have repeatedly stated that they had not opened or completed the absentee ballots. Mamie told them that it was okay because Sandra would take care of the ballots.

Mamie Lou Pinkston left the Ford's residence with the absentee ballots that were not completed or signed. Mamie Lou denies that she signed anyone’s ballots. She states that Sandra Braswell picked up Gloria and Nathaniel Ford’s absentee ballot from her.

Sandra Braswell denies signing the absentee ballots of Gloria and Nathaniel Ford. The absentee ballots of Gloria and Nathaniel were reviewed for their signatures, but the signatures clearly did not match the signatures on file for the Fords. The Fords cancelled the absentee ballots and were re-issued new absentee ballots that were voted and counted.

We recommend the case be dismissed as there was no evidence to determine who actually signed the absentee ballots of Nathaniel and Gloria Ford. Both were able to
cancel the absentee ballots and cast ballots in the

election.

MS. SULLIVAN: Ms. Watson -- I’m just going to ask
Ms. Watson directly -- it appears that there's over 34
attachments and exhibits to this investigation. Is there
any more investigation that you could do that would help
identify who signed those ballots?

MS. WATSON: We could take it back and -- and request
further handwriting analysis to be conducted to -- to
compare to see if we can conclusively rule Mamie and
Ms. Braswell as not the contributors and that would be the
-- the final thing we could do.

MR. RAFFENSPERGER: On this particular case what is
the will of the committee? Ms. Le.

MS. LE: I say given that there is acknowledgement
here that someone else signed those documents and ballots
that it should go back for further investigation.

MR. WORLEY: I would second that.

MR. RAFFENSPERGER: We have a second.

(no response)

MR. RAFFENSBERGER: Any further discussion?

(no response)

MR. RAFFENSBERGER: All those in favor, say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSBERGER: Motion carries. Okay. All the
other cases that were not pulled out -- I’ll read those
off, and we could vote for those in a block.

MS. SULLIVAN: Sure.

MR. RAFFENSPERGER: So that would be SEB Case Number
2015-080, 2017-016, 2017-054, 2017-067, 2018-075,
2019-007. Do we have a motion?

MS. SULLIVAN: I'll move the motion that the listed
cases be dismissed.

MR. WORLEY: And I would second that.

MR. RAFFENBERGER: Is there any further discussion on
those cases?

(no response)

MR. RAFFENSPERGER: Hearing none. All those in favor
of dismissing the cases that I just presented?

MS. SULLIVAN: Aye.

MR. RAFFENSPERGER: Say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENBERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Okay. So the
next case we'll call right now, if that’s okay, 2018-013,
Fulton County, House District 51 Candidacy. Mr. Holcomb.

MR. WORLEY: Mr. Secretary, the reason that I asked
for this case to be pulled off is because I need to recuse
from that.
MR. RAFFENSPERGER: Okay.

MR. WORLEY: So I wanted to separate it.

MR. RAFFENSPERGER: Mr. Holcomb.

MR. HOLCOMB: I anticipated that's what Mr. Worley was going to say. Mr. Worley, we thank you for doing that. Very quickly, I represent Mr. McLaurin. I’m his attorney, so I’m here in that capacity today. And the evidence shows unequivocally that Mr. McLaurin was legally qualified to be a candidate for House District 51 having satisfied both the constitutional and statutory requirements.

We agree with the investigator's finding recommending no violation, and we've offered for the board's consideration perhaps a tweak to the affidavit to make the language more clear -- in -- in terms of what is being sought should be the time period that the individual had been in Georgia at the time of the election. What isn't operative is the date that you sign the affidavit or even the date of the primary, it's the amount of time for residency that you had been here for the general election. So to avoid confusion going forward, we recommend that you update that affidavit form NC-S-0924. But in conclusion, we agree with the investigator's recommendation that no-violation by him occurred. Thank you.

MR. RAFFENSPERGER: Members of the Board, would you
like to speak to that case?

MS. WATSON: We agree with the -- the gentleman's interpretation and we did discuss the -- the issue with the form and that has been in the process.

MR. RAFFENSPERGER: Thank you very much.

MS. WATSON: Mmm-hmm.

MR. RAFFENSPERGER: That one we'll vote on. Mr. Worley, are there any other cases that you we need to recuse yourself on?

MR. WORLEY: No.

MR. RAFFENSPERGER: Let's vote on that one, then. What is the will of the committee?

MS. SULLIVAN: I move that Case Number 2018-013 be dismissed.

MR. RAFFENSPERGER: Is there a second?

MS. LE: Second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye. (All members but Mr. Worley who recused.)

MR. RAFFENSPERGER: Motion carries and that case is dismissed. Okay. The next case: 2016-135.

MS. WATSON: Yes. This is the Lee County Suspicious Voter Registration. Lee County Elections Supervisor Veronica Johnson reported that someone submitted a fraudulent registration application for a person that was
already registered for the county.

Veronica talked to an employee that she received four voter registration applications with questionable information on them. Veronica thought that she knew one of the individuals was already registered in Dougherty County because she personally knew this individual. She contacted them and stated that she had not completed the voter registration. The only information on that application that was correct was the name with the remaining information being fabricated.

The remaining three applications were checked and found that, similarly, the names were actual names, but the other identifying information was fictitious. The applications were originally submitted to the Secretary of State's Office and then forwarded to the counties listed on the application.

The applications were processed, however, failed in the verification process. The applications were submitted by Field Works, LLC, an organization operating out of Washington D.C. providing canvas services in Georgia. The canvasser was identified as a Wendy Howard. We -- she was interviewed. She denies that she completed the application but states that she allowed individuals to complete applications for others that were not present and their forms could have been completed without their
knowledge.

We recommend the case be dismissed because there was no means of identifying the specific person that completed the fictitious applications.

MR. RAFFENSPERGER: Board members, do you have any questions?

MR. WORLEY: Yes, Mr. Secretary. I have a question. Ms. Watson, the report indicates that -- that there is more investigation that could be possibly be done. A portion of the report read that the findings state that on April 23rd, the investigator called the New Georgia Project to see if they could assist in the retained copies of the transmittal sheets. No one answered the phones, so the investigator left a message. It goes on to say that the investigator did not receive a reply, so they mailed a certified letter. At this time the investigator has not received a reply from the New Georgia Project. If the investigator receives any additional information, we will reopen the investigation.

From reading your report it seems like there is -- there are additional documents which if retrieved could establish how these applications were completed. And so to me I -- I would -- it would be my preference to have the investigation continue and attempt to get those documents.
MS. SULLIVAN: Is that the motion?

MR. WORLEY: Yes. I would move that we return this case to the investigations division to attempt further to -- to obtain those crucial documents.

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: Okay a first and a second. Do you have anything to further comment?

(no response)

MR. RAFFENSPERGER: Hearing none. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. It's returned for further investigation. Next case?

MS. WATSON: Yes. 2016-165 which is Chatham County, Board of Election member conduct.

In November 2016, the Chatham County Board of Elections Chairman Tom Mahoney reported one of the Board of Elections members Deborah Rauers had interfered with voters in Southside Baptist Church polling precinct.

On November 8th, 2016, Mr. Mahoney reported that during check-in at the National Guard Armory, Ms. Rauers had intimidated the same polling precinct assistant manager. Mr. Mahoney also reported that he was told by
Collin McBray, the chairman in the Chatham County Board of Registrars, about an incident that happened during early advanced voting involving Ms. Rauers where it was alleged she interfered with voters also.

During the investigation, we did not identify any of the voters that were interviewed or identified as having been interfered with or prevented from voting, and we're recommending the case be dismissed.

MR. RAFFENSPERGER: Any comments or any questions from the members of the board?

MR. WORLEY: Well, I guess I read the investigative report somewhat differently. It -- it seems that there was a lot of testimony that this member of the Elections Board had interfered in the -- the voting of several voters.

And the -- the general standard that we have followed on this Board in the past is that if -- that we are here to determine whether there's probable cause for further investigation by the Attorney General's office and possibly holding a hearing and that if an allegation is made that is credibly supported by witnesses, and it is correct under the -- under our interpretation of the law that we would forward it to the Attorney General's office, and it seems to me that this case fits that standard of establishing probable cause to send it to the Attorney
General's office based on the descriptions of the
testimony of -- of the events that happened.

MR. RAFFENSPERGER: Mr. Worley, before -- I didn’t
know if I was going to have a motion.

MR. WORLEY: No.

MR. RAFFENSPERGER: But, I'm sorry, but this -- this
lady is -- wants to speak.

MS. RAUERS: My name is Deborah Rauers. I'm the
person who's cited in this situation.

MR. RAFFENSPERGER: If you could come forward --

MS. RAUERS: Thank you.

MR. RAFFENSPERGER: -- and we'll give you a
microphone.

MS. RAUERS: Thank you. Hello. Thank you so much
for hearing my side of the story. My name is Deborah
Rauers. I'm an elected official in Chatham County. I was
appointed, and then I have been elected twice to four
separate -- to four-year terms -- two four-year terms.
The situation that has become the toxic situation is the
one with the board in Chatham County. To go backwards so
I can go forwards, please indulge with me, as I let you
know that I brought to the attention of the board over a
six-month period of time the abuse of bearer's checks,
made to the bearer of, which were to be paid all poll
workers. These had no accounting, and on two separate
occasions, I walked through the office subsequent to an
election and saw stacks of these checks not being checked
in, not being guarded, no accounting from the county, and
no accounting from my office. I found this to be
reprehensible, and as it worked out, one the county
commissioners happened to be in the office one day when I
was there and saw me upset that we couldn't find these
checks because they weren't in a safe, and they weren't in
a safe place.

He took that information to our county commission and
at that point Mr. Mahoney, an attorney, and the chairman
of our board sit up in front of the Chatham County
Commission and said there's no problem. As an elected
official, I have a problem with people who are not open to
rectifying potential problems -- probable cause if that's
what you would call it.

I spoke to the County Commission. I told them we
were $10,000 in arrears in paying our polling places, and
I told them that we had an issue with the bearer's checks.
Subsequent to that the $10,000 was paid, and it turned out
that upon forensic accounting, we were 30 years behind the
law -- the IRS law -- in putting people's names on checks
and handing them to them. It's a long time. That was a
lot of years of no audit and no accountability for those
bearer's checks.
I walked out of that meeting at the county commission office, and Mr. Mahoney told me that he had a report about me that he was going to take to our commission meeting. At that commission meeting, I found out that he had -- this is hearsay -- that he had contacted or been contacted by the Board of Registrars -- which is separate from Chatham County Board of Elections -- that I had interfered with people voting in line for early voting. That was not the case.

What had happened was that I went to one of the two people sitting, checking people in, and said you have elderly people in line who are incapable and not ambulatory and need to get to the front of the line. He chose to bring that up. I talked to Collin McBray, who is and was chairman of the Board of Registrars. The Board of Registrars elected to take it up as a rule case and they passed on it in their justice. They thought it was nothing [sic]. I thank them.

Subsequent to this and -- and please understand, this is right at Hurricane Matthew, so there was a lot going on on the coast of Georgia. A lot of issues with voting, machines that didn't work, electric -- electricity that didn't work. It was a mess. I walked in as it is in our habit for the Board of Elections in Chatham County to Southside Baptist Church where they were voting. There
were about 20 people there. Two of them were -- I don’t
know -- challenged voters. One of them -- the -- was with
his caregiver and she would talk and say dah, dah, dah and
hit the vote. Dah, dah, dah, dah, and hit the vote. And
then at the end, he hit to cast the ballot vote and I
asked -- I was standing behind the woman who was a poll
worker and I said can he do that because I really did not
know.

I then asked the manager, and I also called the
office to ascertain if we were treating this disadvantaged
voter correctly. And they gave us the okay to go ahead
and let it count. I in no way spoke to him. I in no way
did anything in that room at Southside Baptist to
interfere with any kind of an election process. There
were two voters like that. They both voted. I did not
speak to them. The woman who was there as the assistant
manager handled it. That night at check-in I asked her
how things were. She said fine -- we had a cordial
conversation -- and then as I turned around three of our
board members made a beeline for her. I mean, it was like
she had, you know, a beacon on her head. They went
straight for her to chat with her. The next day, there
was a complaint against me at the board meeting.

I would like to submit to you that my behavior has
been above-board. I am guilty of a lot of things in life
but interfering with voters' capabilities and voters' rights is not one of them. I am a strong supporter of voter rights. And if anything, I have been proactive in making sure we do things better in Chatham County. And for that I am censured. Do you have any questions?

MR. RAFFENSPERGER: Does the board have any questions for the person speaking today?

MS. SULLIVAN: I have a question for Ms. Watson.

MS. WATSON: Yes.

MS. RAUERS: Do you want me to sit down?

MR. RAFFENSPERGER: You're -- you're fine. Yes. You may sit down.

MS. RAUERS: Thank you.

MS. SULLIVAN: Thank you. Ms. Watson, I noticed that the date of this event is November 2016. Are you aware of any additional complaints since that time or during --

MS. WATSON: No.

MS. SULLIVAN: -- this case or referring to that kind of --

MS. WATSON: Not involving --

MS. SULLIVAN: -- Ms. Rauers.

MS. WATSON: No.

MR. RAFFENSPERGER: What is the will of the committee?

MR. WORLEY: I would just make a comment first. I
appreciate Ms. Rauers being here and stating her view of
the events. But the report, which is quite lengthy, has a
different version of the events than hers in terms of what
was said at the two locations that the report mentions.
And it's -- it's always been the policy of this board that
if there are two different versions of an event that it
gets referred to the Attorney General's office to
investigate further and perhaps a hearing. So I would
make a motion that we refer this case to the Attorney
General's office.

MR. RAFFENSPERGER: Do we have a second? Do we have
a second?
(no response)

MR. RAFFENSPERGER: Motion dies for lack of second.
Any further action going forward?

MS. SULLIVAN: Before I make a motion, are any of the
complainants here regarding this matter -- none of them
are here to address the board?
(no response)

MS. SULLIVAN: I'll make a motion that the case is
dismissed.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second.

MR. RAFFENSPERGER: We have a first and a second.
All of those in favor say aye.
MS. SULLIVAN: Aye.

MS. LE: Aye.

MR. RAFFENSPERGER: All those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Motion carries. The case is dismissed. Next case.

MS WATSON: The next case is 2018-71, DeKalb County.

MS. JONES: On October 29th, 2018, a complainant reported that — the Ku Klux Klan-related literature had been located near the Reid Cofer Library polling station in DeKalb County and that a possible case of voter intimidation was involved.

The facts of the case are that plastic sandwich baggies containing literature of the KKK had been distributed in and around the Tucker area to include the edge of the Reid Cofer Library polling station the week of the November 6th, 2018 election.

The Homeland Security Unit of DeKalb County Police Department investigated and found no connection between the literature and any attempt to intimidate voters. We recommend the case be dismissed as there is insufficient evidence to support a violation of the election code.

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

MR. WORLEY: Ms. Watson, you had very kindly sent me
a copy of the flyer. Oh, I'm sorry, excuse me.

MS. JONES: It's all right.

MR. WORLEY: But Ms. Watson sent me a copy of the flyer, and the flyer itself had a phone number to call the person from the Klan. Essentially they were soliciting membership in the Klan and this was distributed around an election precinct -- did the office attempt to call that number and find out the intent of the person who was distributing the literature? I couldn't tell from the reports that I saw.

MS. JONES: The report reflect that, that I can tell, but I am aware of that he actually went to the area and walked the area to see if there were any additional information or flyers in the area, like the neighborhood, or in the library area, trash cans, and didn't find anything else. I'm not certain that the people that --

MS. WATSON: We did do some research with that particular phone number, and we did not receive a response, as far as getting anyone to call us back.

MR. WORLEY: Is -- is there -- is there a way to contact law enforcement officials in Alabama and find out who that number belongs to so that you could follow up with that person?

MS. WATSON: Right. We -- we -- we certainly can do that. In our investigation we found that they were
distributed in areas not just particular to the -- to the polling place. We did not see anything with the flyer or with any information that -- that we had that connected it in any way to be particular to the polling station. We didn’t connect it with that at all. But it certainly -- if you -- the board would like for us to contact them or make more efforts in order to identify the person that distributed it then we can certainly do that.

MR. WORLEY: That's what I'm -- I would like to do. I would like to see if you could identify who that person was and that -- and then at that point make a determination of whether they intended to intimidate the voters. So I'm going to make a motion that we return the -- the case to the investigations division for that purpose.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I second.

MR. RAFFENSPERGER: We have a second on the motion before us. All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSBERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: The motion carries. It's going back to the investigations division. Next case.

MS. JONES: It's 2019-003 Walton County.
In December 2018, Joe Mickle reported that he was removed from a polling place during the general election for wearing a ballcap that had Trump 2020 on it. The complainant stated that the candidate was not on the ballot for the election and that he feels he was wrongly treated.

Mr. Mickle went in to vote at the Walker County -- Walker Park School polling location in Walker County on November 6, 2018 wearing a ballcap with Trump 2020 written on it. He received his voter's access card and a female poll worker advised him that he could not wear the ballcap in the location. He removed the ballcap and placed it under his shirt.

Mr. Mickle voted and was returning the voter access card to the poll worker when he placed the cap back on his head. The poll worker told him that he would need to leave the polling location. Mr. Mickle ran into some neighbors in the parking lot and stopped to talk. He says that he was on the other side of the 150-foot campaign sign. The poll manager, Mr. Stewart, approached Mr. Mickle and told him he needed to leave the property because of the ballcap or that he would have to call the police.

Mr. Mickle left the polling location. Mr. Stewart agrees with Mr. Mickle's account, but states that he
believes Mr. Mickle was within the 150 feet of the poll. Mr. Mickle was contacted by the County Election Supervisor, Laurie Wood, and advised that as long as a person whose name is displayed is not on the current ballot that it is acceptable.

Mr. Stewart called and apologized to Mr. Mickle. The election supervisor, Laurie Wood, called a meeting of all the poll workers to provide training with regard to campaign-based clothing at the polls. We recommended that the case be dismissed as there is insufficient evidence to support violation. The poll workers have received further training regarding the code section and made apologies to Mr. Mickle.

MR. RAFFENSPERGER: Is there anyone here to speak? Ma'am.

MS. WOOD: I'm Laurie Wood. I'm the Chairman of the Board of Elections for Walton County for the past two years. I'm just here for questions. We did have poll worker training as soon as we, you know, we became aware that this had happened. So we offered apologies, you know, several of my colleagues went to speak with him to try, you know, find some resolution. And I'm here so --

MR. WORLEY: I have a question. And -- and to your knowledge is Mr. Mickle satisfied with this outcome?

MS. WOOD: I have not spoken with him since this
investigation came about. He has not called me or reached out so I -- I'm unaware of his status at this time.

MR. WORLEY: Mr. Secretary, the reason that I ask for this case to be pulled off is because I was concerned that the Board be clear -- that our board and your board be clear -- that it's okay to wear a Trump 2020 hat --

MS. WOOD: Oh, absolutely.

MR. WORLEY: -- or anything else as long as it doesn't relate to the election that you're voting on.

MS. WOOD: Absolutely.

MR. WORLEY: -- and ord - ordinarily, I'd say, you know, ask that we send you a letter of instruction, but it seems pretty clear that you've done everything --

MS. WOOD: We did.

MR. WORLEY: -- to correct the situation --

MS. WOOD: Yes.

MR. WORLEY: -- to train people and I appreciate your coming today to tell us that.

MS. WOOD: Yes. Absolutely. Yeah. We had the poll worker training like, I want to say, it was in three -- within three weeks of the election in November that we had -- we had all the managers.

MR. RAFFENSPERGER: Any other board members to comment on this case? What is the will of the committee?

MR. WORLEY: Give -- given what Ms. Wood has been
said -- or has said I would move that we would dismiss this case.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Second.

MR. RAFFENSPERGER: We have a second. All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: None opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. All right.

That’s our consent cases, so the letter cases. On letter cases, do we have anyone here that will be speaking before we start the case reviews, please show your hands. Yes, sir.

MR. TAYLOR: Mr. Secretary, I'm from the City of Adrian and it is case number 2016-017.

MR. RAFFENSPERGER: Okay. Anyone else here to speak on this case? Okay. Mr. Holden? Paulding County, 2018-024. Anyone else?

MS. BRUMBAUGH: Good morning. I'm -- my name is Anne Brumbaugh and I'm here on behalf of 2016-035, Cherokee County.

MR. RAFFENSPERGER: Pardon me.

MS. BRUMBAUGH: 2016-035 --

MR. RAFFENSPERGER: Cherokee County.
MS. BRUMBAUGH: -- Cherokee County.

MR. RAFFENSPERGER: Anyone here to speak for any of these cases -- in the letter cases?

(no response)

MR. RAFFENSPERGER: Would you just close that door, please? There’s a lot of background noise. Thank you. Ms. Watson, we’re going to start with I guess 2017-135. Anything to report? Unless any board members want to pull off any additional cases?

MR. WORLEY: I do not have any additional cases.

MS. WATSON: Mr. Secretary, we do have additional cases that -- that we would like to pull for change of recommendations.

MR. RAFFENSPERGER Okay. Please.

MS. WATSON: Yes. We have 2016-038, and of note: 2016-042, DeKalb County asked for a continuance that was granted. And that's -- that's all for my district.

MR. RAFFENSPERGER: So you want to pull those two?

MS. WATSON: Yes.

MR. RAFFENSPERGER: Okay. Is there anything else?

MS. WATSON: No. So we’ll start with 2018-024?

MR. RAFFENSPERGER: Sure. Although I think that this gentleman -- what do you want to start with?

MS. WATSON: I can start with 2016-17. That’s fine.

MR. RAFFENSPERGER: Okay. You can present first --
she'll present first.

MS. WATSON: This is the City of Adrian case, polling place staffing issue.

On February 23rd, investigator Lynn Archie conducted a polling place inspection in the City of Adrian precinct during advanced voting. The investigator learned there were only two people assigned to work the poll in advanced voting. The City Elections Superintendent Lori Ann Trammell advised she could not find a third person to work during the election. And we are recommending a change in recommendation to a bind over to the Attorney General's office for 21-290, appointment of too few assistant managers in that during advanced voting there were only three poll officers working that precinct.

MR. RAFFENSPERGER: And the gentleman from Adrian?

MR. TAYLOR: Thank you, Mr. Secretary and members of the Board. My name is William Taylor. I'm an attorney from Dublin, Georgia and I represent the City of Adrian. I'll -- what I would like to point out is that Ms. Trammell, who was the City Clerk and the Election Superintendent at the time, no longer works with the City of Adrian. She's been gone for approximately a year. She left under not unfavorable circumstances, but it -- it was a situation where she was asked to leave.

I've spoken with her about this incident and, of
course, I've carefully reviewed the facts and read the summary that was provided to the city and then later to myself. She indicated something somewhat different, you know, of course her version would -- would be somewhat different, but she and I did later speak about it. I know that she communicated with all the investigators about this case and about her need to appear here today. I don't think she was able to do so.

And plain and simple, I was not the city attorney at that time. The mayor who is now the mayor who is with me here and the current city clerk, Kim Adams and Stephanie Jean -- Ms. Jean is the clerk, Ms. Adams is the mayor. She was not even the mayor. This was her election when this occurred. This was three and a half years ago, and, of course, there's some of these things that take a long time to -- to see the light of day before this Board.

But we've had multiple elect -- well, we've had one election that I -- I can recall since that time. We've had no further violations or -- or you know any deviations from -- from the standard of what -- what we should be doing that I am aware of. Ms. Jean -- excuse me, Ms. Trammell -- no longer works with us. Ms. Jean, however, has undergone the appropriate training and has been instructed obviously to make sure that we're do everything that we need to do to comply. So certainly, you know, we
would ask that this matter remain a letter case and that we be allowed to just receive instructions from the office about what we need to do to comply in the future.

Again, this did happen quite some time ago. None of the parties who were really in -- in charge of or involved in this particular process are even involved with the City of Adrian. It's a very small jurisdiction. What Ms. Trammell indicated to me was that while there were two people working in the room, City Hall is -- it's a very, very small building. She was seated in a different room from the people -- the two people who were working the poll that day. I -- again I know that there were somewhat from what the investigator has -- has said here today. But those were Ms. Trammell's version of the facts which again, you know, the Board can take -- take that for what it is.

But again we're happy and -- and would welcome any recommendations or direction that the board has, and I ask that it remain a -- a letter case and not be referred for prosecution as I -- because I don't -- I don't know who would be prosecuted. But that's all. Thank you, sir.

MR. RAFFENSPERGER: Anyone else want to speak for this case?

(no response)

MR. RAFFENSPERGER: Any of the board members want to
speak, any questions?

(no response)

MR. RAFFENSPERGER: It’s before you. What is the will? Letter case or AG? What is your option? What is your choice?

MS. SULLIVAN: I'll ask a question of Ms. Watson, if that's all right.

MS. WATSON: Okay.

MS. SULLIVAN: Can you explain to us why you changed the recommendation from a letter to a violation case?

MS. WATSON: Yes. In further review of the code section and the seriousness of the requirement that they have three poll workers there at all times, and in looking at the information and the discrepancy, as he was saying, Lori says that if she was there and would go in and out, but at the time she had actually called our office to -- to ask because she couldn't find a third person, so she knew there was not going to be three people there ahead of time, so she just said she could not -- could not find the third person to -- to staff the poll. But she is no longer working as a -- as a poll worker or poll -- or city clerk.

MS. LE: Can you clarify what changes have been made? You said that there have been changes made to ensure that that doesn't happen again. Can you elaborate on that?
MR. TAYLOR: I -- I -- thank you, Ms. Le. We have again, Ms. Jean is -- is the new city clerk. She's been in that role for approximately a year. I know that there was another election that occurred, I believe, in 2016 following that, and -- and I would think that was probably before I came on as City Attorney, so I'm not familiar with that particular election cycle.

But moving forward in our elections, we will have the appropriate amount of people -- people working as I said. I think Ms. Jean has -- has just recently -- just in July undergone her election training, and I think that's probably been through GMA and other organizations that -- that -- that, you know, certify all those -- those folks and make sure that they're following up on things properly.

But if -- and again, for the discrepancy with Ms. Trammell, she and I just had a personal conversation a few days ago on the telephone and -- and -- and -- and I acknowledge that as I did before that her version of the events is somewhat different from -- from what was included in the investigative summary. So I can’t speak for Ms. Trammell. She and I haven’t had a whole lot of conversations and -- and discussions over -- over the last -- the last few, I guess, last year or so since she left the city's employment. But -- but we are making sure
those folks are properly trained in observing the law and regulations that are in place.

MS. WATSON: Mr. Secretary, I wouldn't have any problem with changing the recommendation to a letter of instruction since the City is here and knows it is a serious situation.

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I'll make a motion given that the City seems to be taking this very seriously that we send a letter of instruction regarding this matter to them.

MR. RAFFENSPERGER: Can we get a second?

MS. LE: I second.

MR. RAFFENSPERGER: I heard a second. All those in favor of sending a letter if so say -- vote aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MR. TAYLOR: Thank you, Mr. Secretary.

MR. RAFFENSPERGER: Cherokee County -- 035?

MS. WATSON: Yes. 2016-35, Tab 16.

On March 14th, 2016, we received a complaint alleging the Cherokee County Board of Elections and Registration improperly recorded the ballots of Meredith Loos and her father, David Loos. The complaints were submitted by
Meredith Loos and are as follows:

The poll worker mistakenly selected Meredith Loos' name in the express poll when issuing a voter access card to her father David Loos. When Meredith Loos went to vote, she was shown as having already voted. The poll worker issued Meredith Loos' voter access card then perverted -- permitted her to vote in the name of her father David Loos.

Investigation revealed that David Loos went to vote during the March 1, 2016 election. The poll worker inadvertently marked Meredith Loos in the express poll instead of David Loos. Meredith Loos then went to vote and was showed to have already voted. The County Elections Office was contacted and advised to allow Meredith Loos to vote by selecting David Loos in the express poll in order to encode the voter access card. Cherokee County later corrected the voter histories for the two voters. And we're recommending that Cherokee County Board of Election & Registration Supervisor Kim Stancil and poll managers Steven Keith and Diane Keith and Juliana Tewksbury be issued a letter of instruction for 21-2-451 when they failed to properly execute voter's certificate for voters Meredith Loos and David Loos when issuing the voter access cards.

MR. RAFFENSPERGER: I believe there's someone here
from Cherokee County.

MS. BRUMBAUGH: Good morning. My name is Anne Brumbaugh. I am the attorney for the Cherokee County Board of Elections and Registration. With me today is Kim Stancil, the director, and Jennifer Aikens, the assistant director. We concur with the facts as stated, and we would ask that you issue the letter of correction. Thank you.

MR. RAFFENSPERGER: Does the board have any questions?

MR. WORLEY: I just want to clarify something, Ms. Brumbaugh. The -- the report and the thing that troubles me about the report and leads me to want to send it to the Attorney General's office is that the -- it says the Board of Elections instructed the assistant poll manager, Juliana Tewksbury, to make a fraudulent entry in the express polls electors list and that she, Tewksbury, knowingly marked the name of David Loos when, in fact, Meredith Loos was voting. And I can understand that a mistake was made, and the first voter voted improperly, but to basically commit a fraudulent entry to attempt to fix the situation was clearly not the right thing to do. And -- and it -- to me, you know, it's elevates this to another level that I think warrants sending it to the Attorney General's office.
MS. BRUMBAUGH: I see where that is written on the report. Ms. Stancil and the rest of her office reviewed their records and searched their memories. They don't have a memory or a record of giving this instruction. So they -- they don't know really how this got -- how Ms. Tewksbury decided to make that decision on her own because they don't remember it happening, and they don't have any records of it. They have done more training since this happened. Not only about making sure you're marking the right member of the family when you check someone in on express poll, but also ballot recording and logging phone conversations so that there is a record in the future. And Ms. Stancil would like to speak.

MS. STANCIL: Kim Stancil, 400 East Main Street, Canton, Georgia. I did disagree with that part of the -- the report. We have no documentation of ever speaking to that manager about this incident. Every poll manager has a notebook in their supplies that they are to write down any situations such as this and document it when it happens. There was nothing written in the poll manager's notebook about this incident. And the poll manager did not -- when I was interviewing her -- she never said she spoke to anyone in the office. So we would not have instructed her to do that. That would not have been our instructions to do. So I -- I have to believe that they
did not call our office.

They looked up the voter certificate of the father to make sure that he had indeed voted that morning and they -- they just marked him for the daughter, but then it turned out that they voted -- they each voted different parties so we had to go back and change the credit for voting to reflect that.

MR. WORLEY: I'm sorry. Could you explain how you -- one voted in the Democratic -- voted on a Democrat ballot, correct?

MS. STANCIL: They got the correct ballots. But in their voter history, it reflected that they voted the opposite party.

MR. WORLEY: Okay. So they -- they got the ballot that each of them wanted --

MS. STANCIL: Yes.

MR. WORLEY: -- but the voting history --

MS. STANCIL: In the express poll --

MR. WORLEY: -- was --

MS. STANCIL: yes.

MR. WORLEY: -- was wrong?

MS. STANCIL: Yes. Yes. So we corrected that immediately because we didn't want each of them to start receiving political mail from the opposite party. It appeared from their voting history that they always voted
a certain party, and so we wanted to get that corrected as soon as possible. So we just corrected that as soon as we found out.

MR. WORLEY: But --

MS. STANCIL: But we did not --

MR. WORLEY: -- what -- what -- what is wrong there is not correcting it.

MS. STANCIL: Yes. It is now. Because we corrected it, but the poll workers never -- never --

MR. WORLEY: -- but -- yeah. But it's not -- it -- it's -- it indicates the party that they wanted to vote in but not how they actually voted.

MS. STANCIL: Yeah. They got the correct ballots that day.

MR. WORLEY: Okay.

MS. BRUMBAUGH: So -- but --

MS. STANCIL: They got --

MS. BRUMBAUGH: Do you want me to re-explain or --

MR. WORLEY: Yes. I'm totally confused.

MS. BRUMBAUGH: Okay. So David Loos is a Republican. David Loos goes to vote in the Republican primary. David Loos gets a Republican ballot, but in the express poll, it is marked that Meredith Loos has voted and that Meredith Loos has received a Republican ballot.

MR. WORLEY: Gotcha.
MS. BRUMBAUGH: Meredith Loos comes in in the afternoon. She's a Democrat. She gets a Democratic ballot but they, you know -- first, they look and they're like you already voted. You voted Republican. She's like mmm-mmm. And so she gets the -- the Democratic ballot. She votes for whichever Democrat she wanted to vote for. And at the time was credited -- well, at the time then David Loos was credited for the Democratic ballot. When this all came to light, they corrected the express poll history. Any other --

MS. LE: So what concerns me with this case is the integrity of the voting process and the after-the-fact corrections. Mistakes are made -- I get that -- and it happens, but in this case, you know, the correction was made and to some degree you're asking us to just trust: oh, you made the right correction, maybe this case but not in other cases -- can you elaborate on what changes have been made in terms of training because election integrity even with an honest mistake is very important?

MS. BRUMBAUGH: Absolutely. So they -- I think used this precise situation in training classes now. They kind of refer to it and say this is what happened. They talk about checking the dates -- the date of birth because Meredith was the -- the daughter of David so there -- there was no way that they were -- could have been
mistaken if anybody had looked beyond the last name.

They also have changed the policy in their election
that all election staff -- I guess, this started -- so
this was 2016. So since that election all election staff
keep a phone log of all calls including times, names, and
telephone, and descriptions so that, you know, to the
extent this Ms. Tewksbury makes a decision it can be
verified as to whether that was something that the -- the
central office endorsed or not. So that -- any other
comments?

MS. STANCIL: At the time it -- if they had called us
-- at the time, it could've all been corrected and
straightened out right then and there, and we would not
have had to go back and correct the voting history because
it would have been a simple matter to unmark the original
voter in the -- in the express poll, re-mark for the
correct party and -- and mark the daughter correct. It's
-- if -- it's a very simple matter. It's just a record-
keeping matter. It has nothing to do with the voting.
You can unmark and -- and mark, and we would have
instructed the poll worker how to do that.

But, like I said, we didn't get the call. There's no
record of the call in our notes or in their notes. So
this is not how we would have handled it. We had no
choice but to go back and correct it later because we
weren’t called.

MR. RAFFENSPERGER: Any more questions?

MR. WORLEY: The -- the investigative report that Ms. Watson has presented to us says that all the poll workers there: the manager, Mr. Gies, the assistant manager, Ms. Gies, and, Ms. Tewksbury, the assistant manager, all said they called the elections office for directions on how to handle the situation.

MS. STANCIL: Were you given a copy of my statement?

MR. WORLEY: I'm not -- I heard what you said.

MS. STANCIL: Yeah. I wrote a very detailed statement at the time that when I interviewed them --

MR. WORLEY: And did they say something different to you? Or what?

MS. STANCIL: They did not mention calling the office.

MR. WORLEY: Okay.

MS. BRUMBAUGH: I have her statement if you would like to take a look at it. I only have one copy, but I'm happy to --

MR. WORLEY: No. I -- I accept the fact that that's what she saying in it. I may -- can you offer any explanation for why all three poll workers would say that they had called when in fact they did not? Did, in fact, lie?
MS. STANCIL: I cannot and I couldn't -- I could not swear to the fact, I mean, we had a huge turnout on that election day. I'm not -- I can't swear to the fact that they didn't call. I'm saying we don't have a record and they wrote nothing about it in the -- the notebook. So -- and this is not how we would've handled the situation. So that's all.

MS. WATSON: Her coworkers not positive who they talked to over the phone. They said that it could've been Ms. Stancil or Anne that they are adamant that they called the office, but they cannot be positive of who they talked to.

MR. WORLEY: And was Anne Dove spoken to? Did you all speak with Ms. Dove?

MS. WATSON: They didn’t advise Anne who.

MS. STANCIL: I doubt they did because, you know, she's kind of over the poll workers.

MR. RAFFENSPERGER: What is the will?

MR. WORLEY: I would make a motion that we refer this case to the Attorney General's office.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second that one.

MR. RAFFENSPERGER: There's a second. Motion before us. All those that are in favor of turning this over to the Attorney General's office, please state aye.
MR. WORLEY: Aye.

MS. SULLIVAN: Aye.

MR. RAFFENSPERGER: Those opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. It’s sent over to the Attorney General’s office.

MS. WATSON: The next case is 2016-38, Tab Number 17, Fulton County, Voter Ballot Formatting.

MR. RAFFENSPERGER: You know, excuse me.

MS. WATSON: Sure.

MR. RAFFENSPERGER: We have Paulding County here. Do we have anyone from Fulton?

MR. LOWMAN: Fulton County.

MR. RAFFENSPERGER: Oh, they're here too? Sorry.

Thank you.

MS. WATSON: On March 1, 2016, Richard Pileggi reported that he had not received a proper ballot while voting in the presidential preference primary in Fulton County, March 1, 2016. Mr. Pileggi stated that he requested a Republican ballot on his voter certificate but that he received a non-partisan ballot.

Mr. Pileggi cast his ballot prior to notifying the poll workers that he had received an incorrect ballot. The specific poll worker that encoded the card could not be identified as all the poll workers had coded cards.
We're recommending that Fulton County Board of Registration & Elections and poll manager Naomi Davila be bound over to the AG's office per state board rule 183-1-4.024B when Richard Pileggi was provided with a ballot that was contrary to his request of his voter certificate.

MR. RAFFENSPERGER: Is there anyone from Fulton County?

MR. LOWMAN: David Lowman, Fulton County Attorney's Office. I have Mr. Rick Barron, Director of Elections, and Mr. Ralph Jones, Chief of Registration.

MR. RAFFENSPERGER: We'll get you a microphone.

MR. LOWMAN: Good morning, board. This -- in this case, we -- we have in all of our DREs, a big prominent sign in the wings that says that if you receive the wrong ballot to please let a poll worker know before you cast your ballot. And in this case, the -- the poll worker activated the wrong ballot on the -- on the card, on the activation card and then after -- the voter let the poll workers know after he cast his ballot.

MR. RAFFENSPERGER: Do we have any questions from members? What is the will of the board?

MR. WORLEY: I'd make a motion that we send a letter of instruction to Fulton County on this matter.

MS. LE: I'll second that motion.

MR. RAFFENSPERGER: There's a second. The motion
before is we send a letter of instruction for 2016-017.
All those in favor?

THE BOARD MEMBERS: Aye.
MR. RAFFENSPERGER: Motion carries.
MS. WATSON: So the next case is 2018-24, Paulding County, Poll Location Access.

MS. JONES: In May 2018, Robert Funk reported that the Shelton Elementary School polling location in Paulding County did not have appropriate handicap access. Shelton Elementary School -- they went in the rear of the school in gym area. Poll workers were in the parking lot redirecting voters to the front of the school. Mr. Funk, his wife, and an elderly neighbor all were there to vote and found the distance to walk from the front of the school to the gym to be difficult when other parking was available closer.

He explained to a poll worker in the lot that they required handicap parking access, and the voter -- and the worker conceded and allowed him to park in the gym parking handicap parking space. Deidre Holden, the Paulding County Election Supervisor, advised that the complainants arrived as the school was getting out and when the buses and parents were picking up children. For safety reasons and to reduce interference, the poll workers had been stationed in the parking lot and were instructing voters
to park in the front and to watch for leaving students.

Ms. Holden advised that she tried to notify voters regarding the congested times of drop-off and pickup at the school, so voters could try to schedule around those times. Ms. Holden stated that the parking issue had only been a problem during the general primary and -- and would not be a problem during the July and November elections. We recommend that the Election Supervisor Deidre Holden and Paulding County Board of Elections and Registration violation be dismissed. The handicap parking issue was only an issue for a short period of time, maybe 15 minutes.

MR. RAFFENSPERGER: Is there anyone from Paulding County who would like to speak to this case?

MS. HOLDEN: Good morning. I just wanted to say to this board that, you know, the complaints we get for things such as this -- we take those very serious and we -- we use complaints as a way to learn and a way to better ourselves. And I wanted to inform the board that we knew Shelton was going to be a issue. That area is very populated. Our board -- we rented a van. We went into this area to find polling locations way before the 2018 elections. It's kind of like that area wants us there, but they don't want to give us a good facility to vote in, so we had to use the school.
We are currently going through a precinct change. We are going from 12 polling locations to 17, and we are adding satellite voting locations. The Shelton precinct has now been split into three polling locations -- three precincts, and hopefully this will not happen. It's unfortunate when we have a May primary: that is the last week of school for Paulding, and the school system will not allow us that Tuesday to -- yeah -- the students -- to be out of school. But I brought maps to show you what we are doing. I brought the precinct proposal that we are currently working in and executing.

But I appreciate you listening to us because we do listen to these complaints, and we never want to make anything difficult for a voter. It's important that they get to park where they need to park, especially our handicapped and our elderly -- el -- elderly voters. So I just wanted to come before the board and thank you and just thank you for presenting this because it is serious. And it is difficult for our elderly and disabled to walk a distance to a precinct just -- just to get into vote. But we are making changes, and we feel that these changes are good changes and for the positive, so I just wanted to let the Board know that -- that we are working on this.

MR. RAFFENSPERGER: Thank you. Oh, can you state your name for the record?
MS. HOLDEN: I'm sorry. Deidre Holden, Supervisor of Elections of Paulding County, 240 Constitution Boulevard, Dallas, Georgia.

MR. RAFFENSPERGER: Thank you.

MS. HOLDEN: Do y'all have any questions?

MR. RAFFENSPERGER: Does the board have any questions? Any further questions?

MR. WORLEY: I have a question for Ms. Watson. Ms. Watson, initially you all had recommended the -- a letter of instruction? Oh, sorry.

MS. JONES: It’s okay.

MR. WORLEY: Excuse me. It’s not Ms. --

MS. JONES: I can answer that.

MR. WORLEY: But -- but now you recommend a dismissal, but why the change?

MS. JONES: After consideration, we felt like they had made all the accommodations that they could because it was just a temporary issue, and they did allow him to park in the handicap access that he needed to park in. He wasn't redirected to the front. He was able to park where he wanted to park.

MR. RAFFENSPERGER: Do we have any further questions from the board? What is the will of the board? Do we have a motion?

MS. LE: I move to issue a letter of instruction for
those voters who don't get to have access even if it's
temporary, it's 100 percent difficulty for them, so I -- I
feel like it requires a letter of instruction.

MR. WORLEY: I would second that.

MR. RAFFENSPERGER: We have a second. The motion
before you. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Letter of
instruction. If no one objects, we'll vote on the
remainder. The remainder that I have is 2015-090, 2016-
045, 2016-068, 2016-087, 2016-0 -- 2016-156, 2017-057 and
2017-065. Did I miss any of those? And board, what do we
move?

MR. WORLEY: I would make a motion that we send a
letter of instruction in each of those cases, if the
secretary could just verify that.

MS. SULLIVAN: I second the motion.

MR. RAFFENSPERGER: Before you. All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: No one opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. If you don't
object, I'm going to take a 10 minute break. I think
that'll be a good thing. We'll be back in 10 minutes.

(Break taken)

MR. RAFFENSPERGER: If we could get everyone -- we’re going to call -- go through the cases. If you are here on a case, we’d like to know, and we’re going to move those to the front of the line. I know that some of you have travelled 3, 4 -- 3 or 4 1/2 hours to get here, and we want to be respectful of your commitment. So the first case, 2013-046, City of Gordon. Is there anyone here for this case?

MR. KENDALL: I'm here for that case. I represent the party responsible. Wayne Kendall is my name.

MR. RAFFENSPERGER: Okay. We’ll get to you in a second. We're going to call them all out to see who's here. 2013-052, City of Atlanta. Is anyone here for that?

MR. LOWMAN: It's Fulton County.

MR. RAFFENSPERGER: Yes, sir. Okay. 2015-008, Sumter County. Anyone here for that case?

MR. ARNOLD: Yes, sir.

MR. RAFFENSPERGER: 2015-059, Thomas County?

(no response)

MR. RAFFENSPERGER: No one here for that one. Okay. 2015-060, Baldwin County?

(no response)
MR. RAFFENSPERGER: It doesn't seem like that one.

2015-069, City of Sparta. Ma'am?

MS. GRANT: Hi, I'm Andrea Grant, attorney for Hancock County and I'm here -- this is actually two-part case. There's an individual -- Nancy Stephens was a complainant and she's also the respondent. So I'm here to represent the respondent. She's here to answer.

MR. RAFFENSPERGER: Okay. Put this one back. 2015-079, City of Johns Creek.

(person indicating)

MR. RAFFENSPERGER: Yes, ma'am. 2015-089, City of Snellville.

(no response)

MR. RAFFENSPERGER: Not that one. 2015-094, City of Hazelhurst.

(person indicating)

MR. RAFFENSPERGER: Yes, sir. 2015-101, City of Warwick.

MR. POWELL: Ralph Powell on behalf of the Warwick County.

MR. RAFFENSPERGER: Yes, sir. 2016-016, Decatur County.

(person indicating)

MR. RAFFENSPERGER: Thank you. 2016-018, Douglas County?
MR. COLE:  David Cole for Douglas County.

MR. RAFFENSPERGER:  2016-019, Tattnal County?

(no response)

MR. RAFFENSPERGER:  No one here for that one.  2016-025, Clarke County.

MR. HAWKINS:  The petitioners are here from Athens-Clarke County.

MR. RAFFENSPERGER:  Certainly. And 2016-026, Hancock County.

MS. GRANT:  Andrea Grant.

MR. RAFFENSPERGER:  Yes.

MS. GRANT:  For the Hancock Board of Elections and Registration.

MR. RAFFENSPERGER:  Okay.  2016-027, Upson?

(no response)

MR. RAFFENSPERGER:  Okay.  2016-028, Candler?

(no response)

MR. RAFFENSPERGER:  No one from Candler.  2016-029, Fulton County. Fulton County-030, you're here -- you're -- 2016-034, Murray County?

(person indicating)

MR. RAFFENSPERGER:  Oh, hey.  2016-036, Houston County?

(no response)

MR. RAFFENSPERGER:  No one from Houston.  2016-040,
Murray County, again. 2016--Fulton. That's you. 2016-043 from Oconee County.

MS. DAVIS: Good morning. Fran Davis, Director of Elections.

MR. RAFFENSPERGER: Welcome. Okay. Those are --

MS. WATSON: Mr. -- Mr. Secretary, 2015-089, they asked for a continuance and received it.

MR. RAFFENSPERGER: So there's no objection for it? We will remove 2015-089. Okay. We'll start off at the top. You got a list of who's here?

MS. WATSON: Yes. 2013-46, City of Gordon in Wilkinson County. In November 2013, multiple complaints were received regarding mentally incompetent and near-comatose individuals being brought to the polls for the November 5th, 2013 Gordon municipal election.

The investigation revealed that Total Care, Inc. was owned by Ann Reeves, who is the sister of the then newly appointed mayor Mary Culver Lou. The investigation revealed eight individuals that were residents of the facility that were assisted with voting. Of the eight individuals, one had been adjudicated as incompetent. The remaining seven were confirmed to have varying degrees of physical and mental limitations. Their caregivers all stated that the electors would not have been capable of making a decision when casting a ballot.
The investigation was able to identify a staff member, a registered nurse Chastity Harris Farrar who completed the voter registration for Rene Carlisle, who had been adjudicated as incompetent. And Ms. Farrar also completed voter registration applications for John Dennis, Irma Kursy (ph.) and Joseph Caseman (ph.) when she knew their actual residence was Laurens County not Wilkinson in the City of Gordon. She signed the voter registration applications for Rene Carlisle, John Denise [sic], Irma Kursy and Joseph Caseman knowing they did not possess the qualification of electors. And we're recommending that Chastity Harris Farrar be bound over to the Attorney General's office for 21-2-216, 21-216-A4 and 21-2-560.

MR. RAFFENSPERGER: Is there someone here to speak to this case?

MR. KENDALL: Yes.

MR. RAFFENSPERGER: Your name?

MR. KENDALL: My name is Wayne Kendall. I'm an attorney. I represent Ms. Harris. Ms. Harris' sister ran a personal care home in the City of Gordon. (person speaking to him) Oh, I'm sorry. She's her aunt, not her sister. I'm sorry.

This personal care home is operated in the City of Gordon. These eight individuals who are listed here were all residents of that particular personal care home which
is located in the City of Gordon. They were registered to vote in the City of Gordon which is in Wilkinson County by Ms. Harris because they were residents. And they intended to stay at that particular facility because they were under contract with the state of Georgia, who was paying for their care at that particular facility located in the city of Gordon, Georgia.

Now the fact -- the original claim here was that these individuals were comatose. If you're comatose, by definition, you can't walk into a polling place. So the factual basis for these claims is patently false. These individuals are not comatose. They were ambulatory. They walked into that facility of their own volition or they were in wheelchairs and were rolled into that facility.

Now, code section 21-2-216, which deals with qualifications of electors -- as far as I can tell, it does not speak to the mental capacity of the elector. And there's no allegation here that anybody that was there in that polling place is a healthcare or mental healthcare professional to determine what the cognitive mobility of any of these eight persons were in terms of their ability to cast a ballot.

And because you have a known disability does not mean that you give up your fundamental constitutional right to vote. So to say that they were not qualified without any
medical evidence to prove that they were giving up their	right to vote due to some mental disability that they had
been adjudicated on a court of law is by per – per say,
unconstitutional.

So to apply this particular provision 21-2-216 to
these individuals and say that they were unqualified to
vote in my view is unconstitutional. So this statute
would be unconstitutional as applied even if – in fact the
State intends to apply this to these individuals to say
that they were unable to vote because of some mental
disability that they have that -- that indicated that they
do not have the cognitive ability to vote.

They were residents of the City of Gordon so 21-2-16-
A4 which talks about voter registration applications
because -- being in violation because they were residents
of Laurens County is factually false because they were
residents of the City of Gordon which is where they
registered to vote.

The 21-2-560 claim, making false statements, also
goes to -- apparently -- and I'm not sure from what's
written here, but apparently it goes to the fact that they
-- these individuals allegedly were residents of Laurens
County not Wilkinson County, but the facts are that they
were residents of this particular personal care home which
is located in the City of Gordon and that's where their
residence was and that's where they intended to stay
because they won the contract to live in that facility in
the City of Gordon.

Now with all of that said, my client has informed me
that she is nevertheless willing to accept a letter of
instruction if the state is willing to not refer this over
to the Attorney General's office.

MR. RAFFENSPERGER: Do any of the board members have
any questions for him? Please present them to the
speaker.

MR. WORLEY: I -- I just have one question for Mr.
Kendall. Had Rene Carlisle, who is one of the residents,
had she had been judicially determined to mentally
incompetent?

MR. KENDALL: Mr. Worley, I am not sure that she had
been determined to be mentally incompetent in my eye.
There's no evidence in the record of this case that that
is, in fact, the case. If that had been the case, then I
would expect that the investigator would have able to
prove that by showing some order that had been entered
indicating that this individual was mentally incompetent.

Now, even if she was mentally incompetent, I have a
question as to whether or not that obliterates your right
to vote, and unless there's some law somewhere that I'm
not -- that I'm not aware of that says that because of
your mental disability you do not have the right to vote, then I will say it didn't matter if that was the case. I know of no Georgia law that says that a person's qualification to vote is dependent upon their mental capacity.

MR. RAFFENSPERGER: Thank you. Do any other members have any questions?

MR. WORLEY: I -- I have a question for Ms. Watson.

MS. WATSON: Yes.

MR. WORLEY: The file indicates that there are incompetency documents --

MS. WATSON: Yes.

MR. WORLEY: -- in the file? Do those relate to Ms. Carlisle?

MS. JONES: Yes.

MS. WATSON: Yes.

MR. WORLEY: And -- and what do they have to say?

MS. WATSON: Would you like me to read it or -- it says that she --

MR. WORLEY: Well, just generally.

MS. WATSON: -- yes. She was -- she was adjudicated as incompetent and needed a guardian.

MR. WORLEY: Okay. Then there is the document relating to that in there?

MS. WATSON: Yes. That's from DeKalb County.
MR. WORLEY: Okay.

MR. RAFFENSPERGER: Any further questions or comments from the board?

(no response)

MR. RAFFENSPERGER: What is the will of the board in this case?

MS. SULLIVAN: I move that we bind this case over to the Attorney General's office.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I second.

MR. RAFFENSPERGER: There's a second. It is the will of the board to move this case 2013-046, City of Gordon, to be binded over to the Attorney General’s office. All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2013-052, City of Atlanta, Fulton County. In November 2013, there were a total of 12 complaints regarding the City of Atlanta's special election held November 5th, 2013. Of those 12 complaint allegations, six were substantiated during our investigation.

Elector Dale Thomas reported that when she went in to
vote she was told that she could not, as she was listed as a felon, and there was no provisional that was offered. Fulton County was in error when they identified the complainant as a felon and removed her from the roll.

Elector Ozgunes was challenged as a non-citizen when she went to vote. Ms. Ozgunes is a citizen and voted in 2010 and 2012. Ozgunes reports that she has had to provide citizenship documentation since 2009. Fulton County failed to properly maintain their voter registration files by continuing to show Ozgunes as a non-citizen. This resulted in her being challenged as a voter and not being able to vote.

Jon Heath and his wife Kelley (ph.) checked online their voting precinct and were listed as Parson Recreation Center in Grayson. This is not their usual precinct. The Heaths know they live in District 1, but they received a District 3 ballot. They notified the poll worker. The poll worker did call the office to confirm and what we're told that the Heaths had one ballot choice at the precinct so they cast the ballot. In the December runoff election, they again checked their poll and found that they were moved back to their original precinct that they normally vote at. They went to Parkside and were told they were not on the list of electors for the runoff. The poll workers called the elections office and were allowed to
vote on the DRE for District 1. Fulton County failed to place elector Jon Heath and his wife Kelley in the proper voting district.

Elector Jean Duncan went to vote and was told she was not on the voter list. The poll workers asked if she was a felon before providing her with a provisional ballot. Fulton County misidentified the elector Jean Duncan as a felon, causing her qualifications as an elector to be challenged. She was able to vote a provisional and the vote was counted.

Elector James [sic] Davingnon went to vote at his regular voting precinct and was directed to a different poll. The new poll location was in the City of Sandy Springs. He knew he lived in the City of Atlanta so he challenged the poll location. Fulton County placed Jacques Davingnon into the wrong district. The elector recognized the error and was provided a provisional ballot that was counted.

Elector Pamela [sic] Myers went to vote and was told voting location had changed to Chastain Park. This was the City of Atlanta, and the ballot contained City of Atlanta residents. Fulton County placed Patricia Myers into the wrong district which resulted in her voting in the wrong precinct and the wrong ballot. We're recommending that Fulton County Board of Elections be
bound over for the listed violations.

MR. RAFFENSPERGER: Okay. Do we have someone from Fulton County?

MR. LOWMAN: Thank you. David Lowman, Fulton County Attorney's Office, and I have, to speak to the six alleged violations, Mr. Ralph Jones, Chief of Registration. I did want to point out that this is one of two 2013 cases on the entire calendar. And as such, these violations took place back in -- took place back in November of 2013.

We don't have -- I see there's an exhibit list -- we don't have any of this information. So to be able to even mount a decent investigation or defense in this case is somewhat unclear -- to the extent that we are able to do that I would have Mr. Jones speak to what he can.

MR. JONES: Complaint number four, we'll start with complaint number four. And complaint number four: we noticed that this person continuously went to vote, and at that time, they were showing their -- they were marked as a non-citizen, and when they went to go vote, they showed their passport and what-have-you at the polling location. Once they showed that information, the poll worker will allow them to vote, but that information never got back to our main office. So what we've done now is put something in place that if a person shows that they are a citizen at the polls, we have now put in place that information will
return back to our office so that we can update our records. The records never got updated at our office because the proof of citizenship was done at the polls instead of at the office.

Complaint number two, that is office error. We had a new employee at the time. We went through training again, and he is now doing training. He made a mistake on four voters and removed four voters incorrectly. We have since then reinstated those four voters, and after training we haven't had any problems.

The same thing with complaint number eight. It's the same thing. The voter -- the person who was doing our felony process -- this is one of the four people that he removed. Two were reported to us. Once we understood the error, we went back and corrected everybody who he had mistakenly removed off the list.

Complaint number nine -- complaint number nine we believe to have -- complaint nine, I think we believe that we were okay with complaint number nine -- the person was registered in a particular precinct, and we sent them to the wrong poll based on express polls. When the election on the express poll is not a county-wide election, express poll does not allow you to use the precinct detail function. The precinct detail function in express poll should tell you where you will vote, what precinct that
you're in. But that only works if you are doing a county-wide election. At this election, in complaint number nine, in this election it wasn't county-wide, so the poll worker then told them what they thought was the correct polling place. We have since then notified our poll workers not to use the precinct details and to call our office to secure where a person should actually be registered to vote. We updated his record and put him in the correct precinct based on his provisional application. When he voted provisional application, we then updated his records based on his provisional voter registration application, so that's why that information had changed.

Finally, complaint number 10: we agree with complaint number 10. The person we questioned lived on Lake Forest Drive Northwest. We -- when we were entering the voter registration we put him on the Lake Forest Drive Northeast which put him out of the district. It was an error on the clerk's end.

If there is not any questions, that concludes my report.

MR. RAFFENSPERGER: Do any of the board members have any questions regarding what was presented?

(no response)

MR. RAFFENSPERGER: What is the will of the board? Do we have a motion?
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.
Because some of them --

MR. WORLEY: Right. The -- the remaining complaints 
that were substantiated, correct.

MS. SULLIVAN: I'll second the motion.

MR. RAFFENSPERGER: We have a motion before us for a 
letter of instruction for claims two, four, eight, nine 
and 10, if that's correct, and bind over the others to the 
Attorney General's office. All those in favor, please 
signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case I show is 2015-008, Sumter 
County, City of De Soto, no election held.

MR. WORLEY: Excuse me. I'm sorry for interrupting 
you, Ms. Watson. I need to recuse in this case.

MR. RAFFENSPERGER: That was Sumter County. Okay. 
Let's continue.

MS. WATSON: Okay. In February 2015, the Chairman of 
the Sumter County Commissioner, Randy Howard, reported 
that the City of De Soto was not holding a special 
election in March of 2015. The Chairman states this is a 
violation of the City of De Soto city charter. It was 
determined that the City of De Soto had contracted with
Sumter County in December of 2009 to conduct the City Municipal Elections. The City retained the responsibility to hold qualifying for candidates and were required to keep and entertain voter registrar.

In 2014, the City of De Soto failed to retain a registrar or hold qualifying for candidates for their municipal election in 2015 -- 2014 -- or for the special election in March of 2015. The City of De Soto hired legal counsel and filed a petition to hold a special election on June 16, 2015. However, Sumter County Board of Elections voted against the contract to hold the election for the City of De Soto on April 15th, 2015. The court order was signed by Judge Smith, was admitted on June 8th, 2015, and changed the date of the election to September 15 of 2015. The City contracted Ms. Sherry Ratcliff (ph.), the former Sumter County Election Supervisor, to conduct their elections and then the election was held on September 15th, 2015.

We're recommending that the City of De Soto be bound over to the AG's office for 21-2-131, fixing and publishing of qualification; 21-2-540(b)(c)1b, conduct of special elections generally, when they failed to make arrangements to hold a special election in March 2015; and 21-2-9, date of election for offices when they failed to make arrangements to hold an election in 2014.
And of note, we noted that there were similar complaints filed in 2005 and 2009 for failure to hold elections in the City of De Soto, and our records indicate a consent article was presented to the AG for the 2009 case for a $500 civil penalty and a cease and desist and public reprimand for failure to hold general municipal elections in 2009.

MR. RAFFENSPERGER: Okay. I see someone from Sumter County is here to speak to this case. Step forward and identify yourself.

MR. ARNOLD: Good morning, Mr. Secretary and members of the board. I'm Justin Arnold from Fairfax, Georgia in Sumter County, here on behalf of the City of De Soto. I was involved with the -- getting the City up to speed in 2015. They acknowledge that they did not hold an election when they were supposed to in 2014, and I was involved in making sure that they did end up having an election in -- in 2015.

As far as that election that was held, the -- the report acknowledges that there were no problems or issues with having that election that was found held in 2015. As a part of that election, the mayor -- prior mayor -- who had been the mayor during these past prior issues that had come up with election issues was -- is no longer the mayor. Here, the mayor who is currently the -- the Mayor
of De Soto is -- is here and present. A number of the
council members has changed over since -- since that
election was held in 2015 -- a situation where in 2018 the
election process was gone through and again. I think this
week is qualifying for a -- the -- the current runoff
election. So it's a situation where they acknowledged the
problems that they’ve had in the past, have taken steps to
-- to make sure that those issues don't come up again, and
have different elected officials that are taking this much
more seriously. We’d ask that rather than binding it over
to -- a letter of reprimand would be involved in this
case.

MR. RAFFENSPERGER: Any of the board members have any
questions for Ms. Watson or the attorney foe Sumter
County?

MS. LE: What changes have you made because, I guess,
I -- I -- was it because the scope of contract didn’t
cover qualifying and it has that incorrect -- can you help
me understand that?

MR. ARNOLD: Initially -- De Soto is a -- a small
town of less than 200 people, and there was issues I think
back in -- in 2005, 2009 related to who is going to pay
for these services and how much those -- these services
would be, and there was some significant discrepancies as
far as city and county issues between them about -- about
what -- what the appropriate fees would be in a situation
where there was sort of a standoff as far as dealing with
things and -- and a -- a prior administration that was
just willing to not do what needed to be done. And once
our office became involved and became the city attorney,
since that time they've tried to make sure to -- to hold
elections accordingly and make sure that the qualifying
process is taken into account even to -- or making sure to
-- to take those appropriate steps going forward with --
with -- at this point, different elected officials.

MR. RAFFENSPERGER: It’s a simplistic analogy but
it's a little -- it's a little bit more serious than, you
know, your children just saying they're not going to do
their chores, like taking out the garbage, washing dishes.
Just saying we’re not going to have an election -- I
don't think that's wise or will do well, especially in the
atmosphere that we’re in right now. I think that everyone
recognizes the importance that everyone gets to choose to
vote. Maybe no one would run against the prior
officeholder, but maybe someone would have liked that
opportunity, so we consider it a very serious issue, and I
am troubled by how there could be, really, any excuse for
that. And so, what is the rule of the committee?

MS. LE: I hear your request for a letter of
instruction, but not holding an election is a pretty
serious violation, and it warrants something more than just a letter. I move to send it to the AG's office.

MR. RAFFENSPERGER: We have a motion to bind this over to the Attorney General's office. Do we have a second?

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: The motion is before us. All those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

(All except Mr. Worley.)

MR. RAFFENSPERGER: Anyone is opposed?

(no response)

MR. RAFFENSBERGER: It's going to the AG's office. Thank you, sir.

MS. WATSON: The next case I show is 2015-069, City of Sparta, tab number 31. During early voting for the November 3rd, 2015 general election, the City of Sparta Elections Supervisor Aretha Hill filed a complaint alleging that Hancock County Election Board member Nancy Stephens entered the enclosed voting area of a polling place and refused to sit in the designated public viewing area and that mayoral candidate R. Allen Haywood entered the same polling precinct on several occasions while the polls were open and that he did so without voting.

Hancock County Election Board member Nancy Stephens
also filed a complaint alleging that Sparta's polling
precinct violated several election laws regarding signage
and legal campaigning and activities inside the polling
place between the mayor William Edmonds, Junior and Aretha
Hill. Investigation revealed that Hancock Election Board
member Nancy Stephens entered into the enclosed area of
the polling place and refused to leave that area when
asked to do so by the Sparta Elections Supervisor Aretha
Hill.

There was a difference in opinions between the
parties as to the definition of the enclosed voting space
and authority to observe the election process. All the
other complaints were investigated and were not
substantiated. We're recommending that Nancy Stephens be
bound over for 21-2-413f, conduct of voters, campaigners,
and others in polling places in that she entered the
enclosed area poll -- polling place to observe voting when
she was not authorized to do so.

MR. RAFFENSPERGER: I believe there’s someone here to
speak with us?
(no response)

MS. GRANT: Good morning. I think it's still
morning. I'm Andrea Grant. I'm an attorney for Hancock
County Board of Elections and Registrations and
specifically today for -- for Nancy Stephens. As she
mentioned correctly, this is a two-part case. There's two
complainants, and I am addressing the one where Nancy
Stephens was the respondent as far as the allegations of
entering into an enclosed polling place.

There's a couple of things that I'd like to share
with you that are -- are -- that creates some animosity
between Ms. Hill and Ms. Stephens. And then I will let
her explain to you about where she was sitting and how
everything went about. But Aretha Hill, the supervisor,
was fired by the Board of Elections and Registration in
Hancock County in 2015 and -- in the spring -- and then
this election occurred in the fall.

There's been a long history of Ms. Stephens wanting
to observe as a public member the activities going on in
the precinct. She is very, very versed in what is a
barrier, how far a barrier is located -- in fact, that can
be found in 21-2-267 and it does say part of which is
within the obstructed view of those present and shall be
furnished with a guardrail or barrier closing the inner
portion of such room, which guardrail or barrier shall be
so constructed and placed that only such persons as are
inside such rail or barrier can approach within six feet.
Well, you will hear from Ms. Stephens that they used
basically tape to mark off, and it moved from time to time
on different days of where that tape and chairs were
located.

Secondly and importantly, in that same statute in the last sentence of sub-section a, it says the whole purpose of this guardrail is to prevent the public to observe the voting without affecting the privacy of the electors as they vote. And that was all that -- that Ms. Stephens was doing.

When Ms. Hill worked for the Hancock County Board of Elections in 2012, the same situation occurred. I will let her give you the details about calling the sheriff's department, calling the Secretary of State, calling the attorney, and she was ultimately permitted to stay in the area. So after Ms. Hill was fired and running the city elections, we had a repeat of the same situation. So it's -- it is our contention that it's the animosity between the two persons that is the bottom of this which is not really something you all have to -- should have to hear about, but I think it's very important that -- that you do realize that. It's a small town. There's a history of -- of -- of personal things going on between the two women, but at no time did Ms. Stephens enter into the enclosed area as defined as 21-2-267, and, furthermore, the -- the supervisor continued to move the tapes and chairs around, so it was a moving target from day-to-day which added the additional confusion as to the enclosed area. I'm going
to let Ms. -- if it's the pleasure of the board, I'm going
to let Ms. Stephens tell you briefly about what happened.

MR. RAFFENSPERGER: By all means, go ahead.

MS. GRANT: Briefly.

MS. STEPHENS: Nancy Stephens, 389 Roy Smith Road,
Sparta, Georgia, and I am a board member. Let me say
first, I've been coming before the state elections board
for about 15 years trying to help Hancock County
straighten out their elections. I've been a board member
since the board was created in 2011. Beginning with
advanced voting during the primary for the 2012 election,
I began going to our office, sitting in a chair, and
observing advanced voting. I did not interfere with any
voters and do not speak to anyone while voters were
voting.

I saw many violations of the election code that I
reported to our board, and when no action was taken by the
board, I reported to the Secretary of State. Now, some of
these violations were advanced voting was being done in
our office, so absentee ballots were coming in at the same
time and people were bringing in stacks of absentee
ballots. Nobody was asking are you related. They were
just saying here, here they are, just take them. There
was also, in city elections -- and this has been going on,
it’s been before the Attorney General's office since 2011.
Maxine Nevins, the mayor's sister, has assisted voters in every city election. He is running in it, and she did in 2015 also.

On approximately three separate days, Ms. Hill called the sheriff to have them resume -- remove me from the office when I was observing. I filed a complaint with the Secretary of State. Shortly prior to this time, approximately 1500 voters had been removed from their voting precincts in error of Hancock County by our office staff. Around July 2012, board members and Ms. Hill were asked to meet with then Secretary of State Brian Kemp and Senator Johnny Grant and Representative Sissy Hudson. During the meeting, the voters that were removed were discussed, but also then Secretary -- then Secretary of State Kemp advised Ms. Hill that we were allowed to observe voting and that she could not have board members removed. He also sent an investigator to inform the sheriff of this.

Ms. Hill was hired by the City of Sparta to handle their 2015 election. On October 13th, 2015, I went to the city precinct to observe. Ms. Hill had set up a row of several chairs in the precinct and I went in and sat down. I observed for a while, not talking with anyone, and then a city police officer politely came in and told me I had to leave. I tried to explain to him what had occurred
during the 2012 primary, and if he would speak to the
sheriff, he could confirm that I could observe. Instead,
he said he was going to arrest me, and I had to leave. He
grabbed me by my arm and pulled me out of my chair and
across the room. When we got into the hallway, I again
told him I could observe. He took out his phone, and I
thought he was calling the sheriff. Instead, he called
his wife, board member Linda Clayton. He had the phone on
speaker, and he told her I was there observing and asked
if I could be there. Her response was hell no, get her
out of there, whatever you have to do get her out of
there.

I told Officer Clayton I had to retrieve my wallet so
I went back into the precinct, sat down, and started
putting my notebook -- notebook in my briefcase. I was
doing it as fast as I could. I was not just sitting there
and messing around. I was putting the stuff away. He
came back in and said I was not doing it fast enough,
grabbed my arm, and pulled me out of the chair and across
the room.

I went to our office where I checked with our board
attorney who said I could observe as could any member of
the public. I did return Sunday at 9:30 once it was
verified I could observe. Ms. Hill asked if I -- that I
sit in the hallway where I could not see anything. If I
moved to the location where I could observe, I was in the way of people coming and going.

When I went back to observe on October 14th, 2015, the row of chairs had been moved, and they were stacked against the walls along with boxes and tables, taking up most of the space in the polling place. Every attempt was made to reconfigure the room to avoid people observing. Surveyor's tape had been run around in the room, blocking out most of the open space. The tape was approximately eight feet from the DREs and covered the space where the chairs had been. The only place that I could put my chair to observe was about three feet inside the door next to the surveyor's tape. I had to turn sideways to prevent interference with voters coming into the polls. The orange surveyor's tape was touching the tip of my shoulder here (indicating). No part of my thigh was ever inside the enclosed space. I did not at any time enter the enclosed space. The only time I spoke to anyone was when there was not -- were not any voters present, and I gave Ms. Hill some open records requests.

Because of the actions of Ms. Hill and Officer Clayton, I had extensive damage to both my knees. I'm sorry (crying). In March 2016, I had to have replacement surgery on one knee. In September 2016, I had knee replacement surgery on the other knee. Their actions cost
me approximately $5,000 for my portion of my medical bills in about two years, directly from their actions. I was also treated at the emergency room for swelling to my knees and for bruising and pain in my arm and shoulder.

I did not enter the enclosed space during the 2015 City of Sparta election. I was told I could observe, and it was verified that I could. I’ve been the victim of a false complaint by Ms. Hill, and the Secretary of State investigator found that Ms. Hill did not violate any election laws when I was removed and injured at the polling place. Thank you.

MR. RAFFENSPERGER: Thank you.

MS. GRANT: So unless there are any questions for -- for Ms. Stephens, I would ask that the Board reconsider the -- her portion as being a complainant and dismiss the portion where she is the respondent.

MR. RAFFENSPERGER: Are there any questions from the board or Ms. Watson?

MR. WORLEY: Ms. Watson, what -- what is the evidence that Ms. Stephens was in the enclosed space?

MS. WATSON: The room was a very small room, and it was -- where she was sitting was -- we have -- have photographs of the -- Pam observed the room. She can ad - - advise you how close that she would have had to have been, and in Ms. Stephens' statement back to us, she
states that they moved my chair position to where it was on the other side of the threshold, and I could not see into the room at neither to the registration table nor the DRE machines which were turned so I could not see how people could vote, which, you know, it was very tight and people coming into to vote would -- would have concerns for privacy with -- with someone sitting, you know, within four feet of the DRE machines.

MS. GRANT: May I speak? If -- if her chair had been within four feet, then they had it marked off incorrectly because she at no time was on the other side of the red tape. Now, I'll -- I think you probably have some pictures after the fact with somebody sitting with their hand over the tape in a -- in a chair. But that was not the case. This was some type of re-creation that --

MS. WATSON: But there were two days that she was there, not just one.

MS. GRANT: But there is -- there is no evidence that she is -- if perhaps -- I'll -- I'm not there. I didn’t measure, but it sounds like its circumstantial. First, we heard six; now, I -- we hear four and the -- and then at one point we even heard eight.

MS. JONES: The tape was about eight feet from the machines when I was there.

MS. GRANT: But she still was even two feet away
MR. RAFFENSPERGER: Any questions from any of the members?

(no response)

MR. RAFFENSPERGER: What is the will of the committee?

MS. SULLIVAN: Ms. Hill filed the complaint against Ms. Stephens. Is that correct? Ms. Hill filed the complaint against Ms. Stephens.

MS. WATSON: That is correct.

MS. SULLIVAN: Ms. -- Ms. -- Ms. Hill is not here, right?

MS. WATSON: No, she’s not.

MR. WORLEY: I'll make a motion that we dismiss the complaint against Ms. Stephens.

MR. RAFFENSPERGER: There is a motion before us. Is there a second?

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: There's a second. All those in favor of dismissing the complaint in SEB Case 2015-069, City of Sparta, just say by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Case dismissed.
MS. STEPHENS: Thank you.

MS. GRANT: Thank you very much.

MR. RAFFENSPERGER: Do we want to jump down to the other case right now for Hancock County since there's so many related, or do you want to just go in line?

MS. WATSON: Yes. That's fine. Tab Number 40 is 2016-026.

MS. JONES: Two complaints were filed involving the Hancock County Elections Office regarding the March 1st, 2016 election. The first one was Ralph Turner complained that the elections office repeatedly placed him and his wife in the wrong voting district.

The second was that voter Kimberly Gore complained that she had went to the precinct to vote. The poll manager told her she was in the wrong precinct and ultimately prevented her from voting.

A monitoring inspection of the Devereux Fire Station Precinct 5 by an SOS investigator found numerous violations, and a poll manager at the second Buelah precinct discovered a sealed provisional ballot from the previous election in the provisional ballot bag during the May 24th, 2016 election.

Regarding the first complaint, the investigation substantiated that Mr. Turner and his wife and their neighbors were placed in an incorrect district, District
2, instead of the correct district, District 4. Kimberly Gore, regarding the second complaint, received a precinct card on January the 16th, 2016 and reported to the precinct listed on the card. She was told that she was not on the list and that she was at the incorrect precinct. She was instructed to go to the correct precinct to vote as there would be time for her to do so. Ms. Gore reported that she had to go to work and did not have time to go to that precinct, and she was not offered a provisional ballot.

Investigator Archie was conducting monitoring during the 2016 March 2016 election and reported the following: there were only two poll workers at the Devereux Fire Station precinct. The poll manager knew where the poll workers took or signed their oaths prior to opening the polls. Election Board member Linda Clayton left the key to the precinct under a battery instead of waiting to hand it over to the poll manager. There was no voter disability device connected to any of the DREs, and no hourly inspection of the DRE machines was conducted when the polls were open for voting.

As to the allegation that a provisional ballot from a previous election was found, it was determined that Larone Hawkins went to the second Beulah precinct on March the 1st, 2016, and cast an original ballot after he did not
receive his absentee ballot in the mail. That ballot was placed in a provisional ballot bag where it remained and not discovered until the May 24th, 2016 election. Therefore, his vote was never counted, and he was -- he never received credit for voting.

We recommend the following be bound over to the AG's office. Wanda Jordan, the poll manager for the second Darian precinct, Tiffany Medlock, the Board of Elections Supervisor at the time, and Hancock County Board of Elections and Registration for 21-2-590(3), poll officer permitting an unregistered or unqualified person to vote -- or refusing a registered or qualified person from voting -- in that Wanda Jordan prevented Kimberly Gore from casting her regular provisional ballot; Annette Lenahan, poll manager for the Devereux Fire Station, Tiffany Medlock, who was Elections Supervisor at the time, and Hancock County Board of Elections and Registration for 21-2-93, oath of office for manager Tony Parks and that the manager -- in that manager Annette Lenahan and the assigned clerks did not take their prescribed oaths prior to opening the polls; 21-2-450(f), opening the polls without inspection of machines in that they failed to ensure the machines were inspected at least once an hour; 21-2-379.7(d)(4), preparation of polling station places in that Annette Lenahan failed to ensure the voters’
disability device was connected to at least one DRE machine. The next one has a typo: it should read 21-2-405(a) instead of 21-2-450(f). 21-2-405(a) is meeting of poll officers in the polling place prior to a primary election when they don’t have at least two assistant managers present at Devereux Road; Annette Lenahan, poll manager, Linda Clayton, board member, Tiffany Medlock, Elections Supervisor, and Hancock County Board of Elections and Registration for violation of state board rule 183-1-12.02(2)(b)(5), voting equipment receipt management and storage when they failed to ensure the security of the DRE machines; Denise Battle-Wynn, poll manager of the second Beulah precinct, Tiffany Medlock, Hancock County Board of Elections and Registration for 21-2-418(f), provisional ballots when Denise Battle-Wynn, poll manager, failed to give the elector written information that informs the voter how to ascertain if his or her ballot was counted; State Election Board rule 183-1-12.06(7)(8)(9), provisional ballots given written information including paperwork; and 21-2-492(b), when the provisional ballot of Mr. Hawkins was not securely maintained; and 21-2-215(i) when they failed to give voter Larone Hawkins credit for voting.

MR. RAFFENSPERGER: Okay. Is there someone to speak from Hancock County?
MS. GRANT: Andrea Grant again for Hancock County. Of 10 alleged allegations the board takes full responsibility for. There’s the improper conduct of their poll workers and their supervisor Tiffany Medlock who was thereafter terminated from her position with Hancock County Board of Elections and Registrations. And I'm not making excuses, but it's a very hard line for small counties such as this. There's -- it's a very thin line with the board members overseeing the staffs and the poll workers and being involved in -- in, you know, reaching yet still being able to supervise and conduct the election.

And unfortunately, we had a renegade supervisor at -- at that time, and it's the fault of the board. There's no doubt about it. They were in charge of hiring and firing, but since then, they have hired Mr. John Reid (ph.). He was -- he is a prior mayor in Georgia, and he is now the supervisor. They have implemented additional training and backup procedures in order to handle some of these items, and the supervisor is being more open in communication with the board members so items such has happened in -- in that particular election, we are doing our best to keep this from reoccurring.

There's one of the allegations which -- if you’re counting numerically now, is item number six which
involves the violation and the State Election Board rule 183-1-12.02. There are some extenuating circumstances -- still no excuse to this one. However, with being in a rural community again, it's very difficult, and we've got to come up with ways that we can address these situations, but we’ve got limited budgets and limited personnel available.

But the -- one of the board members was delivering the key to the poll -- polling place, and the poll manager again -- the county -- the county hired the poll manager. She called and said I'm going to be late. And then Mrs. Clayton gets a phone call from the other polling place saying it's almost an hour before -- we don't have anybody here. So she's like okay, what do I do. I can't get anybody in here quick enough to open it up or transmit the key, yet I can’t leave that polling place un -- unmanned as well.

So -- and she understands that this was not proper procedure -- that she placed the key underneath a battery, so that when the poll worker that had called and said I’m going to be there in a few minutes that she could open it up. There's no doubt that that violates maintaining the -- the sanctity of the equipment and the polling place. And then she quickly went over to the other polling place. So what the Board is -- is trying to do and planning to do
is having better backup plans to avoid situations such as this from reoccurring.

And again basically all I can do, and we can do, is throw you all -- we're -- we're just asking for your mercy, that we are -- we now have -- our board has changed over. We have two new members, so it's kind of counter-productive to punish the current board for what the prior board has done, and I understand you don't have any way to do it, but their time would be so much better spent fixing what these problems are then being punished for what prior boards had done. Any questions?

MR. RAFFENSPERGER: Do the board members have any questions?

MS. GRANT: And of course, we would ask for a letter of instruction if that --

MR. WORLEY: I don't have any questions, but I just wanted to say that I'm very unsympathetic to Ms. Grant's argument. Other counties of similar size manage to get this done. Hancock County -- I will say, there's only one other county in this state that I recall being as many times in front of this board over the last 15 years that I've been a member. Only one other county has been here as often as Hancock County.

So -- so I'm -- I'm not very sympathetic to that argument. I'm very glad that you're -- you're improving
things. But I can't be -- I would not describe this process as punishment for Hancock County. I would describe it as continuing to educate Hancock County on what it is that they need to be doing. So I -- I don't want to prevent other board members from commenting, but I would make a motion that we bind over Hancock County to the Attorney General's office on all of these violations.

MS. LE: I'll second that.

MR. RAFFENSPERGER: We have a second to bind over all these to the Attorney General's office. All those in favor, say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. GRANT: Thank you. And as far as I see, I don't have anything else on the calendar for this county, so may I be excused?

MR. RAFFENSPERGER: Sure. Well now we're back up to the top I think the next one was SEB Case Number 2015-079, City of Johns Creek.

MS. WATSON: Correct. Two complaints were submitted regarding candidate Nazeera Dawood during the City of Johns Creek special municipal election on November 3rd, 2015. Jennifer Jenson reported that candidate Dawood
submitted false information on her candidacy affidavit when she used her married name before she was legally married. And Stephanie Endres reported that candidate Dawood on two separate occasions held a breakfast prior to voting, inviting electors to have breakfast before or after voting. Investigations revealed records to the legal name of candidate Dawood. It was verified --

MR. RAFFENSPERGER: Excuse me, excuse me, I’d like to -- I think in the interest of caution, make sure I mind my P’s and Q’s. I’m going to recuse myself because I am from the City of Johns Creek. I was on City Council of Johns Creek. I think I need to recuse myself from this and turn this one over to our Vice Chairman.

MS. WATSON: All right. In reference to the legal name of candidate Dawood, it was verified that she married after the candidacy paperwork was filed. There was no documentation that she changed her legal name after the marriage so the candidacy affidavit is correct.

In reference to the second complaint, it was substantiated that candidate Dawood acknowledged the two breakfast events and referred to them as networking events. Ashandra Sivilangam (ph.) advised that Dawood had contacted him and asked him to sponsor a breakfast campaign. Evidence from social media also substantiated the events with posting the body of electors to have
breakfast before or after voting. The quote from the posting dated November 21st: early Saturday voting is today from 8:30 through 5:00 p.m. at the OC Library, and there is free breakfast at Bharathakala Academy. Come say hi before or after you vote. On October 24th, the posting read join us this morning for a nice south Indian breakfast when you come to the OC Library for early voting served across the street at Bharathakala Dance Academy. We are recommending that Nazeera Dawood be bound over to the AG's office for 21-2-570.

MS. SULLIVAN: Do we have someone here from -- to speak to this case?

MS. ENDRES: I'm Stephanie Endres, from Johns Creek, Georgia. I was one of the complainants, and the reason I filed a complaint was because of the importance of an individual who was running for office, especially today, for them to not have integrity at the beginning of the process had they won what that would indicate as a candidate because you have to take an oath of office, so I'm filing.

Ms. Jennifer Jenson would have been here, but her spouse was relocated to the west coast about a month ago, and so she's following this case through me. I think it's important to follow through on the process because our underlying premises for this republic is the rule of law
and if you, as a candidate, are going to file to run for
office it's critical that you -- that individuals be able
to rely and trust in the person who’s running for office.
And so I'm very interested in following this case through
in light particularly of how easy it is for campaigns to
be able to manipulate on which you can’t hold them
accountable to in office. It’s very important for me to
follow this through, so that’s why I’m here today. So if
you have any questions --

MS. SULLIVAN: Thank you for being here today. Do
any of the board members have any questions for her?

(no response)

MS. SULLIVAN: Is Ms. Dawood present here today to
speak to this complaint? What is the will of the board?

MR. WORLEY: I would make a motion that we bind this
case over to the Attorney General.

MS. LE: I’ll second that.

MS. SULLIVAN: We have a motion and a second. Do we
have any further discussion? All in favor of binding
over, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed?

(no response)

MS. SULLIVAN: Motion carries. And I'll turn it back
over to the Secretary.
MS. ENDRES: Thank you.

MS. SULLIVAN: Thank you.

MR. RAFFENSPERGER: Well, we have now before us the board the City of Hazelhurst.

MS. WATSON: Yes. 2015-94, City of Hazelhurst. In December of 2015, Hazelhurst's Chief of Police Steven Land contacted the Secretary of State's Office regarding the November 3rd, 2015 City of Hazelhurst's mayor's election. Chief Land reported that on November 24th, 2015, a bench trial was held in the Superior Court of Jeff Davis County. And on November 30th, 2015, presiding Senior Judge Gary McCordy issued an order of judgment nullifying the election. Chief Land went on to report that the judgment court had ruled was the two-vote margin and victory by Bayne Stone was obtained by bribery and fraud.

On February 26th, 2016, another complaint was received by the Secretary of State's Office from Chief Land reporting that Dan Stone, son of mayor candidate Bayne Stone was going to Hazelhurst Court Care and Rehabilitation Center and intimidating patients to vote for his father.

The investigation revealed the identity of two individuals that gave statements in court testimony that they received money for their votes. Kenneth Woods received $7 cash, and George McCray advised in his
notarized statement that he got paid $20 and then in court that he got $10.

The poll worker he told and showed the money to said it was $20. The individuals were approached and paid by Dan Stone, who gave them a ride to the polls. Mr. Woods stated Mr. Stone paid him to vote for Bayne Stone. Mr. McCray said he was paid just to vote and not specifically who to vote for. Both Woods and McCray testified under oath during the court proceedings, providing testimony that was consistent with statements given to Chief Land during his investigation.

Superior Court of Jeff Davis County nullified the election as the vote of margin was only two votes and two individuals reported having been paid to vote. Dan Stone testified under oath that he did not pay anyone to vote for his dad. Dan Stone argues that the two witnesses were offered jobs by the Police Chief with the city for incentive to testify that they received money. This seems to be a disproven by the statement of the poll worker that reported immediately upon Mr. McCray telling the poll worker of the payment. We're recommending Daniel Dukes Stone and Bayne Stone be bound over for 21-2-570 as well as George McCray and Kenneth Dawson Woods.

MR. RAFFENSPERGER: I believe there's someone here.

MR. BOLINES (ph.): Chairman, I'm Aubrey Bolines on
behalf of Dan Stone who's coming up here. My client, as I said, is Dan Stone who is the son of the mayor Bayne Stone in that election. And he has totally denied throughout this process buying any votes. There were initially three voters that he apparently or allegedly tried to give money to. That was later changed too. Those two voters were Mr. Woods and Mr. McCray, who were quickly and miraculously identify right at the election and swept into the Police Chief’s office saw this and questioned by the Police Chief.

This is the same Police Chief that Mayor Bayne Stone had fired previously and was going to fire again. The Police Chief did resign when Mayor Stone won the next election. At that time, one of the witnesses Mr. McCray said there was another man Mr. Jordan who was also paid to vote. Mr. Jordan adamantly, bluntly denied being with Mr. McCray and denied the pay. Mr. Woods and Mr. McCray have both consistently changed their testimony throughout about being paid to vote. That amount has changed from $7 to $10 to $20.

At the hearing -- well, Mr. Stone was not represented by counsel at that hearing. It was also stated by Mr. McCray that after his meeting at the Police Chief's office and prior to the hearing he was given a city job with Hazelhurst. He was given a city job with Hazelhurst.
Mr. Woods has since recanted his statement. Mr. Jordan has denied that it ever happened. And Mr. McCray, as I said, is inconsistent with his testimony. I realize these are questions to credibility and motive, but I think it's very important you get to the fourth floor. Danny, did you have something you wanted to say?

MR. STONE: No. If you all have any questions, I would be happy to answer any of them. But the information there when the -- that the investigators departed, I’d be glad to answer any questions you have for us.

MR. RAFFENSPERGER: Does the board have any questions for Ms. Watson or --

MR. WORLEY: I have a question for Mr. -- Mr. Bolines.

MR. BOLINES: Yes, sir.

MR. WORLEY: What was the basis for the judge's determination that votes had been bought?

MR. BOLINES: I think the basis of the judge's determination I have to ascertain was the credibility of -- of the two witnesses. I read through the transcript and there was -- as I said he was not represented by counsel, so no one was there to challenge the fact that he got a job offer or why did you change your -- your -- this allegation from $7 to $10. Why did you change this allegation from $10 to $20? I think because of that --
and I understand the credibility is a question for the judge. But there was no one there to put their credibility in question, and they're — there's just total conflict of testimony, and I think he should have been brought in about the relationship with the Police Chief and the Mayor again. And that someone miraculously found two voters immediately after the election that had allegedly to have been paid to vote.

MR. STONE: I would really like to comment on that just briefly. When we were in the witness room, it was Chief Land and -- and George Woods and Kenneth -- George McCray and Kenneth Woods. We were in there, and they walked into the room, and Steve Land and I were already sitting there. Well, when they came in, they said this should be a Jack Cole trial not a Bayne Stone trial. I was giving a job. They were laughing, carrying on. Chief Land stood up and told them to shut up and I was just taking notes, you know, because I knew Daddy wasn't represented, so I wanted to take all the notes I could. He stood up and told him to sit down, shut up, and quit talking, and I told Chief Land. I said Chief Land, I've been a warden for, you know, 20 years, and I said you can't, I mean, your witness is not arrested in here. So you know he sat back down and was quiet.

So during a break I told Dad. I said Dad, will you
please put me back on the bench and I can tell the judge what's going on, what they're saying back there in the back. He would have a very not-believable case to see. He said oh no, we'd feel bad, whatever. And, you know, Dad’s old-school, and he didn't have any representation like I've got today.

MR. BOLINES: Again, like I said, lack of counsel and inability to follow-up with the police.

MR. STONE: That's me talking. I mean, it's ridiculous. They could have been voting for Mr. Cole. I -- I haven't a clue. I was just going to carry them to the polls. I asked permission in advance if there was -- it was legal to do so. They said it was fine.

MR. RAFFENSPERGER: Anything else? Any other questions? What is the will of the board?

MS. SULLIVAN: I'll make a motion to that we accept the recommendations and bind this over in its entirety to the Attorney General’s office.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I will second that, and I would just like to say -- state for the record that as I said earlier today, our practice here is to determine whether there's probable cause to proceed further. And the judge making a determination on whatever basis of that -- that votes were bought is certainly enough probable cause to be sent to
the Attorney General's office which will in all likelihood
allow for -- to send it to an administrative law judge for
a hearing at which time that judge will be able to
determine or to assess Mr. Stone's credibility and so I
think that's just the appropriate way to handle this under
in practice.

MR. BOLINES: I could not disagree. I understand.
Thank you.

MR. RAFFENSPERGER: There's a second. All those in
favor of the motion to bind this over to the AG's office
signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed?
(no response)

MR. RAFFENSPERGER: Motion carries. I notice that
it's right after 12 and I think it's -- it's appropriate
that we break for lunch now. We also -- if someone wants
to make a motion -- I understand, we have to make a motion
on an executive session, plus a legal matter, so we could
include that in the motion to take a break and go to
lunch.

MS. SULLIVAN: I'll make a motion that the board will
push back the executive session for the purpose of
discussing pending litigation.

MR. WORLEY: I'll second that.
MR. RAFFENSPERGER: Okay. Pending. Be back here in one hour.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

(break for lunch)

MR. RAFFENSPERGER: Okay, everyone, if we’re ready to get started, I want to be respectful of everyone’s time. So I think the next case on dock is 2015-101, City of Warwick in Warwick County, if that’s correct?

MS. WATSON: That’s correct. Warwick County voter and City of Warwick resident, Yvette Miller filed a complaint with our office, citing a respondent for the February 23rd, 2015 election and the subsequent December run-off election. The violation included individuals voting out of district, illegal campaign activity and poll manager precinct problems. Investigation revealed that, upon further review of the allegations, it was determined that the electors list provided that Worth County to the City of Warnick did not list Hannah Welsh, Charles Howard, Anthony Pike, Misty Pike, Roy Savage, Gary Linshu (ph.), Cheryl Linshu. All were provided a provisional ballot based on the provisional elector list. Worth County only counted two of those provisional ballots, Gary and Cheryl Linshu.

The improper rejection of five provisional ballots in
the general election in allowing voters listed in District 1 to vote in District 2 resulted in a challenge to the general election and a court order to null and void both the general election and the runoff election results as it relates to a District 2 council seat in the City of Warnick and a new election be held. We're recommending Sheree Olson, Worth County Elections Supervisor, and Worth County Board of Elections and Registration be bound over to the Attorney General's office for 21-2-224(d) eight counts and 21-2-419(c)(1) five counts of violation of provisional ballots. And we originally had listed 21-2-226(c). We're recommending to dismiss that because it was related to the electors list which would be covered under 21-2-224.

MR. RAFFENSPERGER: And I believe we have someone here from Worth County.

MR. POWELL: That's correct.

MR. RAFFENSPERGER: Can you give us your name?

MR. POWELL: Ralph Powell, County Attorney for Worth County and Board of Elections. I appreciate, Mr. Secretary, the opportunity -- and board members -- the opportunity to address the issues that have been raised. I would also -- I do have a couple of items I’d like to give to the board, Mr. Secretary, if I could approach?

MR. RAFFENSPERGER: Please. Thank you.
MR. POWELL: (approaches the board) Mr. Secretary, the -- Brandy Harris, who is the super -- current supervisor for Worth County Board of Elections and Registrations and also Registrar, sends her apologies for not being able to be here today. She's a single mother with two young children and we’re about -- depending on what Houston County is like driving up from south Georgia, it’s either a three and a half to a four and a half hour drive. So she was not able to come up here to spend last night, so she sends her apologies.

The -- I would also like to thank Deputy Investigator -- Deputy Chief Investigator Watson. She was extremely helpful in my contacts with her, finding out specifically the facts that was supporting this and assisting me in preparing for this presentation to the board.

There are two violations as Investigator Watson has outlined, and we admit them -- it's -- you know, my -- my firm belief is you admit when you make a mistake, and you try to work on it and move on. In way of some, I guess, explanation, Sheree Olson was the superintendent at the time and I think what -- from what I've been able to determine, she's no longer there. She's no longer employed there. She's actually out in the Midwest or out west, you know, -- that this was an election that occurred on November 5th -- or -- November 3rd. The deadline is
October 5th for submitting the applications for registration. The October 5th -- of course, the code section talks about 30 days. Well, October 5th fell on a Monday in 2015 and the 30th day actually was on Sunday.

So I -- I'm surmising here -- I'm -- I've attempted to contact her. I've not been able to contact her, but I'm wondering if it was the belief that this was filed 29 days before the November election. I'm not sure because I haven't been able to have contact with her. Either way in my review, it is a situation where you're dealing with a lack of training possibly in education number one, and number two is what were the policies and procedures that were in place at that time. Those were two of the errors that I quite frankly think we probably were deficient in my review of this. The -- of course, with the lack of training and education is -- the concern is you don't know what you don't know. And I'm -- I'm wondering if that's what took place here regarding the -- the 29 days before the election.

But there is really no excuse for Mr. Linshu, who was not on the elector list for the runoff in -- in December for not -- not being added to the supplemental list. So that's the reason I say it sounded like a procedural issue: lack of procedures number one and number two the -- there was a lack of training. So not to excuse what --
what transpired but what I’ve handed to the -- to the
board is a -- on the first page, is sort of an outline of
what's transpired over the last whatever 15, 18 years and
you can see that in the items -- the individuals that were
running the board of elections, Sue Potts and Brandy
Potts. Sue Potts was the supervisor from '04 to '15 and
at that time they had just a clerk, and Brandy Roberts --
who happened to be her granddaughter -- came in in 2011
and was working as a supervisor until 2015 -- on that day
on January 6th, 2015 and walked out of the office. No
notice. They simply walked out of the office and quit.
And that -- obviously that happened also to be a week
before I took over at the county attorney, so it was quite
eventful during this time period.

The board tried to find somebody to replace those two
individuals, who’d been there for obviously quite a bit of
time. Incidentally, there were apparently some papers and
that sort of thing and computers from -- a lot of the
items were wiped clean, so they were left in -- in a bit
of a lurch. It took three months for them to find
somebody to come in and replace those two individuals.

That person who was hired stayed for three months and
then Sheree Olson took over in June so this -- this was
the first election that took place after she took over in
June. So there was not a whole lot of time period
obviously to -- to get things taken care of. It doesn't excuse it. I'm not attempting to excuse it. It simply is -- is possibly an explanation of -- of how it happened, but really the -- the issue as I said I -- I always think that you can look at something that happened by mistake and what have we done in the meantime.

And that’s the other portion that I've given to you is the lack of training and also the lack of education. If you look on page 2 of what I handed to you, the -- that is Brandy Harris' -- her training and her education since taking over in 2015. She is motivated. She is intelligent. She's got initiative. She wants to learn. She doesn't want to make mistakes and she is showing that through what she's doing with her training. Now, we anticipate having her certified before the end of the year. I've also put in there the trainings that she intends on attending from now until the end of the year.

Behind that page is the Deputy Regis - Registrar. One of the things that is changed in that office is that there's a now deputy registrar rather than just a clerk. Of course, that makes a difference because the deputy registrar can do some of the functions of the registrar in the absence of the registrar. So now we have somebody else in the office if somebody comes in to -- to make an application, if the registrar is on vacation that can be
taken care of. You can also see the training that the
deputy registrar has undergone. She is, in fact, a
certified person to conduct elections for the county.

Lastly is the board. The next page contains the board members, the length that they’ve been on the board, and also the training they're undergoing. You can see from where the chairperson has been there for the last six years and is certainly undergoing substantial training as well as some of the other board members, so we're doing our best to make sure that this -- that we resolve the issue of not knowing what we don't know.

So the second thing that I talked about is the policy and procedures that I -- in review seem to be missing, and if you look at the next page after that, the -- the first policy in place is something that was initiated by, actually, Brandy Harris. This is a policy that sends the list of the streets -- because this is -- Warwick is -- it is a very small town. It's probably got maybe 500 electors. Streets sometimes have street signs, sometimes they don't. And so what she has created is a policy where she will send out to the superintendent for the city a form with the list of the streets to make sure the streets are accurately reported and then they have to sign that and send that back to make sure we've got all the streets that are necessary.
Now, the second -- and also below that you'll see in the last portion of that policy is that if there is an issue, if there is a change it is -- the -- the board is to be brought in as well as the liaison of the Secretary of State's Office or myself. If there's any questions whatsoever they're -- that's how the policy is reading that.

Now, the second policy that you see there is the processing policy on how to handle applications, whether they're coming into the office, whether it comes through the Department of Driver Services, whether it comes through the voting online, or whether it comes from the -- from the Secretary of State's Office. She has put in there that obviously the input -- because I'm not sure if my suspicion is that with Ms. Olson that there was not a policy in place where you got an application and you put that in as soon as practicable because obviously that's important information to get on the list -- and the only thing that I can imagine is it was not put on there, that -- Mr. Linshu was not put on there for the supplemental list and the runoff.

So her policy now is that as soon as possible she is inputting the information. She's -- she told me when I met with her there've been times when she has had four or five hundred changes that have come in and that that takes
her -- she begins on it immediately and it takes her two or three days to do that. But she begins immediately to -- to get on to this information and input this information.

So with the training component and the procedural aspects that we have now changed, we're hoping, praying, we're not going to have these issues anymore. I understand what the investigators are recommending to the board. I would respectfully request based upon what took place, a little explanation that I'm not excusing, but with what we've done also since then that the board instead do a letter of instruction, specifically requesting the board to implement these policies that -- that have been put before the board to make sure they are in place with the board, and number two that they also institute a policy of training for not only board members but also for the superintendent and the deputy registrar.

MR. RAFFENSPERGER: Thank you.

MR. POWELL: Any questions?

MR. RAFFENSPERGER: Any of the board members have any questions for the investigator or the presenter?

(no response)

MR. RAFFENSPERGER: What is the will of the committee?

MS. SULLIVAN: Mr. Powell, thank you very much for
being here today. It’s a very good explanation for all
the measures that you have taken, but as Mr. Worley said
earlier to be consistent with our practice, we’ll have to
refer this to the AG's office. But thank you very much
for that very good explanation.

MR. RAFFENSPERGER: Do we now have a second?

MR. WORLEY: I'll second it.

MR. RAFFENSPERGER: There is a motion and there's a
second. All those in favor, signify that with aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. It will be sent
over to the AG’s office. Next case.

MS. WATSON: 2016-016, Tab Number 36, Decatur County.

It was reported that a Decatur County poll worker, Carla
Robinson, accidentally issued the wrong voter access card
to an elector during the March 2016 PPP. Decatur County
elections supervisor self-reported that the poll worker
selected the incorrect elector in the system, she selected
Ms. Sarah Jane Griffin instead of Sarah Colson Griffin.

When she issued the voter access card, it gave credit
to the incorrect person in the system. Trying to correct
this error, a new voter access card was created for Sarah
Colson Griffin and she was allowed to vote a second time
on a DRE. We're recommending that Decatur Board of
Election and Registration and Carla Robinson be bound over
to the Attorney General's office for 21-2-590 and state
board rule 183-1-12.4(b) and that the violations for Sarah
Colson Griffin be dismissed as she was following the
instruction that was given to her by a poll worker.

MR. RAFFENSPERGER: I believe we have someone from
Decatur County, Ms. Carol Heard.

MS. HEARD: Again, my name is Carol Heard. I'm the
Chief Elections Official in Decatur County. The minute or
approximately shortly after Carla realized what had
happened and she had only been -- she came immediately to
me and we, at that same time, pretty much reported it to
the Secretary of State's Office.

Carla had been employed with us only a month prior to
that. Since that time, we have two part-time workers who
work in the office. Carla is one of them, the other is
Margaret Bryant (ph). Both of them have stayed with us --
we've got them state certified. They came to a conference
with us. We're trying to do as much training to the poll
workers as possible about that -- of course, that is one
of the things we emphasize is that once the voter has
voted, that's it. So and again, we also have a mission
statement. Part of that is that we admit our mistakes, we
own our mistakes, and we try to learn from them.
MR. RAFFENSPERGER: Does anyone have any questions?
(no response)

MR. RAFFENSPERGER: Is there a motion?

MS. LE: Can you expand on the training program that you have, in terms of -- how to get on board the new employees as you roll them out? Sometimes it's a -- like you said, it's difficult to learn from a mistake and that’s understandable, but even with a new job that person is responsible. Ultimately, your office is responsible in this case.

MS. HEARD: Yes, ma'am. Also, that was my second election so a lot has progressed since that time. But right now, we have separate poll worker training for advance voters. We also have two separate trainings for regular poll workers: one that entails the basics of poll working like ID and e-polls and then another one for DREs and provisional ballots. We -- so there’s well over four hours of training, maybe five hours if they work advanced voting. I test all poll workers now so -- so that they understand it and go through it. We do a lot of hands-on as well and that was something on the computer. She got the phone to call it in, you know, her background was in banking, so she wanted to make sure everything was right, and I think she was just caught up in a good intentioned mistake, casting it.
MR. RAFFENSPERGER: And Ms. Watson, your recommendation was again that the state --

MS. WATSON: Yes, for Decatur Board of Election and Registration and Carla Robinson to be bound over for 21-2-590 and state election board rule 183-1-4.40.

MS. SULLIVAN: I'll make that motion.

MR. RAFFENSPERGER: Is there a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: It's before you now. We have a second. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: The motion carries.

MS. WATSON: The next case is 2016-018, Douglas County voter identification. In February and March of 2016, there were three complaints received concerning the March 1, 2016 general primary.

Ms. Stanberry reported during check-in during early voting in February 22nd, 2016, she was asked by a poll worker for her date of birth and felt it was inappropriate. David Sims reported that he received and voted a non-partisan ballot after receiving -- or requesting a Republican ballot during early voting on February 26th. Ron Gilbert reported that Douglas County
Elections and Voter Registration failed to mail absentee ballots requested by him and his wife.

Investigation showed that Ms. Stanberry presented a federal employee ID to the poll worker when early voting. The poll worker requested the date of birth to positively identify Ms. Stanberry in the electorate poll before allowing her to vote. There was no evidence to support a violation.

David Sims completed an absentee application during early voting on February 26th at the Deer Lick Precinct in Douglas County when Mr. Sims checked the box requesting a Republican ballot. The poll worker printed the application and had Mr. Sims review it for accuracy. Mr. Sims did not notice during the review that non-partisan was selected on the front of it. He was issued a voter access card with only the SPLOST question on it and no choices for President. He cast the ballot, then went to complain to the poll worker. The poll worker advised it was possible that he selected the non-partisan instead of the Republican in error.

Regarding the request of Mr. and Mrs. Gilbert for absentee ballots, it was discovered that the request for the ballots was acknowledged by elections supervisor Laurie Fulton but was not forwarded to the absentee ballots clerk. The error was not discovered until March
2nd, 2016 the day after the March primary.

And we're recommending that Douglas County Board of Elections poll worker David Churchill and the Election Supervisor be bound for violation of board rule 183-1-12.02(4)(b) when he failed to provide David Sims with the correct electronic ballot, and Douglas County Board of Elections and Laurie Fulton be bound over to the AG for 21-234-(a)2 for mailing the ballots when she failed to provide Ron Gilbert and his wife with absentee ballots.

MR. RAFFENSPERGER: I believe we have someone here from Douglas County. Please step forward.

MR. COLE: Good afternoon. My name is David Cole with the law firm of Freeman, Mathis, and Gary. I represent Douglas County Board of Elections. We would agree with the investigator's recommendation on the first complaint there was no violation there and that that should be dismissed.

We respectfully disagree with the recommendation in the evidence presented on the second complaint. The evidence in the file, submitted during the investigation, established that the voter requested and signed written absentee voter application a non-partisan ballot and that is what he was issued. The issue is that when he first approached the desk, he claims he requested a Republican ballot and then when they printed out the form they had
inadvertently checked the non-partisan ballot box. Nonetheless, he was instructed to review that application for accuracy. He did so, he signed it, he then submitted that absentee ballot application requesting a non-partisan ballot. It was only at that point that he was then issued the non-partisan ballot as he had just requested in writing with his signature.

Furthermore, as he proceeded to the ballot box, there was ample signage throughout the place instructing voters to ensure the accuracy of the ballot they were issued. The screen on the DRE machine always instructs the voters to ensure that. He went through the process, clicked cast ballot knowing that there was not a Presidential candidate shown to him on that ballot, and it was not until after he went all through this that he notified anyone that he thought he was given the wrong ballot. We respectfully submit that the voter has ultimate responsibility. He was given the exact ballot he requested in writing. That's the evidence that was submitted, and so we don't think there was any violation here that warrants a letter of correction or binding over. We believe that one should be dismissed.

As to the third complaint, Douglas County has acknowledged that a mistake was made. The former elections supervisor, Ms. Fulton, did receive an email
request for the absentee ballots. She made a mistake and did not issue those ballots to the voter in time. That was acknowledged during the investigation, and since -- after that happened, Ms. Fulton implemented several new procedures to prevent that from happening again. She created a designated absentee ballot email account, and now all members of the elections office staff receive those emails. They no longer rely on forwarding email requests within their office. They actually print them out and log those absentee ballot requests to ensure that they are satisfied, and they also track those requests in the easy vote software application to have accountability through that.

And so while we understand that the mistake was made, we just want the board to consider those corrective measures, and also there's another factor here that I think that needs to be acknowledged which is this happened over three years ago. And we're all here today -- in that time Ms. Fulton has retired. She is no longer with the board of elections. There is a new elections director – oh, I couldn’t find you then, Mr. Kidd -- who has taken over since then. The entire board except for one person is completely different than it was, and we would just respectfully submit that there would be no remedial purpose achieved in this situation by binding it over to
the AG's office and trying to seek some kind of monetary penalty against people who no longer are there or had anything to do with this particular situation. We understand the board can't ignore the fact that a mistake was made, but we feel that a letter of correction would be the appropriate action to take in light of the fact that nobody there now are the ones who participated in this incident.

MR. RAFFENSPERGER: Thank you. Do any of the board members have questions?

MR. WORLEY: I have a question. I just want to make sure I understand the facts and the way you presented them, and I want to talk about Mr. Sims. So what you're saying is that Mr. Sims went to the polling place and verbally asked for a Republican ballot?

MR. COLE: That's his allegation. The vote -- the poll worker cannot recall exactly what was stated but I think we can assume that that's what the voter intended to request.

MR. WORLEY: Right. And then because this was an absentee ballot, they printed out the form for him.

MR. COLE: Correct.

MR. WORLEY: And he signed it?

MR. COLE: Correct.

MR. WORLEY: And so you're attaching some particular
significance to the fact that he signed the form that had been pre-filled out for him by the election official as showing a non-partisan ballot.

MR. COLE: Absolutely. He was given that printed form and said please ensure that this is what you want and that it's all accurate. He did that and signed it and said yes, this is the ballot I'd like, and then that was what he was issued. So as far as the regulation goes, you know, the regulation says the board should issue the voter the ballot that he requested --

MR. WORLEY: And --

MR. COLE: -- and that's what they did.

MR. WORLEY: -- and how is it that you know that he was specifically asked by the poll worker make sure this is what you want. How do you know that?

MR. KIDD: Okay. That's part of our policy of -- I don’t know if -- well, you should have in the file too -- the form that the voter is given at the time and asked to verify the information is correct. But part of our policy is to instruct poll workers to ask that every potential voter to verify the information that is presented before them. The form does clearly indicate -- it’s not like the hand-written form, where you can’t delineate between the boxes for which ballot style you want. I have copies of -- of the form that we're referring to that clearly
articulate which ballot style the voter would be getting.

MR. WORLEY: Can -- can I see a copy?

MR. KIDD: Yes.

(reviewing document)

MR. COLE: And for what it's worth, I believe even
the -- the voter, Mr. Sims, acknowledged that he was told
to verify the accuracy of the information on there. For
some reason he thought that only that meant to verify the
accuracy of his address, but he admits he was told that
and to see -- and he didn't understand what that really
meant.

MR. WORLEY: All right. Thank you.

MR. RAFFENSPERGER: Anyone else have any questions
from the board?

(no response)

MR. RAFFENSPERGER: What is the will of the board?

MR. WORLEY: I would make a motion that we dismiss
complaint one and that we send a letter of instruction on
complaint two involving Mr. Sims and that we bind over
Ms. Fulton to the Attorney General's office for failing to
provide requested absentee ballots.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second that.

MR. RAFFENSPERGER: There's a second. All those in
favor of dismissing complaint number one, a letter of
instruction for complaint number two, and binding over on complaint number three, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Yes.

MS. JONES: The next case is Clarke County Provisional Ballots, Tab 39. In March 2016, there were four complaints received concerning the Clarke County March 1st, 2016 general primary. The first Clarke County Board of Elections self-reported a problem with the manner in which one of their poll managers processed the provisional ballots that were received during the March 1st, 2016 general primary.

The ballots were placed in the white inner envelope only without being double sealed in the outer orange envelope. As such the identification of the voters was impossible in most cases, making the counting of those ballots impossible.

The second complaint is Phillip Copeland reported that a news reporter was present at Clarke County Precinct 3B in Athens. Mr. Copeland felt that the reporter was positioned too closely to the DRE units and that his presence was disruptive to the voting process.

The third complaint on March the 1st, 2016, it was
reported that the voting process at Clarke County Precinct 3B was disrupted by a malcontented voter. The voter had been instructed by the poll manager to seek assistance at the county elections office to correct an identification problem. The voter became angry, began yelling at the poll manager, and aggressively poked the poll manager in the shoulder with his finger multiple times. All this occurred within the polling station.

And the last one, on March the 1st, 2016, the poll manager at Clarke County Precinct 6D discovered at close of polls that a yellow voter access card was missing.

In regards to the provisional ballots, it was found that on March 1st, 2016 at Precinct 4A, there were 50 provisional ballots issued. The poll manager Carrie Jackson was unfamiliar with the procedure for handling the -- and processing the provisional ballots. She sealed each ballot in the white inner envelope only. She wrote the voter's last name on the first 14 provisional ballots, then became concerned with confidentiality and for the remaining did not write the name on the envelope. Of the 14 with names recorded on the outside, they were checked for eligibility and eight were found to be eligible and they were counted. Six were not eligible Clarke County voters, and their ballots were not counted. The remaining 36 sealed white envelopes with no outer envelope were not
opened or counted.

There was no substantiated violation in regards to the media issue. It was approved by the poll manager with -- with restrictions to maintain confidentiality.

In regard to the disrupted voter at Precinct 3B, it was found that an individual was reporting that he had legally changed his name to Simba Lion. His new name was not listed on the voter list. The election office was contacted, and they advised to have the voter come to the elections office which was approximately five miles -- five blocks away. The voter became belligerent and poked Ms. Ellis, the poll manager, several times with his finger in her shoulder which was forceful enough to move Ms. Ellis' entire body each time he did so. This derup tion [sic] -- this disruption was loud enough that voters stopped what they were doing and wanted to view the altercation. The altercation was pretty -- partially witnessed by Investigator Hall of the Secretary of State's Office.

Ms. Ellis was told that she could make a police report with the local authorities as the physical contact constituted sim -- simple battery and she advised that she did not wish to do so.

We recommend that Carrie Jackson Clarke County Precinct 4A manager, Gail Schrader Clarke County Elections
Supervisor, and Clarke County Board of Elections be bound over to the AG's office for state election board rule 183-1-12.06(4)(i), when poll manager Carrie Jackson failed to double seal the 50 provisional ballots in the outer orange envelopes; 21-2-419(a), validation of provisional ballots, when the electors cast provisional ballots and the ballots were not sealed and doubly closed; 21-2-386(a)(5), when poll manager Jackson recorded 14 elector names on the inner white envelope compromising the confidentiality and secrecy of the ballot; and Gail Schrader, Clarke County Elections Supervisor, and Clarke County Board of Elections for 21-2-99(a), when elections supervisor Gail Schrader failed to provide adequate training with respect to the handling and processing of the provisional ballots; Mr. Simba Lion for 21-2-566(2) and (4), when he acted in an aggressive and belligerent manner towards poll manager Janice Ellis by yelling at her. This behavior interfered with Ms. Ellis' duties as poll manager. And we also would like -- or recommend to dismiss the listed violation for Terry Dole, Clarke County Precinct 16 manager, Gail Schrader, Clarke County Elections Supervisor, and Clarke County Board of Elections regarding the yellow voter access card as it was located.

MR. RAFFENSPERGER: Okay. I think we have someone here to speak in this case. Yes, sir.
MR. HAWKINS: Good afternoon. My name is John Hawkins. I'm the Chief Assistant Attorney for Athens-Clarke County. I represent the Athens-Clarke County Board of Elections and Registration. Sitting to my right is Ms. Lisa Long. She's one of the staff members of the elections department in Athens-Clarke County and seated to her right is Mr. Charles Knapper who is the Chair of the Board of Elections and Registration.

I -- I don't plan to make a very lengthy initial statement to the board. Certainly, if the board has any questions that needs to be responded to that we'd be happy do so. I did just want to note a couple of things. The folks sitting at this table aside from Mr. Knapper, none of us were with Athens-Clarke County at the time of the allegations and therefore our knowledge of this is somewhat limited. Both Ms. Schrader and Ms. Jackson are no longer with Athens-Clarke County. So I just wanted to point out those facts but certainly if the board has any specific questions for us we'd be -- we'd be happy to respond to those the best we can.

MR. RAFFENSPERGER: Thank you. Do any of the board members have questions?

(no response)

MR. RAFFENSPERGER: What is the will of the committee -- board?
MR. WORLEY: Well, I mean I’d just like to say something. Causing 36 people to lose their vote is a very, very serious thing. And I -- I don't think we've ever had something come before the board where due to an error by an election official that many votes were just lost. So I think that’s a very serious violation. I think the incident of someone pushing an election official is also very serious. And so -- so I think certainly refer those to the Attorney General and the second we'd like to dismiss -- apparently it's not a violation of the law. And the third complaint, or the fourth complaint, in this case, it seems -- it seems from the investigative record that one of the 25 voter access cards was never found. Two were missing but one was never found.

MS. JONES: Terry Doyle contacted the office in July --

MR. WORLEY: Uh-huh.

MS. JONES: -- to let us know that the other one actually was located as well. That both of them were.

MR. WORLEY: And how long as to -- how long after it was lost was it found?

MS. JONES: About two and a half weeks.

MR. WORLEY: Well, I would make a motion to refer complaint one, complaint three, and complaint four to the Attorney General's office.
MR. RAFFENSPERGER: Do we have a second on that motion?

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: As before us on the motion to refer complaint one, complaint three, and complaint four to the Attorney General's office, all those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. And -- and just so the record is clear, and we'll -- we'll dismiss complaint two.

MR. WORLEY: And I want -- do you want to make that as a motion?

MR. RAFFENSPERGER: Yes.

MR. WORLEY: I'll make a motion to dismiss complaint two.

MR. RAFFENSPERGER: Do we have a second for that?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: All those in favor of dismissing complaint number two?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Next case.

MS. JONES: Upson County, it's 2016-027, Tab 41. It
was reported the Upson County polls were open past
7:00 p.m. on March the 1st, 2016 for the voters of the
presidential primary and special election.

The investigation determined that Brenda Dawson, the
Election Supervisor, made the decision and gave Bill
Westberry the authorization to relay information to a poll
manager to keep the poll open until 8:00 p.m. Ms. Dawson
stated that she received complaints about people being
turned away from the civic center and not being able to
vote. Ms. Dawson assumed that she was talking to someone
from the Secretary of State's Office when she received a
call from Julie Hope regarding people being turned away
and the need to keep the polls open later. We recommend
that Upson County Board of Elections and Brenda Dawson be
bound over to the AG's office for 21-2-403, times for
opening and closing the polls, when without proper
authorization the polls were directed to remain open until
8:00 p.m.

MR. RAFFENSPERGER: We have a gentleman from Upson
County.

MR. HANEY: Good afternoon. I'm Robert Haney. I'm the Chairman of the Board of Elections and Registrations.
Also with me is Pam Rutherford, who is the Elections
Supervisor for our office. At the time Brenda Dawson was
the Elections Supervisor. She has since retired as of
earlier this year.

You know, we -- we acknowledge that -- that that was a violation. Brenda assumed when this phone call -- because she was already speaking with the Secretary of State's Office in the midst of all these phone calls. In her mind, she assumed that this lady was from the Secretary of State's Office. We also realize that that being the case even if the Secretary of State's Office had been the one calling and telling us to leave the polls open that that was not proper thing to do.

We have since put in place several office procedures for election day to mitigate the risk of anything remotely like this to happen again. We have had remedial training for all of our office staff and any elections since we've followed those procedures without any problems. And, you know, we're here to answer any questions you might have for us.

MR. RAFFENSPERGER: Thank you. Do any members have questions or comments?

MR. WORLEY: How -- how long had Ms. Dawson been the Elections Supervisor prior -- prior to this?

MR. HANEY: She worked in the office a total -- close to 30 years I think. She was the Election Supervisor for about seven years.

MR. WORLEY: And -- and essentially according to the
investigative report someone at a Washington number called Ms. Dawson and started this whole chain of events by which polls were all left open until ten o'clock?

MR. HANEY: Eight.

MR. WORLEY: Eight. Okay.

MR. HANEY: We -- actually the official time we told -- that they were told to leave the polls open was eight. About 7:20 is when we actually closed after -- about 7:15 is when Ms. Dawson called me and said I made -- I made a bad mistake, and she told me what happened, and I said just shut them down now, call all the poll managers and shut them down. We already had extremely long voting lines because of just that election. I think everybody in the state did, and we could only in our internal investigation -- we can only find where two people actually were allowed to vote that should not have been allowed to vote.

MR. WORLEY: Okay. And how many polls were -- were held open?

MR. HANEY: Four.

MR. WORLEY: Four?

MR. HANEY: Right.

MR. RAFFENSPERGER: Any other members have any questions or comments?

(no response)
MR. RAFFENSPERGER: Is there a motion for this case?

MR. WORLEY: I would make a motion that we bind this case over to the Attorney General.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: We have a second. All right. On the motion before you to bind over to the Attorney General Case Number 2016-027, all signify by --

MR. WORLEY: And -- Mr. Secretary, if I could -- I just wanted to state for the record there is a very, very clear process that there -- it often happens that polls have to be held open because it didn't open on time, and there's a very, very clear process that every election official in the state should know. You have to get a superior court order to keep the polls open, and you just don't do it on your own initiative. So I think that just a very hard line that we have to have and I -- and -- and that's why it should be sent up.

MR. RAFFENSPERGER: Thank you for that additional clarification. All those in favor of sending this to the Attorney General's office for further action, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)
MR. RAFFENSPERGER: Motion carries.

MS. JONES: The next case is 2016-029 Fulton County, Miscellaneous, Tab 43.

On March 1st, 2016, the Secretary of State's Investigations Division received the following eight complaints related to the March 1st presidential preference primary: handicapped voter access at the Summit Elementary School in Milton, voter identification was not accepted when voted at Price Middle School, qualified voter turned away from voting at Washington Park Library, a voter received the wrong ballot at Peachtree Christian Church, Fulton County Board of Elections and Registrations failed to properly process a voter registration, a voter failed to receive their requested absentee ballot, a voter turned away from being -- from voting at the Zion Lutheran Church as they were identified as non-citizen, and voter identification not accepted at Christian City Welcome Center.

Of the eight complaints, only four were substantiated. For allegation one, the investigation found entrance to the poll at the Summit Elementary School to be confusing which led to the wrong entrance being selected. This was evident when Ms. Huddleston took her 82-year-old mother that uses a walker to Summit Elementary School to vote. The handicapped markings led to a side
door marked with a handicap sign. The entrance led to steps and then up onto a stage where voting was taking place. A complaint was made to the poll worker and Ms. Huddleston was told that the door marked with the handicap sign was not the entrance to the poll. During the follow-up, it was reported that the door marked with a handicap sign is used for students with impaired mobility.

For allegation number three, the investigation found that the elector Ms. Turner was misidentified with a Cobb County voter having a similar name. The voter was turned away from the poll in Fulton County having been erroneously identified as being registered in Cobb County. Ms. Turner left the poll, continued to follow-up concerning her registration, then was found to be properly registered in Fulton County. She returned to the poll and was able cast her vote.

For allegation four, elector Jessica Powers went to vote at Peachtree Christian Church and marked Democrat in her ballot choice. She received a non-partisan ballot. She noticed when she pulled up the ballot that the only issue on the ballot concerned a water issue. She returned to the poll workers to complain and noticed on her voter's certificate that someone had changed the selection on the certificate to non-partisan. Ms. Powers was given a provisional ballot and allowed to vote. The voter
certificate provided by the county does not show any mark for a Democrat choice, and it is not signed by either the poll worker or the elector.

And for allegation number six, elector Mr. Ben O'Callagahan reported problems receiving a requested absentee ballot from Fulton County. He requested an absentee ballot on 2/22/2016 to be mailed to him in North Carolina where he was working. The absentee ballot was instead mailed to his home address in Atlanta. Mr. O'Callaghan contacted Fulton County, who had him complete an affidavit concerning the first issued ballot and then mailed him a ballot to the North Carolina address. He returned the ballot, and it was counted.

We recommend that Fulton County Board of Elections and Registration and Richard Barron, Elections Director, be issued a letter of instruction for violation of board rule 183-1-6.04(a)(b) as they failed to prominently mark the handicap access path to the poll at Summit Elementary; for a violation of board rule 1831-12.2(4)(b) as the poll officer failed to properly verify the identity of the voter; and 21-2-381(b)(2)(a) when making an application of absentee ballots and failed to mail the absentee ballot to the requested address -- out-of-county address filed on the application.

We also recommend that the board -- Fulton County
Board of Elections and Registration and Richard Barron, Election Supervisor, be bound over to the AG's office for violation of 21-2-431(a) execution of voter's certificate and for 21-2-590 for poll officers permitting unregistered or unqualified persons to vote as the poll officer allowed an unqualified elector Jessica Powers to vote a provisional ballot while knowing the voter had previously voted in -- in the same election. We also recommend that the violation for Jessica Powers be dismissed as she was following directions of the poll manager when she cast her second ballot.

MR. RAFFENSPERGER: I believe we have someone here for Fulton County.

MR. LOWMAN: Good afternoon. David Lowman, again, with the Fulton County attorney's office and Mr. Rick Barron, Director of Registration and Elections, in Fulton County here.

I would like to point out that of the four substantiated violations in two of them people were allowed to vote provisional ballots so they voted. One we admit, we sent the absentee ballot to the wrong place, so we admit that. And the first one is a situation where the handicap entrance -- so there were two handicap entrances, and we don't control where the schools put their handicap entrances. But we did have the required handicap access.
MR. BARRON: In remark on -- on allegation one, we did have a handicap entrance marked. Evidently there was another one at this building at which is where the voter -- the voter went.

In allegation three, the poll worker misidentified the voter, failed to offer a provisional ballot. The voter did contact our office and then went back and was -- was able to vote. We train all of our poll workers to offer provisional ballots.

The -- in allegation number four, we -- because of retention statute, we don't have a copy of the voter's certificate, so we are unable to see that anymore. We don't have part of that in our records. The poll worker did give the voter another provisional ballot which really if you’re going to turn a poll worker -- voter away, the thing to do if there's any dispute is to offer a provisional ballot which is what the poll worker did, but he made the decision not to call it in, and we would -- we have directed once we did the research that the voter voted that provisional ballot would -- wouldn't have been counted.

With regard to allegation six, that's -- that's our error. We mailed it to the wrong -- the wrong address, but we ended up correcting that and the voter was able to vote. Does anybody have any questions?
MR. RAFFENSPERGER: Does the board have any other questions or comments on these?

MR. WORLEY: I just have a question about allegation number four so in -- in that case are -- are you agreeing that there was a violation?

MR. BARRON: Well, as far -- we can't examine the voter's certificate. We don't have it. We don't have that record any more. With regard to what the poll worker did with -- with handing out the provisional ballot, we didn't -- we aren't privy to what the conversation was, although if -- if a voter is going to get turned away, and they do hand out a provisional ballot, it -- it's our job once it comes in to do the research and decide whether a provisional ballot is going to count.

MR. WORLEY: And do you know when this person was given that credit for voting the provisional ballot?

MR. BARRON: We -- we don't know.

MR. RAFFENSPERGER: Any other questions or comments?

(no response)

MR. RAFFENSPERGER: Is the board prepared to make a motion?

MR. WORLEY: Well, I'll -- I'll make one motion first with one of the allegations and I would move that we dismiss allegation number one about the handicapped voter access since that's something completely outside the role
of the Board of Elections.

MR. RAFFENSPERGER: Is there a second for that one?

MS. LE: I second.

MR. RAFFENSPERGER: All those in favor of dismissing allegation number one, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. WORLEY: And then I would also move to dismiss allegations two, five, seven, and eight since the investigative report found no violations.

MS. SULLIVAN: I second.

MR. RAFFENSPERGER: There's a second. All those in favor of dismissing allegations two, five, seven, and eight, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. We’re left with numbers three, four, and six.

MS. LE: I move to bind those.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Can you remind me of the recommendations -- the recommendations were to bind over numbers three, four and six?

MS. JONES: Yes. Bind over.

MS. SULLIVAN: All three of those?

MS. JONES: Yes.

MS. SULLIVAN: I'll second that motion.
MR. RAFFENSPERGER:  Okay. There's a second to bind over allegations three, four, and six. All those in favor, please signify by saying aye.

THE BOARD MEMBERS:  Aye.

MR. RAFFENSPERGER:  Anyone opposed?

(no response)

MR. RAFFENSPERGER:  Motion carries. That closes that case. Next case. Fulton County.

MS. JONES:  The next case is 2016-030, Tab 44, Fulton County, Precinct Changes. On March the 1st, 2016, election date for the presidential preference primary, the Office of the Secretary of State received multiple complaints alleging Fulton County Board of Elections and Registration had changed voters’ polling places without properly notifying the voters. Multiple issues were also reported at the polls.

In total, there were 19 complaints, and at the conclusion of the investigation, only five of those 19 were substantiated: allegation two, polling station at Sandy Springs Christian Church changed to Abernathy Arts Center, Sandy Springs without notice; allegation six, voter directed from their poll location at the Zion Lutheran Church to an incorrect poll of St. Andrews Catholic Church; allegation eight, the voters at the Metro Library had the polls changed without notification;
allegation 13, a voter being directed to an improper poll as the voter was directed from her normal poll of St. James Methodist Church to Christian Bell Community Center; and allegation 17, a voter attempted to vote by provisional ballot at a polling location other than the assigned precinct and was refused a ballot.

In regards to allegation two, Fulton County failed to publish in the legal organ the polling location change for Precinct SS18B. In regards to allegation six, the allegation was substantiated in that the elector was misdirected to the poll location to St. Andrews Catholic Church resulting in the voter being unable to vote in the election. Diana Ryan, whose name appeared on the list of electors for JC 04 polling place, was not allowed the opportunity to vote. In regards to allegations number eight regarding the poll change without notice for Precincts 12E1 and 12A, it was confirmed that notice was published and sent to electors for 12E1. However, there was no verification for publication for change of Precinct 12A. In regards to allegation number 13, it was substantiated that a voter was misdirected from Precinct 07C to Clifton Community Center approximately 30 miles away. Princess Cunningham, whose name appeared on a list of electors for the 07C polling place, was not allowed to -- to vote. In regards to allegation number 17, elector
Joshua Griffiths went to a precinct knowing that it was not his assigned precinct and requested to be given a provisional ballot. Mr. Griffiths expressed that he did not have time nor the ability to get to his assigned precinct. He was not allowed to cast a provisional ballot.

Our recommendation is that Fulton County Board of Elections and Registration and Richard Barron, Elections Director, be bound over to the AG's office for violation of 22 -- 21-2-265(a), when the superintendent as he failed to publish in a legal organ the county polling location change in Precincts SS18B and 12A; 21-2-224(h), when they failed to allow an elector Diana Ryan at Precinct JC04A and Princess Cunningham at Precinct 07C, whose name appeared on the electors list for the precinct, the opportunity to vote; and 21-2-418(a), provisional ballots, when they failed to offer a provisional ballot to the elector Joshua Griffiths that presented himself as a timely registered elector to vote in the election.

MR. RAFFENSPERGER: Okay. We have someone from Fulton County.

MR. BARRON: With regard to allegations two and eight failing to publish a legal organ, we agree with -- with the investigation. That was a transitional period between one staff member leaving a position and someone else
taking over the position, and although that's not an
excuse, that's what happened. With regard to allegation 6
and 13, those -- we were unable to get any information
from the poll workers because they don't remember these --
these items so we were really at a loss. We just have to
take what the investigator -- the investigator's word for
this. And then with regard to allegation 17, that was,
like, it was the poll worker error not to offer a
provisional ballot which they are trained to do.

MR. RAFFENSPERGER: Any members have any comments or
questions?

MR. WORLEY: I -- I have a question for Mr. Barron.
At least recently, I hear a lot of incidents of people who
don't have time to vote, the polls are about to close, and
they go to another precinct other than their own in their
county and ask to vote a provisional ballot. What kind of
training do you give and which they are -- which they are
allowed to do. What kind of training do you give poll
workers and poll managers about provisional ballots?

MR. BARRON: Well we -- we train all poll workers.
We -- we -- we train them not to turn voters away. I
mean, if it's up until probably four or five o'clock in
the afternoon, we try to encourage -- the -- the poll
workers should encourage voters to go to their own polling
place in order for them to be able to vote a full ballot.
Otherwise, they're going -- they aren't -- they're going
to be all disenfranchised in one way because they can't
vote a full ballot because we have to remake it for what's
in common with the precinct they're in, what's in common
with their own precinct.

After that, they are supposed to -- to offer a
provisional ballot until the polls close. So that, you
know, if a poll worker doesn't do that, then that's
something that we just have to re-double in our training.
And we have -- we are increasing our hands-on training
we're going -- they're going to be in four hours of hands-
on training. We're reducing the amount of online training
as a result of some of these things.

MR. RAFFENSPERGER: Any other members have any
comments or questions?

(no response)

MR. RAFFENSPERGER: I'll entertain a motion.

MS. SULLIVAN: I appreciate Fulton County coming in
and accepting responsibility for the mistakes. It's a lot
different from the last six years, and I’ll state for the
board in saying I would thank them -- that being said, I
think I’m going to accept the recommendation and bind over
allegations two, eight, six, 13, and 17, to the AG.

MR. RAFFENSPERGER: And dismiss the other --

MS. SULLIVAN: -- and dismiss the remaining
allegations, correct.

MR. RAFFENSPERGER: Do we have a second on that motion?

MS. LE: I'll second that.

MR. RAFFENSPERGER: Okay. That’s before us to bind over allegations two, eight, six, 13, and 17 and dismiss all other allegations as there are no violations in those. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Do we want to jump down to the other Fulton County so they can leave?

MS. JONES: 2016-041 Fulton County, Poll Location, Tab 48. The following complaint were recorded regarding Fulton County during the March 2016 primary elections. The complainant reported that the location for polling place had been changed from Thicket Elementary to Ralph Bunz Middle School with no prior notice given -- having been presented. The complainant also stated that she did not receive a new precinct card prior to the primary. A complainant reported she voted at Lane Carson Rec Center. When she checked in at the express poll, the poll manager -- a poll worker informed her that the voter list showed her an address where she lived over six years ago. A
complainant reported that he was denied his right to vote while attempting to vote at Shakerag Elementary in Fulton County. The complainant stated that he believed he had successfully registered to vote and offered no explanation as to why he was not showing on the voter list of the election list. The complainant reported that his Fulton County polling location had been changed from Young Elementary School to West Manor Recreation Center. The complainant stated that he had received no notification of this and had not received a new precinct card prior to the primary.

Regarding complaints one and four, there were no violations to substantiate as Fulton County met their required steps and made -- and made the full changes. Several similar complaints stated these complaints -- that they had received precinct cards after the election. As to complaint number two, no violation was substantiated. It was found that Fulton County was not notified of the elector’s address change.

As to complaint three, Matthys Serfontein, who was the complainant, and he stated that he had not listed -- he was not listed as an active voter when he went to the polls to vote. It was found that he received a letter from the Fulton County elections prior to the March 1st PPP to confirm his citizenship. He did this and returned
the information to the county. The information was not updated in the system and the status remained canceled due to citizenship verification. Due to the system's status, he was told by poll worker that his status was not an active voter and he was offered a provisional ballot. He refused the provisional ballot and left the poll.

Ralph Jones, Fulton County Elections and Registration, was contacted as a result of the investigation. He located the documents and changed the status in the system on June 15th, 2016. The Fulton County Board of Elections -- or our recommendation is that Fulton County Board of Elections and Registration and Richard Barron, Fulton County Director of Elections, be bound over to the AG's office for violation of 21-2-222(4) registration, when they failed to prepare an update of valid voter list that included Matthys Serfontein in -- as active status.

MR. RAFFENSPERGER: Gentlemen.

MR. JONES: Mr. Ralph Jones, Chief of Registration.

Good afternoon, Board. It is true. We did receive the documentation in a timely fashion. What happened was that the documentation was actually implanted inside the voter registration application. When it was processed, it was not pulled out, we went back and researched and found out that the certificate of naturalization was implanted
inside the voter registration application. Therefore, the workers missed it. What we did after that one is to set up a procedure whereby they have to sign the inside of the voter registration application so that we know that they actually looked inside at every one that comes in to our office.

MR. RAFFENSPERGER: Are there any board members that have any comments or questions?

MR. WORLEY: And -- and, Mr. Jones, in that case the -- the complainant was offered a provisional ballot?

MR. JONES: The complainant was offered a provisional and he did not -- that he did not want that type.

MR. WORLEY: Right. And had -- had he voted a provisional ballot would you process -- the process you use to research the provisional ballots have found that evidence that he was --

MR. JONES: Yes, it would have -- we went back in -- if it’s a citizenship issue, sometimes some of the people will forget that the citizenship is in the pocket, so in our procedures, our due diligence search, we search every application and see what kind it was. If there's a pocket in a paper application, one of the procedures is to go inside to make sure that we did not make that mistake.

MR. WORLEY: And -- and is -- is it your opinion that -- that your procedures have been changed so that this
kind of incident would not happen again?

    MR. JONES: Well, let's hope so as we did the best we can in making sure that person looks inside the application by actually signing inside the application.

    MR. WORLEY: All right.

    MR. RAFFENSPERGER: Any other board members have any questions or comments concerning this case?

    (no response)

    MR. RAFFENSPERGER: What is the will of the board?

    MR. WORLEY: I -- I -- I appreciate Fulton County for being here and I appreciate that they’ve made all the changes that could be made, that it seems to me could be made, to take care of that situation and that they offered the voter a provisional ballot in such case. So with regard to this case and the four different complaints contained in this case I would move to dismiss complaint one, complaint two, and complaint four and send a letter of instruction to Fulton County on complaint three.

    MS. SULLIVAN: Second.

    MR. RAFFENSPERGER: Do we have any further discussion?

    (no response)

    MR. RAFFENSPERGER: All those in favor of dismissing complaint one, two, and four and sending a letter of instruction for complaint number three, please signify by
saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. JONES: We’ll go back up to Murray County.

MR. RAFFENSPERGER: Yes. Murray County.

MS. JONES: 2016-034, Tab 35. In March 2016, it was reported that Linda Fowler of the Murray County Republican party had begun qualifying candidates on March 7th, 2016 prior to the prescribed time at 9am. It was reported that qualifying started at 7:30 a.m.

The investigation found that qualifying procedures for both Republican and Democratic candidates for Murray County offices were conducted starting on March 7th, 2016, at the Murray County Senior Center in Chatsworth, Georgia. Separate rooms were utilized for each party. Linda Fowler denied that qualifying started prior to nine. A Facebook posting by Linda Fowler on March 6th, 2016 announced qualifying would begin at 7:00 a.m.

A candidate Donna Flood stated that she arrived at approximately 8:30 and was informed that candidate Connie Reid had already qualified. Donna Flood advised that she waited until nine -- eight a.m. to submit her paperwork as she thought 9 was when qualification began. Candidate
Connie Reid confirmed to the investigator that she did receive the Facebook post and arrived at approximately 8:00 a.m. and had completed qualifying by 8:15. Candidate Sam Bright advised that he did not receive the Facebook post but was told by Linda Fowler that qualifying began at seven. He stated he began the process around 8:50 and was completed by 9:05. Sheriff candidate Ricky Bishop stated that he arrived at approximately 7:15 and that he completed the process and left around 8:00 a.m.

The investigator re-interviewed Linda Fowler regarding the obvious discrepancies in her claim that she did not start qualifying until 9:00 a.m. She could not explain why candidates would say they started earlier than nine. She said that she did not have a clock in the room and really didn’t understand that — wouldn’t remember qualifying anyone before 8:00 a.m. Linda Fowler stated that time had passed since qualifying ended and had clouded her memory. We recommend that Linda Fowler and the Murray County Republican Party be bound over to the AG's office for violation of 21-2-153(c)(1)(a) qualification of candidates, when on March the 7th, 2016, she initiated qualification procedures for Murray County Republican candidates prior to the mandated 9:00 a.m. start time.

MR. RAFFENSPERGER: Do we have someone from Murray
County?

    MS. FOWLER: Yes.

    MR. RAFFENSPERGER: Can you identify yourself?

    MS. FOWLER: What was that?

    MR. RAFFENSPERGER: Name, ma'am.

    MS. FOWLER: My name is Linda Fowler, 331 Oliver Dill Road, Chatsworth, Georgia in Murray County. I've always volunteered for civic organizations. The last 10 years I've worked in the political organizations. I've never received any reimbursements for any time I've worked. I volunteered to do the qualifying for the Republican party in 2016 and engaged nobody to help in this process. I've -- I've been employed by the same company for 29 years and maintain a busy schedule by working remote two days a week, working early and late hours, and using my vacation time. By doing this, I was able to conduct the qualifying of 2016.

    I always arrive at or before 7:00 a.m. daily and stay as long as needed. I -- I have run a couple of elections and several county district Republican conventions and in our local NAACP unit, while I was the secretary. All have stringent cutoff times but were flexible on allowing early arrivals in the process. That being said if someone came early I would probably qualify -- qualify them because there seemed to be no advantage being given. I did not
realize that the importance of the start time.

When contacted by the investigator, I was concerned
the candidates would be penalized for my actions and I
acted accordingly, not thinking on my situation. I
realize good intentions and ignorance is not
justifications, but I hope and pray they’re a
consideration in this issue. I've -- I've always tried to
follow the rules and regulations. I -- I did the best I
could, acted in good faith, but did make a mistake. I
respectfully request a letter of instruction to be
appropriate for my circumstance.

MR. RAFFENSPERGER: Okay. Do any of the members have
any comments or questions? I have one.

MS. FOWLER: Yes, sir.

MR. RAFFENSPERGER: I assume that there are multiple
candidates with that's -- in the partisan primary and
everyone still got to enter, just to sum it up.

MS. FOWLER: Yes.

MR. RAFFENSPERGER: Just two hours before they’re
supposed to.

MS. FOWLER: Pardon me.

MR. RAFFENSPERGER: I see you had a couple of
candidates -- two or three or whatever.

MS. FOWLER: Yes.

MR. RAFFENSPERGER: But everyone got in, no one was
ever excluded.

MS. FOWLER: And a matter of fact, it is the paperwork -- it was not printed correctly, and they got -- some had come back and requalified later during the week or later that afternoon.

MR. RAFFENSPERGER: It did not affect the other parties involved in that --

MS. FOWLER: No, sir.

MR. RAFFENSPERGER: -- registration or qualifying.

Any other questions? Or comments?

(no response)

MR. RAFFENSPERGER: What is the will of the committee?

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

MR. RAFFENSPERGER: Is there a second?

MS. LE: The only reason why I'm hesitating on the letter of instruction, even though I -- I appreciate you taking, you know, responsibility. It's -- it's variance on the part of published rules of the office so that everyone knows when start time and end time is, and even if no harm was done, you know, in this case it seems like no harm was done. The principle of when something gets published, it's -- it's about the - that's known. It's very important that everyone gets the same rules and --
for those who couldn’t make it to those hours, you just
have to -- like, oh, I can only come at 7:30, so that
conceivably was out of bounds. It's the only reason why
I’m hesitant about a letter.

MS. FOWLER: And I hear you looking for additional
training. I will do what's needed, I mean, it was just a
mistake.

MR. WORLEY: Mr. -- Mr. Secretary --

MR. RAFFENSPERGER: Yes, sir.

MR. WORLEY: -- am I -- the -- the other thing that
concerns me is that I -- it doesn't appear to happen to be
-- it is certainly possible that -- that the candidate
that you allowed to qualify between 7:00 and 9:00 a.m.
could have their candidacy challenged by another candidate
because -- because of that. I don't know if the judge --
how a judge would enforce that -- and that's why it's
important that the rules have to be -- have to be uniform.
I'm not suggesting that -- I think something more than a
letter of instruction is required and I’m suggesting the
attorney general's office. They shouldn’t be overly harsh
in what they ask you to do but I -- I do think I would
prefer a consent order so that that's what I'm not
supporting Ms. Sullivan’s motion.

MR. RAFFENSPERGER: I don’t hear a second for the
motion. Is there another motion?
MR. WORLEY: I make a motion to bind this case over to the Attorney General's office.

MR. RAFFENSPERGER: Is there a second?

MS. LE: I'll second that.

MR. RAFFENSPERGER: All those in favor of binding this over to the Attorney General's office, signify by saying aye.

MR. WORLEY: Aye.

MS. LE: Aye.

MR. RAFFENSPERGER: Any opposed?

MS. SULLIVAN: No.

MR. RAFFENSPERGER: Motion carried.

MS. JONES: Moving to the second Murray County case, 2016-040, Ballot Format, Tab Number 47. The complainant stated that she alleges she went to vote in Murray County during the March 1st, 2016 presidential preference primary and was given a non-partisan ballot when she requested a Republican ballot. Stephanie McKee went to vote at the Main Street Fire Station and was processed by poll manager Steven Phillips. The voter's certificate indicates the request for a Republican ballot. A non-partisan ballot was issued. Stephanie McKee voted the non-partisan ballot and then notified Mr. Phillips.

At first, she stated she could not do -- at first, he stated he could not do anything as he had -- she had cast
her ballot. Stephanie McKee began -- became upset and Mr. Phillips went into the express poll and canceled her first election and re-issued her a Republican ballot making it possible for Ms. McKee to vote twice regarding the local SPLOST question which she acknowledges that she did vote for the SPLOST question on both ballots.

As an addition, Murray County Election Superintendent Larry Sampson sent a letter to the office making an indication that this poll worker had made an honest mistake and that it was not purposeful and explained that the issue had been dealt with, and he had made assurances that it would not happen again.

Our recommendation is Murray County Board of Elections and Registration, Larry Sampson, Murray County Election Supervisor, and Steven Phillips, the poll manager, be bound over to the AG's office for violation of 21-2-451(a), execution of voter's certificate, when the poll manager failed to properly execute the voter's certificate of Stephanie McKee and issued the ballots she was requesting on that certificate; 21-2-590, poll officer permitting an unregistered and unqualified person to vote when Steven Phillips permitted Stephanie McKee to vote a second time; and 183-1-12.02(4)(b), when he failed to properly encode the voter access card for Ms. McKee that would allow her to vote a ballot of her choice.
We also recommend that after further consideration this -- dismissing the violation against Stephanie McKee as she was just following directions of the poll manager when she voted twice.

MR. RAFFENSPERGER: Is there someone here from Murray County for this one?

(no response)

MR. RAFFENSPERGER: Okay. I guess not. Do we have any comments or questions in this case from the Board?

MR. WORLEY: Well, I wish Murray County was here to talk about this. But I would make a motion that we bind this case over to the Attorney General's office.

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: Is there any discussion on this?

(no response)

MR. RAFFENSPERGER: All those in favor for binding over Case Number 2016-040, Murray County to the Attorney General’s office for further action, please state aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Next case.

MS. JONES: 2016-043, Oconee County, Provisional Ballot, Tab 49. On March 21st, 2016, Oconee County Elections Supervisor Pat Hayes self-reported that Oconee
County Registrar transferred a voter after the voting
deadline, and the voter was allowed to cast a provisional
ballot in the March 1st, 2016 presidential preference
primary and that the ballot was counted by Ms. Hayes
during the provisional ballot count.

Mary Beth Phillips registered to vote through the
online voter registration system on February the 2nd,
2016, one day after the deadline to be eligible to vote in
the March 1st, 2016 election. Carole Amos, the Oconee
County Registrar, processed the voter registration on the
county voucher for it, assuming that all -- all
applications had been entered overnight which was the
deadline of February the 1st. The precinct card was
issued to Mary Beth Phillips as an eligible voter with the
date of the registration printed on the card as February
the 2nd, 2016.

On the date of the March 1st, 2016 PPP, Mary Beth
Phillips went into vote and was not in the express poll as
an eligible voter, and she was sent to the provisional
ballot table where she completed a provisional ballot.
The provisional ballot along with a copy of her precinct
card was secured in a ballot bag and on March the 3rd,
2016, provisional ballots were being verified when Pat
Hayes noticed that Ms. Phillips had registered after the
deadline and had been allowed to vote in the election.
Ms. Hayes decided to count that provisional ballot due to the original error being made by Oconee County.

We recommend that Oconee County Board of Elections and Registration and Pat Hayes be bound over to the AG's office for violation of 21-2-419(b)(c)(3), validation of the provisional ballots, when Pat Hayes validated the provisional ballot of Mary Beth Phillips in the March 1st, 2016 election in which she was not a qualified voter. And after further consideration, we recommend that the violation for Carole Amos, the former Oconee County Registrar, Pat Hayes, the Oconee County Elections Supervisor, and the Oconee County Board of Elections and Registration -- the violation 21-2-226 be dismissed as the processing of the voter registration was the appropriate action. It was the counting of the provisional ballot that was the violation.

MR. RAFFENSPERGER: And I believe we have someone here from Oconee County.

MS. DAVIS: Good afternoon. I'm Fran Davis. I'm the Director of Elections and also the Chairman of the Board for Oconee County Board of Elections and Registration. Any questions for me? Well, before you decide, I have a little bit of an explanation. I was there with Ms. Hayes and Ms. Amos, who are no longer employed by Oconee County. Ms. Hayes is retired and Ms. Amos quit after this
happened.

But when this occurred we realized that the voter was being transferred from Clarke County which is the neighboring county to us. If the poll manager Mr. Hanson had called us to research about the provisional ballot before he issued the ballot, we would have been able to tell that the voter was inadvertently, or in error, taken from Clarke County to Oconee County. We would have been able to send that voter back to Clarke, even though it would have been an inconvenience. We would have been able to send the voter back to Clarke County and then she would have been able to vote either as a supplemental voter or either as a provisional voter in Clarke.

But unfortunately, because Mr. Hanson did not call us and let us know about the provisional, we did not know about the circumstances until we started to do the research. We have since then -- right after that, actually -- put in place a remedy to now all the poll managers are required to call us before they issue a provisional ballot, so that we may be able to do a little research right then and there to hopefully remedy a situation where they wouldn't have to vote a provisional, and we could do something to help the voter, to make it easier for them and not have to worry about a provisional.

MR. RAFFENSPERGER: Thank you. Any questions or
MR. WORLEY: So essentially what happened was that -- the feeling was that the person should have been sent back to Clarke County and would have had their vote counted there, but because you all essentially mistakenly gave her a provisional ballot that vote should be counted?

MS. DAVIS: The way that I guess Ms. Hayes decided to make that decision was that at the time the provisional ballot was issued, we -- the poll manager did not realize that it was taken in error and her registration had been transferred in error from -- from Clarke. So when Ms. Hayes went into her research, she realized, you know, that it was taken in error and that she should have been sent over to Clarke. Her ballot would have counted at Clarke County because she would still have been an eligible voter as well as it was the same ballot as we had in Oconee County as we're the same district and it was the PPP. So that was part of her decision. She did not want to disenfranchise the voter because of the error that our registrar made. Thank you.

MR. RAFFENSPERGER: Do any of the members have any questions or comments?

(no response)

MR. RAFFENSPERGER: What is the will of the board?

MR. WORLEY: I would make a motion that under this
circum -- particular circumstances in this case that were just explained that we send a letter of instruction to Oconee County.

MR. RAFFENSPERGER: Is there a second on that motion?
MS. SULLIVAN: I'll second the motion.
MR. RAFFENSPERGER: Okay. We have a second. All those in favor of sending a letter of instruction for Case Number 26 -- 206 -- 2016-043, Oconee County, please signify by saying aye.
THE BOARD MEMBERS: Aye.
MR. RAFFENSPERGER: All opposed?
(no response)
MR. RAFFENSPERGER: Motion carries.
MS. DAVIS: Thank you very much.
MR. RAFFENSPERGER: Okay. We're going back up to the top.
MS. JONES: There was a second violation to be dismissed.
MR. RAFFENSPERGER: Oh, yes, we haven’t.
MR. WORLEY: And -- yeah, and -- and I'll -- I'll also make a motion that the violation of 22-2-216 be dismissed.
MR. RAFFENSPERGER: Is there a second on that?
MS. SULLIVAN: I'll second.
MR. RAFFENSPERGER: All those in favor of dismissing
violation that has been stated, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Okay.

MS. WATSON: Okay. I believe that we going back to 2015-059, Thomas County.

MR. RAFFENSPERGER: Yes.

MS. WATSON: In this case, the Thomas County Board of Elections and Registration reported voter identified as Gloria Tillman, who registered to vote in 2003, wasn't a U.S. citizen. Thomas County had contacted her again in 2012 where she checked she was not a U.S. citizen and apparently she remained on the voter list. Ms. Tillman went to the Thomas County Board of Elections and Registration in October of 2015 and requested them to remove her from the voter list so she could become a U.S. citizen.

The investigation verified that the complaint, and Ms. Tillman admitted to registering to vote while she was not an American citizen and voted in two general elections for presidential elections on November 2nd, 2004 and November 6th, 2012. Ms. Tillman, a citizen from the Philippines, stated that it was her ignorance thinking when she married her husband that she automatically became
an American citizen and could register to vote. Ms.
Tillman was very apologetic and said she fully intends to
become an American citizen and will register to vote.

We recommend Thomas County Board of Elections and
Registration be bound over to the AG's office for 21-2-
226(a), duties of county board in determining eligibility
of voters, when they failed to determine the eligibility
of Gloria Tillman after she registered to vote in 2003 and
again in 2012 while she was not an American citizen. And
we are also recommending Gloria Tillman be bound over for
21-2-216(a)(2), qualifications of electors generally.

MR. RAFFENSPERGER: I don't think there's anyone here
from Thomas County.

(no response)

MR. RAFFENSPERGER: Does the board have any questions
or comments?

(no response)

MR. RAFFENSPERGER: What is the will of the committee
of this case?

MR. WORLEY: I’d make a motion that we bind over both
the respondents in this case to the Attorney General's
office.

MR. RAFFENSPERGER: Do we hear a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: All those in favor -- is there
any discussion from the board?

(no response)

MR. RAFFENSPERGER: Not hearing anyone. All those in favor of binding Case Number 2015-059, Thomas County forward to the Attorney General's office for further action, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: Okay. The next case is 2015-060, Baldwin County, Deceased Voter, Tab 130. Baldwin County Chief Deputy Registrar Elizabeth Rodgers reported the following: On October the 6th of 2015, the Baldwin County Voter Registration Office received by facsimile an absentee ballot application for a Linda Clemons for the November 23rd, 2015 special election. The facsimile stamp was LC4784141924. The absentee ballot application date was 9/26 of 2015. The application was rejected by the registrar's office with the reason that Linda Clemons’ voter record was marked as deceased on 7/2/2015. The election date as well as the application date appeared to be altered on Ms. Clemons’ application.

The registrar's office also received a call on 10/6 of 2015 inquiring if 37 faxed absentee applications were
successfully received. Ms. Clemons' application was one of the applications faxed in that group. A number of other applications for this election had had dates altered on them as well.

On February 25th, 2016, Baldwin County Voter Registrations Office received an absentee ballot application for Ruthie May Ford who was later determined to have died on the same day the office received it. The application was to request an absentee ballot for the March 1, 2016 presidential preference primary. The dates on the application had also been altered as on Linda Clemons’ application. A number of other applications for this primary had the dates altered on them as well.

During the investigation of allegation one and two, the Secretary of State's Office learned that Baldwin County Registrar's Office received a combined total of 360 absentee ballot applications for the November 3rd, 2015 special election and the March 1, 2016 presidential preference primary that were faxed from the same number of 4784141924. 295 of the applications had altered dates either on the date of the primary election runoff or application dates sections.

The investigation revealed that Beverly Calhoun stated that she changed the dates on Linda Clemons' absentee ballot application and faxed it to the Baldwin
County Registrar's Office on October the 6th, 2015. She states that Linda Clemons had given her approval to do so. Beverly was not familiar that Linda Clemons had passed away in July of 2015 when she faxed the application in October of 2015.

As to allegation two, Beverly Calhoun also changed the dates on the absentee ballot application for Ruthie May Ford and faxed it to the Baldwin County Registrar's Office on February 25th, 2016, and she states that Ms. Ford gave her permission to do so.

Allegation three: from October 6th through October 29th, 2015, 256 absentee ballot applications for the November 3rd, 2015 special election were faxed from the same number. 190 of the applications had altered dates either on the date of the primary, the election runoff, or application date sections. From February 24th through the 25th, 2016, Baldwin County Registrar's Office received 107 absentee ballot applications for the March 1, 2016 PPP that were faxed from the same number. 105 of the applications had altered dates either on the date of the primary, the election runoff, or application date sections.

Claudia Pinetta Calhoun (ph.) advised the fax number was her personal fax number and Beverly Calhoun is her mother. Ms. Calhoun states that she always tries to help
citizens in the -- the Milledgeville-Baldwin County area with voting and did not know that she could not change the dates on the applications. We're recommending that Beverly Calhoun be bound over to the AG's office for the listed violations of 21-2-381(a)(1)(a), 190 counts; 21-2-381(a)(1)(b), 190 counts; 21-2-381(a)(1)(g), 190 counts; and 21-2-562, on 295 counts.

MR. RAFFENSPERGER: Okay. I don't believe anyone's here from Baldwin County that's named in this case. Are there any comments or questions from anyone on the board?

(no response)

MR. RAFFENSPERGER: This is my personal -- I'm going to have to write this number down because it's a record breaker for me, but some of you have been on this Board for a while. That's not a big number to you.

MR. WORLEY: No, Mr. Secretary, that is a very big number.

MR. RAFFENSPERGER: Well, that's what I thought. What is the will of the committee?

MR. WORLEY: I make a motion that we bind this case over to the Attorney General's office.

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any comments? All those in favor of binding this over to the Attorney General's office, please let me know by signifying by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is going to be 2016-019, Tattnall County, Tab Number 38. In February 2016, it was reported that a poll worker Ajamu Miller voted early during early voting at the Reed School office in Tattnall County for the March 2016 presidential preference primary and special election. Later, he decided he did not like who he voted for so by working at Glenville Voting Office he went to the e-net system and canceled his ballot.

The investigation revealed that Mr. Miller confirmed that he went to the e-net system to do what he believed was canceling out his vote. What he actually did was cancel out his credit for voting. The ballot he had cast was not canceled. We recommend that Mr. Miller be bound over to the AG's office for violation of 21-2-562(2)(a)(2), unlawful alteration of voter registration entries and 21-2-587(6), frauds by poll workers. We also recommend that violations for Tattnall County Board of Elections and Registration be dismissed as Mr. Miller went outside the scope of his duties when he went into the e-net system to cancel his credit for voting.

MR. RAFFENSPERGER: Okay. I don't believe we have
anyone here from Tattnall County, do we?
  
  (no response)

MR. RAFFENSPERGER: Any comments or questions from
anyone on the board?
  
  (no response)

MR. RAFFENSPERGER: Is there a motion?

MR. WORLEY: I move that we refer this case -- bind
this case over to the Attorney General's office.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any further discussion?
  
  (no response)

MR. RAFFENSPERGER: All those in favor of binding
this case 2016-019, Tattnall County, over to the Attorney
General's office, please let me know by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
  
  (no response)

MR. RAFFENSPERGER: Motion carries. Next case.

MS. JONES: This case is Tab 42, Candler County,
Election Officials, 2016-028. Several complaints
concerning possible fraud and irregularities during the
March 1st, 2016 PPP and special election in Candler County
were reported.

  Candler County Board of Elections member Teresa Gay
was at a polling precinct influencing voters to vote for
John Miles (ph.) for Sheriff while performing her duties.
The second is that Candler County Board of Elections
member Teresa Gay took the absentee ballots to residents
at Cedar Plantation Assisted Living facility located in
Metter, Georgia. The ballots were given to residents who
suffer from dementia and are unable to make clear
decisions. It was also alleged that Ms. Gay gave ballots
to Patrick and Gloria Seals who resided at Cedar
Plantation.

Third is that Wallie Porter (ph.) photographed his
ballot and put it on Facebook. The fourth, Shannon Powell
Farlow registered to vote in January 2016 when she removed
her license from the Department of Driver Services. When
she went to early vote in February 2016, she was told that
she was not a citizen. She also stated that she was not
given a provisional ballot.

Number five, Faye Collins Lanier assisted Barney
Walker by filling out his ballot application, but she did
not sign it stating that she had assisted him preparing
the application. Number six, some poll workers counting
ballots were public with getting votes for John Miles.
Number seven that a poll worker Alley Ford publicly
published her support for John Miles for sheriff, but she
was still found to be a poll worker. Number eight, the
poll workers were giving a preliminary vote count of candidates during the election for sheriff.

Number nine, poll workers were heard recommending the name of candidates to voters that were undecided. Number ten, that people were taking pictures of the ballot in the ballot booths. Number eleven, that the office of the registrar did not know how to conduct the election and said everyone was new and obviously untrained.

The investigation revealed that all allegations except number five had -- were unsubstantiated. It was determined that Faye Lanier Collins, while visiting friends at the care facility was asked to bring five ballot applications for her friends. Another resident Barney Walker asked for her assistance also. Faye Collins Lanier did assist Mr. Walker with the application not knowing that she had to sign that she assisted. She later learned that Mr. Walker was not a registered Candler County voter.

It was also discovered during the investigation that the election supervisor Victor Fordham that was appointed in August of 2015 had not completed his election verification training nor had he requested a waiver from the Secretary of State's Office.

We recommend that Faye Collins Lanier be bound over to the AG's office for 21-2-381(a)(1)(f), when she failed
to sign as assisting Mr. Walker with his application and that Victor Fordham, Candler County Elections Supervisor, and County -- Candler County Board of Election for violation of 21-2-101 because he failed to receive his certification.

MR. RAFFENSPERGER: Okay. Do we have any questions or comments?

(no response)

MR. RAFFENSPERGER: What is the will of committee?

MS. LE: They're not here to speak to this, unfortunately, so I would ask we move to the office -- to the Attorney General's office.

MR. WORLEY: I second that.

MR. RAFFENSPERGER: Any further discussion?

(no response)

MR. RAFFENSPERGER: All those in favor of binding this over to the Attorney General's office please let me know by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Next one.

MS. JONES: The next one is Tab 46, 2016-036, Houston County, Voter Registration. Rashaunda Chatmon said that she went to the Veterans Hospital precinct for March 1st,
2016 shortly before the polling station was closed and was unable to vote because she wasn’t registered in Houston County. The poll manager did not allow her to vote a provisional ballot.

The second complainant Ciara White stated that she registered to vote at DDS office in January of 2016. She went to the My Voter website on March 1st, 2016 to get her precinct signed up. The site indicated that she was not a registered voter. She contacted Houston County Elections Office and they told her there was nothing they could do to resolve the issue.

Ms. Chatmon registered — the investigation revealed that Ms. Chatmon registered as a voter in 2008 in Bibb County under her maiden name Rashaunda Logan. She updated her name and address in Randolph County through DDS in 2014. Ms. Chatmon did not update her voter registration information and thought that it would automatically go through the DDS. Ms. Chatmon contends that she went to the voting precinct her husband was assigned to and tried to vote. She reports that she was told she was not on the electors list. She protested, and she had her driver's license to show that she actually lived in Houston County. She was directed to the provisional ballot table and told that she needed to go to the county she was registered in. She said that she did not have time to get to Bibb County.
She stated in her interview that the poll worker told her she could not vote a provisional ballot.

Poll workers at the precinct were interviewed and did not recall any voters close to closing time that had any issues such as Ms. Chatmon described. They recalled only that one voter came in after the polls were closed and was not allowed to vote.

As to complaint two, Ciara White: the DDS records show that on her DDS application she did select to register to vote. However, when she obtained her temporary license on January 27th, it indicated that she did not wish to register on her application. It is not known how the error occurred, possibly a processing error through DDS. Ciara White was officially registered as a voter on April 15th, 2016.

We recommend that Stephanie Dixon, poll manager, Joanne Shipes, Elections Superintendent, and Houston County Board of Elections and Registration be bound over to the AG's office for violation of 21-2-418(a), provisional ballots, in that they did not allow a person to vote a provisional ballot when that person believed they were a registered voter.

MR. RAFFENSPERGER: And we have no one here from Houston County.

(no response)
MR. RAFFENSPERGER: Any board members have any comments or questions?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I'll make a motion to bind this matter over -- over to -- the charge related to Ms. Chatmon -- to bind that over to the Attorney General's office and to dismiss the complaint by Ms. White.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I second.

MR. RAFFENSPERGER: All those in favor of the motion presented and want to move it over, please let me know by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Okay. Or for clarification, the City of Snellville case was continued?

MS. WATSON: Continued.

MR. RAFFENSPERGER: So that is the end of all of our new cases. And let’s turn it over to the Attorney General’s office.

MS. CORREIA (ph.): Does the board want me to discuss any one of them or vote on them as a group? I'd be happy to discuss any one of them on its own if the board wants
MR. RAFFENSPERGER: What is the will of the board?

MS. CORREIA: I'm sorry?

MR. RAFFENSPERGER: I'm just asking.

MR. WORLEY: I'll make a motion that we accept in a block the consent order reports from the Attorney General.

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: All those in favor of accepting the consent orders in a block, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries. Any further discussions?

MS. SULLIVAN: Have we voted on the dismissal?

Unless any of the other board members want any further presentation or information, I move that we dismiss SEB case number 2016-052.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I second.

MR. RAFFENSPERGER: All those in favor -- any discussion? All those in favor of dismissing Case Number 2016-052, Gwinnett County, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
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?

(Mr. Raffensperger's comment is not recorded)

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?

(Mr. Raffensperger's comment is not recorded)

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
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
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
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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MR. RAFFENSPERGER: Good morning everyone. We'll begin -- we'll begin in a minute. Our other member will be here shortly. And there are some sign-up sheets there. I'm sure everyone has seen those.

Good morning. I would like to welcome everyone. Thank you for attending. I know traffic was tough on everyone this morning. I'd like to open up with a prayer and pledge and then I'll have a few comments and some of our members may have a few comments also.

(invocation)

MR. RAFFENSPERGER: If y'all will stand for the pledge, please.

(Pledge of Allegiance)

MR. RAFFENSPERGER: Okay. Folks, we're going to have a very full agenda today as you all can see. We'll have some public comments in the front and then we're going to have a presentation of the cases and actions. That was reversed before, but when you look at some folks who for their cases are driving three, three-and-a-half, four hours away, and some of those cases have been on for a while, I just thought to respect
their time, I wanted to go ahead and get that done.

I know that many of you are here for the new SEB rules, and, you know, we'll be going into that. So it's going to be a very full agenda today.

As we always do, we allow two minutes for our speakers to speak on any topics they wish to bring to our attention. And we have allocated about 30 minutes. We'll see how that works. And if you have any SEB rule changes, we have allotted also 15 minutes for public input at the time from one of the presenters and then maybe other public comments.

Our office is very pleased to announce that yesterday we began voting demonstrations with our new ballot-marking device voting system at the King Center. We are excited that visitors will have the opportunity to try out the new system.

Our office has been -- has done many voting machine demonstrations that have included Gwinnett County, a senior center in Clayton County, the state fair in Perry where 3,700 Georgians tried it out, the Columbia County Fair in the Augusta area where a thousand people tried
it out, the State Farm Bureau Conference in Jekyll and ACCG Conference in Athens, and just last week the Hall Business Chamber Meeting up in Gainesville.

And I also note that county election officials are also inviting opportunities in their counties for voters to try the new system. We are ahead of schedule for the March 24 presidential primary and excited that Georgia continues to lead in innovations in voting.

And that is my comment for this morning.

Do any board members wish to offer any comments before we get started?

**MR. WORLEY:** No.

**MR. RAFFENSPERGER:** Okay. Well, you have the approval of the board minutes meeting before you, do we have a motion?

**MR. WORLEY:** I'll make a motion that we approve the minutes of the August 29th meeting.

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

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

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Motion carries.
Okay. First thing we have is the investigation of consent cases. And one of our board members - public comments, I'm sorry.

Okay. We have two sheets and the first one we have Hillary Holley on proposed rules. Do you want to speak now or do you want to speak later when we just talk about the proposed rule change at that time?

**MS. HOLLEY:** Now is fine.

**MR. RAFFENSPERGER:** Pardon me?

**MS. HOLLEY:** Now is fine.

**MR. RAFFENSPERGER:** Okay. If you'd come forward.

**MR. RAYBURN:** When public commentators speak, please start with your name and where you live. If you'll come into this area so the transcriptionist can get it down.

**MS. HOLLEY:** Good morning. My name is Hillary Holley and I live in Atlanta, Georgia. So I'm the organizing director of Verified Action.

I'm here today to say that 2020 is an important year for Georgians. We are electing a president, two U.S. senators, state representatives, and many local elected
officials. In Georgia's 2020 elections, historically high turnout is expected beyond even what we saw last year where too many of our systems failed voters. Because two weeks out -- two weeks out from here Georgia is unprepared.

I am here this morning to raise concerns on how Georgians can ask the state election board and the secretary of state to do its job to prepare for the 2020 elections, because what we saw in 2018 certainly cannot happen again.

In 2018, the state election board and the secretary of state's office had massive administrative failures which caused extremely long lines, registered voters missing at the polls, insecure and insufficient number and malfunctioning voting machines, insufficient provisional ballots, poorly trained election official staff who were ill-equipped to meet voters' needs. This all occurred -- this all occurred because the secretary of state and the state election board failed to do its job.

And now Georgia is implementing an entirely new voting system during a presidential election year. Responsible states took years to implement these new voting systems, yet the Secretary of
State of Georgia has given counties less than three months to prepare. The Colorado Secretary of State told the AJC and I quote: What Georgia is trying to do is basically -- basically blowing my mind. We had two-and-a-half years to do it and that was challenging. I cannot imagine implementing with the number of counties Georgia has in it, what -- in what two or three months?

But despite this our county election officials are working hard to keep up with the state's ever-evolving timeline and package of resources. County officials have asked for the secretary of state's support to only receive more vague responses and unclear commitments. We have a presidential primary in three months and machines are delivered in early February. Counties will have less than two months to train poll workers, while required properly -- to properly manage the election on new technology.

(timer sounding)

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

**MS. HOLLEY:** All right.

**MR. RAFFENSPERGER:** James Wood -- Woodan; is that right?
MR. WOODALL: Woodall.


Sorry, James.

MR. WOODALL: Yes. James Woodall, pres -- well, I live in Atlanta, Georgia and I'm the president of Georgia NAACP.

I come for two reasons in -- in addition to what my colleagues have share -- will share and have shared already is that the Georgia NAACP is concerned about the direction of the election here in this state.

As we go across the entire state, people are -- are -- are disavowed with the process. They don't want to vote quite frankly because the process, they believe, is corrupt and does not serve their best interests. And so there are two specifics acts that Georgia NAACP is asking this board and the secretary of state's office to consider.

One being that the directives that are given to local boards of election, those be given primarily from the secretary of state's office as opposed to being deferred to the local jurisdictions of the boards of election.

The other is allowing for expanded access of
language for the ballot process so that we can have those who don't have English as a first language or those who are not able to articulate in English what they desire as an election result.

So we're asking for those two specific things because we believe that those will allow for us to have more fair and accessible elections and we're willing to work with the secretary of state's office and this board to ensure that those things happen. Thank you.

**MR. RAFFENSPERGER:** Thank you.

Sean Young. Sean Young.

**MR. YOUNG:** Hello. My name is Sean Young and I'm the legal director of the ACLU of Georgia. The ACLU of Georgia is a nonpartisan organization whose goal is to protect the sacred and fundamental right to vote, especially for those who are the most vulnerable among us. We take our nonpartisan status very seriously. In fact, we have sued and are suing both democrats and republicans in various counties for failing to protect our elections.

I want to focus primarily on two issues that plague our elections -- long lines on election
day, particularly in the lower income communities; and the belated processing of absentee ballots -- and to that end, I'm going to make four recommendations.

First, all polling places must be tested well in advance to ensure that they can carry the substantial electrical capacity required for e-poll books and new voting machines. In fact the clerk -- the elections director of Jackson County is -- is actually doing that now and I think all of our counties should be doing that. A lot of people can't afford to take off four to five hours of work to wait for malfunctioning machines to be up and running again.

Second, the regulations must provide that emergency paper ballots be available to all voters in case of an emergency, which should include malfunctioning machines. And, in fact, that's exactly what Georgia law requires in Section 2 -- 21-2-281. But right now the regulations aren't implemented yet.

Third, regulations should require every polling place to have an easy mechanism for poll workers to determine a voter's correct polling place. And poll workers should be required to
tell voters that if it's not practical to go to the right polling place, that they can vote a provisional ballot on the spot.

Fourth and last, absentee ballot processing is haphazard and dysfunctional. We recommend that the regulations require all absentee ballot applications, absentee ballots, and registration form be processed within 24 hours of receipt and that voters be called or e-mailed immediately if there are any problems. Promptly means promptly and 24 hours is more than enough to do this promptly.

2020 gives Georgia the chance to rise above partisan politics and ensure that everyone, especially the most vulnerable among us --
(timer sounding)

**MR. YOUNG:** -- can participate in our -- in our democracy. Thank you.

**MR. RAFFENSPERGER:** Thank you.

**MS. DODSON:** Good morning. My name is Marissa Dodson. I am the attorney and the public policy director of the Southern Center for Human Rights. I'm here today to call your attention to an issue around voting as it relates to people
who have been convicted of a felony.

The Southern Center for Human Rights is a nonprofit, nonpartisan law firm. We are committed to litigation and public policy reforms that address injustice in our criminal legal system in the state.

We want to bring to your attention that over 250,000 people were disqualified in Georgia in 2018 due to a felony conviction. What the law is in this state is that people who were convicted of a felony involving moral turpitude are denied the right to vote until they have completed their sentence. The right to vote is supposed to be automatic -- automatically restored in Georgia. However, there are fundamental problems with the way the law is being implemented.

First and foremost, there is no definition of moral turpitude. So therefore, every felony is disqualified in Georgia which includes drug possession and other things that people don't assume would be -- there would be such a -- such a severe consequence for their action.

The other issue is what it means to complete your sentence. What we know is that Georgia has some of the longest probations -- not some of --
the longest probation sentences in the country. We have the most number of people per capita that are under correctional control. And what happens is that fines and fees and other criminal justice debt stop people from being able to be restored.

We believe that these are modern poll taxes designed to exclude or continue to perpetuate wealth-based discrimination. Thus, those who have the money to pay, can vote. But those who do not, cannot vote.

Tomorrow there is a senate study committee that has been meeting to address some of these problems. Their final meeting where they will be -- where they will consider recommendations and a report will happen tomorrow. It will be in the Coverdell Legislative Office Building in Room 307. We expect or are hopeful that there will be some recommendations that come out of this committee that will improve clarity and expand the right to vote for people in this state who are living in our communities --

(timer sounding)

MS. DODSON: -- and paying taxes and leading productive lives in our -- in our state. Thank you very much.
MR. RAFFENSPERGER: Thank you.

Mr. John Cusick.

MR. CUSICK: My name is John Cusick. I'm an attorney with the NAACP Legal Defense and Educational Fund.

In Georgia some polling place changes have made it harder, if not impossible, for voters to vote. In 2013, following the Shelby County decision, Baker County considered closing four out of five polling locations, a majority of which would've impacted black voters.

More recently we saw in Randolph County seven of nine polling place closures being considered, again disproportionately impacting black voters. In both of these cases, LDF along with other civil rights organizations and communities wrote in opposition and worked to make -- ensure that these proposals would not be considered. To this end, we continue to monitor voting places throughout the state of Georgia.

In 2018, in the lead-up to the mid-term elections, along with ACLU of Georgia, we wrote to all 159 counties with a list of our recommendations.

One, that they should make sure that there
are mechanisms to ensure that community members
have input in any decision to move or to close a
polling precinct.

Second, that the board must study and
analyze any disproportionate impact to black
voters, disabled voters, or elderly voters.

Third, that alternate proposals should be
considered during this review process, and
proposals that make it harder for racial
minorities should not be defended for cost
justifications or end runs around to complying
with the American Civil Liberty -- American
Disabilities Act.

We urge this board to adopt some of these
recommendations and issue guidance to all of the
counties moving forward to the 2020 elections.
We're concerned, given House Bill 316, that
certain board of elections are not going to be
able to comply with the new mandate, especially
given the Fair Fights analysis and that best
might be used as a justification to further
reduce polling place closures.

So we urge you to make these recommendations
and issue guidance to the different boards of
elections and make sure that they're in
compliance with their legal obligations in the U.S. Constitution and Georgia state law and make sure some of these recommendations are in place so community members have a seat at the table during and after the process. Thank you.

**MR. RAFFENSPERGER:** Thank you.

Ms. Laura Walker.

**MS. WALKER:** Hi. My name is Laura Walker. I live in Columbus, Georgia. I'm the chair of the Muscogee County Democrats. I'm here because of a couple of different things.

I completely support what has all just been said, especially of felony voting rights. I spoke to the senate hearing that -- when it came down to Columbus earlier this fall.

I want to implore you not to set up your local county election boards for failure. From what we understand, there's not enough funding for the training, that there is not enough machines purchased for the recommended standards by the -- the people who implement the system, it's not up to standard. And why we would not fully fund and support that effort in an election, right after such a -- an election year of kind of failure is beyond me. Don't set them
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.
MR. RAFFENSPERGER: Thank you.

Mr. George Balbona.

MR. BALBONA: George Balbona, Cobb County.

Hey, Brad. So much for -- for suppression, so little time.

Let's start with this article that you posted on the SOS website on November 13th. It's entitled Risk Limiting Audits Concludes Paper-Ballot System Accurate. Yeah. You've -- you're pleased as punch. You say that you're so happy they have verified voting and their president, Marian K. Schneider, is endorsing you.

Then, amazingly, eight days later, Phillip Stark, the man who invented risk limiting audits, he sent in his resignation letter to Verified Voting because he did not believe that you can have a meaningful, risk limiting audit on the BMDs.

I have three articles here I wanted to submit into the record. One's his resignation letter; one's the letter he sent before this so-called SAFE commission; and the other one is Wenke Lee, the only cyber-security expert on the SAFE commission, saying we should not be using BMDs. There's a copy for everybody. So you each
can spread it.

So let's read from this resignation letter. He says, "This is security theater not election integrity." And if it's theater, Brad, you're going for an Academy Award and it's all fiction. Okay? He says that, you know, Verified Voting is promoting the shiny part of auditing the risk limiting audit procedure at the expense of a far more fundamental requirement for trustworthy elections: a trustworthy paper trail. You do not have that.

Those little summaries that the BMDs spit out is bait and switch because, A, it's just a summary, and, B, you know those scanners are tabulating off the QR code and the barcode. And there's not a person on this planet who can read either of those and you know that. It's bait and switch.

You have a very sprite expression on your face right now, Brad. Why is that? Are you happy because you purged 313,000 people last night from the voter rolls, registered Georgia voters who took the time before we had the automatic BMD?

(timer sounding)
MR. BALBONA: Smug.

(applause)

MR. BALBONA: Oh, we have -- I have copies of the resignation letter here if anyone wants to pick it up.

UNIDENTIFIED AUDIENCE MEMBERS: Thank you.

Thank you. Thank you.

MR. RAFFENSPERGER: Ms. Page Dukes.

MS. DUKES: Hello. My name is Page Dukes and I work for Southern Center for Human Rights as an assistant of communications.

I'm also a re-entering citizen. In 2007, I was convicted of a violent felony. After battling an addiction to opioids for several years and dropping out of college, I was released from prison two-and-a-half years ago after spending my 20s there. I'll graduate from college in May and I plan to have my rights restored this year, but I am just one of too many blanketly excluded from policy decisions that directly affect us.

Colorado adopted House Bill 1266 earlier this year redefining the language to restore voting rights upon release. If the expectation is that re-entering people become productive
members of society, that productive --
productivity requires self-sustainability and,
least of all, autonomy. A person is just as tied
to individual responsibility to vote as it is to
hold a job and pay taxes. Depriving us of our
civic voice while simultaneously requiring civic
contributions, financial and otherwise, is in
direct contradiction and it sends a message that
we are less than fully human.

MR. RAFFENSPERGER: Thank you.

Mr. Garland Favorito.

(applause)

MR. RAFFENSPERGER: Do you see Mr. Garland
Favorito?

THE COURT REPORTER: Well, he needs to use
the microphone, please.

MR. FAVORITO: (approaching microphone) I'll
give it back.

Mr.~Chairman, before I start, there was a
ballot-marking device security study that we
introduced in (indiscernible) California two
months ago. I'd like to get this on the record
if that's okay.

MR. RAFFENSPERGER: Certainly.

MR. FAVORITO: Thank you.
Mr. Chairman, I'm -- I'm, of course, this board (indiscernible) the constitution for me to support the rule changes that matter, that are very common sense and -- and very important. But what I want to do is talk to you as the founder of VoterGa and identify how (indiscernible).

We've been explaining to the SAFE commission (indiscernible) for the last two years that the voting systems and some of the ballot-marking devices which include the ones you purchased will accumulate votes that are cued in barcodes from the voter. So this is a totally, 100 percent unverifiable system, just like the last system that we had and we're trying to get rid of and one that was ruled unconstitutional and banned for use in this incoming year.

Now, all of this -- all of this is to say that auditability will cover, but it will not -- it will not cover to this because you can't expect on only one percent of the ballots and then compensate from 100 percent of (indiscernible) under our voting system.

In addition, the procedures that you're going to use do not (indiscernible) in the state, house, judicial, nonpartisan county or municipal
elections. So auditing cannot possibly cover unverifiability.

In addition, Phil Stark, the inventor of risk limiting auditing procedures that we are going to use here in Georgia, he said they cannot be meaningfully audited to -- to use the audit (indiscernible) ballot marking devices that are Georgia -- that I have mentioned.

Fourth, there is no incentive on the state elections board and the state elections department to resolve security problems when they come up. For example, in 2018, the lieutenant governor's race lost a hundred and twenty-five thousand or so ballots. There was no investigation, no attempt to find out what happened to those votes.

(timer sounding)

MR. FAVORITO: And finally, when the central ballot (indiscernible) --

(timer sounding)

MR. FAVORITO: -- was exposed in 2017, there was no investigation, nothing was done on that. Thank you.

MR. RAFFENSPERGER: Thank you.

Okay. We had another sign-up sheet here and
if I could call, like, three names so we can line up here (indicating), it might help expedite it.

So the first one is Ms. Aileen Nakamura.
Number 2 is Ms. Liz Troop (pronouncing), Throop, T-h-r-o-o-p, and Ms. Joy Wasson and Ms. Dana Bowers. And maybe that will help.

So Ms. Nakamura.

**MS. NAKAMURA:** Good morning.

**MR. RAFFENSPERGER:** Good morning.

**MS. NAKAMURA:** My name is Aileen Nakamura and I'm a Georgia voter from Sandy Springs.

The secretary of state reports that there were only a few glitches with the new Dominion Voting System in the six pilot counties, using phrases like: The system is running as designed.

I'm here to tell you that if it is running as designed, we're in big trouble. I know this because I organized a group of about 30 volunteers who went and observed during early voting election day in the run-off elections in six of the seven total pilot counties. We visited over 50 different polling places and spent a total of 185 hours as poll watchers or observers. I personally spent 25 hours observing and watching at 11 locations and I can tell you
this, these municipal elections were so small
that they were -- we're kidding ourselves if we
think these pilots were a true test of the
system.

The voters who voted on BMDs in the pilot
elections represent less than one percent of the
voters expected in March of 2020. How can this
be looked at as a true test of the machines. I
saw a scanner stop working after scanning just
seven pieces of paper. And voters had to wait
40 minutes while poll workers, who not of their
fault, they just didn't know how to -- how to
handle the fix.

The voters ended up leaving with their paper
printouts in an emergency slot without scanning.
It took almost two hours for the scanner to get
fixed. But you know why this wasn't a big deal
even though there's only one scanner in each
polling place? Because there were only two
voters at that time.

But at the same precinct during the twenty
-- 2018 mid-terms, they had a record turnout with
a line that had doubled around a huge auditorium,
down the hall, and out the door. What happens
when the scanner fails in March or next November?
So let me repeat, all of the municipal elections were so small that again and again when poll booths, BMDs and scanners failed, it didn't seem like a big deal. It's absurd to assume that more training will overcome equipment failures during the presidential primary with over two million voters. So slow it down and let's get it right.

(timer sounding)

**MR. RAFFENSPERGER:** Thank you.

Ms. Liz Throop.

(applause)

**MS. THROOP:** Hi there. I'm Liz Throop. I vote in DeKalb County.

We need a solid contingency plan for 2020. I spent 31 hours observing the Dominion system at 10 polling locations and I agree with Aileen. These pilots were not the true test of the new system. In fact, I was at a polling place long enough to see that one of these claims made about how things were fixed quickly simply wasn't true.

On election day in Carroll County, poll pads were unable to format ballot access cards between my arrival at 7:40 a.m. and when a vendor came to fix them at 10:00 a.m. This differs from the
secretary of state's report that a fix was sent out via Wi-Fi and that everything worked by 8:20 a.m. Until mid-morning I watched voters fill out and sign paper certificates. The poll manager had to go from machine to machine using his own access card and password so voters could vote. I also saw a BMD suddenly go black and it couldn't be fixed so it had to be removed. Other observers witnessed scanners that kept rejecting printouts unless they were inserted just right and other problems.

While many of these issues would have caused a huge bottleneck on a large election, none of these many problems we observed and documented posed anything but a slight blip in these pilot elections because the amount of available equipment was so large, the staffing was extra heavy, and the voting was extra, extra light.

It's urgent that you as a board allow counties to only introduce new equipment that they need -- that they can use with confidence, that have been tested well, and that are known not to fail. We need a solid contingency plan. Unlike pilot elections, polling places in 2020 will be high stress.
(timer sounding)

MS. THROOP: Thank you.

MR. RAFFENSPERGER: Thank you.

(applause)

MR. RAFFENSPERGER: Joy Wasson.

MS. WASSON: Good morning. My name is Joy Wasson and I'm a Georgia voter from Atlanta.

In the 2018 general election, a record number of voters chose to cast their ballot by absentee from home, using hand-marked paper ballots. There are a bunch of steps involved. You have to request the ballot by filling out a form, which you mail or hand-deliver. Your local election office mails the ballot to you, you complete it, stuff it into two envelopes, sign the outer envelope. You can then mail it back or drop it at your election office. Once received, election officials check your signature against the electronic records before accepting the ballot.

For many voters the system worked, but for far too many the system failed and votes were not counted. The signature match requires election officials to have expertise they're not trained for. Votes of Asian American, elderly and
disabled people are rejected at higher rates due
to signature mismatch. Mail delivery is not
always reliable. In large counties there have
been backlogs processing requests.

Today you'll be hearing a petition to adopt
four rules. Rule 1 allows voters to drop their
ballot off at their local precinct on election
day or at any early voting location. Show your
ID to the clerk, confirm you're an active voter,
and hand over the ballot. You leave with
confidence your vote has been accepted. I
support Rule 1 because it will reduce uncertainty
for voters while reducing workload for local
election officials. Thank you.

**MR. RAFFENSPERGER:** Thank you.

(applause)

**MR. RAFFENSPERGER:** After Ms. Dana Bowers,
we'll call John Peterson, Jasmine Clark, and
Terrence White. If they could line up also.

So Ms. Bowers.

**MS. BOWERS:** Good morning. My name is Dana
Bowers and I'm a Georgia voter from Gwinnett
County.

I've been working for fair elections in
Georgia for several years now, and in recent
years I have chosen to vote on hand-marked paper absentee ballots. I fully understand the procedures, but defi -- despite my best efforts, my vote was not counted in the 2018 general election. If Proposed Rule 1 was in effect, my vote would have been counted. This rule will make a difference for thousands of Georgia voters like me.

I live in Gwinnett County which became notorious for twenty -- in 2018 for the number of absentee voters whose votes were not counted. It's a perfect storm. Gwinnett is a fast-growing and one of the most diverse counties in the southeast. It's the only Georgia county required to print ballots in both English and Spanish, which makes the outer envelope of the absentee ballot more complex.

Rule 1 has two big advantages for voters like me. Number 1, we have the option to cast our hand-marked absentee ballot on election day, taking advantage of the latest information before making our decision. When we hand our vote --

Number 2, when we hand our vote to an election official, we will be confident that it will be counted. I urge you to adopt Rule 1. It
-- it helps voters and reduces workload for
election officials.

**MR. RAFFENSPERGER:** Thank you.

(applause)

**MR. RAFFENSPERGER:** Mr. John Peterson.

Mr.~John Peterson.

Then Jasmine Clark and then Terrence White.

**MR. PETERSON:** Good morning. My name is
John Peterson and I'm a Georgia voter from
Cherokee County. I currently attend Georgia
State University here in Fulton County. And as a
college student, I'm deeply frustrated when the
health of our democracy makes speeches like ours
necessary. I know the problems that occur in
Georgia today on voting are not what our founding
fathers had in mind.

Our democracy is not healthy, Mr. Secretary.
As a voter in this state, I am very seriously
concerned about ballot secrecy. There are many
reasons why Georgia voters may want to keep their
votes private. For some, it's a workplace issue,
like for teachers. But for others, it's about
relationships with close family or friends. And
for others it's about being free from coercion or
intimidation over their votes, which has been
historically all too common in the state of Georgia.

Our founding fathers felt so strongly about this that they guaranteed absolute ballot secrecy in the Georgia Constitution. So my question is: Why are taxpayer dollars being spent on 33,000 ballot-marking devices that aren't keeping votes secret? You can literally read the screen from 20 to 30 feet away. Ask anyone who watched the pilot elections or attended a demo run by our election office.

Could you dim the light?

**UNIDENTIFIED AUDIENCE MEMBERS:** (inaudible)

**MR. PETERSON:** When I first saw that, I thought it was a joke. It's mind boggling. The tablets are big, bright, and they stand upright. When you choose a candidate, a bar lights up across the screen and anyone familiar with the ballot can easily tell the candidate selected from a distance, anyone: poll workers, poll watchers and observers or other voters.

You can't enforce a "just don't look" rule for all of those people. We're asking you to adopt a rule that reflects our constitutional guarantee that our right to ballot secrecy must
be protected. I strongly support Rule 2.

(applause)

**MR. RAFFENSPERGER:** Dr. Jasmine Clark.

**DR. CLARK:** Good morning.

**MR. RAFFENSPERGER:** Good morning.

**DR. CLARK:** So for those who don't know, my name is Dr. Jasmine Clark. I am a State Representative in the Georgia General Assembly. But today I'm actually coming here as a concerned private citizen to express my concerns about the new voting system in Georgia and, specifically, to the electronic poll books used for voter check-in and programming of voter cards.

I am asking you to consider Rule Number 3 that is being proposed in the petition this afternoon which asks that there be paper backups to the poll books at each polling precinct. This is important to me because in the run-off election of 2018, I experienced issues where I was told I was at the wrong polling location during the check-in process. It took several minutes and phone calls before the issue was mysteriously resolved. But I believe that if there had been paper backups this could have prevented a lot time and confusion during this
incident.

While I had the time to wait for the issue to be resolved and I was sure about where I was supposed to be, many voters could be discouraged by being sent away or could end up filling out provisional ballots while not understanding the process of procuring those provisional ballots or not being able to cast votes for their local candidates.

Based on my personal experience, I implore you to strongly consider protecting the integrity of our elections by adopting Rule Number 3 and providing paper backups to our electronic poll books. Thank you.

**MR. RAFFENSPERGER:** Thank you.

(applause)

**MR. RAFFENSPERGER:** Mr. White.

**MR. WHITE:** Good morning. My name is Terrence White and I'm a Georgia voter from Paulding County. In addition, I am a member of the Paulding County Board of Elections Support Committee, the vice chair of the commun -- of Community and Voter Outreach of the Paulding County Democratic Party, and most recently a declared candidate for Georgia House District 19.
For nearly over a decade I've dedicated myself to being a voting activist in this state. Paulding County has nearly 100,000 voters and our four new voting sites will open in just 76 days.

We were a pilot county and experienced equipment problems as noted in the secretary of state's long executive summary. When the polls' pads failed, lines formed, and voters left without casting a vote. I think we can all agree this is unacceptable. We do not know when we will receive the balance of our new equipment. We cannot schedule training. We're ready to do our best to implement the new system, but time is running short and there are more questions than answers.

Mr. Secretary, you are predicting record turnout for the 2020 elections. More than ever, local election officials need to be confident that they are using systems they can rely on. Rule 4 permits all county election superintendents to complete a smooth and efficient transition from the Diebold GEMS Voting System to the Dominion Voting System by choosing the transition plan that best suits their capabilities and resource availability without
using the old DRE machines.

It is simp -- it is a sensible solution and
one I urge you to adopt.

**MR. RAFFENSPERGER:** Thank you.

(appause)

**MR. RAFFENSPERGER:** The four next on the
list would be Libby Seger, Elisa Goldklang, Shea
Roberts, and Isabel Hidalgo. The first one will
be Libby Seger.

Ms. Seger.

**MS. SEGER:** Good morning. My name is Libby
Seger and I'm a Georgia voter from Roswell,
Georgia in Fulton County. I'm currently a
sophomore at Georgia State University pursuing a
double major in journalism and political science.
And the more I get involved and the more that I
learn the more and I -- the more I am concerned
about the future of our democracy, especially our
right to vote.

Now I am part of a rising generation of
Georgia young voters. Are you aware of the new
report that shows that Georgia leads the nation
with a 3-percent increase in the share of young
voters? That's right. We're willing and ready
to show up in record numbers in 2020.
And I am here today to speak in favor of Rule 4 on incremental voting system conversion because I know the problems in polling places have unfair effects on young voters.

Now, a lot of us have crazy transportation schedules and keeping polls open later because the poll books didn't work in the morning isn't really going to help us. And long lines don't just disenfranchise young voters, they disenfranchise all voters, not to mention that most counties haven't even received their equipment yet.

And the project manager shows that deliveries will be complete sometime in February. Early voting begins in 76 days. How can we -- sorry -- how can -- how can all a hundred and fifty-nine counties train staff and set up elections when they're still waiting for equipment? It makes no sense the rush -- to rush the transition from the old Diebold GEMS system to the new Dominion system.

You have the authority to give counties flexibility to choose a transition plan that they can implement with confidence and that will give voters the peace of mind and trust that our state
is doing what is the best for each county.

Please make the right decision. Thank you.

(applause)

**MR. RAFFENSPERGER:** Ms. Goldklang.

**MS. GOLDKLANG:** Good morning, sir. Good morning, Board. My name is Elisa Goldklang and in German that means beautiful sound, so we get that right. I'm from Cobb County and I want to talk about audits.

Robust audits are the cornerstone of confidence that every vote is counted as voter intended. HB316 requires audits to be implemented as soon as possible, but no later than November 2020.

And I agree with you, sir, when you said audits are an important part of the new, secure paper-ballot voting system because they give the public confidence in how the election was conducted and the integrity of the results. And I fully agree with that.

And you did conduct one pilot test audit last month, so thank you. But unfortunately, we (indiscernible) the year ahead. But developing robust standards, as you saw with other states, can take up to a year. It requires a complex
series of questions and choices and we urge you
to seek out best practices from around the
country and to consult leading experts on
election audits, including Professor Stark who
was mentioned earlier who invented risk limiting
audits.

Stark says that risk limiting audits of
machine-marked ballots are only -- can only
confirm the tabulation is correct. That's
important to know. It's only getting the
tabulation. But it cannot confirm the election
outcome is right because the voter did not mark
the little receipt printout that we all get.
They didn't mark that, that's like a grocery
receipt. But the computer is only, you know,
calculating barcodes. So the voters really don't
know.

So most experts say you cannot have
meaningful audits when you use ballot-marking
devices except -- every cyber-security, every
computer scientist says that. So I'm a little
confused why we're using these and there are no
computer scientists on this board.

You are tasked with --

(timer sounding)
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
audits.

However, O.C.G.A. 21-2-379 states that ballot-marking devices must produce a paper ballot which is marked with the elector's choices in a format readable by the elector. And O.C.G.A. 21-2-379 states the paper ballot printed by the electronic ballot marker shall constitute the official ballot and shall be used for another -- the result in any recount conducted pursuant to section 21-2-489 and any audit conducted pursuant section 21-2-498.

When you write the rules and regulations for what constituted a vote, how do you resolve a problem of a printed vote summary that contains voter selections in two forms, one human readable and one not. Which constitutes the vote? There surely can't be one vote for scanning and another vote for recounts and audits. How can you resolve the dilemma?

We urge you to advise the general assembly that you find it impossible to formulate a rule stating what constitutes the vote when there are actually two versions of the voter's choices printed on one paper ballot, one which is human readable and the other not. Thank you.
MR. RAFFENSPERGER: Thank you.

(appause)

MR. RAFFENSPERGER: Thank you.

MS. HIDALGO: Good morning. I'm Isabel Hidalgo and I'm a Georgia voter from Atlanta. Georgia is undertaking the largest, most complex, fastest vote -- fastest voting system transition ever attempted, and it's being attempted in a presidential election year. That is the -- that is being attempted without a serious contingency plan and the equipment that we will use are running quite late. Right now there is every sign that a contingency plan and relief valves are essential.

I'm here at the request of more than 500 Georgia voters from 54 counties that have signed our petition in support of four rules that would make Georgia elections better. These citizens are choosing to be a part of the solution. They understand that running good elections is hard work and that rules play a critical role in making that happen. The rules are common sense.

Rule 1 designates an absentee ballot clerk at each early and election day polling place, giving voters the option of delivering their
absentee mail ballot at any place they would be eligible to cast their vote in person.

Rule 2 reiterates a guarantee found in our constitution that Georgia voters are entitled to absolute ballot secrecy.

Rule 3 requires carrying paper poll books to be available in precincts on election day and to be considered the very prime source in case of a conflict with electronic poll books.

Rule 4 considers the new Dominion Voting System an approved pilot program until it is fully operational in all 159 counties and allows local officials to choose a transition plan they can reliably administer in 2020.

On behalf of these people who signed this petition, I urge you to adopt these rules. Thank you.

MR. RAFFENSPERGER: Thank you.

(applause)

MR. RAFFENSPERGER: Okay. If we could have Megan My-set (pronouncing).

MS. MISSETTE: Missette.

MR. RAFFENSPERGER: Missette.

And then following her, last name is Blad, B-l-a-d; is that right? And then Susan McWethy
and then Chris Chan.

Okay, Ms. Missette.

**MS. MISSETTE:** Good morning. My name is Megan Missette. I'm a Georgia voter from Fulton County.

I wholeheartedly support the four common sense rules you're considering today which is the result of a petition representing a coalition of nonpartisan and politically diverse groups.

The rules reflect a deep understanding of Georgia elections and a commitment to make Georgia elections centered on voters and to restore voter confidence that Georgia elections are fair, run smoothly, are nondiscriminatory, especially since we aren't going to be accepting elections on any hand-marked paper ballots, which is the gold standard.

The proposed rules were widely distributed to the people responsible for running and paying for our local elections in 159 counties and to the general public prior to this meeting. More than 500 Georgia voters from 52 counties have already endorsed these rules.

Many local officials have said with enthusiasm that they would welcome some of these
rules. They have concerns about the BMD rollout and they appreciate some of these rules for making their jobs easier, et cetera, and they know that voters stand with them. This should inform your decision as you consider the rules.

In contrast, the rules proposed by the secretary of state staff have been drafted in secret with the assistance from just a few election officials. Many of us here today have asked our election officials about these rules and they have been kept in the dark. More than one has commented that regular citizens seem to be more informed than they are and that regular citizens are pretty uninformed as it is, but ...

So I ask what would be a better process: Help with gathering input from election officials across the state and publishing the names of the members of the rules work groups, advertise their names, and allowing public input during the drafting process, and gathering widespread support of the rules before they come to you or the process by which these rules arrived here today from you, which is, frankly, a mystery to most of us here today and most Georgia election officials.
So as you consider --

(timer sounding)

**MS. MISSETTE:** -- which new rules to adopt, I urge you to consider being more transparent and more collaborative with local voters and local officials or even to consider establishing a rule that makes the rule-making process itself (indiscernible). Thank you.

**MR. RAFFENSPERGER:** Thank you.

(applause)

**MR. RAFFENSPERGER:** Ms. Blad.

**MS. BLAD:** I'm Toche Blad from Sandy Springs, a voter from there, and my concern with the voting -- new machines is that you've definitely got to look at adopting some rules that will help mitigate this. Because you've tried to roll this out in a rather quick way and in doing so I think you're going to have some shortcomings.

I know firsthand in 2018 my neighbor asked me to register a friend of theirs to vote. He's not computer literate, has problems getting to the polls, et cetera. Between me and another neighbor, we watched it firsthand. This -- this person was registered. I pulled it up the day
that he was there voting. He was on the state
database, however, for whatever reason, that
Fulton County precinct did not have him on the
polls. Good news is it was all happening at the
North Annex. He could go back to the woman that
originally registered him there. She was able to
resolve the problem.

But that's why some of these rules, like
Rule Number 3, need to be implemented. We know
firsthand we had problems in 2018. You're coming
out with new machines and you've got to solve
this. This has got to be improved and we need
this for the most important election, which is
2020 where we're doing not only the presidential
but U.S. Senate seats. Thank you.

**MR. RAFFENSPERGER:** Thank you.

(appause)

**MR. RAFFENSPERGER:** Ms. McWethy.

**MS. MCWETHY:** Good morning. My name is
Susan McWethy and I'm a DeKalb County voter.

This is an example of what Georgia calls a
scanning ballot (indicating). You -- I know
you've all seen this up there. A ballot is
supposed to contain information that is
accessible to voters. Scanning ballots do not do
that. Scanning ballots provide only abbreviated information about the candidates and initiatives in summary lists that are difficult to read because the print is tiny. And if you don't have a really good memory, you're likely not to notice that candidates were omitted from the list.

As for the ballot measures, these scanning ballots will tell you something like this: Amendment 1, you voted yes. Amendment 2, you voted no. Does anybody remember ballot measures by their number? In the 2018 election, there were four amendments and you practically needed a PhD just to read them. These ballots require you to not only to remember what each one of them said, but also its number on the ballot.

And, of course, the worst part of these so-called ballots is the encrypted QR code that allegedly embeds the voter's selections. No one can verify that a QR code accurately reflects what's in the barely readable summary lists. So this is voter verifiability Georgia style.

Colorado also purchased this Dominion system -- excuse me -- but recently outlawed ballots with QR codes. Secretary of state, Jena Griswold, recognized the security risks,
acknowledging that QR codes could be among the next target of attack and are potentially subject to manipulation. She was also concerned that voters could not verify the QR codes. With a software upgrade, these machines are capable of producing full-face ballots --

(timer sounding)

**MS. MCWETHY:** -- that count votes using only marked votes.

Mr. Secretary, what Jena Griswold did for Colorado, you can do for Georgia. You can bring to the voters of this state a ballot that is worthy of the name.

**MR. RAFFENSPERGER:** Thank you.

(applause)

**MR. RAFFENSPERGER:** Mr. Chan.

**MR. CHAN:** Hi. My name is Chris Chan. I'm a resident of Atlanta and have been a resident of Georgia for 35 years. I'm a lawyer and an engineer and I represent the interests of many Asian Americans here in Georgia.

I am in support of the four requests in the rules petition that has been submitted to you and will be considered by this board. The right to vote is the right to be heard and the right to
choose who leads us. The right to vote is what fundamentally distinguishes our country as a beacon of democracy and an example for the world to follow.

Please restore credibility and accountability to Georgia's election procedures. Please continue protecting our democratic ideals, our country, and our state by adopting the four proposed rule changes in the petition. Thank you.

MR. RAFFENSPERGER: Thank you.
(applause)

MR. RAFFENSPERGER: Okay. Moving on to the consent cases and we'll hear those. Again, we'll -- after -- one of our members is going to recuse herself and that's going to be on Case Number 2018-112, DeKalb County, cast ballot.

Are there any other members that will recuse themselves?

MS. SULLIVAN: No.

MR. WORLEY: No. But I would like to pull Case Number 5 or Consent Number 5, Case Number 2018-071.

MR. RAFFENSPERGER: Okay.

Ms. Watson --
MS. WATSON: Is it tab --

MR. RAFFENSPERGER: -- present it to -- zero seven -- the first one?

MR. WORLEY: And it might -- it might save time for Ms. Watson if I indicated why I wanted the case pulled. This was a case that we had looked at at a previous meeting.

MS. WATSON: Right.

MR. WORLEY: And sent it back for further investigation. The reason that I wanted it pulled is because the report that we have today doesn't really describe what that further investigation was.

MS. WATSON: Yes, sir. Are we going to ... 

MR. RAFFENSPERGER: Great.

MR. WORLEY: That's all.

MS. SULLIVAN: So we're starting with that one?

MS. WATSON: In the --

MR. RAFFENSPERGER: Do you want to start with that one. We just did -- do you want to finish (indiscernible). (indiscernible) information on that from Ms. Watson.

MS. SULLIVAN: I can make a motion to vote on the first three in block unless any of the
board members wanted to go ahead and discuss.

**MR. WORLEY:** Why don't we -- why don't we -- why don't I make a motion that we adopt -- or that we dismiss all of the consent cases except for 2018-071?

**MS. WATSON:** And I think we need to go ahead and pull 112 off too so they can be voted on separately.

**MR. RAFFENSPERGER:** Are you going to --

**MR. WORLEY:** And I'll take that as a (indiscernible), sorry.

**MR. RAFFENSPERGER:** Okay. Do we have a second?

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

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Okay. So those two are culled and then 44, 96, and 13 stay on.

Ms. Watson.

**MS. WATSON:** Okay. I'm going to go ahead and start with 44 or ... Let me just --

**MS. SULLIVAN:** I think we just --

**MR. RAFFENSPERGER:** Do want to --

**MS. SULLIVAN:** -- we just --

**MR. RAFFENSPERGER:** -- postpone --
MS. SULLIVAN: -- we'd just -- to either
dismiss all those.

MR. RAFFENSPERGER: Letter cases.

MS. SULLIVAN: We need to look at these
(indiscernible) --

UNIDENTIFIED AUDIENCE MEMBERS: Speak up.

MR. RAFFENSPERGER: Ms. Watson, if you would
present 71.

MS. WATSON: Okay. This was 2018-71, DeKalb
County voter intimidation. In this case -- and
it was in October of 2018 and a complaint was
reported that flyers had been distributed from
the Klu Klux Klan and it was located near a
polling place in DeKalb County. It was reported
that this would -- could possibly be voter
intimidation.

This was looked at through Homeland Security
of DeKalb County and they found no connection
between the literature and an attempt to
intimidate. As for further and -- further
follow-up, we did locate a -- an origin of this
flyer which was a website from a group that was
in North Carolina. I spoke with their leader.
He says these flyers are posted for anyone to
download and they have no knowledge of any being
MR. WORLEY: And DeKalb Homeland Security found that --

MS. WATSON: No connection.

MR. WORLEY: No connection.

MS. WATSON: They were distributed in the areas outside of the polling location (indiscernible).

MR. RAFFENSPERGER: Does anyone want to speak on this case?

UNIDENTIFIED SPEAKER: This lady (indicating).

MR. RAFFENSPERGER: Give us your name.

MR. RAYBURN: (handing microphone)

MS. TINDALL GHAZAL: Thank you, sir.

MR. RAYBURN: You're welcome.

MS. TINDALL GHAZAL: My name is Sarah Tindall Ghazal. I'm a voter in Cobb County and I was the complainant in this case.

At the time that we issued the complaint, I was the voter protection director for the state party -- the -- the Democratic Party of Georgia.

The -- the state election board and the secretary of state hold a sacred public trust in overseeing the right and ability of all eligible
voters to cast their ballot freely with neither
fear nor favor.

When incidents occur that may impact that
right, they must be considered with the utmost
gravity. Voters called the Democratic Party of
Georgia's voter hotline on Saturday,
October 27th, to report these flyers were found
in Tucker, both in a housing complex nearby and
on the property of the Reid Cofer Library which
was used as an early voting location.

The voter sent a copy of the flyer as well
as photos of the lines of voters. It stretched
far past the doorway, in through the property.
Voters in line could easily have seen the
pamphlets which were placed in plastic baggies to
ensure that they would withstand the rain and be
read by passersby.

We understand it's difficult to attribute
blame or identify individuals who were
responsible for this cowardly, heinous act.
After all, the flyers were left anonymously,
likely under cover of darkness, although they
helpfully provided a telephone number.

What's not difficult to ascertain, however,
is the motive. These flyers were left precisely
where voters could see them. The message was unmistakable and deliberate. The KKK was watching. Any voter of color, ask them what their reaction was and what they thought the message was. It was an act of intimidation.

The broader context is also clear. Voices nationally are fanning the flames of racism. Brushing aside actions which were designed with precision to target voters of color in an historic election for the first black governor of Georgia does nothing to quench those flames.

This isn't a warning bell; it is a siren. Racism should never be a political issue or a weapon. And weaponized white supremacy at the very moment that Georgians exercise their democratic votes should never be ignored.

On behalf of voters across Georgia, we ask that you treat this matter with the utmost seriousness that it deserves and ensure that every investigation is as thorough as possible. State led leadership, including the secretary of state, must denounce these threats and the organizations that fuel them and take steps to protect Georgia's voters from intimidation and threats designed to stop them from participating
in our democracy. Thank you.

MR. RAFFENSPERGER: Thank you.

(applause)

MR. RAFFENSPERGER: What is the will of the committee?

MR. WORLEY: Well, I -- I certainly agree 100 percent with Ms. Ghazal's comments. Not only that, I think this kind of voter intimidation's outrageous which is why I asked that the case be further investigated at the last meeting.

Unfortunately, there's -- there's very little that can be done to identify the people who are responsible for this. But I think we can all be vigilant and conduct thorough investigations any time something like this happens again.

But under the circumstances, I know we had no choice other than to dismiss the case. And so I would make a motion that we dismiss the case, unfortunately.

MS. SULLIVAN: I'll second that motion.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: The case is dismissed.

(audience making nonverbal sounds)
MR. WORLEY: For those -- for those of you who are in the audience that were not here for the last meeting and perhaps did not hear all of the facts that were introduced at the last meeting, we should make it clear that there was no way to find the people who were responsible for these flyers. That's just a fact. And so there was nothing more that we could do other than condemn this action.


MS. WATSON: Yes. In this case it was reported that November 1, 2018, a voter, Brittany Bentson, submitted an online complaint. She states that she requested an absentee ballot approximately one month and hadn't received it. She explained that she was working temporarily out of state and requested her absentee ballot be mailed to a New York address. Ms. Benson said she had not received her ballot and was concerned that she would not be able to vote.

DeKalb County was notified of the complaint by our office. It was determined that a ballot had been issued but had not been received by the complainant. The -- an additional absentee
ballot was overnighted to the complainant who was able to vote and return the ballot which was
(indiscernible).

We see no election violation and we're recommending this case be dismissed.

**MR. RAFFENSPERGER:** And Ms. Le will be recusing herself from this vote. What is the will of the committee on this? Do we have anyone that wants to speak to this case?

(no response)

**MS. SULLIVAN:** I'll make the --

**MR. RAFFENSPERGER:** I just --

**MS. SULLIVAN:** Oh, I'm sorry.

**MR. RAFFENSPERGER:** I'm sorry. Sorry. A little too quick about that.

**MS. MOMO:** Good morning. My name is Shelley Momo and I'm here on behalf of the DeKalb County Board of Registrations and Elections. We agree with the preliminary findings. We received a complaint that she had not received her absentee ballot and overnighted it to her.

We would ask that it be dismissed.

**MR. RAFFENSPERGER:** What is the will of the committee?

**MS. SULLIVAN:** I'll make a motion that
2018-112 be dismissed.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: All those in favor say aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

We next move on to the letter cases, page -- Tab 7.

MS. WATSON: Yes. This is 2016-50, Jasper County, felon case.

In March of 2016, we opened an investigation into a felon under sentence having registered to vote in Jasper County. It was verified that the individual, Mr. Clifton, did register on February 23, 2016 while under sentence in Jasper County. We also verified that he's currently serving a sentence in a Georgia correctional facility. We're recommending that Mr. Clifton be issued a letter of instruction for the violation of 21-2-216 (b) and 21-2-516.

MR. RAFFENSPERGER: Is there anyone here to speak on this case?

(no response)

MR. RAFFENSPERGER: Then any comments or
what is the will of the committee? Any comments from the committee?

**MR. WORLEY:** I'll make a motion that we send a letter of instruction.

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

**MS. LE:** I'll second that.

**MR. RAFFENSPERGER:** There's a second. Any other comments?

(no response)

**MR. RAFFENSPERGER:** All those in favor say aye.

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

Ms. Watson, new cases?

Yes. First off, Ms. Le, I believe, will be recusing herself from eight and ten. So we have it on record.

And do we have any folks here in the crowd that are here to speak on any of these cases?

(audience indicating)

**MR. RAFFENSPERGER:** Okay. We'll try and do those first if we can.

**MR. WORLEY:** Mr. Secretary, I received an
e-mail this morning from one of the complainants in this case, Linda Edmonds, who said that, you know, that she was not able to attend this morning due to a doctor's appointment but asked that the election board accept a statement into the record that she wished to make. And I have it here and I would make a motion that we accept this statement into the record.

**MR. RAFFENSPERGER:** There's a motion there. Do we have a second?

**MS. LE:** I'll second that.

**MR. RAFFENSPERGER:** Any others who want to speak to that?

(no response)

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** That statement is, you know, submitted into the record. Okay.

**MS. WATSON:** Mr. Secretary, are we starting at 2018[sic]-85?

**MR. RAFFENSPERGER:** 85. Are we -- is there a motion now to pull that also and -- Mr. Worley?

**MR. WORLEY:** No. I think all of those are under the new cases.

**MR. RAFFENSPERGER:** All right.
MR. WORLEY: So that case and the following cases. So they're under the new cases --

MR. RAFFENSPERGER: Okay.

MR. WORLEY: -- taken.

MR. RAFFENSPERGER: We'll start with -- go ahead.

MS. WATSON: Okay. I had opened -- an investigator, Officer Hall, investigated this case and he is wanting to present this case and the facts to you.

MR. HALL: Are you ready?

MR. RAFFENSPERGER: Yes, sir.

MR. HALL: (indiscernible)

MR. RAFFENSPERGER: Okay.

MR. HALL: Case Number SEB2015-085 is the DeKalb County redistricting issue, tab 8. And that case is involved in -- in 2015, we received multiple complaints with reference to the November 3, 2015, DeKalb County election. There were a total of 19 separate allegations about this election.

DeKalb County election supervisor, Leonard Piazza, made allegations about internal violations he witnessed. He also alleged that he observed the election staff tampering with
election results.

Mary Woodworth was the chair of LaVista Hills Alliance Civic Organization. She submitted a spreadsheet. The spreadsheet contained 31 third-party complaints from people who called her organization. Most of the allegations submitted by Woodworth could not be substantiated during this investigation.

Other complaints were made by the electors who felt that they were eligible to vote and -- on the referendum question and were not able to do so. The investigation revealed that 15 out of the 19 allegations were unsubstantiated. Allegations number 1, 3, 10, and 14 were found to have merit.

The summary of allegation 1 is that on election night after the polls closed, one of the DRE machines at the Dunwoody Winters Chapel precinct would not eject the memory card. The poll manager transported the DRE machine back to the elections office and the staff was able to eject the memory card without incident. The poll manager simply turned that memory card in with the rest of the memory cards from that precinct. The DRE at issue was left in the conference room
and discovered by Leonard Piazza later that night. Maxine Daniels, who was the director of elections and registrations for DeKalb County, said that the machine was set up in the conference room and the cover should have been closed and the seal placed on the DRE machine and we found that to be in violation of State Election Board Rule 183-1-12-.02(2)(f), which is located on page 30.02.

The summary of the allegation number 3 is in Leonard Piazza's effort to gather information to prove his suspicion that DeKalb County election staff tampered with electronic results, Leonard Piazza copied data from the GEMS server onto a thumb drive. The allegations of tampering with the results were proven as unfounded through a forensics audit. Director Daniels -- it was also discovered during the investigation that Director Daniels left the keys to the secure entry where the GEMS server was located hanging on a hook in her office and that was accessible for anyone who worked in the office and knew this was the practice. That was determined to be in violation of State Election Board Rule 183-1-12-.02 (2)(b)(6)(e)(2), which is located on page 30.02.
The investigation also revealed that Leonard Piazza took one of the memory cards that was used to report votes in the November 3, 2015 election home. A forensics audit was conducted by Steven Dean at the Georgia Center of Elections and it was determined that the memory card was from one of the Dunwoody precinct DRE machines. It had already been uploaded into the GEMS server on election night and Piazza did admit that he was aware that he may have committed an illegal act, but hoped that he would receive whistleblower protection. We determined that that was a violation of State Official Code -- I mean, Official Code of Georgia 21-2-585 and State Election Board Rule 183-1-12-.02(6)(c) which is located on page 30.24.

Allegation Number 10, Mary Kay Woodworth submitted a spreadsheet that contained 31 numbered entries of people who called LaVista Hills Alliance to voice their experience about the November 3rd DeKalb County election. There was only one complaint that could be substantiated and that complainant was referenced to Joseph Dew. And Mr. Dew had already filed a complaint with the state elections office
himself.

There was a procedural violation of O.C.G.A. 21-2-386(a)(1)(f). DeKalb County office could not provide evidence of intentionally destroying Lucy Enquist's (ph) absentee ballot that was returned as undeliverable by the United States Postal Service. That was one of the unsubstantiated allegations -- well, procedure violation that was determined from the -- the 31 complaints that was listed in Mary Woodworth's spreadsheet.

Allegation 14 dealt with Mr. William Dew -- Joseph William Dew. He filed a complaint and he stated that he went to his polling location to vote. While he was at the DRE machine, he recognized that he had not gotten the correct ballot. Mr. Dew got the poll manager's attention prior to casting his vote. Unfortunately, Mr. Dew was adamant that the ballot was wrong, but unfortunately the poll manager advised him that there was nothing she could do to resolve the issue. Consequently Joseph Dew cast a ballot that did not reflect the original election race he was eligible to vote in.
Glenda Woods and Maxine Daniels discovered that the elections office failed to properly redistrict Joseph Dew. Maxine Daniels instructed Joseph Dew to go back to his polling location and vote a provisional ballot. Joseph Dew went to the polling location and cast a provisional ballot. Dew's provisional ballot was rejected during the calculation process because he had already voted on a DRE machine.

During that chain of events, the following violations occurred: Glenda Woods failed to properly redistrict Joseph Dew which is a violation of O.C.G.A. 21-2-226(b). Joseph Dew informed poll manager, Hyacinth Scott, that he did not have the correct ballot. There was a procedure in place that canceled the ballot on the DRE machine and that was not followed. This is a violation of SEB Rule 183-1-12-.02(4)(j) which is located on page 30.18.

Dew should not have been offered a provisional ballot because he presented himself as -- I'm sorry -- Dew should have been offered a provisional ballot because he presented himself as having been improperly redistricted.

And in addition to the four complaints that
yielded substantiated violations, Maxine Daniels self-reported. She admitted that she discovered after the election began the City of Dunwoody elections contained the wrong ballot. This was a violation of O.C.G.A. 21-2-283. She delegated that responsibility to -- to Leonard Piazza. However, no one caught the error and this was determined to be in violation of State Election Board Rule 183-1-12-.02(3)(a)(3) which is located on page 30.05.

As a consequence of the error, 14 electors voted the wrong ballots on DRE machines. Nothing could be done to correct that error. A hundred and fourteen electors voted the wrong absentee ballot by mail.

A plan was to both remedy all the 19 of those electors in this category. Also a dual database had to be created in order to remedy the wrong ballot issue for the county election. Daniels had to manually input the precinct results and Leonard Piazza observed Daniels and her assistant, Cindy Moran, inputting this information into the GEMS servers. This is what led to him believing that election staff was manipulating the election totals. Piazza's
suspicion was unsubstantiated from this
investigation.

After the certification of the elections,
DeKalb County determined that Renata Fleming
failed to send 40 more provisional ballots for
the electors who qualified to vote to the
tabulations for their votes to be counted in
violation of State Election Board Rule
183-1-12-.06(11)(A through F) which is a list of
procedures for provisional ballots. That's
located on page 30.34 through 30.35 and it was
also determined to be in violation of Official
Code of Georgia Annotated 21-2-419(b).

It was also determined that of those 41
provisional ballots that had to be tabulated
later, 19 of those provisional ballots were
counted during the LaVista Hills Alliance
referendum question and it did not change the
results of the outcome of the election. It
changed the total, but the outcome was still that
the referendum question failed.

Our recommendations are -- in response we
recommend that DeKalb County Board of Elections a
letter of instruction; Maxine Daniels, Director
of Elections and Registration, and Glenda Woods
be bound over to the AG's office for the listed violations, violation of O.C.G.A. 21-2-226(b).

We also recommended that the DeKalb County Board of Elections and Registration's Maxine Daniels and poll manager Hyacinth Scott be bound over to the AG's office for violation of State Election Board Rule 183-1-12-.02(4)(j) and a violation of 21-2-452(b).

We recommend that the DeKalb County Board of Elections and Registration, Maxine Daniels, and Leonard Piazza, the election supervisor, be bound over the to AG's Office for the listed violations of O.C.G.A. 21-2-283 and State Election Board Rule 183-1-12-.02(3)(a)(3).

We recommend that Leonard Piazza who was the election supervisor be bound over to the AG's office for the listed violation of O.C.G.A. 21-2-585 and State Election Board Rule 183-1-12.02(6)(c)[sic].

We recommend that Maxine Daniels be bound over to the AG's office for violation of State Election Board Rule 183-1-12-.02(2)(b)(6)(e)(2).

We recommend that DeKalb County Board of Elections and Registration, Maxine Daniels, be bound over to the AG's office for violation of
State Election Board Rule 183-1-12-.02(2)(f).

We're recommending the DeKalb County Board of Elections and Registration, Maxine Daniels, and Renata Fleming who was the registration technician be bound over to the AG's office for the listed violations of State Election Board Rule 183-1-12-.06(11)(A through F) and also violation of Official Code of Georgia Annotated 21-2-419(b).

We recommend that the board -- DeKalb County Board of Elections and Registration, Maxine Daniels, and Deborah Christian who was the absentee ballot mail supervisor be bound over to the AG's office for the listed violation of 21-2-386(a)(1)(F), and that's it.

**MR. RAFFENSPERGER:** Thank you. And is there anyone here to speak on this case?

**MS. VANDER ELS:** Yes.

**MR. RAFFENSPERGER:** If you would provide your name again.

**MS. VANDER ELS:** Sure. My name is Irene Vander Els. I'm here today on behalf of the DeKalb County Board of Registrations and Elections. And here with me today is Ms. Momo, who spoke earlier regarding an earlier case, as
well as Samuel Tillman who is the chair of the board, Erica Hamilton who is the director of our department of voter registration and elections, and several of our staff members.

I -- I -- do you mind if I (inaudible). I just wanted to raise a procedural issue first with respect to the claims against Ms. Daniels. She did not receive personal notice at the hearing today. She retired in 2017 and has not been employed by the department since that time and was not able to come today to appear for the hearing, and so we requested that the cases be continued to allow her the opportunity to review the allegations and be present today.

I understand from speaking with Mr. Germany that the board may not be inclined to do so, but I just wanted to state that request for the record.

**MR. RAFFENSPERGER:** Okay.

**MS. VANDER ELS:** With respect to the potential violation designated number 1, the DRE machine, the board does not dispute the machine was left unsealed. I just would like to note that it is the department's practice and procedure to ensure that all equipment is sealed
when not in use. There was an unusual circumstance here with regard to the equipment and the -- the need to remove the memory card and there may be some question about whether anything else needed to be done to the machine after the memory card was removed. But in any case, that is the policy and procedure, to check and make sure that all equipment remains under seal.

With regard to number 3 and the claims against Ms. Daniels relating to the keys, she did maintain keys -- I think it was noted in the investigator's record -- in her office. They were on a panel, I think, that was more secure than just a hook. It was not in an area available to the public and was only accessible by members of her staff. There was a logbook GEMS server and it was also -- it -- within view of a security camera at all times, the GEMS server was.

The practice now -- again, Ms. Daniels retired in 2017. The department's practice now is that the keys to the GEMS server are maintained in the possession of Ms. Hamilton in accordance with the logs requirement.

With respect to number 10, which it was a
failure to retain records of an undelivered absentee ballot for Lucy Enquist, it is the department's policy and procedure to maintain any undelivered ballot, to send a notice letter to the voter that the ballot had not been delivered. It is the staff's belief that that was done in this case.

I understand that the state's investigation indicates that that ballot and notice letter were not part of the records maintained by the clerk of superior court following the election. I have not had a chance to review those records yet myself. But it is now the department's practice to, in addition to sending the original undelivered ballot to the clerk of court with a copy of the notice letter, to also maintain a copy of those documents with the department's records of the voter's voter registration applications to ensure that those records -- that there's a duplicate maintained of those issues.

With respect to the districting issue related to Mr. Dew, I just thought it would be helpful to note that this was a very complex election, the November of 2015, in DeKalb County. There were two cityhood referenda on the ballot
for LaVista Hills and for the City of Tucker and those proposed cities actually shared a physical boundary. In addition to those issues, there were multiple referenda related to annexation into the City of Atlanta and other municipalities of various unincorporated areas. All of those issues required the creation of multiple maps that had to be overlaid in order to establish the voter districts.

The -- there -- in fact, there was a special legislative commission set up to establish the boundaries for LaVista Hills and the Tucker issues, I believe, and those boundary maps were created using census data which was somewhat older than the maps used by DeKalb County GIS to help create other maps in the election. There were discrepancies in the overlays and the -- the county went to the state reapportionment office for some guidance and were instructed that they had to -- that the county was responsible for making decisions about how to address the discrepancies.

And so together with GIS, the staff, and the board, they reached a consensus related to districting issues and unfortunately resulted in one voter being placed in the incorrect district.
And that was just a -- an unfortunate human
error, but it was incredibly complex, I think, in
this particular election.

With regard to the actual voting, it is the
department's policy and procedure to train all
poll workers to try to address ballot access card
and ballot issues in the field, to call back to
the main office, to obtain further guidance with
respect to any issues that they can't address in
the field, and, failing all else, to provide the
voter a provisional ballot if there is an issue
with the ballot.

I spoke with Ms. Scott, she was unable to be
here today due to childcare issues, but she
acknowledged that it is her practice to follow
those rules. So this is how she is trained. She
did not have any specific recollection of this
particular election or incident.

With respect to the City of Dunwoody ballot
issue, with regard to incorrect ballots, this was
the result of an error in the transmission of
data -- of voter data from the City of Dunwoody
to the Georgia Center for Elections for the
creation of the election database. It was just a
-- a mistake. The voter should have been placed
in out -- at-large classifications for those
particular issues and instead the staff member
who transmitted the information placed them into
districts.

Upon discovery of the issue during early
voting, the department immediately took action,
had the ballots corrected and issued -- reissued
absentee ballots to all those voters who had
already voted, as well as to those voters who had
received ballots but not yet voted and were able
to ensure that most of those ballots were
corrected and were accurately voted.

Ultimately, there were 14 absentee,
in-person voters who were -- cast incorrect
ballots and 19 absentee-by-mail voters who could
not return corrected ballots. But the -- as
Mr.-Hall indicated, did not affect the outcome of
the election in this case. It changed the vote
tabulation but not the outcome of the election.

It is the department's practice to proofread
all ballots before they are finalized. The
current practice is to proofread in two-man
teams. That's done at the staff level. The
director then proofreads all completed ballots
and then in the case of municipal elections, the
ballots are sent to the cities to be proofread
and approved to ensure that all of the correct
information is available on each ballot.

And then, finally, with respect to the
provisional ballot issue, it was the practice at
the time that upon processing the -- by
Ms.~Fleming the accepted provisional ballots
would then be retrieved from her work area and
transmitted to the machine area where they would
then be tabulated electronically.

On election day in this case the ballots in
question were not retrieved and there was just a
misunderstanding with regard to whether those
were accepted or rejected ballots. Upon
discovery of the issue, the ballots were counted,
the election results were recertified, and it did
not affect, ultimately, the outcome of the
election.

And the current practice today from the
department is that all provisional ballots are
processed in two-man teams in the area. They're
maintained in the area where they will ultimately
be tabulated to prevent any kind of issue with
regard to transmission of the physical ballots
for tabulation in the future.
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.
MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second that motion.

MR. RAFFENSPERGER: Okay. Do we have any discussion on the motion?

(no response)

MR. RAFFENSPERGER: Hearing none, let's all vote. All those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: And let the record show that Ms. Le recused herself from that.

Okay, next case.

MS. WATSON: The next case is 2015-89. The City of Snellville in Gwinnett County, mishandling and processing of provisional ballots.

It was reported that the City of Snellville mishandled provisional ballots occurring during the November 3, 2015 general election. The election office within the City of Snellville separated 22 provisional ballots from their envelopes prior to submitting the ballots to Gwinnett County Elections Office for verification.

The main issue being that even if Gwinnett County Elections Office researched whether each
of the provisional ballots should count, the separation of those ballots from their envelopes made it impossible to determine which individual provisional ballot went with which vote.

Our investigation revealed that the City of Snellville formed an election committee to manage the November 3, 2015 election. The committee consisted of Michael Byrnes, Gretchen Schulz, and the superintendent city clerk Phyllis Moreland-Richardson. Mr. Byrnes and Ms. Schulz confirmed that the committee was responsible for separating 22 provisional ballots from their envelopes.

Ms. Moreland-Richardson denied that she was involved in the entry of the election after the city council passed a resolution to establish the election committee. She states she had no knowledge of the provisional ballot issue.

After the election, the provisional ballots were secured until November 5, 2015. They were physically opened and stacked with the identifying envelope in an orderly fashion. The provisionals were again secured until November the 6th. On November the 6th, poll manager Trejo Hugo noted the infraction, returned to complete
the certification process that -- that at which
time the provisional ballots were separated from
the envelopes.

It was not until the election certification
paperwork was taken to Gwinnett County that it
was discovered that the provisional ballots had
not been processed correctly. Gwinnett County
could not identify which provisional ballot
belonged to which provisional ballot in order to
determine which voters were allowed credit for
voting and which not to allow credit due to
ineligibility.

Out of the 22 provisional cast ballots there
were -- should have only been five eligible
voters, however, due to the error, the election
committee decided to count all of the provisional
ballots thus allowing 17 cast provisional ballots
that were not qualified voters.

We're recommending that the City of
Snellville, Michael Byrnes, Gretchen Schulz, and
Phyllis Moreland-Richardson be bound over to the
AG's office for violation of 21-2-419(b),
violation of provisional ballots, and State
Election Board Rule 183-1-12-.06(10), provisional
ballots, and the City of Snellville, Michael
Byrnes, Gretchen Schulz, Phyllis
Moreland-Richardson and Troy Fraction, Hugo
Trejo, and Juanita Miller be bound over for State
Election Board Rule 183-1-12-06(12)(a),(12)(b),
(12)(c), processing of provisional ballots.

MR. RAFFENSPERGER: Do we have anyone who
would like to speak to this case?
(audience member indicating)

MR. RAFFENSPERGER: Please state your name
for the record.

MR. EVANS: Thank you, Mr. Secretary. I may
borrow this desk right here. Sorry about that.
My -- my name is Jake Evans. I'll first note, I
like your tie choice today. I noticed when you
first walked in that we look like twins here, so
I want to put that on the record.

But my name is Jake Evans. I represent the
City of Snellville, Michael Byrne [sic], Gretchen
Schulz and Hugo Trejo, and I think that you
mentioned a couple of other people that I didn't
know were requested to be bound over. So I
represent all the respondents except for Phyllis
Richardson.

I first want to thank each of you guys for
your pub -- public service, your dedi --
dedication to Georgia. I actually serve on the state ethics commission and I know that -- that it's a volunteer job, it's not a paid job, and so I want to go ahead and recognize that. And I want to recognize Ms. Watson for her hard work through the process and her professionalism throughout this.

I'm here today to show that this case presents unique circumstances that warrant a letter of instruction as opposed to bounding each of these individuals in the city oath.

The mayor of Snellville, Barbara Bender, is here today as well, and she's gonna make a couple of very brief statements, and Mike Byrnes who was actually the chairman at -- of the elections committee for the subject election.

So first I think it's helpful to very briefly talk about the election. The election is -- was in November 2015, and there was actually four seats up for election on that ballot. One was for the mayor and that had a 559 vote margin. The next was the city council post 1, 434; city council post 2, 613; and a final city council post 3, which was 626. So the -- the smallest margin of error we had was 434 votes.
And the next thing I want to note is before this election there was a new mayor that had been elected and that new mayor appointed a city clerk. And the city clerk, while she had many, many great attributes, unfortunately she had never done an election in Georgia. And because of that, the city council had a lot of concerns about her ability to do that election.

They obviously couldn't unilaterally remove this person, but what they did was they appointed an election committee. And election committees are not used a lot in Georgia, but they are a means by which both cities and counties can provide kind of an additional level of oversight for those elections. And so here they did that and they had two people -- three people which were appointed to this election committee. One was Mr.—Byrne [sic], the next was Ms. Schulz, and the last was Ms. Richardson and that was approved by the secretary of state's office.

So what's important about that is it first shows the city took proactive steps to address what they regarded may be a potential election issue. As it went forward, the election overall prior to election day and during the election day
had no issues.

The issues that arise subsequent to the election day, about the handling of the provisional ballots, there's a dispute over who caused the provisional ballots to be counted, but for here today that -- that doesn't matter. What matters and what's most important is the fact that the second that Snellville discovered these issues, they properly reported to the -- the Gwinnett County Board of Elections and Registration. They reported those to the secretary of state's office and they worked very diligently to try to address it.

The ultimate conclusion on the election was we don't want to disenfranchise any of these 22 voters. And so through the secretary of state and with their advice and guidance, they concluded it's better to count all 22 votes rather than not count some and potentially disenfranchise eligible voters because it was -- they were unable to determine which envelope correlated to which voter.

So as a result of that, you had 17 voters who were not eligible and those votes ended up counting. Again, the margin was 434 so it didn't
make a material difference. After the election, a new mayor's elected. The first thing the new mayor does is personnel changes to address these issues with the provisional ballot. That's important to note. They took immediate action to do that.

In the beginning of 2016, Snellville learns they're being investigated by the secretary of state's office. When they do that, they promptly retain a counsel outside of their city council -- who is B.J. Pak, currently the U.S. attorney -- and they complied fully with the investigation. Nine witness interviews go forward. B.J. Pak is ultimately appointed U.S. attorney and shortly thereafter I was retained as counsel.

In order to take additional steps to ensure that this doesn't happen again, the city has me, who has election law experience, draft a provisional ballot protocol. And that is something that helps each of the staff determine how they handle ballots, be trained on how they're handling ballots.

And so I have that today. This -- this was adopted on February 11th. And if I can give that to each of the board members, that would be
great, and also move for that to be admitted into
the record.

**MR. RAFFENSPERGER:** It's admitted.

**MR. EVANS:** And so that was on
February 11th. After that they adopt an
extensive training protocol to ensure that
doesn't happen again. All of the poll workers,
elected individuals who are in any way affiliated
with elections, read it, are trained it, are
tested on it. And so this happened back in 2015.
After 2015 there's been no further issues.

What's important to note, again, and I can't
get how -- the exact date on this, but for the 27
years proceeding November 2015, there had never
been any issues involving election issues or the
administration of elections. So this was a
completely isolated incident. It happened once.

So with all of that, we -- it is our opinion
that a letter of instruction as opposed to being
bound over is appropriate. Snellville took
proactive action by adopting an election
committee, they self-reported with the secretary
of state's office, worked with the secretary of
state's office through the investigation in
addressing the 22 provisional ballots, took
initiative on its own accord to then have a protocol drafting provisional ballots be created, adopted, and trained on each of the employees. Then since it's highly aberrational, in this case I've seen typically the election board will issue a warning as opposed to being bound over. And the 19 counted provisional ballots was not outcome determinative.

And so from my perspective, I'm hoping this is an instance where the board sends a message that this type of conduct is appropriate. It's rewarded because this is what we want throughout Georgia, election boards doing active -- proactively addressing issues and if they act in this way, they're issued a warning as opposed to being sanctioned.

And so I also want Mayor Bender to come up and give a few brief statements.

**MS. BENDER:** Thank you. Thank you, Mr. Evans.

I appreciate the board's time this morning and I appreciate your investigation in working along with the secretary of state so that we could figure out exactly what happened and determine what procedures need to be handled
differently in the future.

As the mayor of Snellville, I'm the current mayor since January of 2019, and we do take elections very seriously in Snellville. I was first elected in 2005 and have been through many election cycles there. We -- we take elections very seriously. We took this investigation very seriously. As soon as a situation was determined, we did as Mr. Evans indicated. We did self-report that to the Gwinnett County Elections Board and also to the secretary of state.

We've complied completely and fully with the investigation as it's progressed over these years and -- and we've taken the steps now to -- to draft a new protocol, to make sure that our election staff is fully trained on that protocol before each election that has come up. And since then we've had no other issues with our elections.

So we would appreciate your consideration of just a letter of -- of instruction in this matter and allowing us to move forward in making sure that -- that we will ensure that all elections are properly handled in the future. Thank you
for your time this morning.

MR. RAFFENSPERGER: Thank you very much, ma'am.

MR. EVANS: And Mr. Byrne [sic].

MR. BYRNES: Thank you. Mr. Secretary and distinguished members of the board, thank you very much for have -- allowing us the opportunity to come explain a little bit about the circumstances of why we're here. I thank you for your investigation, as well.

This was quite an unusual circumstance as far as we were concerned, first having an election committee as acting as superintendent rather than just the city clerk. As the superintendent, I was chosen to be the chair of that committee, in part, I think, because I had been the prior city attorney for the years of 2001 to 2003. I did not seek reappointment because at that time I was being ordained to serve in ministry. I couldn't serve more than one master at a time.

So I -- I chose not to seek reappointment as city attorney. I was chosen, I think, because I was also a peacemaker in the city. I've had my practice in the city of Snellville for over 25
years. I've been very involved in the community as far as being a local Rotarian, as well as being part of our Snellville con -- excuse me -- Commerce Club.

This was an unusual election. When the circumstances was discovered on the day that myself and Ms. Schulz went back up to take care of the remaining duties as far as the provisional ballots were concerned, we discovered that they had, in fact, been separated from their envelopes. We could not identify who, in fact, they -- each envelope belonged to. And then immediately Mr. Sanders and I -- who was the city manager at the time -- we took the ballots to Gwinnett County to determine how we should handle this further.

Ultimately, through their guidance and through the secretary of state's guidance, we elected to go ahead and certify all 22 and have all 22 ballots counted. And as Mr. Evans said, they were not outcome determinative. The election was fairly large as far as Snellville was concerned. They didn't affect the outcome of any of the four elections at that time.

Like Mr. Evans, I take this very seriously.
Like Mayor Bender, I do as well. And we attempted to do what was best for all concerned. With that, I thank you for your time. If there are any questions, I'm happy to answer them.

**MR. RAFFENSPERGER:** Thank you.

**MR. EVANS:** Thank you.

Thank you very much and we appreciate your time. I think our request is based upon the fact that it hasn't happened at a minimum of at least 32 years and they took proactive action to address it, fully comply, and had executed a rigorous training program. We would request a letter of instruction. Thank you.

**MR. RAFFENSPERGER:** Thank you.

Members, do you have any questions?

**MS. LE:** I have a question. I have a question for Mr. Evans.

**MR. EVANS:** Sure.

**MS. LE:** Thank you for coming today. You speak about training and -- and the resolution for the protocol of provisional ballots. Is your training across the board of all your responsibilities or the -- the city's responsibilities with elections or just this?

**MR. EVANS:** Yes. So that it -- they train
and -- and Mr. Byrne -- we -- maybe Ms. Bender can speak to the full extent. I know that within my purview, we trained on this. We are -- the -- all election officials also participated in all of the training programs implemented by the secretary of state, which is very rigorous, and they've done across-the-board training to make sure that they have no election issues come up, particularly, since this you -- issue, but even before 2015. It's something that they took seriously and that's indicated by the fact they adopted an election committee to try to proactively address any issues that come up.

**MR. RAFFENSPERGER:** Any further --

**MS. LE:** Thank you.

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

**MR. WORLEY:** I'd like to comment.

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

**MR. WORLEY:** I -- I just have a comment and then and -- and then I'd be prepared to make a motion.

I appreciate Mr. Evans being here, Mayor Bender being here, Mr. Byrnes being here. I appreciate the actions that you've taken to resolve this matter. However, I find this to be
a pretty serious violation. Seventeen ineligible voters were allowed to vote in the city election as a result of what is frankly a very simple task, which is keeping the envelopes and the provisional ballots together.

So I -- I find that a very serious violation. I also appreciate and I'm glad to hear that it was not outcome determinative. However, very frequently we have respondents come before the board and point out that their violation is not outcome determinative. To me that makes no difference whatsoever. There is nothing in our election code or in our rules that say that a violation is not a violation if it doesn't affect the outcome of an election. So that's -- that's my view of the case. Again, I appreciate what you've done, but I think this is a violation that's serious enough to require more than a simple letter of instruction.

So I would make a motion that we bind over the respondents to the attorney general's office for violations of O.C.G.A. 21-2-419(b), Board Rule 183-1-12-.06(10) and (12)(a)(b) and (c).

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second.
MR. RAFFENSPERGER: Do we have any further comment?
(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of binding this over to the attorney general in the motion so stated signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any of those opposed?
(no response)

MR. RAFFENSPERGER: Motion carries.
Okay.

MS. WATSON: The next case is 2016-42, DeKalb County, ballot format. On March 15, 2016, we received two complaints related to the March 1, 2016 presidential preference primary election held in DeKalb County.

The first complaint alleged that at the Briar Vista Elementary School polling location that the equipment was not set up and ready to accept voters at 7 a.m. and that voters were receiving incorrect ballot styles.

Poll workers did not appear to have been properly trained in the operation and set up of the voting equipment. And all of those problems
translated into voters being delayed in voting
and with some leaving the poll without voting.

The second complaint was received when
Ms.~Benoit alleged that she went to vote at
Brookhaven City Hall and Ms.~Benoit further
alleged that the polling location was closed.
There was a sign indicating no voting here today.
There was no sign instructing her to another
voting location.

Investigation shows that Briar Vista
Elementary School polling location did have an
issue with poll workers not being familiar with
the need to power up the three express polls at
one time in order for them to properly sync.
This led to the delays in starting the actual
voting till 7:15 to 7:30 and many voters were
frustrated with the -- with the wait.

There was confusion on the voters' part in
understanding what nonpartisan ballots are, many
voters returning after getting a requested
nonpartisan ballot to complain that all
republican and democratic candidates were not on
the ballot and they expected them to be in asking
for the party ballot.

The complaint that Brookhaven City Hall
precinct was not open was unfounded as the location is only used for advanced voting and not for election day voting.

We're recommending that DeKalb County Board of Elections and Registration and the former DeKalb County Election Supervisor Maxine Daniels be bound over for O.C.G.A. 21-2-99, instruction of poll officers.

MR. RAFFENSPERGER: Is there anyone here to speak to this case?

(Audience member comes forward.)

MR. RAFFENSPERGER: And if you would state your name again for the record.

MS. MOMO: Hi. I'm Shelley Momo, again, here on behalf DeKalb County Board of Registrations and Elections. I'm also here with Irene Vander Els who spoke on the 2015 case.

First, as a procedural issue, I would like to bring up the fact that Ms. Daniels, our former director, did not receive notice of this at her home. She only received notice a few days ago when we contacted her. So I would ask that anything as to her being continued to the next meeting.

I just have a few quick clarifications. We
don't deny that a violation occurred, but we do wish to clarify. The manager told me that the poll was open at seven and ready to accept voters. We agree that we had issues with the express poll syncing. And then he immediately began to give out provisional ballots to voters to begin the voting and allow it to start at seven. We recognize that that is not the proper procedure and we -- we know -- I confirmed that we had trained poll workers on that procedure prior to this.

We also no longer will use the express polls. We will use the poll pads going forward and we will ensure that every worker and staff will be trained appropriately on those as to troubleshooting and procedures if any issues arise.

As far as -- I know there was an allegation about the receipt of wrong ballots. We have no evidence of that and it sounds as if it was voter confusion and we would defer to your investigation on that issue.

We did, however, investigate the complainant and we noted that she should have received the right ballot that she requested and she wasn't
districted for any other election that occurred that day.

As to the second allegation, we agree with the preliminary findings. Brookhaven City Hall has never been used for an election place, only for early voting, and it should not have appeared on her voter page. We have no evidence that shows that it actually did appear on her voter page.

We would ask that a letter of instruction on our violations be issued and us not be bound over to the AG's office.

And I also have, as Ms. Vander Els stated, our current director, a board member, and several of our staff here if you have any questions.

**MR. RAFFENSPERGER:** Thank you.

Any members have any questions in this case?

(no response)

**MR. RAFFENSPERGER:** And Ms. Le will be recusing herself from this one.

Do we have any motion?

**MR. WORLEY:** Well, I'll make a motion to dismiss the second ballot issue.

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

**MS. SULLIVAN:** Second.
MR. RAFFENSPERGER: All those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: The second allegation is dismissed.

MR. WORLEY: And I would make a motion to continue the case against Ms. Daniels until such time she receives notice of it.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: That will be continued over.

Okay. Next case. Oh, I'm sorry. As a to the other charge -- other allegations, any comments?

(no response)

MR. RAFFENSPERGER: Any motion?

MR. WORLEY: I -- I would make a motion that we send a letter of instruction for the alleged violation regarding opening of polls and bind the remaining part -- or any part of the case that violates O.C.G.A. 21-2-99(a) to the attorney
general's office.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: I'll second that.

MR. RAFFENSPERGER: Okay. Any further comment?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of the motion on the floor please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: The motion carries.

MS. WATSON: The next case is 2016-54, Catoosa County, felon.

In April 2016, the Catoosa County Board of Elections and Registration reported a felon as having registered to vote on February 1, 2016, and then voting in the March 1, 2016, presidential preference primary.

It was determined that Mr.~Millican was a convicted felon under sentence when he registered to vote on February 1, 2016 and voted in the March 1, 2016 PPP. This was after he -- his voter registration was canceled due to his felony conviction. He was sent a notice by the Walker County Elections Office in October of 2015.
We recommend that Tracy Alan Millican be bound over to the AG's office for 21-2-216, 21-2-561, and 21-2-571.

MR. RAFFENSPERGER: Was there anyone here to speak on this case?

(no response)

MR. RAFFENSPERGER: And the members, do you have any questions? Any comments?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I'll -- I make a motion to bind the allegations against Mr. Millican over to the attorney general's office.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second.

MR. RAFFENSPERGER: Do we have any further comment?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of binding over to the attorney general as presented signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.
MS. WATSON: The next case is 2016-56, Glynn County, UOCAVA. It was reported that Glynn County Elections Office failed to respond in a timely manner to an absentee ballot request from a member of the armed services to vote in the May-24, 2016 election.

Elector Monty Dixon submitted a request for electronic ballot on February 20, 2016. The elections office in Glynn County had updated Mr. Dixon into an active voter in the system but then failed to process the absentee ballot request. The error was not found until after the deadline. The ballot was mailed April 18, 2016, and returned voted on April 27, 2016. Tina Edwards, the former election supervisor for Glynn County, states that she has implemented changes to prevent similar occurrences.

We recommend that Tina Edwards and Glynn County Board of Elections and Registration be bound over for 21-2-384, preparation and delivery of ballots.

MR. RAFFENSPERGER: Is there anyone here to speak on this case?
(no response)

MR. RAFFENSPERGER: Okay. Members of the
board, do you have any questions, comments?
(no response)

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

**MS. LE:** I think it's unfortunate they're not here today because I'd like to know what kind of training and processes they've put into place to prevent this from happening again.

**MS. WATSON:** The state elections supervisor did call. His name is Chris Channell and he expressed that he could not make the meeting today but that he has implemented changes in their office to try and prevent this in the future.

**MR. RAFFENSPERGER:** Any further questions or comments?
(no response)

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

**MS. LE:** And they haven't had any more violations in this regard since 2016 or at least any pending investigation?

**MS. WATSON:** Not that I'm aware of. Not for -- for this. I'd have to confirm that.

**MR. RAFFENSPERGER:** Any questions, comments, or motions?

**MR. WORLEY:** I make -- I just want to be
clear about something, Ms. Watson. They -- they mailed the ballot out to him 46 days after they received the request?

**MS. WATSON:** Yes, but that -- it was only four days past the -- the -- the deadline that they had a chance to mail it to him.

**MR. WORLEY:** Okay. All right.

**MR. RAFFENSPERGER:** Is there a motion?

**MR. WORLEY:** I make a motion that we send a letter of instruction to the Glynn County Elections Office and Tina Edwards.

**MR. RAFFENSPERGER:** So there's a motion for a letter of instruction. Do we have a second?

**MS. LE:** I would second that. Given that sending out UOCAVA ballots is a regular occurrence in each election, this might have been an oversight. It's a serious one, but given that it's -- it's not happened since, that it's something that they do at every election, I'll second this motion.

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

(no response)

**MR. RAFFENSPERGER:** Okay. On the motion before us, all those in favor of sending letters 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 2016-58, 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
ballot received and voted their corrected ballot. The remaining two that received incorrect ballots were accounted for. One did not vote. The second ballot had health issues and the second meant to vote in the first one. Investigators followed up on the remaining allegations and all were said to be unsubstantiated.

We're recommending that Baker County Board of Elections and Registration and Linda Clemons, Baker County Elections Supervisor, be bound over for violation of SEB Rule 183-1-12-.02(3)(a)(3).

MR. RAFFENSPERGER: Okay. Is there anyone here to -- from Baker County to speak on this?

MR. BRITT: Yes.

MR. RAFFENSPERGER: Come forward. There's a microphone for you up there.

MR. BRITT: Thank you. Thank you, Mr. Secretary and the board members. I'm Russell Britt with the law firm of Hall Booth Smith in Atlanta. And I'm here on behalf of the Baker County Board of Elections and I have a board member here with me, Ms. Cindy Summerlin.

I -- I can't speak on behalf of Ms. Clemons because she hasn't been the elections superintendent for some time now, so I don't know
if she received service of this notice or not. But I am here on behalf of the current board as well as the board staff.

The -- as the investigation findings revealed, the subject ballot was proofread by the elections superintendent, and, in fact, the elections superintendent reached out to her state liaison about a question because it was a unique situation that the elections superintendent at the time didn't see it as black and white. And the reason why is because the individual on the ballot was a school board member in one district but then she relocated to another district and ran for that district. And so there was a question for her on whether she should be designated as incumbent or not, and she ultimately made the judgment call that she should be designated as an incumbent.

Now, we all know that that ultimately was incorrect, but at the same time that doesn't change the fact that she did go through the proofing process, and, in fact, the investigation revealed that she caught another error and corrected that, and on this issue she just made the decision, albeit the wrong one.
But that said, regardless of the error, the error ultimately was caught by local officials. It was corrected and the board self-reported it to the state. And then ultimately ended up in a "no harm, no foul" situation because every voter that received an incorrect ballot received the opportunity to vote to use the correct ballot. So it was corrected in time not to cause a problem.

And then it's also finally important to note that the Baker County Board of Elections has had a complete turnover. It's got a fully new board that takes this very seriously. Hence, Ms. Summerlin traveling up from Newton today for this meeting, and also there's a new elections superintendent.

And so this current board has taken a lot of corrective measures. It's really amped up and increased the training for the current elections superintendent and it's implemented a two-person ballot proofreading process. So the elections superintendent will go through the proofing process and then Ms. Summerlin, as a board member, will also assist with that.

So based on the unique circumstances and
facts of this case and based on the fact that the board was able to catch it and correct it, and based on the fact that it resulted in a situation where everybody was able to vote with the correct ballot, and based on the facts that the board has implemented corrective measures, we respectfully request that this board simply issue a letter of instruction.

And unless y'all have any questions from me, I will turn it over to Ms. Summerlin.

**MS. SUMMERLIN:** And I think he said everything that I wanted to say. I just did want to -- to say that we do have, now, the two-person review process in place for reviewing the ballots prior to print and as well as other measures just within the office since we have new personnel, new board members, and are -- are excited to be there and serve.

**MR. BRITT:** Thank y'all.

**MR. RAFFENSPERGER:** Do any members have any questions?

(no response)

**MR. RAFFENSPERGER:** No questions. Do we have a motion?

**MR. WORLEY:** I -- I would make a motion that
we send a letter of instruction, and I -- I think that you made a very persuasive case that there was -- there was no harm to this at this point in time. So if that -- if that makes a difference, and we should send a letter of instruction.

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

**MR. RAFFENSPERGER:** Okay. Any further discussions?

(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.

**MR. BRITT:** Thank you.

**MS. SUMMERLIN:** Thank you.

**MS. WATSON:** The next case is 2016-59, Paulding County, ballot format. There were three complaints reported for the March 1, 2016 PPP in Paulding County.

First, Lori Trahan reported that she received an incorrect ballot when she cast her ballot, then was given a provisional ballot that
she voted.

Second, Ms. Davey reported that she was asked to move her vehicle outside the 150-foot no campaigning zone due to candidate stickers displayed in the vehicle's window.

Third, Ms. Schulz reported overhearing poll workers asking if they had any democrats in their paperwork. And when they showed there had been none, the poll worker announced "yes."

Ms. Schulz found this to be inappropriate.

Investigation showed Deirdre Holden, the elections supervisor in Paulding County, confirmed that Lori Trahan had received an incorrect ballot and had already cast a ballot on the DRE. Ms. Holden instructed that Lori Trahan be given a provisional ballot and be instructed to only vote the presidential portion of the ballot as that was the only portion that she did not have on the ballot that she voted on the DRE. Ms. Holden deposited the provisional ballot and it was counted.

As to the second and third complaints, they were not substantiated as a violation.

We're recommending that elector Lori Trahan be dismissed as the respondent as she was
following instructions from the poll workers. And the Paulding County Board of Elections and Elections Supervisor Deirdre Holden be bound over under 21-2-452(b) where the voter access card was not properly encoded for Lori Trahan and SEB Rule 183-1-12-.02(4) as the voter access card was not properly encoded for Lori Trahan.

MR. RAFFENSPERGER: Is there anyone here to speak from Paulding County?

(no response)

MR. RAFFENSPERGER: Any board members have any questions?

MR. WORLEY: I have a question of Ms.~Watson.

And you're also recommending being bound over for violation of Election Code 21-2-590?

MS. WATSON: No. We're recommending to dismiss that and we'd go with -- the codes were 21-2-452 and SEB Rule, more -- more appropriate to the violations.

MR. WORLEY: Okay, but the one you're recommending is that she was allowed to -- okay. She was allowed to cast a nonpartisan paper ballot and then -- and then a paper ballot in addition to that.
MS. WATSON: That -- it -- for the voter access card being not properly being coded by the poll workers is the -- is the violation that we're recommending be bound over.

MR. WORLEY: Okay. And why aren't you recommending that she be bound over for -- essentially for the -- the Paulding County be bound over for allowing her to vote twice?

MS. WATSON: That -- certainly, you know, that was one of our findings and if -- if the board feels that is appropriate, then that -- that's in your purview.

MR. RAFFENSPERGER: Any further comments or questions?

MS. LE: So I think the facts as being presented is that the voter got to vote on portions, but were wrong -- overlapped -- incorrectly left out the encoded card; is that correct?

MS. WATSON: The voter was instructed --

MS. LE: So they did cast two votes in the same --

MS. WATSON: The voter was instructed to only vote that section of the provisional ballot that they did not receive on -- on the DRE
machine, that's correct.

MR. RAFFENSPERGER: Do we have a motion or questions? What's the will of the committee?

MR. WORLEY: I would make a motion to bind over Paulding County for violation of code sections 21-2-572, 21-2-590, 21-2-452(b) and SEB Rule 183-1-12-.02(4).

MR. RAFFENSPERGER: Okay. Do we have a second?

MS. SULLIVAN: I'll second the motion.

MR. RAFFENSPERGER: Do we have any further comment on this?

(no response)

MR. RAFFENSPERGER: Hearing none, the motion is before you. All those in favor, you can do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case, Tab 15, is continuing due to a conflict with the attorney for Fulton County in a trial for election challenge today.

So Tab 16 is 2016-62, Hancock County,
absentee ballots.

In April 2016, Hancock County Election Supervisor Tiffany Medlock alleged that Dontrell Andrews (ph), a candidate for the county coroner's race was completing absentee ballot applications and voter registration cards for some Hancock County residents. Mr. Andrews would then turned in those applications into the elections office to be processed.

The second complaint alleges that Delores Lamar~(ph) assisted the voter at poll precinct. Delores Lamar's assistance reportedly includes marking a candidate and casting a ballot.

The third complaint alleges that a voter, Rodney Bell, received an absentee ballot for the district that he did not live in.

Investigation revealed that Tiffany Medlock left the position of elections supervisor shortly after she made the complaint. She did not provide a list of individuals prior to her departure specifying which absentee ballot applications and voter registration applications she was referring to. The new supervisor did not have any information concerning this report, and Mr. Dontrell Andrews, the coroner candidate,
denied the allegation citing memory issues.

As to the second complaint, involving Mr. Lamar, there was no violation substantiated. He did assist several voters and signed as assisting.

The investigation verified that Rodney Bell was listed in the improper district and received an incorrect absentee ballot.

We're recommending that Tiffany Medlock the former elections supervisor and Hancock County Board of Elections and Registration be bound over to the AG's office for 21-2-226(b) and failing to place the proper ballot in the proper district.

MR. RAFFENSPERGER: Okay. Is there anyone from Hancock County that would like to speak?

MS. GRANT: Yes, sir. Andrea Grant.

MR. RAFFENSPERGER: Come forward then, please.

MS. GRANT: Hi. I'm Andrea Grant. I represent the Hancock County Board of Elections and Registration. And some of you may have heard a couple of the things I'm telling you, but for -- for the benefit of those who have not, I would like to let the board know that Hancock County, back in 2011, switched from having a probate
judge conduct the registration and the elections, events, to a board of elections and registration.

At that time, in addition to the difficulties and challenges of the changeover -- and remember this is a rural county -- the board of elections and its staff had to undo a lot of problems that had occurred while the probate judge had held office.

And, you know, I hate to bring up bad, negative stuff, but, for those of you that don't know, the probate judge did plead guilty to taking county funds. She was convicted and she was sentenced. So basically things were in a -- in -- in a pretty good mess back in 2011.

Then in 2014, the courthouse burns down with all the records inside it. And, again, none of these are any excuses, but I just wanted you to have a little bit of the background that -- that they're truly trying despite all of these problems.

And for those of you that have been on the board a long time, you would probably recognize the probate judge prior -- and I'm not trying to put all of the blame off on her because this happened in twenty-six [sic], but I do -- for
those members that were here, y'all probably recognize the number -- the name back from when she handled the elections and registration.

As to the actual allegation, it's important to note that our supervisor, as she stated, Tiffany Medlock, she only worked with the board from 2015 till right before this alle -- right after this allegation, in May of 2016, and she did self-report the problem once it did come to light what -- what had happened.

And importantly, looking under the old -- the 2016 book, under 21-2-226, yes, indeed, the county -- the board of elections and registration has the responsibility to make sure their staff supervisor does fulfill number (b) under the section. However, under (c) -- I've always had a little bit of difficulty with this, but under (c) it's the duty of the cities to provide the counties with a map -- and it started back in 1995, and it doesn't say they have to give you an annual map or whatever, just when any annexation or changes in boundaries of the municipality occur.

Well, these individuals that voted in the wrong district were in an apartment complex. And
once they discovered it -- hey, it should have
been in two instead of four -- they -- they could
get that taken care of. I can't stand here and
tell you when the last time Hancock County Board
of Elections and Registration received a map for
the City of Sparta in which these voters were
included. But it's kind of -- yes, the county
has a responsibility to make sure that they've
got the right voters in the right districts, but
yet the onus is on the city to let them know
whether or not anything has changed. And to my
knowledge -- and we don't have anybody that was
here that we could bring today to address that or
explain any of that.

But what I can tell you today is, not just
because of this, because we just received this,
but the board has been very active working with
the City of Sparta to make sure that we get
accurate, good boundaries maps to make sure
people are in the right districts.

And I -- I know -- again, I know it's not an
-- an excuse, but between all of those
complications, I would respectfully ask that the
board issue a letter of instruction or dismiss
the pending matter.
And if there are any specific questions, I do have a board member with me, Nancy Stephens, if you have any questions. She was -- she was on the board at the time of this particular occurrence.

**MR. RAFFENSPERGER:** Okay. Do any members have any questions?

(no response)

**MR. RAFFENSPERGER:** Thank you.

**MS. STEPHENS:** Yeah.

**MR. RAFFENSPERGER:** Would you like to say something?

**MS. STEPHENS:** Yes, briefly if I can. I'm Nancy Stephens and I've been on the board since it was created in July 1, 2011 and it was an absolute mess. Our election records were (indiscernible) in the courthouse and we had to go through them, straighten all of that out. But that's no excuse. I know it's not.

But to tell you a little bit about the addresses that were in the wrong district, it is two apartment buildings. They are the only addresses on that end of Ghattis Street. Once it crosses Highway 16, it changes districts. They didn't realize it and it was actually a -- a
voter that brought it to our attention, and we worked then -- it took us a while to even find what the address of the apartments were to get them changed over.

But we're making strides. Hopefully, we won't get a whole lot more formal invitations to come see y'all, not that I don't like to come in and see y'all, but it's not the -- but thank y'all and I appreciate you.

**MR. RAFFENSPERGER:** Any members have any questions?

(no response)

**MR. RAFFENSPERGER:** I think we're fine. Thank you.

Do we have a motion?

**MR. WORLEY:** Well, one of the allegations here is -- is not against Hancock County but is against Lashonda Reynolds for allegedly thanking voters for voting for her brother by buying them lunch and other things. And I would make a motion that we bind over that allegation, which is listed in the report as Allegation 5, to the attorney general's office.

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

**MS. LE:** I'll second it.
MR. RAFFENSPERGER: Any further comment?

(no response)

MR. RAFFENSPERGER: All those who would like to bind over Allegation Number 5 to the attorney general's office let me know by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: That's bound over.

As to the other allegations, what is the will of the committee?

MS. LE: I'd like to move we issue a letter of instruction.

MR. RAFFENSPERGER: Is there a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: Okay. Is there any further comment?

(no response)

MR. RAFFENSPERGER: All those in favor of letter of instruction for the balance of the allegations -- 1, 2, 4, Allegation Number 3 -- signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

MR. WORLEY: And then I would make a motion
that we dismiss the remaining allegations -- 1, 2, 4 and 6 -- as the investigation found no evidence to support them.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second that.

MR. RAFFENSPERGER: Any further comments?
(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-67, Wilcox County, ballot error. It was reported that Wilcox County Board of Elections failed to put incumbent Senator Tyler Harper on the ballot for district 7 during the May 24, 2016 general primary special election.

Investigation showed that Patricia Ely, the Election Supervisor at the time, was contacted and advised that it was a mistake. She realized it after she had mailed out approximately 95 ballots. She contacted the secretary of state's office and advised that they were consulting with the county attorney. She contacted all the voters that had been sending in for a ballot and
mailed them a new corrected ballot. We're recommending WilcoxC County Board of Elections and Patricia Ely be bound over to the attorney general's office for State Election Board Rule 183-1-12-.0 (indiscernible) ballot (indiscernible).

The attorney for the county also sent a packet to give to the elections board if they would like to review it.

**MR. RAFFENSPERGER:** Yep. Thank you. Do we have anyone from WilcoxC County?

**MS. CARTER:** Yes, sir.

**MR. RAFFENSPERGER:** Come on forward.

**MS. CARTER:** Good morning.

**MR. RAFFENSPERGER:** Good morning.

**MS. CARTER:** My name is Toni Carter. I'm an attorney in Fitzgerald, Georgia and I represent the WilcoxC County Board of Elections and Registration. And I have with me the new elections superintendent. That's April Brown.

And what I'm going to tell the board is, essentially, what happened with a mistake. Previously, WilcoxC County had fully been located within Senate District 13. But apparently there was a -- a -- a split of senate districts back in
2014. Wilcox County wound up being placed in two
senate -- two senate districts. Part of the
county was still in 13 and the southern and
eastern part of the county was now placed in
Senate District 7. The board of elections was
not notified of it.

So when the 2016 senate district election
came about, the board printed the ballot thinking
that the county was still fully in Senate
District 13, not realizing that now there was a
-- a -- an issue of two precincts, so two
election districts being in a -- a new senate
district.

Absentee ballots were sent out and that was
when the elections superintendent was notified of
an error that the Senate District 7 candidate was
not printed on a particular ballot. I think she
was notified on April 18th. She immediately
contacted the office of reapportionment and was
told, yes, there was a reapportionment done
effective 2014. She was advised of what the new
election -- election districts were. She
contacted the secretary of state's office, she
contacted my office. We then realized that there
was a issue; we needed to correct it quickly.
We deemed those ballots that -- the absentee ballots that had already been issued as four ballots. We had new ballots printed; we did LMA-(ph) again; we did everything we were supposed to do. And all this was accomplished within less than five business days.

I would like to note that no ballot that was originally issued had been returned. Every single person that had been issued an absentee ballot was notified individually. They were sent a notice advising that there was an error on the original ballot. And they were sent a stamped return envelope requesting that they return those ballots and contact the office to get a new ballot. I believe that just about every single original ballot was returned.

I do believe that every single person that received an absentee ballot originally was able to vote and they voted on the new ballot and we did what we felt like needed to be done in the situation. We corrected it. Again, all of that took place within a matter of five business days which was prior to the May 24th actual election date.

So because of that we would ask that Wilcox
County Board of Elections and Patricia Ely be
given a letter of instruction and would -- would
like to note that we do have a new election
office staff. They've all been to training. We
do have a practice in place of comparing the
ballots. We -- when there's a -- an election
dealing with the house or senate, we will contact
the office of reapportionment and make sure we
take those steps of contacting the appropriate
personnel -- or appropriate agencies to determine
-- make sure that this ballot error won't occur
again.

MR. RAFFENSPERGER: Okay.

Ma'am, do you want to speak about the case?

MS. CARTER: I don't think she does because
she was new --

MR. RAFFENSPERGER: I just wanted to make
sure.

MS. CARTER: She wasn't there at the time.

MR. RAFFENSPERGER: Do any members have any
questions?

(no response)

MR. RAFFENSPERGER: Thank you.

MS. CARTER: Thank you.

MR. RAFFENSPERGER: Okay. Do we have a
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,
Fayette County, districting issue.

On May 2016, the complainant -- complaint alleged that they had voted an incorrect ballot during the May 24th general primary election due to a Fayette County elections computer error. Elector Jean Cofer reported that she voted early in the May 24, 2016 general primary and was given an incorrect ballot. She was given a ballot for the 71st House District when she lived in the 72nd House District.

She voted the ballot prior to realizing the error. Review of the districting information by Fayette County revealed 36 improperly districted voters in Precinct 18 with 33 having voted an incorrect ballot. Additionally, a hundred and fifty-six electors in Precinct 29 may have been improperly districted with 19 having voted an incorrect ballot involving House Districts 2 and 4.

We're recommending that Fayette County Board of Elections and Registration be bound over to the attorney general's office for 21-2-226(b) for failing to place 36 voters from Precinct 18 in the proper state house district and 21-2-226(b) (indiscernible) placement 36 voters within an
improper state house district.

MR. RAFFENSPERGER: Okay. Anyone here from Fayette County?

MR. STOUGH: Yes.

MR. RAFFENSPERGER: Come on forward. You should have a mic right there for you.

MR. STOUGH: Thank you for letting me speak. My name's Patrick Stough. I'm with the county attorney's office from Fayette County. I'm here representing the Fayette County Board of Elections and I also have a member of our board here, Aaron Wright, to answer any questions you have.

We do not deny the facts that have been presented. In 2016, the board was tasked with redistricting the entire county as a result of a legal settlement that we did not create new districts for the entire county.

And we began that process in -- in March of 2016. And while we were in the middle of that process, we were having some technical difficulty with the software. The result of all that was that we had a very limited amount of time to complete the redistricting and as a result of that there were several errors, and one being --
that resulted in certain streets being
assigned to the wrong house district.

Again, we don't deny that any of this
occurred. We do ask that the board consider the
unusual circumstance that the time constraints,
technical difficulties with the software, the --
the election supervisor at the time was out on
medical leave. He is also no longer the election
supervisor. We have a new staff and we do intend
to ensure that the staff is better trained to
handle these types of issues when we get to the
next redistricting process after the 2020 census.

And for that reason, we would respectfully
request that the -- a letter of instruction be
issued. But if the -- it's the will of the board
that there be a further investigation, we intend
to participate and assist as we can.

**MR. WRIGHT:** I just wanted to reiterate the
tight time frames we had to turnaround the entire
county and the short -- the -- the nature of the
short staff situation we faced. The -- the
election supervisor at the time is no longer our
election supervisor. We actually terminated him
as a result of this and other potential issues.

So coming on the board in '16 took very,
very quick and swift steps to rectify this particular situation also. When we were notified that this was happening during early voting, we immediately took steps to correct the situation at the polls during early voting so that this did not continue throughout the rest of early voting as well as on election day.

So it essentially amounted to a short staff situation with the data entry error. We immediately corrected as best -- as fast as we could and took steps to fix staff, and I was -- had -- have hired new staff since then.

MR. RAFFENSPERGER: What's your name, sir?

MR. WRIGHT: Oh, I apologize. Aaron Wright, Fayette County Board of Elections.

MR. RAFFENSPERGER: Thank you. Members?

MR. WORLEY: I have a question. I happen to live in Fayette County, so I know that the redistricting that was done in 2016 as a result of the court order involved only the state -- I'm sorry -- only the county commission districts and the school board districts. So would you explain how it is that that redistricting resulted or caused a mistake in the districting of the two house districts?
MR. STOUGH: I -- I have -- excuse me -- I have a very limited knowledge of, you know, the actual steps that were taken, but it's my understanding that the process involves creating new district combos, which, basically, identified what ballot each voter would get, and part of that was -- included the house district.

I don't specifically know why these particular streets were -- were overlooked. From what I understand, the staff was supposed to go through and -- and give each street the new district combo. But there was a set of streets for which this didn't occur.

So we're certainly looking into what we can do to not have that happen again when we come back to this.

MR. WORLEY: Okay. So you're currently looking into it and you haven't finished?

MR. STOUGH: Yeah. We --

MR. WRIGHT: We're done.

MR. STOUGH: We are done.

MR. WORLEY: Okay.

MR. STOUGH: We --

MR. WRIGHT: Years ago.

MR. RAFFENSPERGER: Okay. Thank you.
Any other questions from the board?
(no response)

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I would make a motion to bind this over to the attorney general's office.

I appreciate your being here. I appreciate the steps that have been taken, but given the large numbers of voters that voted in the wrong district, I think it's serious enough to ...

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I second that.

MR. RAFFENSPERGER: Do we have any further discussion?
(no response)

MR. RAFFENSPERGER: All those in favor of binding over to the attorney general -- attorney general's office please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Motion carries. Okay.

MS. WATSON: The next case is 2016-80, Chatham County, districting issues.
On May 24, 2016 there was a general primary and nonpartisan general election. The elections division learned that voters living on Whistling Duck Court in Savannah were placed in the wrong voting district. The voters were assigned to District 1, but the proper voting district was District 3.

The investigation found that 43 registered voters on Whistling Duck Court were improperly listed as District 1 when they should have been listed as District 3. Three voters voted in an incorrect ballot. On July the 5, 2016, registered voters were placed in the correct district.

We're recommending that Chatham County Board of Elections be dismissed as a violation as they now -- they have a separate board and the code is specific to the board of registrars and that the Chatham Board of Registrars be bound over to the attorney general's office for 21-2-226(b).

**MR. RAFFENSPERGER:** Anyone from Chatham County would like to speak on this?

(no response)

**MR. RAFFENSPERGER:** Let's see -- Chatham County?
(no response)

MR. RAFFENSPERGER: No? Okay. Any board members have any questions?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MR. WORLEY: I make a motion that we bind over this case to the attorney general.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any further discussion?

(no response)

MR. RAFFENSPERGER: All those in favor of binding it over to the attorney general's office signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-84, Muscogee County, districting issues. On May 2016, Muscogee County Elections Supervisor Nancy Boren reported that Hilton Woods Drive was assigned to Council District 1 but the proper district for the street is Council District 8.

Investigation shows that it was found that
Hilton Woods Drive was a boundary street between Council District 1 and 8. It was found that three electors received and voted an inaccurate ballot (indiscernible) this issue. The remaining electors were changed to the correct district in the system on May 14, 2016, the same day it was brought to the attention of the Muscogee County Elections Office.

We're recommending that Muscogee County Board of Elections and Registration be bound over to the attorney general's office for 21-2-226.

**MR. RAFFENSPERGER:** Is there anyone from Muscogee County to speak to this?

**MS. BOREN:** Yes. Good morning.

Mr.~Secretary, members of the State Elections Board. My name is Nancy Boren. I'm the director of elections and registration with Muscogee County. We are a consolidated city/county government with a population of approximately 200,000 and about a hundred and thirty thousand registered voters.

In May of 2016, I found a boundary street for Council District 8 contained information that did not reflect the proper district for council. This part of the street had 39 voters. The day
it was discovered, Saturday, May 14, 2016, it was
corrected and those affected voters were sent new
precinct cards prior to the date of the primary
on May 24th.

Pursuant to this, I contacted the city's GIS
division requesting if we could marry the various
district information and their associated data
points to the voter registration addresses on
file. We are lucky to have a very robust GIS
division.

This partnership resulted in a list
comprised of matched and mismatched data. Voter
addresses from Enet, which is our state voter
registration system, were analyzed using
shapefiles from the legislative reapportionment
office and GIS data. We were able to determine
accuracy of districting information and
standardized street names, zip codes, and street
number ranges. This is a partnership we continue
to use, even today, and we do it several times
throughout the year as well as during election
years as we get new -- new streets in our county.

In the May 2016 primary, we determined that
those three voters did receive a ballot with
incorrect council district information prior to
May 14, 2016. The final outcome of the race was separated by 515 votes after consolidation and certification of the election. As noted in the investigative report, this was self-reported to Mr. Chris Harvey, the elections division director.

Thank you for the opportunity to address you today regarding this matter and advise of corrective actions that were taken immediately and continue today. I respectfully ask for the board's positive consideration.

MR. RAFFENSPERGER: Thank you.

MR. WORLEY: I had a question.

MR. RAFFENSPERGER: Mr. Worley.

MR. WORLEY: Ms. Boren, it -- it's unclear to me but how -- how did this misallocation of the 39 voters happen in the first place?

MS. BOREN: Prior to the ability to use GIS to district voters, it was an eyeball method where you took maps and you laid them on top of street maps and then you eyeballed it to determine what boundary streets were and then you wrote district numbers in that area.

So Muscogee County, being in the middle of the state, has quite a few house seats, senate
seats, council, school board. And so you would
take a variety of those maps, almost like you
were peeling or unpeeling an onion and you would
place it on top of a map and come up with
district combinations that you would then assign
to certain precincts.

With this being a cusp street, again,
eyeballing it in 2011, we just made the mistake
of -- of attributing it to a different council
district. The state seats were correct, but the
council districts were not.

**MR. WORLEY:** And when you then actively
partnershiped with the GIS system, did you
discover other mistakes?

**MS. BOREN:** We did discover other -- other
mismatches.

**MR. WORLEY:** Uh-huh.

**MS. BOREN:** We call them mismatches because
sometimes the data was how we spelled the street
name versus how our GIS division or even in Enet
those streets were listed. And so we were able
to correct zip codes, street names and voters
that -- that had been put into the wrong district
through this GIS partnership, something we
continue to use today and we'll still have copies
of those lists. We enter correct data and then we do another mismatch or match list and we get it to zero.

**MR. WORLEY:** Okay. And when -- when you did that the first time, how many voters did you find you had to move to a different district?

**MS. BOREN:** If my recollection is correct, we had 1,400 names on the list. But, again, that was due to spelling of streets. For example, Martin Luther King Junior Boulevard or MLK Boulevard, how the street was listed in the GIS division, how it's listed in the state reapportionment, and how we have it listed in the statewide voter registration system.

So there were not that many voters, although it appeared to be. Airport Freeway is another street that we had to make similar so that that would not show up on a redistricting list. But also what we did find is that in 10 years there's development in counties.

So we have an apartment complex now on Veteran's Parkway that was not there 10 years ago when reapportionment was done. The precinct line goes direct -- or the district line goes directly through apartment buildings and that's something
that we have been working with Ms. Wright in legislative reapportionment to address in that next cycle that we go through.

So we've been able to identify hot spots of things that we'll look at in the next redistricting process.

**MR. WORLEY:** Thank you.

**MS. BOREN:** Uh-huh.

**MR. RAFFENSPERGER:** Thank you. Any other questions, comments from the board?

(no response)

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

**MS. LE:** I move we issue a letter of instruction. It looks like --

**MR. RAFFENSPERGER:** Okay. We have a motion --

**MS. LE:** -- the county has -- it just looks like the county has taken proactive steps in addressing these issues and the changes so we won't see this problem again, hopefully.

**MR. RAFFENSPERGER:** So the motion for a letter of instruction. Is there a second?

**MR. WORLEY:** Second.

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

(no response)
MR. RAFFENSPERGER: Hearing none, all those in favor of issuing a letter of instruction signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: The motion carries.

MS. WATSON: Okay. The next case is 2016-85, Bulloch County.

Campaigning violation in a complaint alleging that someone parked a truck inside with a large campaign sign on the bed within the hundred-and-fifty-feet boundary at the Statesboro polling precinct.

A second complaint also alleged that an Evans County resident, being David Keith Stone, was voting in the Bulloch County elections.

Investigation discovered the pickup truck belonged to an Andrew Hitt. He parked his truck at the Statesboro polling precinct on May 24, 2016, inside of the hundred-and-fifty-feet "no campaigning area" with a large campaign sign in the bed with the sheriff candidate. He was asked to move the vehicle outside of the hundred-and-fifty feet of the campaigning area
and did move the truck but it was still inside
the hundred-and-fifty-feet boundary.

In the second complaint, it was determined
that David Keith Stone registered to vote in 1992
in Bulloch County and having consistently voted
in Bulloch County over the years, Mr. Stone
states that he stays with a sickly uncle four to
days a week in Bulloch County, but he lives
at home with his wife in Evans County. He filed
homestead on that Evans County home in 2011 and
has his driver's license issued in the Evans
County address.

Mr. Stone states that he called
(indiscernible) on May 23, 2016 election and
talked to someone in the elections office and was
told that if he spent 90 percent of his time in
Bulloch County, he was registered to vote in
Bulloch County and so he could vote.

After the May 2016 election, Mr. Stone's
voter registration was transferred to Evans
County where he has voted ever since.

We're recommending that Andrew Hitt be bound
over to the AG's office for 21-2-414(a)(1),
restrictions on campaign activities, and David
Keith Stone be bound over for 21-2-216(a)(1)(4),
polling location of electors.

    MR. RAFFENSPERGER: Okay. Is there anyone here to speak to that case?
(no response)

    MR. RAFFENSPERGER: Okay. I don't see anyone to speak to that case. Any board members have any questions, concerns, comments or motions?

    MS. LE: Did we ever ascertain what Mr.~Stone's intent was in terms of his residence?

    MS. WATSON: I -- he worked for the sheriff's office in Bulloch County and he -- he lived -- lives or has a home and his wife lives in Evans County. His -- his comment to us was that he did stay four to five days a week with his sickly uncle.

    MS. LE: In Bulloch County?

    MS. WATSON: In Bulloch County.

    MS. LE: Okay.

    MR. RAFFENSPERGER: Do we have a motion?

    MS. LE: I move to bind over Andrew Hitt and dismiss Keith Stone's case. The reason why I think we should dismiss it is -- the second allegation is because 21-2-217 has a list of what's a residence, and I don't know from the
facts if we can determine that. We have cases that establish homestead exemptions as (indiscernible), so for those reasons.

He spends his -- four to five days in that county that he's voting in. We don't know what his intent is, which is also (indiscernible).

**MR. WORLEY:** I'll second that motion.

**MR. RAFFENSPERGER:** Okay. Any further comment?

(no response)

**MR. RAFFENSPERGER:** All those in favor of the motion signify by saying aye.

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

**MS. WATSON:** The next case is 2016-86, Polk County ballot formatting.

On June 2016, there were three complaints reported from Polk County voters that they received the incorrect ballot, a DRE inoperative at the poll, and voter access cards being pre-programmed prior to voters submitting a request for ballots.

Investigation revealed Stacy Baker went to
vote during the May 24, 2016 general election at the Aragon Municipal Complex. She submitted a voter certificate indicating her request for a republican ballot. The poll worker that was a new poll worker, Judy Burdette, stated that she made a mistake when she encoded the voter access card for Stacy Baker and mistakenly created a nonpartisan ballot. Stacy Baker voted the nonpartisan ballot prior to bringing it to the attention of poll workers.

James Walker went to the Blooming Grove precinct and requested a republican ballot on the voter's certificate and was issued a nonpartisan ballot. He cast his ballot prior to making his complaints to poll workers. Karen Buffington a new poll worker issued the incorrect ballot. No other violations of the election code were substantiated.

We recommend Polk County Board of Elections and Registration; Karen Garmon, Polk County Elections Supervisor; Judy Burdette, poll clerk; and Karen Buffington be bound over to the attorney general's office for violation of 21-2-352(b) for failure to properly encode Stacy Baker's voter access card and failing to encode
James Walker's voter access card and SEB Rule 183-1-12-.02(4).

**MR. RAFFENSPERGER:** Okay. Is there anyone here from Polk County?

(no response)

**MR. RAFFENSPERGER:** I see none. Does the board have any questions, comments? Do we have a motion?

(no response)

**MR. RAFFENSPERGER:** Do you have a motion?

**MR. WORLEY:** I'll make a motion that we bind the case over to the attorney general.

**MR. RAFFENSPERGER:** Okay. We have a motion to bind over. Do we have a second?

**MS. LE:** I'll second that.

**MR. RAFFENSPERGER:** We have a second. Any further comment?

(no response)

**MR. RAFFENSPERGER:** Hearing none, all those in favor of binding it over to the attorney general signify by saying aye.

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.
MS. WATSON: The next case is 2016-89, Cobb County, ballot format.

On May 2016, Thomas Harris reported a problem he encountered with a ballot while voting in the general primary in Cobb County. The complainant stated that he requested a republican ballot but received a nonpartisan ballot.

Investigation shows Mr. Harris reported that he had gone to (indiscernible) Elementary School polling location in Cobb County to vote in the -- May 2016 in the general primary. He completed the paperwork requesting a republican ballot. He was issued a voter access card and upon reviewing the ballot he only saw one person on it. Mr.-Thomas [sic] believed that if he hit the cast ballot button then the republican candidates would then show.

The voter access card was ejected from the DRE machine and Mr. Thomas [sic] brought this to the attention of the poll manager who informed Mr. Harris there was nothing anything -- not anything they could do because he had already hit "cast ballot."

The poll worker that encoded the voter access cards stated he did not remember the
incident. They could have made the wrong selection.

I have since received a -- information from Janine Eveler from Cobb County that she conducted an audit at this location and her audit shows that the count is correct and that she believes that the proper card was actually issued. Tony Muller is unable to attend because he has serious health issues and is no longer going to be working as a poll worker.

Due to the additional information, we're requesting that a letter of instruction be issued to Cobb County Board of Elections and Registration and poll manager Tony Muller.

MR. RAFFENSPERGER: Is there anyone here on this case?

(no response)

MR. RAFFENSPERGER: Seeing none, do we have any comments or -- what?

MS. WATSON: Janine Eveler did want -- expressed that she wanted to attend but she had a conflict so she was unable to be here.

MR. RAFFENSPERGER: Okay. We have a recommendation. What's the will of the board?

MR. WORLEY: I'll make a motion that we sent
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,
instructed Mr. Cofia that due to the politically-charged message on the shirt that he would need to turn the shirt inside out while in the poll. As Mr. Cofia and the assistant poll manager debated this, the poll manager, Deborah Ward, came over and also repeated the request to turn the shirt inside out. Mr. Cofia stated that the poll workers were keeping him from voting.

Ms. Ward contacted the elections office and spoke to Vanessa Waddell who also stated that Mr.~Cofia needed to turn his shirt inside out. This was relayed to Mr. Cofia who began to leave the poll, telling others that he was being denied the right to vote.

A few days after the primary Mr. Cofia went to Floyd County Elections Supervisor Willie Green. Mr. Cofia was not given an answer if wearing his shirt was a violation of election code or not, but was told Mr. Green was looking into it.

On January 13, 2016, Floyd County provided a statement that they plan to enact a policy declaring by what point a person is not permitted to vote due to having campaign materials within or heard inside the polling place.
The board's rule included further and more clarity in its training of poll workers related to the matter, issue a letter of explanation, clarification in accordance with SEB 199, as well as issue an apology to Mr. Cofia in this specific matter.

We're recommending that Floyd County Board of Elections and Voter Registration, Floyd County former election supervisor Willie Green, and four -- Floyd County Elections Clerk Vanessa Waddell, and poll manager Deborah Ward be bound over to the AG's office for 21-2-593 when they did not allow a qualified voter Gerreck Cofia to vote in the general primary on May 24, 2016 due to that he was wearing a politically-charged t-shirt at the polling location.

MR. RAFFENSPERGER: Okay. Do we -- anyone here from Floyd County?

(audience member indicating)

MR. RAFFENSPERGER: Please come forward and state your name. Good morning.

MR. BRADY: Good morning, Mr. Secretary and the board. My name is Robert Brady -- excuse me. My name is Robert Brady and I'm the current chief of elections for Floyd County. The activities
that were -- were just expressed took place
before I got here so I can only address this
secondhand. I can tell you what I have seen
taking place since this event.

There's been more of an emphasis on poll
worker/poll management training as to what
exactly constitutes campaigning in the work
place. Truthfully, the -- everybody involved in
this discussion was sincerely attempting to
uphold 20-2-414 [sic] and that was no campaigning
material.

I became aware of this three weeks ago and
at that point I reached out to the sources I have
available through the secretary of state's
office -- the legal sources, the training
sources -- and have gotten clarification on this.
No one at the time -- again, back in 2016 -- was
aware that a political t-shirt indicating the
names of candidates who were campaigning but not
necessarily on that ballot would not be
considered campaign material. I have been --
since this time been informed of all that and I'm
making certain that future poll training will
include an explanation of this.

And without regard to the outcome of this,
we appreciate all the guidance the secretary of state's office has provided on this matter, and all I can say is I really don't feel that any of the people involved in this were -- were in any way attempting to prevent this individual from voting.

Also (indiscernible) notes that I make here is none of the polling officials invited the man to leave. He was ultimately invited to leave because he exhibited signs of intoxication and the -- and management of the venue where voting was taking place and, you know, deemed him a hazard and asked him to leave.

With that, again I appreciate your time and the opportunity to explain just a little bit.

MR. RAFFENSPERGER: Thank you.

MR. WORLEY: Yeah. I had -- I had a question. It's my opinion that --

MR. BRADY: Yeah.

MR. WORLEY: -- if someone's wearing a Donald Trump t-shirt and goes into the polls and Donald Trump's not on the ballot, that is not campaigning in violation of the statute and that's your understanding now as well?

MR. BRADY: Yes, sir.
MR. WORLEY: Okay.

MR. BRADY: Yes, sir. After -- after further guidance on this matter, it's been determined that t-shirts -- t-shirts with candidate's names on them that are not on the ballot are not, in fact, campaigning materials.

MR. WORLEY: Right.

MR. BRADY: Again, sir, I apologize --

MR. WORLEY: No. No. No. No. And -- and in some sense it pains me that -- believe me, it pains me to say that but --

(laughter)

MR. WORLEY: -- that's what I believe the law is.

MR. BRADY: But regardless of who I would have supported in that election --

MR. WORLEY: Right.

MR. BRADY: -- the -- the poll manager was operating under the theory that because both of the candidates mentioned on the t-shirt were currently involved in an election process, they erred on the side of a little bit of splitting hairs as I understand.

MR. WORLEY: And that's all the questions that I have.
MR. BRADY: And, again, I wish I could have addressed it more specifically, but that I'm sorry I wasn't there.

MR. RAFFENSPERGER: Thank you, sir.

MR. BRADY: Yes, sir.

MR. RAFFENSPERGER: Do we have any further comments? Do we have a motion?

MR. WORLEY: I -- I would make a motion to dismiss this case because the -- the allegation here is that there was a violation of 21-2-593 which is -- involves refusing to allow someone to vote. And it's not at all clear to me from the record that Mr. Cofia was actually refused the ability to vote. In fact, a number of times he was told "we can't deny you the right to vote."

I -- I think there's an interesting interplay here between prohibiting campaigning in the poll and refusing someone's right to vote. And maybe the attorney general's office can clarify that to us -- for us -- somewhat.

But to me this -- the action that's here is not a violation of that part of the statute, so I would move to dismiss it.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I second that. I know that in
Nevada elections, you know, the officials at the polling places struggle with that boundary between what is solicitation versus someone's right to vote in trying to keep order. And I would agree that in this case I don't believe that this gentleman's right to vote was denied.

MR. RAFFENSPERGER: Okay. Any further comments?

(no response)

MR. RAFFENSPERGER: All of those in favor of the motion to dismiss signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

MS. SULLIVAN: Opposed.

MR. RAFFENSPERGER: Motion carries.

MS. SULLIVAN: And I just thought that I would recommend a letter of instruction be sent on this case, just for the record.

MR. RAFFENSPERGER: Is that a motion?

MS. SULLIVAN: It's not. I think the motion was passed. If this is the case --

MR. RAFFENSPERGER: That's what I thought.

MS. SULLIVAN: I just note for the record that my opposition was not because I thought it was a violation of the law, but -- but for the
one issue might benefit from a letter of
instruction.

**MR. RAFFENSPERGER:** Noted.

Okay, we need to go into an executive
session and probably break for lunch at the same
time certainly. So who wants -- who wants to
make a motion for the executive session and break
and then we'd like to be back at 1:00 sharp and
reconvene. Would you --

**MS. SULLIVAN:** I move that the board go into
the executive session to discuss pending or
potential litigation.

**MR. WORLEY:** Second.

**MS. LE:** Second.

**MR. RAFFENSPERGER:** Dismissed. We'll be
back at 1:00 sharp.

(recess)

**MR. RAFFENSPERGER:** Do we have a motion to
come out of executive session?

**MS. SULLIVAN:** So moved.

**MR. WORLEY:** So moved -- second.

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

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Motion carries. We are
out of the executive session and back on the SEB cases. I believe tab 28.

**MS. WATSON:** Tab 28 is SEB2016-94, Jackson County, cast ballot. On May 24, 2016, Jackson County Election Superintendent Lori Wurtz self-reported that a poll manager caused a voter to cast an extra ballot following the voter's complaint that he had initially received and voted upon the wrong ballot.

Curtis Stowe checked nonpartisan on his voter certificate and was issued a nonpartisan ballot. He voted and then realized he had made the wrong selection and complained to the poll workers.

Carrie Propes, the poll manager, volunteered to fix the situation but did not verify that he had already cast his ballot or not. Another poll worker, Sherry Mason, stated that she said he had already voted but Carrie Propes stated she didn't hear her nor understand her. Carrie Propes issued Curtis Stowe a second voter access card which he voted. Carrie Propes realized her error when she crosschecked the DRE counter with the number of voters. Carrie Propes was very apologetic regarding the error.
We're recommending that Jackson County Board of Elections and Registration Election Supervisor Lori Wurtz and poll manager Carrie Propes be bound over to the AG's office for 21-2-592 when Propes allowed Curtis Stowe to vote in the general primary on May 24, 2016 after Stowe had already cast a ballot in the same primary, and SEB Rule 183-1-12-.02(4), conducting elections, in that they allowed Curtis Stowe to cast another ballot after the voter had already cast a ballot for the same election.

We're recommending elector Curtis Stowe be dismissed as a respondent in that he was following the poll worker instructions.

MR. RAFFENSBERGER: Okay. Do we have anyone here from Jackson County?

(audience member indicating)

MR. RAFFENSBERGER: Do you want to state your name?

MS. LOGAN: It's Jennifer Logan, the current elections director of Jackson County. I just wanted to tell you that the poll worker and also Carrie -- she was under undue stress at the time. She had recently lost her parents. And we take this -- but we take this as a very serious issue
and we dismissed her. We also self-reported to the state the incident.

We've implemented new training aspects to cover situations like this. We thought we'd post (indiscernible) and let voters know that once they cast their ballot, it's final. We issued new testing to our poll workers to make sure that this doesn't happen again. We changed the policies and procedures at polling places making sure that managers contact us before any of these types of incidents happen, and we changed the structure of our polling places. We've added in extra managers at the locations, some that just are over the voting machines. They are there and they are specifically trained to handle situations with voters like this. Thank you.

**MR. RAFFENSPERGER:** Any members have any questions for anyone?

Would you like to speak?

**MS. PROPES:** Hi. I'm Carrie Propes. I'm the one that made the mistake and I'm sorry that I made that mistake. I -- I'll let you (indiscernible) observed a gentleman raising really, really horrible angst about his card not working and I had experienced the cards not
working even after use. The man had left it and
I took his card and I got it to where we could
redo it and then once he left, happy, then I
looked at my numbers and I checked them and
realized then I had messed up.

So I immediately started trying to get a
hold of the poll manager and let them know I had
made a mistake and they relieved me of my
position and sent me home. I have not worked at
a poll center since then and as of now I am not
capable of working at any poll centers anymore.

MR. RAFFENSPERGER: Thank you, ma'am.

MS. LOGAN: Also Lori Wurtz no longer works
for Jackson County, and we also have a new board
of elections through legislation.

MR. RAFFENSPERGER: Thank you. Any board
members have any questions?

(no response)

MR. RAFFENSPERGER: Do we have a motion?

MS. LE: Mr. -- is it Mr. Stowe? Mr. Curtis
Stowe? Does he already have -- the report says
he may have violated the law, but he voted
because a second card was given to him, right?

MS. WATSON: Yes. He was -- he voted -- he
was following a poll worker's instruction so
we're recommending he is -- be dismissed.

**MS. LE:** Okay.

**MS. SULLIVAN:** I'll make it a two-part motion, under the circumstances, to dismiss that allegation against -- actually to just absolve the allegations in this matter.

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

**MS. LE:** I would revise that. I would move to dismiss Curtis Stowe and Ms. Propes but issue a letter of instruction to the county board of elections.

**MR. WORLEY:** I would -- I would second that -- or if -- if -- if that's accepted, or if we get back to the motion --

**MR. RAFFENSPERGER:** Allow to amend the motion?

**MS. SULLIVAN:** Yes, I will accept that.

**MR. WORLEY:** Okay. I'll second that.

**MR. RAFFENSPERGER:** So we have a motion -- an amended motion before us to dismiss Curtis C. Stowe and also incidents of Carrie Propes and a letter of instruction for all others. All those in favor?

**THE BOARD MEMBERS:** Aye.

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

MR. RAFFENSPERGER:  Motion carries.

Next case.

MS. WATSON:  2016-19 -- I'm sorry -- 2016-95, Macon County, felon registering.

The Macon County Board of Elections Office reported Annie Ruth Towns registered to vote May 2, 2016 while being a convicted felon and still under sentence.

It was verified that Annie Ruth Towns did sign a voter registration application on May 2, 2016 while being a convicted felon and still under sentence. Ms. Towns advised that she needed an ID in order to attend South Georgia Technical College.

Keisha Green, the director of the GED program, took Ms. Towns to register to vote in order to get the identification. Ms. Green completed the application for Towns and Ms. Towns signed the form having not read it.

We're recommending that Annie Towns be bound over to the AG's office for 21-2-316(b).

MR. RAFFENSPERGER:  Is anyone here from Macon County related to this case?

(no response)
MR. RAFFENSPERGER: Okay. Do any of our board members have any questions?
(no response)

MR. RAFFENSPERGER: Do we have a motion? Discussion?

MR. WORLEY: I'll make a motion to bind this case over to the attorney general.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any further comment or discussion?
(no response)

MR. RAFFENSPERGER: Hearing none. All those in favor of binding this over to the attorney general's office please do so by signifying aye.

BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
(no response)

MR. RAFFENSPERGER: Motion carries.

MS. WATSON: The next case is 2016-97, Talbot County, absentee ballot voting out of the district.

In June 2016, Joretha Ryles, a candidate for Talbot County School Board District 1 reported multiple allegations regarding the May 24, 2016
general primary. A total of 17 allegations that fell into the category of absentee ballot concerns, districting issues, and voter eligibility issues.

The investigation found that 13 out of the 17 reported allegations were unfounded. The first allegation concerning absentee ballot processing revealed that four electors had their absentee ballots rejected and were not mailed a rejection letter.

The other three substantiated allegations were 7, 8, and 17. They all were regarding voters that moved and failed to update their voter registration. Subsequently they voted in an incorrect district.

We're recommending that Talbot County Board of Elections and Registration; Marjorie Howard, the Talbot County Elections Supervisor; and Patricia Robinson, the chief registrar be bound over for 21-2-386(a)(1)(c), rejection of ballot, when they failed to send notification letters to electors -- Denise Harris, Robert Leonard, Charlie Harris, Junior, and Cherutney (ph) Harris -- that their absentee ballots had been rejected and Vanes -- Vanessa Searcy Dixon and
Veronica Cheney be issued letters of instruction for failure to change the address affecting the correct district assignment and Frederick Cotton be bound over for 21-2-218(b) address -- I'm sorry, be issued a letter of instruction for failure to correct his address, change it from Talbot County when he resides in Upson County.

**MR. RAFFENSPERGER:** Anyone here from Talbot County?

**MS. HOWARD:** Yes, sir. I'm Marjorie Howard. I'm the elections supervisor for Talbot County. And thank you for the opportunity to be able to address these. What we found when this -- I worked with two investigators: Mr. Calhoun and Mr. Monroe.

When this was reported to us, the four individuals are all part of one household. Ms. Watson, who was our chief registrar was very familiar with this family and she actually talked with them. When -- when they -- when they -- when they submitted their absentee ballots on the old envelope, they put their P.O. box instead of the physical address. She called them to advise that they needed to come in to make that correction. She spoke with -- and I don't know
if they have a copy of the letter that she
actually wrote regarding this for the
investigator, but she talked to Ms. Denise Harris
who was the one that usually works with the other
family members as far as making sure they
exercise their right to vote. She asked them --
explained what they needed to do and asked them
to come in. And she explained to them on two
different occasions that if they did not come
into the office to make the correction that their
ballots would be rejected. She actually went by
their house to talk to them.

But she knows this family well. She is a
former teacher and in some of these -- some of
the people in the -- in the family were actually
her former students. So she felt some degree of
comfort in calling them and going back to see
them because she told them on two different
occasions that if you don't come in to make this
change, we will have to reject your ballot.

Her second trip by the house she met with
one of the brothers, Timothy Harris, and advised
him of the same thing. So she made an effort,
however, we did not submit a letter -- we sent
them a letter after the election. At that
point -- and -- and I found this out in the process of the investigation. And in her statement she said that when she went by the apartment to talk to them, she ad -- advised them that the ballots would have to be rejected because they didn't come in.

I realize that does not excuse us from having to follow the code. We've done extensive training since this happened in 2016 in our office on the proper handling of absentee applications and absentee ballots. So we have gone through that with our board members, which we are working for, and with the poll issues so that everyone thoroughly understands our obligation to send that voter a letter no matter what. So that has not reoccurred and won't reoccur again.

And in terms of the three individuals, no one filed a -- a -- an actual residential challenge to those three. Once this was called to my attention and we investigated, we actually went -- after the election, we went to driver's services, the motor voter application. We took it upon ourselves to compare their voter registration information to what was in DDS. For
any one of the three individuals, Ms. Searcy, I think it was Ms. Baron, and Mr. Cotton, their driver's licenses that had been renewed did show a different address outside of Talbot County. At that point, we sent them a letter. We sent them a voter registration form.

And there was a fourth person who had actually moved from one precinct to another. We sent her a change of address so that we could get this corrected so that it would not come up in any future elections.

So I believe that we have done everything we can do at this point to make sure that this doesn't happen again. But it does not excuse the fact that we didn't send a letter to those -- that family -- those four individuals.

So at this point, I'm just going to ask that -- you know, I put it upon the board to make a decision in terms of what action needs to be taken next. So we have addressed this within our county as far as training.

**MR. RAFFENSPERGER:** Thank you. Do any of the board members have questions?

**MS. LE:** I do. So just to clarify, you're saying that when the board challenges a voter or
an elector, the qualifications, you do send out
the notice and they do have the right to appeal
that notice --

**MS. HOWARD:** Yes.

**MS. LE:** -- per the 228 --

**MS. HOWARD:** The letter --

**MS. LE:** Okay.

**MS. HOWARD:** The letter states to them that
they -- that if anything on the letter is
incorrect with the -- with the letter, it shows
their address that they have had on the
registration form, it states the address that we
see in DDS's system --

**MS. LE:** Right.

**MS. HOWARD:** -- and we ask them to let us
know if anything is incorrect. If the
information given is correct, at that point we
ask them to register in the correct county or do
a change of address from one precinct to another.

**MS. LE:** Okay. And I do have a question for
our investigators.

Mr. Frederick Cotton -- he's not here today,
is he? Right?

**MS. WATSON:** No. He did call. He had a
conflict with the meeting and he couldn't attend.
MS. LE: Okay. I see that with Ms. Dixon and Ms. Cheney they did admit to living at another address and intending that to be their home.

Mr. Cotton, on the other hand, if I understand the facts correctly, he says that he's staying at his sister's house where he voted; is that correct? And that he seems to be claiming that to be his residence for voting purposes; is that correct? Am I misreading the facts?

MS. WATSON: No. That is correct. He -- he says that he moved his residence to Upson County.

MS. LE: But -- okay. But he didn't say anything to the fact of claiming his sister's home intending that to be his own home?

MS. WATSON: No. Not that I'm aware of.

MS. LE: Okay.

MS. WATSON: I'd have to go back and check the case log.

MR. RAFFENSPERGER: Any other questions?

(no response)

MS. HOWARD: Thank you.

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

MR. WORLEY: I would make a motion that we
send a letter of instruction on allegation 1, the absentee ballot, the failure to notify of the rejection of the absentee ballots to Talbot County.

MR. RAFFENSPERGER: Do we have a second on that?

MS. SULLIVAN: I'll second that motion.

MR. RAFFENSPERGER: All those -- any discussion?

(no response)

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

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

(no response)

MR. RAFFENSPERGER: Okay. That carries.

And, okay, allegations 7, 8, and 17.

MS. LE: I move to issue an LOI to Ms.~Searcy, Mr. Cotton, and Ms. Cheney.

MR. RAFFENSPERGER: Okay. Do we have a second?

MS. MORLEY: I'll second that.

MR. RAFFENSPERGER: There's a second. Any further discussion?

(no response)
MR. RAFFENSPERGER: All those in favor of a letter of instruction on 7, 8, and 17 signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

MR. WORLEY: Aye.

MR. RAFFENSPERGER: What's that?

MR. WORLEY: Aye, I mean, yes. I'm sorry.

MR. RAFFENSPERGER: Motion carries. Thank you. Let the above allegations 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16 -- so, I guess, that's 2 through 16 minus 7, 8, and 17. Do we need to make a motion on that to dismiss, or ... 

MR. WORLEY: I guess. I'll make a motion to dismiss the remaining allegations.

MR. RAFFENSPERGER: Is -- is there a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any further discussion? (no response)

MR. RAFFENSPERGER: Seeing none, all those in favor of dismissing all allegations as listed signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Okay. Motion carries. Next.
MS. WATSON: The next case is 2016-101, Clayton County, memory cards.

On June 6, 2016, it was reported that two DRE memory cards were left unsecured at a server room in the Clayton County elections office following the general primary of May 24, 2016.

Investigation showed two DRE memory cards were discovered on a table in the Clayton County election center on May 25, 2016, the day after the election.

Shauna Dozier advised that at the time of the May primary that she and Mr. Smith from IT were the only people with keys to the election center and does not believe that anyone else had access to the cards in the 48-hour period they were laying on the table. The cards were then secured in the appropriate lockbox in the server room.

Mr. Smith also stated that he nor any of the IT personnel were sworn in by Ms.-Dozier for the election. Ms. Dozier advised that they were sworn in but could not provide any paperwork to substantiate.

We're recommending that Clayton County Board of Elections and Registration and Clayton County
Elections Superintendent Shauna Dozier be bound over to the AG's office for violation of SEB Rule 183-1-12-.02(6)(c) by failing to properly seal in an appropriate container two DRE memory cards following the general primary of May 24th and State Election Board Rule 183-1-12-.02(2)(g)(1) by failing to properly administer oaths to IT personnel prior to participation in the general primary of May 24, 2016. And by failing to retain copies of said oaths.

MR. RAFFENSPERGER: Okay. Do we have anyone from Clayton County?

MR. REED: Good afternoon --

MR. RAFFENSPERGER: Good afternoon.

MR. REED: -- Mr. Secretary and board. My name is Charles Reed and I am from the county attorney's office in Clayton County. With me I have elections director Shauna Dozier.

Some of the facts we admit to, but we believe that on the totality of the circumstances, as Ms. Dozier will explain to you in more detail, that this is not a case that should be bound over. I'll kind of summarize a little bit and I'll have her fill in more of the details. When Ms. Doz -- she was hired as the
Clayton County elections director in March 2016, qualifying (indiscernible). So there were processes that were in place before she arrived. And she asked her deputy, who happened to be also a candidate for the position, about how things were to be run as far as sealing memory cards after tabulation. And a lot of the things that were part of the elections process were being outsourced to other kind of departments, including the county IT department where Mr. Smith was.

After -- there were also some other issues that she was having personnel-wise with Mr. Smith, including his actions on the day of the election, that caused his supervisor and the chief operating officer of the county to come in and physically -- or physically be present to watch him do his job because he just would not -- he refused to do anything that she was directing him to do. And he happened to be the person who was also responsible, from her understanding, for sealing the memory cards and was also the person who was the complainant in saying that he wasn't provided an oath.

So I'm going to have her kind of give a
little bit more details to kind of give the board some understanding of what that whole process was like and then after that, I guess I'll kind of summarize what we are asking the board to do.

**MR. RAFFENSPERGER:** Thank you.

**MS. DOZIER:** Good afternoon. I'm Shauna Dozier. I'm the elections director for Clayton County Board of Elections and Voter Registration. The May primary election was my first election as elections director in Clayton County. The week that I started I met Mr. Smith as well as my then assistant director to discuss the procedures on how the office operates in regards to elections. And from my understanding and what I was told, that IT personnel was considered the custodian of the voting equipment. They also serve as the one that sets up all the record retention, prepares the elections returns so to submit to the secretary of state's office, as well as handle any seals -- the memory cards after we completed tabulation.

During this time, between my start date, which was right after the presidential preference primary in March, and leading up to the general primary in May, I experienced several situations
regarding personnel. The first one is in regards to my assistant director at the time. The assistant director at the time went on administrative leave, so I was the only managing supervisor in the office and it was my first election in Clayton County.

In addition to that, Mr. Smith in regards to -- in regards to the election, I faced several challenges in regards to giving directives as well as services. I was always referred to -- I needed to speak with his IT director instead of taking directives straight from -- from myself. And more specifically related to election night, this was -- this order that I'm trying to paint for you.

On election day, we report at 5:30 in the morning. Mr. Smith did not report at 5:30 in the morning. He didn't report to work until, I believe -- well, I could not get in contact with him until roughly 9 a.m. And when I asked him for technical support, he told me that he does not conduct technical support on election day.

So we also had a discussion in regards to election night tabulation. And he, basically, informed me that tabulation was performed in a
manner in which he chooses. I informed him that at 7 p.m. we needed to start uploading tabulation for absentee by mail. He refused. I asked him to go ahead and end the election on the advanced voting equipment. He also refused.

At this point, election day polling had ended and we still had not uploaded election results by 7:18. 7:30 we were still going back and forth about going -- tabulation. And about 7:45 is when I started getting phone calls from election officials, from the chief operating officer's office, as well as candidates that were on the ballot wondering why we didn't have any election results for these.

I contacted the chief operating officer and asked him if he could come down to help me get Mr. Smith onboard with conducting tabulation. We did not produce our first election results until 8:16 p.m. on election night. Also on election night we did not complete tabulation until 2 a.m. the next morning.

In Clayton County, we have 58 precincts. Therefore, it should not have taken that long to upload the election results unless we were dealing with some -- some type of issues.
However, I was dealing with personnel issues trying to get the election results tabulated.

After I -- after I called the COO, he also contacted the interim director for IT at the time and they both came down to the tabulation center and stood beside Mr. Smith while he conducted the tabulation for election night. After the -- after tabulation was completed at 2 a.m., I left the tabulation center and went back to my office.

Now, I just want to just give you an idea of how the server room is set up. Inside the -- we have a building that we call the elections bunker. From the outside, it's two double heavy-metal doors with badge access. Upon entering the building, there's another build -- there's another room that's called the GEM server room in which I hold the key and at that time Mr. Smith held a key. The assistant director at the time was on administrative leave, therefore, she was not present. Inside the GEM server room we also have two additional rooms and those also have locked key access in which me and Mr. Smith were the only ones that had access to them as well.

Since then I have made a wholesale change in
personnel. It was requested to be removed and reassigned to another department. We have also implemented a badge-access-only security service to the GEM server room where only election officials are allowed access into the room.

In addition, the assistant director was transferred to another department. And recently I was able to hire an official elections technician to the department that started back in November.

And I just -- I feel like with all the changes that were instituted, personnel changes, the additional badge access that was changed, we have not had any problems with memory cards since then and I just ask you to take this into consideration when you're making your decision. Thank you.

MR. RAFFENSPERGER: Thank you. Do any of the members of the board have questions? Comments?

MR. REED: Before -- I just want one issue on the records of the oath. Since 21-2-73 only had two years for retention records, that's why she could not produce the records showing that she administered the oath to them in 2016 because
those records were -- they got rid of them in 2018. And so even if we -- that was -- there's no way we can prove that because we don't have the records anymore. And so we're asking for that case, both for Ms. Dozier and for the board, to be dismissed and for -- because of all the changes of -- that we are asking that there be a letter of instruction given to both the board and to -- to Ms. Dozier on the memory card issue.

Thank you.

**MR. RAFFENSPERGER:** Thank you. Okay.

**MR. WORLEY:** I just had a question. So -- so, essentially, the -- the two cards that were floating around really weren't floating around. They were under -- they were in a locked room that only you and Mr. Smith had access to.

**MS. DOZIER:** Yes. That is correct.

**MR. RAFFENSPERGER:** Thank you. Any other questions? Comments?

(no response)

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

**MR. WORLEY:** I'll make a motion that we dismiss the allegation about the failure --

failure to administer oaths to IT personnel and send a letter of instruction regarding the
sealing of the cards in an appropriate container.

MR. RAFFENSNERGER: Okay. Do we have a second on that?

MS. LE: I second.

MR. RAFFENSNERGER: Okay. Do we have any discussion?

(no response)

MR. RAFFENSNERGER: Hearing no discussion, the motion before you, all those in favor signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSNERGER: Any opposed?

(no response)

MR. RAFFENSNERGER: Motion carries.

Okay, next one.

MS. WATSON: The next case is 2016-102, Paulding County, unqualified registrants.

Paulding County Elections reported that Brian Stephen Williams and Steve Guinn McMiche had submitted a voter registration application while serving a felony sentence. Brian Williams and Steve McMiche both stated that they completed forms at DFACS and did not know that they had completed a voter registration application with the forms. Both stated that
they were handed a stack of forms and asked to complete them and hand them back in and no one went over the purpose for any of the forms. Both stated that they were familiar that they were not to register or to vote while serving their sentence.

We're recommending that Mr. Williams and Mr. McMicheen be bound over to the AG's office for 21-2-216.

**MR. RAFFENSPERGER:** Okay. Is there anyone to speak here for -- in this case?

(no response)

**MR. RAFFENSPERGER:** I don't believe so. Okay, any questions?

**MR. WORLEY:** I have a question for Ms.~Watson. Is there any evidence or allegation that -- that either of these gentlemen attempted to vote after they --

**MS. WATSON:** No. There's --

**MR. WORLEY:** -- registered?

**MS. WATSON:** No, there is not and -- and we have been unable to get in touch with Mr.~Williams as he has an apparent outstanding warrant. Mr. McMicheen did call and state that he was not able to attend the meeting due to health
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
could not register while serving a felony sentence. He completed and returned the voter registration application.

We recommend that Mr. DeLacerda be bound over for 21-2-216(b).

MR. RAFFENSPERGER: Okay. Is there anyone here from Jasper County to speak on this case? (no response)

MR. RAFFENSPERGER: Not seeing anyone, does anyone on the board have any questions?

MR. WORLEY: Okay. I'll ask the same question as well. Is there any indication that he attempted to vote after he registered?

MS. WATSON: No.

MR. RAFFENSPERGER: Okay. Do we have a motion?

MS. LE: I move to issue a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: We have a second. All those in favor of the motion as presented signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?
(no response)

**MR. RAFFENSPERGER:** Motion carries.

**MS. WATSON:** The next case is 2016-106, Candler County, redistricting voters.

On July 5, 2016, chief deputy registrar Dee Dee Clark of Candler County self-reported that they accidentally allowed two electors who voted a democratic ballot in the primary to vote in their republican run-off election. In those she confirmed that elector Mary Simmons (ph) and (indiscernible) voted in a republican run-off after voting a democratic ballot in a primary. There were no democratic candidates on the wrong ballot.

We recommend -- our recommendation was for Candler County Board of Elections and Registration and Victor Fordham, elections supervisor, to be bound over to the AG's office for 21-2-224(d).

I have -- have since learned that the Candler County Board of Elections is -- has been done away with and they reverted back to a probate judge. Probate Judge Tony Thompson has sent a letter to certify to the board -- is that the understanding (reviewing) -- and Mr.~Fordham
is no longer the elections supervisor.

MR. RAFFENSPERGER: Do any members have any questions?
(no response)

MR. RAFFENSPERGER: Do we have a motion?

MS. LE: I think what I'm struggling with is -- there's been some change so it's hard -- you know, the point of sending it over to the AG's office is also for remedial actions to this case. But not checking an elector, properly verifying when they come in, you know, what the requests are, making sure all of that is issued correctly is also a big violation.

I think, you know, given that, sending it to the AG's office may not yield the results we wanted in the circumstances, but we should at least send a strongly worded LOI, at least, for the next team that is in place, to know what happened in the past. And it might not be the standard letter, but more strongly worded is my motion.

MR. RAFFENSPERGER: Okay. Do we have a second?

MR. WORLEY: I'll second that.

MR. RAFFENSPERGER: Okay. Motion before
you. All those -- any further discussion?

(no response)

**MR. RAFFENSPERGER:** All those in favor of the motion as presented signify by saying aye.

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)

**MR. RAFFENSPERGER:** Motion carries.

**MS. WATSON:** The next case is 2016-111, Lamar County petition.

On July 20, 2016 Lamar County Elections Supervisor Anita Reid reported her suspicious -- suspicions concerning the authenticity of a nomination petition she had received for independent candidate Jason Keith Lovett.

Ms. Reid stated that she believed that several of the signatures on the petition were fraudulent due to discrepancies with addresses and dates of birth and that at least one individual whose name appears on the petition is deceased. A further complaint of similar nature was received by Terry Colling, Spaulding County Elections Superintendent.

The investigation revealed on July 11, 2016, Jason Keith Lovett submitted a nomination
petition to the elections division of the
secretary of state with the summation to Lamar,
Spalding, and Henry County. The petition was
referred -- referenced State House Seat 130. The
affiants whose notarized signature attests that
they properly obtained these signatures: Jason
Keith Lovett, Omah Jerkeem Starks, and
Quantaevious McDowell.

In the case of Jason Keith Lovett, eight
individuals gave statements that they did not
sign the petition. Five listed on the petition
were deceased with their deaths predating the
petition.

In the case of Omah Jerkeem Starks, one
individual gave a statement that they did not
sign the petition and seven listed on the
petition were deceased with their deaths
predating the petition.

In the case of Quantaevious McDowell, five
individuals gave statements that they did not
sign the petition and seven on the petition were
deceased with their deaths predating the
petition.

We're recommending Jason Keith Lovett be
bound over to the attorney general's office for
violation of 21-2-563(5) and also reasonable to
conclude that Jason Keith Lovett violated OCGA
16-10-71(a) when on July 11th he knowingly
submitted a fraudulent document, being the
nomination petition to the office of the
secretary of state.

We also recommend that Omah Jerkeem Starks
be bound over for 21-2-563(5) and Quantaevious
McDowell be bound over for 21-2-563(5).

MR. RAFFENSPERGER: Okay. Do we have anyone
here from Lamar County?

MS. BERNARD: Good afternoon, Mr. Secretary.
Catherine Bernard here for Mr. Lovett.
Mr.~Lovett's here as well this morning.

So I wanted to give the commission a little
bit of background on this. My client --

Mr. Lovett, can you come up to the podium.

-- ran as -- or attempted to run as an
independent in the 2016 election for House
District 130. He had previously run in a
republican primary in 2014.

So in 2016 he began the very difficult
process of attempting to obtain the signatures
that are required, which in that case was --
under a previous version of the law was 5 percent
of all registered voters, which was 1,472 voters. He actually obtained more than that. He hired a team to assist him with obtaining signatures and obtained over 2,800 signatures and took -- submitted that petition.

He was informed that the petition did not meet the requirements, which shocked him, and so he hired me to file a writ of mandamus to the secretary of state's office demanding that they accept his petition.

So at that point, he had no idea that there was anything wrong whatsoever with the signatures that he had submitted and submitted them all in good faith believing them to be the actual individuals who had -- had appeared on the voting list.

Unfortunately, as the investigation unfolded, it appeared that two of the individuals who had been hired by Mr. Lovett were engaging in fraudulent activity. Mr. Starks and Mr. McDowell. It is a little surprising that these individuals would -- would engage in such fraud for such a small amount of money as they were being paid, but it -- it does appear that many of the signatures that they turned in were
fraudulent or were individuals who were deceased or were not the signatures of the individuals who -- who were represented on the petition. So it was never something that Mr. Lovett had any awareness of, had any acknowledgment of, and certainly never encouraged.

He voluntarily gave an interview to the secretary of state's investigators, provided them with all of the information about this and, again, I would note this is a situation in which he filed a writ of mandamus which I believe would be incompatible with someone who was trying to -- to get one over by submitting fraudulent petitions and fraudulent signatures.

So he has at every step of the way completely and fully cooperated. You know, as a longtime member of the community, he recognizes that his reputation is on the line with these individuals who come -- who had come to him, individuals whose homes he was going to and he was sending individuals to get their signatures.

And so in this case the system worked. The fraudulent signatures were caught which we would note that even according to the investigation, it was a vanishingly small percentage of the 2,800
that were submitted. But, of course, any false
signature is a problem.

And so in this case, the local county
election officials noticed it. They -- they
checked the signatures against the signatures on
the card, were able to locate these 35 that were
apparently not accurate, and so my client did not
appear on the ballot in 2016. So that -- that
was -- he was out quite a bit of money, he was
out quite a bit of the time. Obviously, there
was a reputational issue, but in this case the
system has worked as it was supposed to.

He does also have a statement available for
y'all today.

MR. LOVETT: Thank you.

Mr. Secretary and members of the board, I
want to thank you for your time. My name's Jason
Lovett and I've lived in the same district for
over two decades. I know the people around me
and they're not just neighbors, they're friends.
I saw what the economic downturn of twenty -- of
2008 did to our community, to my friends, and I
wanted to do something about it.

In 2014, I ran for the Georgia State House
of Representatives as a Republican. Shortly
after my announcement, the mail-hit pieces
against me began showing up in the mail. If
you're going to run for office, you have to have
thick skin. I think that you know something
about that, Mr. Secretary.

So the negative -- the negative ads didn't
affect me until the one that you saw there. It
questioned whether I was a republican. And the
problem that I had with that was that mailer --
it was true. I wasn't a republican. I'm not a
republican. But I'm not a democrat either. I am
what I've always been, with more than a hundred
million fellow Americans who are, an independent.

Immediately after losing the 2014 race, I
started saving money and preparing for an
independent run in 2016. The state of Georgia
has some of the most prohibitive ballot access
laws in the country. Variability is written in
the state handbook. On two visits to the state
elections office to seek guidance, I was told
that no one was available. Petition drive
companies were of no help; there are none
operating in the state. The only guidance I
found was from a few individuals who attempted --
who had attempted this before me.
In the spring of 2016, I sent out flyers, assembled a team, and started knocking on doors. My team and I knocked on over 5,000 doors and amassed over 2,800 signatures. One of the happiest days of my life was turning in the massive ream of paper with all of those names on it.

Then the sad days came. I was notified by the elections office that we didn't meet the voter names threshold. I filed a motion for a hearing on the results. It wasn't until this hearing that I was informed of irregularities in my petition.

It's important to remember that until that time I received no guidance from the state. No one could tell me that sharing petition papers was a really bad idea. No official list to check or recheck. No access to voter cards to pre-verify signatures before I turned them in. We were forced to blindly shoot at a moving target.

I willfully acknowledge that due to a lack of official guidance and the deficiency of personal knowledge in petitions, errors were made and a much better signature drive could have been
run. I realize the actions of members of the petition team reflect on me. Although as I previously stated to the state's investigators, at no time did I engage in, oversee, encourage, or know about the breaking of campaign laws. There are 35 names listed on the case summary. Each is individually significant. Yet in total they represent 1 percent of the names that we collected. I would never risk the work of the dozen-plus team members, the 20,000 I personally invested, the integrity of the elections process or my reputation on this deviation.

It's my hope that my presence here today reinforces the earnestness of my petition efforts and that this can be the last day of this perilous journey. Thank you for your time. Thank you.

**MR. RAFFENSPERGER:** Do any of the board members have any questions?

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

**MR. LOVETT:** Yes, sir.

**MR. WORLEY:** One -- one of the things that troubles me about this case, Mr. Lovett, is that the investigator found that you had signed one of the petition sheets as having circulated it and
that there were a number of dead people on that list. Do -- do you recall that?

**MR. LOVETT:** Yes, sir. I actually -- it was several sheets. We worked in groups so if you can imagine there's neighborhoods in -- in our community where we would go and so maybe a group of two of us or three and sometimes up to five people that were working a neighborhood together, all right?

And so since we had no guidance, there's about a dozen signatures that go on the front side of -- of the petition drive and on the backside someone has to sign off that says, "These were collected by me." All right. So what we read the rules to say was that we had to be in attendance when all of these were collected.

So if you've got someone, me in particular, that is out in the street and I'm directing people to go to these houses, and I'm watching them go because we're not far apart, I've got all the materials, I'm seeing them collect, so I am collecting those signatures. At the back of it, only one person can sign off on those. That's -- and so there was not any guidance of how this
should have gone.

Had I known then what I know now, no one would have been able to share a petition. We shared across multiple platforms. The -- the two gentlemen that are listed, obviously, did things that I -- I do not approve of and, you know, they spoiled it for everyone that worked on that petition drive. 2,800 and change is what we collected, far more than were necessary to make the ballot. And so these 35, you know, ruined it for -- for everyone.

**MR. WORLEY:** And just to be clear, you --

**UNIDENTIFIED SPEAKER:** 1,472.

**MR. LOVETT:** 1,472. Thank you. It's been a few years, three years.

**MR. WORLEY:** That's all right. And you submitted 2,800?

**MR. LOVETT:** I was told to get more -- I was told to get 50 -- by the people who had ran before and didn't make the ballot either, I was told that you needed to have about 50 percent more petition -- name -- names on your petition than -- than the rule required.

**MR. WORLEY:** And why was that not
sufficient? Why was it not a sufficient number according to the officials who received the signatures?

Mr. Lovett: I -- I don't know. We -- after, you know, after the allegations of this came up, I -- I -- I just didn't feel like that we could pursue -- pursue it any further after, you know, after they had told us what had happened. You know, at the end of the day, I was out there and so this -- this reflected on -- on me.

Mr. Worley: But you filed a writ of mandamus to get them to accept your signatures?

Mr. Lovett: We did not know about the fraudulent signatures until it was disclosed at the court hearing after the writ of mandamus.

Mr. Worley: Okay.

Mr. Lovett: I was positive when I turned out -- turned in the 2,800 that we far exceeded any number necessary to make the ballot.

Mr. Worley: And did the election officials indicate how many fraudulent signatures were among those 2,800 signatures?

Mr. Lovett: No, sir, not at the time. I don't think that we found that out until we met
with investigators.

**MR. WORLEY:** Okay. I don't have any more questions. Thank you.

**MR. LOVETT:** Anyone else?

**MR. RAFFENSPERGER:** Does anyone else have any questions?

**MR. LOVETT:** Yes, ma'am?

**MS. LE:** What instructions did you give to those you hired -- individuals you hired to go -- when they're out there collecting signatures for you?

**MR. LOVETT:** What -- what we had to do -- and -- and I apologize, it's been several years since we did this, but we knew that the people that were at these addresses were registered voters. So they knew the name and they knew the address. After that, to verify, you had to get a birthday -- a date of birth.

And so when we trained everybody it was: A knock on the door, give out our literature that said this is what we're doing, this is the petition that we're circulating, can we get you to sign. And then if they signed, then they had to give a date of birth. They had to sign and give a date of birth. And so the instructions
that I gave were make sure we're talking to the
correct person and then get them to sign and give
a date of birth. And I went with everybody on my
team multiple times to make sure that we were
doing this correctly as we knew it to be.

**MS. LE:** Thank you.

**MR. LOVETT:** Yes, ma'am.

**MR. RAFFENSPERGER:** Thank you.

**MR. LOVETT:** Yes, sir. Mr. Secretary, do
you need that for evidence?

**MR. RAFFENSPERGER:** No.

**MR. LOVETT:** It's the only -- it's the only
copy that I have and I -- I keep it as a constant
reminder.

**MR. RAFFENSPERGER:** Fair enough (handing
document).

**MR. LOVETT:** Thank you, sir.

**MR. RAFFENSPERGER:** Okay. We have this
before us. Is there any other discussion among
yourselves?

**MR. WORLEY:** I would make the motion to
refer this over to the attorney general. To me,
these are very serious alleged violations. It's
not at all clear to me that -- well, I'll just
say they're very serious allegations on the part
of all of the respondents and I -- I would think
if Mr. Lovett wants to clear this up, the best
way to do that is to get in front of the attorney
general, have it assigned to an administrative
law judge, and have a hearing on this so that the
facts can be laid out and the administrative law
judge can clear him or not.

So I move to bind it over to the attorney
general.

**MS. SULLIVAN:** I'd like to offer a friendly
amendment to include a recommendation that we
make sure the local district attorney is aware of
the allegations.

**MR. WORLEY:** Yes. I accept that as well.

**MR. RAFFENSPERGER:** Okay. We have it before
us that we'll send this to both the local
district attorney in Lamar County and also to the
attorney general's office, and we have a second.
So any further discussion?

(no response)

**MR. RAFFENSPERGER:** All those in favor say
aye.

**THE BOARD MEMBERS:** Aye.

**MR. RAFFENSPERGER:** Any opposed?

(no response)
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
believing that she was a citizen.

During the process of trying to obtain the certificate of citizenship, she was eventually told that she had to go through the naturalization process for the common citizen and became aware that she was not a citizen already.

Once she learned that she was not a citizen, she was not eligible to vote, she canceled her voter registration and did not vote again.

Mrs.-Graham was waiting for open citizenship in 2016.

We recommend that Graham A. -- or Charmaine A. Graham be bound over for 21-2-216(a)(2).

MR. RAFFENSPERGER: Okay. Anyone here on this case?

(no response)

MR. RAFFENSPERGER: Okay. I don't see anyone. Does anyone on the board have any questions?

MS. LE: I'm curious to know about the verification process when she was processed the first time, how they didn't catch that.

MS. WATSON: That might be something that either Kevin or Chris can give a better -- better answer. That was a...
MR. RAYBURN: This is Kevin Rayburn. My understanding is that she registered back in around 2002.

MS. WATSON: 2012.

MS. LE: 2012 you said?

MS. WATSON: Yes.

MS. LE: There wouldn't have been the DDS verification process at the time, correct?

MR. RAYBURN: I know it was undergoing preclearance around that time so we'd have to go back and look exactly when that went to (indiscernible).

MS. LE: I was just curious about that, that regards she voted twice. I guess the issue is she's claiming she didn't know.

MS. WATSON: Correct.

MR. RAFFENSPERGER: As I look through everything, she applied for a job in 2006 working for Virgin Atlantic Airways because her Jamaican passport had expired. So she applied for a U.S. passport. And then six years later -- I know the federal government works slow sometimes, but six years later, she then registered to vote and she never, I guess, got a certificate of citizenship.

And having lived in a foreign country and as
a minor, and, I guess, as an adult for a few years, I never voted in any election in those countries and I know my parents never did. They understood the rules very clearly that they were still American citizens.

I'm trying to understand the rationale why someone would think they're not -- why they're -- why they would be an American if they hadn't gone through the citizenship process.

**MS. WATSON:** I believe that there is a process for der -- derivation to once a parent of a minor child becomes a naturalized citizen, if the -- if they meet certain requirements that the child also automatically becomes a citizen and that was -- we have two cases in which they -- they both advised that they believed that to be -- be the case and it turns out it's not correct.

**MR. RAFFENSPERGER:** So is that the process -- you still have to go fill out paperwork with the immigration service?

**MS. LE:** I have -- I have a certificate -- I -- I became a citizen as a minor -- as a young child. My parents -- both of my parents became citizens. They do have certificates of citizenship. That was in the early 80s. I'm not
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 --
MR. RAFFENSPERGER: I believe we vote --
vote for those in blocks. Do you have anything
specific you'd like to --

MS. MCGOWAN: I will say that I believe
someone is here to speak on case 2017-62, Fulton
County. It involves the city of Milton.

MR. RAFFENSPERGER: Okay.

MS. MCGOWAN: We have pulled it out to
address that issue. I was -- this involved an
allegation of ...

MR. RAFFENSPERGER: Okay. So pull that one
out?

MS. MCGOWAN: It's pulled out.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: Mr. Secretary, I would also
like to note and pull out Tab Number 49.

MR. RAFFENSPERGER: DeKalb County?

MR. WORLEY: DeKalb -- 2015-100 and tab
number 55, which show are -- are a variety of
consolidated consent orders. I move to recuse
from those two cases. So I'd like to vote on
those separately and then --

MR. RAFFENSPERGER: Okay.

MR. WORLEY: -- I'll just vote on the -- in
the block.
MR. RAFFENSPERGER: And then 51 is also DeKalb County. Do you want to pull that one too?

MR. WORLEY: No, not that one.

MR. RAFFENSPERGER: It's okay. So you -- so you would like to see -- pull 49 and 55 and recuse yourself from those?

MR. WORLEY: Right.

MS. LE: Mr. Secretary, I would also like to be recused from tab, I believe, 49, case number 2015-100.

MR. RAFFENSPERGER: Okay. Well, that one's coming off permanently, I think, because we won't have a quorum then on that one, if both of you recuse yourself. Okay. Is there anything else? (no response)

MR. RAFFENSPERGER: And do we have a motion now?

MR. WORLEY: I would make a motion that we agree to the remaining consent orders on the agenda under attorney general report. That is -- well, the -- the ones that have not been pulled.

MR. RAFFENSPERGER: Okay. Do we have a second?

MS. LE: Second.

MR. RAFFENSPERGER: Any further discussion?
(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
elected official in all of Fulton County.

So I came here because I've been dealing
with election law battles for about four years.
And I think it's important to speak -- kind of
give you an education not just about this case,
but what's going on. In particular, because it's
about transparency and it's about making sure
that the voters have a right to know who is
supporting elections and behaviors and such.

So let me give you a case in point. A while
back there was another case that we dealt with
with regards to the Georgia Government
Transparency and Campaign Finance Commission.
And Georgia law 21-5-32, which was derived from
the supreme court decision Buckley v. Valeo,
1976, and FEC v. McConnell 2003, states that the
voters have the right to know who is trying to
influence an election, right? And in doing so,
that means that if there's more than one person
to expend money on an election and they are
working influence out there, first you register
with the secretary of state. You know those
little "paid for by" things at the bottom of your
campaign material, that's where that is derived
from.
So most people follow the laws, but what's happening now with the adding of social media is you've got a lot of people that are now circumventing that through nontransparent means and Facebook pages and blogs, et cetera, that are helping to gain an influence in elections. And it's not all bad in one sense, but, however, the voter is not always sure who is behind these things.

So the first case I dealt with actually involved with the Georgia Government Transparency and Campaign Finance Commission with a blogger and the complainant of -- who filed the complaint against him is here. And the ultimate course of that, that blogger paid ten grand to defend a coalition in order to try and allow for some people to get on the council and in doing so -- what happened was he -- he hired a lawyer and the resolution of the lawyer's case was that: Well, we were not an organization. We were an organization, but we stopped being one, but we never told anybody. So we lied to the citizens of Milton. But had we not lied, we wouldn't be guilty of a violation. All right? And those aren't good lies, but that's what happened in
that case.

So parallel to this, we have the "We Call Milton Home" Facebook page, right? Now, that page grew to about 3,000 followers in a very short amount of time. As soon as I saw it, I knew it was a wolf in sheep's clothing and it would go political because that's what happens. So in doing that, the page itself comes up and sure enough in July, it goes political.

Now, I don't have proof or whatever that they gained 3,000 followers on that page or not. I know other Facebook pages that took years to get 3,000 followers with organic means so I don't have proof they did advertising. I don't know if Facebook was reporting the advertising at that time or not.

But the issue is they were more than one person who call Milton home, all right? We don't know who's behind it. The voters don't know who's behind it.

The next thing is the -- we don't have proof they were spending money, but they were trying to influence an election. Nothing wrong with that from a First Amendment perspective. However, then as it came up, we were trying to decide, you
know, should there be a complaint on this? Is it the same thing? Do you have 4,000 followers?

How does this work? We didn't file a complaint on that and then they went ahead and they issued restaurant gift cards trying to get people to vote for specific candidates. And that was why it was reported back in April of this year.

So on that particular case, that is the reason why this case came before you in this body because that's a different law than the Georgia Government Transparency and Campaign Finance Commission.

What's interesting is that in that particular case, the page itself still doesn't have transparency. I have no idea who's behind that page as a voter or my constituents have no idea either. And so April 16th when he came before us here, what was interesting -- talk about deception -- the creator of "We Call Milton Home" doesn't even call Milton home. He lives in Roswell, you know. And so as a Milton voter, shouldn't you know things like -- and so what we have here is a pattern of a behavior that causes these -- some interesting dilemmas.

I think there's some overlap with regards to
the rules of the Georgia Government Transparency and Campaign Finance Commission -- try saying that 10 times fast -- and this body here because right now what you have is deceptive practices going on from a social media perspective.

So I know as an elected official what needs to be transparent. I have a YouTube page. I do videos after every single council meeting. I'm out there. I'm out in front to let people know exactly what I believe, where I am, and I don't hide from that perspective.

The challenge is is that the voters should have a right to know. And as far as "We Call Milton Home" goes, I don't know if they are a separate political action committee supporting candidates. I don't know there if they're -- if they're just individuals that are now posting pages for candidates and how that's working. There's no definition of that. It's very arbitrary.

And so using astroturfing techniques, we're just trying to show that hey, we call Milton home even when they don't live in Milton. All of a sudden he's trying to create pressure or the perception that multiple people are supporting a
cause with a political prospective. And that does distort some of the messaging that's out there and it creates problems with regards to letting voters know who's doing what with regards to the spirit of the law in the supreme court decisions I mentioned earlier.

So we have some overlaps here. Now, the case before you is specifically with regards to one instance where the -- the person offered restaurant gift cards and the -- you know, no money was transferred as far as that goes. We know that. It got caught in time. And a lot of people warned him about it. He tried to own it down, saying it's not against the law. But then he took -- pulled it, which I appreciated. But the issue then no, still is that by definition of law -- it was against the law and that's why I came here before you on this one. (indiscernible) rules you did, you needed to draw a bright line in the sand on this kind of behavior.

So I don't know from a -- a citizen's perspective what the statutes state about how you're going to rule. You know, I don't know what your options are. I don't know from a
penalty perspective where it is. The only thing I would like to see is that the behavior of pages like this should be monitored very closely because if they're allowed to be maintained, then people can circumvent the laws in this deceptive manner and in creating a condition to whereas you have challenges from transparency to the voters. And I worry that that will only continue to grow from here.

So there needs to be some substantial thing that you do, in my mind, that does draw that bright line in the sand. I -- I worry a slap on the wrist will only allow them to continue to post, will only allow them to continue to circumvent the law and not being transparent of that, and, quite honestly, entice elected officials who think it's okay.

If we don't get caught, we can go ahead and do it. And that has been an issue, I think, in the last election where he actually posted the advertisement for -- for one candidate who was probably unknowing about the rules, who was being supported by other candidates or other elected officials, who I don't know if they know about the rules or not, but we all swore an oath to
uphold the laws in our state. This is tricky; it's not easy. But the transparency is not there and I would like for whoever's behind "We Call Milton Homes" [sic] to make that known specifically. I don't know what Facebook's terms of service are because they have their own rules with regards to their being a private company.

But I want it on the record to be known that these deceptive practices are dangerous to the integrity of our elections. And if we allow this to continue on, it will only spread from Milton and you will see more cases like this throughout the state. And as legislatures, you'd like them to think about, as the next legislative session comes up, doing something to circumvent this.

I'll be glad to give you all my expertise. I've done it for four years, fighting these battles. I've served in the City Cou -- city of Milton council for eight years. And I'm not running again so I can take a break and study all of this, quite honestly. I've been through a lot.

But this is an issue that's growing. It's something that people are starting to look at. The -- the quick -- you know, some people think
that it's okay to break the law so long as you
don't get caught; you can be immoral until you
get power and then you can be moral. It doesn't
work that way.

So it's a matter of just making sure we
retain our -- and this needed to be said and
that's why I'm here. Thank you for letting me
speak.

**MR. RAFFENSPERGER:** Thank you. Any other
further comments anyone from the board?

**MR. WORLEY:** If the attorney general -- this
was the case that we heard in April. It was
referred to the attorney general. The attorney
general recommended a consent order that includes
a cease-and-desist order but no other penalty.

The action that occurred in this case is
that Scott Tibble, the respondent, who operated
the "We Call Milton Home" Facebook page, posted
on the Facebook page the following (reading):
Here is your chance to win a $50 gift card to
Milton resident-owned Campania Restaurant at
800 North Main Street. We will give away nine
gift cards through each day left in early voting
from Milton City Council. Take a picture of
yourself with an "I voted" sticker and with a
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
from the board?

**MS. LE:** Were there any other -- were there any other candidates -- were there any other candidates other than that name Jamison, Lockwood?

**MR. KUNZ:** There was a Bill Lusk who's right here.

**MS. LE:** Okay.

**MR. KUNZ:** And there was a Laura Rencher running for mayor, as well, but she's not here.

**THE COURT REPORTER:** I believe that wasn't captured if you need it in the record. Could you repeat --

**MR. RAFFENSPERGER:** Could you repeat that again with the mic. And capture your name again also for the record.

**MR. KUNZ:** Yes. My name is Matt Kunz. The other candidates were Bill Lusk, and then also a Laura Rencher was running for mayor, as well.

**MR. RAFFENSPERGER:** Okay. And I saw Mr.~Lusk this morning and he and I have been business acquaintances for a long period of time and since he is now involved in this, I will recuse myself from anything on that and I actually will -- I need to step back. I'll let
you be the chair on this one also.

MS. SULLIVAN: Okay. Did we have a -- do we have a motion on the floor?

MR. WORLEY: I don't, but I will. I make a motion that we send this case back to the attorney general with direction that they negotiate a separate order that includes a minimum of a $1,000 fine.

MS. SULLIVAN: Do we have a second?

MS. LE: I'll second. And since there are other candidates and these were singled out as opposed to other scenarios where we've issued LOIs, our letters of intents, you know, it's -- it applies to all candidates (indiscernible) some people were singled out. This needs to be purged.

MS. SULLIVAN: We have a motion and a second. Any further discussion?

(no response)

MS. SULLIVAN: All in favor please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed?

(no response)

MS. SULLIVAN: No. The motion passes.

I'll pass it back to you, Mr. Secretary.
MR. RAFFENSPERGER: Okay. 54 we discussed; did we not?

MS. SULLIVAN: Yes, we did.

MR. RAFFENSPERGER: So we're down to the dismissals? Are we ...

MS. SULLIVAN: I believe we need the --

MR. WORLEY: 55.

MR. RAFFENSPERGER: 55?

MS. MCGOWAN: We still need to vote on the -- tab 55, consolidated, Fulton County.

MR. RAFFENSPERGER: Okay.

MS. SULLIVAN: I'll make a motion to accept the consent orders listed and consolidated in tab 25 -- I mean 55.

MR. RAFFENSPERGER: Is there a second?

MS. LE: Second.

MR. RAFFENSPERGER: Any discussion? (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.

The dismissals. Any discussion on that?
56 through 60, we can vote on those in a
block unless we want to pull any of those out.

MR. WORLEY: Oh. I thought -- I thought
that we already did those -- we included those in
the earlier --

MR. RAFFENSPERGER: Okay. Done. Okay. So
the rules petition and presentation of proposed
rules. Can we take a 10-minute break? Would
that be -- or do you want to continue on or a
10-minute break?

MS. SULLIVAN: That's fine.

MR. RAFFENSPERGER: Ten-minute break.

Please come back at 2:30, please.

(recess)

MR. RAFFENSPERGER: Okay. If we could
reconvene.

We'll go ahead, and next on the agenda is
the rules -- the presentation of the proposed
rules and the rules petition.

Mr. Germany, you are --

Ryan Germany is our chief counsel of the
secretary of state's office.

And I don't know if you want to speak there
(indicating), but we're going to have -- I don't
know if you want to have the people with the
petition go first or do you want to -- first of all make -- for the body that's here, explain that rule-making process, if you had group of folks that got together, who that was so that the public has some information on that.

And then when you're appropriate you could just, you know, hand the -- at that point present the folks that wanted -- they've got some four rules, I believe it is, that they wanted to propose to us today. We were going to give them 15 minutes so they could talk about that, present that.

So Mr. Germany.

**MR. GERMANY:** Yes, sir. And -- and -- I do -- I did tell Ms. Duford and the petitioners with the rules they could go first, but I'll give a little background as to the process that we went through.

At the last meeting with the state election board, we put together a rules working group which consisted of myself; Kevin Rayburn, the deputy elections director in our office; Chris Harvey, the elections director; Mr. Worley; Ms.~Sullivan; and also Lynn Bailey from the -- from Richmond County.
Lynn is part of a county working group through the Georgia Election Association. So that was -- she - she provided our ideas to counties so we could get feedback from -- from multiple counties.

So that's -- that's the process that we went through and when I present the rules, I'll -- I'll explain that. The rules working group has asked that -- what we're -- what we're presenting today -- what I'm presenting today are some of the rules that I think are crucial to get into place prior to the March 24th PPP. It's not -- it's certainly not every rule that I think needs to be updated. The rules work -- I think that the rules working group that was (indiscernible) dealing with the entire group. There's other rules that we continue to work on, such as audits and recounts, and I think there's additional rules and clarification that will become clearer throughout next year.

So what -- what I'm going to ask later is to post this subset of rules that we've been working on for public comment, but also to just let the board know that we envision a much longer rules process then just what we're proposing today.
MR. RAFFENSPERGER: Ms. Duford. If you --

MS. DUFORD: Sure.

MR. RAFFENSPERGER: Do you want to come -- do you want -- would you prefer to be at that podium over there (indicating)? Would that be --

MS. DUFORD: If -- if you want, there's four of us. We're going to each do one rule for speed.

MR. RAFFENSPERGER: Oh, okay.

MS. DUFORD: So we could be here or we could be up there --

MR. RAFFENSPERGER: Well, then if that works for you, then great.

MS. ASHELAND: Jean, I prefer over there so we're not trying to hold microphone --

MS. DUFORD: Okay.

MR. RAFFENSPERGER: Okay. If you could just --

MS. ASHELAND: We'll be quick.

MR. RAFFENSPERGER: -- and before you get started, I just want to thank you for your review and proposals. It's always great to get public feedback and, you know, some very positive comments and thoughts. The floor is yours.

MS. ASHELAND: Thank you. I'm going to
present proposed Rule Number 1. Good afternoon. My name is Canti Asheland and I am a Georgia voter residing in Atlanta. I am the chair of Georgia Election Progress PAC and a co-petitioner. We are in the business of making Asian-American history in Georgia.

2020 is an important year for us because for our PAC we are seeking to elect our first historic Filipino state representative, Marvin Lim, and also we seek to elect the first Chinese-American Georgia Senator, Dr. Michelle Au, in Gwinnett County.

And we're very concerned about our minority voters' vote getting counted. In 2018, we had to spend a great deal of resources to -- to track down over, like, a thousand rejected absentee ballots for a lawsuit in a heavy minority county, Gwinnett County, to get them counted before certification. And we really don't want to do this again.

So we're really asking for absentee mail-in ballots to be a -- a big -- a big focal point in 2020 due to the soaring number of mail-in absentee ballots that we're expecting. We really want to prevent more rejected absentee ballots
and so this -- this rule will reduce administrative handling while increasing voter certainty that their votes will be accepted.

The rule that we're posting -- proposing is to designate an absentee ballot clerk in each early and election day polling place to give voters the option of reviewing and delivering that absentee ballot in where they would normally cast their vote in person. Election officials that we have discussed this with are enthusiastic about this proposed rule.

Many Asian-American voters and other American citizens, as you know, find it less intimidating and easier to vote by absentee ballot on paper rather than in person on computers. However, during the 2018 election, voting absentee ended with a disproportionate amount of eligible Asian-Americans voters getting their vote rejected for various reasons leading to a great number of voters being disenfranchised, and we don't want to repeat that.

Allowing election workers to accept voter absentee ballots at early voting locations and on election day precincts is a win for all. It
eliminates the risks of slow mail delivery and
having the ballot rejected for minor
discrepancies. And for election officials, it
reduces the office work of mailing back for
verification and associated ballot rejections and
having to cure it.

Best of all, an increase in absentee ballot
reduces voting lines for check-in, and BMDs at
the polling places will help everyone have a
better voting experience.

In short, adopting these new election rules
strengthens our civic participation and
strengthens our democracy and everybody wins.

Thank you.

MS. DUFORD: I think we missed the prelude
which is the group that is proposing these rules,
which citizens are allowed to propose rules for
consideration, is a -- quite a diverse group from
a nonpartisan political action committee. You
have democrats in the group, Libertarian party, a
con --

UNIDENTIFIED SPEAKER: Constitution.

MS. DUFORD: -- constitution party -- thank
you -- Coalition for Good Governance, so quite a
broad group.
Good afternoon. I am Jean Duford, vice chair of the Morgan County Democratic Committee, a co-petitioner.

Why would you want ballot secrecy? The Georgia Constitution guarantees absolute ballot secrecy. Georgia law guarantees ballot secrecy and makes it one of the few enumerated responsibilities of local election officials who run elections.

But guess what, ballot secrecy is barely reflected in the laws. It's really only mentioned relative to helping disabled voters. So it's missing from the law, from the rules, and the rules are really what election officials, we found, pay the most attention to.

Under the old Diebold system, protecting ballot secrecy has not been a top-level problem. It's had problems, but that was not one for the most part. But the new Dominion Voting System completely fails to protect ballot secrecy.

In September, I was here talking to you about the auto-mark feature in the Dominion scanner. Every ballot has a unique stamp on it which could provide a way to connect the voter to the ballot. It's one of several cyber-security
flaws we are concerned about and it requires malfeasance on somebody's part to become a problem.

But there is a much more immediate problem. We now know that the Dominion ballot-marking devices violate ballot secrecy virtually every time they're used. The oversized tablets -- if you were here this morning, you saw our demo -- they stand upright, they have bright screens, they have large type. The very features that make them easy for voters to use also make it possible for anyone -- voters, election workers, poll watchers, poll observers, anyone within 25 to 30 feet of the screen -- to see how you voted.

County officials we've talked to are racking their brains to find a solution. Some are thinking about it. They need more screening or protective film or reconfiguring the layout of their precincts. But adding a privacy screen, for example, would require the agency certification, so that's complicated and that's not fast.

One official told me that any solution she could think of would include reducing the amount of equipment in a polling place. It's a space
problem. But, of course, Georgia law requires
250 ballot-marking devices per registered voter
in a precinct so there are some constraints on
that.

The women and men who run local elections in
Georgia are hardworking and they believe in
following the rules. And yet every precinct we
observed and -- and you heard we spent 185 hours
observing the pilot elections. Every precinct
running pilots was set up in a way they violated
ballot secrecy, everyone except for the Cobb
precincts where voters used hand-marked paper
ballots.

Our rights as Georgians to absolute ballot
secracy is guaranteed by our constitution and
mandated by law. We ask you to re-enforce that
by adding a rule to protect ballot secrecy while
also protecting the right of the public to
observe.

You should also be asking how it's possible
that the state is purchasing 33,100 of these
devices when they violate Georgia law. How were
they certified when the certification attests
that they comply with Georgia code? The problem
with using the Dominion BMDs while maintaining
ballot secrecy is something that must be resolved
before the new system is considered as our
uniform system, which is one more reason you
should listen when Ronnie talks about Rule 4. It
allows some options for fixing them.

MR. DAVIS: Good afternoon members of the
board. My name is Ricardo Davis and I serve as
state chairman of the Constitution Party of
Georgia, a co-petitioner for these rules, and in
particular I'm going to be addressing Rule 3.

In my day job, I actually serve as a
healthcare IT information systems implementer,
where we actually deploy systems across
multistate regions in clinics across the west.

During the recent pilot elections,
electronic poll books malfunctioned at nearly
every precinct. Our proposed Rule Number 3
requires an updated paper copy of the poll book
for each polling precinct, printed from updated
records at the conclusion of advanced in-person
voting and that -- that it be taken as the
official record in case it differs from the
electronic poll book record. This in particular
will reduce the need for provisional ballots.

Complaints of inaccuracies in the electronic
poll votes were common during the five -- or
50,000-plus complaints in Cobb by the voter
hotline during the 2018 midterms. State Senator
Jasmine Clark has testified in federal court
about her experience during the 2018 runoff where
she was told that she was at the wrong polling
place during the check-in process. Now, as a
candidate, she knew exactly where she was
supposed to cast her vote. But after several
minutes and some phone calls, the issue was
mysteriously resolved.

Now, having an up-to-date, official paper
version of the poll book that could be referenced
in this type of situation could mitigate harm
that could be caused by sending voters away or
sending voters to incorrect precincts. Having a
paper backup would also protect voters when
electronic poll books malfunction as happened
widely during pilot elections. (coughing) Excuse
me.

Rule 3 proposes an inexpensive and efficient
means to protecting voters in election integrity
and preventing the disenfranchisement of voters,
in particular by eliminating one point of
failure.
And I -- again from my professional experience, when we take a hospital and we change their electronic medical record system, I can assure you we do have backup records of every patient account so that if something bad happens we have a backup so that we can take care of the patients and make sure they get the care they need.

We are asking that you do the same and have the same level of urgency regarding the voters of Georgia. Thank you.

**MS. MARTIN:** Good afternoon. My name is Rhonda Martin and I live in Atlanta.

When the secretary of state announced the decision to purchase the Dominion Voting System in August, everyone understood that the timeline was very tight. The plan called for counties to have new equipment in place for at least eight weeks prior to the start of early voting. Not much time to train staff and complete the steps required to run an election.

The latest word from the project manager is that some counties will have less than four weeks to train and prepare. This ever-shrinking, rushed timeline expecting counties to be able to
convert to a completely new system in a few short weeks for an election where over two million voters are expected to turnout is neither practical nor responsible to the citizens of Georgia.

The difficult is quickly becoming impossible. Getting more than 80,000 pieces of equipment through acceptance testing and out to the counties is a big job. Some counties will get their equipment sooner, some later. Sixty counties have fewer than 10,000 voters. Twenty have more than 70,000 voters. One size fits all has rarely been a good solution for Georgia counties.

Proposed Rule Number 4 solves for that. Though some of the failures witnessed during the pilot use of the new machines seem to have been addressed, sometimes through extensive hands-on training others will be much more difficult, if not impossible, to correct. The observed failures of the e-poll books alone would be catastrophic if repeated in 2020. How many voters have the luxury of being to able to stand in line for hours or return to the polling place multiple times in order to vote?
To avoid the potential disasters that are looming in the near future, we are asking you to adopt proposed Rule 4 which allows implemental voting system conversion.

The proposal is simple. Let the people who have the fundamental responsibility for running elections choose a transition plan that best suits their local capabilities and resource availability, thereby avoiding unnecessary disruptions during the 2020 presidential election year. This flexibility should allow the 159 counties of Georgia to complete a smooth and efficient implemental transition from the Diebold GEMS Voting System to the Dominion Voting System.

Under the proposed rule, the Dominion Voting System would be considered an approved pilot program and the Diebold system would not be decertified until the Dominion system is fully operational and adequately tested in significant elections in all counties.

At the elections superintendent's option, either current Diebold system components excluding the DRE units or Dominion Voting System components excluding the BMDs could be used as part of a hand-marked paper ballot voting system.
in lieu of fully installing the ballot-marking devices during 2020. The BMD units and printers make up the bulk of the new computerized equipment and are the most difficult to install. Also, we must not forget that at this time the violations of ballot secrecy associated with the BMDs have not been addressed. Georgia statutes support these emergency options.

Two of the possible configurations we envision with the adoption of this rule would rely on using existing equipment that's familiar with poll workers. They would both use existing express poll books and GEMS servers coupled with hand-marked paper ballots. One would use AccuVote optical scanners for centralized tabulation at the election office. The other would use AccuVote scanners in the polling places to tabulate votes.

In cases where the counties are ready to start a transition to the new voting system, they could duplicate the configurations used in Cobb County pilots in November, this coupled with the new poll pads, Dominion Election Management Systems and scanners, hand-marked paper ballots. In cases where the counties feel ready to
completely adopt the new voting system, they
would use the new poll pads, the Dominion
Election Management System, the BMDs, the
printers with their universal power sources
attached, and the scanners. This was the
configuration used in six counties who piloted
the new voting system last month.

Finally, counties with small populations
would have the option of using paper poll books
with hand-marked and hand-counted paper ballots.

One hundred fifty-nine counties are being
asked to bear the brunt of the state's decision
to buy the new Dominion voting machines. The
necessary training, logistical support, storage
facilities, and polling place upgrades are
nontrivial.

Please give the counties a fighting chance
to succeed in their efforts to support the
secretary and the voters of Georgia. Approve
proposed Rule Number 4. If you have any
questions, we are happy to entertain them at this
time. Thank you for your consideration.

**MR. RAFFENSPERGER:** One of our members has a
question for you.

**MR. WORLEY:** I have a question about your
proposed Rule Number 3 --

MR. DAVIS: Yes, sir.

MR. WORLEY: -- and the backup printed electors' list.

MR. DAVIS: Yes.

MR. WORLEY: What is -- my understanding is that currently every precinct has a paper list in addition to the express poll.

MR. DAVIS: That's correct.

MR. WORLEY: What about that paper list do you consider insufficient?

MR. DAVIS: Okay. Is that -- is that particular list -- what's the date of that list? Is that list updated as of prior to the date of election voting?

MR. WORLEY: Generally.

MR. DAVIS: Well, again, if you make it express in terms of the rule, then you will ensure uniformity across the counties that, yes, we have a complete backup of all of the voters that are registered and approved at the time of voting at the precinct.

MR. WORLEY: Well, and when I said, generally, I meant usually -- my understanding is that usually there is a paper list that's printed
shortly before the election and then a supplement
to that that includes all of the advanced voting.

So what -- what is insufficient with that?

MS. DUFORD: What we have found is

insufficient is two things. In practical use,
for example, in Lowndes County where I observed
elections, they were having problems, but the
printed poll book was staying somewhere down in
the box. There is not a habit or routine of
turning to that when the poll books fail. So
that's point number one. The -- the
strengthening of the poll to require that as a
system you turn to.

But secondly, nothing in your rules right
now defines which version should rule in case of
conflict. If the e-poll book -- as Jasmine found
when she went to vote, was told when she checked
in: Oh, no, you're supposed to go to another
place. She had checked it on the "My Voter"
page. She knew she was in the right place. And
eventually -- we don't know why, eventually the
poll worker was able to pull her up on their
screen. But the first thing that they told her
on that screen was to go someplace else.

Had that paper poll book been in place and
referred, we believe it would've shown she was in the correct place right away, avoiding a 20- or 30-minute delay and time off the poll worker's time and backing up the line. Does that make sense?

So we're not reinventing the wheel here, but we're saying make sure you have it and use it, make sure it's current after all early voting is concluded, and consider the printed version the primary version in case of conflict with the electronic. Thank you.

**MS. LE:** What process would you -- are you saying in terms just to follow up with Mr.~Worley's question -- would deem the paper more reliable or -- in your opinion?

**MS. DUFORD:** So tricky question, but as of the conclusion of early voting, there is a state-wide version from which that update would be pulled. We're capturing the entire Georgia database reflected in individual counties. You avoid a real-time issue or problem.

None of us know for sure why on that day Jasmine was told to go someplace else, why it showed something wrong. None of us know why in one of the pilot elections in the fall when a
husband and wife checked in back to back, the
wife was allowed to check in, the husband was
told: Sorry, you already voted. And it turned
out it was because of a glitch in software with
-- with address lookup.

So electronic things sometimes have glitches
and so this recognizes that there's at least one
data source that we would fall back on as more
likely to be current and correct. Does that
sound ... 

MR. RAFFENSPERGER: Mr. Worley?

MR. WORLEY: You -- you do understand that
the express poll, as it is now, or -- or what
will be in the new version --

MS. DUFORD: Yep.

MR. WORLEY: -- has access to the entire
state database and the paper does not -- the
paper is just what's in the precinct?

MS. DUFORD: Right.

MR. WORLEY: So to my mind there's --
there's an advantage to having the express poll
because you -- if someone is not in the right
precinct, you can find the precinct that they're
in.

MS. DUFORD: And that makes logical sense
except we have documented real-world examples
where in realtime the poll books have been less
accurate, so --

MR. DAVIS: Whereas if the master database
was incorrect, then --

MR. WORLEY: If -- if the master database
is incorrect, the printed paper backup copy is
also going to be incorrect.

MS. DUFORD: But it -- but it -- but it --
to be fair, in -- in Jasmine's case, the master
database was correct. For reasons no one can
explain, what the poll worker was seeing at the
moment she checked in was not correct and it
reset somehow and it became correct. We don't
know why had happened. We don't know why the
voter in the -- in the recent pilot -- like the
husband and wife, the wife came in and checked in
like normal, the poll book said, oh, Husband,
you've already voted or you've already checked
in, and he hadn't. He was in line behind her.
So -- so we don't always know why computers have
glitches, but we can accept that they do.

MR. WORLEY: And -- and it -- and do you
also accept that it's possible that it's because
of user error?
MS. DUFORD: It is.

MR. WORLEY: Okay.

MS. DUFORD: But, again, the -- the -- the goal of this is to get to move things along, right? To keep the lines moving, to keep people checked in, and have some sensible basis they could have a shot at moving things along and I'm -- especially in a high-use environment. I'll -- I'll stipulate nothing is perfect.

MR. WORLEY: Thank you.

MR. DAVIS: And if I can add to that. Again, I think the main gist behind this is reduction of risk regarding the operation of workload at the polling place. So, again, yes, we -- we all know automation is a good thing and it helps promote that, but if something goes wrong, you don't want everything just coming to a standstill at the polling place.

MR. RAFFENSPERGER: Any more questions from the board?

(no response)

MR. RAFFENSPERGER: Thank you for your presentation.

MS. DUFORD: Thank you for your time.

MR. RAFFENSPERGER: Mr. Germany?
MR. GERMANY: I'm going to ask Lynn Bailey to join me up here. I want her to be available if you guys have questions from -- from a county perspective.

Mr. Secretary, would it be helpful if I spoke at all to the rules in the petition or do you want me to move straight to the rules -- the rules for the proposal?

MR. RAFFENSPERGER: Well, perhaps it would be -- you've reviewed the petition rules so if you want to discuss those first.

MR. GERMANY: We reviewed the petition rules. In -- in the rules, my view is that the first rule about the dropping off absentee ballots at precincts is one that should be considered. I think it's a big change -- I'd liken it to something like if a (indiscernible), it would be a big change for Georgia elections given all the -- all the additional big changes we're putting -- we're already putting in place next year. I don't believe next year is a time to put that in place.

UNIDENTIFIED SPEAKER: I'm sorry, we're having a hard time hearing.

UNIDENTIFIED SPEAKER: Yeah. Could everyone
speak up? Thank you.

MR. GERMANY: The -- sure. The -- is that better?

UNIDENTIFIED SPEAKER: Yes. Yes. Yes.

Yeah.

MR. GERMANY: The -- the second rule about the elect -- the paper poll list, as Mr. Worley pointed out, that is already required to be present. I think we addressed that some in the proposed rules that -- that I'm going to speak to.

And one thing that we do change in these proposals is it's long been the practice of the state to have the entire state voter list on every electronic poll, which Mr. Worley pointed out is -- can be helpful when someone shows up who's not at the correct precinct. The change I'm going to propose makes that practice mandatory, but it's essentially already mandatory, but we'd make it mandatory. And we also require a paper backup list at -- at each -- at each precinct. So I think we appropriately deal with that in the rules I'm going to propose.

MR. RAFFENSBERGER: And we'll make Rule Number 1 -- what you're saying is, you liked it,
you're just saying now's not the right time just
because we have a lot on our plate.

**MR. GERMANY:** I think it's something that
the state election board should look at. I -- I
-- I can't say that I know enough now to say
whether I like it or not. To me it's something
like those centers where I think -- I think we
need to be very aware and really think toward
what all of that would require and kind of what
it would put in place.

**MR. RAFFENSPERGER:** Okay. Thank you.

Number 3?

**MR. GERMANY:** What's -- what's there --
what's that one again?

**MR. RAFFENSPERGER:** That was the one from
the -- that was the paper -- it's actually Rule
Number 2 was the ballot secrecy.

**MR. GERMANY:** Oh, yeah. So that -- that's
another one. I think the rules that -- that we
propose through the working group put in
appropriate measures to deal with -- with ballot
secrecy and also appropriate ballots that would
affect that next year in particular with the new
voting system. We want to make sure that voters
are able to have appropriate assistance from poll
officers.

So we have a proposed rule that puts in place how to provide assistance and then leave before the voter starts making any selections.

An incremental voting change, I -- I just -- I think that's, you know, not going to be consistent with existing court orders and other things that we're -- and -- and also existing -- existing state law.

So I would vote that we decline the petition and either -- directly decline the petition and I will be happy to move forward with presenting the rules -- working group rules.

**MR. RAFFENSPERGER:** Okay. Present your rules.

**MR. GERMANY:** Thank you. So first, Mr. Secretary, I'd just like to thank all the members of the rules working group. They put in a lot of time. We were able to encompass selection -- suggestions from a bipartisan group of -- I'm trying to get a little less feedback here -- we're able to encompass select suggestions from a bipartisan group of election lawyers and a lot of different counties.

You have in front of you what the rules
working group is proposing that the state
election board vote to post for public comment.

So that's what all this will do is start
basically the public comment period, the
secretary -- secretary of state's office posts
the rules. There will be a public comment period
and then this election board will review those
comments and we'll have to come back and vote to
adopt, modify, or other -- take other such
actions you find appropriate.

The first rule on your list is a revision to
Rule 183-1-6-.02, Number 6, required activities
from third-party voter registration groups. The
change is letter (d). It's to inform all
applicants that they're required to put their
Georgia driver's license or ID number on their
voter registration application if they have one.
That's already a federal law and a state law.

We have seen that especially paper
applications coming through third-party groups,
they don't seem to have that, and so we just want
to basically update those instructions to reflect
state and federal law.

The next page is similar in where it would
add to the prohibited parties [sic] from
third-party voter registration groups. It adds number -- sorry, letter (i). It's prohibiting to
tell applicants they do not have to list their
Georgia driver's license or ID card number if
they have one.

I also made a couple of small changes in
letter (e) and letter (h). These are not
particular of what you had issues with, but it
was pointed out to me that the language in those
was pretty broad and so it's an attempt to
basically narrow down and just clarify some
things.

The current rule says, you're -- you're
prohibited from conducting voter registration
activities in a place that an entity knows that
illegal or criminal activities are being
conducted. I'm proposing we add "near the voter
registration activities." It's been a way to
limit that broad language a little bit.

And the same page, there's been some
questions as to conducting voter registration in
places where alcoholic beverages are sold and
consumed, especially in terms of kind of outside
type areas that might encompass a broad -- so
we're -- so we're clarifying that. This is
limited to places where the primary purpose of the place is selling and consuming alcoholic beverages.

The next rule, Rule 183-1-12, this is basically a big rewrite of the conduct of elections to deal with the new system. So this deals to storage; it deals with logic and accuracy testing; it deals with setting up polling places; conducting elections on election day; and carrying -- closing the polling places and then delivering results to -- to -- back to the county.

One -- okay. I think I'm going to highlight the things that we -- that we do in here. One thing that we do say is that every polling place is required to have a sufficient number of emergency paper ballots. There are some groups that recommend a -- a fixed number. In speaking with our counties, we've decided instead of doing that, we're going to require that they have a sufficient number.

One thing that we're also doing is providing each county with mobile ballot-printing capability where they can print ballots directly from their county elections office. And we're
also requiring that they be -- the county prepare
to resupply polling places during the day if they
find that their emergency paper ballots are
running low.

I think that mobile ballot-printing option
is a more cost-effective way of ensuring that a
county doesn't run out of paper ballots or
provisional ballots.

So we've made some other updates to storage.
Just to making sure that machines are stored
securely and delivered securely. And in
conducting elections, one thing that we want make
sure of with the new system is that the paper
ballots are reviewed prior to a voter scanning
it.

So I have in here -- we have in here two
separate places where the poll officers are
instructing the voters to review their paper
ballots, once at the -- at the check-in spot and
another at -- these will require a poll officer
to be stationed at every ballot scanner and that
poll officer is -- is instructed to instruct
throughout the voting period that people review
their paper ballot. There is some proposals to
-- to make that -- require that poll officer at
the scanner to -- to state to every voter to
review your paper ballot. Some of the counties
were concerned that that might be an unworkable
burden and probably impractical too just given
that there will be multiple people in the same --
kind of in the same vicinity while they're giving
instruction.

We also require any time that memory cards
or paper ballots are being transported back to
the elections office that it's multiple people
who are doing that and it's sealed -- and the
sealed envelopes or containers in -- and the
secretary of state's office has put together
forms to develop that -- that chain of custody.

This also deals with log accuracy testing
which is a process that occurs before elections.
So this requires that every ballot-voting device,
every ballot scanner, and every electronic poll
device is tested by the county prior to the use
in elections. It lays out everything they have
to go through to make sure that each component's
working properly prior -- prior to the election.

And the next rule is Rule 183-1-12. It's
the same rule and it kind of gives a different
subject matter. This is starting with .17. This
deals primarily with the provisional ballots and electronic poll books. The major change we're making here is to update the rules to reflect what I think is the practice the counties have been doing.

   So the update, if -- if someone shows up at a polling place and they're not on the list of registered voters, the poll officer and the individuals will now have to instruct them -- inform them of their correct precinct if they're registered in another precinct in the county. But also inform them that if they cannot get to -- if it's impractical for them to get to that correct precinct prior to the close of the polls, they can vote a provisional ballot in -- where -- where they are.

   I think that accurately reflects the way counties are doing that now. So that's -- it's just an update to -- to reflect current practice. Similar to emergency ballots, this requires every county to have a sufficient number of provisional ballots at each -- at each precinct. And it's the same ballot so it's basically a stack of paper ballots that are challenged, provisional emergency ballots depending on -- on how they're
used. Another thing similar, it requires the county to be prepared to resupply provisional ballots throughout the day if necessary.

This rule also deals with the electronic poll books. It makes mandatory that the electronic poll book required has the entire state registration list on it. It also requires that every polling place have a paper backup list of the voters that are registered to vote at that -- at the precinct.

The next rule is Rule 183-1-13-.01, minimum number of voting booths. State law requires that there is one voting booth for every 250 electors in a precinct. So this proposal is a way to calculate that amount. It takes into account the fact that about half the people now vote early. So what -- what this rule proposes is that the number of the -- the way the county shall calculate that -- that ratio is take the number of polling -- voting booths available at a election day polling place and add to that the number of machines that were available on the last day of early voting.

It also clarifies that if polling places have more than one precinct that votes in that
polling place, they need to take into account all voters who vote in that polling place in their calculation.

The next rule is Rule 183-1-14-.02. It deals with advanced voting. So this similarly takes -- does the -- does in the advanced voting process what we're doing in the previous rule for election day voting. So it puts into place processes for the new system for advanced voting, which are similar to election day, and it has similar requirements that require a poll worker to be stationed at each ballot scanner and requires that poll worker to instruct throughout the day people to review their paper ballot.

It also talks about how the county can secure machines and components during advanced voting.

183-1-14-.11 is the mailing and issuance of ballots. This deals with the issuance of absentee ballots and it makes a clarification that we get updates in response to HB316.

So right -- current law requires -- current absentee voting requires counties to get out all absentee ballots within three days after the absentee ballot request has come in. This adds
absentee ballots or provisional absentee ballots. Now we've added some processes for provisional absentee ballots. So we just want to clarify that absentee -- provisional absentee ballots or if the absentee application is rejected, that notice -- all those notices are required to go out in three days.

The next rule is 183-1-14-.12, eligibility of application for absentee ballot. This adds a requirement on -- on third-parties that when they are sending out absentee ballot applications, that they use a form that's substantially in the same form as the application that the state makes available.

Last year we saw some confusion to the past to the people not knowing or not realizing that they had requested an absentee ballot. When that happens and a person shows up at the polls who doesn't realize they requested an absentee ballot, the poll worker then says: Oh, you requested an absentee ballot. They have to then go figure that out and it basically slows down the whole process.

The rule also makes it clear that the absentee ballot application shall still be
processed because we're not going to punish the voter. We're looking to kind of put some -- some standards in place on third parties to make sure those forms are clear.

The final rule -- final two -- 183-1-14-.13, prompt notification of absentee ballot rejection. This is another rule that's implementing in some portions of HB316. It requires HB316 put in place a secure area for absentee ballots if the signature doesn't match or if the ballot is not signed. And this requires that the county turn around the notice of a rejected absentee ballot and not totally cure it within three days of rejecting that absentee ballot.

But if you take into account of the fact that the closer you get to election day, the -- the quicker you can get out that -- that ballot -- or that notice, any submitted absentee ballot rejected after the close of the advanced voting period. So after that Friday, the board of registrars shall notify the elector by written notice no later than 3 p.m. on the next business day.

So, basically, for the last few days, the Monday and Tuesday of -- of election -- election
day, give a person a -- a next day period for that. We'll -- we would also have a requirement that the registrar shall attempt to notify the elector by e-mail and telephone if the e-mail and telephone number is on the elector's voter registration record.

The next rule is 183-1-15-.02, definition of a vote. What this rule does is it takes out the DRE definition of a vote because we don't use those machines anymore and puts in the new section. It's section (g) for an optical scan ballot marked by electronic ballot marker. And it just states that any marks in addition to what was printed by the electronic ballot marker shall be ignored.

I'm happy to take any questions from the board.

**MR. RAFFENSPERGER:** Members, do you have any questions for Mr. Germany? I would -- sorry.

**MR. WORLEY:** I would ask that if Mr. Germany could just explain to everyone, including the members of the audience, the process for the eventual adoption of some version of these rules.

**MR. GERMANY:** So what I'm -- what I'm going to ask the board to do is to vote to post these
rules for public comment. So the board would ask the secretary of state's office to post these rules. I would ask that you allow the secretary of state's office, as we're formatting to correct scrivener's errors or typos that we see in -- in this version. And that -- that starts a 30-day public comment period.

So the -- the -- the posting will have instructions on how to submit a public comment. And then the board will have another meeting when they can hear additional public comment and then vote to adopt, modify, not adopt new rules that we're going to post today.

**MR. WORLEY:** And if at that meeting, we modify the rules, there'll be another 30-day period before they can be adopted.

**MR. GERMANY:** Correct.

**MR. WORLEY:** Okay.

**MR. RAFFENSPERGER:** Okay.

**MR. GERMANY:** I would say the way I envision that happening is -- I mean, for this one, we're doing it more en masse and then that would be more individualized.

**MR. RAFFENSPERGER:** Again, any members have questions? So what is the will of the committee?
MR. WORLEY: Well, Mr. Secretary, I -- and perhaps Mr. Germany can weigh in on this, but I think under the -- under our rules we're required to take some action on the petition that's been brought before us today.

And so I would suggest that we discuss and/or vote on the four individual rules that have been proposed by the petitioners and then move on to adopting -- or for posting only the rules that Mr. Germany has presented.

MR. GERMANY: I think that's correct.

MR. RAFFENSPERGER: Okay. So as it relates to the petition presented today, do you want -- is it the will of the board to -- to vote on them separately? Okay.

MR. WORLEY: That would be my suggestion.

MR. RAFFENSPERGER: That's --

MR. WORLEY: I'm -- obviously I'm not the only member of the board --

MR. RAFFENSPERGER: Right. So --

MS. SULLIVAN: The question is to consider the petition as a whole?

MR. RAFFENSPERGER: Or one by one. There's four rules that they -- they presented four -- four rules today. We can subdivide them, put
each to a vote or just do all four at once.

MR. WORLEY: I -- I'd like to have a vote --
a separate vote on each one because I have
different opinion about one --

MS. SULLIVAN: That's fine.

MR. WORLEY: -- one of those rules.

MR. RAFFENSPERGER: Okay. So Rule Number 1
was about the absentee ballot, about being able
to drop those off. If you want to summarize that
for us, Mr. Germany, for us, but that's basically
to, you know, drop those off --

MR. GERMANY: -- at polling places on
election day --

MR. RAFFENSPERGER: Right.

MR. GERMANY: -- which is currently not
allowed in Georgia.

MR. WORLEY: Well, I'll -- I'll start. And
-- and I wanted to start first by just saying
something in general about this process and the
petition. So you can see and -- and I wanted to
compliment the petitioners for their efforts and
their work that they've put into this process and
the very -- and the presentation and the -- the
civil way that they're going about this entire
process.
This is -- voting in Georgia now is -- has become more of a controversial issue, for good reasons, and I would think I -- I just would like to compliment you all on how you're going about this. And I think, you know, at this time when democracy seems to be under attack, in some ways it's just very good that you're doing this. So that's first.

As far as the, you know, ballot returned to the polling places, I think that's an excellent idea. We -- we in the -- and I want to say those of us who are in the working group have talked about this. We've gotten feedback from local election officials who think it's -- it's something that's a good idea and can be achieved. But we are, I think, in general, concerned this year that this is a large enough change that on top of all the other changes that local election officials are going to have to do, that it -- it would be difficult to add to everything else that's going to be done.

But for my part, I think, I think this is something that -- that ought be to done and can certainly be taken up next year and added on next year. That's what I would like to see done. So
that's -- that's my opinion.

MS. LE: I would agree with that. I think that it sounds like a logical step, but if this -- if any of you would appreciate any small changes requires a lot of training, a lot of rules to be placed making sure that they are handled properly. When you add on additional procedures at a location, it has to be rolled down to every polling place.

And so because of that, something as simple -- it sounds simple as just dropping off -- would require, I would imagine, a lot of -- and I would be interested in knowing what the impact would be in the counties and how fast they can incorporate additional changes.

So maybe next year's a better year than -- I'm sorry -- the year after next year so it would be 2021 from the next year with all the changes.

MR. RAFFENSPERGER: And I think from my standpoint, I think really (indiscernible) it deserves further consideration. Just not now. We actually had some people speak today that are concerned about us getting this all done and then you would place additional workload on us and so they really are oppositional to each other.
We have a lot on our plates. For the record though, we are ahead of schedule on implementation. We are working quickly, we understand that, but we are ahead of schedule, but I could not support Rule -- Rule Number 1 at the present time.

Do we want to bring it to a vote or just --

Ms. Sullivan, any comment on that?

Do we have a motion then?

**MS. SULLIVAN:** I'll make a motion that we deny the petition for -- the first petition for proposed Rule Number 1 at this time.

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

**MS. LE:** I second.

**MR. RAFFENSPERGER:** Okay. Are there any further comments?

(no response)

**MR. RAFFENSPERGER:** Being no further comment, all those that are in favor of denying Rule Number 1 petition please signify by saying aye.

**THE BOARD MEMBERS:** Aye.

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

(no response)

**MR. RAFFENSPERGER:** The "ayes" have it.
Okay, Rule Number 2? It was about ballot secrecy and I think there was a concern about the large BMD size so it's very readable. I think it should be the privacy of the ballot.

**MR. WORLEY:** I -- we have -- we had also discussed this in the working group and the advantages and drawbacks to it. And I've -- I've changed by opinion after listening to some of the presentations today.

I would vote to adopt this rule and if it's not adopted, I will be working to take some of the items that were presented in the rule into consideration in -- in considering our other rule, our -- the large group of rules that we may adopt today.

I -- I do have concerns about the -- the privacy of the ballot-marking device. And I think we need to address that in supplementing in -- in some significant way in the rules that we adopt eventually, so...

**MR. RAFFENSPERGER:** Any other members have any comments on that?

(no response)

**MR. RAFFENSPERGER:** But -- right now because some of you probably would not support Rule
Number 2, but as you're working through with --
with your group over the next 30 days, I'm sure
there may be some additional nuances that we'd
like to add and that would be something that we
could consider at that point.

Any further comment?

**MS. SULLIVAN:** While I do not support, you
know, granting this petition, to post this rule
as written, I think that this is an issue that we
should consider -- continue to consider during --

**MR. GERMANY:** I --

**MS. SULLIVAN:** -- the rule-making --

**MR. GERMANY:** -- I --

**MS. SULLIVAN:** -- process.

**MR. GERMANY:** I -- sorry.

**MR. RAFFENSPERGER:** I'm sorry. Go ahead.

**MS. SULLIVAN:** I'm sorry. And while I would
not support granting this petition, to post this
rule as written -- proposed Rule 2, I agree that
we should consider to take this issue under
consideration as we continue the rule-making
process.

**MS. LE:** Are you talking about that part of
the problem is the font size; is that correct?

Is that --
MR. GERMANY: I believe the -- the issue is the screens are now larger than the previous DRE machines.

MS. LE: Right. So is -- is the font size -- can it be changed to -- the screen would be big, but if it's smaller and neighbors can't see it kind of thing?

MR. GERMANY: I think, you know, part of it is the sort of best practice part is to have one vote, one contest per screen, and that would at least make less confusion. So that -- that makes each -- each screen bigger so which has a lot -- has benefits but it also, you know, raises this concern.

So I think we're looking at -- at ways that it can be addressed electronically, but I think that it -- it -- we should also look at ways to address it, be a regulation, but -- but I agree with the secretary that, I think, that how the rule is written is not the way to do it.

MR. RAFFENSBERGER: Do we have a motion?

Any further discussion?

MR. WORLEY: Well, we can have a motion to adopt the rule or a motion to deny the rule. Which?
MS. LE: I move to deny the rule as written.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second it.

MR. RAFFENSPERGER: Okay. Any further discussion?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of denying the rule signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Motion carries. Okay, Rule Number 3. That was having the paper poll book at every polling location and actually having that be the poll book of record as I understand it.

Is that correct, Mr. Germany?

MR. GERMANY: Correct.

MR. RAFFENSPERGER: Do we have any questions or discussions from the board?

MR. WORLEY: I -- I think the current intended process under our rules is sufficient to deal with this problem. I think that your -- the real problem is instruction and training of poll
workers. They need to -- that they need to go to the printed list in case of questions or discrepancies. And I will be working on that issue as we're adopting the new rules. But I have a -- I think they're difficult real issues that are raised by deeming the paper be the official public information.

So I will vote against this rule, but I will be looking for ways to make sure that the rules we do adopt achieve this result.

MR. RAFFENSPERGER: Any other board members wish to comment on this?

(no response)

MR. RAFFENSPERGER: I'm not hearing any. Can I ask for a motion to either deny or accept.

MS. SULLIVAN: I'll move to deny the third rule from petitioners.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second it.

MR. RAFFENSPERGER: Okay. Any further discussion?

(no response)

MR. RAFFENSPERGER: Hearing none, all those in favor of denying this rule signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed?

(no response)

MR. RAFFENSPERGER: Rule Number 3 has been denied.

Rule Number 4 was a -- a phased implementation, I guess would be the best way to describe that. If you want to just resummarize that for everyone just so we're all on the same page on that, Mr. Germany.

MR. GERMANY: So Rule Number 4 is asking that we keep certain components of the old election system and basically leave it up to the counties to determine when they're ready to transition to the new voting system. I don't think that's consistent with HB316 or frankly consistent (indiscernible).

MR. RAFFENSPERGER: Okay. Any discussion from the board?

MR. WORLEY: Yes. I am -- I would not have picked ballot-marking devices. I've made it clear for many years on this board and on other occasions that my preference would be for hand-marked Optiscan ballots throughout the state. But unfortunately, from my perspective,
that is not what the general assembly decided to do.

And I think it's important to keep in mind our role on this board in relation to the general assembly. We establish rules so that the election laws can be carried out. But we have to do that with reference to the existing statutes and I don't think we have, frankly, the authority to adopt this rule because it is very contrary to the system that the general assembly adopted.

So I -- I cannot -- can't vote for this rule because I think we need -- and whether we like it or not, we have to make sure that the system that the general assembly adopted is established and works. And so -- and I also believe, honestly, that what's been proposed here, while it is -- it is -- it is extremely thoughtful and creative, it is not what Judge Totenberg has ordered the state to do. And I think -- I think it would be very contrary to her existing orders and -- and would violate them. And so I will vote against this proposed rule.

**MR. RAFFENSPERGER:** Any other members wish to comment on this?

(no response)
MR. RAFFENSPERGER: Hearing no further comment, do we have a motion? Motion to deny or motion to approve?

MS. SULLIVAN: I'm on a roll. I'll make a motion to deny the fourth rule and the petition for the fourth rule, as well.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I'll second it.

MR. RAFFENSPERGER: Okay. Any further comment?

(no response)

MR. RAFFENSPERGER: Hearing no further comment, all those in favor of the motion to deny Rule Number 4 signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed?

(no response)

MR. RAFFENSPERGER: Motion carries.

MS. SULLIVAN: Mr. Secretary, I'd like to make a positive motion to post the packet of rules that were presented by the rules working group by Mr. Germany for public comment. I would like to make that motion if it's appropriate.

MR. RAFFENSPERGER: It's appropriate. Do we have a second?
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
rules that we're posting at this time and -- and we are going to take seriously all of those suggestions that come, both through the petition process and through the comment process on the rules as we're required to do by law.

So I want to thank everybody for participating and please don't think that just because the exact rules that you presented were not adopted, that the issues that you're raising are not ones that we are considering very seriously. I know that I am and I believe the other members of the board are as well, so...

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

Any other members have any other comments?

**MS. LE:** I just wanted to thank, as well, the groups that came today and -- and to share your thoughts. I look forward to hearing the comments from you. And to the extent that I had to deny the proposals that you made, I hope you understand that some of it is because, you know, thinking that we have to work within the framework. Just like Number 1, having to roll it out in a timely manner, we have to consider the counties' burden at this time. It's something that's logical and simply would require rules and
procedures and it has to be rolled down from the
top all the way to the local precincts and -- and
polling places.

And so with those considerations, we have to
consider that and the parameters we have to work
in as in with Rule Number 4, the laws, and so --
but I look forward to hearing from you in your
comments and I appreciate you being here today.

MR. WORLEY: And -- and I would also just
like to add a word of thanks to Mr. Germany and
Mr. Rayburn for the work that they put in to
drafting these rules. It was very time
consuming. It's taken a number of months and
it's very intensive work. And I know that they
will continue to work hard on this until we get
-- get the right set of rules adopted. Thanks.

MR. RAFFENSPERGER: Thank you very much.

Any other comments?

(no response)

MR. RAFFENSPERGER: Hearing no other
comments, all those in favor of posting the
proposed rules for 30-day public comment signify
by saying aye.

BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any of those opposed?
(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.)
CERTIFICATE

STATE OF GEORGIA     )
COUNTY OF DEKALB    )

I, Steven Ray Green, Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing pages, 4 through 287, constitute, to the best of my ability, a complete and accurate transcription of the proceedings of the court and were accurately reported and transcribed by me or under my direction.

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