

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

JANUARY 22nd, 2020
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR-CM-M

Atlanta, Georgia

APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

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. We'll go ahead and start. First of all, the invocation, and I'll do that. Okay.

(Invocation)

MR. RAFFENSPERGER: If you all will stand for the Pledge of Allegiance, on your left -- my left, your right.

(Pledge of Allegiance)

MR. RAFFENSPERGER: Well, before we get started, I just want to -- we will be having a new board member joining us at the next board meeting. He's been nominated by our Lieutenant Governor, Jeff Duncan, and that is Matt Mash -- Matt Mashburn, if you want to stand up? He'll be joining us, but he has not been sworn in yet, so in the interest of following protocol, we'll be waiting for that event to happen, and so that should happen. He'll be ready for the next SEB meeting that we'll have.

I guess right now we can look at the last board meeting -- approval of our board meeting minutes. We've had those in our folders. Hopefully, everyone has had a chance to review those. If you review them, if there's -- now would be an appropriate time for a motion.

MS. SULLIVAN: I'll make a motion -- I'll make a motion to approve the minutes.

MR. RAFFENSPERGER: Do we have a second?

1 **MR. WORLEY:** Second.

2 **MR. RAFFENSPERGER:** I have a first and a second. All
3 those in favor --

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** -- please signify by saying aye.

6 **THE BOARD MEMBERS:** Aye.

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

8 Okay. So today we have time for public comments. It's
9 two minutes each, and we have lots of folks here, and what
10 I'll do to probably expedite this -- we are going to be
11 speaking, coming up to the podium here?

12 **MR. RAYBURN:** We've got a wireless mic.

13 **MR. RAFFENSPERGER:** Okay. So we can have some folks
14 line up, and it will just probably expedite it all, just
15 because of the time. But number one we had was Ms.
16 Hillary Holly, Ms. Liza Conrad, Ms. -- sorry, Mr. Andre
17 Fields, Mr. James Woodall, Mr. George Balbona. The first
18 five can just come and line up, and then following that
19 will be Bjorn Cole, Dr. Jasmine Clark, and John Peterson,
20 but to give you a order. So Ms. Hillary Holly?

21 **MR. RAYBURN:** Make sure you hold the mic up, and
22 please state your name and where you're from.

23 **MS. HOLLY:** Hello. My name is Hillary. I'm from
24 Atlanta. So 2020 is an important year for Georgians. We
25 are electing a President, US senators, state

1 representatives, and many local elected officials. I'm
2 here this morning to raise concerns on behalf of Georgians
3 and ask the State Election Board and the Secretary of
4 State to do its job and prepare for the 2020 elections.

5 So Georgia is attempting to implement an entirely new
6 voting system during a presidential election year. The
7 Elections Board should do everything in its power to
8 ensure that Georgians who choose to vote from the comfort
9 and privacy of their home can do so rather than stifling
10 third parties that are dedicated to increasing voter
11 participation. Requiring absentee forms to be
12 substantially in the same form as the Secretary of State's
13 application creates an unnecessary burden to the applicant
14 and does not solve a legitimate problem.

15 If and when election systems fail, the onus should be
16 not on the voter. Poll workers must be equipped and
17 required to offer voters provisional ballots and redirect
18 them to the proper precinct location if practical. Given
19 that this new election system will be unfamiliar and
20 confusing to Georgia voters, the section directing poll
21 workers to be -- verbally instruct every voter to review
22 their ballot and alert the poll worker if any changes need
23 to be made provides clarity and helps ensure every vote is
24 counted and should not be removed.

25 The state is expecting record turnout at the polls in

1 2020, so the Elections Board should be following the
2 guidelines of HB316 for the required number of voting
3 machines in the precinct. For instance, some of these
4 rules are not in compliance with HB316, such as saying if
5 this allows polling places to be used instead of
6 precincts, it allows for the double counting of early
7 voting machines for election day. When requiring the
8 number of electors at the precincts, the calculations
9 shall provide a minimum of at least 1 voting booth or
10 enclosure of each 250 electors therein a fraction or
11 thereof.

12 And before I wrap up, I would be remiss if I did not
13 call out the absurdity of misleading Georgians inside of
14 Ebenezer Baptist Church on Dr. Martin Luther King Jr.'s
15 holiday. He was a champion of voting rights, and this has
16 -- and this Board in particular has taken advantage of the
17 undoing of one of his most cherished legacies, so to stand
18 in the pulpit and declare Georgia's voting system is an
19 objectively fair -- is an absolute disgrace. And then, we
20 are good. Thank you.

21 **MR. RAFFENSPERGER:** Okay. So your name?

22 **MR. WOODALL:** Yes. This is Reverend James Woodall,
23 State President of the Georgia NAACP, resident of Atlanta,
24 GA. I stand here today to declare that our votes, our
25 election system, our election process here in the state is

1 not secure. The Secretary of State's Office and members
2 of this State Election Board has gone across the State of
3 Georgia, communicated with NAACP chapters, and taken
4 pictures with them, put them on Twitter and Facebook and
5 Instagram, telling them to smile and to say that they
6 believe that their votes are secure. As the State
7 President of the Georgia NAACP, we have committed to
8 working with the Secretary of State's Office to ensure
9 that we can do all that we can do to make sure that our
10 votes are secure, and it's unfortunate that the Secretary
11 of State's Office has decided to take this route.

12 However, we are -- continue to support working
13 together and to communicating to ensure that our votes are
14 secure, that our people, our communities feel secure. But
15 unfortunately, that is just not simply the case at this
16 present moment. Rural and metro counties alone, I mean,
17 both alike have not received all their voting machines.
18 Here we are, less than 90 days until an election, and they
19 have not received the information, the equipment, and the
20 training necessary to conduct an election.

21 We just had a situation down in Athens, GA just
22 yesterday, where there was some suggestions that maybe a
23 waiver could be processed that removes the ratio from
24 machines to voters. That's unacceptable. And so, our
25 support -- our support remains with the people of this

1 commun -- with the community that we serve, and again, we
2 say that our votes are not secure.

3 We've also submitted written comments about the
4 proposed rules. The rules are vague, quite frankly, do
5 not have an intelligible response to what it is that units
6 and organizations alike are able to do, and so we're
7 asking that there be clarity about the primary purpose of
8 what these rules are asking us to do because
9 unfortunately, right now that's just not simply the case.
10 There are several typographical errors that are included
11 in the rules, which make it way much more difficult for us
12 to actually implement those in practice. And so, if a
13 regular person, not even an attorney -- but if a regular
14 person -- matter of fact, if an attorney can't understand
15 what the purpose of those rules are, then there is no --
16 there's no way in the world that a regular intelligible
17 person would be able to decide. And so therefore, we ask
18 for there to be a review and a rejection of these rules
19 until there is clarity as to what the rules actually mean.
20 So again, I stand here and conclude with this: our votes
21 are not secure. We're not happy, and we're willing to
22 work with the Secretary of State's Office to make sure
23 that that does happen. Thank you.

24 **MR. RAFFENSPERGER:** Thank you. Mr. Balbona?

25 **MR. BALBONA:** Hi there. George Balbona, concerned

1 citizen. I have here -- and I'll give you copies for the
2 record -- a letter from Marian Schneider, the President of
3 Verified Voting, in which she says Verified Voting did not
4 recommend that Georgia purchase all ballot-marking devices
5 for all in-person voters. She also says, quote "to
6 express or imply that doing an ROA pilot demonstrates the
7 security of the system is simply not true."

8 Here's something else I find interesting. This was
9 sent to you, emailed to you on December 16th, and it says,
10 "I hope that you will share this letter with your Council
11 and your communication staff." We have the last Secretary
12 -- State Election Board meeting the next day, and you
13 didn't mention this. I'm sick of having the Georgia
14 Secretary of State's Office cherry pick their sound bites,
15 okay? You were very happy to post a incorrect [sic] quote
16 from her, but when she corrects the record, you don't
17 mention it in the State Election Board meeting. You also
18 don't mention it anywhere on your website. I know I hit
19 the good points. All right.

20 I emailed all 159 county election supervisors, and
21 I'm noticing a very disconcerting trend. I asked them
22 what equipment they have received. A lot of them haven't
23 received anything, but more disconcerting is the ones that
24 they have -- a trend that I'm seeing is they're not
25 receiving their UPS's, their uninterruptible power

1 supplies. This is going to be the power cords all over
2 again. Get on it now. You need to be able to plug in all
3 of the six tons of equipment that is not secure.

4 Last but not least, Jordan Fuches, our Deputy
5 Secretary of State, she went online and on the official
6 Deputy and Chief of Staff's Facebook page and said some
7 unflattering things about Marilyn Marks. She specifically
8 said, "drop your frivolous lawsuit. Stop getting our team
9 for Georgia off task. Get out of our way." She later
10 deleted this. By the way, that's a felony -- the public
11 record. If you don't believe it, look up 45-11-1. I
12 think she needs to be dismissed, at the very least,
13 although I would love to see her do 10 years. I think you
14 don't go get that happy hour and then go disparage people
15 on an official website. Unacceptable. Drop the mic.

16 **MR. RAFFENSPERGER:** Mr. Bjorn Cole and Dr. Jasmine
17 Clark will follow, followed by John Peterson, Dana Bowers,
18 if y'all could come up. Mr. Bjorn Cole?

19 **MR. COLE:** So I'm Bjorn Cole, citizen around here,
20 just live across the way in Oakland. So last -- for the
21 gubernational election 2018, my wife and I both voted in
22 the Butler Street Church, and I went to -- actually, I
23 went to early vote, different site, relatively short times
24 there. She at the -- at the main day for the
25 gubernational election was an over an hour wait in order

1 to vote, and I know that was one of the shorter lines in
2 kind of the metro area and in other sites. The reason I
3 rise to comment today is to suggest or request -- I see
4 there's provisions for emergency ballots to be provided,
5 ballots that are on the same level as if you were to use
6 the machines. I would like to request/suggest that a wait
7 time on the order of half an hour, maybe an hour, is
8 sufficient to allow a local county official or precinct
9 official to deploy emergency ballots in order to open up
10 more voting booths and shorten the lines, so that's on the
11 -- on the waiting point.

12 The second one -- for security, so I do a lot of
13 software development for federal government as a
14 contractor. One of the methods that we use to help audit
15 and to be sure that the right version of software is
16 loaded is to basically calculate a signature based on the
17 contents of the source code of a given piece of software.
18 I believe it would also be good for auditing and to assure
19 the public that software loads on the machines are known
20 by being able to correlate the signatures of what is
21 loaded on a given machine to a master copy from the vendor
22 or vendors of various machines. And with that, I'll go
23 ahead and end my comment. Thank you.

24 **MR. RAFFENSPERGER:** Thank you. Representative
25 Jasmine Clark.

1 **MS. CLARK:** Good morning, Mr. Secretary and members
2 of the Board. I come to you today as a State
3 Representative from House District 108 and also a Georgia
4 vote from the Lilburn area. So I'm here to strongly
5 object to the proposed rule 183-1-13-.01, which is the
6 minimum number of voting booths rule. This rule gives
7 permission to counties to create long lines by withholding
8 equipment for some or all precincts. Last session, my
9 colleagues and I in the General Assembly passed
10 legislation that says that you must have one voting
11 station per 250 active voters in a precinct. This
12 proposed rule subverts that and could lead to selective
13 disenfranchisement. Studies show that con -- studies
14 consistently show that black voters in Georgia stand in
15 line nearly twice as long as white voters on average.
16 This rule could bolster this undesirable issue for our
17 voters. How much equipment you deploy and how many e-poll
18 books and how many voting booths and how many scanners
19 makes a difference in how long voters will have to wait,
20 and high turnout elections such as what we're going to
21 experience in 2020 during peak hours, voters will have to
22 wait in lines.

23 I'm not suggesting that it is your job to make sure
24 voters never have to wait to vote, but it is your job to
25 make sure that every polling place is properly equipped

1 for the number of registered voters, and it is your job to
2 make sure that we prevent undermining legislative intent.
3 The proposed rule would allow counties to deploy as few as
4 one voting station in a precinct on election day and still
5 be in compliance. One election director has already
6 confirmed in writing that she will deploy only one machine
7 per 500 voters on average but won't commit to what that
8 means per precinct, so I submit that this rule needs to be
9 stricken. The law gives clear direction and does not need
10 further clarification. The legislature decided to give
11 voters across Georgia equal access to vote and that
12 decision should stand. Thank you.

13 **MR. RAFFENSPERGER:** Thank you. John Peterson?

14 **MR. PETERSON:** Good morning, Mr. Secretary, members
15 of the Board. My name is John Peterson. I'm a Georgia
16 voter from Cherokee County, and I'm currently attending
17 Georgia State University here in Fulton County. Last
18 month, I shared my concerns about ballot secrecy, and as
19 far as I can tell, nothing at all has been done to fix
20 this problem. Ballot secrecy is absolutely guaranteed in
21 the Georgia Constitution. It is also required by the Help
22 America Vote Act, and the law that enabled ballot-marking
23 devices says that they must permit voting in absolute
24 secrecy so that no person can see or know any other
25 elector's votes.

1 Georgia's election boards are required to conduct
2 elections in such a manner as to guarantee the secrecy of
3 the ballot, and it's absolutely clear under the law that
4 Georgia ballot secrecy is not optional, and yet, here we
5 are, months after pilot elections revealed the new ballot-
6 marking devices have a terrible design flaw that allows
7 anybody in the room to read the screens from 20-30 feet
8 away. They're huge. The new tablets are big, they're
9 bright, and they stand upright. When you choose a
10 candidate, a bar lights up across the screen, and anyone
11 familiar with the ballot can easily tell the candidate
12 selected from a distance. Anyone, poll workers, poll
13 watchers or observers, or other voters, can see exactly
14 who was chosen by voters, and the counties that are
15 waiting for the Secretary of State to solve the problem
16 have not heard anything from you about what you're going
17 to do to fix it.

18 If there is a solution that can be deployed before
19 in-person voting begins in six weeks, I'd like to hear it.
20 Why are we about to deploy 33,000 ballot-marking devices
21 that aren't able to protect the secrecy of our votes?
22 During your recent meeting, one election board member
23 asked her attorney are we supposed to follow the
24 Constitution or the State? Which law are we supposed to
25 break? And putting elec -- election board members in that

1 position is disgraceful. You should not be in a position
2 as an official of the government to have to choose which
3 law to break because superiors of yours have chosen not to
4 follow the Constitution. You spend most of your time
5 meting out penalties for those who do not follow the law,
6 so what's your answer for her, for all election
7 superintendents? Which law do they break? I ask you to
8 halt the use of the ballot-marking devices until a
9 solution can be implemented that will guarantee the
10 security of our ballots, and I urge you to add a phrase
11 guaranteeing the voter's right of secrecy to the ballot to
12 rule 183-1-12-.11, conducting elections. Thank you.

13 **MR. RAFFENSPERGER:** Thank you. We next have Dana --
14 Dana Bowers, Caroline --

15 **MS. HOLKO:** Holko.

16 **MR. RAFFENSPERGER:** Okay. Isabella Gambino and Libby
17 Seger, so Ms. Dana Bowers?

18 **MS. BOWERS:** Hi. Good morning. My name is Dana
19 Bowers, and I'm a Georgia voter from Gwinnett County.
20 Georgia is predicted to see a record number of voters in
21 the November election. With pre -- with a President and
22 two Senators to elect, political ads will be flooding the
23 airwaves and our social media pages. It will be hard to
24 ignore that -- this election year. How and where
25 equipment is deployed will make a difference in whether

1 voters are able to cast their ballots without unreasonable
2 wait times. The legislature mandated one voting booth for
3 every 250 registered voters in a precinct. The Secretary
4 of State adjusted the initial purchase after reviewing
5 voter registration trends and other data so that counties
6 will actually receive one BMD system for every 255
7 registered voters. This lets them set aside some -- some
8 for early voting and still meet the one in 250 standard
9 for precincts. Or will they?

10 With State help, every county is reviewing each of
11 the 2 -- 2700 polling places used across the state to make
12 sure they have the space and the electrical capacity to
13 house the BMD systems. Hundreds of polling places -- no
14 one has the exact number yet -- cannot fit the mandated
15 number of voting booths or there aren't enough electric
16 circuits. You can only put 6 BMD systems on a 15-amp
17 circuit or 8 BMDs on a 20-amp circuit. It's too late to
18 change polling places for the March election, so local
19 boards have -- have a dilemma. Do you have one standard
20 for some polling places and another for the rest? Will
21 some voters find more machines and shorter lines, while
22 others find fewer machines and longer lines? This is
23 exactly what the legislature hoped to avoid when they set
24 a minimum of one voting booth for every 250 voters, yet
25 here we are. You know what wouldn't cause this trouble?

1 Hand marked paper ballots. Thank you.

2 **MR. RAFFENSPERGER:** Okay. Caroline?

3 **MS. HOLKO:** Hi. Good morning. My name is
4 Caroline Holko. I'm a candidate in House District 46, and
5 I'm a voter in Cobb County. One of the things that is
6 very concerning to me is there doesn't seem to be a clear
7 consensus on what constitutes the actual vote. It's
8 defined -- federal law requires an answer. I want an
9 answer. Cobb County wants an answer. Georgia wants an
10 answer. Proposed Rule 183-1-15-.02, definition of vote,
11 removes references to DRE votes but includes only one
12 minor reference to BMD ballots, what to do in case of
13 stray marks.

14 But the larger question is: is our vote the human
15 readable portion of the printout or is it the QR code?
16 It's defined differently in two different places. One of
17 the concerns that I have about using the QR code for
18 anything: I have an app on my phone that allows me to
19 change where a QR code points to. I'm a suburban
20 housewife, and I can change QR codes, so I'm really
21 concerned about the possibility that anything other than
22 the human readable portion of the ballot would constitute
23 the vote, so that is my ask to you is that you make sure
24 that the human readable portion of the ballot is
25 officially defined as the vote in the event of an initial

1 vote, a recount, an audit, anything. I can't read a QR
2 code. I can't even learn how to read QR codes because I
3 am not, in fact, a cyborg, so please, please, make the
4 best decision, protect our votes, and make sure that the
5 process is 100% transparent and clear. Thank you.

6 **MR. RAFFENSPERGER:** Ms. Gambino?

7 **MS. GAMBINO:** Yes. Good morning. My name is
8 Isabella Gambino. Can you guess which component of the
9 new voting system created the most trouble during pilot
10 elections? The e-poll books, which failed in nearly every
11 pilot precinct at the start of voting on election day.
12 The problem was not solved in all precincts for hours and
13 only after a Wi-Fi reset of their data. And which
14 component of the old voting system created the longest
15 lines and tens of thousands of voter complaints in
16 November 2018 elections? The e-poll books, which checked
17 in many voters promptly, yet lost others and returned the
18 wrong precinct for many voters. The electronic poll books
19 tried to send Representative Jasmine Clark to another
20 precinct, but she stood her ground, pointed out that the
21 MVP page showed she was in the correct precinct and was
22 finally allowed to vote after a lengthy delay.

23 State law required a certified electors list be
24 available in every precinct to be used as needed when the
25 e-poll books don't work as intended. The certified

1 electors list has robust standards. It must be updated
2 after early voting is complete, include information about
3 who has been sent an absentee ballot, and checked for
4 accuracy, then certified by at least two of the
5 registrars. Had the certificate -- had the certified
6 electors list been consulted immediately, it's likely
7 Representative Clark would not have endured a long wait to
8 cast her ballot. You -- your proposed rules refer to
9 paper poll books or similar phrases. We urge you to add
10 certified electors list to Rule 183-1-12-.02 definitions
11 and note that all references to paper poll books are
12 deemed to mean certified electors lists, specify that
13 certified electors list shall be deemed the official
14 record in case of a conflict with the e-poll book.
15 Preventing unnecessary provisional ballots and longer
16 lines depends on it. Thank you.

17 **MR. RAFFENSPERGER:** Thank you. Ms. Libby Seger?

18 **MS. SEGER:** Good morning. My name is Libby Seger,
19 and I am a voter for Fulton County. I am also a student
20 at Georgia State University, where I am the President of
21 the Young Democrats and currently cofounding a Fair Fight
22 Action chapter. I represent the future of this state. I
23 am the rising generation of Georgia voters. This year
24 will be the first time that a lot of my peers and I can
25 vote in a Presidential election, and our right to a safe

1 and secure election is something that we're taking very
2 seriously.

3 I've been watching the roll-out of this new system
4 unfold, and I'm astounded about what I see and in the
5 worst way. I cannot believe that Athens County Clarke,
6 which is home to the largest university in the State,
7 won't receive their equipment until February 3rd, even
8 though the primary election begins in just two weeks with
9 mailed absentee ballots, not to mention that Gwinnett
10 County, along with several others, still haven't had their
11 equipment delivered yet either. Additionally, last week
12 only a handful of counties had received their election
13 management server and the software required to make
14 ballots and test equipment. Do you know that the contract
15 required all counties to have their EMS systems by January
16 20th? That was two days ago. My classmates are better at
17 hitting deadlines than that.

18 Everyone knew that it would be difficult to implement
19 a statewide roll-out of this magnitude with so little
20 time. That's why it was ordered that the State develop a
21 backup plan and test it during the November pilot
22 elections. The Cobb County hand-marked paper ballot pilot
23 election went smoothly with very few reported problems,
24 unlike every other pilot election. Some -- some say that
25 there were problems with the hand-marked paper ballots as

1 well like people checking the bubbles instead of shading
2 them in, but those are just a few instances that affected
3 only a handful of voters and most likely -- and most
4 importantly, it was easily solved. There are issues with
5 the new voting system that could affect entire counties
6 and that are not easily fixed. The State also says the
7 roll-out schedule for this was fluid, but you know what
8 schedule is not fluid? Election day and all of the
9 critical dates that come before it, so the emergency
10 ballot pan [sic] in your proposed rules is not a
11 substitute for a real plan to run smooth elections.
12 Georgia deserves better. The question is will you do
13 better? Thank you.

14 **UNIDENTIFIED WOMAN:** Brava.

15 **MR. RAFFENSPERGER:** Ms. Laura Digges, and then after,
16 if we'd start lining up, Aileen Nakamura -- Nakamura,
17 Shea Roberts, Liz Throop -- Troop -- and Jean Dufort, and
18 I apologize if I mispronounce your names.

19 **MS. DIGGES:** Thank you. Good morning.

20 **MR. RAFFENSPERGER:** Thank you. Ms. Laura Digges?

21 **MS. DIGGES:** Hi. Good morning. My name is Laura
22 Digges. I'm a Cobb County voter. There are few things
23 worse than having a uniform set of rules so badly written
24 than they cannot be followed uniformly. The new emergency
25 ballot rules are well intended. The emergency ballot

1 rules create options for poll managers, supervisors, and
2 superintendents, the folks out in the field on Election
3 day, to change the voting procedures when the uniform
4 system is not working properly. This is a very good idea.
5 The problem is these rules are inconsistent and vague.
6 Who makes the decision that an emergency exists? The rule
7 generally says the superintendent, which is the election -
8 - I'm sorry. I have nerve damage in my hands, so my hands
9 are shaking. The -- yeah, please hold it because I've got
10 nerve damage.

11 The problem is these rules are inconsistent and
12 vague. Who makes the decision in -- that an emergency
13 exists? The rule generally says the superintendent, which
14 is the election board, except where it says as -- it says
15 it's at the discretion of the election supervisor, which
16 is the election director. If neither can be reached, the
17 poll manager may act. How do you prepare for an
18 emergency? By having a sufficient number of paper ballots
19 on hand as determined by the superintendent. What is
20 sufficient? Election directors tell us that some say it's
21 5% of registered voters. Some say 35%. The choice could
22 make the difference between some voters experiencing long
23 delays or being unable to vote if there is a systemic
24 equipment failure, as happen -- happened during the pilot.

25 It appears that the emergency must be tolerated for

1 30 minutes before emergency rules can be implemented, and
2 the rules don't state when or if the poll manager can
3 revert back to the uniform procedures. Some even
4 interpret the rule to say that 30 minute wait times for
5 any reason constitute an emergency, but that can be a
6 normal condition during peak hours in a big election, and
7 they do not address what to do if it's the electronic poll
8 books causing the problem. We encourage you to make plans
9 to improve these rules within the next few weeks, so that
10 they will provide the critical guidelines needed by
11 election directors before early in-person voting begins.
12 Thank you.

13 **MR. RAFFENSPERGER:** Thank you. Ms. Nakamura?

14 **MS. NAKAMURA:** Good morning. I'm Aileen Nakamura, a
15 Georgia voter from Sandy Springs. Public observation of
16 elections build trust and helps ensure that election
17 outcomes reflect the will of the voters. Public observers
18 include groups like Election Protection, the ACLU, and
19 ordinary citizens with an interest in our elections.
20 Georgia's nearly 2500 polling places serve anywhere from a
21 few hundred voters to more than 25,000. To comply with
22 Georgia law, election officials must set up polling places
23 to ensure both voter privacy and allow public observation.
24 With the new voting system, protecting voter privacy means
25 protecting both the voting station where you make choices

1 on a tablet and print it out and the scanner where you
2 cast your vote.

3 Current rules prohibit public observers from getting
4 within 6 feet of the voting booths, but Georgia statute
5 21-2-267 states that every polling place shall consist of
6 a single room, every part of which is within the
7 unobstructed view of those present therein. The ballot
8 box and voting booths shall be so arranged in the voting
9 room within the enclosed space so to be in full view of
10 those persons in the room outside the guardrail or barrier
11 to permit the public to observe the voting without
12 affecting the privacy of electors as they vote.

13 However, during pilot elections, I observed a
14 precinct where elections officials set up check-in in one
15 room and voting booths in another, illegally blocking
16 observation and another precinct where the entire gym was
17 deemed the enclosed space and public observers were not
18 allowed inside. This cannot be what was intended. Your
19 new definition of enclosed space may be interpreted to
20 allow an elections supervisor to declare that anywhere
21 that a voter may mark a ballot, carry that ballot, and
22 scan the ballot is within the enclosed space and off
23 limits for public observation. There's an easy solution.
24 Direct the Secretary of State to supply and require use of
25 secrecy sleeves like this to protect the ballot from

1 printer to scanner, specify to the -- sorry -- specify
2 that the guardrail or barrier must be stanchions or floor
3 tape -- not solid barriers to allow visual observation and
4 clarify for local election supervisors that the enclosed
5 space should be expressly limited to the areas within 6
6 feet of voting booths and scanners. Thank you.

7 **MR. RAFFENSPERGER:** Thank you. Ms. Roberts?

8 **MS. ROBERTS:** Good morning. My name is Shea Roberts.
9 I'm an attorney and candidate for State House District 52,
10 and I'm a Georgia voter from Sandy Springs. I have to ask
11 y'all, have you really looked at the ne -- new ballot-
12 marking tablets? Have you seen them in use? What kind of
13 certification testing missed the glaring design flaw that
14 the votes cast on them can be observed from 20 to 30 feet
15 away? They literally do not comply with the law. It says
16 electronic ballot-marking devices must permit voting in
17 absolute secrecy so that no person can see or know any
18 other electors' votes. Why are we shipping 33,000 of them
19 to counties and expecting to use them in March elections
20 when we know they fail at the most basic level to comply
21 with our laws.

22 As a candidate, it's personal. While canvassing, I
23 have met voters who assure me they will vote for me but
24 are adamant no one else can know that. It's a swing
25 district thing. I think most Georgians take our right to

1 a secret ballot for granted, and we shouldn't do this.
2 It's a right guaranteed in our Constitution and backed up
3 in our statutes. Ballot secret [sic] is also required
4 federally through the Help America Vote Act.

5 In many ways, the State Election Board is the
6 compliance arm for our election system. Nearly every time
7 you meet, you hear cases where some election official or
8 another did not follow the law, and you mete out
9 consequences. How can you just sit back and watch these
10 non-compliant machines roll out to counties and into
11 voting booths? What will you do when a voter files a
12 complaint that her right to a secret ballot was taken away
13 when she was forced to use one of these new ballot-marking
14 tablets? It's a serious problem deserving of a serious
15 answer. What say you?

16 **MR. RAFFENSPERGER:** Ms. Throop?

17 **MS. THROOP:** I have visual aids. I'm Liz Throop. I
18 live in Dekalb County. I spent over 30 hours observing
19 the new voting system and speaking to voters as they left
20 the polls. I asked them if they read their printouts and
21 about half said that they could read it only with
22 difficulty. One SEB proposal says poll workers shall tell
23 voters to review their ballot and tell them that
24 magnifying devices are available. It says that voters
25 shall review their printouts. None of this addresses

1 whether voters can review their printouts in any
2 meaningful way.

3 When type is hard to read, it's extremely hard to
4 find errors. The Democratic party suggests type be
5 bigger, 12-point Ariel, but the type isn't just small,
6 it's far too close together. The printouts used in pilots
7 have less than 80% of normal line spacing. The space from
8 line to line can be increased if you use legal-sized
9 paper, and the Dominion printers and scanners accommodate
10 that.

11 A member of the State Commission said, in session, if
12 we provide the voter with a paper ballot of what they've
13 done, and they don't take the time to look at that and
14 verify, there's really nothing we can do. That's the
15 voter's responsibility. Blaming voters does not relieve
16 this body of responsibility to address the readability of
17 the printouts. Verifying printouts is the only hedge
18 offered to mitigate erroneous results. Unverifiable
19 ballots cannot lead to claims of accurate elections.
20 Thank you.

21 **MR. RAFFENSPERGER:** Thank you. Ms. Dufort?

22 **MS. DUFORT:** Good morning. I'm Jean Dufort from
23 Madison, Georgia and from Morton County. Across the
24 State, most Georgia counties enjoy true citizen oversight
25 of elections through the appointment of election boards.

1 Some oversee both elections and registrations. Some just
2 oversee elections. The rules that govern election boards
3 require appointment of most members -- certain members by
4 major parties and others by another governing body, often
5 the County Commission. We just heard today you were
6 appointed by the Lieutenant Governor, citizen boards.
7 This balance, particularly the political balance, as to
8 public confidence in our elections. The people have a
9 voice in their election boards.

10 Georgia law confers on the local elections
11 supervisor, the election board, important rights and
12 responsibilities for the conduct of elections. For
13 example, the superintendent is charged with guaranteeing
14 ballot secrecy and with certifying election results.
15 Currently, the elections superintendent is defined
16 basically as the county board of elections or in some
17 counties the judge of probate court. Separate from the
18 elections superintendent, the elections supervisor is a
19 staff position with primary responsibility for election
20 operations and is accountable, in most cases, to the
21 election board.

22 As a citizen who believes in public oversight of
23 elections and as Vice Chair of the Morton County
24 Democratic Committee, I oppose the revision to Rule 183-1-
25 12-.02, which adds election supervisor to the definition

1 of superintendent, conferring power to a paid staffer
2 normally reserved to the citizen board. While I
3 appreciate the hard work done by elections supervisors --
4 some of them are here -- I firmly believe that the
5 ultimate authority and responsibility for the conduct of
6 elections must remain in the hands of election boards.
7 County Republican and Democratic committees alike should
8 oppose this dilution of their power and advocate for the
9 peoples' right to oversee elections. Thank you.

10 **MR. RAFFENSPERGER:** Thank you. If we could have next
11 Nannette Vaughn, Joy Wasson -- Wasson, Adam Hinchliffe --

12 **MR. HINCHLIFFE:** Yes, sir.

13 **MR. RAFFENSPERGER:** And Greg Aikens and Robert Smith,
14 line up. The first one will be Nannette Vaughn. Joy
15 Wasson? Ms. Vaughn?

16 **MS. VAUGHN:** Good morning.

17 **MR. RAFFENSPERGER:** Good morning.

18 **MS. VAUGHN:** My name is Nannette Vaughn. I'm a
19 Georgia voter from Brookhaven in Dekalb County. Every
20 Board of Elections this month has had to face the truth:
21 that the March presidential primary election will be
22 underway before they meet next, and very few counties have
23 the equipment needed to conduct that election. Overseas
24 and absentee ballots go out first week of February. The
25 election management systems are running woefully behind;

1 very few counties have received theirs. With no EMS
2 system, the central server and programming that you need
3 to program ballots and test your equipment, you cannot
4 complete preparations. A draft poll worker training
5 manual just went online last week, yet it's incomplete,
6 and without a complete manual, you cannot properly train
7 workers.

8 Today, the State Election Board is meeting with plans
9 to modify many of the proposed rules after considering our
10 public comments. After this meeting, the revised rules
11 will be posted for another 30-day public review. If the
12 revised rules are accepted next month, Georgia law
13 requires 20 days before they are effective, so early
14 voting will be well underway before there are official
15 rules for elections using the new voting system, and the
16 design flaw in the voting tablets which we've heard about
17 within 20 feet of -- visually being able to see, we don't
18 have a solution in sight for that, so it's unfair to the
19 people who run elections in 159 counties, their directors,
20 and local boards.

21 Judge Totenberg ordered the hand-marked paper ballot
22 pilots so the State would have a backup plan in the event
23 their plans to implement the new system by March went awry
24 [sic] -- awry. I would ask that you consider that backup
25 plan. Thank you.

1 **MR. RAFFENSPERGER:** Thank you. Ms. Wasson?

2 **MS. WASSON:** Good morning. My name is Joy Wasson,
3 and I'm a Georgia voter from Dekalb County. I'm the kind
4 of person who likes details, and I like to research and
5 plan and do things in an orderly way. For me, watching
6 the roll-out of this new election system was like
7 fingernails on a chalkboard. It's painful, and it feels
8 so unnecessary. The Secretary of State chose the low-cost
9 bidder, whose quality score was mediocre. The vendor
10 committed to delivery by end of March, then simply to
11 satisfy the customer said we'll try to get most of the
12 equipment to Georgia by the end of December. Looks like
13 the customer isn't always right, and Dominion was truthful
14 about its capabilities from the start.

15 So where do we go from here? The March presidential
16 primary actually begins in two weeks, when UOCAVA and
17 absentee ballots go out. Deliveries are running behind
18 and precious weeks of election preparation have been lost.
19 To implement a new system well, you need more time to
20 prepare, not less. Who will make the call? When is the
21 last day that counties, including some major counties, can
22 receive equipment, test it, train workers, and conduct the
23 election? The law contemplates individual counties making
24 that decision, a very hard decision.

25 Just last night, the Athens-Clarke County Board of

1 Elections went on record saying that they are prepared to
2 leave most of the equipment in the warehouse and use hand-
3 marked paper ballots if things don't improve. They are
4 not scheduled to get their equipment until February 3, and
5 a preliminary assessment of polling places shows that many
6 cannot house the number of voting stations required by
7 law. They are not prepared to disenfranchise their
8 voters. Will you give the counties any guidance or stand
9 with the Secretary of State when he insists that things
10 are running ahead of schedule even when it's quite clear
11 that they are not? Head-in-the-sand is a terrible way to
12 run a state-wide election.

13 **UNIDENTIFIED WOMAN:** Brava. Brava.

14 **MR. RAFFENSPERGER:** Thank you. Mr. Hinchliffe?

15 **MR. HINCHLIFFE:** Good morning, Mr. Secretary and
16 members of the Election Board. My name is Adam
17 Hinchliffe, and I represent the Center for the Visually
18 Impaired, and we're located in Midtown Atlanta. Just a
19 brief description of CVI. We're Georgia's largest, fully
20 accredited, comprehensive rehabilitation facility. We
21 serve all levels of vision loss and all age groups. The
22 reason why I'm here this morning is CVI is committed to
23 ensuring that our constituents, many of whom are blind or
24 visually impaired, are prepared to utilize the new voting
25 technology that will be presented for this and future

1 elections.

2 One of the things that we examine is that there are a
3 couple of areas, some of which you've heard about, but in
4 a different way -- the printed portion of the paper
5 ballot. The one concern that we see is while it's true
6 the barcode scanner is obviously not readable, but the
7 written portion of the text of the ballot choices above,
8 where most sighted people could read the ballot, people
9 with low or no vision would not be able to do this. We
10 ask you -- and we know that you are considering rules that
11 would consider allowing independent screen reading
12 technologies -- some of which are on phones, others are
13 independent devices -- to be considered so that Georgian -
14 - Georgia voters who are blind or visually impaired can
15 securely cast their ballot, independently, securely, and
16 to make sure that the official printout which we
17 understand would be the official ballot represents their
18 electoral choices.

19 Again, ladies and gentlemen, thank you very much for
20 allowing me to speak and please know that the Center for
21 the Visually Impaired is committed to helping in any way
22 to ensure that Georgia voters who are blind or visually
23 impaired can cast their ballot accessibly, securely, and
24 independently. Thank you very much.

25 **MR. RAFFENSPERGER:** Thank you. Mr. Aikens?

1 **MR. AIKENS:** Good morning. My name is Greg Aikens.
2 I'm a voter from Dekalb County. I'm also a member of the
3 National Federation of the Blind of Georgia, and I also
4 rise to raise concerns from the blind community in Georgia
5 about the accessible -- the accessibility of the new
6 voting system. As Adam mentioned, one of our major
7 concerns is the ability to confirm the ballot that has
8 been printed out, that it is marked as we asked, but we
9 also have concerns about the usability of the system that
10 was chosen.

11 While it technically meets the definition of
12 accessibility in that it will read the screen out loud to
13 -- to someone who is blind and visually impaired who
14 cannot access it visually, it is not easy to use. These
15 concerns have been shared with members of the Secretary of
16 State's Office since before the Dominion devices were
17 chosen. They were shared again in November at a
18 demonstration that it's confusing, it's not easy to use,
19 that the audible instructions are challenging, so I -- my
20 question would be what is being done to address that with
21 Dominion? It's things that can be changed, but will they
22 be changed to make -- make instructions more clear, easier
23 to use? Will you provide a way for voters who are blind
24 and visually impaired to independently confirm the ballot
25 that was printed out? Thank you.

1 **MR. RAFFENSPERGER:** Thank you, sir. Mr. Robert
2 Smith?

3 **MR. SMITH:** Good morning. My name is Robert Smith.
4 I'm a voter from Fulton County and a member of the
5 National Federation of the Blind of Georgia. I too, as
6 the one who has gone before me, am concerned about the
7 verification of the paper ballot in that you do have the
8 capabilities of scanning your driver's license or state
9 ID. Why can't this be done when you complete your voting
10 and give in your paper ballot for verification? I think
11 the technology exists, so why don't we use this? And
12 that's my concern, and I won't go over my time, but I just
13 wanted to -- you all to know that this is a concern in the
14 blind community. Thank you.

15 **MR. RAFFENSPERGER:** Thank you. Next would be Ms.
16 Marcia Robinson, Bently Hudgins, Ms. Helen Butler, Ms.
17 Penny Poole, Edgardo Cortes, Ms. Janine Eveler, and I know
18 I read off a lot of names, but Ms. Marcia Robinson and
19 Bently Hudgins, Helen Butler.

20 **MS. ROBINSON:** Good morning.

21 **MR. RAFFENSPERGER:** Good morning.

22 **MS. ROBINSON:** My name is Marcia Robinson. I am a
23 Fulton County voter in Georgia, as well as I am a board
24 member of the National Federation of the Blind of Georgia.
25 My colleagues have already eloquently stated all the

1 concerns we have about the accessibility of the voting
2 machine. I will say that I was one of the testers that
3 actually tested the Dominion machine when you were making
4 the decision about what machine you would choose, and at
5 that point, I stated emphatically all of the concerns that
6 we've stated here today, but that machine was still
7 chosen. So going forward, my concern is that again, the
8 accessibility for the printout when it's printed.

9 However, -- and I appreciate the fact that you are
10 looking at ways to use new measures in which to scan the
11 ballot by using our electronic device which could have an
12 app that could read that. However, we have many people
13 that are blind or visually impaired who do not use smart
14 phones, who do not have an app on their phone. Some of
15 them still use flip phones, so the question arises again:
16 how are they going to read the ballots when it's printed
17 out? I hope that this will be of utmost importance to you
18 and that you would find some decision that would make our
19 right to vote accessible for everybody. Thank you.

20 **MR. RAFFENSPERGER:** Thank you. Mr. Bently Hudgins?

21 **MR. HUDGINS:** Hey, everybody. Good morning. My name
22 is Bently Hudgins, and I'm a voter in the State of
23 Georgia, recently moved up from Macon up here to Atlanta,
24 and I'm happy to be here. Thanks for having us. I just
25 want to commend the comments that were made earlier about

1 the concern of previous wait times, the lack of equipment,
2 and just the lack of clarity surrounding the proposed rule
3 changes, particularly around 183-1-13-.01. There are
4 several concerns about the lack of consistent application
5 of the new House Bill 316 around making sure that there is
6 enough machines of one per 250 voters. There is a lack --
7 additional lack of clarity around House Bill 316 for voter
8 purges.

9 But one -- there are a couple of things that have not
10 been raised that I would like to speak to you about today.
11 One, there are elections happening right now. The rules
12 changes that we're talking about are -- and the lack of
13 action is affecting, you know, current elections. And
14 additionally, so, as a part of the organization that I
15 work for, we've contacted over 4 million voters. We've
16 registered hundreds of thousands of voters, right? And
17 part of our work, we were able to get to know and be a
18 part of communities down in southwest Georgia.

19 Last year -- November we know in Georgia is hurricane
20 season, right? When the hurricane struck communities
21 across South Georgia, many people weren't able to vote. I
22 am encouraged by the attempt to clarify what deserves to
23 be considered an emergency situation, particularly in 183-
24 1-12-.02. There is an emergency definition, but like
25 people have said before, that definition is vague, and

1 it's not sufficient to meet the needs of Georgia's voters.
2 So before another hurricane season happens and as storms
3 are getting worse, we're going to see a lack of access to
4 the ballot just because of bad weather, and so what are we
5 going to do as a State when folks are physically barred --
6 so I just want to thank you for your time, and I hope you
7 do the right thing.

8 **MR. RAFFENSPERGER:** Ms. Butler?

9 **MS. BUTLER:** Good morning. I'm Helen Butler,
10 Executive Director of the Georgia Coalition for the
11 Peoples' Agenda convened by Dr. Joseph Lowry, and being in
12 the civil rights arena, one of the things that we are most
13 concerned about is protecting that right to vote for all
14 citizens. I won't be redundant. You have our written
15 comments with regards to all of the rules, which we think
16 are vague and not available for us to really implement
17 this fully, but what I've heard today is that we don't
18 seem to be ready for this election cycle. But one thing I
19 do know that I've heard that there are people that are
20 planning to reduce the number of early voting days.

21 There are plans for people to reduce polling
22 locations and because we have a new voting system, we
23 should not limit access for voters, so our concern is that
24 a) early voting days remain the same -- the same number.
25 It shouldn't be reduced because we're not ready with the

1 implementation of the new system. We shouldn't have to
2 change polling locations because of this new system.

3 We should make sure that our facilities can
4 accommodate anything that we implement in place but not
5 limit the access of voters, so we're really concerned
6 about that and want to make sure that you promulgate rules
7 to the local boards of elections that they have to follow
8 and make sure that voters have access -- total access to
9 the ballot and that if -- they are not made to drive
10 inordinate amount of distances to get access to that
11 ballot. So that is our primary concern today, in addition
12 to the things that we've already submitted in writing to
13 you with regards to the rules. So thank you very much for
14 considering those changes.

15 **MR. RAFFENSPERGER:** Thank you.

16 **UNIDENTIFIED WOMAN:** Brava.

17 **MR. RAFFENSPERGER:** Ms. Penny Poole?

18 **MS. POOLE:** Good morning. My name is Penny Poole.
19 I'm President of the Gwinnett NAACP. Firstly, in
20 conjunction with state law 21-2-285 and in conjunction
21 with the NAACP State President James Woodall and
22 Gwinnett's State Representative Jasmine Clark, I have
23 concerns. I attended the Gwinnett Board of Registration
24 meeting on last night, and as of 1/21, Gwinnett County has
25 not posted early voting, absentee ballot, or in-person

1 voting instructions or notices for the citizens of
2 Gwinnett. And secondly, during the reporting period last
3 night, Elections Supervisor Christie Rostin, she announced
4 that satellite polling places will be decreased from 19 to
5 12 voting days for the presidential preferential primary,
6 as well as the May primaries.

7 Democratic Representative Steven Day asked, who made
8 these decisions because the Board was not involved or
9 informed or did the Board make these decisions. And then
10 secondly, a citizen asked, why not use paper ballots as
11 was decided by Judge Amy Totenberg instead of creasing --
12 decreasing access to the citizens. Supervisor Rostin's
13 answer was -- and she refused to answer either. Her
14 response to these questions were [sic] that these
15 decisions were made because they were not sure when
16 machines will arrive or if they will be on time, and her
17 second response was that she stated that polling workers
18 were still not properly trained to operate these machines
19 for the citizens of Gwinnett.

20 Gwinnett County has announced illegal elections
21 decisions without the consent of the Gwinnett Board of
22 Registration and Elections. Secondly, Gwinnett County
23 will cause massive voter disenfranchisement because they
24 are suppressing the right of citizens to have equal access
25 to the ballots and to cast their votes. We are

1 immediately asking for this Board to resolve why Gwinnett
2 has chosen to take this into their hands illegally and
3 make decisions for the Board of Registration and
4 Elections. We would like this to be done immediately, and
5 we, the NAACP of Gwinnett, we demand a written response to
6 this.

7 **MR. RAFFENSPERGER:** Ms. Eveler?

8 **MS. EVELER:** Good morning. My name is Janine Eveler,
9 and I am the Director of Elections in Cobb County, and the
10 local election officials do have concerns about how the
11 Board is going to interpret the one unit for every 250
12 voters. I would just like to reiterate that the code
13 section that you're trying to interpret does say for each
14 precinct and not for each polling location, and I would
15 take care in how that is administered.

16 We do have concerns about the logistics of getting
17 the number of units that are being discussed in each of
18 the polling locations. The code section 21-2-367, which
19 is what is being interpreted that, again, does speak to
20 precinct, was originally written prior to the advance
21 voting that we have today, and it wasn't taken into
22 consideration that we are offering to every precinct
23 multiple days, multiple weeks, and multiple units in other
24 voting locations during advance voting. I would
25 appreciate that those offerings would be taken into

1 consideration in some way in the rule.

2 Also, different election types have different
3 turnout, and I can appreciate the desire for what the
4 legislature was trying to do for general elections,
5 specifically to have the maximum number of units out there
6 that we could, but for instance in the presidential
7 primaries, Cobb County has never had more than a 48%
8 turnout and 8% of that at that time was early voting. So
9 if we're going to the 250 -- for every 250, that maxes out
10 every unit that we've been allocated, and I have a hard
11 time putting that many units out when we're only going to
12 have less than 50% probably turnout. I think we should be
13 able to consider historical turnout and the type of
14 elections and let the rule account for different types of
15 election turnout. Thank you.

16 **MR. RAFFENSPERGER:** Thank you. Edgardo Cortes?

17 **MR. CORTES:** Thank you, Mr. Secretary, members of the
18 Board. I am Edgardo Cortes. I'm an Elections Security
19 Advisor with the Brennan Center for Justice. It's a law
20 and policy institute focused on justice and democracy
21 issues. Also, though, former Commissioner of Elections in
22 Virginia and a former local election official. The
23 Brannen Center along with Common Cause on behalf of Common
24 Cause Georgia did provide some more extensive written
25 comments with recommendations for how to strengthen and

1 clarify the proposed rules, but I do want to highlight a
2 couple of things.

3 There's been a lot of discussion around the -- the
4 number of machines allocated per precinct. We definitely
5 think that the language that's in the proposed rule is
6 unclear and could lead to some of the bad outcomes that
7 have been discussed today, and so, providing, you know --
8 taking out of the equation, dealing with advanced voting
9 and early voting out of the equation for planning for
10 election day I think would be appropriate.

11 The other thing I wanted to focus on was the issue of
12 both emergency ballots and provisional ballots. The rules
13 state that a number of -- that a sufficient number of
14 these ballots should be provided. We would recommend that
15 there would be more -- clearer guidance provided to local
16 election officials about what that means. We generally
17 advocate for having two to three hours' worth of peak
18 voting in terms of backup ballots and provisional ballots.

19 In Georgia, based on the last few elections, you're
20 looking at an average of about 35%, so having either the
21 two to three hours of peak voting for each local to do it
22 based on their specific locality or a blanket 35%
23 threshold for the number of emergency paper ballots to
24 have on hand and provisional ballots to have on hand we
25 think would help strengthen the efforts that you have to

1 prevent long lines from forming should the machines go
2 down. And we do -- we are appreciative of the fact that
3 the Board is having this discussion, discussing these
4 proposals in an open and transparent setting. We think
5 it's important to allow this sort of input as you're
6 dealing with these tough election security and preparation
7 issues, and we look forward to working with you as you
8 move forward. Thank you.

9 **MR. RAFFENSPERGER:** Thank you. If we could have
10 Gaylon Tootle and Susan McQuethy?

11 **MR. TOOTLE:** Good morning.

12 **MR. RAFFENSPERGER:** Good morning.

13 **MR. TOOTLE:** My name is Gaylon Tootle. I'm a Richmond
14 County voter. I work for Walter Knopshin's Center for
15 Independent Living. I'm a part of Rev Up Georgia, and I'm
16 here with my colleagues from the National Federation of
17 the Blind. We again -- I won't be redundant. We have
18 expressed our concerns about the confirmation -- the
19 confirmation of the ballot. We've heard a lot of
20 different issues that seem to be going on with the voting
21 system, and the picture looks bleak. And then, when you
22 couple that with -- normally with mass confusion, normally
23 what comes along with that is marginalization of
24 vulnerable people in marginal populations. So it is
25 imperative that we come up with a better solution for

1 confirming our ballots, and we, in the National Federation
2 of the Blind of Georgia, we feel that there's a simple
3 solution to that and that is by providing iPads or tablets
4 at each polling -- scanning position so that we can verify
5 our ballots. And when we say verify our ballots, putting
6 it where the goats can get it, that simply means that we
7 want to be able to read the ballot once we have printed
8 it, and we can say okay, I voted for such-and-so, and it
9 is here on this paper.

10 We understand that in this time that voter
11 suppression, voter whatever you would like to call it --
12 we want to make sure that the process is accessible from
13 beginning to end. Voting is a right and not only that,
14 accessibility is the law. So let's follow the law, and,
15 again, the National Federation for the Blind of Georgia,
16 we're here to assist with this process because we care,
17 and we want to exercise our right to vote in a clear,
18 transparent, and legal way. Thank you.

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

20 **MS. MCQUETHY:** Good morning. My name is Susan
21 McQuethy. I'm a DeKalb County voter. My concern is with
22 the burden on voters to have to verify that a machine
23 recorded their votes correctly. These new ballot-marking
24 devices add a whole new level to the voting process. A
25 level that is unreasonable and in cases bordering on

1 impossible. Voters are expected to find errors on
2 barcoded ballots that are in a completely different format
3 from the machines, and that makes it cognitively
4 challenging for many, many voters. As we've been hearing
5 all morning, the summaries do not provide the full
6 spectrum of choices, and they are printed in tiny, cramped
7 font, so it is no wonder that voters take little or no
8 time to go through this ordeal, and research proves that
9 they don't.

10 In the recent University of Michigan study, fewer
11 than 7% of voters took adequate time to notice deliberate
12 discrepancies that had been printed on their summaries.
13 In an April 2019 report, voters spent an average of 3.9
14 seconds to review printouts that summarized 18 contests.
15 The design of this system puts the onus on poll workers to
16 provide interventions to better ensure the security of the
17 vote. The January 13th, 2020 letter from the Brennan
18 Center to the Secretary of State's Office, as well as the
19 Michigan study, suggests that verbal prompting be provided
20 to the voter after the barcoded ballot is printed before
21 they are scanned.

22 This means that more poll workers must be recruited,
23 and that means more cost and more training. Is this part
24 of the plan? Have you taken measures to mitigate this
25 serious flaw in the new system? Are provisions in place

1 to fully fund this mitigation? Audits have no credibility
2 if they're performed using unreliable data, and hacking of
3 elections is still possible, and the chances of it are
4 made worse if malicious operators know that so few voters
5 are likely to notice errors. The security of our
6 elections is on the line. I trust that you are committed
7 to providing resources for the necessary interventions.
8 Thank you.

9 **MR. RAFFENSPERGER:** Thank you.

10 (Applause)

11 **MR. RAFFENSPERGER:** Well, thank you for your public
12 comments. For the last month, we've been working on the
13 rules. They were posted after the last meeting that we
14 did have, and I thought perhaps the best thing to do is to
15 let our Chief Counsel, Ryan Germany, just get us up to
16 speed with where we are, and take it from there, Ryan.

17 **MR. GERMANY:** Is this one on? Okay. Hello. Thank
18 you. Thank you, Mr. Chairman, members of the Committee.
19 Yeah, so since the rules were posted, we have received and
20 reviewed public comment. Thank you. So since the rules
21 were posted, we have received and reviewed public comment.
22 The rules working group that -- that this Committee set up
23 met to talk about how we should proceed, so today I have a
24 couple new rules to propose to the Board to post for
25 public comment, and then, some amendments to the rules we

1 posted last time for your consideration as well.

2 **MR. RAFFENSPERGER:** So as we've been discussing this,
3 I think all the Board members are aware of this and many
4 of the people that have reached out to us, because of the
5 timeline that we're on, it's felt -- and I guess there'll
6 be a motion at some point, but what seems might work best
7 is to actually -- we would implement the rules that have
8 already been posted, and then, obviously then they would
9 then become the rules, but then we would consider amending
10 those rules further to further tweak this and hone down
11 the rules as we want them. And this, we do think that
12 this will be a process that will take a few iterations,
13 and we want to continue to improve elections in Georgia,
14 and we want to continue to take input from all the key
15 voters and stakeholders in the election process in
16 Georgia.

17 **MR. GERMANY:** Yes, sir. That's what I recommend:
18 that for certain rules that we have posted that we adopt
19 them, and then, in addition to voting to adopt them, we
20 vote to post the amendment -- the amended rules that I'm
21 going to propose, and then, we'll come back in another 30
22 days and consider -- consider those amendments to the
23 posted rules.

24 **MR. RAFFENSPERGER:** So any comments from the Board
25 for -- general comments for the public or direct them to

1 Mr. Germany?

2 **MR. GERMANY:** And what I was going to do, Mr.
3 Chairman, if it's all right with you --

4 **MR. RAFFENSPERGER:** Okay.

5 **MR. GERMANY:** -- is first off, present the new rules
6 for the Board to consider posting for public comment and
7 then, I'll go through the rules that we've already posted,
8 but --

9 **MR. RAFFENSPERGER:** Okay.

10 **MR. GERMANY:** -- obviously, subject to the Board's
11 pleasure.

12 **MR. RAFFENSPERGER:** Proceed.

13 **MR. GERMANY:** Okay. The -- the first rule -- it's in
14 your binders, I believe, back in tab 8 -- is a rule about
15 assistive technology devices. This rule allows disabled
16 electors who are entitled to receive assistance to use an
17 assistive technology device to help the elector review
18 their paper ballot prior to casting.

19 **MR. RAFFENSPERGER:** It's actually tab 7.

20 **MR. GERMANY:** Tab 7, I'm sorry. Any -- so this
21 basically clarifies that especially visually disabled
22 voters can use their assistive technology devices to
23 review their paper ballot and doing so would not be a
24 violation of the general rule that prohibits phones or
25 other technology use in the polling place. So I would ask

1 the Board to post that rule for public comment.

2 **MR. RAFFENSPERGER:** Does this bill -- this proposed
3 rule come from input from the ADA community?

4 **MR. GERMANY:** This is based on the input that we've
5 received from the ADA community that they've brought up
6 today and also previously in demonstrations that we have
7 done with that community.

8 **MR. WORLEY:** Mr. Secretary, I would make a motion
9 that we post the rule on assistive technology devices.

10 **MS. SULLIVAN:** Second.

11 **MR. RAFFENSPERGER:** Discussion of this rule from the
12 Board? Hearing none, I'll call for a vote. All those in
13 favor of posting this new rule for assistive technology
14 devices as presented, signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Those opposed? Motion carries.

17 **MR. GERMANY:** Thank you, Mr. Chairman. The next rule
18 in the following tab in your binders is a rule about
19 recounts clarifying that now with a paper ballot system,
20 recounts will be conducted by rescanning all the -- all
21 the ballots, and it goes through how to -- the process
22 that an elections supervisor should go through in doing
23 recounts.

24 **MR. RAFFENSPERGER:** Any comments from the Board? Do
25 I have a motion?

1 **MS. SULLIVAN:** I'll move that we post the new rule
2 regarding recounts for public comment.

3 **MR. WORLEY:** I'll second that.

4 **MR. RAFFENSPERGER:** Okay. Do we have any discussion?
5 Hearing none, all those in favor of posting the new rule
6 for recounts, signify by saying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Those opposed? Motion carries.

9 **MR. GERMANY:** Thank you, Mr. Chairman. Moving
10 forward to the rules that have already been posted, so I'm
11 going to -- going to go through them kind of by chapter,
12 so the first one should be the next page in your -- the
13 next tab in your binder is the rules with the amendments
14 that -- that I'm going to propose today. The first one is
15 the rule, so 183-1-6. It deals with required activities
16 for third party voter registration. The public comment
17 brought forward some -- basically some typos in the -- in
18 the posted rule, and so I would ask the Board that we
19 repost the rule as amended to correct -- correct those
20 typos. This is one -- unlike some of the later ones, I
21 don't think it's critical that we adopt it. I think we
22 just vote to repost, and then we'll consider it next
23 month.

24 **MR. RAFFENSPERGER:** Any comments from any Board
25 members? Do we have a motion?

1 **MR. WORLEY:** I'll make a motion that we post for
2 comment rule 183-1-6-.02(6) and rule 183-1-6-.02(7) for
3 public comment.

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

5 **MS. LE:** I'll second.

6 **MR. WORLEY:** As amended for public comment.

7 **MR. RAFFENSPERGER:** As amended.

8 **MS. LE:** I'll second that.

9 **MR. RAFFENSPERGER:** Any discussion on the motion?
10 Hearing none, call to question. All those in favor of the
11 proposed posting of the amended rule 183-1-6-.02(6) and
12 (7), all those in favor say aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.

15 **MR. GERMANY:** Thank you, Mr. Chairman. The next --
16 the next rule is rule 183-1-12. This is one that I will
17 ask the Board to adopt the posted rule because it deals
18 with, I think, things that are critical to be in place
19 before voting begins, such as storage, transport of
20 machines, logic and accuracy testing, and polling place
21 set-up, etc. But what I'm going to go through now are the
22 amendments, so I'm going to ask the Board to adopt the
23 rule that we posted last month, and then, to post a new
24 rule that we will come back -- that basically amends that
25 adopted rule. So however you'd like to handle it when we

1 go through the amendments now --

2 **MR. RAFFENSPERGER:** I'd rather -- my preference would
3 be to clear the deck, and let's approve it, and then,
4 let's talk about the amendments if that's desirable?

5 **MS. SULLIVAN:** Sure. I'll make a motion to adopt
6 rule 12 as originally posted.

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

8 **MR. WORLEY:** I'll second that.

9 **MR. RAFFENSPERGER:** Do we have any discussion on
10 that? Hearing none, all those in favor of adopting the
11 rule 18-3- -- 183-1-12-.01 as posted -- through 19 as
12 posted, signify by saying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.
15 Okay. Now, Mr. Germany, your proposed recommendations?

16 **MR. GERMANY:** Yes, sir. And the proposed revisions
17 are -- I'm not sure the tab in your binder, but it's the
18 red line version, and these are based on the comments we
19 received, and I do want to thank the people that
20 commented. Some of them are bringing forward issues we
21 missed such as typos, and so we're correcting those, and
22 we're also making some substantive changes. The
23 substantive changes we are making are -- I'll basically go
24 through them, not all them, but the main ones.

25 So from -- some of the county election officials

1 raised the point -- and I will say on our rules working
2 group is Lynn Bailey, who is the Elections Director for
3 Richmond County, and she has put in so much time and
4 effort, and I just wanted to call a moment to appreciate
5 her, as well as she has sent these rules to other
6 counties, and we have received comments from many counties
7 to help us make these rules better including Ms. Eveler
8 from Cobb County and many others, so I just want to thank
9 the counties for their help in -- in getting these rules,
10 as well as the other commenters.

11 The first change is making a slight change to the
12 storage requirement to basically clarify that counties can
13 store these machines in a manner that protects them from
14 damage, so making it a little less stringent in terms of,
15 you know, they don't have to store them in their original
16 packaging like we said, but if they come up with another
17 way that protects them from damage that that's sufficient.

18 The other change we are clarifying is there's some
19 requirements in the posted rule that require things to be
20 posted on a webpage, such as in this rule the logic and
21 accuracy testing dates, and we're clarifying that that
22 needs to be posted on the county election board's homepage
23 so it's not lost, or if it's not available on a webpage,
24 then -- if they don't have an election board webpage, then
25 in a newspaper of general circulation or another prominent

1 location in the county. So we're clarifying that.

2 We're clarifying that we've received some comments
3 about accredited poll watchers to ensure that accredited
4 poll watchers can have the access that they are entitled
5 to under the law, so I put some changes throughout to
6 clarify that accredited poll watchers must be able to
7 observe certain processes, where -- whether it's the setup
8 process, election day voting, or -- or tabulation, but
9 cannot interfere with that. There was some back-and-forth
10 at the rules working group. There was a proposal to allow
11 certain photography of certain things at tabulation, and I
12 think Mr. Worley will speak to that after -- after this,
13 after I go through this. But there was -- that's not
14 included in this, but Mr. Worley can -- can bring that up.

15 One thing that we do add that's a pretty substantial
16 change is from the emergency ballot situation. We're
17 adding a clause based on a comment we received that for
18 any primary or general election for which a state or
19 federal candidate is on the ballot, a sufficient amount of
20 emergency paper ballots shall be at least 10% of the
21 number of registered voters to a polling place. That's to
22 try to -- we're not taking out the requirement that a
23 county provide a sufficient number, so a sufficient number
24 may be more, but we're providing this basically as a safe
25 harbor and some guidance.

1 **MR. RAFFENSPERGER:** So as -- as a floor?

2 **MR. GERMANY:** Yes, sir. We're making some changes.
3 One significant change we're making is based on the paper
4 done by Matt Bernhardt with the University of Michigan
5 that basically identified certain interventions that are
6 helpful in making people review their paper ballot. And
7 as one commenter pointed out, the -- the real helpful
8 intervention occurs after the printed -- the paper ballot
9 has been printed and before it's scanned. I think
10 previously we had posted that you need to be told to
11 review your paper ballot at the beginning of the process.
12 That study showed that really, it's more helpful after the
13 paper -- after the ballot has been printed, so we're
14 putting in a requirement that -- that each scanner has a
15 poll officer stationed there. That was already required,
16 but that that poll officer stationed at the scanner has to
17 verbally remind each paper -- each voter to review their
18 paper ballot, so we're putting that at that point in the
19 process.

20 Let me see what else. Another change we're making to
21 this is dealing with provisional voters. We're adding a
22 requirement that -- you know, one thing that happens in
23 provisional, when a provisional voter shows up, it can be
24 complicated for them to decide what they should do, and
25 it's a lot to put on a poll worker to try to basically

1 tell them what to do, so -- and that's kind of something
2 we want because it's not up to the poll worker to decide
3 whether their, you know, that vote should count. It's up
4 to the registrar to determine that at a later process, so
5 the existing rules I think adequately kind of update our
6 instruction to let the voter know here's basically your
7 options.

8 What we're adding in this rule is that each polling
9 place shall have an information sheet developed by the
10 Secretary of State available for voters that basically
11 describes the relevant law regarding a provisional voter,
12 so, you know, especially if you're -- if you're registered
13 in that county but you're not in the right precinct, if
14 you can't get to your regular precinct, then your
15 provisional ballot may be considered an out of precinct
16 ballot, and the votes that you're eligible to vote for
17 would be counted. But if you're registered in a different
18 county, then your votes wouldn't count. And so then, a
19 voter has to make that determination at the outset
20 dependent upon when they moved, you know, if they moved
21 after the registration deadline, they can go back to their
22 previous county. If they didn't, they really can't, so
23 the idea is instead of having a poll worker trying to make
24 these sort of legal factual determinations, we'll develop
25 something that poll workers will have available that they

1 can give the voter to try to assist them in making that
2 determination. I believe that is the only -- that that's
3 the final substantive change we're making.

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

5 **MR. WORLEY:** I'd like to make some comments about the
6 revisions that were made to this particular rule, and I
7 believe there is one other revision in here that Mr.
8 Germany didn't mention, but a provision was added that if
9 a poll officer observes a voter attempting to leave an
10 enclosed space with a paper ballot, they shall inform the
11 voter of the consequences of not depositing it in the
12 ballot scanner --

13 **MR. GERMANY:** That is correct.

14 **MR. WORLEY:** -- which is an important provision. I
15 was a member of the working group that worked on these
16 provisions that reviewed all of the comments that were
17 presented, and I'd like to thank the other member of the
18 working group, Mr. Germany, Mr. Rayburn, Lynn Bailey from
19 Augusta, Ms. Sullivan, Ms. Fuches, and Mr. Harvey, for all
20 of their very hard work on revising the -- or on drafting
21 the original amendments and then reviewing the comments
22 and making revisions. I think everyone operated in very
23 good faith to try to reflect as many of the comments as
24 were possible in the rules. This rule in particular I
25 think does some very good things, and especially as it

1 relates to provisional ballots, providing uniform
2 information to voters across the state so that they can
3 determine whether they should cast a provisional ballot
4 and what will happen when their provisional ballot is
5 cast. That, I think, will provide very needed uniformity
6 across all the precincts in the state on that.

7 There is one additional thing that I would like to
8 add to these -- to these amend -- amended rules, and if
9 the Board wishes, and we pass this rule as amended again
10 for further public comment, at that point I'd like to make
11 a motion relating to photography after the polls are
12 closed. But -- but to sum up, I think these -- I think
13 these revisions, amendments are very well thought out and
14 necessary, and I support them.

15 **MR. GERMANY:** So do we want to, Mr. Chairman -- do we
16 do these here from Mr. Worley's amendment and then we can
17 decide and -- do you want me to kind of explain that
18 provision, Mr. Worley or would you --

19 **MR. WORLEY:** No. I'll --

20 **MR. GERMANY:** Okay.

21 **MR. WORLEY:** I'll be happy to --

22 **MR. GERMANY:** Sure.

23 **MR. WORLEY:** -- explain it. One of the suggestions
24 that we had to this provision of the rules was to
25 specifically state that accredited poll watchers shall be

1 allowed to observe the process as long as it's in a manner
2 consistent with the operation of the polls. A suggestion
3 that we had was to add language that would allow
4 accredited poll observers to photograph several parts of
5 the paperwork in the poll after the polls were closed,
6 including the provisional ballot recount sheet, the
7 numbered list of provisional voters, and so, the purpose
8 for that recommendation was that provisional ballots --
9 that voters have three days to cure problems with their
10 provisional ballots.

11 Right now, anyone who wants to assist the prov -- the
12 provisional voters in reviewing those ballots can make an
13 Open Records request, but they won't get that Open Records
14 request until the time is expired for the voters to cure
15 their problems. So by allowing accredited poll observers
16 to -- after the polls are closed -- to photograph a list
17 of the numbered list of the provisional voters, those
18 entities, and those are usually the Democratic and
19 Republican party, can go to those voters and assist them
20 in information that they might need to cure their
21 provisional ballot to make sure that that ballot is
22 counted. And so, I think that's a very good idea, and so
23 I wanted to add an amendment at the appropriate place.

24 **MS. SULLIVAN:** Mr. Worley, can you --

25 **UNIDENTIFIED MAN:** Can you please speak up?

1 **MR. RAFFENSPERGER:** Sure.

2 **UNIDENTIFIED MAN:** Thank you.

3 **MS. SULLIVAN:** Do you mind?

4 **MR. RAFFENSPERGER:** Yes.

5 **MS. SULLIVAN:** Mr. Worley, can you tell us where
6 you're amending the rule and read that language to us,
7 please?

8 **MR. WORLEY:** Yes. The rule --

9 **MR. RAFFENSPERGER:** What page?

10 **MR. WORLEY:** -- would be on page 19 of 33 at tab 10
11 of the book. It's an amendment to rule 183-1-12-.12
12 (a) (8).

13 **MR. RAFFENSPERGER:** Okay.

14 **MR. WORLEY:** And I would just -- the amendment would
15 add language after the existing section 8 to just say
16 after the tabulation of results on election day as been
17 completed, accredited poll watchers shall be permitted to
18 photograph the tape of tabulated results referenced in
19 section 1, provisional ballot recap sheet -- the
20 provisional ballot recap sheet referenced in section 3,
21 and the numbered list of provisional voters.

22 **MS. SULLIVAN:** Thank you.

23 **MR. RAFFENSPERGER:** But it wouldn't just be -- as I
24 read that, it's not just provisional, so it's the entire
25 tape that normally gets posted on the, you know, --

1 **MR. WORLEY:** Right.

2 **MR. RAFFENSPERGER:** -- precinct windows.

3 **MR. GERMANY:** The tape is posted on the door, so
4 there's no issue with people -- anyone could photograph
5 that. And I would say, I don't have an objection, per
6 say. I would describe it as more hesitation, and the
7 reason is poll watchers now in the statute are not allowed
8 to use photography or review electors lists, so I think
9 it's more a question of is this -- and I think so there's
10 a question of well, if it's after the polls close, is that
11 prohibition basically lifted?

12 Outside the enclosed space, I think there's no --
13 never a prohibition is my understanding, so for instance
14 photographing the tape on the door would never be a
15 problem for anybody. Would -- this would allow the
16 accredited poll watchers of the parties and the candidates
17 -- so the Republican, Democrat, Libertarian parties and
18 then, if any candidates have accredited poll watchers --
19 to allow them to photograph these things, and I think the
20 -- I don't have any objection to the reasoning that they
21 want to get that information sooner --

22 **MR. RAFFENSPERGER:** I understand.

23 **MR. GERMANY:** -- because those voters --

24 **MR. RAFFENSPERGER:** It's the first time that we've
25 heard it today, but I know -- has the working group been

1 working on this one or is that...?

2 **MR. GERMANY:** We've worked on it. We discussed it on
3 Friday. Lynn Bailey, from a county perspective, said she
4 didn't have an issue with it because those documents are
5 basically -- are basically public anyway, so it's kind of
6 -- my hesitation is basically going from a place where
7 poll watchers are not allowed to use photography to one
8 where they would be. And again, I'm not -- I wouldn't say
9 I object. I would say I'm hesitant about making that
10 leap.

11 **MR. WORLEY:** Well, I -- I think the amendment as I've
12 offered it makes it clear that this is to be done after
13 the tabulation of results on election day have been
14 completed. I'd be willing to revise it additionally by
15 putting in language saying that -- or putting in a clause
16 that adds the phrase outside the enclosed area to make it
17 clear that they should review these outside the enclosed
18 area.

19 **MR. GERMANY:** I think that documentation and
20 verification would occur inside the enclosed area, and I'm
21 not sure we want to change that, so it's really a question
22 of do we want to allow that, and, again, it's just a kind
23 of hesitancy.

24 **MR. RAFFENSPERGER:** We're going to be back here in a
25 month to revisit other rules. Can we post this as -- as

1 another one of those and then it would give us the time
2 just to go back, have further discussions, and get
3 everyone on board? Because I think the -- the rules that
4 have been posted today, the amended rules, I think have
5 buy-in from everyone. It's just that timing factor, so if
6 we could just do that and revisit that. I'd feel most
7 comfortable with that, and then, we would probably get
8 additional public comment on that also at the same time,
9 if that would be agreeable?

10 **MR. WORLEY:** Sure. Sure.

11 **MR. RAFFENSPERGER:** So I guess stick with what we
12 have right now, what's presented, and then we'll vote on
13 that, and then, we would --

14 **UNIDENTIFIED WOMAN:** We can't hear you.

15 **MR. RAFFENSPERGER:** -- consider to -- post this as
16 another proposed amendment. Is that...

17 **MR. WORLEY:** That would be fine or we can adopt it
18 and still have it -- I mean, it still won't be final until
19 we get some public comment on it and vote -- and vote on
20 it again.

21 **MS. LE:** They can't hear.

22 **MS. SULLIVAN:** You need to pull up your mic.

23 **MS. LE:** They can't hear in the back.

24 **MR. RAFFENSPERGER:** Well, when it comes back -- when
25 it --

1 **UNIDENTIFIED WOMAN:** We can't hear.

2 **UNIDENTIFIED MAN:** Please speak into your mic.

3 **MR. RAFFENSPERGER:** I'd rather keep it stand alone
4 just so that -- just because of the time factor, because
5 if it doesn't move forward and we want to take it out,
6 it's a reposting --

7 **UNIDENTIFIED WOMAN:** We can't hear. We can't hear.

8 **MR. RAFFENSPERGER:** We'd have to remove it down. I
9 guess the mic level is turned very low today.

10 **MR. WORLEY:** I'm perfectly fine doing it as a
11 standalone amendment.

12 **MR. GERMANY:** So I think the relevant action from the
13 Board would be post rule 12 as amended and then another
14 vote to post Mr. Worley's amendment, and we'll post them
15 separately.

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

17 **MS. SULLIVAN:** I'll move to post rule 12 as amended,
18 as presented to the Board today by Mr. Germany.

19 **MR. WORLEY:** I'll second that.

20 **MR. RAFFENSPERGER:** Do we have any further
21 discussion? Hearing none, all those in favor of posting
22 rule 183-1-12-.01 as presented by Ryan Germany, please
23 signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed? Okay. Mr. Worley?

1 **MR. WORLEY:** And I would make a motion to amend rule
2 183-1-12-.12, tabulating results, section (a)(8), to add
3 language after "poll officials period" to state after the
4 tabulation of results on election day has been completed,
5 accredited poll watchers shall be permitted to photograph
6 the tape of tabulated results referenced in section 1, the
7 provisional ballot recap sheet referenced in section 3,
8 and the numbered list of provisional voters.

9 **MR. RAFFENBERGER:** Is that a motion?

10 **MR. WORLEY:** That's a motion.

11 **MR. RAFFENBERGER:** Do we have a second?

12 **MS. SULLIVAN:** Second.

13 **MR. RAFFENBERGER:** Any further discussion? Hearing
14 none, all those in favor of posting the amendment as
15 presented by Mr. Worley, please signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENBERGER:** Any opposed? Motion carries.
18 They will both be posted.

19 **MR. GERMANY:** The next rule is the one that we
20 received the most public written comments I would say and
21 also the one we probably had the most verbal comments this
22 morning on. It's probably the thorniest issue to try to -
23 - to try to solve, and it's minimum number of voting
24 booths.

25 So since we are now moving back to an optical scan

1 voting system, it basically resurrected a section of
2 Georgia code that had a minimum number of voting booths in
3 place when using an optical scan voting system. That
4 section of code was enacted a long time ago prior to early
5 voting, and the fact is, for instance in November of 2018
6 and as the usual decrease in general elections, about half
7 of the total voters vote early. So what we're trying to
8 do -- and I think the point of the code -- the point of
9 the code section is not really -- you know, the ratio is
10 not the issue. I think the issue is they don't want
11 voters to have to wait in line, and having a sufficient
12 number of machines is one way of going after that, but
13 it's not, you know, it's not the ill that they're trying
14 to pro -- the legislature is trying to prevent in my view.

15 So the rule we proposed was basically -- the rule we
16 posted was basically to have to allow counties to consider
17 the number of voting machines, ballot-marking devices,
18 that they use on the last day of early voting to take into
19 account that there's many more opportunities for voters to
20 vote than just at their precinct on election day. I don't
21 -- I don't think we received a single comment kind of
22 supporting that rule. People raised the point that for --
23 for big counties that have a lot of early voting, which is
24 a good thing, they can basically -- they wouldn't have to
25 have enough voting machines on election day. Now, for 145

1 counties, they wouldn't have that issue, but, you know, we
2 have -- we have counties of all sizes in our state.

3 The way the rules working group is suggesting to
4 amend this is -- and also, we were concerned, and maybe
5 Mr. Worley can speak to this, that basically the rule we
6 posted would be -- would face legal challenge as to
7 whether or not it sufficiently kind of -- in compliance
8 with the statute. So the amendment that we're trying --
9 that we're proposing today is instead of counting the
10 early voting machines and adding them to election day is
11 defining the term electors as used in the statute to
12 subtract the electors who have already voted. As Ms.
13 Bailey pointed out this morning and Ms. Eveler from Cobb
14 County also pointed out, that doesn't really help in
15 smaller -- it doesn't take into account the reality that
16 elections are different.

17 This year we're going to have a presidential
18 preference primary, a general primary, a general primary
19 runoff probably, and then a general election in November,
20 and they'll all going to be different. The November
21 election is going to be a massively bigger turnout than
22 the PPP. Traditionally, election officials have been able
23 to take that into account as they plan for their election,
24 and frankly, I think they should be able to. You know, we
25 don't want a law that ignores that reality. So my point

1 is I think -- I think the law needs looking at from a
2 legislative perspective, and, you know, that's something
3 we can work on, you know, over across the street, but as
4 for the rule that's in front of us today, we basically
5 have, you know, a few options, and we can -- I'm open to
6 discuss all of them.

7 The rule we posted deals with the kind of early
8 voting. It lets you count early voting machines towards
9 election day. The benefit of that rule is it does
10 basically help counties more -- be able to comply with the
11 rule. The number of voting machines that we're -- that
12 the State is providing to the counties is sufficient to
13 meet the one to 250 ratio. I think one that we'll have to
14 -- that we'll be looking at as a State throughout this
15 year is now that we're going to a precinct scan optical
16 scanning system, it's going to require some changes. The
17 average precinct size in Georgia is about 2500. That's --
18 that size is fine. There are some precincts that are
19 much, much bigger than that, and with the DRE system, you
20 could do that. With a precinct-based scanning system,
21 we've done some calculations, and the real issue is about
22 throughput, basically, getting voters through the scanner,
23 and that's a step that we're adding.

24 So I basically say all that to say that's all the
25 things the rules working group is considering as we try to

1 solve this issue. Where we have it right now, I would
2 say, is there's not a very good solution, and I'm kind of
3 left with I think we need to look at what this law should
4 be.

5 And so, basically, for the Board today, there's the
6 rule we posted -- that we posted. We can adopt that and
7 kind of continue to work. There's the rule that we -- the
8 amended rule that we're proposing about subtracting
9 electors. As Ms. Eveler brought up, -- I think she's
10 correct -- that would -- that makes sense in a general
11 election, a November general election. It doesn't make as
12 much sense -- so basically, what that would mean is in a
13 really small turnout election, like a special election,
14 then kind of we have to have more equipment provided than
15 in a large turnout election. So it's not really a -- it
16 doesn't get to the aim of ensuring that voters don't have
17 to wait in a long line.

18 **MR. RAFFENSPERGER:** Okay.

19 **MR. GERMANY:** I don't -- I don't have a good
20 recommendation, but I'm happy to take any questions or
21 comments from the Board.

22 **MS. LE:** Did the working group consider -- what did
23 the working group and the counties thoughts of historical
24 -- you know, I'm just concerned. My biggest concern is
25 the definition of elector in the code book. I know it

1 just seems like we're taking the rule to make a practical
2 application, but the elector as defined in the code book
3 is pretty clear. But we're trying to find a practical
4 solution, and I actually like the reason for it. I'm just
5 concerned about number one, are we changing the
6 legislative intent from that standpoint or are we
7 considering -- the working group -- in terms of the
8 anomalies, you know, historically a certain percentage
9 shows up? Is there a range of plus or minus within that
10 that accounts for or just leave it up to the counties to
11 decide well, historically 25% so they're going to reduce
12 it accordingly?

13 **MR. GERMANY:** I think you have to leave it up to the
14 counties. Ms. Bailey and I discussed that. This year,
15 there's a presidential preference primary that, you know,
16 the real kind of race is on the Democrat -- who's going to
17 be the Democratic candidate? Ms. Bailey said, you know,
18 in Richmond County they're -- they're a heavily Democratic
19 county, so they're going to expect a lot of voters. A
20 heavy Republican county might not expect so many voters.
21 And so, I don't -- I don't think there's a good way for us
22 as a Board, you guys as a Board to do that or us as a
23 State, but, you know, that's -- to try to answer your
24 question, the proposed rule that I have in front of me
25 that we were considering for amending defines electors as

1 used in OCGA 21-2-367(b).

2 **MS. LE:** Narrowly adjusted that --

3 **MR. GERMANY:** So we're not trying to change it for
4 the whole code, just for that one --

5 **MS. LE:** -- and I get that.

6 **MR. WORLEY:** And if I -- Mr. Secretary, if I could --

7 **MR. RAFFENSPERGER:** Sure.

8 **MR. WORLEY:** -- speak to some of the discussions that
9 were had in the working group. I had a concern that the
10 rule as first drafted, which tried to calculate the number
11 of voting booths or enclosures available in the county
12 that might have been voted on already, was not really
13 practical for large counties as has been discussed because
14 it would allow a county like Fulton County to put as few
15 as one machine in a voting booth -- I'm sorry, in a
16 precinct and that that was just, you know, obviously not
17 correct. The other concern that we had was that the
18 statute says what the statute says: 250 voters per
19 machine, essentially, and that we really couldn't vary
20 that -- that that would require the General Assembly to
21 pass a new statute.

22 And so, we came up with this compromise that defines
23 electors as all those people who have not already voted on
24 election day, so the county essentially gets credit for
25 the fact that they have allowed early voting, that those

1 people will not be coming back to vote on election day,
2 and so you don't have to have an excess of machines for --
3 beyond what the statute requires for voters who are not
4 going to be appearing on election day. And I think the
5 feeling in the working group -- Ms. Sullivan could testify
6 to this or not -- was that this was a good compromise to
7 both adhere to the legislative intent and be practical for
8 counties to work with.

9 It's a very clear rule of thumb. As amended, the
10 rule would be very simple. It would just say as used in
11 OCGA 21-2-367(b), the term electors shall mean those
12 electors on the official list of electors for the precinct
13 who have not voted as of election day. Polling places
14 with assigned electors from more than one precinct shall
15 use the total number of electors assigned to the polling
16 place when calculating the minimum number of voting booths
17 or enclosures. So I think -- I think this is a good -- a
18 good compromise. It is true that this means that the
19 counties will put out too many ballot-marking devices in
20 the presidential primary, and they'll probably put more
21 than are absolutely necessary in the general primary in
22 May, but that's a distinction that the legislature did not
23 make, and I think -- I think the revised language, as I
24 said, is the best way to meet the legislative intent and
25 be practical for the counties. Thank you.

1 **MS. SULLIVAN:** Mr. Worley accurately stated and well
2 stated the discussion of the working group.

3 **MR. GERMANY:** I would add a couple of things if
4 that's all right, Mr. Chairman. One, and I think this
5 could, you know, help the counties, is the statute talks
6 about voting booths or enclosures. It doesn't talk about
7 electronic ballot markers. We already have, you know, in
8 the rules we've passed -- the rules we've just adopted a
9 provision where a county election superintendent can in
10 their discretion decide hey, if this line is too long, you
11 know, we can start using emergency paper ballots. So
12 conceivably they could have it -- they could do something
13 where they have additional voting booths, but not machines
14 in those booths, so basically, they hold for use if
15 needed. You know, if we're going to what the legislature
16 intended, you know, it's about voting booths or
17 enclosures.

18 The other thing that I think Ms. Eveler pointed out -
19 - the second sentence in our proposed amendment basically
20 says -- it kind of changed what the legislature did too.
21 The legislature said precincts. Ms. Eveler is asking that
22 we basically leave it at precincts, and I think that would
23 help the counties too, and I think maybe what we should do
24 is maybe take out that sentence, post it subtracting some
25 electors who have already voted, I think provides some

1 assistance to the counties, and then, basically work to
2 see if it's a statute that should be clarified and how we
3 should do that, taking into account the fact that one
4 ratio for every election, you know, is probably not the
5 best way to go about it.

6 **MR. RAFFENSPERGER:** So just to clarify, I think what
7 I'm hearing is that what we've posted, we don't want to
8 move forward on that.

9 **MR. GERMANY:** I think that accurately kind of
10 describes where the rules working group is.

11 **MR. RAFFENSPERGER:** Okay. Would we make to take a
12 motion on that to kill it or if we just don't approve it,
13 it just dies on the vine.

14 **MR. GERMANY:** I would say it just dies on the vine.

15 **MR. RAFFENSPERGER:** Okay. So then what we have
16 before us is the red letter outline right here, but what
17 you're actually proposing is to tweak it further. And
18 before we get to that point, what I would -- because we
19 are moving relatively expeditiously, I assume that since
20 Ms. Bailey from Richmond County is on the working group
21 that this is something that works for her area and the
22 people that she's talked to. And then, the question that
23 we really have is our large metro counties, is this
24 something that I think they're -- do they feel that it
25 would still need further tweaking? At the end of the day,

1 what we want to make sure is that we don't have long
2 lines.

3 **MR. GERMANY:** That's right.

4 **MR. RAFFENSPERGER:** If you look -- read most papers
5 that are put out, they talk about 30 minutes is kind of,
6 like, the standard, and so, we understand that. So we
7 want to make sure that we're moving people through the
8 lines. That's very important, I think, for everyone
9 involved to have a good voting experience. So to just get
10 where we are, in other words, some of the counties may
11 actually have more machines than they want to have because
12 they say that people won't be there, but it's better to be
13 on that side than on the other side where you don't have
14 enough machines, and you have lines that are 45 minutes to
15 an hour. And so, --

16 **MR. GERMANY:** I think that's -- I think that's right,
17 and I think that is where we should be. I don't think
18 that the number of voting machines and the lines are
19 always sort of correlated. There's other reasons for
20 lines. I think that's kind of the flaw in the statute. I
21 think the point of the statute is to ensure that there's
22 not long lines. A ratio of voting booths I don't really
23 think is the best way to do that, and so, to answer your
24 question, I think passing this rule helps the counties. I
25 don't think any county is going to love it. I think -- I

1 guess they're not going to. But -- and the real flaw, I
2 think Ms. Bailey pointed out and Ms. Eveler as well, it
3 doesn't take into account the reality that not every
4 election is the same. A -- a PPP is not the same as a
5 November general election, and county election officials
6 know that, and they take that into account. Having to
7 spend time putting out extra machines --

8 **MR. RAFFENSPERGER:** I agree.

9 **MR. GERMANY:** -- might not really help in terms of
10 getting the most people through in the most efficient way
11 possible, and that's what every county officer that I
12 know, that's what they want to do in every election. So -
13 - sorry.

14 **MR. WORLEY:** I certainly appreciate what Mr. Germany
15 is saying and what the county officials are saying, the
16 ones who have commented on the revision, but I don't see
17 any way around that at this point without getting the
18 General Assembly to do something about the statute. And
19 so, it seems it falls to us to come up with a rule that,
20 you know, meets that requirement, but, you know, is
21 practical. If we don't -- if we don't pass a rule, we
22 won't, you know, they won't be able to take into account
23 people who have already voted before election day, so I
24 think -- I think the rule as in our booklets is the right
25 way to go right now, and then we can look and see if that

1 needs to be changed or modified.

2 **MR. RAFFENSPERGER:** I agree. To your point, are
3 there any additional tweaks of this, or is this as is?
4 Did you -- I thought you offered --

5 **MR. GERMANY:** I would -- I would say --

6 **MR. RAFFENSPERGER:** Where exactly --

7 **MR. GERMANY:** It was based on Ms. Eveler's comment
8 that, you know, the second sentence -- the sentence
9 basically in black in y'all's binder, polling places with
10 assigned electors more than one precinct, you know, what
11 we're saying there -- and I think it makes sense -- is
12 that sometimes people, voters from more than one precinct,
13 will vote in the same polling place. That occurs
14 basically when -- if you have a -- polling places are not,
15 you know, grow on trees, as county officials will tell
16 you, and, you know, especially now, many counties are
17 facing pressure from schools to not use schools as polling
18 places due to basically safety -- safety concerns. So if
19 you have a really good polling place, you know, sometimes
20 people will use them -- you know, lot of parking, good
21 accessibility, a lot of good space -- they'll use it for
22 more than one precinct.

23 **MR. RAFFENSPERGER:** Well, so, what is the final
24 wording that you would like to see us move forward with
25 the motion?

1 **MR. GERMANY:** I would post -- I think we post the,
2 basically, the first sentence as used in -- post for
3 public comment and just kind of knowing that it's not a
4 perfect solution really for anybody, but I think Mr.
5 Worley pointed out, it's basically what we can do right
6 now. As used in OCGA 21-2-367(b), the terms electors
7 shall mean those electors on the official list of electors
8 for the precinct who have not voted as of election day.

9 **MR. RAFFENSPERGER:** Period.

10 **MR. WORLEY:** And then take out the final sentence.

11 **MR. GERMANY:** Yes.

12 **MR. WORLEY:** I'm fine with that.

13 **MR. RAFFENSPERGER:** Do we have a motion or any
14 further discussion?

15 **MR. WORLEY:** I would make a motion that we post for
16 public comment rule 183-1-13-.01, minimum number of voting
17 booths, that states as used in OCGA section 21-2-367(b),
18 the term electors shall mean those electors on the
19 official list of electors for the precinct who have not
20 voted as of election day.

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

22 **MS. SULLIVAN:** Second.

23 **MR. RAFFENSPERGER:** Any further discussion? Hearing
24 none, all those in favor of posting rule 183-1-13-.01 as
25 presented by Mr. Worley, please do so by signifying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any opposed? Motion carries. It
3 will be posted.

4 **UNIDENTIFIED MAN:** Is there any way we could discuss
5 this? No?

6 **MR. GERMANY:** The next -- the next rule is rule 183-
7 1-14-.02. It deals with advance and absentee voting.
8 This is one similar to rule 12 that I would ask that we
9 adopt the rule that was posted last month, and then, we'll
10 -- I can go through these revisions based on the comments
11 and the rule working group review.

12 **MR. WORLEY:** I'll make a motion that we adopt rule
13 183-1-14-.02, advance voting, as posted at our last
14 meeting.

15 **MR. GERMANY:** And, Mr. Worley, I would just ask that
16 it -- it also contains other sections in chapter 14.

17 **MR. RAFFENSPERGER:** It has --

18 **MR. WORLEY:** Oh, excuse me. I'm sorry. Then I would
19 revise that. Yeah. I would make a motion then that we
20 adopt rule 183-1-14-.02, --

21 **MS. SULLIVAN:** They're listed on your agenda.

22 **MR. WORLEY:** -- 183-1-14-.11, 183-1-14-.12, and -.13
23 as adopted from posting at our last meeting.

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

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** Do we have discussion on the
2 rules that were previously posted as a motion before us?
3 Hearing none, all those who approve those rule changes as
4 presented by Mr. Worley please do so by signifying aye.

5 **THE BOARD MEMBERS:** Aye.

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

7 **MR. GERMANY:** Next, I'll go through the proposed
8 amendments to post to the -- to those rules. The first
9 one reflects basically kind of through a typo, and the GMA
10 and some cities brought this to our attention in comments
11 that cities and municipalities will still be able to use
12 hand-marked paper ballots for advance voting. This --
13 this rule mistakenly implied that they wouldn't be able
14 to, so we're proposing to fix that. This makes some
15 similar changes that we made in chapter 12 about posting
16 advance voting locations not just on the webpage but on
17 the county's -- the county board of elections homepage to
18 kind of try to account for the fact that it doesn't get
19 lost. It's easier to find for people.

20 This makes some additional similar changes that were
21 in chapter 12 based on the Matt Bernhardt study from the
22 University of Michigan that the real intervention that is
23 shown to be helpful is at the polling place scanner,
24 telling people to review their paper ballot at that point,
25 so we put that in a rule. We also add in here, as in

1 chapter 12, that -- this is based on some observations
2 from the pilot county, from the pilot county in November -
3 - that the poll officers stationed at the scanner should
4 not be the person who is also dealing with questions of
5 people at the ballot-marking devices, so it clarifies that
6 there needs to be a different person who is basically
7 assigned to the enclosed space to deal with voters, so
8 that that the person at the scanner can stay at that
9 station.

10 And that is one thing, and I know, Secretary, you
11 brought this up earlier this week, in that I do think
12 there are going to be additional poll workers needed for
13 this year, just like there was when we moved for the first
14 time to the new system. And I know counties recognize
15 that as well, so that's a process that's underway to help
16 them recruit. You know, anybody who wants to volunteer to
17 be a poll worker with all the people here interested in
18 elections, it's a great way to get involved. So there's -
19 - we would do that. It clarifies some options that if a
20 voter -- if there's an error, what a county does and how
21 they document that, whether or not the machine brings up
22 the wrong ballot or if there's an error on the printed
23 paper ballot.

24 And then, another substantive change is in the rule
25 that we just adopted, the county has to give -- there's

1 basically a period -- HB316 passed a requirement that
2 allows voters whose signatures don't match on an absentee
3 ballot or who forget to sign their absentee ballot to have
4 a process to cure that -- that mistake. And the proposed
5 rule dealt with okay, basically after early voting ends,
6 the counties need to get those rejection notices out ASAP,
7 next day. In speaking with some commenters and some
8 counties, there's a proposal to basically back that up all
9 the way through the second Friday before the election, so
10 an absentee ballot comes in, the second Friday or later,
11 the county needs to get out a rejection notice the next
12 day.

13 There was some concern in the working group that is
14 that workable for the counties, especially large counties
15 who might get thousands of absentee ballots in a day? The
16 initial reaction from the largest, from Fulton County, was
17 we think that's doable, and so I think it certainly should
18 be a goal, and if they think it's doable, then, you know,
19 I think it would be good practice. That's kind of the
20 last substantive change we'd be posting for public comment
21 today.

22 **MR. RAFFENSPERGER:** So we have before us the copy of
23 the proposed new rule with revisions. We've had a chance
24 to review that. Do we have any comments, any questions
25 for Mr. Germany?

1 **MR. WORLEY:** I would just comment, Mr. Secretary,
2 that the comments that we've received were very good and
3 thoughtful, and we have endeavored to adopt those or make
4 sure that the rules reflected those, most importantly,
5 that instructions to review the ballot will be given at
6 the end of the process before it's deposited in the
7 scanner, which the studies show is most effective, and I
8 am especially pleased with the revisions for these rules
9 in the notifications relating to absentee ballot
10 rejections. That period is which that has to occur is
11 very clear. The counties are very clearly instructed what
12 they need to do that they need to try to reach out in
13 addition to mailing by phone or email to end that process,
14 and I think it's a very, very great improvement in our
15 rules, so I'm very much in favor of these revisions.

16 **MR. RAFFENSPERGER:** Also, I'd like to commend the
17 working group. I know you've put an awful lot of hours
18 into this. You've had a lot of input from everyone, but
19 you've really been working hard to really perfect, you
20 know, what we're trying to do. It's still a work in
21 progress. We are open to taking more, obviously, input.
22 We'll have some more rules posted today, but at this time
23 I guess we're ready for a motion on that section, if you'd
24 like to. Does anyone want to make a motion?

25 **MR. WORLEY:** Sure. I will. I make a motion that we

1 adopt for public posting and public comment the revised
2 rule 183-1-14-.02 on advance voting, the revised rule 183-
3 1-14-.11 on mailing admissions of ballots -- well, that
4 wasn't actually revised, so we don't need to do that, but
5 -- so let me start over. I'm sorry.

6 I make a motion that we adopt the revised rules for
7 posting and public comment rule 183-1-14-.02 on advance
8 voting and 183-1-14-.13 on prompt notification of absentee
9 ballot rejection.

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

11 **MS. SULLIVAN:** Second.

12 **MR. RAFFENSPERGER:** Do we have a discussion on the
13 motion? All those in favor of posting 183-1-14-.02 and
14 183-1-14-.13 as outlined by Mr. Worley, please do so by
15 signifying aye.

16 **THE BOARD MEMBERS:** Aye.

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

18 **MR. GERMANY:** The final rule that we posted last time
19 is chapter 183-1-15-.02, definition of a vote. We don't
20 have any proposed amendments to that rule, so I would ask
21 that the Board adopt the rule as posted last month.

22 **MR. RAFFENSPERGER:** Do you believe that clears up
23 some of the questions that were raised today in the public
24 comment phase? I think some of the speakers today were
25 asking about, you know, clearing up exactly what is the

1 vote.

2 **MR. GERMANY:** I believe it does.

3 **MR. RAFFENSPERGER:** Do we have any discussion from
4 any members of the Board? Hearing none, is this time for
5 a motion?

6 **MS. SULLIVAN:** I move to adopt rule 183-1-15-.02,
7 definition of a vote, as was originally posted.

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

9 **MR. WORLEY:** Second.

10 **MR. RAFFENSPERGER:** Do we have any further
11 discussion? Hearing none, all those in favor of adopting
12 183-1-15-.02, please do so by signifying aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any opposed? Motion carries.
15 Okay.

16 **MR. GERMANY:** Thank you, Mr. Chairman.

17 **MR. RAFFENSPERGER:** I think that concludes our
18 business. Does anyone have any other business to bring
19 before the Board today?

20 **MR. WORLEY:** I don't have any other business, but I
21 did want to point out for the visitors in the audience
22 that -- who had not had a chance to see these rules yet,
23 they will be posted in the next day or so, that the
24 changes that were adopted today have made some significant
25 improvements in the rules that we passed a month ago

1 namely empowering voters to verify their paper ballot in a
2 way that strengthens the audit integrity, to promote a
3 consistent and fair treatment of provisional voters, to
4 preserve the intent of HB316 with respect to the number of
5 voting machines, to increase election administrative
6 transparency and engender public confidence, and to
7 provide for a defined number of emergency ballots in every
8 precinct in the state. I think these are all good
9 changes. I think there are other changes that can be made
10 based on the comments that we've received, and I know the
11 members of the Board and the working group are certainly
12 going to be looking at those -- continuing to look at
13 those as the process of installing and operating the new
14 voting system goes forward.

15 **MR. RAFFENSPERGER:** Any other members like the
16 comment? Well, I'll just conclude with saying thank you
17 to everyone that's here today. Also, I see sitting, my
18 good friends our county election officials, and so I think
19 we're learning today maybe from the county perspective on
20 the number of machines we have in place. It may not be
21 the perfect answer. I'll remind everyone we are in the
22 legislative session. If we need to go back to the General
23 Assembly, you know, we may have the time to do that, at
24 least for elections going forward sometime, depending on
25 when we move forward. Also, we will continue to have

1 discussions with everyone. I saw representatives from
2 ACCG, who represent the counties. We want to make sure
3 that they're, you know, brought into the process, and I
4 really -- I want to thank the people who offered their
5 positive and constructive comments today and also the
6 working group. I know how hard -- how much effort you all
7 put into this. You all have day jobs, so thank you very
8 much and with that we're adjourned. Do we need a motion?
9 Motion to adjourn.

10 **MS. SULLIVAN:** Second.

11 **MR. WORLEY:** Second.

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

13 **THE BOARD MEMBERS:** Aye.

14 (Meeting adjourned)
15

CERTIFICATE

STATE OF GEORGIA

COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 89 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 24th day of February, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

In The Matter Of:
Secretary of State
Board Meeting

February 28, 2020

Steven Ray Green Court Reporting, LLC
404 733 6070

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

FEBRUARY 28th, 2020
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Anh Lee

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

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

1
2 MR. RAFFENSPERGER: Good morning, everyone. I'll
3 call this meeting to order. It looks like we're just a
4 minute over 9 o'clock. If I could -- first of all, I'd
5 like to welcome everyone that's here today. We're here
6 to, I guess, codify and vote on our new SEB rules and also
7 look at some potential further changes on the SEB rules,
8 so we're very excited that you're here today, and if I
9 could call on Mr. Worley for the invocation and the pledge
10 of allegiance.

11 (Invocation)

12 MR. RAFFENSPERGER: And for the Pledge of Allegiance,
13 will you all stand and face the flag?

14 (Pledge of Allegiance)

15 MR. RAFFENSPERGER: Okay. I guess we have before us
16 -- before we do that, we have a new member before us today
17 as our new -- Matt -- member, Matt Mashburn. He's an
18 attorney from Bartow County, and he has, you know, now
19 taken the oath of office, and he will be one of our new
20 members today. Mr. Mashburn, would you have any words
21 that you would like to offer or...

22 MR. MASHBURN: Just thank the Lieutenant Governor and
23 the Senate for the appointment and the trust placed in me.
24 I thank the Secretary for his leadership and look forward
25 to working with the Board and thank you.

1 MR. RAFFENSPERGER: Great. Great. Okay. We have
2 before us the approval of the Board minute meetings. You
3 have those before you. You've had a chance to review
4 them. Does anyone like to make a motion?

5 MR. WORLEY: I'll make a motion that we approve the
6 Board minutes.

7 MR. RAFFENSPERGER: Do we have a second?

8 MR. MASHBURN: Second.

9 MR. RAFFENSPERGER: Do we have any discussion on the
10 motion? Hearing none, all those in favor of the motion
11 before us, signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Motion carries. Okay. Today we
14 have public comments on the proposed rules, and if time
15 allows, then we'll be getting to the other topics. We had
16 one person that wanted to talk about some -- another
17 topic, but this -- the purpose of this meeting today is
18 really about the proposed rules, and I would like to move
19 through that. And if everyone -- I'm going to read off
20 about 5 or 6 names and try and keep the line moving, and
21 we'll speak over there at that podium right there, and
22 someone will give you a mic.

23 UNIDENTIFIED MAN: Left or right?

24 MR. RAFFENSPERGER: It'll be on my right, your left
25 side, and the first name on that list -- and I'll just

1 read off about 4 names -- would be Judy Presley, Jeremy
2 Adams, Dorothy Griffin, Betsy Greenovich, and Danielle
3 McIntyre. Please start. Then on deck, we have Libby
4 Seger, John Peterson, Gunner Kukula, Ann Greer, just to
5 give you an idea of the direction, but Ms. Judy Pressley
6 would be first. Mr. Jeremy Adams is second, and Ms.
7 Dorothy Griffin, third, Ms. Betsy Grenevitch.

8 MR. RAYBURN: And if everyone that's going to speak,
9 would you please state your name and where you live before
10 you begin?

11 MS. PRESSLEY: My name is Judy Pressley, and I live
12 in Hele, Georgia, representing White County. And first of
13 all, I would like to say that I truly cherish the
14 privilege of being able to vote independently, and I have
15 voted independently for the last 10 years, ever since the
16 accessible voting machines were available to the blind.
17 I'm also the leader -- vice president of a large blindness
18 organization, and I encourage all of our members to vote
19 independently.

20 Recently, I was able to sample the new voting machine
21 for the blind, and I found it totally baffling. The
22 keypad itself was confusing to me, and then the
23 instructions are just mindboggling, the way they continue
24 to go over and over again, and it distracts me, and I'm
25 not able to concentrate. And the keypad, the buttons say

1 -- the blue button and the yellow button and the up button
2 and the down button and the blue button -- I don't know
3 blue, yellow, red, green, or white because I can't see, so
4 that -- I don't understand that.

5 I have used assistive devices for many, many years,
6 and I, for some reason, I just find this machine very
7 difficult to use, and I have feel like my civil igh [sic]
8 -- civil rights are being violated because I'm not able to
9 vote independently with this machine, and I think it needs
10 to be fixed. And I think it can be fixed with some easy
11 technical ways, so I would like to have that done and done
12 as quickly as possible so that I'm able to vote in the
13 next election. Thank you.

14 MR. RAFFENSPERGER: Thank you, ma'am. Mr. Jeremy
15 Adams?

16 MR. ADAMS: Hello. My name is Jeremy Adams, and I'm
17 also from White County. I actually have a -- my
18 background there is I worked for many years in our
19 technology department in the local county, so I've had the
20 experience of providing technical support for many
21 elections, and I've still been doing that after losing my
22 vision. So I've gotten to play with our new ATIs and
23 BMDs, and I voted several practice ballots. I'm with Ms.
24 Judy on this. It's very confusing. But I think there are
25 some very simple software updates that could be made quite

1 quickly and inexpensively to make this a much more fluid
2 and better user experience for our blind voters.

3 First of all, the instructions never stop talking. I
4 have two little girls, and they don't talk this much.
5 What I would like to see there is to have the instructions
6 read once a blind voter inserts their voter access card,
7 and then allow the voter to move on. There is a help
8 button on the ATI that the voter can then press at any
9 time to repeat the instructions. They do not need to
10 continually read over and over and over again.

11 The second change I would like to see is when
12 navigating through a ballot, a blind voter is required to
13 press either a yellow left arrow key or a blue down arrow
14 key and move to a race in the ballot. Then, they are
15 required to press the red x to select the ballot. Then,
16 they are required to use the arrow keys to select a
17 candidate or option to choose in the ballot. Then, they
18 select that by using the red x again. Then, they have to
19 use the arrow keys and the x to move out of that race so
20 that they can move to the next race with the arrow keys
21 and use the select button to select that race. I think
22 it's the equivalent of a sighted person reading a web page
23 and having to click each paragraph before they're allowed
24 to read the sentences in that paragraph. It's very
25 nonintuitive. I think by simply changing the way the

1 arrow keys navigate through the ballot that could be made
2 a much simpler process.

3 Thirdly, I'd like to see a better option for blanking
4 the screen. That is not provided as an option in the
5 whole pad when a blind voter checks in. I'd like to see
6 it added there or added to an options menu at the very
7 beginning for the blind voter to choose on the ballot
8 marking device themselves.

9 Finally, and I think this is the big point for
10 today's meeting, is the size of the font on the actual
11 printed ballots. That's an 8-point font, I believe.
12 That's going to be difficult for most anybody who drives
13 around and yet needs reading glasses to read their 12-
14 point font newspaper. I understand that -- I know our
15 local county is going to provide some magnification
16 devices, reading glasses, to each poll, but I don't know
17 that that's enough. I would love to see an option for a
18 low vision voter who uses magnification on the ballot-
19 marking device themselves. I'd like to see an option for
20 a bigger font on the printed ballot.

21 That's not only hard to read for a person of lower
22 vision, it's actually a little small for most accessible
23 technology devices, like my iPhone. I have several apps
24 on my iPhone that will read text on a page to me. 8-point
25 font is a little hard for it. I get it about half the

1 time. Every once in a while, it comes out perfect, and
2 the next time it's just gibberish, so I'd like to see an
3 option. I understand that we're trying to save ink, and
4 we're trying to get everything on one page, and I get
5 that, but it is -- it is an issue for people with low
6 vision, so thank you for all the hard work that this Board
7 is doing. And I know this election is a big deal. You've
8 rolled out a lot of changes, and you're trying to do it
9 quick, and I've -- I think overall you're doing a good
10 job, but just these small changes would make a huge
11 difference for our blind or low vision community. Thank
12 you.

13 MR. RAFFENSPERGER: Thank you for your comment. Ms.
14 Dorothy Griffin, and after that will be Betsy Grenevitch,
15 then Danielle McIntyre, then Libby Seger.

16 MS. GRIFFIN: Thank you for allowing me to speak
17 today. My name is Dorothy Griffin. I live in DeKalb
18 County, and I am the President of the National Federation
19 of the Blind. I think assistive technologies, the Dominion
20 ICX ballot device, BMD does not provide voters with print
21 disability to independently verify their ballots
22 correctly. Permitting the use of certain assistive
23 technology will enable voters with print disabilities to
24 perform the task of independently verifying their printed
25 ballot as -- as opposed to voters without print

1 disabilities.

2 The term, "illiterate or disabled" individuals,
3 should be replaced with individuals with print
4 disabilities. And as -- the types of assistive technology
5 should be specified as the term assistive technology.
6 It's too broad, and poll workers should not be put in
7 position to having to make a determination as to whether a
8 particular technology is permitted. As a minimum, the
9 list of acceptable technology include [sic] magnifiers,
10 magnification apps, smart phones, tablets, handheld
11 magnifiers, and portable video magnifiers, optical
12 character recognition apps on smart phones and tablets.
13 These apps include the KNFB reader, the seeing AI. The
14 Center for Civic Design has permitted testing of reading
15 printed ballots with OCR apps, and they find that the
16 Dominion printed ballot is formatted reasonably well for
17 reading with the seeing AI, the KNFB reader, etc.

18 The ICX ballots are in two columns with the contest
19 name and then the candidate name is on the next line. How
20 will the requirement of any image obtained through using
21 assistive technology devices be immediately deleted and/or
22 enforced? It's critical that poll workers be trained well
23 and given guidance about how to interact with voters who
24 may be using assistive technology to verify their ballots.
25 The situation where the poll worker doesn't know about

1 this rule may -- must be avoided. Also, another situation
2 that must be avoided is where instead of politely
3 reminding a voter to remove the image, the poll worker is
4 inappropriately aggressive, so there needs to be some type
5 of script or what to do in this information included in
6 the polling manual. All right. That would be helpful.
7 Thank you.

8 MR. RAFFENSPERGER: Thank you, ma'am. Ms. Betsy
9 Grenevitch?

10 MS. GRENEVITCH: Good morning. My name is Betsy
11 Grenevitch, and I'm from Walden County in Loganville. I
12 want to -- I'm sort of like Judy. I'm going to miss the
13 freedom of being able to use my right of voting because
14 the previous machines were excellent. No help was needed
15 to cast any ballot, and I could verify it because I read
16 back what was there since it was not a paper ballot.
17 Concerning the paper ballot issue, as Dorothy already
18 said, there were already so many options to be able to
19 read that ballot.

20 The problem is if you make the rule saying that you
21 can bring in your device, but that the poll does not have
22 a device, you're going to leave out a lot of visual --
23 blind and visually impaired voters. Not all of our blind
24 and visually impaired voters have a device to use if they
25 were to go to a polling both. Therefore, if we come up

1 with some kind of standard that allows the polls to have a
2 particular device that all poll workers are trained on,
3 then everyone would have access to be able to read their
4 ballot.

5 I'm not going to go ahead and address the other
6 issues because you've already heard the speech issues.
7 Jeremy did a great job with that, but I am very concerned
8 with those as well. But the main focus for you all today
9 is the ballot. There are options, and you will hear more
10 from my daughter. Thank you for the opportunity to speak.

11 MR. RAFFENSPERGER: Thank you, ma'am. Danielle
12 McIntyre, then Libby Seger, and then John Peterson, and
13 then Gana Kukkala.

14 MS. MCINTYRE: Good morning. Thank you for allowing
15 us to speak this morning. My name is Danielle McIntyre.
16 I am from Walton County, and I do have some handouts for
17 you all in regards to some assistive technology pricing
18 and things. I would like to look at this from two
19 different perspectives. One is that of a totally blind
20 person, as well as those with low vision.

21 For the totally blind person, the print ballot is
22 unreadable. As you have already heard, there are a few
23 options for apps that are free that will not cost any
24 money to them as well as to potential poll workers to use
25 when we do have our primaries coming up, and I realize

1 that is just a few weeks away. Those would be -- for
2 scanning, there's an app called Voice. There's also one
3 called CN Speak. I have been working the last two days
4 downloading app after app that is free. Those are the
5 only two that I have found that are accurate and will
6 actually be easy for the user to use where they just tap
7 on the screen that scans it and automatically reads. A
8 lot of the others require more software and understanding
9 of technology which not all blind people have or
10 understand smart phones.

11 There are also some apps where they would be
12 connected to a live person who could then read that app,
13 and those would also be an excellent option for those who
14 need and don't feel comfortable with using technology to
15 scan where they could be -- have a live person that could
16 read that page to them, and they would know that their
17 ballot is exactly what they put in.

18 Also, for those with low vision, I have contacted a
19 few people in our state organization and asked how they
20 feel about the low point size of the font, and even large
21 print is considered 14-point or larger. They told me at
22 14-point, they still are unable to read that with a
23 magnifier whether it's handheld. They would need what's
24 called a CCTV, which is a computer monitor that can zoom
25 100 times into that. Some of them can't even there. They

1 have to have 6 characters at a time to be able to read
2 print. And for them, there needs to be an option other
3 than just the magnifiers. I know one person personally
4 who has a portable CCTV that I would like to make sure she
5 could bring that to her polling place when she gets her
6 paper ballot, set it underneath a computer, and be able to
7 read that at the magnification and with the contrast.

8 It's not everyone can read white on black. Some
9 people need black on white. They may need a blue on a
10 white, and with that, allowing them if they have their own
11 technology to use their large print, and if not, that we
12 have some options as a State going forward that would
13 allow those who need the large print, who need the
14 magnification, to read their own ballot without having to
15 have a sighted person or someone else read it for them.
16 Thank you, guys.

17 MR. RAFFENSPERGER: Thank you, ma'am. Libby Seger,
18 John Peterson, Gana Kukkala.

19 MS. SEGER: Good morning. My name is Libby Seger,
20 and I am a Georgia voter from Fulton County. I am a
21 student at Georgia State University, where I am the
22 President of the Young Democrats, and I've attended the
23 last two of these meetings, and I've been pretty
24 disappointed both times. Last time I stood here, I said
25 that I represented the future of this state, but clearly

1 that wasn't enough, so I brought some of them with me this
2 time.

3 So before -- before you hear from all of them, let's
4 get real for a second. My generation is already dealing
5 with the soul-crush -- with soul-crushing problems facing
6 this country: the climate crisis, housing insecurity, gun
7 violence, lack of access to quality healthcare, and jobs
8 that aren't even paying a living wage. It is our civic
9 duty to elect leaders that we can believe help solve these
10 problems, and in order for us to properly do that, we have
11 to have confidence that when we cast a vote that what we
12 put on our ballot is actually counted.

13 Brad Raffensperger has been running around Georgia
14 telling Georgia voters that we should all have so much
15 confidence in these machines. After me, a list -- a group
16 of students will come up, and they will go over a bunch of
17 prop -- proposed rules that we have that would make these
18 machines a little bit better because there's already not
19 much we can do.

20 I'd also, as a creator on the app and as a young
21 person, I'd like to address something the Secretary of
22 State's Office has come out and done. They've released,
23 if you haven't heard, a TikTok voter challenge that
24 encourages young people to make videos online about how
25 awesome these secure paper ballots are, and quite frankly,

1 to be honest, I'm appalled by it because it's a
2 manipulation tactic that they can use to convince young
3 people that they should be excited to vote for the first
4 time on these machines because a lot of us are. But I
5 want you to know that it doesn't matter how many TikTok
6 voter challenges and stuff that the older generation will
7 try and use. They listen to us. The young people will
8 listen to us, and we will keep showing up to these
9 meetings in growing numbers until you do what is right.
10 Georgia deserves a State Election Board that doesn't
11 silence Georgia voters, so we demand that you do better.
12 We demand that you do your jobs. Thank you.

13 MR. RAFFENSPERGER: John Peterson?

14 MR. PETERSON: Good morning.

15 THE BOARD MEMBERS: Good morning.

16 MR. PETERSON: My name is John Peterson. I'm a
17 Georgia voter from Cherokee County. I lead both the North
18 Metro Atlanta and Georgia State University chapters of
19 Students Demand Action for Gun Sense in America, an
20 organization for which I serve on the National Advisory
21 Board.

22 Election security matters to me because it has been
23 exactly one year since HRA, the bipartisan bill to pass
24 background checks in the House of Representatives has
25 passed the House. It has not been addressed in the

1 Senate, and if there is any hope of getting the will of
2 the American people translated into law in the Senate,
3 Georgia must contribute to electing a President and
4 senators that fight for nearly universally supported
5 common sense gun laws.

6 In December and again in January, I stood here and
7 asked a simple question: what is your plan to protect
8 ballot secrecy? Since early voting began for the pilot
9 elections and continuing to the special elections in South
10 Georgia earlier this month, it has been blatantly obvious
11 that the Dominion ballot-marking tablets have a design
12 flaw. These things are so obnoxiously massive that you
13 can read a voter's selections from across the room.
14 Ballot secrecy is not a privilege; it's a right. Georgia
15 voters are guaranteed a secret ballot by our Constitution,
16 and the officials running elections in every one of the
17 159 counties you oversee are charged with protecting our
18 State's Constitution.

19 When Secretary Raffensperger certified the system, he
20 said it complied with state laws. It doesn't. Georgia
21 code section 21-2-379-.22 says any ballot-marking device
22 Georgia uses must -- and I quote -- "permit voting in
23 absolute secrecy so that no person can see or know any
24 other electors' votes." Voters and election directors
25 across the state can confirm: these new tablets do not

1 comply with the law. The certification is nonsense. We
2 demand that the State Election Board prohibit the use of
3 the Dominion ballot-marking devices in Georgia elections
4 until this design flaw is corrected. Not doing so would
5 be violating laws that you yourselves are charged with
6 enforcing. You cannot ask counties to follow some
7 statutes faithfully, while requiring them to violate
8 ballot secrecy laws -- am I trying your time, Secretary
9 Raffensperger?

10 You cannot ask counties to follow some statutes
11 faithfully, while requiring them to violate ballot secrecy
12 laws in the Georgia Constitution by using these new BMDs.
13 Our State Constitution is not a menu that you get to order
14 from as you please. It is the law. You don't get to pick
15 which parts you'll follow and which parts you don't. The
16 Secretary's certification is overtly unconstitutional.
17 Georgia deserves a State Elections Board that doesn't
18 silence Georgia voters. We demand that you do your job.
19 We demand that you do better.

20 MR. RAFFENSPERGER: Gana Kukkala, Anne Greer, Marisa
21 Hordos, and Hermela Assefa, and that's the next order so
22 Gana.

23 MR. KUKKALA: Good morning, fellas. My name is Gana
24 Kukkala, and I am a Georgia voter from Fulton County up in
25 Sandy Springs, Georgia. I'm an organizer with March for

1 Our Lives and Students for Bernie at Georgia State. As a
2 student activist, I fight for a lot of issues that I'm
3 passionate about, such as climate change and feminism, but
4 I would not be able to make the change that is needed to
5 be made if I can't properly use my right to vote.

6 Ballot secrecy is our constitutional right, and I am
7 outraged that the Secretary of State has inappropriately
8 certified a ballot-marking device that does not comply
9 with the law. Over 30,000 of these new ballot-marking
10 devices have been delivered to counties, and 2 million
11 voters begin casting ballots for the presidential primary
12 in just 3 days, most of which will encounter these devices
13 for the first time. They will be utterly disappointed in
14 Georgia's State Elections Board to see that the ballot-
15 marking devices are nonsensically, ridiculously oversized.

16 I want to demonstrate to you the latest advice from
17 the Secretary of State that the tablets should turn to
18 face the wall. So, first, here's how the tablets were set
19 up during the pilots and the mock elections: facing the
20 center of the room with a privacy screen covering the back
21 and the sides. I personally have tested these out for
22 myself when they were being presented in the Capitol. Do
23 you see how easy it is to read the screen?

24 UNIDENTIFIED MAN: No.

25 MR. KUKKALA: Now, here's how it would be if you

1 followed the new diagram and you turned it to face the
2 wall. Yes, it's true that the choice of voter marks is
3 relatively more discreet, but it's also true that the
4 device is completely shielded from the view of poll
5 officers and poll watchers, which ends up breaking another
6 law. Aren't there any attorneys in the Secretary of
7 State's Office? Mr. Germany, are you truly comfortable
8 with the Secretary of State encouraging local election
9 leaders to solve one legal issue by violating a completely
10 different law? Georgia deserves a State Elections Board
11 that doesn't silence Georgia voters. We demand that you
12 do better. We demand that you do your job.

13 MR. RAFFENSPERGER: Anne Greer, then Marisa Hordos,
14 and then Hermela Assefa.

15 MS. GREER: Good morning. My name is Anne Greer, and
16 I'm a Georgia voter representing Cherokee County. I work
17 with Students Demand Action, and I'm a student at
18 Georgetown University in Washington, D.C., where I flew in
19 from last night in order to attend this meeting because I
20 care so much about voter security and safety. In
21 particular, I believe that ballot secrecy cannot be
22 compromised, and I am here today to offer a solution that
23 can be implemented in every precinct by Monday morning,
24 where -- when early voting begins.

25 First, leave the Dominion marking ballot -- Dominion

1 ballot-marking tablets and the printers and the power
2 back-ups in the storage room. Second, set up the privacy
3 screens and chairs at the tables. Third, offer every --
4 or offer every voter that can use one a hand-marked paper
5 ballot. Your emergency rules require every precinct to be
6 trained and ready for this with ballots pre-printed for at
7 least 10% of registered voters. There is plenty of time
8 to get additional ballots printed before election day.
9 Counties with mobile ballot printers can use them to print
10 what they need. There is no time to waste. There is no
11 time -- no time for trials that solve one problem while
12 introducing another.

13 The prin -- the presidential primary is literally the
14 3rd highest turnout election in the four-year election
15 cycle. Georgia voters are counting on the State Election
16 Board -- on the State Election Board to act decisively.
17 Don't put local election officials in the position of
18 choosing which law to follow or which law to break.
19 Protect Georgian's rights to cast a secret ballot.
20 Georgia deserves a State Election Board that doesn't
21 silence Georgia voters. We demand that you do better, and
22 we demand that you do your job. Thank you.

23 MR. RAFFENSPERGER: If I could just throw this out to
24 the audience, we have people that are clapping, people
25 that are booing. Let the people make their comments and

1 keep your comments to yourself unless you're making public
2 comment. We're truly just trying to run a meeting, and
3 we'd like to have a certain level of decorum, so we don't
4 need people booing, and if we just kind of tamp down
5 emotions a little bit, I think we could move through it a
6 little bit faster. Thank you very much for your
7 cooperation, and our next speaker is Marisa Hordos.

8 MS. HORDOS: Good morning. As just said, my name is
9 Marisa Hordos, and I am a Georgia voter from Cherokee
10 County. I am also a co-founder and co-leader of Students
11 Demand Action groups for North Metro Atlanta and Georgia
12 State University. I am pursuing my degrees in religious
13 studies and French. I can speak multiple languages, and I
14 was born during an era of cell phones and electronic
15 devices. I can tell you how to access your iCloud
16 accounts. I could rearrange apps on your phone. I can
17 read in multiple languages. I can read different books in
18 different languages, but as any other Georgia voter and
19 any human being in general, I cannot read a QR code.

20 A QR code is nothing more than a randomized group of
21 boxes that is impossible for humans to comprehend, and it
22 means absolutely nothing to me. If I mark my vote with a
23 pen, I have security knowing my choices are present on
24 that ballot. If I mark my choices with a tablet and then
25 those choices are sent to a printer that's supposed to

1 interpret this QR code, I can never truly know whether the
2 vote that I wanted to cast was the vote that was actually
3 interpreted and counted. That doesn't feel safe or secure
4 to me. Do you feel safe? And let's be real for a second,
5 if you do feel safe, it's probably because your privilege
6 that ensures your feeling of safety, and I can't lie, I
7 know I have a lot of privilege, but the difference is I'm
8 here, and I'm speaking about it, and I'm using my
9 privilege to prevent voter discrimination. My biggest
10 question is why is the only thing that you're concerned
11 and scared of is equality?

12 This new rule of yours, the optical scan recount
13 procedure, makes no sense at all. The purpose of a
14 recount is to verify the results. You can scan the same
15 QR codes one time, 10 times, 1000 times, but the answer
16 will never change unless you neglect to count some
17 ballots, which has been a voter suppression tactic that
18 has been implemented beforehand. If this rule is adopted,
19 I will never truly know whether my vote, the vote that I
20 intend to cast, will be counted. This unsureness is truly
21 unacceptable.

22 Our democracy is at stake here. The reason our
23 system works in Georgia is that Georgia voters can trust
24 that their system that they're voting through -- that
25 their votes will be counted, that their voices, our

1 voices, will matter. If you choose to allow a QR code
2 ballot, shame on you because you have failed Georgia
3 voters who won't be able to trust that their voices are
4 being heard. Please, we need to do better. You need to
5 do your job. You need to do what is right and ban QR code
6 ballots. Georgia voters -- in Georgia and in general, we
7 deserve a State Election Board that doesn't silence
8 Georgia voters. It sounds so simple. Why can't it just
9 be so simple? We demand that you do better, and we demand
10 that you do your jobs. Thank you.

11 MR. RAFFENSPERGER: Hermela Assefa? And then after
12 that, we have Mario Calcagno, Malcolm Green, Jacqueline
13 Azah, Oluwaseyi Adenji, and George Balbona.

14 MS. ASSEFA: Good morning. I'm Hermela Assefa, and
15 I'm representing Gwinnett County. I'm also a student
16 leader at Georgia State University and a very concerned
17 voter. I'm part of a growing generation of young voters
18 in Georgia. Did you know that we lead the nation with an
19 increase of 3% in shares of young voters? And as young
20 voters and students, we have a lot of responsibilities.
21 We're juggling class loads, working to pay off
22 insurmountable debt, leading extracurriculars, and yet,
23 here we are on a Friday morning to simply demand that you
24 do your jobs.

25 For us and for all voters, voting should not be an

1 endurance test. On the midterm election day of 2018,
2 voting locations across Georgia saw wait times of hours
3 not minutes. At your January meeting, Secretary
4 Raffensperger stated that no one should wait more than 30
5 minutes to cast their vote, and yet the laws that you plan
6 to implement will do the exact opposite. We state, and
7 the legislature states, that we should state an amount of
8 time, a reasonable amount of time, for us to vote. Like
9 you said, no voter should wait more than 30 minutes or
10 hours to simply cast their vote.

11 We also believe that every precinct should have its
12 fair share of voting booths allocated by the amount of
13 registered voters. The law passed in 2019 would add 7,000
14 new voting booths to precincts. That's a 35% increase.
15 This will make a change for voting, a positive change for
16 voting. So we have to ask: why in the world would you
17 consider a law that would make it longer for us to vote,
18 longer lines and longer waiting periods?

19 Your proposed rule, rule 183-1-13-.01, will put 1000
20 less voting booths than there were in the 2018 midterm
21 elections. Correct me if I'm wrong, but I think that this
22 would make lines longer, not shorter. This is a ludicrous
23 law that you should vote no against. This rule does
24 nothing more than to make lines longer, to make voting
25 harder, and to discourage the voters that we are so trying

1 to encourage. We ask that you vote no to this because
2 Georgia voters deserve a Secr -- Georgia voters deserve a
3 State Election Board that will not silence their votes.
4 We demand that you do better, and we demand that you do
5 your jobs.

6 MR. RAFFENSPERGER: Mario Calcagno, Malcolm Green,
7 Jacqueline Azah.

8 MR. CALCAGNO: Good morning. My name is Mario
9 Calcagno from Douglas County, and I am a leader for
10 Students for Bernie at Georgia State, and I know that
11 these issues may not be much of a problem to you sitting
12 up here, but for the working people of Georgia, they want
13 to feel safe when they cast their vote that they're
14 casting the vote for a candidate who is fighting to get
15 them healthcare because the exploitative health insurance
16 companies are making them go bankrupt. The people who are
17 going to vote, they want to be able for a candidate who's
18 not going to push US imperialism across the world and
19 destabilize their parents' countries so they actually have
20 to come here and immigrate. They want to be able to vote
21 for a candidate who's not going to be doing the bidding of
22 the fossil fuel industry and polluting our planet and is
23 going to actually invest in green jobs for the future
24 generations, and they want to be able to go and vote so
25 they're not going to go and have to live their lives

1 paying off student loans and work for jobs that aren't --
2 that are going to do union busting and pay them starvation
3 wages.

4 Now, the 2018 midterm was a disaster with wait lines
5 not even being casted in minutes but in hours, and --
6 across many of the precincts in Georgia, and because our
7 elections are so dependent in technology, Georgia voters
8 are especially vulnerable to longer wait lines because of
9 equipment malfunctions and the lack of equipment in
10 general. 17 counties have tried out the new equipment so
11 far, but these were small turnout elections. As one of my
12 fellow students said before, the Georgia primaries are the
13 3rd highest turnout, with over 2 million votes cast in
14 2016.

15 So here's my question: why are you considering a rule
16 with putting fewer voting booths on election day instead
17 of more? There were about 18,500 voting booths in the
18 election in November of 2018, and under the proposed
19 rules, there would be about 1000 less. The Secretary --
20 Secretary Raffensperger committed to guaranteeing wait
21 times of 30 minutes or less, but this would actually
22 increase the waiting times, and for working people across
23 this state, they don't -- may not necessarily have time to
24 wait a long time in line because they've got kids to feed.
25 We're just barely making it by. You have -- most people

1 in this state cannot afford to live in a decent standard
2 of living because they're beholden to their capitalist
3 bosses, and they don't have time to go and waste time to
4 vote -- a lot of time to vote, so Georgia deserves a State
5 Elections Board that doesn't silence the working people of
6 Georgia. We demand that you do better. We demand that
7 you do your jobs.

8 MR. RAFFENSPERGER: Malcolm Green, Jacqueline Azah,
9 Oluwaseyi Adenji, and George Balbona.

10 MR. GREEN: Good morning. My name is Malcolm Green.
11 I am a Cherokee County voter, and like some of my other
12 colleagues here, I am a proud Students for Bernie leader
13 at Georgia State University. For the past year or so,
14 we've spent hundreds of hours organizing and spending our
15 time becoming really experienced student activists, and
16 for the past two weeks in fact, we've spent our time
17 trying to get people out and registered to vote before the
18 deadline came. And I would be extremely disappointed with
19 all of you if all of that went to waste. We spent time
20 that we could have spent studying or going out with
21 friends trying to do our civic duty to get people engaged
22 in the democratic process. I would be ashamed if my first
23 encounter with democracy in this country turned out to be
24 a total sham, a lie, and a waste of my time.

25 For many college students, absentee mail voting is

1 the best option. We have very busy schedules. We don't
2 have time to do much, so when we are registered in our
3 home counties, such as myself, we don't have time to
4 actually go back there and vote on voting day. And for
5 others, they enjoy being able to vote in secret. You've
6 already seen all the problems with voting at the actual
7 polling place on the day of, so being able to take that
8 ballot, that absentee ballot, look it over, and research
9 everything in real time in secrecy is a big plus for many
10 people. Not to mention, many of us in this room as we
11 have expressed don't trust the electronic voting machines.
12 Absentee ballot voting works. It works well, but only
13 when it works as it was designed to. But unfortunately
14 for many voters because of postal delivery problems or
15 office processing issues, they are finding it nearly
16 impossible to actually make sure that their vote is
17 counted.

18 So today, I believe your voting -- you will be
19 discussing an issue by the, let's see, Coalition for Good
20 Governance. You're going to be discussing an issue by
21 them that will allow voters to take their absentee ballot,
22 simply go to their polling place, hand it in, and as long
23 as they have a form of ID on them, it will be counted.
24 All they have to do is go in at any time that is available
25 to them, which would be a great help to me and many of my

1 colleagues here, and their vote is going to be counted and
2 accepted. This rule, as you already know, is going to be
3 a huge time saver also for election staff. It takes a
4 significant amount of time to go over every single hand
5 ballot when it arrives at the election office, so doing it
6 this way is going to be a huge time saver for you, and it
7 will remove the burden of having to go through that
8 process, and it will make it more convenient for voters.

9 MR. RAFFENSPERGER: Thank you for your time. Our
10 next speaker is Jacqueline Azah, Oluwaseyi Adenji, George
11 Balbona, then Adam Hinchliffe, Jeanne Dufort, and then
12 after that will be Aileen Nakamura.

13 MS. AZAH: Good morning. My name is Jacqueline Azah,
14 and I'm a Georgia voter from Fulton County. I am the
15 President of Students Demand Action at the historically
16 black university, Clark Atlanta University, and happy
17 Black History Month to everybody here. Thank you. So I'm
18 originally from California, one of the most progressive
19 states with high turnouts of voting and voters who trust
20 their election, and I'm a Georgia voter now, but just
21 having that background and seeing all the dissatisfaction,
22 it's completely ridiculous. And as a young voter and the
23 future of this country, I am very disappointed.

24 The model for the new election system is to be secure
25 the vote, with nearly 90,000 tables, printers, scanners,

1 routers, and other electronic devices, along with data
2 cards moving in and out of them. We can talk about the
3 absurdity of that model all day long. An alternate model
4 needs to be proposed: trust the vote. This is what Georgia
5 voters truly want. We want to trust that when we vote,
6 those votes are counted. Whether our candidate wins or
7 not, we want to trust that the outcome of that truly
8 reflects the actual votes of the people. Right now, here
9 in Georgia, trust in election outcomes is lower than any
10 of us would want.

11 You will be considering a rule today that defines the
12 vote as the actual text that a human can read. It is one
13 of your enumerated duties and, of course, to define the
14 vote. You have proposed many rules for this new voting
15 system, including rules about tabulation and recounts, but
16 you have failed to actually define the vote. After your
17 last meeting, David Worley told some of us that the QR
18 code is the official vote of Georgia, which is to say the
19 least, absurdly -- completely absurd. It is really
20 simple. Humans cannot read QR codes, and as young people
21 who study technology and economics and political science
22 in this State, we know because we study it and we see it:
23 humans cannot read them. If you want voters to have trust
24 in outcomes, we -- the official vote must be the one that
25 we can read. Georgia deserves a State Elections Board

1 that doesn't silence Georgia voters. We demand that you
2 do better, and we demand that you do your job.

3 MR. RAFFENSPERGER: Thank you. Oluwaseyi Adenji,
4 then George Balbona, then Adam Hinchliffe.

5 MS. ADENJI: Good morning. My name is Oluwaseyi
6 Adenji, and I'm a Georgia voter from Gwinnett County. I
7 currently serve as the President of RHA, formerly known as
8 the Resident's Hall Association at Georgia State
9 University. It is my job to ensure that I advocate on
10 behalf of the 5,000 students on campus, advocating on
11 behalf of their wants, their needs, and anything that we
12 may be able to provide to contribute to a positive
13 experience on campus. My responsibility to residents at
14 Georgia State University is quite similar to your
15 responsibility to the people of Georgia.

16 In Georgia, our election -- our local election boards
17 make important decisions like where you can vote early,
18 how much equipment and staff will be available on election
19 day, and where your polling locations will be. You are
20 responsible for organizing an election that works for all
21 people in the State of Georgia, and to be quite frank,
22 you're not doing that. Georgia needs a better system that
23 allows voters to cast their ballot from the comfort of
24 their own home and bring them to the polling location on
25 election day. As a full-time college student with two

1 jobs, I understand what it means to be busy. Standing in
2 line for hours like I did in 2018 waiting to vote will not
3 fit into my schedule, and I know this is true for
4 thousands of college students and working Georgians. Does
5 this mean that our voices do not deserve to be heard or
6 that our votes do not deserve to be counted?

7 Voting absentee is supposed to be an easy process,
8 but postal delivery, processing issues, and so much more
9 silence Georgia voters whose ballots are never received.
10 In order to prevent this issue, we yet again ask that you
11 allow voters to submit their absentee ballots on election
12 day with their ID to confirm that their vote will be
13 counted. Georgians don't trust your easily hackable
14 expensive machines, and why should we? The experts on
15 election security don't even trust these machines. Voting
16 absentee and delivering it on election day will allow
17 voters to cast their vote on hand-marked ballots they can
18 trust.

19 We understand the concern regarding such short
20 timing, and so, we demand that counties have an option on
21 whether or not to implement this rule in next month's
22 election, but we demand that it must be mandatory --
23 mandatory! -- in all counties by November. This will give
24 Georgians the increased accessibility that they deserve
25 and ensure that not only do they get to vote, but also

1 that their vote will be counted. Georgia deserves a State
2 Election Board that does not silence Georgia voters. We
3 demand that you do better. We demand that you do your
4 job.

5 MR. RAFFENSPERGER: George Balbona?

6 MR. BALBONA: Hey. I'm George Balbona. I'm a very
7 concerned Georgia voter. I would like to start by asking
8 why we have over a dozen empty chairs reserved for the
9 Secretary of State up front? No one is sitting there.
10 Are you allergic to your -- to your people? Okay.

11 A year ago to this very day Georgia Representative
12 Barry Fleming, the author of HB316, spoke with the State
13 Ethics Committee about HB316. Barry stated, "in the Bill
14 it's required that when the audit occurs that the audit is
15 eyes on paper, and you count what's written on there.
16 That's how the audit process is so important in this
17 because it provides that assuredness, I guess you would
18 say, that our voters need."

19 In stark contrast, Deputy Elections Director Kevin
20 Rayburn, this guy, told the same commission that with
21 current cryptographic technology, they can create an image
22 of every single ballot cast, and I quote, "we are pretty
23 certain no one has modified these images." That's not
24 good enough. You'll never hear me say this again, but I
25 agree with Barry on this. If the State Elections Board

1 approves democracy-killing rules which state that Georgia
2 is not going to look at the paper at all and instead rely
3 upon unverifiable QR codes, why the hell did we purchase a
4 voting system with paper at all? It's called bait-and-
5 switch.

6 A Georgia Superior court judge told me this week that
7 sunshine is the best disinfectant. I agree with that, and
8 I'd like to know why the State Election Board does not.
9 The SEB is actively attempting to break Georgia law in
10 order to hide post-election activities from Georgia
11 voters. Proposed rule 12-.12, tabulating results, states
12 specifically poll watchers and only poll watchers are
13 permitted to use photography after the close of polls.
14 This is flat out misdirection. Georgia election code 21-
15 2-406, public performance of duties of officials, states
16 superintendents, poll officers, and others engaged in the
17 conducting of primaries and elections held under this
18 chapter shall perform their duties in public. The SEB is
19 trying to take away the right to peacefully observe and
20 record post-election activities from the entire public and
21 is surprised we won't say thank you for giving that right
22 to no more than 25 poll watchers statewide. That is not
23 what anyone considers in public.

24 Last, we have a big problem with proposed rule 15-
25 .03, optical scan recount procedure, which states the

1 superintendent may designate a viewing area to which
2 members of the public are limited for the purpose of good
3 order and maintaining the integrity of a recount. My
4 problem stands from a Fulton County marshal evicting us
5 from the building and blatantly disregarding his commander
6 -- commanding officer. I submitted a complaint, 11 pages,
7 and I was told my Fulton marshals would implement
8 mandatory training regarding the rules of the election
9 process. This was never done, and I have the incredibly
10 lacking 15 slide PowerPoint presentation entitled "The
11 Do's and Don'ts's for Deputy Marshals Working Elections."
12 It mentions 21-2-413 that prohibits photography while
13 elections are taking place, yet it fails to mention 21-2-
14 406, a mere 7 codes and 8 pages away.

15 In short, I'm sick of all the State Election Board's
16 maneuverings to strip rights away from Georgia voters
17 under the guise of making things better for them. Do your
18 job, and by the way, I have got copies of what I handed to
19 them, and I also have an official SEB complaint which I'm
20 going to be giving to Frances.

21 MR. RAFFENSPERGER: Adam Hinchliffe, Jeanne Dufort,
22 Aileen Nakamura, Joy Wasson, Liz Throop.

23 MR. HINCHLIFFE: Good morning, ladies and gentlemen
24 of the Elections Board. My name is Adam Hinchliffe, and
25 I'm with the Center for the Visually Impaired, and we are

1 located in Atlanta, Fulton County, Georgia. Clearly,
2 there are some impassioned comments, so I'll keep my
3 comments rather brief. A lot of people in the visually
4 impaired community have already outlined to you some of
5 their concerns and critiques of the new system, so we're
6 just going to -- I'm going to limit my comments on the
7 proposed rule with the assistive technology devices.

8 The mission for the Center for the Visually Impaired
9 is to empower people impacted by vision loss to live with
10 independence and dignity, and clearly, a common theme that
11 we've all heard today is the ability to vote
12 independently. I just wanted to draw your attention to
13 the proposed rule 183-1-13-.02 -- I may have that a little
14 backwards, but I think you know the one that I'm talking
15 about. Clearly, we -- the rule, you've heard that some
16 consider it to be broad in nature. It's a first step. It
17 -- it allows blind and visually voters but also voters
18 with varying levels of print disability the ability to use
19 assistive technology devices to verify their vote
20 selection choices on the printed ballot, which is a change
21 from previous versions of voting. We think that's a good
22 step, but it's just the first step in a broader
23 conversation that we and others hope to have as this
24 process begins to unfold throughout the year, hopefully
25 culminating in a very smooth election in November.

1 The Secretary of State's Office issued a press
2 release this week, which altered my comments a little bit,
3 stating that -- in the press release and then in a
4 subsequent news report in the Atlanta Journal Constitution
5 -- that the Secretary of State's Office plans to expend
6 between 1 and 4 million dollars between now and the May
7 general election primary to ensure that all voting
8 precincts have a dedicated device with headphones that
9 will allow blind and visually impaired voters
10 specifically, but voters with print disabilities more
11 generally, the ability to independently verify the
12 selections made on the printed ballot before it's entered
13 into the vote -- the tabulation machine. We again think
14 that that's a good step, and we hope that the Secretary of
15 State's Office and the Elections Board will continue the
16 dialogue to ensure that all voters in Georgia regardless
17 of ability have the right and ability to vote
18 independently and securely. Thank you very much for
19 allowing me to address you.

20 MR. RAFFENSPERGER: Thank you, sir. Ms. Jeanne
21 Dufort, then Aileen Nakamura, Joy Wasson, Liz Throop.

22 MS. DUFORT: Good morning. My name is Jeanne Dufort,
23 and I'm a Georgia voter from Morgan County. An
24 inconvenient truth came to life this week in Sumter
25 County. When faced with a challenge over protecting

1 absolute ballot secrecy, local election officials got
2 serious about reconfiguring the early voting polling
3 place. Voting for the runoff election began Monday
4 morning with 6 voting booths lining the perimeter and
5 facing the center of the room. The lawsuit was filed
6 Monday afternoon. They reduced it to 4 and then 2 and
7 still could not protect absolute ballot secrecy in that
8 room. In the end, just 1 voting booth can be deployed in
9 a manner that fits the law as demanded by Judge Smith.

10 This story will be played out in polling places
11 across Georgia as counties prepare for election day on
12 March 24th. The problem is many polling places were
13 already filled to capacity with the old DREs. The
14 legislature didn't like the long lines of 2018, so they
15 made a law that says every precinct must have one voting
16 booth for 250 electors. That's a 35% increase in voting
17 booths on election day state-wide, and the new ballot-
18 marking devices are bigger than the DREs. On a 6-foot
19 table, you can only fit 2 of them instead of 3. They need
20 50% more space.

21 But the design flaw that exposes our vote? The state
22 advised counties to pull the booths away from the
23 perimeter and turn them to face the wall and spread them
24 apart, which also takes more space. When every polling
25 place is set up to protect absolute ballot secrecy and

1 allow anti-tampering monitoring, the real capacity of
2 polling places state-wide will be far less than what was
3 actually in polling places on election day in November
4 2018 and less than half of what is required by state law.

5 And yet, Secretary Raffensperger, you've told us over
6 and over again that lines should be less than 30 minutes.
7 We totally agree about that. It's appalling that we're
8 less than 4 weeks away before 1 million voters head to the
9 polls on March 24th, and this is where we are. Continuing
10 to deny the truth is a disservice to all Georgia voters.

11 MR. RAFFENSPERGER: Aileen Nakamura?

12 MS. NAKAMURA: Hello. My name is Aileen Nakamura,
13 and I'm a Fulton County voter. Three days ago at an
14 event, I asked the Secretary of State how he's going to
15 address a problem with the new oversized BMDs, ensuring
16 that voters have absolutely secret ballots while also
17 ensuring that the voting systems are always secure to
18 prevent tampering or hacking. The answer, given by him
19 and Georgia Election Director Chris Harvey, was absolutely
20 astonishing. Talking about ballot secrecy versus keeping
21 the election secure, I quote Mr. Harvey. He said, "I
22 don't think they're completely equal values. I think that
23 privacy is more important." Let me remind everybody that
24 the Secretary of State's motto is election security is our
25 top priority.

1 In rule 183-1-12-.11 part 4, it says BMDs must be set
2 up in a manner that ensures both the privacy of the
3 elector and the security of such units against tampering,
4 damage, or other improper conduct. Georgia code 21-2-
5 267(a) also says that BMDs must be arranged in a manner to
6 allow monitoring of the devices by the poll officers. And
7 yet, on Tuesday, Mr. Harvey, the Election Director,
8 actually said that this law does not mean that the
9 machines must be viewable by election officers all the
10 time, just when they're not occupied. Does that make any
11 sense?

12 This raises -- raises huge alarm bells for all
13 Georgia voters. Does Mr. Harvey, our Election Director,
14 really not know how easy it is for a person to hack a BMD
15 or printer if poll workers can't see what they're doing
16 behind a screen or a curtain? Or is he so desperate to
17 give voters ballot secrecy because of the recent lawsuit
18 that he's willing to sacrifice election security to do
19 that?

20 We voters just want to be able to vote knowing that
21 our votes are secure, secret, and will be counted as cast
22 without having to wait in long lines. If the Dominion
23 voting machines can't provide all of those things for
24 Georgia voters, then we beg you, please, send the machines
25 back. Dominion's contract says their system will uphold

1 all Georgia laws, and they do not. They don't even comply
2 with ADA compliance. They do not provide absolute ballot
3 secrecy, and so, because they don't, let's send them back,
4 let's get a big refund, and let's re-do the evaluation
5 process much more methodically and thoughtfully using the
6 time that's needed to do so. Counties are ready now to
7 use emergency hand-marked paper ballots that are secure,
8 secret, fast, and will even save tons of money, so,
9 please, do the right thing, and do what's best for Georgia
10 voters.

11 MR. RAFFENSPERGER: Ms. Joy Wasson, then Liz Throop,
12 then Safia Malin, and then Joseph Kirk.

13 MS. WASSON: Hi. I'm Joy Wasson, a DeKalb County
14 voter. The State gave counties layouts to address their
15 dilemma: how to fit in all new the equipment while
16 guaranteeing the right to absolute ballot secrecy and
17 observing the equipment to prevent tampering. The SOS
18 shouldn't downplay the need to observe the machinery
19 during voting. It's critical to security. In our
20 drawing, we've even enlarged the room a bit to fit a
21 scanner and a provisional voting station which their not-
22 to-scale drawing left out. Wheelchairs will have a near
23 impossible time angling around to a station. A poll
24 worker by the scanner blocks the door. If poll watchers
25 show up, where can they stand? In fact, this 23 by 18

1 room is bigger than many Georgia polling places. If the
2 precinct has more than 1000 active voters -- many do -- by
3 law they'll have to add another voting booth per 250
4 electors. Where could that possibly go?

5 The proposed rule to reduce election day machines
6 based on early voting is an attempt to go around the
7 mandated ratio because it's physically impossible in many
8 polling places to be legally compliant. This reduction of
9 equipment will cause long lines, which the ratio was
10 trying to avoid. Here's the SOS's alternate layout. It
11 only shows 3 voting stations, so it has more space for the
12 wheelchair, but it's still too crowded, and importantly,
13 people in line see how other people are voting.

14 A state judge told Sumter County this week, "I'm
15 dealing with the secrecy of the ballot, and it may be hard
16 to remedy." I'm sorry, guys, but it's your problem to
17 find a remedy. This Board and the Secretary of State
18 should give guidance to counties struggling with this.
19 Don't make them risk violating voters' constitutional
20 right to a secret ballot. Don't make them risk breaking
21 the rule that officials can see the equipment to guard
22 against mischief. Tell counties they can use hand-marked
23 paper ballots if they can't comply with these
24 requirements. That solves this dilemma.

25 MR. RAFFENSPERGER: Liz Throop, Safia Malin, Joseph

1 Kirk.

2 MS. THROOP: Thank you. I'm Liz Throop from Dekalb
3 County. There is a link between ballot secrecy and space
4 for machines. I observed pilot elections at Trinity
5 polling place in Lowndes County last December. The 18
6 voting machines filled the room, yet they were far short
7 of the 44 machines that should be provided for the almost
8 6,000 voters in that district. The room didn't provide
9 any privacy for voters, and there wouldn't be any way to
10 pull the machines away from the wall and turn them around
11 for more privacy. I've observed in several polling
12 places, and I know that many can't accommodate the
13 Secretary of State's suggested room arrangements for
14 privacy. That office has not been forthcoming about the
15 feasibility of their recommendations and now is trying to
16 manipulate how the machines are counted instead. Thank
17 you.

18 MR. RAFFENSPERGER: Ms. Safia Malin, Joseph Kirk,
19 Garlan Favorito, and Saira Draper.

20 MS. MALIN: Good morning. My name is Safia Malin,
21 and I live in Lawrenceville in Gwinnett County. I'm
22 submitting the following remarks on behalf of the Southern
23 Poverty Law Center's Action Fund. We at SPLC are
24 concerned about proposed restrictions around voter
25 registration by private entities and would like to join

1 and support the sentiments proposed today by other voters
2 concerned about the election machines.

3 First, I'd like to begin by addressing the proposed
4 provisions around voting registration drives in locations
5 where the primary purpose is the place -- of that place is
6 the sale and consumption of alcoholic beverages. Not only
7 is this definition vague, but we fear that further
8 limiting locations where groups can conduct voter
9 registration drives could set a dangerous precedent.

10 Community members, third party voter registration groups,
11 and political parties alike frequent parades, festivals,
12 and other large public outings where alcohol is sold to
13 reach potential new voters. We believe infringing on that
14 right in any way and the right of voters to register their
15 peers is undemocratic.

16 Further, we believe amending the rules of the State
17 Election Board to require private entities to inform all
18 new applicants about the registrations around voter ID
19 numbers is unnecessary. The official State of Georgia
20 application for voter registration clearly states that --
21 states the requirements around ID numbers in both the
22 instructions and again on line 5. The State Board of
23 Elections should be working in concert with community
24 groups to increase both voter registration and voter turn
25 -- mobilization, instead of implementing regulations and

1 red tape that hinders this process.

2 And then, more broadly, we'd like to state our
3 concerns about the implementation of the new voter
4 machines, and we join the chorus of concerned citizens and
5 other private organizations in this room and raise
6 concerns about security -- security and a number of other
7 issues. Considering the astronomical wait times that we
8 witnessed in the 2018 election, we strongly oppose any
9 proposals that would significantly limit or unnecessarily
10 decrease the number of emergency paper ballots and voting
11 machines available in each precinct on election day. We
12 ask that the State Board of Elections build on its
13 successes such as automatic voter registration and instead
14 work on re-enfranchising our returning citizen population
15 to ensure that all -- all eligible Georgians are able to
16 participate in direct democracy. Thank you.

17 MR. RAFFENSPERGER: Thank you. Joseph Kirk, Garlan
18 Favorito, Saira Draper, Edgardo Cortes.

19 MR. KIRK: Good afternoon. My name is Joseph Kirk,
20 the Elections Supervisor from Barton County. I'm here
21 today to speak in favor of the proposed recount rule.
22 Anyone who knows me knows that I'm very excited about
23 conducting audits moving forward. I can say right now my
24 staff will be conducting an audit for every election
25 moving forward before we certify, but a recount and an

1 audit are two different things.

2 We conduct a recount when the results are so close
3 that an error in tabulation could change the outcome,
4 usually because of voter intent on a hand-marked paper
5 ballots or similar to that. I'm fully comfortable with
6 those being conducted with the scanner because then we'll
7 go back later and look at the human readable text and
8 compare that to the results as part of the audit. Thank
9 you very much.

10 MR. RAFFENSPERGER: Thank you, Mr. Kirk. Garlan
11 Favorito, Saira Draper, Edgardo Cortes, Christine Price.

12 MR. FAVORITO: Thank you, Mr. Chairman. My name is
13 Garlan Favorito. I'm the co-founder of Voter GA. I have
14 a handout for you on the same rule you considered, rule
15 number 6 with the recount rule. As y'all know, 18 years
16 ago, I began advocating for verifiable, auditable, and
17 recount-capable voting. That was 3 months before the
18 current DREs were installed back in 2002. You know last
19 year that those were banned as unconstitutional for those
20 same reasons. They cannot verify, audit, or recount an
21 election properly. Legislators -- nevertheless, after
22 hundreds of people have joined us, members and other
23 Georgia citizens, to advocate for the same thing:
24 verifiable, auditable, and recount-capable elections, but
25 the legislators, as you know, gave us and the Secretary of

1 State's Office a 100% unverifiable voting system that
2 accumulates votes that are hidden in barcodes. Is there
3 anybody in this room that can verify their vote if they
4 cast it on this machine? Of course not. It's 100%
5 unverifiable.

6 Now, we've heard that you're going to take care of
7 this by audit procedures, yet you're not going to audit
8 the presidential preference primary. There's [sic] no
9 plans to audit state senate races, state house races,
10 county-wide races, judicial races, other non-partisan
11 races, or municipal races. So, and even on the races that
12 you're going to try to audit, the inventor of RLAs, risk-
13 limiting audit procedures, has said you cannot use those
14 properly for a BMD. So you have no audit procedures in
15 place that are going to work, you have an unverifiable
16 voting system, and now, we come to the recount procedure,
17 which according to the current way that it is written, is
18 going to rescan the unverifiable barcode. So essentially
19 that's going to reprint previous unverifiable results.

20 So this is a complete sham. How can you really
21 believe that this is proper? So I understand that the
22 Legislature and the Secretary of State's Office has
23 already disenfranchised us with unverifiable and not
24 auditable voting, but at least on rule 6, you can vote to
25 recount a race properly by -- by manually counting the

1 votes that the voter actually verified -- those summaries.
2 If you don't vote for that, you will be complicit, along
3 with the legislature and the Secretary of State, in
4 disenfranchising every -- almost every Georgia voter and
5 certainly everyone in the room. So again, I'm going to
6 urge you to -- that a recount has got to count verifiable
7 votes, not anything that is in a barcode. So for these
8 reasons and this sham, we urge you people to vote by mail,
9 and we'll be discussing the rest of the problems tomorrow
10 morning --

11 MR. RAFFENSPERGER: Thank you.

12 MR. FAVORITO: -- 9 o'clock in Marietta.

13 MR. RAFFENSPERGER: Ms. Saira Draper, Edgardo Cortes,
14 Christine Price, Jonathan Grant, Tracy Bryant.

15 MS. DRAPER: Good morning, everyone. My name is
16 Saira Draper, and I am the Director of Voter Protection
17 for the Democratic Party of Georgia. For the last 2
18 years, we have run a robust voter protection program,
19 assisting over 80,000 Georgians through the process of
20 voting regardless of political affiliation and advocating
21 on behalf of Georgia voters. I have two requests to make
22 of you today.

23 The first is that you ensure that each polling place
24 has enough equipment. This certainly goes for the BMDs,
25 the minimum number of which are required by statute, but

1 it also goes for the poll pads. Based on our
2 observations, the check-in process can take a very long
3 time. The result -- this results in a bottleneck at the
4 check-in. I saw sites where BMDs were getting unused
5 because the check-in was backed up. The number of poll
6 pads on site needs to correspond with the number of
7 registered voters, the way that BMDs do.

8 Second, I want to request an increase in the number
9 of technical assistants from Dominion who will be on site
10 at polling locations. Poll workers simply have not had
11 enough time to be adequately trained on the new equipment.
12 DPG has monitored two elections where the new equipment
13 was used, and in almost every polling place we monitored,
14 poll workers had issues with the new machines. We
15 observed every piece of equipment go down for some period
16 of time: the poll pads, the BMDs, the printers, and the
17 scanners. In many cases, the poll workers were unsure of
18 what to do, and voting was put on pause until a technical
19 assistant from Dominion could make their way to the
20 polling place and resolve the issue. We watched voters
21 leave the polling place because they didn't know when
22 voting would resume, and none of these voters who left
23 were offered an emergency backup ballot to vote on, even
24 though we were told that emergency ballots were available
25 on site. It is critical that every election -- that for

1 every election this year there is -- there is [sic]
2 Dominion technical assistants at each and every polling
3 location. It is not enough to have technical support on
4 call for these high turnout, state-wide elections. The
5 need for technical assistants will be critical beginning
6 next week.

7 As we all learned from 2018, long lines and other
8 delays contribute heavily to voter disenfranchisement, and
9 as the eyes of the nation turn to Georgia this year, we
10 cannot allow history to repeat itself. Thank you.

11 MR. RAFFENSPERGER: Edgardo Cortes, Christine Price,
12 Jonathan Grant, Tracy Bryant.

13 MR. CORTES: Good morning. I'm Edgardo Cortes. I'm
14 the Former Commissioner of Elections in Virginia, and I am
15 here on behalf of the Brennan Center for Justice, a
16 national non-partisan law and policy institute focused on
17 reforming and revitalizing our country's systems of
18 democracy and justice. We are appreciative of the efforts
19 that the Board has been taken [sic] -- has been taking to
20 continue to improve the processes and procedures here in
21 Georgia through this open dialogue and kind of continual
22 revisions to what's in place. We have provided extensive
23 written comments on this latest round of revisions,
24 including support for some of the amendments to certain
25 rules. I wanted to focus today on two rules.

1 The first is that we still have -- we continue to
2 have concerns about deviating from the requirement of
3 having one machine or voting booth per 250 voters. If you
4 take a look at our written comments, we've conducted an
5 analysis using available tools on throughput for polling
6 places provided by MIT and Caltech, as well as Georgia
7 voter registration and turnout numbers from previous
8 elections to show the Board the impact that reducing the
9 number of machines could have on wait times in small,
10 medium, and large jurisdictions here in Georgia. So we
11 encourage you to take a look at the significant increase
12 in wait times that could have been resolved simply from
13 shifting from 250 voters to 400 voters per machine, and we
14 took into account early vote numbers in Georgia, and so we
15 do encourage you to stick to the 250 voters per machine.

16 The second thing I would like to discuss is that we
17 are firstly, appreciative of the fact that you have for
18 the first time provided a minimum number of emergency
19 paper ballots here in Georgia, and so you set the
20 threshold at 10%. It is the first time there is a
21 specific, minimum required number of emergency paper
22 ballots for Georgia. We do believe that that number
23 should be increased. Again, we have provided an analysis
24 looking at prior Georgia turnout numbers and registration
25 numbers to -- to show that we believe a 25% minimum is

1 really what should be required for emergency paper ballots
2 in the state.

3 This will ensure specifically since you have now
4 added a requirement, which we applaud, that if lines start
5 to exceed 30 minutes, that baseline that you've set, that
6 voters will be allowed to use emergency paper ballots,
7 that in those instances because of the potential increased
8 use of the emergency paper ballots and also the first time
9 this equipment is being fielded that having a 25% minimum
10 would be the best approach this year as you're preparing
11 for the largest turnout in the four-year cycle. So thank
12 you very much.

13 MR. RAFFENSPERGER: Thank you, sir. Christine Price,
14 then Jonathan Grant, then Tracy Bryant.

15 MS. PRICE: Good morning. I'm a student here at
16 Georgia State and a voter for Fulton County, and I'm here,
17 like many others, to discuss the new voting machines.
18 2020 is an important year for Georgians. We are electing
19 a new president, two US senators, state representatives,
20 and many local elected officials. I'm here this morning
21 to raise concerns on behalf of Georgians and ask the State
22 Election Board and the Secretary of State to do its job
23 and prepare for the 2020 elections.

24 Georgia is attempting to implement an entirely new
25 voting -- voting system during a presidential election

1 year. The State Elections Board should do everything in
2 its power to ensure that Georgians who choose to vote from
3 the comfort and privacy of their home can do so, rather
4 than stifling third parties that are dedicated to
5 increasing voter participation. Requiring absentee ballot
6 forms to be substantially in the same form as the
7 Secretary of State's application creates an unnecessary
8 burden on the applicant and does not solve a legitimate
9 problem.

10 If and when these election systems fail, the onus
11 should not be on the voter. Poll workers must be equipped
12 and required to offer voters provisional ballots and
13 redirect them to their proper precinct location if
14 practical. Given that this is a new election system and
15 will be unfamiliar and confusing to new Georgia voters,
16 the section requiring -- or, sorry, section directing poll
17 workers and [sic] verbally instruct every voter to review
18 their ballot and alert a poll worker if any changes need
19 to be made provides clarity and helps ensure every vote is
20 counted and should not be removed.

21 The State is expecting a record turnout at the polls
22 in 2020. The State Elections Board should be following
23 the guidelines in HB316 for the required number of voting
24 machines in each precinct. Rule 138-1-13-.01 is not in
25 compliance with 316, as it allows polling places to be

1 used instead of precinct. When requiring the number of
2 voting booths or enclosures available to electors in a
3 precinct, the calculations shall provide a minimum of at
4 least one voting booth or enclosure for each 250 electors
5 therein or a fraction thereof.

6 The Board should also clarify if the new requirement
7 that a circulator -- circulator notify the voter to use
8 the driver's license number will be included in the state-
9 created poster for third party registration drives and
10 that an employee displaying -- and that displaying each
11 poster will meet the notification requirement. With that
12 being said, thank you for providing us the time to speak
13 in front of you this morning, and I especially want to say
14 thank you to the counties who are working tirelessly to
15 ensure free and fair elections. Have a wonderful day.

16 MR. RAFFENSPERGER: Thank you. Jonathan Grant, Tracy
17 Bryant, Sarah Tindall Ghazal, Danny Hosley -- Housley,
18 Elisa Goldklang, and Gaylon Tootle.

19 MR. GRANT: Good morning. Thank you for allowing me
20 to speak today. My name is Jonathan Grant. I'm a DeKalb
21 County voter. I run a blog called Brambleman. I've been
22 monitoring the DeKalb Board of Elections for the past
23 three years. I'm also a former state governance spokesman
24 for an agency that has faced public hostility, so I feel
25 for you today. I used to work for the Public Service

1 Commission.

2 My problem is -- I wrote about the rules in sending
3 in my comments and all that, but I have a different
4 problem that I don't think anybody is addressing. It's a
5 structural problem, and I think it comes from my
6 background as a state government official. We have a
7 problem in DeKalb County with an ethics board. The way
8 that it was set up was declared unconstitutional. It was
9 a slam dunk, 8 to nothing, just about absolutist --
10 actually absolutist Supreme Court opinion that said it
11 could not be constituted with members that were picked by
12 non-public entities. In other words, everybody that sits
13 on these agencies should under the Georgia Constitution be
14 put in there by an elected official or an elected body.

15 Now, I think that there should be some alarm bells
16 going off in your heads right now because we have a non-
17 zero number. I checked through about 7 of the county
18 elections boards, and I found enough to tell you there is
19 definitely a non-zero number. I wouldn't be surprised if
20 it ran up to 50, 60, maybe even more, give or take, boards
21 that are picked mainly by the Democratic and Republican
22 parties. I don't have a problem with the Democratic and
23 Republican parties nominating members for the boards.
24 That's probably the best place to get them, but if they
25 are not ratified by an elected official -- in DeKalb

1 county that was fixed, by the way, because Samuel Tillman,
2 the Chairman of the DeKalb County Board of Elections who
3 has connections within the legislature moved through
4 immediately to get a fix for DeKalb County. I brought
5 this issue up to the DeKalb County delegation. They say
6 yeah, it's an issue, but, you know, it's not in DeKalb
7 County anymore. It's a local government issue, and most
8 of these issues are made through the legislature through
9 local legislation.

10 I'm bringing it to you to tell you that you may have
11 about 50, 60 boards out there that are illegal. That
12 makes every decision that they make illegal structurally,
13 no matter how good or bad it is, and they are subject to
14 challenge on everything from hiring, staffing to
15 certifying elections. In other words, the whole system
16 could get kneecapped just by some lawsuits that cite an 8-
17 0 Supreme Court decision. You could have to do -- redo
18 some elections. You might have to have a special session
19 of the Georgia General Assembly. At any rate, I'm telling
20 you this because nobody else, I think, is telling you
21 this. I could be wrong. I hope I'm wrong. Prove me
22 wrong, but the crossover day is March 12th. There's some
23 boiler plate out there. I suggest you get it fixed.

24 MR. RAFFENSPERGER: Thank you. Tracy Bryant? Oh,
25 okay. Sarah Tindall Ghazal?

1 MS. GHAZAL: Good morning. My name is Sarah Tindall
2 Ghazal, and I'm a Cobb County voter. I was also the Voter
3 Protection Director for the Democratic Party of Georgia
4 for 2 years, and I was a part of -- or an audience member
5 at the very least -- of every hearing during the
6 discussion of House Bill 316, which is the bill that forms
7 the legal basis for our new system. Continually, the
8 discussion of House Bill 316 discussed the new voting
9 system in terms of the verifiability and the fact that
10 paper ballots are an improvement because there is greater
11 trust in a system when voters can verify what that is,
12 what their vote is. And that was -- that was the
13 justification for the system.

14 The problem with the regulation that's been proposed
15 for recounts is that it bypasses that entirely by using
16 solely a machine-tabulated recount. I do not suggest that
17 we look at a hand recount. Study after study has -- has
18 demonstrated that hand recounts are notoriously
19 unreliable. In the absence of the public seeing the
20 regulations for audits, however, it's entirely unclear
21 whether or not races that are subjected to recounts on
22 these tabulators will also be subjected to audits. I
23 would like to respectfully request that you consider
24 adding a mandatory audit for any race that goes to
25 recount. That is the only way to verify that machine

1 tabulations are accurate.

2 In the absence of that, simply running what is
3 essentially another verification by running -- running a
4 set number of ballots through the tabulator first, that
5 can easily be defeated by a code. That's -- that is the
6 whole purpose of robust audits, so I suggest that that be
7 added to the regulation, whether that gets added to the
8 recount regulation or the audit regulation. It is
9 absolutely critical for -- for trust and for verification
10 that all of these races actually are audited. Thank you
11 very much for your attention.

12 MR. RAFFENSPERGER: Thank you. Danny Housley, Elisa
13 Goldklang, and Gaylon Tootle.

14 MR. HOUSLEY: Hello. I'm Danny Housley. I'm a
15 voter from Fulton County. I'm here to comment on the
16 proposed assistive technology rules. Although I'm in
17 favor of people with disabilities being able to bring
18 their own technology to their polling locations, it is
19 something that shouldn't be required. A person without a
20 disability only has to bring their ID and their body to
21 show up and vote. I'm also concerned with people that
22 work the polling locations being properly advised of what
23 is assistive technology. When we look at the definition,
24 it's any item, piece of equipment, or product system,
25 whether acquired commercially or off the shelf, modified,

1 or customized to increase, maintain, or improve functional
2 capability of a person with a disability. That is a broad
3 range of equipment. That is a broad range of things,
4 whether it is something that somebody has made themselves
5 with a 3D printer, something that's made out of corrugated
6 cardboard, or something that is a computer, a telephone,
7 or a tablet device. I don't have faith that a lot of the
8 poll workers are going to be properly advised of what is
9 going to quality as assistive technology, and it could
10 cause problems.

11 As the ADA is turning 30, we shouldn't still be
12 struggling to get basic ballot access and basic access to
13 our polling locations. That is all I have. Thank you.

14 MR. RAFFENSPERGER: Thank you, sir. Elisa Goldklang,
15 Gaylon Tootle.

16 MS. GOLDKLANG: Hi. My name is Elisa Goldklang, and
17 first I'd like to thank you for your service. My father
18 served in Vietnam, my grandfather in World War II, and
19 civil service is just as important. My three concerns are
20 privacy, security, and fiscal responsibility. These are
21 issues that typically Republicans have been, you know,
22 promoting.

23 At the -- you know, I'm in Cobb County, and I went,
24 you know, and voted, and I asked the poll worker who was
25 in charge of the tech, who had been trained, if our votes

1 and the e-poll books were safe at the polling locations,
2 and he assured me they were because they weren't connected
3 to the Internet. And in fact, he showed me his phone and
4 said they're connected via Bluetooth, and you have to be -
5 - you have to be invited in. Now, I sent this picture,
6 which he gave me permission to take, to my 21-year old at
7 UGA and my 17-year-old in high school, and I got back the
8 most laughing emojis I've ever seen. They said, oh my
9 god, Mom. Bluetooth is the easiest thing to hack. It's
10 called bluejacking. You can Google it.

11 So I am seriously concerned because the record of the
12 Secretary of State in terms of our privacy, in terms of
13 our Social Security numbers, in terms of our driver's
14 license numbers is very poor, and, you know, in 2015 and
15 2017 somehow 6. -- 6 million and 7.5 million respectively
16 voters' personal data was released from your office or
17 breached.

18 Now, in Judge Totenberg's courtroom, the person in
19 that diamond who was in charge of security said oh no,
20 everything's secure. Our computers are air gapped, and
21 then the lawyer asked him, do you send emails on that
22 computer? Do you go on the Internet on that computer? He
23 replied yes, and the laughing began because even I'm an
24 old Gen X, and I know that's not air gapped.

25 So the other issue with security and safety is he

1 also told me that the batteries weigh, like, 80 pounds for
2 these machines, and they need one for, like, every 2. My
3 concern is a lot of these places are small, like even a
4 club house. Are they going to blow the fuses of these
5 places with an 80 lb battery, multiple ones of those? I'm
6 very concerned about that, and in light of that, you
7 really need to have, you know, hand-marked paper ballots
8 as a back-up.

9 The other thing is fiscal responsibility. For Cobb
10 County, I have read that our annual fees will be \$300,000
11 or more for updates. I mean, I get Microsoft updates. I
12 get Apple updates, and I'm not paying anything. I'm like,
13 what are we paying all this money for? And then, I looked
14 up the company Dominion to find out who owns them. It
15 says a private equity firm. I mean, good Lord, who are we
16 sending our money to? We work hard for it. You know,
17 who's getting all this money? I mean, hand-marked paper
18 ballots, I know they're a pain. I know people hate to do
19 it, but they're safe and secure, and they're really what
20 we need in the 21st century. Thank you.

21 MR. RAFFENSPERGER: Thank you. Gaylon Tootle?

22 MR. TOOTLE: Thank you. First and foremost, we in
23 the blind community, in the different abilities community,
24 we told you that these machines weren't going to work.
25 You chose to choose Dominion anyway, so now, here's where

1 we are. First of all, they're ADA non-compliant, and I'm
2 not going to -- I'm depressed -- I'm sorry. I'm from
3 Richmond County, home of Lynn Bailey. I am the Vice
4 President of the National Federation of the Blind of
5 Georgia, and I work for Walter Knopkins as the Advocacy
6 Coordinator.

7 We feel that -- I'm not going to go into the machines
8 as much. My blind cohorts, they've basically put it out
9 there for you, but I will also say along with what Danny
10 said that when I go to vote, all I should need is my ID
11 card and perhaps my voter registration card. Having come
12 from a small town in rural South Georgia and having been a
13 very active person in that community, I can see issues of
14 -- for people going in with their electronic devices. If
15 you have a problem with me, and you work at the polling
16 place, you may tell me that my device is not acceptable,
17 and then, we have rules on the books that have been passed
18 legislatively, and we are talking about possible rule
19 changes here through this Board. I know -- I feel
20 confident that that message may not get down to Tatnell
21 County, which is where I'm originally from. So no, that's
22 a Band-Aid. It's not acceptable. The voting process
23 should be totally the responsibility of the Secretary of
24 State's Office and you guys. I should not be responsible
25 for bringing anything else with me to the polls.

1 I would like to also say that we out here in the
2 body, we know that voter suppression is real in the State
3 of Georgia. We know that, and you guys have an
4 opportunity to not be a part of that by coming up with
5 rules and laws so that we can go into the polls and
6 effectively vote. I hear a lot of talk about paper
7 ballots. What am I going to do with a paper ballot?
8 Technology for us in our community is paramount. It
9 levels the playing field, so whatever decisions that we
10 come up with, they have to be undergirded with assistive
11 technology and technology provided by the voting place.
12 We encourage you to reconsider. We encourage you to get
13 out in front of this and do the best you can, and probably
14 the best solution is to send those machines back to
15 Dominion and start over. Thank you.

16 MR. RAFFENSPERGER: Okay. Thank you, sir. That
17 concludes our public comments. The next on the agenda is
18 the presentation of the rules petition. There's 20
19 minutes allocated for that, but before we do that, if we
20 could take a 10-minute recess. Would that be --

21 MR. WORLEY: That's fine.

22 MR. RAFFENSPERGER: Or would you like to comment on
23 the discussions we just had first, Mr. Worley?

24 MR. WORLEY: No. The only thing that I would like to
25 do is to make a motion that we accept the written comments

1 that were presented by the speakers into the record.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. SULLIVAN: Second.

4 MR. RAFFENSPERGER: Do we have any discussion of
5 that? Hearing none, all those in favor of putting those
6 into the public record, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed? Motion carries.

9 That will be put into the public record. We'll take a 10-
10 minute recess. Be back in 10, and then, we'll have the
11 presentation of the rules petition for 20 minutes.

12 (Meeting in recess)

13 (Meeting resumes)

14 MR. RAFFENSPERGER: Ms. Jeanne Dufort? And I think
15 you're going to have a few other folks come up with you.

16 MR. RAYBURN: Over here.

17 MR. RAFFENSPERGER: Okay. We will allocate 20
18 minutes for the presentation. Okay. You're on.

19 MS. MARTIN: Give me a second. I'm getting out my
20 notes. Okay. I will be speaking on proposed rule number
21 one, protecting ballot secrecy. My name is Rhonda Martin,
22 and I live in Atlanta.

23 There's a saying in business that even though you
24 always want things faster, better, and cheaper, you can
25 only pick two of the three. With Georgia voting, we have

1 three legal requirements: one, to provide the voter
2 absolute ballot secrecy; two, to ensure the machines are
3 secure from tampering; and three, to control wait times by
4 providing one voting machine for every 250 voters. I am
5 afraid that given the size of existing polling places, the
6 counties can only achieve two of those three requirements
7 simultaneously. At this point, it is too late to find new
8 polling places for the presidential preference primary or
9 the May elections. So which law will the counties be
10 forced to violate?

11 With respect to law number one, providing absolute
12 ballot secrecy, on Wednesday Judge Rucker Smith, Chief
13 Judge of the Southwestern Circuit of Georgia presided over
14 an emergency hearing on this very subject. The judge was
15 very clear that absolute ballot secrecy is the law.
16 Period, full stop. Further, it is clear that the
17 Secretary of State is trying to figure out how to provide
18 ballot secrecy. Although we appreciate his recent
19 suggestions of preferred precinct layouts and recognize
20 that parts of the recommended layouts may help a bit, they
21 still do not provide absolute secrecy.

22 Now, on to law number two, ensuring the machines are
23 secure from tampering. SEB rule number 183-1-12-.11, part
24 4 states that the electronic ballot-markers shall be set
25 up in a manner to assure the privacy of the elector while

1 casting his or her ballot while maintaining the security
2 of such units against tampering, damage, or improper
3 conduct.

4 Let's think about what tampering, damage, or improper
5 conduct looks like. Someone might unplug a cord and then
6 plug it back in. They might remove the security tag, open
7 the door to a USB drive, remove it, and possibly replace
8 it with something else. They might put their driver's
9 license in the card -- in the slot where the voter card is
10 supposed to go. All of these things would occur when a
11 voter is interacting with a BMD hidden behind the privacy
12 screens. Poll workers must be able to monitor the
13 components of the voting system while voters are
14 interacting with them. Tampering is a contact sport. If
15 you can't see the voters' hands or the vulnerable areas of
16 the equipment, you can't maintain the security of the
17 units. Checking the machines from time to time when
18 voters are not around is like shutting the stable door
19 after the horses bolted. The damage has already been
20 done.

21 On to law number three: one voting machine shall be
22 provided for every 250 electors. There is no question
23 that the new voting system requires more space than the
24 DREs did. After all, each BMD is accompanied by a
25 printer, so even ignoring the other associated equipment,

1 more space will be required to accommodate similar numbers
2 of voting stations as provided in 2016 and 2018. Do you
3 remember the long lines from those elections? Again, we
4 are stuck with the polling places and dimensions we
5 currently have. For Harry Potter fans, the polling places
6 are not like Hermione's bag that can magically hold
7 everything she placed in it.

8 I've spent time observing the use of the Dominion
9 system in Colquitt, Dooly, and Sumter counties, during the
10 HD171 and SF13 special elections. I saw stand-alone
11 cinderblock buildings which serve as dedicated voting
12 precincts. Please refer to the photos I have provided.
13 Those are of the Chambliss precinct in Sumter County.
14 There, the poll manager was so concerned -- please, look
15 at them. Look at what these buildings look like.

16 MR. MASHBURN: I have them.

17 MS. MARTIN: What?

18 MR. WORLEY: We already have.

19 MR. MASHBURN: We have. We've looked at them.

20 MS. MARTIN: Well, okay. Okay. There, the poll
21 manager was so concerned about the ability to see
22 electors' votes that she took the initiative and turned
23 two of the BMDs to the wall. This was before receiving
24 guidance from the Secretary of State. She felt bad that
25 she was unable to do anything with the BMD station

1 designated for handicapped voters, but there just wasn't
2 room for a wheelchair to maneuver between the BMDs and the
3 wall. Bottom line: we haven't solved the absolute ballot
4 secrecy problem, we haven't solved the machine security
5 problem, and we haven't figured out how to fit everything
6 in the available space.

7 Our proposed rule address this. In the event that
8 ballot-marking device touchscreens cannot be reasonably
9 positioned to ensure both ballot secrecy and monitoring of
10 each component by poll officers, the superintendent of
11 elections shall require the use of hand-marked paper
12 ballots and provide privacy screens or other voting
13 conditions, so as to ensure the absolute secrecy of the
14 hand-marked ballot. I hope that you were carefully
15 consider this proposed rule as providing a way to satisfy
16 the applicable laws in the short term, giving counties
17 time to explore and create acceptable long-term solutions.
18 Thank you.

19 MS. DUFORT: Good morning. My name is Jeanne Dufort.
20 I'm a member of the Coalition for Good Governance, and I'm
21 the first Vice Chair of the Morton County Democratic
22 Committee. I'm speaking first to rule two. Electronic
23 poll books are great. When they work, they can process
24 voters quickly, and they can update records in real time,
25 but for too many voters, they have not worked. E-poll

1 book glitches accounted for an alarming number of the
2 50,000 calls received by the Voter Protection Hotline.

3 Senator -- State Senator Jasmine Clark has told you
4 in previous meetings and testified in federal court about
5 her experience during the November 2018 runoff when she
6 was told she was at the wrong polling place during the
7 check-in process. As a candidate, she knew exactly where
8 she was supposed to cast her ballot, and she stood her
9 ground. After many minutes, tying up poll staff and some
10 phone calls, the issue was mysteriously resolved. Many
11 voters are not so lucky.

12 We propose that on election day any voter who appears
13 at the polling place listed on the voter's MyVoter page
14 and is not found in the electronic poll books will be
15 considered an eligible voter at that location and will be
16 allowed to cast a regular ballot in that location. We
17 propose cross checks, of course. We would like poll work
18 -- officials to be able to independently verify the
19 MyVoter page information using a county-owned, Internet-
20 connected device and verify that the voter is otherwise
21 eligible to vote. This rule will reduce the need for
22 provisional ballots which are time-consuming for staff to
23 process and create risk to the voter that their vote may
24 not be counted.

25 Voters are routinely instructed to determine their

1 polling location, look at their ballots, and other things
2 based on the MyVoter page. Following such instructions
3 should not disenfranchise them or cause them to cast a
4 provisional ballot when election records don't match.
5 Casting a provisional ballot is a burden on a voter that
6 should not be caused by discrepant state records nor
7 should the voter be required to go from place to place to
8 voter if they've used information on the Secretary of
9 State's MyVoter page. Rule two provides an inexpensive
10 and efficient means of protecting voters and election
11 integrity, reducing staff work, and preventing
12 disenfranchisement of voters. We hope you consider it.

13 Now, I'll speak to our third rule -- and we felt like
14 the last time we'd take questions at the end. We'll
15 present all the rules, and if you've got questions, we'll
16 handle that. Rule three is about absentee mail ballots.
17 Demand for absentee mail ballots soared to record heights
18 in 2018 general elections, and problems in processing them
19 resulted in lawsuits and some changes in the law. I would
20 also say uneven treatment of voters: some counties were
21 fabulous at processing absentee ballots, and other
22 counties, not so much. Disparate treatment is not a fun
23 thing in elections.

24 We're proposing a rule that will reduce
25 administrative handling while increasing voter certainty

1 that their votes have been accepted. This rule allows
2 voters who choose to deliver absentee mail ballots to any
3 location at which they would be eligible to vote in
4 person. We propose a phase-in schedule: make the rules
5 mandatory state-wide by November 2020 but permit counties
6 to adopt it earlier if they wish. The rule designates an
7 absentee ballot clerk in each early and election day
8 polling place, giving voters the option of delivering
9 their absentee mail ballot at any place they would be
10 eligible to cast their vote in person. Upon presentation
11 of proper ID and verification of eligibility through the
12 standard check-in process, their ballot would be accepted
13 with no further review.

14 Election officials we've discussed this with are
15 enthusiastic in their support, and in December, this Board
16 indicated support for the concept but reservations about
17 the timing. Our proposal comes to you modified for a
18 November roll-out for that reason.

19 Allowing election workers to accept voters' absentee
20 ballots at early voting locations and at election day
21 precincts is a win-win for all. For voters, it eliminates
22 the risk of mail delivery and having a ballot rejected for
23 minor discrepancies, and for election officials, it
24 reduces the office work of mail ballot envelope
25 verification and associated ballot rejections and cures.

1 This change will provide voters who wish to vote a paper
2 absentee ballot at home the opportunity to cast their
3 ballot at their home precinct on election day with the
4 advantage of the latest election information. This change
5 will permit voters who have visual or dexterity difficulty
6 with computer screens and operations to vote their ballots
7 with paper and pen at home and cast it on election day in
8 their home precinct. Best of all, an increase in absentee
9 mail ballots reduces voting lines for check-ins and BMDs
10 at the polling place, which will help everyone have a
11 better voting experience. In short, adopting these new
12 election rules strengthens civic participation in our
13 democracy, and everybody wins.

14 MS. NAKAMURA: Hello, again. I'm Aileen Nakamura
15 from Sandy Springs. I'm speaking to proposed rule four,
16 which is an amendment to add the definition of a vote for
17 ballot-marking devices. So the SEB has yet to define what
18 constitutes a vote, and right now, Georgia is holding
19 elections in violation of both state and federal laws that
20 require such a definition in each new voting system prior
21 to the conduct of an election using the new system. We
22 have already started elections using the new system.
23 There is no definition of what constitutes a vote.

24 Both OCGA 21-2-31 part 7 and 52 USC 21-0-81 part A,
25 part 6 mandate that it shall be the duty of the State

1 Election Board to promulgate rules and regulations to
2 define uniform and nondiscriminatory standards concerning
3 what constitutes the vote and what will be counted as a
4 vote for each category of voting system used in this
5 state. Without this mandatory determination, election
6 controversies are sure to occur.

7 There are other laws you must consider. OCGA 21-2-
8 498 requires that the post-election audits be performed
9 using manual recounts, which obviously means manually
10 counting the human-readable text printed on the ballot
11 cards. If human-readable text is the official vote for
12 auditing purposes, it follows that it must constitute the
13 official vote for all counting purposes. To count
14 barcodes as the official vote for some contests, those
15 that are not audited, and then the human-readable text as
16 the official vote in other contests invites a host of
17 legal problems.

18 Secretary Raffensperger talks about how safe it is to
19 use barcodes, and I think he likes to use the analogy of
20 how Homeland Security has used barcodes on our boarding
21 passes at airports. Sure, but I still can't read that
22 barcode, and I depend on the human-readable text telling
23 me where to sit, and I'm really not worried about somebody
24 hacking my seat assignment. But if a barcode was going to
25 fly the plane, I don't think we would get on that plane.

1 The Help America Vote Act requires that voting
2 systems permit the voter to verify the votes selected by
3 the voter on the ballot before the ballot is cast and
4 counted. Since humans can't read barcodes and therefore,
5 can't verify barcodes, this federal law points to the fact
6 that the human-readable text must be the official vote.
7 Also, OCGA 21-2-397-.22 provides no electronic-ballot
8 markers shall be adopted or used in primaries or elections
9 in this State unless it shall at the time satisfy the
10 following requirements. Part 6 says produce a paper
11 ballot which is marked by the elector's choices in a
12 format readable by the elector.

13 The phrase choice made by the voter is the standard
14 terminology in Georgia election code to define what
15 constitutes a vote. The General Assembly has instructed
16 that the format readable by the voter be the official
17 vote. There can only be one official vote. Legally, you
18 simply cannot have a barcode be the official vote for some
19 counts and the human-readable vote be the official vote
20 for others.

21 Since the official vote must be consistent between
22 the initial official count, any recount, and any post-
23 election audit, we strongly urge the State Election Board
24 to adopt our proposed rule 4, which reads, "for a vote
25 printed by an electronic ballot-marking device on a ballot

1 summary card and cast on an optical scanner, the human-
2 readable text shall be the choice made by the voter.”

3 Thank you.

4 MS. THROOP: Hi, again. I’m Liz Throop, and I’m a
5 member of the Coalition for Good Governance. You’ve no
6 doubt received a deluge of comments about the proposed
7 recount rule, and we’ve heard a lot of passionate comments
8 about it today. You may already have plans to modify it
9 or even withdraw the proposed recount rule, so I’ll be
10 brief. With proposed rule number six, we are offering
11 ways to modify that recount rule to minimize two of the
12 more problematic features.

13 First, public observation of recounts must be
14 meaningful. Public oversight is integral to building
15 trust in elections. Over the past month, it’s been my
16 privilege to observe elections across Georgia. It’s been
17 a delight to meet election workers and officials who are
18 doing their very best to run elections in a fair and
19 efficient way, but I hope you’ll trust me and believe me
20 when I tell you that public observation is more effective
21 in some counties than others because of barriers some
22 counties put in place that prevent effective observations.
23 This must end, and rules must enable public observation
24 for recounts where the stakes are very high.

25 Second, because most of Georgia’s ballots are printed

1 by machine and not marked by hand, it's critical that any
2 -- for any election to have a meaningful recount, it must
3 be proceeded by a meaningful audit. You'll be introducing
4 proposals for audit rules later this morning, but I'll
5 wager you're not proposing audits for every election.
6 This proposal is very straightforward. If an election is
7 close enough to warrant a recount, there must be a
8 thorough audit prior to the recount.

9 Another proposed rule, rule five, contains the
10 retention of memory cards covered in 183-1-12-.13(c).
11 Electronic data on memory cards is a key election record
12 and should not be destroyed prior to the 24-month
13 requirement under federal law. If there is the potential
14 of electronic tampering, evidence can be present on the
15 memory cards that is preserved nowhere else in the system.
16 The proposed rule also states that after the period for
17 requesting a recount has expired, memory cards may only be
18 used -- may only be re-used after taking all necessary
19 cybersecurity hygiene precaution. Thank you.

20 MS. DUFORT: So if there are any questions about any
21 of our rules, we'll be happy to field them.

22 MR. RAFFENSPERGER: Okay.

23 MS. DUFORT: Thank you.

24 MR. RAFFENSPERGER: Thank you. Mr. Germany?

25 MR. GERMANY: Thank you, Mr. Chairman. I've -- I've

1 got a few things that I can -- let's see. Let's see how
2 you want me to handle this. I can speak to -- just to
3 give a little background, the Rules Working Group of this
4 Board met last Friday to go through the comments received
5 for today's meeting for the rules that we're going to
6 consider today to come up with some additional rules that
7 we're going to recommend to be posted today, and also, we
8 went through the rules petition as well that Ms. Dufort
9 just presented.

10 MR. RAFFENSPERGER: And then, we have some, probably,
11 some new people here that haven't been at previous
12 meetings, so on the Rules Working Committee, can you just
13 let the audience know who those members are?

14 MR. GERMANY: Sure. So the Rules Working Group
15 consists of myself, Mr. Rayburn, and Chris Harvey from our
16 office, as well as Jordan Fuches. She's the Deputy
17 Secretary of State. From the State Election Board, Mr.
18 Worley and Ms. Sullivan, who was out of town. Ms. Le was
19 also tied up, so our new member Matt Mashburn filled in on
20 the Rules Working Group, as well as Lynn Bailey, who is
21 the County Elections Director in Richmond County.

22 MR. RAFFENSPERGER: Thank you.

23 MR. GERMANY: Should I first speak to the petition?

24 MR. RAFFENSPERGER: What is the will of the Board:
25 speak to the petition, or do you have a preference?

1 MR. GERMANY: I'd go to the petition first because --

2 MR. RAFFENSPERGER: Okay.

3 MR. GERMANY: -- we're doing some things later that I
4 think are based on some of the concerns they bring up --

5 MR. RAFFENSPERGER: Okay. Please do that.

6 MR. GERMANY: Their first rule about protecting
7 ballot secrecy -- again, that is a major concern. I
8 believe that the guidance the Secretary of State's Office
9 has sent out, as well as, many counties are using third
10 party solutions that they're buying to help that -- to
11 help that process. The court, there was a court case, as
12 the presenters mentioned, in Sumter County. The judge
13 found that you could use the machines and still protect
14 voter privacy, and I think that's consistent with what we
15 see as well, so I would recommend -- and I would say, you
16 know, in addition to the potential layouts that Chris
17 Harvey sent around to the counties, I think we're
18 preparing some additional guidance to send to the counties
19 along those same lines, along with some simple -- some
20 other options that they can do to provide for privacy.

21 I will -- I don't think it's correct that -- I think
22 it's correct what we said that you can turn the machines
23 around. Poll workers, I think, still have access to see
24 what they need to see, especially with the rule that we're
25 -- that I'm going to recommend we adopt today that we

1 posted last time, in that we're now requiring a poll
2 worker not just stationed at the scanner, but another poll
3 worker to be available for voters with questions in the
4 enclosed space, so it's kind of a roving poll worker in
5 the enclosed space, which is a new requirement. So I
6 think that will help, you know, where they can see, you
7 know, what's going on despite how the -- which direction
8 the screen is facing.

9 MR. RAFFENSPERGER: Okay.

10 MR. GERMANY: Proposed rule number two, permitting
11 voting through the MyVoter page published precinct: so the
12 MyVoter page website and the data that loaded into the
13 poll pads both come from the same place, so there should
14 not be a discrepancy in those two places. Frankly, if
15 there is, I would have more trust in the data that's
16 loaded on the poll pad that comes straight from the voter
17 registration system. I don't think that's something we
18 need to do in terms of adding a new thing for poll workers
19 to check on election day.

20 Mail ballots returned to polling places: I think as -
21 - similar as to where the Board was the last time this
22 proposal was made -- I think that's something that we
23 should look at. I think the most prudent course of action
24 is not to do something like that this election cycle, even
25 waiting until November. There's other things to consider.

1 You know, some states instead of allowing you to drop it
2 off at polling places use drop boxes, you know, and one of
3 the benefits of absentee ballots is the voter does not
4 have to go to the polling place, and that's less people in
5 the polling place on election day which is helpful for
6 getting more people through, so -- yes, sir?

7 MR. RAFFENSPERGER: Well, I believe that's what they
8 do in Colorado, correct?

9 MR. GERMANY: They use drop boxes. Yes, sir.

10 MR. RAFFENSPERGER: And the other question that just
11 struck me is last fall, we did six pilot counties when we
12 were, you know, getting these machines up to speed. Is
13 that something that we might want to consider also?
14 Instead of doing it statewide, just try some select
15 counties almost as a pilot at some point in time when we
16 have really the resources to be able to handle that, and
17 then see how it works, and then we look at maybe if it
18 goes well, then you look at state-wide implementation.

19 MR. GERMANY: I think that's a prudent way to
20 proceed. We might need some enabling legislation to allow
21 us to do pilots like we've had for the voting machines,
22 and we've done that for UOCAVA electronic ballot delivery
23 type solutions in the past, and it is has then led to
24 statewide adoption of that thing we tested.

25 MR. RAFFENSPERGER: Okay. And then, will you share

1 that with the Rules Working Group? Many of them are here,
2 but with the counties, what their take would be on that?

3 MR. GERMANY: Yes.

4 MR. RAFFENSPERGER: Thank you.

5 MR. GERMANY: I would say I don't think this year is
6 the year to do that pilot.

7 MR. RAFFENSPERGER: Correct.

8 MR. GERMANY: I think in this election cycle, we have
9 enough changes that we're already dealing with.

10 MR. RAFFENSPERGER: Understood.

11 MR. GERMANY: Definition of a vote: I will be
12 presenting some recommended changes to post today to
13 definition of a vote that, I think, get to some of these
14 concerns, so I'll present that later.

15 Proposal number five, retentions of memory cards: so
16 this rule, this proposal, would require that all the
17 memory cards used in each scanner are retained for two
18 years. The way that we currently handle that is the
19 results, the data, is uploaded to the election management
20 server in each county, and then, they take all of that
21 combined data and retain it for two years, and that's why
22 the then individual memory cards can be reused after that.
23 So the data is still retained. It's just not retained on
24 the physical medium so they can be reused, and frankly,
25 not doing that would greatly increase the cost to counties

1 of running an election. So I don't think that's something
2 that we should change.

3 Proposal number six amends the recount rule. As we
4 learned -- or as the Rules Working Group discussed on
5 Friday, that was, out of the comments that we received,
6 certainly the most comments were about the recount rule.
7 We've made some -- some changes that I'm going to
8 recommend that we post for public comment today, and I
9 think that will get to some of these concerns. Like we've
10 done in the past, you know, given the timeline we're
11 under, I'm going to recommend that we adopt the rules that
12 we've posted and then vote to post a change to them that
13 we can consider at our next meeting.

14 MR. RAFFENSPERGER: Thank you.

15 MR. GERMANY: And then, the next thing that I would
16 speak to is the rules that we posted last meeting that are
17 up for adoption today, if that works for you, Mr.
18 Chairman.

19 MR. RAFFENSPERGER: It does. Please proceed.

20 MR. GERMANY: The first rule that we posted -- it's
21 in tab number 2 of the Board's binders -- is the rule
22 dealing with third-party registration. What this rule
23 does is a couple things. One, it actually loosens the
24 restriction on doing voter registration drives in places
25 where alcohol is sold. We did have issues come up where

1 places like fairs and parades and festivals that were
2 mentioned earlier where alcohol might be sold, but it's
3 not the purpose of the event, and it was questionable
4 whether or not that could be done under existing rules, so
5 we're changing that rule to make it clear that those kind
6 of places are -- are available for voter registration
7 drives.

8 The other thing we're doing is clarifying that -- or
9 requiring, I should say, third-party voter registration
10 drives to instruct the applicants that they have to
11 include their Georgia driver's license number if they have
12 one. That is required under federal law. It's also
13 required under state law, and what we've seen is that, in
14 talking to counties, applications that come in from third-
15 party drives are significantly more likely to not have
16 that information, and it's very helpful information
17 because if you have it, you can verify the information
18 with the Department of Driver Services. If you verify it,
19 you don't have to provide your ID with your application --
20 you don't have to provide your ID before you get your
21 absentee ballot. If you don't verify, you do have to
22 provide that information, and that's according to a
23 federal law, so any one that we can kind of handle at the
24 front end, it makes things a lot easier later on. So
25 that's the purpose for that -- for that change.

1 Would you like me to go through each one? And I
2 should also say I do think the Board needs to take action
3 on the rules presented in the petition. I maybe should
4 have stopped before moving on to our rules.

5 MR. RAFFENSPERGER: Is there a motion for the
6 petition that was presented earlier?

7 MR. WORLEY: I'd like us to vote separately on the
8 proposed rules or the proposed rules that were included in
9 the petition, and I'd like the opportunity to have some
10 discussion of the proposed rules that the petitioners put
11 forth. Perhaps we could just go through them one-by-one?

12 MR. RAFFENSPERGER: Okay. Starting with proposed
13 rule number one, do we have a motion for the rule under
14 discussion first?

15 MR. WORLEY: I would like to table this proposed
16 rule. I think the petitioners raised some good points
17 about how -- how secrecy will be ensured in various places
18 around the State, and given Judge Smith's ruling, I would
19 just like the opportunity to revisit this once we see how
20 this election and the primary election go, and I just
21 think it would be -- it would just give us an opportunity
22 to consider it with that information without requiring the
23 petitioners to come back and present another petition, so
24 I would make a motion that we table proposed rule number
25 one.

1 MR. MASHBURN: Second.

2 MR. GERMANY: I would just say, as Mr. Worley
3 mentioned, there is litigation out there about this, and I
4 think there probably will be more. I think it's prudent
5 to keep an eye on that litigation. I agree with what
6 Judge Smith said in Sumter County that the existing
7 structure already adequately allows for both to be
8 protected, so I think the Board could deny this rule while
9 still doing all the things that Mr. Worley mentioned,
10 keeping an eye on it and then taking further action as
11 needed, based on -- based on what we see in this election
12 cycle.

13 MR. RAFFENSPERGER: Well, we have a motion and we
14 have a second. Do we have any further discussion? All
15 those in favor of the motion to table this --

16 MS. LE: I have a question. Sorry. Mr. Worley, when
17 you say you want to table it, do you want to re-present it
18 or how -- what are you talking about?

19 MR. WORLEY: I think if we table it, it gives us the
20 opportunity to bring it back at our discretion without
21 requiring the petitioners to file another petition and
22 come back to us and make a presentation, so -- and, of
23 course, I mean we can always, you know, come up with our
24 own rule that deals with these same concerns if we find
25 out that -- that it is an issue after we've seen the

1 results of the elections.

2 MS. SULLIVAN: Mr. Chairman, I have a question for
3 Mr. Germany. Is there -- is there -- I haven't recently
4 reviewed the rules and don't have a copy in front of me,
5 but is there a time consideration of the rules where we
6 have to take action on a petition?

7 MR. GERMANY: I'm looking at that right now. It says
8 within 30 days after submission of a petition, the Board
9 shall -- let's see. I'm sorry. I'm reading it -- I'm not
10 reading the relevant parts. In 30 days after the
11 submission of a petition for the promulgation of a rule,
12 before the next meeting, the Board shall decide upon the
13 action to be taken, so I guess that's up to -- the action
14 to be taken? I would it's probably --

15 MS. SULLIVAN: The action to be taken could be to
16 table the --

17 MR. GERMANY: I would agree with that.

18 MR. RAFFENSPERGER: The action to be taken could be
19 tabled again, table it again or...?

20 MR. GERMANY: I think once it's tabled --

21 MR. RAFFENSPERGER: Approved or --

22 MR. GERMANY: It's tabled until you guys bring it
23 back up.

24 MR. RAFFENSPERGER: Does that extend -- or in the
25 General Assembly, it really just lasts for the biannual.

1 MR. GERMANY: We don't really have that --

2 MR. RAFFENSPERGER: We have --

3 MR. GERMANY: -- for the State Election Board.

4 MR. RAFFENSPERGER: Exactly. So does this continue
5 in perpetuity then?

6 MR. GERMANY: I think it would do that. Yeah, I
7 don't think it has the same effect as a General Assembly
8 where if you table it, it just kind of goes away at the
9 end of the session.

10 MR. RAFFENSPERGER: But the proposed rule that's here
11 before us today, if we -- if the, you know, Rules Working
12 Group wanted to work on that, that's something that they
13 would still be free to choose whether this moves forward,
14 is tabled, or it does not move forward?

15 MR. GERMANY: I think that's something the Rules
16 Working Group should do as we continue throughout this
17 year. We know we're working on additional rules as well.

18 MR. RAFFENSPERGER: Okay. I'll call the question.
19 All those in favor of tabling, signify by saying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: Those opposed? Motion is tabled
22 -- or proposed rule is tabled.

23 MR. GERMANY: Rule number two is the permitting
24 voting in MyVoter page published precinct.

25 MR. RAFFENSPERGER: Any discussion or do I have a

1 motion?

2 MR. MASHBURN: I move that the Board reject proposed
3 rule two.

4 MR. RAFFENSPERGER: Do we have a second?

5 MS. LE: I second that.

6 MR. RAFFENSPERGER: Any discussion?

7 MR. WORLEY: I -- I'm going to vote against this rule
8 because I do think there really is no discrepancy between
9 MyVoter page on the poll book, and if there is a
10 discrepancy that the poll book is the, you know, should be
11 the default option, so...

12 MR. GERMANY: I would add in addition to that that
13 there are procedures in place to deal with that through
14 the provisional ballot rules that this Committee -- that
15 this Board has already adopted.

16 MR. RAFFENSPERGER: Any further discussions? Hearing
17 none, all those in favor of denying proposed rule number
18 two, signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed? Proposed rule two
21 is denied. Proposed rule number three? Do I have a
22 motion?

23 MR. WORLEY: I would make a motion that we table this
24 rule. I think at the last time -- the last time a similar
25 rule was proposed, I indicated that I -- I thought that it

1 was a good rule, but needed to be -- needed not to be done
2 in this cycle, and I think, at least for me, it's
3 something that I'd like to continue to consider as we see
4 how the primary and the -- the presidential primary and
5 the general primary go and the -- the turnout that we're
6 going to have. So I can understand all the reasons for
7 rejecting the rule in this cycle, but I'd -- I would like
8 to table it instead, and I would make a motion that it be
9 tabled.

10 MR. RAFFENSPERGER: Do we have a second? Do we have
11 a second? Hearing none, that motion dies for lack of
12 second.

13 MR MASHBURN: I move that the Board reject proposed
14 rule three.

15 MR. RAFFENSPERGER: Do we have a second?

16 MS. LE: I'll second that.

17 MR. RAFFENSPERGER: Okay. Do we have any further
18 discussion? Hearing none, there is a motion before us to
19 deny proposed rule number 3. All those in favor of
20 denying rule 3, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Those opposed?

23 MR. WORLEY: No.

24 MR. RAFFENSPERGER: Motion carries. Proposed rule
25 number four, do we have a motion?

1 MR. MASHBURN: I move that proposed rule number four
2 be rejected by the Board.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: I'll second that. I believe that we
5 have a new proposed rule regarding this subject matter
6 that we'll -- we'll vote to post today.

7 MR. RAFFENSPERGER: Okay. Any discussion?

8 MR. WORLEY: I'll vote against this rule, but only
9 because I think we do have a rule -- or changes to the
10 rule that will accommodate these concerns.

11 MR. RAFFENSPERGER: Okay. All those in favor of the
12 voting of denying proposed rule number four, signify by
13 saying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? Motion carries.
16 Rule number four is denied. Proposed rule number five, do
17 we have a motion?

18 MR. MASHBURN: I move that the Board reject proposed
19 rule number five.

20 MR. RAFFENSPERGER: Do we have a second?

21 MS. LE: I second the motion since the data would be
22 retained.

23 MR. RAFFENSPERGER: Okay. Any discussion?

24 MR. MASHBURN: Yeah. One of the primary concerns I
25 have about this was stated very well by Ryan, in that it

1 says the memory cards will be preserved without
2 authorization for no less than 24 months, so that means
3 you constantly have to be buying new memory cards, and you
4 can't reuse them. That's just going to be a burdensome
5 expense at the counties to just keep piling on memory
6 cards was my concern.

7 MR. RAFFENSPERGER: Any further discussion? Okay.
8 Call to motion: all those in favor of denying proposed
9 rule number five, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Proposed rule
12 number five is denied. Proposed rule number six, method
13 or recounts, do we have a motion?

14 MR. MASHBURN: I move to reject proposed rule six.

15 MR. RAFFENSPERGER: Do we have a second?

16 MS. SULLIVAN: I'll second that.

17 MR. RAFFENSPERGER: Do we have any discussion on the
18 motion?

19 MR. WORLEY: I'm going to vote against this rule,
20 proposed rule, because I think we have -- we have made
21 some changes to the recount procedures, but I just want to
22 say on the record, and it's something that I would like to
23 work on in the Working Group, this concept of having an
24 audit -- of requiring an audit before any recount in any
25 recounted election, I think is very -- is a very good

1 idea, and I think we should institute a rule regarding
2 that as we go forward with audit rules.

3 MR. RAFFENSPERGER: I think Mr. Worley makes some
4 very good points, as did some of the people, on that issue
5 when an election is that close to have an audit procedure
6 in place, so we strongly encourage the Rules Working Group
7 to work on that and come back with something as quickly as
8 possible.

9 MR. GERMANY: That -- that came up in our meeting
10 last Friday as to whether or not we should -- I think
11 that's a very good point about doing a pre-recount audit,
12 and then it also came up whether or not we should require
13 a post-recount audit of the recount, and I think that's
14 something that we can look at in the auditing rule as well
15 that we're still trying to determine based on the pilot
16 project we're doing the best way to put that process in
17 place.

18 MR. RAFFENSPERGER: Yeah. We just encourage you to
19 dig into the merits of that and report back. Thank you.
20 Do we have any further discussion? Hearing none, I'll
21 call for proposed rule number six. All those in favor of
22 denying proposed rule number six, signify by saying aye.

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: Those opposed? Proposed rule six
25 is denied. Mr. Germany?

1 MR. GERMANY: Previously, I jumped ahead of myself a
2 little bit and presented the changes to chapter six.
3 These are the changes that we posted. We actually posted
4 them two meetings ago, got some comments that we
5 incorporated, and reposted them at our last meeting. I
6 just presented the purpose of them, and I would recommend
7 that the Board vote to adopt the rules -- the rules as
8 posted in chapter six.

9 MR. RAFFENSPERGER: Do we have a motion to approve
10 the rules that are posted in chapter six?

11 MR. MASHBURN: I move that the rules as posted for
12 chapter six be approved.

13 MR. RAFFENSPERGER: Do we have a second?

14 MS. SULLIVAN: Second.

15 MR. RAFFENSPERGER: Do we have any further
16 discussion? All those in favor of adopting the rules
17 presented in chapter six, signify by saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Motion carries.

20 MR. GERMANY: The next rules we posted in our last
21 meeting are in chapter 12, and what these are -- I'll go
22 through each of them briefly -- but what these are: we
23 adopted the rules, and then before our last meeting, we
24 received some comments that we thought made sense, so at
25 the last meeting, we voted to post these changes based on

1 comments we received at the first posting of these rules.
2 The comments came from both counties, political parties,
3 and other -- other interest groups. They've changed to --
4 I'm in tab 3 of the -- of y'all's binders.

5 The change to .04 just takes out -- it loosens up a
6 bit of the restriction on how counties have to store the
7 components. As opposed to requiring that they are stored
8 in their packaging boxes or foam inserts, we're just
9 allowing the counties to store them in a manner that
10 ensures they are protected. That was a comment we
11 received from counties that I think makes sense.

12 We also are making a change in 12-.06, paragraph 3 of
13 page 6 of the proposed rules. We're taking out -- there's
14 a procedure in place for what counties have to go through
15 if they have to move their election management system.
16 The election management system is the air gapped server at
17 each county, and there's -- it's really only to be
18 relocated in emergency circumstances, so we're taking out
19 the sentence that was a bit contradictory. It says, it
20 shall not be moved or relocated for any purposed, and then
21 it goes into here's what you do if you have to move it, so
22 it was pointed out those are a bit contradictory, and I
23 think that's correct.

24 We also are incorporating some changes in 12-.08 that
25 deal with notice, and these are based on comments we

1 received. Notice at this point would not only be required
2 in newspapers, but to put on county webpages, and also
3 clarifying that this would be placed on the homepage, so
4 it's not somewhere that is lost on the Internet.

5 We've additionally made changes requiring reporting
6 through the superintendent of any component failures or
7 issues, and that's something that I think we wanted to
8 clarify. We also made some changes in -- we made one
9 change in 12-.09, just a typo change changing the word
10 "remained" to "be" just because it made more sense. In
11 12-.10, we're adding that accredited poll watchers must be
12 able to observe the polling place set-up process.
13 However, they may not interfere with the set-up process.

14 The changes in 12-.11 are -- are significant. These
15 are what we discussed at our last meeting that there was
16 some concern originally that having someone at the scanner
17 remind every voter to review their ballot could be
18 burdensome. And I think it will be burdensome, but there
19 was a paper that came out that showed that if you want
20 people to review their ballots, that's really where that
21 reminder has to be, so we're removing the reminder from
22 the beginning of the voting process and moving it to the
23 scanner process, which is consistent with what -- there
24 was a study by Matt Bernhardt at the University of
25 Michigan that showed that.

1 This is where we're also putting in place the 10%
2 emergency paper ballot requirement, and we're also putting
3 in place what I mentioned earlier about how there has to
4 now be a -- not just a poll officer stationed at each
5 scanner, but also a poll officer assigned to assisting
6 voters who have questions while they're in the voting
7 booth. The point of that is the poll officer stationed at
8 the scanner needs to remain at the scanner, so if someone
9 has a question in the polling place, there should be
10 someone else available to help them so that that person
11 stationed at the scanner can remain at their post.

12 We make similar changes in this section and in the
13 next section 12-.12 adding language that accredited poll
14 watchers shall be allowed to observe the process described
15 in this rule in a manner that does not interfere. We
16 added something to provisional ballots. This is something
17 that I think we talking about in the Rules Working Group
18 about how the information sheet available to voters --
19 trying to recognize that it can be difficult given the
20 factual -- or the determinations required in provisional
21 voting to make sure a poll worker is always giving
22 accurate information to a voter. We're trying to kind of
23 standardize that some and come up with a sheet of paper
24 that can be handed to the voter to help so they know their
25 options.

1 And again, I would recommend -- we have one
2 additional change that I'll vote to post in the
3 provisional ballot section, but I would -- I will
4 recommend that we adopt these rules, and then we'll post
5 the additional change as a new rule. And those are the
6 changes to chapter 12. There's an additional one in tab 4
7 that Mr. Worley suggested at the last meeting. I would
8 recommend that we handle these first and then handle that
9 -- that proposal separately.

10 MR. RAFFENSPERGER: Okay. Do you have any quest --
11 does anyone on the Board have any questions for Mr.
12 Germany about tabs 2 and 3? Hearing none, do we have a
13 motion for rules 183-1-6-.02(6) through 183-1-12-.20 as
14 just presented by Mr. Germany?

15 MR. MASHBURN: I move that the Board adopt the rules
16 as published.

17 MR. RAFFENSPERGER: Do we have a second?

18 MR. WORLEY: I'll second that.

19 MR. RAFFENSPERGER: Do we have any discussion?
20 Hearing no further discussion, all those in favor of the
21 motion so presented, please do so by signifying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Those opposed? Motion carries.
24 Okay. Tab 4, Mr. Germany?

25 MR. GERMANY: Tab 4 is a change that Mr. Worley

1 suggested to rule 183-1-12-.12, and I'm happy to speak to
2 it, or Mr. Worley, you can speak to it, whichever you
3 prefer.

4 MR. WORLEY: I -- I can speak to it. This -- this
5 allows information relating to provisional ballots to be
6 photographed by accredited poll watchers after the results
7 have been tabulated, and it allows them to photograph the
8 provisional ballot recap sheet, the numbered list of
9 provisional voters, and the form -- related form. And we
10 passed this at the last meeting and put it out for
11 comment. There was some discussion at the last Working
12 Rules meeting. An issue was raised as to whether posting
13 the list of provisional voters might conflict with
14 provisions in HAVA and in state statutes relating to
15 keeping some information relating to provisional ballots
16 only accessible to the voter who actually voted the
17 provisional ballot.

18 I've spent some time this week looking over HAVA and
19 looking over the relevant state statutes, which set up a
20 free access system that allows a voter to check to see
21 whether or not their ballot has been counted, and I am
22 satisfied that there is not any requirement in HAVA or in
23 the other provisions of Georgia state law that prevents
24 the numbered list of provisional voters from being
25 photographed because the only thing that that contains is

1 the name of the voter. So -- so I think this proposed
2 rule is consistent with state law and with HAVA, and it
3 has the advantage of allowing poll watchers to just take a
4 picture of the names of those persons who voted a
5 provisional ballot so that those persons can be assisted
6 right away in -- in the three days after the election when
7 they have an opportunity to cure their provisional ballot
8 without having to wait for an Open Records Request. So I
9 think it's a -- it's a benefit, and we should go ahead and
10 pass it.

11 MR. MASHBURN: I -- I strongly support the first
12 sentence of this rule that accredited poll watchers must
13 be able to observe the entire process described in this
14 rule. I'm strongly opposed to the second sentence of this
15 rule. In November of 2000, there was a big controversy
16 about poll watchers having cameras, and the behav -- and
17 just a poll watcher having a camera in their possession
18 was called inappropriate behavior, despicable, and even
19 un-American. And so, for 19 years, we have been training
20 poll workers that they're -- we've been training poll
21 watchers that they're not allowed to have cameras anywhere
22 on their possession. And I'm afraid that first of all,
23 the people that we've been telling for 19 years that
24 they're going to be accused of civil rights violations if
25 they even have a camera in their possession are going to

1 be very angry that all of a sudden it's not -- that's --
2 the rule is different because one side sees it as
3 something helpful to their cause. So the -- so I'm against
4 --

5 And the second thing is I've watched -- I've been a
6 poll watcher for years. I'm a state-wide poll watcher.
7 I've watched literally hundreds of thousands of people
8 vote. I've been a tabulation poll watcher. I've watched
9 literally millions of votes be counted, and one of the
10 polls I was in, a fellow was standing at the voting
11 machine with his phone, and he was asking the person on
12 the other end of the line how he should vote. And that --
13 that caused a problem, so I think we just -- I think the
14 zero tolerance policy for cameras at polls has been
15 trained very well, and people are following it now, and
16 I'm just -- I'm afraid that if we open the door, we're
17 going to have ballot selfies being taken. We're going to
18 have just -- this is going to get out of control, and your
19 poll manager is going to be overwhelmed with dealing with
20 phones, so I strongly oppose any photography at the poll
21 location, whether voters are voting or poll officers are
22 counting. So I'll vote against this rule with the second
23 sentence in it, but I strongly support the first sentence.

24 MR. GERMANY: I would just add -- sorry, just a kind
25 of technical point. The first sentence is included in the

1 rules that was just adopted. In that same section we say,
2 accredited poll watchers shall be allowed to observe the
3 process described in the rule. However, they must do so
4 in a manner that does not interfere with poll officials,
5 so just to your point, Mr. Mashburn.

6 MR. WORLEY: If I could just respond to some of the
7 points that Mr. Mashburn raised, the rule as we have
8 written it makes it absolutely clear that a photograph
9 should be taken only after the tabulation of results on
10 election day has been completed. So it's not only after
11 the polls have closed, but it's after all the votes have
12 been counted, so I don't see any problem with that. We
13 passed the rule the last meeting when Mr. Mashburn
14 admittedly was not on the Board, and I don't -- I don't
15 see any reason why we can't, you know, pass the rule
16 today.

17 MS. LE: I do have one thought. What concerns me is
18 names of provisional voters made pretty much immediately
19 almost to persons other than the voter. My one big
20 concern is some groups need to be protected. We have the
21 rules -- I'm sorry. We have legislation that protects,
22 like, domestic violence victims who are at shelters, and
23 their information cannot be disclosed, that type of thing,
24 so because this is almost made immediately versus an Open
25 Records where they can be scrubbed and looked at, I am not

1 for this rule.

2 MR. WORLEY: Well, if I could just respond to that,
3 this is information that is public information that anyone
4 can get, and it's required by statute to be made
5 available. The question is when do you make it available?
6 Do you make it available immediately so that those people
7 who've cast a provisional ballot can be helped or do you
8 make it available three days later under an Open Records
9 request when it's too late for that person to cure
10 whatever was wrong with their provisional ballot? So if
11 you really want to help people use the provisional ballot
12 system, then you really need to make the list available.
13 And the list is available to everybody. It's available to
14 the Democratic Party poll watchers. It's available to the
15 Republican Party poll watchers. And truthfully, it's not
16 only Democrats who vote provisional ballots. There are
17 Republicans who vote provisional ballots, and they ought
18 to have the opportunity to be assisted also, so I would
19 again, you know, move that we pass the rule.

20 MR. GERMANY: I would just make one technical point.
21 Our office, at least, has always treated that information
22 as not public, based on a different understanding of the
23 HAVA and state law requirements about privacy than the one
24 Mr. Worley stated. I think he makes a reasonable
25 argument. I think the other argument is reasonable as

1 well. So just to state that, for instance, when we have
2 Open Records requests for those documents, we -- we redact
3 the names of the voters, so I'm not sure it's correct that
4 it's always been public.

5 MR. RAFFENSPERGER: Well, we have a motion before us.
6 Do we have a second? Do we have a second? Motion fails
7 for lack of second.

8 MR. GERMANY: Tab 6 is the change we posted last
9 meeting to rule 183-1-13-.01, election day equipment
10 allocation. This is the rule that would allow county
11 election officials to subtract the number of people who
12 have voted early in allocating their -- their machines,
13 particularly as related to the one voting machine per 250
14 electors requirement. We had some discussion about this
15 in the Rules Working Group and reviewed the comments. Mr.
16 Cortes spoke of the Brennan Center's comments, and we
17 reviewed -- reviewed those comments, which were helpful.

18 At the last meeting or perhaps the meeting before, we
19 talked about how we think -- and by we, I mean this is
20 kind of the conclusion that's been come to in the Rules
21 Working Group which includes the county perspective as
22 well -- that there really does need to be a statutory fix
23 to this. While I think, and I think speaking for the
24 whole Rules Working Group, we do need to make sure that
25 there's an adequate amount of voting booths and voting

1 machines in each precinct, as some of the commenters
2 correctly pointed out earlier today, the new voting system
3 does have a different footprint. I think it will require
4 some changes to polling places as we move -- as we do this
5 transition. I think it will probably require more polling
6 places.

7 We have been working on a legislative fix that will
8 keep the -- the one to 250 requirement in place for
9 November general elections, and frankly, I think for those
10 elections, we should not subtract early voters because
11 they're -- they're both the elections where we have the
12 heaviest election day turnout, and we have the heaviest
13 early voting turnout. And so, the legislative fix that
14 we're proposing is you keep the one to 250 requirement for
15 November general elections, but allow flexibility for
16 other elections, recognizing the fact that not every
17 election is the same. The number of people coming through
18 to vote on election day in particular, but even including
19 early voting or absentee, is vastly different in the
20 November general election than what's happening in states
21 in a District 13 right now, where they're having an
22 election on Tuesday.

23 And I think the county perspective from Ms. Bailey
24 was that if she has to put out the same number of machines
25 for each election without allowing her to take into

1 account the realities of the -- of the election, it's
2 frankly, she thinks and I agree, that it will lead to
3 problems because she'll be focusing on things like
4 equipment allocation when she should be focusing other
5 things. As one commenter also pointed out, I don't think
6 that lines are always caused by the number of voting
7 machines. There's a lot of other things that can cause a
8 line, particularly the check-in process, the ballot
9 scanner process, number of provisional voters, all things
10 like that that I think -- and what this -- what the
11 statute does is require that one to 250 number for the
12 November general, allow flexibility for others.

13 So I say that to basically, you know, let you guys
14 know what we're trying to accomplish in the General
15 Assembly, and also as Mr. Worley, I believe, pointed out
16 at the last meeting, we don't know what the General
17 Assembly is going to do. So it's certainly not a given
18 that happens. One thing we could do is adopt this rule
19 for now. If that legislation passes, we can likely repeal
20 this rule. That would -- that would give the counties a
21 little bit of flexibility for the March election, and the
22 legislation would allow them to -- to kind of staff up and
23 do what adjustment they need to make to prepare for the
24 November election. If the statute doesn't pass, then we -
25 - I think we're in a position where we'd have to revisit

1 this after the session.

2 I will say one more thing. The Attorney General's
3 Office made a good proposed change to this rule that I
4 think we should adopt. You know, the problem is, of
5 course, we'd have to repost it to adopt that, and that
6 changes the rule that now says the term electors shall
7 mean those electors on the official list of electors who
8 haven't voted. Their change points out that electors is
9 already defined. Let's not redefine it. Let's just say
10 when calculating the number of voting booths or
11 enclosures, the calculation may take into account the
12 electors who have voted as of election day, which I do
13 think would have been a better first draft, but, alas, it
14 wasn't.

15 So I think if we do want to have an effect on the
16 PPP, we would need to adopt this rule. We could vote to
17 post the Attorney General's Office's change that I submit
18 later, and then we can I think deal with it after the
19 legislative session.

20 MR. RAFFENSPERGER: So we'll vote on this one today.
21 The Attorney General's wording is not here before us, and
22 we'll post that.

23 MR. GERMANY: We'll post that change --

24 MR. RAFFENSPERGER: Early next week?

25 MR. GERMANY: Right. We'll post it, and then we'll

1 consider it depending on what happens with the potential
2 legislative change, you know, we might need to -- we might
3 be able to repeal the rule, and basically take no action
4 on the posted rule, or we might not be able to.

5 MR. RAFFENSPERGER: Any discussion before I ask for a
6 motion?

7 MR. MASHBURN: Just to make sure I'm clear, the
8 recommendation of counsel's office is that this rule be
9 passed today as published?

10 MR. GERMANY: Well, if we want to provide the
11 counties with any flexibility for the upcoming election as
12 to machine allocation, and as some of the commenters
13 pointed out, there are issues -- and as some of the
14 counties have pointed out to us previously -- there are
15 issues, you know, for them making that number in state
16 law. There's precinct issues. Right now, it's too late
17 to change precincts for March. It's not too late to
18 change precincts for November, and I think, frankly, those
19 changes will be made where they need to be, so... now, I
20 will say this too: traditionally, PPP, presidential
21 preference primaries, do not have very heavy early voting.
22 It's not like in a November general where about half the
23 people vote early, so adopting this rule gives the
24 counties some flexibility. I don't think it will have a
25 significant effect on the actual requirements.

1 MR MASHBURN: I move that the Board adopt the rule in
2 Tab 5 as published.

3 MR. RAFFENSPERGER: Do we have a second? Do we have
4 a second?

5 MS. SULLIVAN: I'll second, but I did want to follow
6 up on Mr. Germany's last question.

7 MR. RAFFENSPERGER: Discussion?

8 MS. SULLIVAN: So you stated that the -- there is not
9 a large percentage of turnout -- of early voting turnout
10 for the March election, is that... as opposed to a general
11 election?

12 MR. GERMANY: Yeah. If you ask me traditionally how
13 much, I'm not going to know, but I know it's not --

14 MS. SULLIVAN: Right.

15 MR. GERMANY -- it's not 50% like it kind of -- like
16 it normally is in the general election. It's not nothing
17 [sic], especially what we will see in a PPP is toward the
18 very end of early voting, when -- we're still in a state
19 now where a lot of things can change between now and March
20 24th on the Democratic side as to who are viable
21 candidates, so I think voters like to wait and see who
22 will be -- who will be viable.

23 MR. RAFFENSPERGER: So Mr. Germany, in the fall, we
24 are anticipating north of 5 million voters. If it's
25 50/50, that's 2 and a half million people on the November

1 election day. For the presidential primary, we're
2 expecting, say, 2 million people, but it won't be 50/50.
3 It could be 80/20.

4 MR. GERMANY: I would say it's, you know, 75/25.

5 MR. RAFFENSPERGER: 1.5 million people versus 2
6 million in November. I hear the county pay points, but I
7 want to make sure the lines are kept as short as possible,
8 and that there's equipment out there. As I said last
9 time, I would want to make sure that we err on the side of
10 caution, and if the General Assembly has a bill before it
11 and it's moving through there, that would allow us to
12 address the May primary. If it doesn't work, it's a way
13 to cross the finish line, and then also the November
14 election.

15 MR. GERMANY: I agree with all that. I would add one
16 more thing that also, in the legislative fix that we're
17 pursuing, we are putting in a requirement -- there's an
18 existing law that requires if people are in line, and it
19 takes more than an hour after the close -- after the polls
20 close, then at the next election, the poll manager has to
21 -- or the county has to either split the precinct if it's
22 larger than 2,000 electors or provide more voting
23 equipment or poll workers or both. When that law was
24 passed, I think traditionally the end of the day was the
25 heaviest voting period. That's not really the case

1 anymore.

2 So what we're proposing to kind of go with giving the
3 counties some flexibility and -- recognizing that not all
4 elections are the same, I think that's the flaw in the
5 current statute. It tries to treat all elections as the
6 same, and we all know that's not the case, but in addition
7 to giving that flexibility, we're putting in place -- or
8 we're asking the General Assembly to put in place a
9 requirement that if there is a line of an hour at any
10 point during the day, measured at times, you know,
11 morning, mid-day, and before the close of polls, that they
12 have to split the precinct if it's larger than 2,000 or
13 provide more poll workers or voting machines or both. So
14 we're basically taking that existing structure for the end
15 of the day, and we're applying it throughout the day,
16 which I think will help as well. And, you know, I hope
17 that it passes because we have a lot of elections between
18 now and November for counties to see what they need -- how
19 they need to address certain -- address particular
20 precincts.

21 MR. RAFFENSPERGER: Okay.

22 MR. MASHBURN: And -- sorry. And this proposed rule,
23 the counties believe this proposed rule provides them the
24 flexibility they need?

25 MR. GERMANY: I think this proposed rule is a Band-

1 Aid, and I think we all kind of recognized that when we
2 posted it, so frankly, I think we had some discussion at
3 the Rules Working Group. We could go -- we could do
4 either one. I imagine that -- I mean, you guys could do
5 either one. I imagine the counties would appreciate a
6 little flexibility for the PPP, but I think the Secretary
7 has raised a good point as well that especially with the
8 first election where people will probably be taking longer
9 at machines just because of lack of familiarity, you know,
10 it might be something we want to leave in place. And to
11 do that, we would just not adopt this rule.

12 MS. LE: Or alternatively, can we reduce the ratio?

13 MR. GERMANY: Only in statute. We can only do that
14 in statute, and that's basically what we're trying to do
15 in the statute by keeping the ratio for the November --

16 MS. LE: -- alleviating some stress where we can for
17 counties in that, I understand.

18 MR. GERMANY: Yes, ma'am.

19 MR. RAFFENSPERGER: Mr. Worley?

20 MR. WORLEY: I'm going to vote against this proposed
21 rule. I did support it. I did vote to publish it, but
22 apparently, I now understand that we can vote to publish a
23 rule, and then vote against it on final pass, so -- but
24 the reason that I'm going to vote against it: I found Ms.
25 Dufort's comment persuasive on this issue. Also,

1 particularly among the comments that we received on this
2 rule was a detailed analysis from the Brennan Center
3 setting out in great detail how this rule as applied to a
4 number of precincts based on the 2018 voting would result
5 in very long waiting lines at a great many precincts, and
6 I found that analysis to be very persuasive, and so I am
7 not going to vote for this rule.

8 MR. GERMANY: And I think -- I think we would all
9 agree that this rule would not be appropriate for a
10 November general election, which was, you know, that's
11 what that analysis was based on.

12 MR. RAFFENSPERGER: Any further discussion? I'll call
13 the question: all those in favor of adopting this rule,
14 signify by saying aye. All those opposed?

15 MR. WORLEY: No.

16 MS. SULLIVAN: No.

17 MR. MASHBURN: No.

18 MR. RAFFENSPERGER: Well, it's denied.

19 MR. GERMANY: The next rule is tab 6 in your binders.
20 This one -- we're in a bit of a similar space with this
21 one as with the old one, as with the previous one. This
22 is about assistive technology devices. We voted to post
23 this rule at the last meeting. In the -- in the meantime,
24 we have determined that we think a better approach is to
25 provide an assistive technology device at each -- at each

1 precinct. We don't think we can have that available for
2 March. We think we can have that available for May.
3 We've been researching particular devices and cost, and so
4 I think that's a much better solution long-term.

5 The question, though, is, you know, what do we need
6 to do for March? This -- this could be a Band-Aid
7 essentially, like the last rule, for the March election,
8 but then I would recommend if the Board wants to basically
9 put that Band-Aid on and adopt it, then I would -- I think
10 we should repeal it once we provide the devices at each --
11 at each precinct.

12 MR. RAFFENSPERGER: Okay. Any questions for Mr.
13 Germany? Any discussions among ourselves?

14 MS. LE: My only thought with this is if it's a Band-
15 Aid and what we do for PPP, that makes sense to me to get
16 some assistance and given what we've heard today, there
17 has to be some kind of device. If it's an audio device
18 that could be heard, the voter's right to -- the voters'
19 votes is [sic] got to be protected, and also not to undue
20 influence those around. Could we add in there -- whether
21 we vote this today and put in there an amendment that says
22 we're reposting other rules anyway to have earbuds at
23 least for this round? And then I know in future elections
24 that we'll provide those.

25 MR. GERMANY: Well, unfortunately, we can't --

1 there's not time. I think that's good -- a good point. I
2 think when we were drafting it, we envisioned that it
3 would be a device with headphones. There are headphones
4 available at each polling place to -- to use with the ATI
5 device. So unfortunately, if we posted that, we wouldn't
6 be able to adopt it until, I think, after this rule is no
7 longer necessary.

8 MS. LE: Okay.

9 MR. GERMANY: But I think -- I will say I think that
10 was the understanding or the thought process as well that
11 it was -- similar to the way the ATI device works is there
12 are headphones for that voter, and in what we provide,
13 there certainly will be headphones.

14 MS. LE: Right.

15 MR. RAFFENSPERGER: I think where we are right now,
16 it seems the wisdom would be to pass this, and then we've
17 already issued a press release a few days ago that we are
18 working on a solution for every precinct. And so we heard
19 some very valuable comments today from the ADA community,
20 and we're very grateful for that input. We'll continue to
21 reach out to the community to make sure that we can find a
22 solution that works that's an optimal solution for
23 everyone. So do we have a motion to adopt this or any
24 other action that you would like to take?

25 MR. WORLEY: I'll make a motion to adopt proposed

1 rule 183-1-13-.02, assistive technology devices, as
2 published.

3 MS. SULLIVAN: Second.

4 MR. RAFFENSPERGER: Do we have a second? Any further
5 discussion? Hearing none, all those in favor of adopting
6 rule 183-1-13-.02, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENBERGER: Those opposed? Motion carries.

9 MR. GERMANY: Tab 7 in your binder is the rule -- the
10 changes we proposed and published to chapter 14, which
11 deals with two things. One, advance voting. We made
12 changes here to the rule we adopted last time based on the
13 comments we received prior to our last meeting. One thing
14 that we did is we clarified, I think, some kind of
15 drafting errors that made it sound like municipalities
16 cannot continue to have just all paper elections like many
17 of them do. That's not -- that's not the intent. They
18 clearly can do that.

19 We made some changes here similar to what we made in
20 chapter 12 to require notification of advance voting --
21 advance voting locations on a county homepage -- county
22 elections office homepage. This also puts in some similar
23 changes that deal with notifying the superintendent when -
24 - if there's a problem with any component while a voter is
25 voting. And also, it incorporates some of the similar

1 changes to election day about instructing voters to review
2 -- requiring the poll officer at the scanner to instruct
3 voters to review their paper ballot prior to scanning.

4 The other change in 14 deals with the prompt
5 notification of absentee ballot rejection. What this does
6 is it -- it leaves in place the requirement that counties
7 have to notify an elector of rejection of their absentee
8 ballot within -- within three days and attempt to notify
9 the elector by telephone and email if -- if that
10 information is available. What this change does is it
11 basically -- the rule we adopted last time said after
12 early voting ends, so basically from the Friday before the
13 election forward, you've got a 24-hour turnaround on
14 getting absentee ballot rejection notices out. What this
15 rule does is it moves that 24-hour turnaround -- I
16 shouldn't say 24-hour. I think it's next business day --
17 close of business on the next business day, so potentially
18 less than 24 hours. We extend the time that that's
19 required all the way to the week proceeding, so from the
20 second Friday prior to the election, so we basically
21 extend that time by a week where counties have to get out
22 notice within -- by the next business day after they
23 reject the ballot.

24 I will -- I would recommend we adopt both these
25 changes. I will say I'll be presenting a rule that we

1 talked about at the Rules Working Group, an amendment to
2 this that -- right now, the rule says the county shall
3 attempt to notify the elector by telephone and email, if a
4 telephone number or email is available on the elector's
5 voter registration, and we're going to add "or absentee
6 ballot application."

7 MR. RAFFENSPERGER: Any questions, comments, or
8 discussion? Do we have a motion?

9 MR. MASHBURN: I move to adopt this rule as
10 published.

11 MR. RAFFENSPERGER: Do we have a second?

12 MR. WORLEY: I'll second that. I'll second that.

13 MR. RAFFENSPERGER: Any further discussion? Hearing
14 none, motion to approve the advance voting rule as
15 presented, as adopted, please signify by saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Motion carries.

18 MR. GERMANY: The next rule in tab 8 of your binders
19 is the recount procedure. This, as has been noted, was
20 the rule that we published that we got by far the most
21 comments on. I think it's been pretty adequately
22 explained how -- you know, what this rule does. It does
23 say, and in contrary to what used to happen with DREs, a
24 recount will consist of scanning -- rescanning all the
25 ballots using a central scanner or other scanner if that

1 one's not available. I would recommend that we adopt this
2 rule, and then I'm going to recommend that we publish some
3 amendments to it as well, and I'll briefly just tell you
4 the amendments here.

5 The amendments speak to some of the comments that we
6 received. One, it clarifies that the test -- the test
7 deck that you do before the recount is of actual ballots
8 voted in that election from three different precincts and
9 including absentee ballots as well, so that's an even
10 better test than logic and accuracy testing that we do
11 before the election, which shows that the machines work as
12 they should. This test actually runs the actual ballots
13 that are about to be recounted, which, of course, aren't
14 available before an election. For a recount, they are, so
15 we make that change.

16 We also -- while we keep the concept of a recount by
17 -- by rescanning, we allow for -- or it's already allowed
18 for, I think, in law. We go through some procedures on
19 well, what if there's no -- no scanners work or some of
20 these, you know, emergency type scenarios? What do you do
21 if you have to do a hand recount? So we put in procedures
22 for that. And I will -- I can explain those a little bit
23 more when I get to the new rule to publish.

24 MR. RAFFENSPERGER: Okay.

25 MR. WORLEY: I had a question, Mr. Germany. Why do

1 we need to pass the rule that we adopted last time when
2 you've got an entire rule -- when essentially your
3 amendment is the complete rule that we could just pass
4 from the get-go?

5 MR. GERMANY: Well, we would have to re -- we need to
6 publish the amendment, and then we can pass the amendment
7 at our next sec -- at our next meeting.

8 MR. WORLEY: Right, but you're going to have to do
9 that anyway.

10 MR. GERMANY: Well, I'm trying to take into account -
11 - I think it's not likely, but it's possible that there
12 will be a recount from a March -- a March election.

13 MR. WORLEY: Okay.

14 MR. RAFFENSPERGER: Okay. Any further questions or
15 do we have a motion?

16 MR. MASHBURN: I move that the rule be passed -- be
17 adopted as published.

18 MR. RAFFENSPERGER: Do we have a second?

19 MS. SULLIVAN: Second.

20 MR. RAFFENSPERGER: Any further discussion? All
21 those in favor, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Opposed? None? Motion carries.

24 Presentation of consideration of State Election Board

25 proposed rules, Mr. Germany.

1 MR. GERMANY: Yes, sir. So we'll start
2 chronologically here. Okay. The first rule that I would
3 like to publish is a change to the provisional ballot
4 rule. It was pointed out to us by some counties that the
5 current rule requires a -- it says at the provisional
6 ballot station, the polling place shall have an electronic
7 book that includes a master list of registered voters.
8 The intent of that change was to make it mandatory to have
9 a master list of registered voters which has been
10 practiced for -- for a long time, but that list is not at
11 the provisional ballot station. It's at the regular
12 check-in station, so all we're doing is striking at
13 provisional ballot station, leaving the requirement that
14 the polling place shall have an electronic poll book that
15 includes a master list of registered voters. It's a
16 change to 183-12-18.

17 MR. RAFFENSPERGER: So you need a motion for someone
18 to post this?

19 MR. GERMANY: Yes, sir.

20 MR. WORLEY: I move that this proposed rule be
21 published -- posted.

22 MR. RAFFENSPERGER: Do we have a second?

23 MS. SULLIVAN: Second.

24 MR. RAFFENSPERGER: Any further discussion? Hearing
25 none, all those in favor of posting rule 183-12-18,

1 provisional ballots, signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 MR. GERMANY: The next rule is an amendment -- a
5 proposed amendment to rule 183-1-14- thirteen -.13, I
6 should say, prompt notification of absentee ballot
7 rejection. As I mentioned before, the only change we're
8 making here is adding that the county has to give email
9 and telephone notice if the email and telephone is
10 available on the elector voter registration record or
11 their absentee ballot application.

12 MS. SULLIVAN: I'll make a motion to post this rule.

13 MR. RAFFENSPERGER: Do we have a second?

14 MR. MASHBURN: Second.

15 MR. RAFFENSPERGER: Any further discussion? Hearing
16 none, all those in favor of adopting -- or posting rule
17 183-1-14-.13, prompt notification of absentee ballot
18 rejection, signify by saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Any opposed? Motion carries.

21 MR. GERMANY: The next rule is rule 183-1-15-.02,
22 definition of a vote. This -- we came up with these
23 changes that I'll describe after reviewing the petition
24 that was presented earlier today and some other comments
25 as well. The point, what we're trying to accomplish, is

1 to make absolutely clear that in the event of a
2 discrepancy, the printed text on the ballot controls. We
3 also want to make clear that there is absolutely nothing
4 wrong, and the counties should tabulate ballots using
5 electronic scanners, which reads the QR code in the case
6 of electronic -- in the case of ballots marked by
7 electronic ballot markers or reads coordinates in the case
8 of a ballot marked by hand.

9 So this rule does two things. It adds a section
10 where it says if in reviewing an optical scan ballot --
11 excuse me -- marked by hand, if there's a discrepancy
12 between the tabulated result and the result on the ballot,
13 then the voter's mark on the ballot shall control and be
14 counted. But nothing herein shall be deemed to disallow
15 the use of electronic ballot scanners for tabulation. We
16 clarify that the vote cast on an optical scan ballot
17 marked by an electronic ballot marker shall be the choice
18 indicated by the printed paper ballot. We also say in
19 reviewing an optical scan ballot marked by an electronic
20 ballot marker, if there's any discrepancy between the text
21 on the printed ballot and what was tabulated, then the
22 text controls, but that nothing herein shall be deemed to
23 disallow the use of electronic ballot scanners.

24 MR. WORLEY: I had a question for Mr. Germany if I
25 might, Mr. Secretary.

1 MR. RAFFENSPERGER: Please.

2 MR. WORLEY: There's a difference in section H and
3 section J to this extent: section J says, if in reviewing
4 an optical scan ballot marked by a ballot marker -- and
5 then, I leave out the sections there -- a discrepancy is
6 found between the voter's choice indicated by the printed
7 text on the ballot and the result tabulated by the ballot
8 scanner, the printed text shall control. I'm all for
9 that. But section H says, a vote cast on an optical scan
10 ballot marked by a ballot marker shall be the choice
11 indicated by the printed paper ballot. The printed paper
12 ballot includes the QR code. Wouldn't it be better to say
13 a vote cast on an optical scan ballot marked by a ballot
14 marker shall be the choice indicated by the printed text
15 on the ballot to make it consistent with section J?

16 MR. GERMANY: I don't think so because arguably that
17 would require hand-counting, which would be a less
18 accurate and a -- and a much more time-consuming way of
19 counting results. I, you know, -- when a scanner
20 tabulates an absentee ballot marked by hand, it's not
21 reading the words. It's simply looking for coordinates
22 that align with how that scanner has been programmed.

23 When an electronic ballot marker -- when a scanner
24 reads -- tabulates a ballot marked by an electronic ballot
25 marker, it reads that QR code. In that QR code are those

1 same coordinates that res -- that basically are tied to
2 the candidate in the database created for the election.
3 That's why the scanners on election day can scan
4 electronic ballot marker-marked ballots or emergency paper
5 ballots. It's the exact same programming, so there's
6 certainly no reason to, you know, not allow for electronic
7 tabulation of both of those types of ballots, and I'm
8 afraid that saying what you just said would -- would let
9 some people think that electronic tabulation, which, you
10 know, there's no electronic tabulator that's reading text.
11 It's reading light and dark. Even if it's OCR technology,
12 it's not reading text. It's reading light and dark and
13 that, you know, relates to a candidate as it's been
14 programmed. So that's why I think -- that's why I said --
15 I think that was the purpose of the difference.

16 MR. WORLEY: Okay.

17 MR. RAFFENSPERGER: Any further questions or
18 discussion? If not, I'll entertain a motion.

19 MR. MASHBURN: I move that the rule be posted as
20 indicated.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: Any further discussion? All
24 those in favor of the rule as presented to be posted,
25 signify by saying aye.

1 THE BOARD MEMBERS: Aye.

2 MR. RAFFENSPERGER: Any opposed?

3 MR. WORLEY: No.

4 MR. RAFFENSPERGER: Motion carries.

5 MR. GERMANY: The next rule is rule 185-1-15-.03 for
6 recount procedures. We're making two changes in this rule
7 to what was just adopted. One, clarifying how the test
8 deck is created -- should be created from ballots that
9 were actually cast, and all the -- any scanner that has to
10 be used, you run the test deck through. The test deck is
11 hand-counted, you know, using the text or the bubbles, and
12 then make sure the results match up before you can use
13 that scanner for the recount.

14 The next change we're making we're adding it to
15 number two on the second page, and it's called recount by
16 manual hand count. It states a recount shall be conducted
17 by hand count only as provided under the first part of the
18 rule, which is basically if no scanners are available and
19 passed the testing or a person went to a court order. We
20 then go through the process for how votes shall be counted
21 on recount teams, and we said recount teams shall be
22 consisting -- consisting of at least three persons each.
23 The superintendent shall select the persons for each
24 recount team.

25 The manner in which we are doing that is a manner

1 that's in law already, where the county parties provide
2 names to the superintendent, and then the county -- the
3 superintendent picks names from that list for each recount
4 team, and each recount team has to have one person
5 selected by the superintendent and one person selected
6 from each candidate or body who has a candidate on the
7 ballot. For non-partisan elections, the recount team is
8 selected by the superintendent from a list of names
9 submitted by the Superior Court judge, the Chief Judge of
10 the Superior Court in that county, which is -- that's a
11 process that's in existing law.

12 And we just go through how ballots -- shall be
13 manually counted in batches of no more than 30, and the --
14 we just go through the specifics of how that process
15 should work. I would ask the Board to publish this rule
16 for public comment.

17 MR. MASHBURN: I move that the rule be published for
18 public comment.

19 MR. RAFFENSPERGER: Do we have a second?

20 MS. LE: I'll second it. Although I just want to
21 clarify, I think you might have misstated, just for the
22 written record -- I think it's rule 183-1-15-.03 that
23 we're voting on.

24 MR. GERMANY: Yes. That's correct. I'm sorry if I
25 misspoke.

1 MS. LE: I think it was said as 185, and just for the
2 written record, I just want to clarify that's what we're
3 voting on. Thanks.

4 MR. RAFFENSPERGER: Any further discussion? Hearing
5 none, all those in favor of posting rule number 183-1-15-
6 .03 as presented, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: And those opposed? Motion
9 carries.

10 MR. GERMANY: That's all from me.

11 MR. RAFFENSPERGER: And I believe that's it. Do we
12 have any other items to bring before the Board? Anything
13 any of the Board members want to discuss? Hearing none,
14 I'd move for adjournment. Do we have a motion for
15 adjournment?

16 MS. SULLIVAN: So move.

17 MR. MASHBURN: Second.

18 MR. RAFFENSPERGER: Any opposed?

19 MR. WORLEY: Unanimous consent.

20 MR. RAFFENSPERGER: Motion carries. We are
21 adjourned.

22 (Meeting adjourned)

23

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 130 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 8th day of April, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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In The Matter Of:

Athens-Clarke County Board Elections and Registration

March 11, 2020

Steven Ray Green Court Reporting, LLC

404 733 6070

Original File Athens-Clarke County Board of Elections.prn

Min-U-Script® with Word Index

Secretary of State Election Board Emergency Hearing
STATE OF GEORGIA

	§	
	§	
	§	
	§	
Athens-Clarke County Board of	§	SEB Case 2020-005
Elections and Registration,	§	
	§	
Respondent	§	
	§	
	§	
	§	
	§	

The transcript of the proceedings before
The State Election Board, reported by Kaitlin Walsh, Certified
Court Reporter, on the 11th day of March 2020, commencing at
10:00 a.m.

A P P E A R A N C E S:

For the State:	RYAN GERMANY, ESQUIRE, CHIEF COUNSEL CHARLOTTE MCGOWAN, ESQUIRE Georgia Department of Law 40 Capitol Square SW Atlanta, Georgia 30334 404-656-3389 cmcgowan@law.ga.gov
----------------	--

For Respondent:	BRYAN L. SELLS, ESQUIRE THOMAS MITCHELL, ESQUIRE PO BOX 5493 Atlanta, Georgia 31107 404-480-4212 bryan@bryansellsllaw.com
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STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia

Transcript Legend

[sic] - Exactly as said.

-- 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

1
2 MR. RAFFENSPERGER: Good morning, everyone. It's 10
3 o'clock. We'll call the meeting to order.

4 UNIDENTIFIED WOMAN: We can't hear you. Mic's low.
5 Your mic is not on.

6 MR. RAFFENSPERGER: Can we turn the volume up? There
7 it is. Great. Good morning. In the matter of Athens-
8 Clarke County Board of Elections and Registration, this is
9 case number 2020-005. We call the meeting in order. For
10 everyone in attendance, this is a little bit different
11 than a normal State Election Board meeting, and it's not
12 really a judicial proceeding, I guess I'd call it quasi-
13 judicial. We'll be taking witnesses from both sides and
14 having discussion. The people that will be speaking today
15 will be the attorneys and then any of the witnesses and
16 then questions from, obviously, the SEB members to the
17 people that will be presenting and also to the people that
18 will be giving -- providing information. Before we get
19 started, I understand that a representative from the Board
20 of Elections would like to say a few comments to catch up
21 to speed on where they are. And if you could -- if you
22 could introduce yourself for the public record.

23 MR. SELLS: Yes. Thank you, Secretary Raffensperger.
24 My name is Bryan Sells. I am in solo practice, and I'm
25 representing the Athens-Clarke County Board of Elections

1 and Registration. With me is Thomas Mitchell of
2 Carruthers and Mitchell. He is co-counseling with me, and
3 I'd like to also recognize the Board, which is sitting
4 here in the first row.

5 And I asked for the opportunity to speak before we
6 begin the contested case hearing this morning just to
7 update the Board on some factual developments since the
8 notice of hearing came down. I've only been on this case
9 for about 48 hours, but we have -- the Board has received
10 from staff drawings of the polling places that have
11 attempted to fit in the number of required voting
12 machines, and those have come down, I think, yesterday.
13 In reviewing some of those drawings, it is apparent that
14 there are small spaces and there are larger spaces -- and
15 by the way, this is Exhibit 18 in your binder. Those
16 drawings are all in there. There are some small spaces
17 where meeting the 250 rule is going to be a problem, but
18 there are other spaces where it is apparent that it will
19 be less of a problem, meeting the required number of
20 voting machines on Election Day.

21 And we have also been working with your counsel, Mr.
22 Germany, to try to come up with a solution that might
23 protect the right to ballot secrecy but also allow the use
24 of the ballot-marking devices in some of the -- some of
25 these locations. So a way that we can, I think, meet all

1 of the Board's competing priorities.

2 We, Mr. Mitchell and I, polled our clients yesterday,
3 and we have not had the opportunity to call an official
4 meeting, but we can represent this morning that a majority
5 of the Board is willing to consider alternative plans for
6 these spaces in a way that would allow the use of ballot-
7 marking devices but a smaller number of them, the number
8 that would fit into the spaces that are available for --
9 for use as polling spaces -- polling places in the March
10 24th presidential preference primary and would still
11 comply with the letter of the law regarding the 200 -- the
12 one voting booth for every 250 members.

13 So the short version is: working with the Secretary
14 of State's Office and with Mr. Germany, we think that
15 there is a technical solution here that was not apparent a
16 week ago. It has only become apparent in the last 48
17 hours, and we wanted to let you all know that. If you
18 want to proceed with the hearing, we're prepared to defend
19 the Board's actions, but -- but the Board is willing to
20 try to reach a solution in time for the March 24th
21 presidential preference primary.

22 MR. RAFFENSPERGER: Any Board members have any
23 questions? Thank you. Mr. Germany, Counsel, if you could
24 on your side explain who will be speaking today on behalf
25 of the Secretary of State's Office and the State Election

1 Board?

2 MR. GERMANY: Yes, Mr. Chairman. My name is Ryan
3 Germany, and I'm the General Counsel for the Secretary of
4 State's Office. Myself and Charlene McGowan with the AG's
5 Office will be presenting this case. I just wanted to
6 make a short introduction before we call witnesses just to
7 try to help you -- give you guys -- and the point of the
8 witnesses is try to help give you guys a sense of what's
9 going on. I don't envision examining them myself but
10 letting them speak to you.

11 I think one thing to talk about before we get to the
12 witnesses is a quick overview of Georgia law and State
13 Election Board rules and regulations. OCGA 21-2-300 says
14 the equipment used for casting and counting votes in
15 county, state, and federal elections shall be the same in
16 each county in this state. That is the crux of Georgia's
17 unified voting system. The same statute, next paragraph,
18 says once such equipment is certified by the Secretary of
19 State as safe and practicable for use, all elections shall
20 be conducted with the use of scanning ballots marked by
21 electronic ballot markers. The Dominion system currently
22 being used in 158 Georgia counties was first certified by
23 the Secretary of State on August 9th, 2019 and was re-
24 certified on February 19th, due to some software updates.

25 State Election Board rule 183-12 -- 183-1-12-.01 says

1 beginning with the 2020 presidential preference primary,
2 all federal, state, and county elections voting in the
3 polls including both Election Day and advance voting shall
4 be conducted via ballots marked by electronic ballot
5 markers. SEB rule 1-14-.02 has the same requirement to
6 use electronic ballot markers for advance voting. That
7 same rule 183-1-12-.01 also requires counties to have a
8 sufficient amount of emergency paper backup ballots in the
9 sense that something does not -- does not happen the way
10 it's supposed to, so there's a backup plan built into both
11 the law and State Election Board rules. However, that
12 backup plan doesn't swallow the fact that Georgia has a
13 unified voting system and that State statute and State
14 Election Board rule clearly state here's what -- here's
15 the equipment that we're going to use.

16 And I -- I know there was a big argument in the
17 General Assembly about should we go hand-marked paper
18 ballots? Should we go ballot-marking devices? There's an
19 argument before that in the SAFE Commission, same thing.
20 There's been arguments in court about it. So there are
21 people who are very passionate about using hand-marked
22 paper ballots, but that's not the way that the Georgia
23 General Assembly, and in correspondence with this Board,
24 has enacted Georgia law.

25 So just to give a little background: on March 3rd,

1 the Athens-Clarke County Board voted 3-2 to immediately
2 stop using the ballot-marking devices. They found it
3 impracticable to use ballot-marking devices in a way that
4 protects ballot secrecy while allowing sufficient
5 monitoring of the equipment.

6 One legal point I want to make before I wrap it up:
7 the Georgia Supreme Court has held, in a fact pattern not
8 too dissimilar from this case where a local government was
9 interpreting a statute about what does to the greatest
10 extent practicable mean -- Supreme Court said,
11 "practicable is a word susceptible to a limited range of
12 meanings, and to say that one must comply with the
13 requirement to the greatest extent practicable is not to
14 say that he must comply with it only if he feels like
15 complying or he thinks it's a good idea. The statute
16 leaves some flexibility to authorities in cases in which
17 strict compliance would be impracticable, but that does
18 not indicate that the provisions of the statute are not
19 mandatory." And I think that's what we have here. We
20 have a statute that is mandatory, and it allows for
21 emergency provisions, but it doesn't allow for, basically,
22 ignoring -- ignoring the statute.

23 "If the statute were entirely optional," the Supreme
24 Court goes on to say, "there would be no need for a
25 provision affording such flexibility." More importantly,

1 quoting from the same -- this is *City of Marietta v.*
2 *Summer Hour*, a Supreme Court case from 2017 -- "more
3 important, practicable does not mean convenient. In
4 modern usage, practicable is commonly understood to mean
5 capable of being accomplished or feasible in a particular
6 situation. To say something is impracticable is to say
7 that it reasonably cannot be done. It does not mean
8 merely that it is convenient." And I think that's really
9 the case, kind of where we are today.

10 And I appreciate Mr. Sells and Mr. Mitchell's
11 outreach and willingness to resolve this issue. I think
12 that's where we all want to be. Frankly, I wish we were
13 there before without having to have had to get here
14 because I think there are a lot of tools, and frankly, I
15 think as you'll hear, the Board was made available -- was
16 made known those tools in all their meetings leading up to
17 this. You know, they enacted something that's already in
18 the law as a backup -- as a backup procedure for cases
19 where there's emergency situations, not you can't -- you
20 just can't even try to do this.

21 MR. RAFFENSPERGER: Okay. Any questions from the
22 Board for Mr. Germany before we get started?

23 MR. GERMANY: I was going to call -- I don't know if
24 you want to say anything now or later...

25 MR. RAFFENSPERGER: Okay.

1 MR. SELLS: Again, members of the Board, I'll talk
2 about the law in just a moment, but we have a slightly
3 different view of the facts here. We have a Board of
4 Elections and Registration caught between a rock and a
5 hard place with the multiple requirements and, in many
6 senses, conflicting requirements of the new Georgia voting
7 statutes. Foremost among them is the 250 rule, one voting
8 booth for every 250 voters, and another set of obligations
9 is the prohibition on changing polling places within 60
10 days of a primary or a general election. And even if you
11 have your 60 days, you have notice requirements before
12 those 60 days, and so it really extends that time out to
13 about 75 or 80 days.

14 And in this case, what the facts will show is that
15 the deficiencies in the Athens-Clarke County polling
16 places, specifically about 6 that are very small, did not
17 become apparent until after the Secretary of State's
18 Office did an inspection of those polling places, and at
19 that point, it was too late to change them. And in fact,
20 there was a threat to sue the Athens-Clarke County Board
21 of Elections and Registration if they didn't change the
22 polling places. And so, the Board faced one hand tied
23 behind their back on not being able to change polling
24 places and having to comply with this rule regarding the
25 number of voting booths per voter.

1 And as early voting started, and you will hear, the
2 number of ballot-marking devices in the one early voting
3 place was too many to satisfy the Board's other obligation
4 and constitutional obligation to protect the right to a
5 secret ballot in Georgia. That is a right that appears
6 not only in the Constitution but in about 20 places in the
7 election code. So faced with those set of circumstances,
8 this Board decided to use the mechanism that is available
9 under Georgia law when the use of voting machines is not
10 practicable, hand-marked paper ballots may be used in
11 their stead.

12 And Mr. Germany talked about the uniform system, and,
13 indeed, Georgia does have this new uniform system, but the
14 uniform system contains an out clause, and that is in
15 Section 2 of 21-2-300. It says unless otherwise
16 authorized by law. So you must use these ballot-marking
17 devices unless otherwise authorized by law, and the law
18 upon which the Board relied was 21-2-334, which provides a
19 relevant part that if for any other reason at any primary
20 or election the use of voting machines wholly or in part
21 is not practicable, the superintendent may arrange to have
22 the voting for such candidates for offices or for such
23 questions conducted by paper ballots.

24 So what does practicable mean? Well, we rely on the
25 very same case that Mr. Germany relied on, City of

1 Mariette v. Summer Hour. That's 302 GA 645, a Georgia
2 Supreme Court case from 2017. Now, practicable does not
3 mean that the use of voting machines is simply optional --
4 that is not our position -- or that the obligation to use
5 voting machines can be overcome simply by disagreeing with
6 them. That is not our position. Practicable does not
7 mean convenient, as Mr. Germany said. But to say that
8 something is not practicable which is to say that it is
9 not feasible in a particular situation or reasonably
10 cannot be done. That is a paraphrase from the Summer Hour
11 opinion.

12 So who gets to decide what is practicable and what is
13 not practicable? Within limits, the Athens-Clarke County
14 Board of Education -- Board of Elections and Registration
15 gets to make that call. That's why the Sumter County case
16 came out the way that it did because the judge in that
17 case found -- and when I say the Sumter County case, I
18 know you're familiar with the case challenging the use of
19 ballot-marking devices in Sumter County. The judge in
20 that case found that the Sumter County Board of Elections
21 and Registration had some degree of discretion to
22 determine whether it was practicable or not, and the
23 Plaintiffs in that case -- or Petitioners -- had not
24 established that the -- that the right was so clear as to
25 eliminate that discretion. And we think that standard

1 applies here, so under the law, it is up to the Board of
2 Educati -- of Elections and Registration to select and
3 equip polling places and to ensure the secrecy of the
4 ballot.

5 And we believe consequently that the legal standard
6 for this State Election Board is -- has to be that you
7 must find that no reasonable Board, faced with the
8 circumstances that this Board faced, could find that the
9 use of voting machines under the circumstances was not
10 practicable. We think it's a very high standard. And if
11 you do not apply that high standard, if you apply your own
12 view of that, then judges in the courts of this state
13 should be able to apply that view. And I daresay that
14 there will be more lawsuits like the one in Sumter County,
15 and judges in those cases will not be able to defer to the
16 discretion of Boards of Elections.

17 So we think that is the law, and the facts as I have
18 outlined them and as we will present them over the next
19 few hours will support the Board of Elections' decision in
20 this case, given the facts that they were presented as of
21 last Tuesday. Thank you.

22 MR. RAFFENSPERGER: Mr. Germany?

23 MR. GERMANY: I call Chris Harvey.

24 MR. RAFFENSPERGER: Mr. Chris Harvey? Mr. Harvey,
25 could you state your name and position?

1 THE WITNESS: Sure. My name is Chris Harvey. I'm
2 the State Election Director for the Georgia Secretary of
3 State's Office?

4 MR. GERMANY: I would just ask the court reporter to
5 swear Mr. Harvey in.

6 THE COURT REPORTER: Do you swear or affirm the
7 testimony that you're going to give today will be the
8 truth, the whole truth, and nothing but the truth?

9 THE WITNESS: Yes, I do.

10 Whereupon,

11 CHRIS HARVEY

12 having been duly sworn, testified under oath as follows:

13 DIRECT EXAMINATION

14 BY MR. GERMANY:

15 Q Mr. Harvey, you are the State Elections Director.
16 You just said that, correct?

17 A That's correct.

18 Q Could you give me a little more back -- a little more
19 information on your background as it relates to elections?

20 A In August of 2007, I was hired by then Secretary of
21 State Kar -- Karen Handel to be the Chief Investigator for the
22 Secretary of State's Office. I spent the next 8 years largely
23 focusing on election investigations, allegations of everything
24 from voter fraud to problems with the mechanics of election to
25 registration issues, all those kinds of things. And then, in

1 July of 2015, then Secretary Kemp appointed me State Election
2 Director. I've been the State Election Director ever since.

3 Q In your current role, have you worked on the new --
4 on the implementation of the new voting system?

5 A Yes, I have.

6 Q Can you describe that process in terms of
7 implementation and how it's -- and how it's been going,
8 particularly as to your work with the county election
9 directors?

10 A The implementation sort of has two -- two wings on
11 it. One is physically getting the equipment and the materials
12 to the counties so that they can prepare and train their poll
13 workers and get their -- get their stuff ready to go. I have
14 less of a role in that logistical aspect. There are other
15 people in our office and with our partners who handle that.

16 I'm more involved in training the issues, updates on
17 practical matters, answering questions about the system, how
18 the system works, how the new code section -- how the new State
19 Election Board rules work with the system. We've been
20 providing weekly conference calls, email updates, webinars with
21 our training staff, and I've been to probably dozens of
22 meetings with individual counties and county regions talking
23 about the system, talking about some of the challenges, some of
24 the expectations, trying to get everybody as up to speed as
25 quickly as possible.

1 Q Could you talk about some of those challenges
2 specifically as they relate to privacy, ballot secrecy?

3 A Right. You know, well, the voter's interaction with
4 the new system versus the old system is similar. The machines
5 are a little bit different. With the old DRE systems, the
6 screen was adjustable. You could -- you could lay it down more
7 flat, and it would provide just generally less ability for
8 somebody else to view the screen from different vantage points.
9 The new system is a larger tablet, it's brighter, and it stands
10 more upright, and it's not adjustable to the extent that the
11 old one was. And so that provides just different mechanics of
12 actually viewing it, both for the voter and for the people that
13 may be in the polling place.

14 Historically, I've seen most counties have set up their --
15 their voting booths in the past so that they all sort of face
16 into the perimeter of the room. Generally, they would be along
17 the outside of the wall, of course, to take advantage of
18 outlets and -- and room management, and they would generally
19 face inward because there is a requirement in the law that they
20 generally be visible to election personnel so that they can see
21 them and keep an eye on them and make sure that they're secure,
22 making sure nothing's attached to them, making sure nothing has
23 been done with them. While that is a requirement of the code,
24 the -- with these new voting systems, especially in smaller
25 polling places because they tend to stand up more and are

1 larger and brighter, you know, I've had to tell counties that
2 in some cases they need to turn them. You know, you can turn
3 them 90 degrees. You can turn them 180 degrees. You can
4 accomplish everything else that's necessary in the code. You
5 can still maintain their security. You can still observe them
6 as a poll worker, and it provides, you know, 100% more secrecy
7 for the voter casting the ballot.

8 Q So how have you described to counties how they can
9 meet the ballot secrecy while at the same time being able to
10 sufficiently monitor the equipment?

11 A Well, the shortest answer is to turn them around.
12 And then, beyond that, you know, voters are still going to have
13 to physically access the machines. The idea -- and the law
14 doesn't say that they have to be under 24/7, 365, every second
15 surveillance under the visual inspection of a poll worker.
16 It's not accurate. That's been probably more the practice than
17 the actual requirement of the law.

18 The fact is as I went -- as I've been through the State,
19 and I've spent a lot of time in Southwest Georgia where they've
20 had special elections earlier this year, and I visited polling
21 places, I've talked with poll workers, I've talked with poll
22 managers, and I've talked with election directors to point out
23 the fact if you've got a relatively small room, and you've got
24 a table with two of the new ballot-marking devices on it, and
25 they're facing the door that somebody were to walk in -- for

1 example, if you had two ballot-marking devices, and people are
2 walking in this door behind me, and you've got room behind
3 them, just turn them around, so that somebody walking in is
4 going to view the back of the privacy screen around which
5 they're surrounded.

6 The voters are going to, you know, not have any chance of
7 that screen being exposed, and it really doesn't provide any
8 other logistical challenges. Now, you may have to tape a cord
9 down, and there are a few little things that you have to deal
10 with, but in that case, and that's frankly the case in a lot of
11 small polling places in South Georgia where you have maybe 2 or
12 3 BMDs in a small room, you just turn them around, and you
13 solve the problem almost exclusively. The poll workers are
14 still able to roam -- and when I talk about roam, I'm talking
15 about spaces that are the size of a two-car garage -- they're
16 able to travel back and forth behind them when there is no
17 voter so that they can inspect them and meet the requirements
18 under the law that they be inspected while they're not occupied
19 by the voter.

20 But beyond just turning around 180 degrees in polling
21 place setup, you can turn them at 90 degrees. You can --
22 instead of having 2 ballot-marking devices side-by-side so that
23 the voters are standing next to each other and could have the
24 possibility of looking into the next booth, you simply have
25 them facing each other. So instead of having 2 facing the same

1 direction on the table, you have them face each other. And so
2 the voters are essentially looking at each other. They're
3 looking at the back of their ballot-marking devices. And
4 again, that's the case in most small polling places where
5 you've got a small number. So it's not an insurmountable
6 problem by any stretch of the imagination.

7 Now, the larger the polling place, the more space becomes
8 an issue. It becomes more of a problem, but there are ways of
9 dealing with that. But it, you know, gosh, given the 2500, you
10 know, polling places in Georgia, the different combinations are
11 -- there's not simply a one-step solution for every polling
12 place.

13 Q Is it your understanding of Georgia law that the poll
14 manager can control traffic in the -- in the polling place?

15 A It is.

16 Q So that if there's somewhere where if people stood in
17 a certain location, they could violate someone's right to a
18 secret ballot, the poll manager has the authority to say no one
19 can be back in that certain area. Is that your understanding?

20 A It is. There's a provision in the law that
21 specifically gives the poll manager the ability to essentially
22 direct traffic and control crowds in a polling place so that
23 voters are not interfered with or secrecy is not interfered
24 with or the good order of elections are not interfered with
25 just by having crowds. You know, elections are supposed to be

1 public and supposed to be available to the public, and that's
2 certainly a value, but at the same time, the poll manager has a
3 requirement to maintain the integrity of the space, and that is
4 provided for in the Georgia code.

5 Q Are you aware of some Georgia counties that have
6 purchased third-party solutions above and beyond the privacy
7 screen provided by the State to help ensure ballot secrecy?

8 A I am.

9 Q Before I show you this picture, can you talk about
10 what is Georgia law on screens or curtains around a voting
11 booth? I think we used to have that a lot more. With the
12 DREs, we didn't, but has that come up in your conversations
13 with counties?

14 A Not so much with counties. Some people have asked.
15 There's no prohibition. There's no specific prohibition
16 against having curtains or screens or other devices around
17 polling places -- around screens.

18 Q Do you think that -- would that violate the law about
19 being able to monitor?

20 A I don't. No. It -- it could be -- again, the
21 monitoring, the viewing is when a voting booth is unoccupied,
22 and so if a screen were open while a voting booth were
23 unoccupied, it wouldn't in any way interfere with the ability
24 to be observed and monitored by election officials.

25 Q I'm going to show you a couple of pictures, and these

1 are marked as SEB 0108 and SEB 0109. Are those the kind of
2 screens that you're familiar with are available in the election
3 supply market?

4 A I am. I know this is a stand that's provided by a
5 vendor. I've seen this stand used in South Georgia. Now, the
6 curtains that I saw weren't quite as long as this. These are
7 almost full body curtains. The ones I saw would have come
8 maybe 3 or 4 feet down and not have covered the entire
9 enclosure.

10 Q And you saw it -- there was -- something like that
11 was being used in which county?

12 A I know Mitchell County was using something like this,
13 again, with the screen stopping probably at about the waist of
14 the voter.

15 MR. GERMANY: I'd like to admit these exhibits into the
16 record as Exhibit 1.

17 (State's Exhibit 1 identified.)

18 MR. SELLS: No objection.

19 (State's Exhibit 1 admitted.)

20 BY MR. GERMANY:

21 Q Mr. Harvey, do you recognize the document in front of
22 you as the certification of the state voting system from the
23 Secretary of State's Office?

24 A Yes, I do.

25 MR. GERMANY: I'd like to admit that certification as

1 Exhibit 2.

2 (State's Exhibit 2 identified.)

3 MR. SELLS: No objection.

4 (State's Exhibit 2 admitted.)

5 BY MR. GERMANY:

6 Q Mr. Harvey, that is all I have for you, unless you
7 have anything else you'd like to add?

8 A No, not at this time.

9 CROSS-EXAMINATION

10 BY MR. SELLS:

11 Q Mr. Harvey, I want to ask you about those curtains,
12 if we could get those back on the screen, State Election Board
13 0108? What vendor sells those screens?

14 A The stand, I believe, is sold by Inclusion Solution.
15 Like I said, the curtains on there, those are not the exact
16 same curtains that I saw on the Inclusion Solution product in
17 Mitchell County, but that may be used somewhere else.

18 Q Does -- does the Inclusion Solution product come with
19 the screens or do those have to be purchased --

20 A Are you talking about the curtains or are you saying
21 screens?

22 Q The curtains.

23 A I know you can configure the stands any way you want
24 from Inclusion Solution.

25 Q And is that solution one that you made county

1 directors aware of via Firefly or some other method of
2 dissemination?

3 A I don't think that I made them aware of it. I mean,
4 there were vendors at our conference. Inclusion Solutions
5 specifically has been very active in Georgia going to counties,
6 going to county regional meetings, you know, doing what they do
7 selling products to election directors. I -- I don't endorse
8 or put forth or encourage anybody with any particular vendor.
9 I don't think that's really my place.

10 Q Did you ever on Firefly or any other means of
11 communication specifically authorize the use of this kind of
12 solution?

13 A You know, in communicating with the counties on
14 Firefly, we've talked -- and I may have said something about
15 various stands that are available. I honestly don't know if I
16 specifically mentioned Inclusion. I may have listed them as a
17 possible vendor, along with some other folks, so I don't know
18 if somewhere there is -- you know, Inclusion Solution is typed
19 in a Firefly message or the Buzz. It could be on there, but I
20 don't remember doing that.

21 Q And you don't have any reason to believe that the
22 Athens-Clarke County Board of Elections and Registration had
23 this photo or was aware of this potential solution last
24 Tuesday, do you?

25 A I don't know what they were aware of last Tuesday.

1 Q Do you know what the lead time is on purchasing a
2 solution like this?

3 A I don't.

4 Q And do you know whether there is a dispute or a
5 potential dispute about whether curtains of this length allow
6 poll monitors, poll watchers, to keep their eyes on a machine
7 so as to prevent tampering with the new machines?

8 A Ask that again, please.

9 Q Do you whether there is concern out there regarding
10 whether curtains prevent poll watchers from seeing whether a
11 voter is tampering with the machines?

12 A I can't believe there's not a concern out there about
13 that. I don't think it's a legitimate concern.

14 (Crowd noises)

15 MR. RAFFENSPERGER: At this time, I didn't start the
16 meeting off with a preamble. There is no public comment
17 at this, so comments of agreement, comments of
18 disagreement, and if it continues, you will be asked to
19 leave, and then when you can come back and be quiet, then
20 you can reenter. But this is like a court proceeding, and
21 if it was a true court proceeding, the Superior Court
22 Judge would not tolerate any comments from the gallery so
23 thank you for your respect, and we'll continue on.

24 Counselor?

25 BY MR. SELLS:

1 Q And your office has not issued any formal advisory or
2 opinion on -- other than perhaps sitting here today -- about
3 whether this is consistent with state law regarding the need to
4 observe -- be able to observe ballot-marking devices and other
5 voting machines to prevent tampering?

6 A I don't believe we have. Again, in conversations and
7 conference calls with counties, we've been stressing the need
8 for privacy for voters, so to the extent that somebody may, you
9 know, extend that, but, no. I've not issued an opinion. Our
10 office hasn't issued a specific opinion on the length of
11 curtains for -- for observation concerns.

12 Q And you're not suggesting here this morning that the
13 Athens-Clarke County Board of Elections and Registration could
14 have purchased these on Tuesday and had them available for all
15 20 polling places at the presidential preference primary, are
16 you?

17 A I don't know -- again, I don't know what the order
18 time is. I know that Inclusion Solution, like I said, they
19 were at our conference in December of this year. They've been
20 very active throughout the State, going to regional meetings
21 and things like that, but I have no idea what the lead time is
22 and what they could get and how quickly they could get it.

23 Q Okay. I don't want -- I think I only want to cover
24 one other topic with you here on cross, and then we expect to
25 recall you in during our case in chief, but I want to ask you

1 about the roll out a little bit of the new ballot-marking
2 devices. Did the State pay for the ballot-marking devices?

3 A Yes.

4 Q Okay. And how were those devices allocated to
5 Georgia's 159 counties?

6 A At the end of the day, they generally -- we allocated
7 about one for 225 active registered voters in the county. We
8 went through a couple iterations of that, but that's
9 essentially the standard we came down to.

10 Q And where did you pick that number?

11 A It was -- you know, we knew the one to 250 was out
12 there. We didn't want to create any type of burden on
13 counties. We didn't want to, you know, have counties given
14 less than they had before, and so that's -- that's the number
15 we settled on.

16 Q So the number you settled on was to try to get close
17 to the one BMD per 250 that is set out in the new law that was
18 HB316?

19 A Yes. And so that, again, counties would have as much
20 equipment as they need, keep lines as short as possible, let
21 voters vote as efficiently as possible.

22 Q Do you know when Athens-Clarke County received its
23 allotment of voting machines?

24 A I don't -- I don't know the date. I know in some
25 cases, they got them -- counties got them in different waves.

1 I know they got some initially for training and demonstration
2 purposes, and then they -- in some cases they would get half a
3 shipment, and then they would get more. I don't know when they
4 got their final shipment.

5 Q And as you sit here today, you -- you're not -- you
6 can't be certain that the County received them in time to
7 change polling places if needed to accommodate the number of
8 BMDs they received in accordance with the law. Is that
9 correct?

10 A I'm sorry. Repeat that, please.

11 Q As you sit here today, you're not suggesting that
12 Athens-Clarke County received their BMDs in time to change
13 polling places if necessary in order to accommodate the number
14 of BMDs that the County received?

15 A I don't know when they received their equipment. I
16 do know that they would have an idea of the amount of equipment
17 they were going to receive well before they received it, but I
18 can't tell you exactly when that would have been either.

19 Q Okay.

20 MR. RAFFENSPERGER: Mr. Sells, --

21 MR. GERMANY: I have one procedural that I was going
22 to ask the Board, is that y'all's preference?

23 MR. RAFFENSPERGER: I would prefer if you just want
24 to go ahead and ask any questions you have for Mr. Harvey at
25 the present time and just, you know, let him -- let Mr. Germany

1 and the Attorney General's Office ask their questions and then
2 you ask and that we clear it up.

3 MR. SELLS: We'll do it happily in direct, Your
4 Honor, but we would prefer to put on our case as we have laid
5 it out amongst counsel.

6 MR. RAFFENSPERGER: I'd prefer you just to ask all
7 the questions you have for Mr. Harvey, and let's clear the
8 deck, and then we'll call the next witness.

9 MR. SELLS: Okay. Well, then, give me a moment,
10 please.

11 MR. RAFFENSPERGER: Okay.

12 MR. GERMANY: Can I ask one question that I forgot to
13 ask?

14 MR. RAFFENSPERGER: Yes, Mr. Germany.

15 REDIRECT EXAMINATION

16 BY MR. GERMANY:

17 Q Chris, I meant to ask you, Mr. Harvey, in your
18 experience of elections, have you worked with Charlotte
19 Sosebee?

20 A Yes, I have.

21 Q Do you know her to be an experienced elections
22 professional?

23 A Very.

24 RECROSS-EXAMINATION

25 BY MR. SELLS:

1 Q All right, Mr. Harvey. Are you aware of the
2 constitutional and statutory right under Georgia law to cast a
3 secret ballot?

4 A Yes, I am.

5 Q And are you aware of the Board of Elections'
6 obligation to safeguard that right?

7 A Yes.

8 Q And are you aware of privacy concerns with respect to
9 the new ballot-marking devices?

10 A Yes.

11 Q What has your office done to try address those
12 concerns?

13 A Well, as I said before, we have -- we've had
14 conference calls, we've put out materials, we've put out
15 examples of possible solutions. I've been to regional
16 meetings. I've talked to people individually. I've responded
17 to individual questions about is this okay, is this not okay,
18 is this wise, is this not wise regarding privacy. And I think
19 probably more than anything else, I've -- I've been trying to
20 raise the issue so that the election officials look at things a
21 different way.

22 I know elections officials generally, you know, like to
23 work in standard ways. They, you know, they've been using the
24 same system, the same setup, and, in a lot of cases, the same
25 polling places for years and years and years with the same

1 staff. And sometimes it's hard to envision things in a
2 different way, and say, hey, we've always used this room, we've
3 set up things this way, and I've -- throughout this
4 implementation, I've been trying to stress to the counties that
5 this is new, this is different. It's similar, but there are
6 some additional challenges with this system that, of course, go
7 beyond privacy.

8 I mean, now, we've got paper. We didn't have paper
9 before. Now, we've got printers. Now, we've got fewer memory
10 cards. Now, it's a different system, so they can't just take
11 their past practices and just say well, we're going to do the
12 exact same things with these new machines. The machines don't
13 look the same. They don't take up the same space. They don't
14 operate exactly the same. They're deceptively similar, again,
15 from the voters' point of the view. And the voters, I think,
16 will notice little change, but I think one of the main things
17 I've been trying to do is alert the counties to the fact that
18 it's not necessarily business as usual. It's business as
19 similar, but some of the concerns that may not have had before,
20 they need to have, and some of the obstacles that they had to
21 deal with before, they don't have to deal with, but the
22 challenges have been different.

23 Q Okay. One of the things you mentioned in response to
24 that question was that you had issued some diagrams, and I'd
25 like to take a look at those for the next few minutes. If we

1 could get SEB 055 on the screen, that would be helpful. Okay.

2 Can we enlarge that so the witness can see it? Mr. Harvey, can
3 you see that a little bit? If not --

4 A Can I step out and look at it?

5 Q -- that would be okay with me if it's okay with the
6 Secretary?

7 MR. RAFFENSPERGER: Sure.

8 THE WITNESS: Okay.

9 BY MR. SELLS:

10 Q Can you describe what it is that we're looking at
11 here?

12 A That is -- it's in email form, but it's a Buzz post.

13 Q Okay. What is the Buzz?

14 A The Buzz is a, sort of, a chatroom that's available
15 for all the county election directors and election officials.
16 It's a place where people can post either questions -- they can
17 post notices, announcements, something that all the counties
18 can sort of see in time. It's a communication system,
19 basically, to get information out as widely as possible in a
20 pretty efficient manner.

21 Q Okay. And what was the date of this Buzz post?

22 A It was February 13th of this year.

23 Q Okay. And what's the subject of the Buzz post? Do
24 you remember this one?

25 A I do remember it.

1 Q Okay, so why don't you tell us?

2 A Polling place privacy for voters.

3 Q Okay. What prompted this Buzz post by you?

4 A A couple of things. Probably the thing that prompted
5 it most was -- was my visit to Southwest Georgia and looking at
6 some polling places and seeing how they were set up, and some
7 concerns with the polling place setup, where there were
8 questions about privacy for voters, and talking to some poll
9 managers and poll officials who had said people had -- had
10 expressed -- you know, I asked them, I said, how do people like
11 the new voting system? How is it working? Do you have any
12 problems? You know, kind of getting a feel for how it's going,
13 and a couple of people mentioned that some people were
14 concerned that, you know, they were concerned about privacy.

15 So in visiting, I probably went to 20 polling places in
16 that area, and seeing different setups, I realized that one, it
17 was a legitimate concern the way they were set up in one place,
18 but secondly, that it's not an insurmountable problem. It's
19 something that can be relatively easily fixed in most places,
20 so instead -- again, instead of kind of breaking that mindset
21 of well, we've always set up our polling places this way, and
22 that was the answer I got when I asked people: well, we always
23 set up this way. Realizing that just looking at it a little
24 bit differently could solve a lot of concerns.

25 Q And when you say Southwest Georgia, do you mean

1 Sumter County?

2 A I actually -- I don't think I went to Sumter County.
3 I went to a bunch of other counties in Southwest Georgia. I
4 don't believe I actually made it to Sumter County.

5 Q And why Southwest Georgia? Is it because they had a
6 special election where they used these ballot-marking devices?

7 A They had special elections both for House District
8 171, involving 3 counties, and then you had 7th District 13
9 that involved 9 or 10 counties, so I knew there would be a good
10 opportunity to observe voters. You know, I wanted to see how
11 voters were responding. I wanted to see how poll workers were
12 responding. I wanted to see how the setup was going, and, you
13 know, there's nothing like being there on the ground to see the
14 problems and also identify the solutions.

15 Q And the new ballot-marking devices were used in those
16 special elections?

17 A They were.

18 Q And your office became aware of complaints from the
19 voters about ballot secrecy and privacy given the way that
20 these machines were set up in those special elections, correct?

21 A In terms of complaints, I don't -- I don't believe we
22 got a lot of complaints from voters directly to our office.
23 Now, we may have gotten one or two, but it was -- it was mostly
24 my own observations that really prompted this Buzz post.

25 Q Okay. So we're going to look at the other pages of

1 the Buzz post. Let's go to the very next page. It should be
2 SEB 0056. Tell us what this is.

3 A This is a cover page. I -- when I did that Buzz
4 post, I sketched out some very amateurish graphic designs and
5 setups and diagrams and possible solutions, and then we had
6 other people in the Secretary of State's Office produce them in
7 a more professional look.

8 Q Okay. Before we go into the diagrams, and we're
9 going to spend some time there, you've already said that the
10 date of this post was February 13th. Did -- had you
11 disseminated this at all before February 13th to county
12 elections directors?

13 A I don't believe so. I don't -- I may have had
14 communications with them, discussion with them, but I don't
15 believe this was disseminated until that Buzz post. I think it
16 was attached to the Buzz post.

17 Q Okay. So February 13th, 2020 would have been the
18 first time that county elections directors had received this
19 kind of guidance from your office as to how to lay out a
20 precinct in order to protect voter privacy, correct?

21 A I don't believe it's -- it's the first time they
22 would have seen this form. I don't believe it's the first time
23 they would have been talked to about the issue, or we would
24 have discussed the issue. Like I said, we have weekly
25 conference calls both with the counties that were running the

1 special elections, and then we had statewide conference calls,
2 so I believe we had talked about some of these things before
3 then, but I believe this would be the first time they would
4 have seen this document.

5 Q Right. I'm not talking about talking at people, but
6 in terms of actual guidance on how to lay out a precinct with
7 the new voting machines. They hadn't received this kind of
8 guidance from your office until February 13th.

9 A Well, I consider guidance -- talking as guidance
10 also, so I wouldn't concede that there was no guidance. I
11 would say that this was the first time they would have seen a
12 document in this way, but I don't think it's accurate to say
13 that they didn't receive any guidance from us.

14 Q Okay. Did they receive verbal guidance, "turn the
15 machines around" before this document?

16 A They very well may have. Again, I don't specifically
17 recall all the -- everything that was said on every conference
18 call, but I know in talking with some of the counties -- as a
19 matter of fact, I spoke with some county election directors
20 while I was down there. We called -- I'd visit a polling place
21 and I would generally call the county election director, and I
22 would tell them, hey, you may want to think about rearranging
23 some of your polling places, there are privacy concerns. So in
24 that sense, they would have gotten guidance within minutes of
25 me seeing the polling places.

1 Q As you sit here today, can you point to me -- point
2 me to any guidance that was received by Athens-Clarke County
3 elections staff or the Board of Elections and Registration
4 regarding the configuration of polling places prior to February
5 13th, 2020?

6 A I can't, but I can't say there wasn't some given.

7 Q Okay. Now, you would agree with me that February
8 13th, 2020 was past the date on which the Board of Elections
9 could change polling places, right? Because 60 days before
10 March 24th is January 24th or thereabouts, right?

11 A Correct.

12 Q So by the time they received this guidance, they
13 could not have changed polling places in accordance with
14 Georgia law, right?

15 A They could have changed advance voting locations.

16 Q My question is about polling places.

17 A That's correct.

18 Q Okay. Let's advance to the next page, and can we
19 blow that up a little bit? Mr. Harvey, can you read the
20 heading on this diagram?

21 A Ineffective -- parenthesis -- I think it's
22 parenthesis -- (bad precinct layout) -- BMDs exposed to view.

23 Q All right. So would it be fair to say that this is a
24 sketch from your office providing guidance as to what not to
25 do?

1 A Yes.

2 Q Okay. So walk us through this, like, what about this
3 is bad?

4 A Well, you've got the BMDs that are exposed to the
5 view of people waiting to vote. People -- everyone is oriented
6 looking at the BMDs. The people who are voting there, now, the
7 voter would be blocking the screen to some extent, but there is
8 still a possibility that somebody could see over, around --
9 somebody standing off to the side. It just creates a
10 possibility that somebody could see a ballot-marking device.

11 Q So for example, I'm going to try to point over here.
12 This person in the pink and green standing there (indicating)
13 could see what the ballot-marking device where this person in
14 the blue and white is standing from that vantage point
15 (indicating). That would be one of the things that's bad about
16 that layout, right?

17 A Potentially, yes. I could see that.

18 Q So -- so even if -- even if this person (indicating)
19 was blocking the view of his or her ballot-marking device, this
20 person (indicating) could see it crossways.

21 A Conceivably, yes.

22 Q Right.

23 A Of course, depending on space and distance and all
24 that stuff.

25 Q Is there anything else about this layout that strikes

1 you as ineffective or bad?

2 A Well, again, that's just generally designed to show
3 the orientation of the machines. Now, you've got the standard
4 check-in. I mean, that's what we were trying to show in that
5 diagram. That wasn't designed to show every possible
6 consideration in setting up polling places. It was on the
7 specific issue of BMD secrecy.

8 Q Okay. Great. Thank you. I should have asked the
9 question: your Buzz post didn't contain this kind of narrative
10 explaining what is bad about this photo, but left it up to the
11 viewer to infer what's bad about it?

12 A That's correct. The Buzz post said what it said, but
13 again, this was covered and has been covered in conference
14 calls certainly since then, and I believe before then also.

15 Q Okay. Let me ask you one other thing and we'll see
16 if we can get -- can you see my -- my laser pointer?

17 A I can.

18 Q Is another negative aspect about this layout that the
19 poll workers behind this poll pad check-in desk (indicating)
20 might also be able to see the face of the ballot-marking
21 devices?

22 A Actually, in the design, the -- it doesn't -- I
23 interpreted those people as other people waiting to vote. I
24 would have the poll workers facing away from the machines, so I
25 think those are voters waiting to vote rather than people

1 working the poll pad check-in. That's how I wrote it. That's
2 how I envisioned it.

3 Q Okay. These three people in the center of the screen
4 that I'm circling with the laser (indicating)?

5 A Yeah. Those are -- in my mind, those were observers
6 or people waiting to vote. Those were not poll workers.

7 Q Okay. Well, whoever they are, is that another
8 negative aspect --

9 A Yes.

10 Q -- that they can also potentially see cross-wize --

11 A Yes. No question. It's -- the point was that almost
12 anybody in that configuration would have a better chance of
13 seeing a ballot-marking device.

14 Q Okay. Let's advance one page and blow this one up.
15 Can you read the heading on this one?

16 A It says effective/preferred precinct layout - BMD
17 screens shielded.

18 Q Okay. So what is this diagram intended to
19 illustrate?

20 A Well, it's intended to illustrate that if you turn
21 the BMDs around, you greatly decrease the possibility that
22 observers could see them.

23 Q What other aspects, if any, of this layout strike you
24 as good or bad?

25 A Well, you would -- it shows a possibility of people

1 moving around the BMDs, so that there would be less chance that
2 somebody would have to cross behind somebody casting a ballot
3 as possible. Again, this is a generic, you know, polling place
4 that, you know, may or may not exist in the real world.
5 They're all a little bit different, but it does show, again,
6 what people are able to see, and then the ways they may move to
7 the ballot-marking devices to maximize privacy and secrecy.

8 Q Okay. I want to emphasize that last point that you
9 just said that this diagram shows the way people may move to
10 get to the ballot-marking devices. Those are the little red
11 arrows, correct?

12 A Yes.

13 Q That's how voters are intended to get to the ballot-
14 marking devices according to this effective or preferred
15 layout, right?

16 A Again, if you've got the ability to have that space,
17 that would be optimal. You don't always have that possibility.

18 Q And what you're trying to avoid with these arrows is
19 having one voter pass behind another voter while the voter is
20 attempting to vote. So for example, the gentlemen with the tie
21 in the upper right hand corner, we would prefer that this
22 person go around that side (indicating) rather than behind the
23 voter there in the pink (indicating).

24 A Correct.

25 Q Correct? Okay. All right. Let's advance to the

1 next slide. All right. This page is SEB 0059. Can you read
2 the heading on there?

3 A It says effective or preferred precinct layout - BMD
4 screens shielded.

5 Q Okay. What is effective about this particular layout
6 in your view?

7 A Well, again, it provides another shielding of the BMD
8 screens. They're at a perpendicular angle to where the
9 observers are standing, so they're not going to be able to see
10 the screens. They're surrounded by a blue privacy shield. And
11 essentially, it provides about the same protection as the
12 previous demonstration, if you're in a configuration where for
13 some reason maybe you couldn't get around behind the other side
14 of the table. So it's just an alternative way of setting up
15 BMDs, but it provides essentially the same kind of protection.

16 Q Okay. And again, we have the red arrows indicating
17 how voters are supposed to get to their chosen BMD, correct?

18 A Ideally, yes.

19 Q Ideally. And all these people here in the middle
20 are, you said, potential voters, right?

21 A Observers, voters, whoever.

22 Q Does it concern you at all that this voter here with
23 the yellow hair and orange clothing might be able to see that
24 BMD (indicating) or that this voter in the green clothing might
25 be able to see that BMD (indicating) on the cross-wise just as

1 in the first diagram?

2 A That's a possibility. Again, it's not -- it's not
3 taking every possibility into account. This is where the
4 totality of polling place management -- we've talked about
5 polling place management all year with the counties -- and that
6 this is where you get things like what I was talking with Mr.
7 Germany about, you know, setting up public areas and channeling
8 people in such a way so that they get to vote efficiently, they
9 get to move efficiently, you get people through as quickly as
10 possible, so that's a -- yeah, that's a possibility that that
11 could happen. And again, as I've said to the counties in
12 conversations and emails since then, you know, use things like
13 geometry and environment and angles so something like that
14 won't happen.

15 Q Okay. You know, I should have asked this at the
16 outset, but who drew these diagrams? I think you said you
17 sketched them out, and somebody else did them.

18 A Yeah. I did very rough sketches, and then a woman
19 that works in our office, Trisha -- I believe her name is
20 Danskin -- actually created them based on my sketches.

21 Q Okay. Now, are these to-scale drawings?

22 A No.

23 Q And an actual polling place would need to have a lot
24 more in it than what appears on these sketches, correct?

25 A That's correct. So again, they weren't designed to

1 be this is how to set up a polling place to cover every
2 possibility. You can see that doesn't -- that doesn't show the
3 scanner, that doesn't show the ballot box, it doesn't show --

4 Q All right. Well, you're anticipating my next
5 question. So if one were to draw out an actual polling place
6 to scale, what other items would need to be in that polling
7 place? You said a ballot box?

8 A Correct.

9 Q A scanner?

10 A Well, the scanner and ballot box are -- is one item.

11 Q One item, and that's about as big as a photocopy
12 machine?

13 A Right. Yes.

14 Q Okay. What else?

15 A Well, you would have to have a provisional ballot
16 area for people to vote provisional ballots. And again,
17 depending on the -- what's available in a polling place, you
18 may have an area set aside for poll watchers, you may have an
19 area set aside for media, you may have an area set aside just
20 for public viewers. In some places, they would -- they
21 wouldn't necessarily be in the same room where voting was
22 taking place, but outside, they would have areas where people
23 could take photographs or ballot selfies -- not ballot selfies,
24 but selfies of them voting and things like that.

25 Q Okay. I'm not concerned with the outside, and I'm

1 not concerned with the optional areas, like a media area, but
2 what would be required?

3 A You have to have the provisional ballot area and you
4 have to have the scanner would be the two main things. With
5 the current system, the BMDs that you have set aside for
6 disabled voters with the ATIs could be just lined up as any
7 other machine, and then somebody requesting that could be
8 directed to that. But in some places, they may set up a
9 separate area for voters with disabilities.

10 Q Okay. What else?

11 A You would have -- those would be the physical things
12 that would be needed in a polling place, and then of course,
13 you'd have poll workers.

14 Q Ah. I thought you were going to forget the poll
15 workers.

16 A No, I'd never forget the poll workers.

17 Q How many poll workers?

18 A As many as you need, and we're encouraging counties
19 to get as many as they can to help, again, with people using
20 the new voting system.

21 Q Okay. So poll workers need a table?

22 A Well, not necessarily. I mean, you've got the check-
23 in. You've got the check-in table, okay? You would have poll
24 worker -- you would have areas for, you know, poll workers to
25 either gather or take breaks, and that may be outside of the

1 actual voting area, but most of the poll workers, with the
2 exception of the ones that are doing the check in, are
3 standing.

4 Q They're standing?

5 A Standing or moving through the area.

6 Q Okay. What about a place for voters to review the
7 ballots?

8 A You'd certainly have that, yes.

9 Q And that is required under state law, correct, or
10 state rule?

11 A It's not that there's a specific place. Voters are
12 instructed and have to be instructed to review their ballot.
13 There doesn't have to be a separate area for them to do that.
14 The other thing I would say: it may not be a separate area.
15 You'd have a possibility of a magnifying glass and a magnifying
16 devices, but in a lot of cases, the counties set that up
17 actually in the booth itself with the BMD.

18 Q Okay. That's where I was going, magnifying glasses
19 or whatever that has to --

20 A They have to be somewhere. They do. And I think
21 from what I've seen, most of them provide those in the actual
22 booth, but some of them will have a table or an area set up for
23 people to do that.

24 Q Okay. So I've got ballot box and scanner,
25 provisional ballot area, poll workers, magnifying glasses, what

1 else needs to be in a polling place on Election Day?

2 A Well, again, I mentioned the ATI for voters with
3 disabilities. That may or may not be a separate area.

4 Q Okay. What about an area for voters to cast an
5 emergency ballot?

6 A That's something that could be set up also.

7 Q You mentioned -- I think we're done with these
8 diagrams -- you mentioned also in the list of things that your
9 office had done with -- to address privacy concerns that you
10 had held conference calls with county election directors. I
11 think they were regional calls. Do you remember that
12 testimony?

13 A We did -- when we first set up these conference
14 calls, we would have them, like, the northern half of the state
15 and the southern half of the state, and then we combined them
16 into a single call. But initially, we started with north and
17 south and then we combined it into one.

18 Q Okay. Do you remember a conference call on January
19 10th?

20 A Not specifically.

21 Q Okay. Can we put on the screen BOER 0082? This is
22 Exhibit 82 in your book. Let's see if this refreshes your
23 recollection of one of those conference calls.

24 MR. RAFFENSPERGER: What was that number again?

25 MR. SELLS: It was Exhibit 82, and while we're

1 waiting, I should offer the last set of diagrams that we just
2 did as an exhibit. I don't if we have an extra copy that we
3 can mark, but I can offer it. From the State Election Board,
4 that was -- so we'll maybe offer that as Respondent's Exhibit
5 1?

6 (Respondent's Exhibit 1 identified.)

7 MR. GERMANY: Can you say the exhibit's numbers?

8 MR. SELLS: Yes, it's SEB 0055 to 0059. It's those
9 diagrams that we were just looking at.

10 MR. GERMANY: No objection.

11 (Respondent's Exhibit 1 admitted.)

12 MR. SELLS: And we're marking that right now. Oh,
13 she has stickers. Great. Thank you.

14 BY MR. SELLS:

15 Q All right. So Mr. Harvey, I'd like you to take a
16 look at the notes on the screen. These are not your notes, but
17 they are all -- represent to you notes of a conference call
18 with you. Does that refresh your recollection of being on a
19 conference call on January the 10th?

20 A I suppose so, yeah. That looks like something I
21 would have talked about on a conference call.

22 Q And did you, in fact, talk about blackout screens on
23 that conference call?

24 A Based on that, I probably did.

25 Q Okay. And did you, in fact, tell county elections

1 directors to hold off on buying blackout screens because the
2 State was looking into providing them at that time?

3 A I did.

4 Q Okay.

5 A Well, I think -- I think what I said was I recommend
6 that they not purchase them and that we were looking into the
7 use of them rather than the -- and that if it was something
8 that we were going to provide, we would probably provide them.
9 But I don't think -- as you read that, it makes it sound like I
10 may have said, hey, we're getting ready to buy them and give
11 them to you, and that's -- I don't think that's what I said.

12 Q Now, January 10th is before January 24th, but with
13 the publication -- advance publication requirements, isn't
14 January 10th too late to change polling places for the March
15 presidential preference primary? Can you do those calculations
16 in your head?

17 A I didn't know there would be math. But yeah, I
18 suspect so.

19 Q So at least as of January 10th, the guidance received
20 by county elections directors was that the State was looking
21 into providing blackout screens to address the privacy concern?

22 A Well, again, I've talked about this several times,
23 and I don't believe I've ever said that that's something that
24 we were going to provide. I said we looked into -- we were
25 looking into the possibility that that may be something that we

1 were looking at, but I don't believe I ever said it in such a
2 way like, you know, we're going to get them for you. There
3 were a lot of questions about whether or not it was -- it was
4 something that would be appropriate or acceptable with the new
5 system. So I would -- I would not agree with the
6 characterization that, you know, we're going to get these for
7 you.

8 Q And for the record, this note is Exhibit 13 in our
9 book. My co-counselor just told me.

10 (Respondent's Exhibit 13 identified.)

11 MR. SELLS: I think I initially gave you the wrong
12 exhibit number, but it's Bates Stamp 0082, but maybe Exhibit
13 13. Do you all have it in front of you?

14 THE BOARD MEMBERS: Mmm-hmm.

15 MR. SELLS: Okay. We just used this to refresh Mr.
16 Harvey's recollections, but we will call to ask to offer it
17 into evidence later.

18 MR. GERMANY: No objections.

19 MR. RAFFENSPERGER: Okay.

20 MR. SELLS: If there are no objections, we'll just go
21 ahead and get it in. We would offer Exhibit 13.

22 MR. RAFFENSPERGER: No objection.

23 (Respondent's Exhibit 13 admitted.)

24 BY MR. SELLS:

25 Q Mr. Harvey, do you keep notes or agendas or anything

1 that would memorialize what you plan to talk about on one of
2 these calls?

3 A They were generally prepared by the training
4 coordinator, and they would produce those and sort of use those
5 as points, but I didn't produce them.

6 Q Okay.

7 A And we also took questions from -- people would type
8 in questions on the call, and I would respond to those too.

9 Q And as you sit here today, you don't have any record
10 of having instructed or guided county elections directors
11 before January 10th to go ahead and buy the screens or as to
12 how to lay out a precinct to ensure voter privacy, right?

13 A I have not reviewed any records. I know that I would
14 not have encouraged counties to purchase blackout screens at
15 any time, so that's the best I can answer for that.

16 MR. GERMANY: I just have a question. Blackout
17 screens -- are we talking about the screen that goes, kind of,
18 like a film? Or what are you referring to when you say black
19 out screens?

20 THE WITNESS: I guess that's a good point. When
21 we've been talking about blackout screens, I'm referring to a
22 film that you put over a screen like a laptop or a phone that
23 would shield it from the kind of sideways angle view. That's -
24 - that's what I'm terming as black out screens.

25 MR. SELLS: Okay. Thank you for clarifying that.

1 BY MR. SELLS:

2 Q I want to shift topics a little bit and look at some
3 more photos. And I'm going to ask for photos starting, let's
4 see, at SEB 0093. Now, Mr. Harvey, do you recognize that
5 photo?

6 A I don't think I specifically recognize that photo. I
7 think I recognize what it is.

8 Q Okay. Do you know who took the photo?

9 A I don't.

10 Q Do you know where the photo was taken?

11 A I do not.

12 Q Do you know whether this was taken in Athens-Clarke
13 County or not?

14 A I don't.

15 Q There's not much we can talk about about this photo,
16 at least in terms of its providence, but why don't you tell me
17 what you see there?

18 A What I see in that photo is a sideways view of about
19 what I believe are ballot-marking devices. The blue -- the
20 blue that you see are the privacy screens that go around the
21 ballot-marking devices to shield them from the side. You see
22 the instructions on the side, and I presume that there's a
23 ballot-marking device in each of those screens, so where it
24 says only poll workers and poll watchers, there's a ballot-
25 marking device facing out to the right. I presume on the other

1 one -- and I think you may even be able to see the top of the
2 BMD on the other side, again, facing out to the left on that
3 photograph. And I -- I suspect that where you see the American
4 flag elevated is an additional barrier and that there's
5 presumably another ballot-marking device on either side of
6 that, set up in the same orientation.

7 Q Okay. I want to focus in on that thing with the
8 American flag on it. You said it's an additional barrier.

9 A I believe that is. I can't say for certain, but I
10 believe that's...

11 Q Why would there be an additional barrier there?

12 A Just to provide additional secrecy for the voter.

13 Q Did the State provide these additional barriers to
14 counties along with the ballot-marking devices?

15 A No.

16 Q Let's go to the next page, 0094. Does this appear to
17 you to be another angle on those same machines?

18 A It does.

19 Q Okay. And this allows us to see a little bit better
20 that American flag partition there in the middle, correct?

21 A Yes.

22 Q And, in fact, your hunch was right that it is
23 separating two ballot-marking devices that are on one table
24 side-by-side, correct?

25 A That is correct.

1 Q Now, again, why would anyone need an additional
2 barrier above and beyond the blue privacy screens that were
3 provided by the State along with the ballot-marking devices?

4 A It's -- I'm not sure that you need it, but in the
5 interest of enhancing voters' security, secrecy, or privacy,
6 that's another innovation that a county could put on it.

7 Q But again, you don't know where this photo was taken,
8 and doesn't necessarily represent what was being offered in
9 Athens-Clarke County, correct?

10 A That's correct. I don't know.

11 Q Do you know whether this photo was ever distributed
12 to county elections directors?

13 A I don't.

14 Q So as you sit here today, you don't know whether
15 county elections directors had this sort of diagram before it
16 was too late to change polling places, correct?

17 A I don't know if they had that photograph.

18 Q Let's go to the next photograph. This is SEB 0095.
19 Now, do you recognize this photo any more than the other ones?

20 A I've seen that photograph. I reviewed some
21 photographs last evening, so I do remember seeing it because I
22 saw hockey in it, and I thought hockey was unusual to see in a
23 Georgia polling place.

24 Q Okay. Do you know if that's Athens-Clarke County?

25 A My memory is that it is not.

1 Q Okay. Do you know where it is?

2 A I want to say it's Spaulding County, but I can't say
3 that for certain.

4 Q Now, the reason I wanted you to look at this photo is
5 we actually have a person in it, who's standing in front of a
6 ballot-marking device. Do you see that?

7 A I do.

8 Q And do you see how -- now, we don't know how tall
9 that person is. It appears to be a woman. But do you see that
10 her head is well above the top edge of the privacy screens
11 there?

12 A I do.

13 Q Let's look at the next slide. So this is virtually
14 the same view, but now, we have someone else in there, a second
15 person. Not sure if that is a man or a woman, but, again, do
16 you see that his or her head is well above the privacy screen
17 with those ballot-marking devices on the table?

18 A I see it's above the screen.

19 Q Yeah. As you look at this photo or even think of the
20 last one with the same polling place, do you see the tables
21 that they're sitting on there?

22 A I do.

23 Q Is there anything unusual about those tables?

24 A From this perspective, I don't see anything unusual
25 about them.

1 Q And, in fact, many counties use tables that look a
2 lot like that as bases for the ballot-marking devices, correct?

3 A Well, again, that's a table. I don't know if there's
4 anything specific about that table. I know a lot of counties
5 use tables for ballot-marking devices. I don't know if their
6 tables are like that. Those may be special tables.

7 Q These don't look, like, unusually low, for example.

8 A It's -- it's very difficult to tell from that
9 perspective. Actually, they kind of do look a little bit low
10 to me, if you follow the line. I know it's at an angle, but if
11 you follow the line, it looks like the edge of the table would
12 be sort of below waist of the person standing there, which
13 seems maybe a little low. I don't know. I'm not a table
14 expert.

15 Q I'm standing next to a table right now.

16 A Yeah, I would say -- I would say it's about -- I
17 would say it's similar to that again.

18 Q And for the record, I'm not a table expert either,
19 but I have one of those tables as my desk at home. I'm
20 familiar with them. Let's go back to 0094, so just two slides
21 ago, where we saw the partition. Now, those are a different
22 kind of table, but those are, again, neither -- do they appear
23 any higher or lower than your average table?

24 A No. They're in the range of normal, I would say.

25 Q Let's look at SEB 00 -- or excuse me, 0112. Do you

1 recognize this photo?

2 A I recognize what it shows. I don't recognize taking
3 it or where it is.

4 Q Okay. So, again, we don't know that this is Athens-
5 Clarke County, and it's probably not, right?

6 A I don't know where it is.

7 Q Okay. And you don't know who took it?

8 A I do not.

9 Q Okay. Well, what does it show to you?

10 A Well, it appears to show a person standing at a
11 ballot-marking device, presumably voting or reviewing a ballot
12 or interacting with that ballot-marking device.

13 Q Does this photograph illustrate in some way your
14 diagram of an ineffectual or bad polling place design in that
15 whoever is taking the photograph has a straight-on view of
16 these machines over in front?

17 A Well, if that's taken from a public area, it does.
18 If it's -- I know we've had people from our office going out
19 and taking photographs. If that was taken in an area where an
20 investigator or a monitor could do them, then it may not. It
21 appears that people are standing up to the right, maybe waiting
22 to vote or observing, and in that case, they're looking at the
23 side, which is one of the ways that we recommended, so --

24 Q Okay.

25 A -- it really depends on who took the photograph. If

1 it was taken by an investigator in our office, it wouldn't
2 concern me. If it was taken by somebody waiting to vote or
3 from the perspective of somebody waiting to vote, it would
4 concern me.

5 Q All right. Can we zoom back out on the photo and get
6 the whole photo in the frame? It's a little cut off to the
7 left, but does this photo illustrate how it is possible to see
8 crosswise like we were talking about in your ineffectual
9 diagram?

10 A Crosswise from what perspective?

11 Q From the perspective of whoever is taking the
12 photograph, just as we saw in that diagram that you --

13 A Well, from whoever's taking the photograph, that's
14 not even crosswise. That's -- that's dead on, so that's really
15 more of the first bad example. If somebody's viewing it from
16 this perspective, that's almost straight-on, but as you go
17 farther to the left, it would be an angle problem.

18 Q Okay.

19 A If that's from a public area.

20 Q All right.

21 MR. GERMANY: I don't know if this will help, but I
22 can say, and we're calling Ms. Watson next, all of these
23 photographs were taken by our investigators in the regular
24 course of election monitoring, and I was going to have Ms.
25 Watson speak to them.

1 MR. SELLS: Okay.

2 MR. GERMANY: If that's helpful to you.

3 MR. SELLS: Well, it's helpful in that I won't offer
4 them as exhibits until we get maybe some more
5 authentication. I mean, I can offer them just because
6 we've talked about them, but I'll hold off.

7 MR. GERMANY: And I was also going to say, none of
8 them are Athens-Clarke.

9 MR. SELLS: Okay, good. I didn't think so.

10 BY MR. SELLS:

11 Q I'm going to shift to a different topic now, and it's
12 this idea of a uniform -- the unified voting system that we
13 have here in Georgia. Now, as you have already mentioned,
14 there have been a number of tests of our new system here in
15 Georgia in special elections, for absentee municipal elections
16 last November. Can you tell me a little bit about what
17 happened in Cobb County last November?

18 A In Cobb County last November, they had some municipal
19 elections where they used -- did a pilot with hand-marked paper
20 ballots to satisfy the order of Judge Totenberg, and I don't
21 remember. I think they had 4 cities that were conducting
22 municipal elections, and they did hand-marked paper ballots for
23 those elections.

24 Q Now, the Cobb County pilot actually used the system
25 that we obtained as a state from Dominion, correct? With the

1 exception of the touch-screen component of that system, right?

2 A Correct. They used the scanners for -- the same
3 scanners that are used for the ballot-marking devices.

4 Q Right. So it's not your position that what Cobb
5 County did was some alternate system of voting. It was
6 actually a different use of the system that we obtained from
7 Dominion, right?

8 A Well, it was a -- it was a court-ordered use of the
9 system. So it is different, but it was court-ordered, and it
10 used some components of the same Dominion system.

11 Q Right. And it was court-ordered because the Board of
12 Elections in that case didn't have make a finding of
13 impracticability or impossibility to use the new machines, but
14 it was essentially the -- using the system that we ordered in a
15 different way, a backup way, that one would use if one were to
16 find that voting under the machines was impracticable, right?

17 A Well, I think the answer is yes. Although when you
18 talked about the Board of Elections, they didn't really have a
19 say. I mean, they agreed to do it, but they weren't the movers
20 of that decision. It was ordered by Judge Totenberg.

21 Q Now, did your office prepare a report on summarizing
22 the findings from that pilot program?

23 A I don't think that we've produced the final report
24 yet.

25 Q Okay. I'd like -- I'd like to put up on the screen

1 BOER 420. And let's see, it's Exhibit 51. 51, thank you.

2 (Respondent's Exhibit 51 identified.)

3 Q Okay. The first page is a cover page. It says
4 executive summary, initial findings pilot county's municipal
5 election 2019, new Georgia statewide voting system. Do you see
6 that?

7 A I do.

8 Q Do you recognize this document?

9 A I -- yes. I've seen it before, I believe.

10 Q Okay. What is it?

11 A It's a summary of the initial findings of the pilot.

12 Q Okay. And who produced it?

13 A Our office did. I didn't produce it myself.

14 Q Your office meaning the Secretary of State's Office?

15 MR. GERMANY: I'd stipulate that this --

16 MR. HARVEY: And I may be -- I may be -- confused.

17 MR. GERMANY: -- is a report produced by the Secretary
18 of State's Office.

19 BY MR. SELLS:

20 Q And have you read this report?

21 A I think I read it when it came out. I have not
22 reviewed it recently.

23 Q Okay. I'd like you to turn to the next page of this
24 report, and this report talks about findings in the pilot
25 counties that used the ballot-marking devices but also the

1 pilot in Cobb County, correct?

2 A Yes.

3 Q And if we could blow up the bottom paragraph on the
4 page? Yeah. Do you see here the sentence that says, Cobb
5 County volunteered to conduct a pilot election with the new
6 system except using hand-marked paper ballots instead of
7 ballot-marking devices?

8 A I do.

9 Q That pilot still included the poll pad, the polling
10 place scanner, and new election management system. Do you see
11 that?

12 A Yes, I do.

13 Q Do you disagree with that, those two sentences?

14 A The only clarification is that I asked Cobb County
15 and they agreed, as opposed to them coming forward and saying
16 we want to do it, but they certainly volunteered once I asked.

17 Q Okay. But you agree with me that Cobb County's pilot
18 used the new system that is mandated under state law requiring,
19 in fact, that we use the new system?

20 A It certainly used components of the new system.

21 MR. SELLS: I think that's all the questions I have.

22 MR. RAFFENSPERGER: Mr. Germany, do you have -- okay.

23 Next witness?

24 MR. GERMANY: I call Frances Watson.

25 MR. RAFFENSPERGER: Frances Watson?

1 MR. SELLS: I'd like to offer 51 into evidence.

2 MR. GERMANY: That's the report we just looked at?

3 No objection.

4 MR. RAFFENSPERGER: Okay. Done.

5 (Respondent's Exhibit 51 admitted.)

6 MR. GERMANY: Y'all are going to get her, the court
7 reporter, a copy of those exhibits?

8 MR. RAFFENSPERGER: Do you want to swear in Frances
9 Watson?

10 THE COURT REPORTER: That's why I'm crouching. Do
11 you swear or affirm the testimony you're going to give
12 today will be the truth, the whole truth, and nothing but
13 the truth?

14 THE WITNESS: I do.

15 Whereupon,

16 FRANCES WATSON

17 having been duly sworn, testified under oath as follows:

18 DIRECT EXAMINATION

19 BY MR. GERMANY:

20 Q Ms. Watson, could you introduce yourself and state
21 your -- what you do as a profession, please?

22 A Yes. Frances Watson. I'm the Chief Investigator for
23 the Investigations Division for the Secretary of State.

24 Q You might have to angle that a bit toward you.

25 A Okay.

1 Q As Chief Investigator, are you -- you oversee a team
2 of investigators, correct?

3 A That is correct.

4 Q As part of your investigatory duties in the regular
5 course of business, does that include election monitoring?

6 A It does.

7 Q Could you describe that process?

8 A Yes. Prior to elections, during early advance
9 voting, and on Election Day, we have investigators that work
10 throughout the state in the field going to various poll
11 locations, and they have a form that they complete for poll
12 inspections to check for various compliance issues. Did they
13 open on time? Do they have the correct amount of poll workers?
14 Do they have a provisional ballot station set up? Just various
15 issues, are there any obvious issues that are taking place? We
16 talk to the poll manager and ask them how is it going, is
17 everything going okay? And once those are completed, then they
18 report any issues or their findings back.

19 Q Are your investigators currently doing that
20 monitoring in the early voting that's occurring for the
21 presidential preference primary?

22 A They are.

23 Q Is one of the things that they are asking about this
24 time about privacy? Is that one of the things they're looking
25 for?

1 A Yes. They're specifically just observing voters.
2 They are asking the managers are you having any specific
3 complaints or any -- any, you know, issues? They're observing
4 voters when they're voting to see if there are any particular
5 issues that they can observe as far as voting secrecy.

6 Q I'm going to show you a few pictures. Before I do
7 that, do you recall seeing the pictures that Mr. Sells was
8 showing Chris Harvey?

9 A I do,

10 Q Do you recognize those as pictures that your
11 investigators took?

12 A I do.

13 Q I'm going to show you first SEB 0076 and SEB 0081.
14 Are those pictures that your investigator -- one of your
15 investigators took in a polling place?

16 A They are.

17 Q Do you recognize that as a polling place in Floyd
18 County?

19 A I have -- was not at the location, but it was
20 reported by the investigator to be photographed in Floyd
21 County.

22 Q I'm going to show you SEB 0069. Do you recognize
23 that to be a picture of a polling place where early voting is
24 going on that your investigator took, one of your
25 investigators?

1 A It is.

2 Q I don't recall which County -- which County that's
3 from, but it's not Athens-Clarke County, I will say that. I'm
4 going to show you 0 -- SEB 0085 and SEB 0088. Do you recognize
5 those as pictures that your investigator took of a polling
6 place where early voting is currently ongoing?

7 A I do.

8 Q I'm going to show you SEB 0094, which I think is one
9 that Mr. Sells showed. Do you recognize that document as a
10 picture that your -- one of your investigators took of a
11 polling place?

12 A Yes.

13 Q And finally, I'm going to show you SEB 0104 and SEB
14 0107. Do you recognize those documents as pictures that one of
15 your investigators took of a polling place where early voting
16 is currently ongoing?

17 A Yes.

18 MR. GERMANY: I move to admit each of those pictures,
19 and I'd be happy to include the ones that you showed as
20 well, Bryan.

21 MR. SELLS: I don't have an exception, if you'll
22 stipulate that none of them are Athens-Clarke County. I
23 think we were unclear about three of them.

24 MR. GERMANY: None of them are Athens-Clarke. And
25 I'm just going to ask the court reporter to mark all of

1 these as one exhibit.

2 MR. SELLS: That's fine. What's the exhibit number?

3 THE COURT REPORTER: It's 3.

4 MR. GERMANY: It's going to be marked as Exhibit 3.

5 (State's Exhibit 3 identified and admitted)

6 BY MR. GERMANY

7 Q Ms. Watson, as your investigators are doing election
8 monitoring and reporting, what are you hearing and seeing on
9 the issue of ballot privacy?

10 A The only issue that was reported back from one of the
11 investigators was during House District, I believe, 171 in
12 South Georgia, and the voting machines were set up so that the
13 people waiting to vote could see the machines. And they
14 reported that issue back to me.

15 Q Your investigator reported that issue back to you?

16 A Yes.

17 Q What did you do with that information?

18 A I spoke with the Deputy Director -- or the Director
19 of Elections, Chris Harvey, and he advised that he had been in
20 that county and that they had spoke [sic] with the county about
21 repositioning machines.

22 Q Did they resolve that? Did they reposition the
23 machines to your knowledge?

24 A I do not have that information.

25 Q Are there any other issues that you've heard about,

1 reports you've received from your investigators with privacy?

2 A No, I have not had any other issues reported back to
3 me.

4 MR. GERMANY: Nothing further.

5 CROSS-EXAMINATION

6 BY MR. SELLS:

7 Q Good morning, Ms. Watson. I'd like to start with
8 0069, if we could. This is one of the ones that was just
9 admitted as Exhibit 3. Do you have that one in front of you?

10 A I do.

11 Q Okay. And you said this was taken by one of your
12 investigators, correct?

13 A It was.

14 Q And what happens after the investigators take it? Do
15 they text them to you or email them to you from the field or do
16 they wait until they come back to the office? Tell me a little
17 bit about that process.

18 A They can send them to me via their phone or they can
19 wait until they get to the office and send me via email.

20 Q Okay. Do you recall seeing this particular photo on
21 Election Day or only in connection with this proceeding?

22 A Only during early voting.

23 Q My question, though, is did the investigator bring
24 this particular photo to your attention in any particular way?

25 A They did send that to me. That is correct.

1 Q Okay. And you reviewed this photo?

2 A Yes, I did.

3 Q Okay. Did either your investigator or your own
4 review of the photo reveal any problems with this particular
5 issue?

6 A There were no issues that we observed when we were
7 there as far as voters voting or any issues as far as the
8 secrecy of the ballot when we were on scene, so there was none
9 that was reported to me as an issue. That's correct.

10 Q Okay. And so in your view this would comply with the
11 constitutional right to ballot secrecy that we have under the
12 Georgia constitution?

13 A Well, there was no voters voting, so in that
14 particular moment, it would comply.

15 Q But we're talking about the configuration of polling
16 places at this hearing, and that's what's critical.

17 A Right.

18 Q And so I'm asking you to look at the photo, and if
19 you need more time, we'll give you more time.

20 A No, that's fine.

21 Q Does this configuration, in your view, comply with
22 the constitutional right to ballot secrecy?

23 A I believe it does.

24 Q All right. I would like to zoom in on this area over
25 here in the upper right-hand corner of the screen. Do you see

1 the window?

2 A I do.

3 Q Do you see the person in the window?

4 A I can't tell if that's a person or not.

5 Q Right there (indicating). Do you see that person's
6 head?

7 A I do.

8 Q And do you think it's conceivable that that person
9 could see someone voting on maybe these three or four machines
10 right there (indicating)?

11 A I can't tell if there are blinds that are there, and
12 that's a shadow. I can't tell from that picture.

13 Q Well, we can see her, if it's a her.

14 A Yeah, I can't tell. If there were people that were
15 voting there, and there was a person behind them, it would be
16 an issue. That is correct.

17 Q It would be an issue for you if there were a window
18 where someone could see --

19 A Yes.

20 Q -- the face of the ballot.

21 A Yes.

22 Q Okay. But you didn't catch that window or this other
23 window to the left, which is also facing several voting
24 machines, when you reviewed this photo?

25 A Again, I can't tell if there is any kind of barrier

1 or any kind of blinds that are there.

2 MR. SELLS: Those are all my questions.

3 MR. GERMANY: Nothing further.

4 MR. RAFFENSPERGER: Next witness, Mr. Germany?

5 MR. GERMANY: We call Tom Feehan.

6 MR. RAFFENSPERGER: Take the oath.

7 THE WITNESS: Copy.

8 THE COURT REPORTER: Raise your right hand. Do you
9 swear or affirm the testimony you're going to give today will
10 be the truth, the whole truth, and nothing but the truth?

11 THE WITNESS: Yes, I do.

12 Whereupon,

13 TOM FEEHAN

14 having been duly sworn, testified under oath as follows:

15 DIRECT EXAMINATION

16 BY MR. GERMANY:

17 Q Mr. Feehan, could you introduce yourself and your
18 current role, please?

19 A Yes. My name is Tom Feehan. I'm the Senior Project
20 Manager for Georgia for Dominion Voting, and I'm running
21 implementation for Dominion Voting.

22 Q Could you describe your background with elections?

23 A I've been in elections for 18 years. I started as an
24 assistant project manager for implementation in 2002, and I've
25 held a number of roles with various companies, project manager,

1 regional customer service manager, senior project manager.

2 Most recently, in the last several years, it's been as a senior
3 project manager for implementation.

4 Q I want to ask you about, in your role, are you
5 familiar with the system that Georgia is implementing?

6 A Yes, I am.

7 Q I want to ask you about the monitoring and
8 specifically, some of the monitoring options that are built
9 into this system that were not in the previous system. For
10 instance, is it your understanding that the touch screens in
11 particular have -- basically, if they detect something foreign
12 being plugged into them or something unrecognized, that they
13 will up a prompt, stop -- it stops the voting process and
14 requires a poll worker to enter their poll worker card to
15 resolve.

16 A Yes, that's accurate.

17 Q Could you describe that a little bit?

18 A Sure. First of all, the ports are physically sealed
19 by a cover and a tamper evidence seal over top of that cover,
20 but what the system is designed to do -- the security feature
21 of it is if anything is changed for instance on the USB ports,
22 which are the ports that are used on it, the system
23 automatically flashes up a message that says USB change port
24 detected, and it freezes the machine. It disables it until
25 action is taken, and that could be anything. It could be

1 simply unplugging the printer cable, the signal cable for the
2 printer. It detects that as a change to the USB, so and the
3 machine cannot be used until it is addressed by a poll worker.

4 Q Is this system that's being implemented in Georgia,
5 the same equipment, is it used in other places for elections?

6 A It is.

7 Q Do you know which places?

8 A Specifically, the use that parallels or is most
9 similar to Georgia is Pennsylvania, where it is used 100% to
10 mark ballots in the same scanning system and the same, what we
11 refer to as the ICX 21 prime, which is the 21 inch prime model,
12 ballot-marking device.

13 Q That's the touch screen?

14 A Correct. Yes, sir.

15 Q Are you familiar with issues regarding voter secrecy
16 or ballot privacy as it relates to this system?

17 A I have not heard any as it relates to this system
18 used in other states.

19 Q Do you know if Dominion as part of their training on
20 the new system, has that come up to your knowledge?

21 A I can speak only to Georgia training, but, yes,
22 because the trainers fall under my purview. And both training
23 sessions that were conducted for the counties, it was brought
24 up that you should analyze your polling places. And we did not
25 give specific instructions on layout because of the variation

1 potential, the options there are, but it was brought up by our
2 trainers in the training, and then subsequently, we support
3 each county with a county technician, and in that training, it
4 brought up to the county technicians as well to observe that
5 and recognize that.

6 MR. GERMANY: Thank you. No further questions.

7 CROSS-EXAMINATION

8 BY MR. SELLS:

9 Q Do you know whether other states that use the
10 Dominion voting system have a constitutional right to ballot
11 secrecy that is on a par with ours here in Georgia?

12 A I'm not familiar. I assume that the federal law for
13 privacy applies to all the states, but I don't deal
14 specifically with any other state vis-a-vis Dominion other than
15 Georgia.

16 MR. SELLS: Those are all my questions.

17 MR. RAFFENSPERGER: Thank you. Mr. Germany, one more
18 witness and then we'll take a lunch break after.

19 MR. GERMANY: I have one more short witness, and then
20 we were -- we were also going to call Ms. Sosebee, but
21 that one will take a little bit longer, so I think it's
22 better to do that after lunch, if that works?

23 MR. RAFFENSPERGER: Okay.

24 MR. GERMANY: I call Melanie Fourchette. Ms.

25 Fourchette, could you --

1 THE COURT REPORTER: Do you swear or affirm the
2 testimony you're going to give today will be the truth,
3 the whole truth, and nothing but the truth?

4 THE WITNESS: Yes, I do.

5 Whereupon,

6 MELANIE FOURCHETTE

7 having been duly sworn, testified under oath as follows:

8 DIRECT EXAMINATION

9 BY MR. GERMANY:

10 Q Ms. Fourchette, could you introduce yourself and your
11 occupation, please?

12 A Yes. My name is Melanie Fourchette. I'm an analyst
13 for the Office of Commissioner of Insurance and Fire Safety for
14 the State of Georgia.

15 Q What did you -- previously, you were the training
16 administrator at the Secretary of State's Office, correct?

17 A That's correct.

18 Q Can you tell me the dates of that role?

19 A Yes. I was hired as the training administrator in
20 January of 2019 and left the office in February of 2020.

21 Q Can you tell me a little about your background in
22 elections prior to becoming training administrator?

23 A Certainly. In 2010, I was employed by the Gwinnett
24 County Elections and Voter Registration Office. I worked there
25 for 6 years and then went to work for the Hall County Voter

1 Registration Elections Office prior to coming to the Secretary
2 of State's Office in January -- February of 2017, where I was a
3 liaison and then promoted to a lead liaison before my promotion
4 to training administrator.

5 Q Thank you. In your role as training administrator,
6 are you familiar with the new -- the new voting system that
7 Georgia is implementing?

8 A Yes, I am.

9 Q Can you speak to -- let me ask you this first. Did
10 you deal with counties a lot in your role?

11 A Yes, I did.

12 Q Can you speak to the discussions that came up about
13 voter privacy or ballot secrecy as part of -- as part of your
14 training? And I'm including both formal but also informal
15 discussions.

16 A Yes. I was involved when Dominion began their
17 training with the 159 counties and participated by being at
18 different trainings and taking questions and just absorbing the
19 training. And what questions would come up a lot would be
20 deferred to me as a Secretary of State employee by the Dominion
21 trainers. And of course, with a variation across the state of
22 polling places, it was, you know, discussed about the position
23 of the units, the large size of the screens, and the counties
24 were instructed and encouraged to review all their polling
25 places to make sure that they could set them up best for the

1 voters. And we took phone calls quite extensively. The phones
2 rang off the -- quite a bit for me. I answered a lot of phone
3 calls. I assisted Chris Harvey in the pilot county phone calls
4 during the pilots as well as the weekly regional phone calls
5 and as well as the phone calls done with the special elections
6 people.

7 Q From your experience at the Secretary of State's
8 Office and back to when you were a county election official, do
9 you believe that it's impossible and impracticable for counties
10 to utilize this system?

11 A No. I think it's very possible and very -- I think
12 that the county elections directors know their polling places,
13 they know their poll workers, and they know their voters. And
14 I think it's -- there could be challenges there, but they're
15 all possible -- possible to resolve.

16 Q You know, and it's a big transition, correct?

17 A Sure. It's a new way of voting in Georgia.

18 Q In your time in elections, have you worked with
19 Charlotte Sosebee?

20 A Yes, I have.

21 Q And do you know her to be an experienced and
22 qualified elections professional?

23 A Very much so. I actually worked with her in Hall
24 County prior to her going to Athens-Clarke County and prior to
25 me coming to the Secretary of State's Office.

1 MR. GERMANY: Thank you. No further questions.

2 CROSS-EXAMINATION

3 BY MR. SELLS:

4 Q Ms. Fourchette, you testified that the counties were
5 encouraged to review their polling places. During which
6 conference calls did that happen?

7 A Oh, I don't know if I could remember specifically
8 which ones, but any time the conversation came up about the
9 equipment and inspections and things like that, it was
10 discussed.

11 Q It would have been before the polling -- the ballot-
12 marking devices were delivered to the county, correct?

13 A Before, during, that whole time.

14 Q When did you leave the Secretary of State's Office?

15 A I'm a little confused about that question.

16 MR. GERMANY: Just to clarify, there was -- and I
17 should have said this. There was a couple of deliveries -
18 - as to what you were referring to as delivery -- people
19 got demonstrations of equipment in the fall, and then
20 larger shipments kind of began this year.

21 MR. SELLS: Well, if this is your witness testifying
22 about counties being on notice, I want to -- I want to
23 hear from her.

24 MR. GERMANY: I'm just asking for you to clarify
25 which one when you say delivery.

1 MR. SELLS: Okay.

2 BY MR. SELLS:

3 Q Do you know when Athens-Clarke County received its
4 ballot-marking devices?

5 A No.

6 Q So as you sit here today, you can't point to a single
7 training where they were advised to review their polling places
8 after they received the ballot-marking devices?

9 A No. I don't remember dates.

10 Q Okay. And were they specifically encouraged to
11 review the polling places for electrical capability, the number
12 of circuits required for the new machines, or were they
13 encouraged to review them for other purposes?

14 A I don't remember those specifics.

15 Q Okay. Now, it was also your testimony that it is not
16 impracticable to use the new ballot machines, correct?

17 A Well, I said it's possible to use them.

18 Q Okay. So it is not your testimony that it is not
19 impracticable to use them?

20 A You know, that question goes to that definition that
21 you both discussed earlier about impractical, so I'm not an
22 attorney to where I could -- when I think about that word, it's
23 is it impossible, but I don't know if that's the legal
24 definition that you're using right now.

25 Q Okay. I want you to draw on all of your experience

1 as an election administrator and looking out at this room, how
2 many ballot-marking devices do you think you could place in
3 this room and comply with the statutory and constitutional
4 right to ballot secrecy? Just give me a ballpark estimate.

5 A I don't think that I can give you that number.

6 Q Would it be 100?

7 A I don't know the size of this room. I can't -- I
8 can't, you know --

9 Q Okay. So let me approach it this way. If Georgia
10 law required you to fit 800 voting machines in this room and
11 still comply with ballot secrecy and said you can't change
12 rooms because it's too late to change, do you think you could
13 fit 800 ballot-marking devices in this room?

14 MR. GERMANY: I would ask that we don't need to
15 venture into the absurd, and can you keep your questions
16 based in reality?

17 MR. SELLS: She just testified that it was not
18 impracticable to use these machines, and space is what
19 this hearing is all about, so she couldn't estimate, so
20 we're going to have to get a little absurd.

21 MR GERMANY: Well, you can ask in a follow-up. You
22 don't have to get absurd.

23 MR. RAFFENSPERGER: You can move on.

24 BY MR SELLS:

25 Q Isn't it true, Ms. Fourchette, that if you don't have

1 enough space to use the number of ballot machines, ballot-
2 marking devices, that Georgia law requires that it becomes
3 impracticable to use them in the space that you've got?

4 A Repeat that one more time to me.

5 Q Yeah. Isn't it true that if Georgia law requires
6 more ballot-marking devices than you have space for, that
7 you've got an impracticability to use the ballot-marking
8 devices?

9 A I just think that's a very multi-faceted question
10 there because we've always had voting equipment prior to this
11 voting equipment that you still had to have the space for, so I
12 just -- I'm not comfortable answering that question. I don't
13 feel that I'm an expert in that field. I'm sorry. I don't
14 feel comfortable answering that.

15 Q And in fact, Georgia didn't have that one for 250
16 rule when you were ever an election administrator, correct?

17 A That was not something that I oversaw at the county
18 level.

19 Q Because it was passed last year, right?

20 A That was not something I oversaw when I was at the
21 county level.

22 Q So, in fact, you have no expertise as to fitting the
23 required number of ballot-marking devices into any polling
24 place in a way that complies with the one to 250 rule.

25 A That is up to the county offices to determine that.

1 Q So to answer my question, you have no experience in
2 that.

3 A I have experience in the use of the equipment, the
4 size of the equipment, the information given to the counties,
5 and that -- my expert level is -- is on the training level side
6 of it. It's not doing their job for them at the county level.

7 Q So if you have expertise in the size of the
8 equipment, please estimate for me how many ballot-marking
9 devices would fit in this room --

10 MR. GERMANY: It's not -- he's already --

11 MR. SELLS: -- in compliance with the ballot secrecy
12 requirements?

13 MR. GERMANY: He's already asked. He's already said
14 she had no --

15 MR. RAFFENSPERGER: I think that's been asked
16 already, and I think she said it was unknowable at this
17 present time.

18 MR. SELLS: She's claiming expertise and then not
19 answering my questions, Secretary.

20 MR. RAFFENSPERGER: Can you move onto the next
21 question? And I would like to remind the people in the
22 back there that you need to keep your comments to
23 yourself. It would be appreciated. Thank you.

24 BY MR. SELLS:

25 Q You said you were an elections official in Gwinnett

1 County, right?

2 A I was employed by the Gwinnett County Voting
3 Registration Election Office.

4 Q Okay. Have you ever been an elections official in
5 Athens-Clarke County?

6 A No.

7 Q Have you ever set foot in any polling place in
8 Athens-Clarke County?

9 A Yes.

10 Q When? Which ones?

11 A I don't remember the exact address, but I was
12 actually visiting a friend, and there was Saturday voting going
13 on, and so she said do you mind if I pop in here and go voting?
14 And she went in, and I just kind of hung out in the lobby, but
15 I don't remember the exact address.

16 Q What election was that?

17 A It was -- it was in 2016, I believe.

18 Q And we did not have ballot-marking devices in that
19 election, correct?

20 A That's correct.

21 Q And you don't remember which polling place it was?

22 A It was over on the other side of the university, but
23 I don't remember the -- it was a government building, but I
24 don't remember the name of the building.

25 Q Was it a large space or a small space?

1 A Where the voting was actually taking place was -- I
2 mean, I don't know. Small, medium, or large, it's kind of hard
3 to define that term. It was an advance voting location, so
4 there was quite a bit of machines in there, but I don't know
5 what your definition of small or large is.

6 Q But they were the DRE machines, correct?

7 A That's correct.

8 Q Can you estimate how many ballot-marking devices
9 would fit in the precinct that you saw, the polling place that
10 you saw?

11 A No, I can't estimate that.

12 Q And you don't know, as you sit here today, whether
13 that number would comply with the one to 250 rule either, can
14 you?

15 A Not without the dimensions of the room and seeing the
16 room, I wouldn't be able to make that guess.

17 Q If I showed you a room with dimensions, could you
18 guess or estimate how many ballot-marking devices could fit in
19 a -- in a space?

20 A Probably not. There's lots of other things that come
21 into place with it: doorways, entry ways, electrical outlets,
22 and things like that. Just the dimensions of the room isn't
23 going to tell you everything. How the room is used will tell
24 you that.

25 Q And you've never seen any drawings or diagrams

1 showing any polling places in Athens-Clarke County that contain
2 the required number of ballot-marking devices in a way that
3 complies with the statutory constitutional right to ballot
4 secrecy in Georgia, correct?

5 A I've never seen any diagrams of Athens-Clarke County
6 elections -- I mean, polling places.

7 MR. SELLS: Okay. Those are all my questions.

8 MR. GERMANY: Nothing further.

9 MR. RAFFENSPERGER: Okay. I think, Mr. Germany, you
10 said your next witness would take a bit longer, so we'll -
11 - it's 12 after 12. If it's possible, can we get back --
12 if we did a break, is 12:45 -- does that give you enough
13 time or do you need a bit more time for lunch?

14 MS. SULLIVAN: I'd say one o'clock.

15 MR. RAFFENSPERGER: We'll say one o'clock, we'll be
16 back. Recess until one.

17 (Court in recess)

18 (Court resumes)

19 MR. RAFFENSPERGER: Okay. We are called back to the
20 hearing. It's 1:01, and Mr. Germany, we're ready for your
21 next witness.

22 MS. MCGOWAN: We call Charlotte Sosebee.

23 MR. RAFFENSPERGER: Charlotte Sosebee?

24 THE COURT REPORTER: Do you swear or affirm the
25 testimony you are about to give will be the truth, the whole

1 truth, and nothing but the truth?

2 THE WITNESS: I do.

3 Whereupon,

4 CHARLOTTE SOSEBEE

5 having been duly sworn, testified under oath as follows:

6 DIRECT EXAMINATION

7 BY MS. MCGOWAN:

8 Q Good afternoon. Would you state your name for the
9 record and your current position?

10 A Yes. My name is Charlotte Sosebee, and I currently
11 serve as the Director of Elections for Athens-Clarke County.

12 Q Thank you. And how long have you served in that
13 position?

14 A For Athens-Clarke County, three years and about two
15 months.

16 Q And first, I want to say thank you for being here
17 today. I know this is a very busy time for you, so we
18 appreciate your time. Can you describe to the Board your prior
19 experience in managing elections?

20 A Yes. So in 1989, I decided to come over to Hall
21 County and work in the capacity of Clerk to Elections. I spent
22 27 and a half years in Hall County working my way up to be
23 Director. I started off, as I stated, clerk. I became the
24 Interim Director of Elections at the end of the 2006 election
25 and served in the capacity of interim until I was appointed

1 2011 to Chief Registrar, and then I left there in the -- in the
2 2016 elections and came over to Athens-Clarke County to serve
3 in the capacity that I currently serve in.

4 Q So it's fair to say that you've been through a number
5 of presidential elections and that you have experience in
6 picking out precincts and laying them out and getting them
7 ready for voters to vote?

8 A Yes.

9 Q And you're the one that supervised the transition to
10 the new Dominion voting system for Athens-Clarke County,
11 correct?

12 A That's correct.

13 Q And when did you receive the new equipment from the
14 State?

15 A We received new equipment early February. I want to
16 think it was February 3rd.

17 Q Did you receive any demo equipment before then that
18 you could test out?

19 A Yes. We received our demo. I believe it was early
20 December 2019.

21 Q I want to point you to one of the documents in that
22 notebook if you want to open it up and turn to page -- it's
23 under tab 1, and it is page -- it's labeled ACC BOER 0146, so
24 if you look, the numbers are on the bottom.

25 MR. RAFFENSPERGER: What were those numbers again?

1 The last 4?

2 MS. MCGOWAN: Sure. It's ACC BOER 0146, and that's
3 under tab 1.

4 BY MS. MCGOWAN:

5 Q Have you had a chance to look at that document?

6 A I have.

7 Q Is that an email that you received?

8 A Actually, it's an email that I sent to my supervisor
9 Deborah Lonon, who is our Assistant City Manager.

10 Q And excuse me, you're correct. It's an email that
11 you sent. And is this an accurate list of the voting equipment
12 that Athens-Clarke County received from the State?

13 A Where you see ballot-marking devices, we have only
14 received 298 of the 318, and I was told that we would receive
15 the remaining of those units prior to the May primary, but the
16 initial allotment was 298 ballot-marking devices, but the other
17 items are correct.

18 Q Okay. So it's listed as 318, but you've received
19 about 290, but you'll receive the rest at some point by May.

20 A That's correct.

21 Q And the total investment that the State has spent for
22 equipment for Athens-Clarke County shown at the bottom there is
23 \$1,039,000, correct?

24 A That's correct.

25 Q And by the time you've received all the ballot-

1 marking devices, the State will have invested approximately
2 \$640,000 in -- in ballot-marking devices for the county. Where
3 are the ballot-marking devices right now?

4 A They are currently stored in our voting machine
5 equipment room on Lexington Road.

6 MS. MCGOWAN: I would like to tender this as Exhibit
7 4.

8 (State's Exhibit 4 identified.)

9 MR. RAFFENSPERGER: Okay.

10 MR. SELLS: No objection.

11 MR. RAFFENSPERGER: Okay. Entered.

12 (State's Exhibit 4 admitted.)

13 BY MS. MCGOWAN:

14 Q In addition to the equipment that you received from
15 the State, did you purchase any additional equipment that is to
16 go with the Dominion system, specifically anything that was
17 designed for privacy reasons?

18 A Yes. We purchased 5 of the booths that are offered
19 by Inclusion Solutions and other things like toners and carts.
20 We purchased a number of things.

21 Q When you say booths, can you provide more of a
22 description to the Board of what you did purchase?

23 A Well, it was -- similar -- well, it was exactly the
24 booth that was shown in one of the exhibits earlier, and if
25 I'll just kind of describe what it is, it's a booth that allows

1 us to use two ballot-marking devices to meet back-to-back of
2 each other. And I simply invested in those because I knew that
3 we had space issues in our office -- didn't purchase any more
4 than what we needed in our office, but that was one of the
5 third-party vendors that we used.

6 Q I'm showing you two pictures from Athens-Clarke
7 County. Is that -- do those photographs show the booths that
8 you're using?

9 A Yes.

10 MR. SELLS: Can we get a copy of those pictures
11 please?

12 THE WITNESS: Exhibit 0119 and 0118.

13 MS. MCGOWAN: Those are the SEB documents we gave
14 you. I'd like to tender those two photographs as Exhibit
15 5.

16 (State's Exhibit 5 identified.)

17 MR. SELLS: I want to object because Mr. Germany just
18 previously made a representation that none of them were
19 Athens-Clarke County in any of the photos, and we didn't
20 object to the admission of the photographs on that basis.
21 And I believe I just heard her testify that they are
22 Athens-Clarke County, so we've got an inconsistency in
23 testimony here, and I should be able to rely on Mr.
24 Germany's representation.

25 MR. GERMANY: None of the photographs we were

1 discussing earlier were Athens-Clarke County, the ones I
2 was referring to. These are Athens-Clarke County.

3 MR. SELLS: But they admitted all of them.

4 MR. GERMANY: I just admitted the ones that I showed
5 you.

6 MR. RAFFENSPERGER: These were not admitted. These
7 are new ones to be admitted.

8 MR. SELLS: All right.

9 MR RAFFENSPERGER: They're entered.

10 (State's Exhibit 5 admitted.)

11 MS. MCGOWAN: Thank you.

12 BY MS. MCGOWAN:

13 Q Did you also order paper ballots to prepare for the
14 presidential preference primary?

15 A Yes.

16 Q And when were those ordered?

17 A We ordered ballots for our absentee voters -- in
18 fact, I ordered three sets of orders. My first order were
19 [sic] for absentee, and those were placed early January. I
20 made a second order for emergency ballots, and I used the rule
21 that is highlighted in state law, 10%, and then when I had an
22 idea that we may be going on paper, I ordered the additional.
23 So I have a little over 100% of the paper ballots to match the
24 number of voters that we have in Athens-Clarke County.

25 Q And when did you make that last purchase when you

1 expected that you might have to move to all paper?

2 A It was sometime in February, mid-February.

3 Q Was it before the Board voted on March 3rd?

4 A Yes.

5 Q And just to clarify, I believe you said that you
6 purchased enough to cover 100% of the electors on your elector
7 list.

8 A I actually did more than 100%.

9 Q Never hurts to have extra paper.

10 A Yeah.

11 Q Did you receive training from the Secretary of
12 State's Office in your preparation for rolling out the new
13 Dominion system?

14 A I attended one training class, going to be the
15 equivalent of the first training class, only for a short
16 period. I had so many Open Records Requests and just chose to
17 go back to the office and my staff. They would only allow, I
18 think, three people in the room per county because of the size
19 of the room, of course, and I just happened to be number four
20 and saw that I needed to be in the office for other things.

21 Q But members of your staff did attend?

22 A Very much. Yes.

23 Q And as part of the training that either you or your
24 staff received, did any of that pertain to voter privacy issues
25 when voting with those ballot-marking devices and the touch

1 screens?

2 A Not specifically privacy, but we were trained on how
3 to use the system and how to train our poll workers to prepare
4 for Election Day.

5 Q Did you hear Mr. Harvey's testimony earlier when he
6 talked about conference calls that he had had? Did you have an
7 opportunity to be on any of those conference calls?

8 A Yes, and not all of them, but most I did, and those
9 that I didn't, I was able to view them on our Firefly Buzz
10 blog. I was able to view them there.

11 Q And we looked at some examples of layouts that the
12 Secretary of State's Office provided with respect to voter
13 privacy. Did you have a -- did you receive those or have an
14 opportunity to review those?

15 A Yes, I did.

16 Q And if you'll turn in your notebook to -- back to tab
17 1, ACC BOER 0232 and 0233.

18 A Okay.

19 Q Had you seen those diagrams before?

20 A Yes.

21 Q And are these diagrams that the Secretary of State's
22 Office provided, either through Firefly or another way?

23 A Yes.

24 MS. MCGOWAN: I'd like to tender documents ACC BOER
25 0232 and 0233 as Exhibit 6.

1 (State's Exhibit 6 identified.)

2 MR. SELLS: No objection.

3 (State's Exhibit 6 admitted.)

4 BY MS. MCGOWAN:

5 Q As the Director, do you consider yourself familiar
6 with Athens-Clarke County's polling locations?

7 A Yes.

8 Q And did you develop a plan for polling location
9 layouts that would protect voter privacy as voters are using
10 the touch screens?

11 A Yes, I did.

12 Q Can you describe that plan please?

13 A Yes. So what I had is my staff had some area
14 managers who visited our locations and based on the drawings
15 that I received with the stats of the room, the size of the
16 room, and how the room was laid out, I took these two layouts
17 and made a decision which particular layout would work at each
18 location based on how the DOE BMDs are turned.

19 Q And did you present this plan to the Athens-Clarke
20 County Board of Elections on March 3rd?

21 A I did. These two, the exhibit 0232 and 0233.

22 Q Do you want to flip over towards the beginning to ACC
23 BOER starting at 0078 through 0081? Is this the presentation
24 or part of the presentation that you gave to the Board of
25 Elections on March 3rd?

1 A Yes, it is.

2 Q If you'll turn to page 80, can you explain down below
3 where it says layout number 1 and you have some precincts
4 listed there -- can you explain what that indicated?

5 A Yes. So based on the sizes of our polling locations,
6 I made indication which poll locations would this particular
7 layout work for, and to be specific, this layout would work for
8 locations that have space issues.

9 Q And you've visited all of these locations?

10 A I did when I first came to Athens-Clark County.

11 Q And is it still your opinion that -- that this
12 particular layout would work for those precincts?

13 A Not specifically. So what I was trying to show in
14 this diagram is the way the units would be turned, not
15 specifically how many tables, that the poll pad check-in would
16 be in the middle, that I would have two lines going in those
17 two directions. And I did explain that to the Board on the day
18 of the meeting.

19 Q So your plan was that these -- in these particular
20 precincts, the booths would be turned towards the wall?

21 A That's correct.

22 Q And then turning over to the next page, 81, layout
23 number 2, the same thing. You have the particular -- you have
24 precincts listed in layout number 2. Are these precincts that
25 have larger space?

1 A Yes.

2 Q And your expectation was for those precincts that the
3 booths would be positioned the way that they're shown in this
4 diagram?

5 A Right.

6 Q Did you express to the Board at the March 3rd meeting
7 that you were confident that voter privacy could be achieved
8 using either layout number 1 or layout number 2 for each of
9 Athens-Clarke County's polling locations?

10 A Yes, I did.

11 Q And are you confident that these particular layouts
12 will work for all of the spaces, still being compliant with the
13 number of booths that you need to provide?

14 A Yes.

15 Q If you could turn to page 79, what are these
16 photographs?

17 A So this photograph is the first day of advance voting
18 in Athens-Clarke County. It was taken inside of our office
19 located on Washington Street. And it is a setup of 8 units, one
20 being for our ATI system for our voters with disabilities, but
21 this was the layout that we had on the first day of advance
22 voting.

23 Q And where is this location?

24 A On Washington Street, 155 Washington Street.

25 Q This is the first advance voting location that opened

1 up --

2 A Yes.

3 Q -- right?

4 A The first and only.

5 Q There will be additional early voting locations
6 opening up next week, right?

7 A That's correct. Mmm-hmm.

8 Q And this won't be used on Election Day, this
9 location?

10 A No, not at all.

11 Q And it's a rather small space, right?

12 A Yes, it is.

13 Q Were these curtains up that day, the first day of
14 advance voting?

15 A Yes.

16 Q And was that done to protect voter privacy?

17 A Yes.

18 MS. MCGOWAN: I would like to tender documents ACC
19 BOER 0078 through 0081 as the next Exhibit.

20 (State's Exhibit 7 identified.)

21 MR. SELLS: No objection. They may be in the record
22 in some other form, but no objection.

23 MR RAFFENSPERGER: Okay. They're in.

24 (State's Exhibit 7 admitted.)

25 BY MS. MCGOWAN:

1 Q Have you any of the members of the Athens-Clarke
2 County Board of Elections visited any of the precinct locations
3 with you?

4 A With me? Our former Chairman had visited with me
5 when there was a late opening at J.J. Harris and that was in
6 the 2018 election, but I believe that's the only location that
7 I've had one of the Board members visit with me.

8 Q No visits for this upcoming presidential primary?

9 A No.

10 Q If you could next please turn to ACC BOER starting at
11 page 22 and then going to page 50, could you please identify
12 what these documents are?

13 A Yes. These are documents that I received this week
14 from one of my area managers, Lanie Lessard, and these are
15 layouts that provides dimensions of rooms. It has specifically
16 how -- the preliminary of how we would lay out each polling
17 location. It shows our ballot-marking devices, our wheelchair
18 so our disability marking, as well as our magnifiers, our poll
19 checkers, our ballot box, but for every single location that we
20 have for Election Day in Athens-Clarke County.

21 Q Down at the bottom on each of these pages for each
22 precinct layout, it has a date of March 1st. Is that when
23 these were completed?

24 A I believe so. I didn't receive them until this week,
25 but, yes, I would imagine that it was because it's dated.

1 Q But did you know these were in process?

2 A I knew that they were in process to be given to our
3 poll managers on how to set up the polling locations, but I
4 wasn't sure how far we had gotten with them. It's used in a
5 program that she has from a previous career, and so I was
6 grateful, thankful to be able to have that resource in my
7 office.

8 Q Would it be fair to say that at the time of the March
9 3rd meeting that you knew these sketches were being done, you
10 just didn't have them at the time?

11 A That's correct.

12 Q And did you advise the Board at the March 3rd meeting
13 that -- that these precinct layout sketches were being done?

14 A I didn't. I didn't know how far we were in it, and I
15 wanted to be inclusive in knowing what I had done and what was
16 available, so I didn't know for sure, and I didn't mention it.
17 I just knew that between now and election day, there's a lot of
18 things that's going to come up and going to happen, going to be
19 in place before election day rolls out.

20 Q And these don't change the privacy plan that you had
21 done up and presented to the Board on March 3rd?

22 A Could you repeat that?

23 Q You felt confident at March 3rd when you did your
24 privacy plan that you presented to the Board that you had the
25 information you needed to -- to put a workable plan in place.

1 A Yes.

2 Q When the Board voted on March 3rd to switch to hand-
3 marked paper ballots, early voting had already been going on
4 for, what, a day and a half or two full days?

5 A By the vote, it's two days, two full days.

6 Q So how many electors had already voted on those two
7 days on the ballot-marking devices?

8 A About 500.

9 Q Did the Board have any discussion with you about what
10 to do about the voters who already voted on the BMDs?

11 A That was my question after the vote, and I was told
12 that they would still be counted.

13 Q Of the voters, of the about 500 who voted early on
14 the BMDs, are you aware of any complaints about privacy issues?

15 A Prior to...

16 Q No. I'm talking about specifically for the voters
17 who already had voted on March 2nd or 3rd at the early
18 location. Do you have any complaints from them on voter
19 privacy?

20 A I didn't receive any complaints from any voters. No.

21 Q Have you received any guidance, whether written or in
22 a telephone conversation, from the Secretary of State's Office
23 about when it's permissible for the County to use paper
24 ballots?

25 A Yes. Through my years of experience, of course,

1 paper ballots has [sic] always been the emergency plan. Prior
2 to the ballot-marking devices, it was also the plan with the
3 DREs, and I knew from searching the code, the statute -- I call
4 it my work Bible -- that that was permissible, and it is
5 something that has been stated through the whole process of
6 implementing the BMDs.

7 Q If you could turn to page ACC BOER 176 and 177

8 A Okay.

9 Q Does this look familiar to you?

10 A Yes.

11 Q Okay. Did you receive the Secure the Vote handbook,
12 manual?

13 A I did. Mmm-hmm.

14 Q On page 177, it talks about using emergency paper
15 ballots, and if you could look at the second sentence, it talks
16 about events that are considered emergencies are power outages,
17 malfunctions causing a sufficient number of electronic ballot
18 markers to be unavailable for use, or waiting times longer than
19 30 minutes. Was that your understanding of what constitutes an
20 emergency?

21 A Yes.

22 Q Did any of those circumstances occur on March 2nd or
23 3rd in the early voting location?

24 A No, they did not.

25 Q Are you having to train your poll workers in any

1 different way now that you've moved to -- now that the County
2 has decided to move to hand-marked paper ballots?

3 A Yes, we will have to.

4 Q And what do you anticipate that will entail?

5 A Well, we've already planned to meet with all of our
6 managers and to give them a walkthrough of the same process
7 that we're using with advance voting, how we converted from
8 BMDs to hand-marked ballots, and so that would mean, of course,
9 incorporating a secrecy folder. They would have a totally
10 different set of equipment, per say. Rather than ballot-
11 marking devices, they would receive more paper ballots than
12 planned, which was the 10% plus the provisional ballots. So
13 that would be a change in training, as well as delivery.
14 They'll have more ballot pens, of course, then we would
15 initially send, which was two. I'm thinking that's about it,
16 and probably how to set up their polling location, as far as
17 assigning their poll workers. You won't have as many poll
18 workers roaming to make sure that the traffic of the ballot
19 that's printed from the printer with using the ballot-marking
20 device. You wouldn't need as many poll workers tending to the
21 ballot from that process, so we would have to at least bring
22 our managers back in, so they are aware of the process and be
23 able to script the process with their other workers.

24 MS. MCGOWAN: I have no further questions. Although,
25 I'd like to tender documents 176 and 177 as the next

1 exhibit.

2 (State's Exhibit 8 identified.)

3 MR. SELLS: No objection.

4 MR. RAFFENSPERGER: Okay. Entered.

5 (State's Exhibit 8 admitted.)

6 MS. MCGOWAN: Thank you.

7 CROSS-EXAMINATION

8 BY MR. MITCHELL:

9 Q Before we get into the, kind of, the meatier
10 testimony, I would like to clarify a couple of things. Have
11 you been to all the precinct locations since the BMDs were
12 delivered in early February?

13 A I have not. I've been to -- I know one in particular
14 I have gone to, and it was where one of the area managers
15 mentioned the difficulty of getting into one of the locations
16 because of the flooring that's going to be done to it, so I
17 went over to give a little bit of my direction as far as what
18 would work, but that's it.

19 Q Have you relied on others to do the inspections and
20 measurements and all that?

21 A Yes.

22 Q And who were the folks that you relied on for those
23 items?

24 A So initially, it was the Secretary of State's Office
25 surveyor who went out to the polling locations with our area

1 managers. And that's Lisa McGlaum, who is one of our elections
2 assistants, Lanie Lessard, who is one of our area managers, and
3 both these individuals are part of my staff and previously
4 worked as poll managers. And then we had our Athens-Clarke
5 County inspector, one of our facility directors, had gone with
6 us.

7 Q Now, the booths from Inclusion Solution, have you
8 bought any other booths from any other locations?

9 A I have not.

10 Q You're not going to use those in the poll -- in the
11 Election Day precinct locations, are you?

12 A No, sir.

13 Q Great. Among the other equipment that you purchased,
14 any other curtains or anything like that?

15 A So the Inclusion Solutions booth for an additional
16 price came with curtains, and that's what I received. And I
17 chose not to use the curtains.

18 Q And you haven't bought any other curtains or those
19 other things that we saw in the photographs this morning?

20 A I have not.

21 Q Now, the -- with regard to -- you also have to comply
22 with the law, correct?

23 A Yes, sir.

24 Q Right. And from your experience, you're familiar
25 with what the requirements are?

1 A Yes.

2 Q Now, with regard to locations, even when there is
3 going to be hand-marked paper ballots used, you still have the
4 optical scanner there?

5 A That's correct.

6 Q Right. And there's still going to be a BMD there for
7 the prepared location, is that correct?

8 A Yes. That's correct.

9 Q All right. Now, let's go back to when you first
10 learned about the change in the voting requirements. When did
11 you first become aware of the new machines that were going to
12 be used?

13 A So my first, we'll say, introduction to the vote
14 system was in 2017 when I was attending a conference, a federal
15 conference in California, and I had a chance to see the other
16 vote systems. I didn't know particularly the vote system of
17 Dominion, but I was very familiar with the system from our
18 current -- what we used at the time 2017, who our vendor was
19 then, which was ES&S.

20 Q When did you become familiar with or knowledgeable
21 about the fact that you were moving to Dominion?

22 A So in August when the announcement was made that --

23 Q Okay. What year?

24 A August 2019.

25 Q Okay.

1 A When we found out that Dominion had been the vendor
2 of choice, I was in a conference in Florida, at another federal
3 conference, and I was able to spend some time with Dominion
4 because I had not spent time with them or learned anything
5 about their system because of my involvement in our local
6 conference. I serve as one of the officers, of course. And so
7 my job during the conference is managing, you know, the flow of
8 the conference, so I didn't really get to spend a lot of time
9 with this particular vendor. But when I went to Florida and
10 found out that we were going to be using the Dominion product,
11 it was my job while I was there, noticing that they were there,
12 to get familiar with them.

13 Q Did they have them set up on tables with the privacy
14 screens like you've got them set up or are going to set them up
15 here?

16 A They had it set up on this really nice blue booth
17 that we are hoping to get a sample of and be able to implement
18 maybe, but we did get to see -- I did. I got to see the
19 ballot-marking device set up inside that booth.

20 Q That's not what y'all are using here?

21 A No, it's not.

22 Q All right. Now, if you would, take a look at --
23 looking at notebook's Exhibit 36, which is ACC BOER 0181. It's
24 going to be in the file ACC BOER exhibits. If you will take a
25 look at the third page of that document and the fourth block

1 from the bottom, what is the question that is part of this?

2 First of all, can you identify this document?

3 (Respondent's Exhibit 36 identified.)

4 A Yes. So this is a conference call, a region
5 conference call Q&A, that was conducted on January the 10th,
6 2020.

7 Q Okay. And is this -- when you say it's a conference
8 call, what is the document? Is this a document that you have
9 for one of those conference calls?

10 A It is.

11 Q And how do you get access to this document?

12 A I can access this on Firefly, which is the system
13 that Mr. Harvey related to earlier.

14 Q All right. Now, when the -- with regard to -- when
15 this question -- when this conference was held, had they given
16 you the privacy screens yet?

17 A No, we had not received them.

18 Q Now, in addition to the privacy screens were there
19 other concerns that were expressed on any of these conference
20 calls?

21 A As it relates to privacy?

22 Q Yes.

23 A No. Not other than this that I recall.

24 Q Was there ever any discussion on the -- were you in
25 the room this morning when Mr. Harvey was testifying?

1 A I was.

2 Q Do you ever recall any conversation about blackout
3 screens or anything like that?

4 A Yes.

5 Q All right. And was -- did the Secretary of State
6 indicate that they were going to provide anything like that for
7 these devices?

8 A They didn't indicate that they were going to provide
9 it. My thought was that they would give us direction on
10 whether we could use them or not. I understand, you know, that
11 through the years, certain things related to the equipment has
12 to be certified, and so I wanted to wait and get directions as
13 to whether they could be used or not.

14 MR. GERMANY: I just wanted to ask. When you're
15 talking about blackout screens, are you talking about,
16 kind of, a film that goes over?

17 MR. MITCHELL: Yes.

18 MR. GERMANY: Okay. I just wanted to make sure.

19 BY MR MITCHELL:

20 Q Now, turn over to exhibit -- what in that book is
21 exhibit 23, and it's ACC BOER 146. We've already got that one
22 done. Go back to 21. That's ACC BOER 143. Can you identify
23 this document for me?

24 A Yes. This is an email thread between Lisa McGlaun,
25 my elections assistant and I, and we're talking about -- well,

1 actually, there's a draft of an email where we're talking about
2 the space issues and challenges that we have at certain
3 locations in Athens-Clarke County.

4 Q And what is the date of that email?

5 A January 23rd.

6 Q Do you know whether or not whether any of your staff
7 had done the measurements of any of these locations at that
8 time?

9 A I don't believe we had done measurements by this
10 time.

11 Q So even without the measurements being done, there
12 were some locations you were concerned about space?

13 A Yes.

14 Q And was that in light of the fact that you had seen
15 the size of the demo models of the BMDs?

16 A Yes. And I had concerns about space, particularly in
17 one of these locations, which is our transit, initially when I
18 first got here. I knew that was going to be an issue even with
19 our DREs, but after the BMDs, yes. That number grew.

20 Q Okay. The number of locations that you were
21 concerned about grew?

22 A Yes.

23 MR. MITCHELL: Okay. Now, I would tender Defendant's
24 Exhibit 21.

25 (Respondent's Exhibit 21 identified.)

1 MS. MCGOWAN: No objection.

2 MR. RAFFENSPERGER: Entered.

3 (Respondent's Exhibit 21 admitted.)

4 BY MR. MITCHELL:

5 Q Turn over -- turn back to exhibit 4 in the notebook.

6 Can you identify Defendant's Exhibit 4?

7 (Respondent's Exhibit 4 identified.)

8 A Yes. This is an email sent from our ACC Board Chair,
9 Chairman Jesse Evans, and it is an email of him asking for
10 information related to the description of the Cobb County pilot
11 program and request of the list of equipment that we would need
12 to carry out the program and inventory of the items and the
13 plan to carry it out.

14 Q And what's the date of this email?

15 A January 23rd.

16 Q Right. Go to what in the notebook is marked as
17 Exhibit 8, which is ACC BOER 0014. Can you identify --

18 MR. MITCHELL: I would tender Defendant's Exhibit 4.

19 MS. MCGOWAN: No objection.

20 (Respondent's Exhibit 4 admitted.)

21 BY MR. MITCHELL:

22 Q Can you identify Defendant's Exhibit 8?

23 (Respondent's Exhibit 8 identified)

24 A Yes. It's an email from Chairman Evans and copied
25 with the other Board members and members of the staff of the

1 elections office. And it's an email that recalls the vote from
2 the February 4th meeting to implement the -- well, it talks
3 about the un-merging process that I had brought before the
4 Board, first of all.

5 Q Explain what that is.

6 A Okay. So we have about four precincts that had been
7 merged with other precincts and that came about in, starting
8 probably 2014. And in several situations, it was because of
9 the location that some of the voters were assigned to was being
10 remodeled and so, rather than sending them to another location,
11 they were joined with a location or a precinct that was
12 attached to it nearby, and then it was merged.

13 So I had brought before the Board at the January meeting a
14 potential or a recommendation to un-merge those precincts, so
15 this right here is what Mr. Evans is referring to and stating
16 that we should include in the discussion for the next meeting,
17 for the special called meeting, the electrical capacity of our
18 locations, to discuss the delivery plan, and getting an update
19 on the polling locations for the May presidential preference
20 primary, the voter privacy issues with the BMDs, the turnout
21 for the election as well as how many voters, absentee voters,
22 advance voters, election day voters that we are projecting for
23 this election. It talks about the 2018 Winterville Train Depot
24 voting machines that have been quarantined, and it -- an
25 update, to include an update about an SEB case from 2018.

1 Q All right. But the un-merging of the polling
2 locations, was space a problem? Was that the -- was that one
3 of the limitations? Was that why you wanted to do it?

4 A Well, it had a lot to do with the 2018 voter turnouts
5 and the lines that we had in 2018. And we realized that there
6 was a lot of long lines at our merged precincts, so this will
7 be a good time to, I guess, discuss un-merging those precincts
8 so we wouldn't have the long lines that we had in 2018.

9 Q That's not going to happen for the March 24th one?

10 A Right.

11 MR. MITCHELL: I would tender Exhibit Number 8.

12 MS. MCGOWAN: No objection.

13 (Respondent's Exhibit 8 admitted.)

14 BY MR. MITCHELL:

15 Q Turn over one exhibit to Exhibit Number 9, ACC BOER
16 0017. Can you identify this email for me?

17 (Respondent's Exhibit 9 identified.)

18 A Yes. This is an email from Chairman Evans discussing
19 the issue of lack of ballot privacy.

20 Q What's the date?

21 A The date is January 30th, 2020 -- and that the screen
22 allows people to see from a distance.

23 Q I would point your atten -- direct your attention to
24 the next-to-last paragraph that begins, "what methods."

25 A Yes. Yes, so what methods do we plan to use in

1 Athens-Clarke County to address the issue with privacy and
2 secrecy of the ballot? The statement that I had mentioned
3 possibly placing an order for equipment that will allow us to
4 physically protect the secrecy of the ballots and that I should
5 mail -- email a description of those options to the Board and
6 include images of the equipment and resources that we plan to
7 use.

8 Q Is it fair to say that your plan ultimately was and
9 what you presented to the Board was the use of the layouts
10 provided by the Secretary of State's Office?

11 A Yes. Partly. Yes.

12 MR. MITCHELL: All right. I'll tender Exhibit Number
13 9.

14 MS. MCGOWAN: No objection.

15 (Respondent's Exhibit 9 admitted.)

16 BY MR. MITCHELL:

17 Q Turn over to Exhibit Number 10. Can you identify --
18 this is ACC BOER 0019. Can you identify this document for me?

19 (Respondent's Exhibit 10 identified.)

20 A Yes. This is an email thread between Chris Harvey
21 and I. On February 12th, I sent an email to Chris stating how
22 creative my staff had been with trying to come up with a
23 solution to privacy and what we had considered was lying the
24 ballot-marking devices down flat on the table to address the
25 privacy issue. And Chris, of course, responded and said he

1 didn't think that would be a good idea, and I can see -- I
2 understand. And he -- I mention Carol Heard from Decatur
3 County, the way she had turned her ballot-marking devices
4 around, the backs of them, and that addressed immediately what
5 -- the privacy issue. And then Chris mentioned something about
6 some floor plans that would be coming, and I told him I would
7 be looking forward to receiving those.

8 Q And at that point in time, you didn't have any floor
9 plans?

10 A I did not.

11 Q But you've got them now?

12 A Yes.

13 Q Okay. And going back to the curtain issue, why did
14 you choose not to use any kind of curtains or drapes or what-
15 have-you?

16 A If I'm going to be honest, the color. I try to stay
17 away from red and blue. I'm sorry, but I do. And then I knew
18 that curtains was [sic] not going to allow us as poll workers
19 or our poll workers to observe the use of the equipment.
20 Tampering, taking photo shots of ballots, that needs to be
21 observed by our workers, and so I did not want to create that
22 atmosphere.

23 Q Y'all have issues with those kind of things in
24 Athens-Clarke County before?

25 A Yes, I have.

1 MR. MITCHELL: I would tender Exhibit Number 10.

2 MS. MCGOWAN: No objection.

3 (Respondent's Exhibit 10 admitted.)

4 BY MR. MITCHELL:

5 Q Go to -- flip over in that book to Exhibit Number 28.

6 It's ACC BOER 0155. Can you identify this document for me?

7 (Respondent's Exhibit 28 identified.)

8 A Yes. So this document is what I create and call my
9 election prep, and prior to every election, I create this kind
10 of layout. It works, and it's very useful, so...

11 Q Let's walk through just -- let's just walk through
12 Winterville and walk the floor and cross back so you can -- so
13 they're clear exactly what data is in those. I think it's
14 self-explanatory, but let's -- in case there are questions,
15 explain what that data is.

16 A Okay. So for Winterville, there's 2,727 voters. I
17 figure 65% of our voters will vote, so I, based on that number
18 -- how many poll workers, how many poll pads, ballot-marking
19 devices, and access cards will be used at these polling
20 locations.

21 Q Okay. Do you base your setup and the amount of
22 resources that you assign to a particular location based on the
23 active voters or on that 65%?

24 A Active voters.

25 Q Okay. And what are the sites at the bottom? What

1 are those?

2 A So those are our advance voting locations and what is
3 allotted to those locations.

4 Q All right. There's three that have blanks across the
5 rows. Why are those blank?

6 A Those are three locations that we're not using for
7 the presidential preference primary, but we will use them
8 throughout the year, and I just have them there for reference.

9 Q Placeholders?

10 A Yes.

11 MR. MITCHELL: All right. I'd tender Exhibit Number
12 28.

13 MS. MCGOWAN: No objection.

14 (Respondent's Exhibit 28 admitted.)

15 BY MR. MITCHELL:

16 Q When did you create this document?

17 A Probably early January, but I change it often, and my
18 staff can support that.

19 Q So it's a working document?

20 A Yes, it is.

21 Q Do you know sitting here today whether the one that
22 we're looking at is the most recent iteration?

23 A Yes, it is.

24 Q And there's a date on it, 2/27. Is that when this
25 particular iteration was...

1 A Yes. It was when it was revised.

2 Q Is that revision date -- is that something that
3 automatically gets applied to this document when you print it
4 out or when you save it?

5 A Yes. Well, I automatically do it myself when I save
6 it.

7 Q Come over to -- in the -- go over to Exhibit Number
8 17. It's a bulk exhibit. It's ACC BOER 0093 through 0128. If
9 Mr. -- if you would put out pages 0105 and 0107. This bulk
10 exhibit is a bunch of pages. What is this bulk exhibit? What
11 are these?

12 (Respondent's Exhibit 17 identified.)

13 A These are sketches that I received prior to our board
14 meeting.

15 Q Prior to which board meeting?

16 A March 3rd.

17 Q Okay. Do you know when you got these sketches?

18 A For a period of weeks in February.

19 Q Is this all you had prior to the March 3rd meeting?

20 A Yes. In fact, I didn't have as many as here. I had,
21 I think, about 20 of them.

22 Q Okay. So you had about 20. Some of these you've
23 gotten even since the March 3rd --

24 A Yes.

25 Q -- meeting. Okay. And would you characterize these

1 as scale drawings?

2 A Yes. These are just scale drawings, and it has
3 dimensions of our locations, each location.

4 Q Let me ask a better question.

5 A Okay.

6 Q Are these what you are going to provide to your poll
7 managers?

8 A No, sir.

9 Q Okay. These don't show setups, do they?

10 A Some of them, they do, but not as well as the others
11 that were presented earlier.

12 MR. MITCHELL: All right. I would tender Exhibit
13 Number 17.

14 MS. MCGOWAN: No objection.

15 (Respondent's Exhibit 17 admitted.)

16 BY MR. MITCHELL:

17 Q Do you know who did those sketches?

18 A Lanie Lessard did some. China Blake, one of our
19 other election clerks in the office, did some of them.
20 And I believe that's it.

21 Q Were you out on any of the sites when they did these?

22 A Well, I was in the early voting site. I was when
23 China did the one in the office.

24 Q All right. If you would, go to Exhibit Number 12. I
25 think opposing counsel entered into evidence the last couple

1 pages of this, which -- but the document itself, the full
2 exhibit which starts at ACC BOER 0051, what is that document?

3 (Respondent's Exhibit 12 identified.)

4 A This is the document that was provided to the Board
5 at the date of the last meeting, March the 3rd, and it was the
6 document used for their voting meeting to determine the un-
7 merging of the precincts and where I, at the end, provided the
8 plan for the layouts of our polling locations.

9 Q Okay. So the documents that she showed you earlier,
10 those required a longer PowerPoint presented to the Board that
11 night?

12 A Yes.

13 Q There were other concerns they were dealing with that
14 night?

15 A Yes.

16 MR. MITCHELL: And the -- I would tender the entirety
17 of Exhibit Number 12.

18 MS. MCGOWAN: No objection.

19 (Respondent's Exhibit 12 admitted.)

20 BY MR. MITCHELL:

21 Q Did you create this document?

22 A I did.

23 Q Is there an actual time stamp or Bates stamp on it?
24 Do you know when you finalized this before you presented it to
25 them that night?

1 A I finalized it Friday prior and got it -- starting
2 getting it copied and ready for display and -- but it's dated
3 March the 3rd.

4 Q Okay. And this morning, when Mr. Harvey was talking
5 to us, you were here then, correct?

6 A That is correct.

7 Q Okay. And the layout -- the document they had sent
8 out from the Secretary of State's Office had another sketch
9 that was called ineffective or something. Do you remember
10 which one I'm talking about?

11 A Yes, I do.

12 Q Did you -- did you ever provide that one to the
13 Board?

14 A I did not.

15 Q Take a look at -- I want to look at Exhibit Number
16 11. It starts at ACC BOER 0021, but I want to turn over to ACC
17 BOER 0030, which is about 8 pages in. I think we actually put
18 two emails together in this one. What is the date of the email
19 received that's in Exhibit Number 11 but is ACC BOER 0030?

20 (Respondent's Exhibit 11 identified.)

21 A March 9th, 2020.

22 Q All right. What is -- who is this email from?

23 A It's from Lanie Lessard.

24 Q Is she the lady you referred to earlier that had
25 interior design experience and, you know, the program that she

1 uses?

2 A Yes.

3 Q All right. And if you'll take a look at the sentence
4 itself, is that actually the program that she uses?

5 A Chief Architect. Mmm-hmm.

6 Q Okay. And is that kind of, like, a CAD program or
7 something?

8 A I'm not sure.

9 Q I've exhausted my technology knowledge with that
10 question. Now, behind this email, what are the documents
11 behind this email?

12 A Behind the email are the layouts for -- looks like
13 all 20 of our election day polling locations.

14 Q Okay. Now, the advance voting sites are not in this
15 one, correct?

16 A They're not.

17 Q All right. Are there scale drawings of the advance
18 sites as well?

19 A There isn't, though some of these -- in fact, at
20 least one is an advance voting location, but it would be set up
21 differently.

22 Q And the same requirements don't apply to advance
23 voting locations, do they?

24 A It doesn't.

25 Q Okay. Now, have you seen -- has Ms. Lessard done

1 these types of things for you before with other...

2 A Not for me she hasn't.

3 Q No? Okay. So this is the only -- this is the first
4 election where you've had her do these type of scale drawings.

5 A That's correct.

6 Q And why is that?

7 A Well, the system changed.

8 Q When you say system changed, what do you mean?

9 A The ballot-marking devices were being used. First,
10 it's the DREs. There were drawings prior to these, not done by
11 Lanie Lessard, but there were, you know, drawings done that
12 were more specific for the DREs.

13 Q Were they scale or were they more hand-drawn?

14 A I just only glanced at them when I was going through
15 some files when I first come [sic] to Athens-Clarke County, so
16 I can't remember specifically, but I want to think they were
17 done pretty professionally.

18 Q Okay. Now, let's just take a look at -- I'm going to
19 walk through some of these with Ms. Lessard, but let's take a
20 look at ACC BOER 0031.

21 A Okay.

22 Q Can we get them up on the screen? Can you reorient
23 that? Can you turn it clockwise four times because that's how
24 it is in the books? Can you blow up the top third of it? What
25 precinct location is this?

1 A This is our Winterville Train Depot precinct.

2 Q Okay. And as you understand these drawings, the
3 little boxes are the voting booths, correct?

4 A That's correct.

5 Q And there's kind of a little above view of -- is that
6 supposed to be a person or a voter?

7 A Yes, head and shoulders.

8 Q Okay. And so, the -- and where the voter is standing
9 is where they're going to stand to vote, at least on this
10 illustration, correct?

11 A That's correct.

12 Q The -- the way that the booths are set up, there's
13 two with -- at the top of this particular location. Is that
14 consistent with the Secretary of State's sketches?

15 A As it relates to how the booths are turned, it is,
16 but not specifically what was provided by the State because the
17 poll pads are sitting in the middle of the room for one. And
18 then those sketches that the Secretary of State's Office
19 provided did not have a review area, a ballot box, magnifiers,
20 manager's table, indication of where our voter with
21 disabilities would be stationed, as well as our provisional
22 table.

23 Q Would you back out of the entire document for me? If
24 the people are coming in, can they not see directly into those
25 two booths at the top, at the top of this page?

1 A They cannot.

2 Q If they're standing there waiting to vote right
3 inside this enclosed location, standing right here?

4 A Show me again.

5 Q If there's someone standing right there just as they
6 come into the enclosed location, standing right there waiting
7 to vote --

8 A No, they wouldn't be able to.

9 Q -- wouldn't they be able to see those --

10 A No.

11 Q Are you going to have curtains around that particular
12 booth?

13 A No.

14 Q How would they not be able to see? Let me ask the
15 question this way. For that particular configuration, didn't
16 the Secretary of State's sketch show that it should be moved
17 away from the wall and the ballot-marking device turned toward
18 the wall?

19 A Yes, so they would face the wall. No. They wouldn't
20 be able to see from there.

21 Q And if that particular set of booths had to be moved
22 out away from the wall, would that be compliant with the
23 Secretary of State's guidelines?

24 A Yes.

25 Q How far away from the wall do they have to be moved?

1 Do you know?

2 A I'm not sure.

3 Q Would that be a question for Ms. Lessard?

4 A Yeah. It could be. And can I just add too in
5 training, in poll worker training, our poll workers are told to
6 control the crowd, so you limit what you have inside the room,
7 your lines. You have to control the crowd. You have to
8 control the process of it. You don't want voters crossing one
9 another, and one going in to vote, one coming out to vote. So
10 at this particular precinct, only the voters that are assigned
11 to cards would be in that area, so they would not be lined up
12 per say waiting on a ballot-marking device.

13 Q Okay. Fair enough. Now, if I -- and as I understand
14 it, there are 6 precincts that are a particular concern with
15 the size, is that correct?

16 A That's correct.

17 Q Winterville is one of them --

18 A Yes.

19 Q -- which is 1A, correct? Another one is the Clarke
20 Central Gym lobby, correct?

21 A I'm not sure. Maybe Lanie will be able to -- Clarke
22 Central...

23 Q That's on page 0035. Is that more of a question for
24 her?

25 A Yeah, but I can kind of look at this and tell. I

1 believe it is going to be a challenge for us, but I think it
2 will be managed well because of -- again, as I stated, your
3 line -- we wouldn't form a line inside the room. You would do
4 as much as possible to have that line form outside the room.

5 Q Is Athens Transit also one of your small problem
6 locations?

7 A It is.

8 Q That's at 0037.

9 A Mmm-hmm. It is.

10 Q That's 4A. And then the 3 fire stations are also
11 small, tight?

12 A That's correct.

13 Q And those are Oglethorpe Road -- I'm sorry,
14 Oglethorpe Avenue, which is 6D, which is at 0045?

15 A Mmm-hmm.

16 Q Five Points Fire Station, which is 7C, which is at
17 0047?

18 A Mmm-hmm. Right.

19 Q And Barnett Shoals, which is 8C, which is at 0050?

20 A That's correct. Mmm-hmm.

21 MR. MITCHELL: I would tender Exhibit Number 11.

22 MS. MCGOWAN: No objection.

23 (Respondent's Exhibit 11 admitted.)

24 BY MR. MITCHELL:

25 Q Do you know whether these are the final drawings?

1 A They are not final.

2 Q And when are they going to be final?

3 A They'll be final the night before the election, and
4 if not, it'll be sometime next week when we will actually meet
5 with our managers and show them the layouts and just like it
6 was for us with advance voting, we had an idea on Saturday how
7 they would be positioned. And when you put people in place and
8 your voters in place, you have to change it up.

9 Q Let's talk about the advance voting location. How --
10 you've only got one, correct, right now?

11 A Yes.

12 Q You open up some others on Monday?

13 A Yes.

14 Q And how many ballot-marking devices did you intend to
15 put in at that advance location?

16 A I intended to put 10.

17 Q And is that why you bought the 5 booths?

18 A Yes.

19 Q And what was -- how long did you all -- before you
20 actually put on hands on it and began putting stuff up, how
21 long did y'all spend thinking about it?

22 A Gosh. We've been thinking about this since January,
23 from the point of one ballot-marking device being placed in our
24 office to make some determination of how much space will be
25 used for it, and then shortly after that, we received the

1 booths from Inclusion Solutions and was [sic] able to put that
2 ballot-marking device in side of that booth. And so we've been
3 playing around being very creative with the space that we have
4 trying to determine how they will fit and what's the best
5 solution for privacy.

6 Q And so you've been thinking about the advance voting
7 location for weeks, essentially?

8 A Yes, sir.

9 Q And when you all actually went and set it up, was it
10 that Friday before?

11 A Yes.

12 Q How long did y'all spend trying to get set up?

13 A So when I left the office on Friday, the equipment
14 was already positioned in our office, and there was a group
15 that stayed about 3 or 4 hours after 5 o'clock positioning our
16 units. And then on Saturday, some of our workers were there
17 bringing in resources from their -- we have an event planner in
18 our office, so backdrops. They spent probably about 8 hours
19 trying to provide privacy.

20 Q So 5 hours on Friday and 8 hours on Saturday?

21 A Probably about 6 hours on Saturday.

22 Q And how many BMDS did you all wind up being able to
23 get in that location?

24 A 8.

25 Q If you'll turn to ACC BOER 092, which is Exhibit 16.

1 I think it's already in the record, but you can take a look at
2 it there. I'm not going to tender it again. Is that a
3 photograph?

4 (Respondent's Exhibit 16 identified.)

5 A Yes, it is.

6 Q Was that taken -- do you know when that photograph
7 was taken?

8 A It was taken Monday morning, and I'm not sure what
9 time, but I thought it would be a good idea to have it.

10 Q Right. Turn, if you would, to Defendant's Exhibit
11 38, which is ACC BOER 0377. The Board has probably figured
12 this out, but we've marked the individual exhibits, but they're
13 in Bates number order, even though that's not necessarily the
14 logical order. Can you identify this document for me?

15 (Respondent's Exhibit 38 identified.)

16 A Yes. This is a polling station inspection report
17 provided by the Secretary of State's Office, and it was used to
18 survey our locations.

19 Q Is it still in use now? Is this the same setup list
20 you use now?

21 A I believe it is.

22 Q Would you blow up on the monitor, I guess, the last
23 three rows? Would you read the next-to-last block for us?

24 A In precincts in which optical-scan voting systems
25 were used, what's the --

1 Q No. I'm sorry. I misdirected you. In the next-to-
2 last block which starts were the voting compartments.

3 A Were the voting compartments, voting machine, or DRE
4 units arranged in the voting room in a manner to allow
5 monitoring by poll officials and to permit the public to
6 observe the voting without affecting the privacy of the
7 electors while voting in the...

8 Q Is there -- would you train your poll workers to
9 follow this checklist even though it still references the DREs?

10 A Actually, who conducts this survey are my area
11 managers, and they do this every year, but this right here is -
12 - looks like an inspection that's done once our voting it set
13 up.

14 Q And who will do that inspection?

15 A So normally, the Secretary of State's Office, when
16 they send someone out, but my area managers, they also conduct
17 the same survey on Election Day on their visits to the polling
18 locations.

19 MR. MITCHELL: I would tender Defendant's Exhibit
20 Number 38.

21 MS. MCGOWAN: What's that docume -- we have no
22 objection to them.

23 (Respondent's Exhibit 38 admitted.)

24 MR. MITCHELL: And the next thing I want to do is get
25 some exhibits entered. Can we just stipulate them, or do

1 I need to go through one by one? It's 54-70 in our book.

2 (Respondent's Exhibits 54-70 identified.)

3 MS. MCGOWAN: If they're the agendas that were
4 published, then I have no -- we can stipulate them.

5 MR. MASHBURN: What's the exhibit number? I'm sorry.

6 MR. MITCHELL: It's Exhibits 54-70, and what those
7 are are the agendas, and then I'll talk about --

8 MR. MASHBURN: That's exhibit numbers, not page
9 numbers, right?

10 MR. MITCHELL: Yeah, let me give you -- that's a fair
11 question. Let me give you the page numbers. It's ACC
12 BOER 0445 through 0470.

13 MR. MASHBURN: That's Exhibits 54 through 70?

14 MR. MITCHELL: Yes.

15 MR. MASHBURN: Thank you.

16 BY MR. MITCHELL:

17 Q Those documents, are those the agendas for the
18 meetings of January?

19 A Yes.

20 Q Okay. And for example, the -- if you'll take a look
21 at Exhibit Number 59, which is ACC BOER 0456, that's the
22 summary minutes, correct?

23 A That's correct.

24 Q All right. But at the top, it's got unapproved. Can
25 you tell us why it's stamped unapproved?

1 A So the following meeting, February 4th -- actually
2 since December, I believe, all of the minutes are -- January, I
3 believe. Since January 2020, all of our minutes haven't been
4 approved by the Board because the minutes were not provided the
5 day of the meetings.

6 Q So the clerks, they've given the summary minutes --
7 they've done the minutes that they're supposed to do under the
8 Open Meetings law. They just simply haven't been approved by
9 the Board. Is that a fair statement?

10 A Well, the clerks were the ones who were taking the
11 minutes before the Board elected officers. And when the Board
12 elected officers, it was under the understanding that the new
13 Secretary would begin with the minutes, and I just asked this
14 week if the Assistant Secretary who I appointed as our
15 administrative assistant, Lisa Perkins, I asked that she go
16 ahead and provide some type of outline of these meetings so we
17 would be in compliance with the open meetings act.

18 Q Okay. Now, if you'll take a look at Exhibits, well -
19 -

20 MR. MITCHELL: I tender 54-70.

21 MS. MCGOWAN: No objection.

22 (Respondent's Exhibits 54-70 admitted.)

23 BY MR. MITCHELL:

24 Q Okay. Take a look at Exhibit 71, if you would, ACC
25 BOER 0474 through 0506. We're going to talk about 72 also, but

1 right now I'm just talking about 71. Can you identify that
2 document for me?

3 (Respondent's Exhibit 71 identified.)

4 A I know one of these documents is one that I used at
5 the presentation to the Board prior to the hearings, and if my
6 memory serves me correctly, this one particular is the one I
7 introduced to the Board in the initial presentation of un-
8 merging the precincts.

9 Q That would have been in January or the first meeting
10 in February, correct?

11 A Yes.

12 Q Okay. And then the exhibit PowerPoint that's behind
13 me, tab 72, which is BOER 0507 through 0539, what is that?

14 (Respondent's Exhibit 72 identified.)

15 A This presentation was presented before the Board
16 during the hearings on February 19th and 25th, I believe, the
17 dates.

18 Q Did you prepare both of these documents?

19 A I did.

20 Q And they're maintained in your office?

21 A Yes.

22 MR. MITCHELL: I would tender 71 and 72. Tender 71
23 and 72?

24 MS. MCGOWAN: No objection.

25 (Respondent's Exhibit 71 and 72 admitted.)

1 BY MR. MITCHELL:

2 Q Were you here when Ms. Fourchette was testifying?

3 A I was.

4 Q Do you know -- do you happen to know what location
5 she was talking about?

6 A It sounded like our elections office.

7 Q Give me a minute. Let me just confirm that I've
8 gotten in all the exhibits that I need to introduce for this
9 witness.

10 MR. MASHBURN: Mr. Chairman, if I could --

11 MR. RAFFENSPERGER: Yes, sir.

12 MR. MASHBURN: Just to help with this, I've got you
13 not having in 36 and 16.

14 THE COURT REPORTER: So do I. Same.

15 MR. MITCHELL: All right. I will tender Exhibits 36
16 and 16.

17 MS. MCGOWAN: No objection.

18 (Respondent's Exhibits 36 and 16 admitted.)

19 MR. MASHBURN: I've got those as Athens 16 and 17. Is
20 that how you have them?

21 MR. MITCHELL: Yes.

22 THE COURT REPORTER: Everything else is in.

23 MR. MITCHELL: Thank you. Thank you, Ms. Sosebee.

24 MS. MCGOWAN: I have no questions. Thank you. At
25 this point, we have no further witnesses other than we do

1 have questions for Chairman Evans, but I understand that
2 the County intends to call him as a witness, so as long as
3 we have the opportunity to question that witness during
4 their case, then we have no further witnesses.

5 MR. RAFFENSPERGER: Okay. Call your first witness.

6 MR. MITCHELL: We call Lisa McGlaun.

7 THE COURT REPORTER: Do you swear or affirm the
8 testimony you are about to give will be the truth, the
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11 Whereupon,

12 LISA MCGLAUN

13 having been duly sworn, testified under oath as follows:

14 DIRECT EXAMINATION

15 BY MR. MITCHELL:

16 Q Good afternoon.

17 A Hi.

18 Q Tell the Board your name, please.

19 A Lisa McGlaun.

20 Q All right. And would you tell them what your role
21 with the Board of Election and Registration is?

22 A I'm the Elections Assistant, working under Director
23 Sosebee.

24 Q And how long have you worked for the Board of
25 Elections?

1 A I took the first position with the Board of Elections
2 as an assistant poll worker -- I'm sorry, assistant poll
3 manager at our advance voting location in April of 2018.

4 Q So you started out as a volunteer, how long have you
5 been on staff?

6 A Well, poll workers are actually paid.

7 Q Okay.

8 A So shortly after that, I started going in because
9 they asked me to go into the office to work as a clerk, so it
10 was only after I'd worked advance voting one time, so in May-
11 June timeframe, I started coming into the office.

12 Q And that's May of '18?

13 A Yes.

14 Q And tell us, if you would, what kind of training
15 you've had with regard to elections?

16 A Since that time, I've enjoyed the career so much I
17 just took advantage of every opportunity I could to learn. I
18 finished the GROC certification. I finished the GEOC
19 certification. I've attended two conferences, which would be
20 24 hours of state training, I believe, that would be the way it
21 was stated. At our last conference, I had the opportunity to
22 present, so I feel like I've done everything I could in the
23 short amount of time that I've had to learn to learn as much as
24 I possibly could.

25 Q And kind of moving to what we're talking about today,

1 when did you become aware or start to work with or familiarize
2 yourself with the Dominion system that Georgia is moving to?

3 A Okay. So at our first conference that I went to in
4 Jekyll Island, which was back last May of '19, I saw the system
5 then, but, sort of what Charlotte said, at that time, Georgia
6 was -- I think, ES&S was the vendor for Georgia at that time.
7 So we were paying more attention to that one assuming that that
8 might possibly be the way that Georgia would go when they
9 bought equipment. So like Charlotte, I didn't spend as much
10 time with Dominion, but I did see the machines at that time. I
11 began to pay attention to them more in September when I
12 received the first photo of what it would look like.

13 Q And what about demonstrations? Did you handle that?

14 A I did.

15 Q If you would take the notebook that's in front of you
16 and would take a look at Exhibit 14, which is ACC BOER 0086 and
17 0087.

18 (Respondent's Exhibit 14 identified.)

19 A Okay.

20 Q Can you identify those photos for me?

21 A So Exhibit 14 is a demonstration that we did at
22 Athens Career Academy, which is a high school here in town. We
23 took the voting machines out and demonstrated them there,
24 presenting them to the students who would be moving up and
25 possibly voting on these things very soon. And what was the

1 other one you wanted?

2 Q The one right behind it.

3 A That is also at Career Academy.

4 Q Are you in these photographs?

5 A I am.

6 Q Do they accurately depict the area where you are
7 doing the demonstration that day?

8 A They do.

9 MR. MITCHELL: I would tender Defendant's Exhibit 14.

10 MS. MCGOWAN: No objection.

11 (Respondent's Exhibit 14 admitted.)

12 BY MR. MITCHELL:

13 Q Take a look, if you would, at Exhibit Number 1 in the
14 notebook. What were -- when you learned that the State was
15 moving to the Dominion product, what were -- what did you do in
16 preparation to begin to get ready for the switch?

17 (Respondent's Exhibit 1A identified.)

18 A Well, first, we went to training, and I learned as
19 much about them as I possibly could. Then, we began to talk
20 about how the previous equipment was going to be cleared out of
21 the warehouse, how we were going to stage the new equipment in
22 the warehouse when we received it. We began talking about how
23 this was all going to work in our polling locations and what
24 changes we would have to make, how we would train our poll
25 workers on these. I needed -- I and the other people who went

1 to training on our staff needed to be as well-versed as we
2 could in order to pass on that information to the poll workers.

3 Q What were -- what were some of the things that you
4 needed to work with in your polling locations?

5 A Well, I discovered more clearly at our conference --
6 I mean, this email is a little bit before our conference, but
7 when we went to the conference in December, I discovered very
8 clearly that electrical issues were going to be a challenge for
9 me personally because I don't know anything about electricity
10 except what I learned in high school, so to map out a circuit
11 was not something that I was familiar with. So I knew that we
12 were going to depend on this electrical survey contractor to at
13 least give us the guidelines that we would follow in order to
14 correct any problems that we had.

15 Q Let's take a look at Defendant's Exhibit Number 1.
16 What is Defendant's Exhibit Number 1?

17 A You're asking me what is it?

18 Q Yes.

19 A It's an email that I sent to, I believe, Scott
20 Tucker, who at the time and still is one of the representatives
21 for Dominion that we talk to. And I guess at that time I
22 thought that -- maybe I was still learning who all of our
23 contacts were. I thought maybe at that time he might know
24 something about our electrical surveys and when they would be
25 coming out.

1 Q Could you move down and highlight the middle of that
2 email? When you wrote -- when you emailed him on the 13th,
3 what were you -- you mentioned the electricity. When you said,
4 I thought it was everything, what did you mean by that?

5 A That's actually not in front of me, and I'm having
6 trouble reading it somewhere.

7 Q Can you see it?

8 A Not really.

9 Q All right. Let me --

10 A Oh, thank you. Did I just turn to the wrong page?
11 Yes, and I mean, they did inspect -- Okay. So in all fairness
12 to Scott, it was not under Scott's purview. He was trying to
13 give me some additional information to lead me in the right
14 direction, so he was actually trying to solicit information
15 from me about what was it I was actually asking about. So my
16 comment back to him was I thought that -- when I said I thought
17 it was everything actually I was referring to everything
18 including ADA compliance. I just thought he was going to come
19 out and maybe possibly help us with the arrangement of polling
20 locations. I really didn't know what he was going to do. He
21 or she.

22 Q So you'd begun to think about the polling location
23 arrangement, but you weren't aware of who was actually going to
24 assist you with that?

25 A No. And I knew that this was more for electrical. I

1 just didn't know what all he would be charged with doing.

2 Q All right. Take a look, if you would, what -- over
3 the course of -- tell us what you did with regard to that
4 issue, the electrical issue.

5 A Well, like I said, not knowing much about how this
6 was all going to work with dealing with electricity and the
7 equipment and what the capa -- what it would really require, I
8 waited for him to come out. And then I planned -- he was with
9 us for a week, going to each location with me, and Lanie went
10 to some of them. I went to some of them. I wasn't able to go
11 to all of them because of other obligations that I had. We did
12 split up the duties, and between the two of us, we were with
13 him at every location.

14 Q Did they have to upgrade the electrical system in a
15 number of the locations?

16 A Yes.

17 Q Both the government's locations and some of the
18 schools?

19 A Yes.

20 Q Okay. Who paid to do this work in schools?

21 A I don't have that knowledge.

22 Q All right. Now, the -- do the -- what was the reason
23 that had to be done? And it may be self-evident, but why --
24 why did you have to have upgrades?

25 A After learning more, just gleaning information from

1 the surveyor that came out and reading information that was
2 provided to us from Melanie Fourchette and through Chris Harvey
3 and the Secretary of State, learning more about how the UPS
4 units, the battery backups worked, and what their requirements
5 were going to be and listening to what he was saying because he
6 was not supposed to advise us about what to do. He was just
7 there to do the surveys. I also learned that, so I began to
8 listen to him very closely to what he was saying and what he
9 was doing. And it was an issue that there were not enough
10 circuits in the buildings to support the amount of machines
11 that were supposed to be put into the polling locations.

12 Q The new circuit, the new outlets are added, correct?

13 A Yes.

14 Q Did they -- did you have the machines -- was that
15 done after February when the machines were delivered or was it
16 done before that?

17 A This was before. This was about a week before
18 Christmas.

19 Q And did the layouts that we've seen -- have you seen
20 the layouts from Ms. Lessard?

21 A Yes. Lanie and I have gone over them.

22 Q I'm sorry. What did you say?

23 A Lanie and I have gone over them.

24 Q Okay. Did you have those scale drawings before you
25 did the electrical or before they did the electrical work?

1 A No.

2 Q And did you have any input into where they were
3 putting the outlets or anything like that?

4 A I told them what our requirements were, and I knew
5 that I was working within what their electricians, the school
6 district electricians and the county electricians, felt like
7 they could do within the space. But they were all very
8 gracious and did exactly what we asked. They added -- I told
9 them that we needed at least two outlets on a circuit in order
10 to make this feasible because a lot of our locations, the
11 problem was they had a lot of outlets, but not enough circuits.
12 There were maybe five outlets on one circuit, and that's
13 useless to me when I can only plug in a certain amount of UPS's
14 into the circuit. So I asked them to reduce it -- reduce the
15 amount of outlets on the circuit and when it needed something
16 different like more outlets and more circuitry, to add that,
17 and they did.

18 Q Have you been out to the sites where circuits and
19 outlets were added --

20 A Yes.

21 Q -- once it was done. Have you discovered that there
22 are still going to be some sites that are challenges given the
23 numbers of cords and what-have-you?

24 A I'm sorry. Say that again?

25 Q Have you discovered that some of the sites are still

1 going to be challenging because of the number of cords and the
2 number of units?

3 A Well, I still have some concerns, yes, but I feel
4 like it's something that we can do. It just takes trying.

5 Q Have you -- have you looked at -- you said you've
6 gone over with Ms. Lessard the most recent set of those scale
7 drawings?

8 A Yes, in the time span that we had, which, you know,
9 is not -- yes. We looked at them -- the longest amount of time
10 together was yesterday or the day before, before we left work.

11 Q Can you identify whether you were going to be able to
12 plug everything up that you're going to need to plug up or are
13 you going to have to move some stuff around?

14 A I believe we'll be able to plug everything in.

15 Q Are you going to have to move anything around to do
16 that?

17 A Well, her drawings are not final. And so I assume
18 that when we get there and actually put things into the space
19 and see how it actually looks and the flow of voters that there
20 will be changes that will have to be made.

21 Q Now, the -- take a look at Exhibit Number 7. Can you
22 identify this document for me?

23 (Respondent's Exhibit 7 identified.)

24 A It's an email between -- that I sent to, I believe
25 she's the administrative assistant for our facilities

1 management department.

2 Q And does this kind of help us tie down when you were
3 going to get the equipment?

4 A Yes.

5 Q All right. When was that?

6 A The 2nd. We actually received it on February 3rd.

7 Q Did you receive it in waves the way we heard about
8 earlier?

9 A Yes. We did.

10 Q Take a look at Exhibit 33 if you would. That's ACC
11 BOER 0170.

12 (Respondent's Exhibit 33 identified.)

13 A Okay.

14 Q Can you iden -- it's a six-page document. Can you
15 identify these for me?

16 A This is the -- I don't know if you would call it a
17 Bill of Lading, but it's what the truck driver had with him,
18 the packing slip of what was on the truck when we received our
19 first delivery. This is not the DRE -- I'm sorry, the BMDs.
20 This is when we received our EMS system and the ballot on-
21 demand printer and the ICC.

22 Q Is there a document among these receipts or these
23 Bill of Ladings that tell us when we got the BMDs?

24 A The one on February 3rd, which would be the next one
25 0171.

1 Q Was this the day you took delivery of all of them
2 except the demo model?

3 A No. This was the majority of the equipment. We
4 still had not received at that time -- at that time, we
5 received one ATI unit. We received the other 33. They came at
6 a later time.

7 Q And what did you do with the equipment when you got
8 it?

9 A Took a deep breath, gathered everyone together, and
10 tried to figure out how to get it all off the pallets and into
11 our warehouse, and we had that done within a day.

12 Q You didn't take them out to any of the polling
13 locations and play with them at that time?

14 A No. I mean, this was the beginning of February. We
15 didn't have time for that.

16 Q And that -- would that have even been proper to do?

17 A No. It would not.

18 MR. MITCHELL: I tender Defendant's Exhibit 33.

19 MS. MCGOWAN: No objection.

20 (Respondent's Exhibit 33 admitted.)

21 MR. MITCHELL: I would tender Defendant's Number
22 Exhibit 1 as well.

23 MS. MCGOWAN: No objection.

24 (Respondent's Exhibit 1A admitted.)

25 MR. MITCHELL: And I would tender Exhibit Number 7.

1 MS. MCGOWAN: Which one was that?

2 MR. MITCHELL: That was the email that they had taken

3 --

4 MS. MCGOWAN: No objection.

5 (Respondent's Exhibit 7 admitted.)

6 BY MR. MITCHELL:

7 Q All right. Go back to -- or turn over to Exhibit 13,
8 which is ACC BOER 0082 through 0085. I think one of these
9 pages is in, but I would present them as a bulk exhibit. Whose
10 handwriting is this?

11 (Respondent's Exhibit 13 is identified, in its
12 entirety.)

13 A That is mine.

14 Q And can you identify these handwritten notes for us?

15 A These are notes that I took -- whenever I'm on a
16 conference call or listening or watching a webinar, I always
17 take handwritten notes. It's just part of my background, the
18 way I learn. So these are my handwritten notes from a
19 conference call that was on Feb -- January 10th.

20 Q Do you know -- the comment that you recorded, do you
21 know who made that comment?

22 A I really can't say, because at this point in the
23 call, it may have been that they were taking questions and
24 answering the questions on the fly and sometimes that would
25 have been whoever was on the conference call that was

1 appropriate to answer that question. So when I wrote out on
2 the side -- when I -- just in all transparency, I wrote the
3 note of when the conference call was and that Mr. Harvey, who
4 is usually the one who runs the conference calls, that's why I
5 noted it out to the side, so when I submitted this, you would
6 know what it was.

7 Q The comment "Do not buy yet. Hold off. State
8 looking into providing" was that -- was that a comment made by
9 whoever was on the phone from the Secretary of State's Office?

10 A Reading that comment, that was -- the blackout
11 screens was the discussion that had been going on in the office
12 among us, and it had been going, I know it had been going on
13 with other counties around the State. So it was mentioned on
14 the call, the blackout screens were mentioned on the call. And
15 then the rest of it is basically my note to self and what to
16 tell Charlotte, not that that was -- not that it was the
17 State's intention to buy them for us. It was we shouldn't buy
18 them yet. They're looking into the possibility of providing
19 them.

20 Q Is that something the staff had considered doing?

21 A We had considered all kinds of things. And that was
22 -- seemed to be one of the easiest options.

23 Q All right. Turn over to the next page, ACC BOER
24 0083.

25 A Okay.

1 Q Again, your notes? Is this your handwriting too?

2 A It is.

3 Q And this is actually going back in time a little bit,
4 isn't it?

5 A Yes.

6 Q What's the date of this call?

7 A October 17th, 2019.

8 Q And again, was it -- was Mr. Harvey on the call?

9 A It's my recollection that he's been on every call
10 that I've been on.

11 Q And the note that we have here: interest in BMDs,
12 people getting into close space to observe, allowed but privacy
13 must regulate access enclosed space, clear barriers are going
14 to be very important, was that your note or was that a comment
15 made by the Secretary of State's representative?

16 A From reading the way that's phrased, it would have
17 been something that was being said on the call and I was
18 paraphrasing so I could remember.

19 Q Was it coming from the Secretary of State's
20 representative or was it coming from one of your colleagues?

21 A Oh, no. It would have been said on the call.

22 Q So when you were making notes, you were either
23 writing down what the Secretary of State's representative was
24 saying or you were writing, kind of, your --

25 A Notes to self.

1 Q -- notes to self. And when you say that it had been
2 a concern and discussed, does that mean among your other
3 colleagues --

4 A Yes.

5 Q -- around the state?

6 A Mmm-hmm.

7 Q Do you know whether this call was one of those North-
8 South regional conference calls at this time or was this a
9 statewide one?

10 A I put in the note to you that it was a webinar, so to
11 me that would have been not one -- this would have been before
12 we started the Friday calls, so it would have been a webinar
13 that would have been a regional program.

14 Q And that would have been basically everybody --

15 A Within our region, right.

16 Q What is your region?

17 A I knew you were going to ask me that. That's a
18 question for Charlotte. I'm sorry.

19 Q Okay. I was just wondering. All right. If you'll
20 turn over to the next one, 0084, can you identify this one for
21 me? Again, your handwriting, correct?

22 A Yes.

23 Q Okay. What is -- what is this one a note of?

24 A This was the February 13th webinar with Mr. Harvey
25 and that was actually written at the time of the call because

1 this is the beginning of the page. This was the one where he
2 presented the layout drawings of what would be a good, you
3 know, effective layout and what might not be.

4 Q And so when this webinar was going on, you all had
5 those drawings in front of you?

6 A They were presented at that time. That was the first
7 time I had seen them.

8 Q And the comment there: it's okay to face BMDs to the
9 wall, err on the side of privacy, be creative, make them
10 private, was that again a comment made by the Secretary of
11 State's Office or was that a note to self?

12 A That would have been paraphrasing what was said on
13 the call.

14 Q And again, when you say said on the call --

15 A It would have been the speaker on the call who was
16 instructing us and giving us -- imparting information to us.
17 It would have been their words that I'm paraphrasing.

18 Q If you'll take a look at the last page, 0085, again,
19 your handwriting?

20 A Yes, sir.

21 Q Okay. Can you tell us what this was?

22 A It was the same -- obviously, the topic came up again
23 and the advice was again, turn them to the wall, heavy tape to
24 secure the cords, be creative. And then my note to self: find
25 cord solutions for early voting.

1 Q So there's going to be -- in some of those locations,
2 are you going to be able to move those tables away from the
3 walls and still have enough space?

4 A I think in the majority of them, yes. I mean, I do
5 have concerns, but like I said, until I get in there with the
6 tables, it's kind of the same thing that you found with our
7 early voting location. You can plan it all out in your mind,
8 scale drawings and everything else, and until you get in there
9 and actually work with it, there's always -- I mean, I'm a
10 perfectionist, so I want to know up front what I'm getting
11 into, but there's always that little bit that I worry about
12 until it's actually done. So that's what I'm talking about.
13 There's a little bit that I still -- I want to see it, and then
14 I can tell you 100%.

15 Q And we've talked about -- you heard me talk with Ms.
16 Sosebee about the six that are a particular concern, the small
17 locations. Do you concur that those are concerns especially
18 after you get the tables out?

19 A They are a concern with space. I mean, they're very
20 small.

21 Q And what type of -- does Athens-Clarke County own the
22 tables they're going to use?

23 A We own 30, I believe it's 30 tables that we have for
24 our own resources that we can send out. The rest of the tables
25 we're going to rent from a rental supply company here in town.

1 Q What size?

2 A Well, when I discussed renting the tables with them,
3 the amount that we needed, they told me they might not have
4 enough 6-foot tables available, so they were going to fill in
5 with 8-foot tables.

6 Q And when you say 6-foot table, is it a 6-foot table
7 like this, which is about 6 by 18 inches or is it the larger 6-
8 foot tables like what I call church dinner tables?

9 A No. It's just -- well, it's not the narrow -- I
10 would consider those a narrow table, so I guess you would call
11 it a 6-foot banquet table.

12 Q And if you don't have enough sixes, what are you
13 going to use?

14 A The eights.

15 Q And how many booths are you going to put on the
16 eights?

17 A Three.

18 Q How many on the sixes?

19 A Two.

20 Q Let's go back a minute. Take a look at Exhibit
21 Number 20, which is ACC BOER 0140 through 0142.

22 (Respondent's Exhibit 20 identified.)

23 A Okay.

24 Q Can you identify Exhibit Number 20 for me?

25 A This is an email that I sent to Mr. Dexter Fisher,

1 who is, I believe, the Chief of Operations. I don't know his
2 official title, but he is my contact at Clarke County School
3 District. That's where I start when I need anything down in
4 school locations.

5 Q And the spreadsheet attached to the email, did you
6 prepare that spreadsheet?

7 A I did.

8 Q And what -- what is that?

9 A It was a way for --

10 Q What does it tell us?

11 A Okay. It tells -- it was telling Mr. Fisher the
12 locations -- well, basically, it was going to tell him the
13 locations I wanted him to have an electrician to look at. And
14 I was telling him what was existing at the time in those
15 locations, so I was telling him that at Whit Davis School, we
16 use the gymnasium. There are 4 usable outlets in that space.
17 There's two existing circuits.

18 Q The -- with regard to -- this is January 23rd. Had
19 they completed this work?

20 A Yes.

21 Q And the Clarke Central Gym -- Clarke Central High
22 School, what is the -- what is the polling location at Clarke
23 Central? It's not the actual gym, is it?

24 A No. It's in the front lobby of the gym.

25 Q Okay. And that's one of the areas, one of the six

1 that's potentially a problem?

2 A Right.

3 Q That's a small area?

4 A It's really not that it's so small. It's actually
5 larger than a couple of our locations. It's just a very odd
6 layout. There's only -- one of the walls is not really a wall.
7 It's a trophy case, so there aren't really any outlets on there
8 except that we did discover two outlets on the back side of
9 that trophy case that are usable. So it's just a very odd
10 space to configure things in.

11 Q Okay.

12 A It's not a nice rectangle -- rectangular room.

13 MR. MITCHELL: I would tender Exhibit Number 20.

14 MR. GERMANY: No objection.

15 (Respondent's Exhibit 20 admitted.)

16 MR. MITCHELL: And I would also tender Exhibit 13.

17 MR. GERMANY: No objection.

18 (Respondent's Exhibit 13 admitted, in its entirety.)

19 BY MR. MITCHELL:

20 A Oh, and I apologize. There was also a notes section
21 that I didn't see.

22 Q Did you prepare those notes as well?

23 A Yes.

24 Q Okay. How did you determine the number of voting
25 machines that you would have to plug in at each polling place?

1 A I did not make that determination. Director Sosebee
2 made that determination.

3 Q Okay. Did she talk with you about it?

4 A Well, I knew it was based on her calculations and it
5 was based on the State's law of one for every 250 voters.

6 Q Okay. So that's how the determination was made, not
7 necessarily how many you could get into an electrical --

8 A No, because we knew we had to follow the state law.

9 Q Similar document for the county billings, if you'll
10 take a look at Exhibit 32, which is ACC BOER 0169. What is
11 that document?

12 (Respondent's Exhibit 32 identified.)

13 A Do you mean -- I'm sorry, 32?

14 Q 32.

15 A Okay. Let me try the book. This is the spreadsheet
16 that I developed for the Athens-Clarke County electrician that
17 was going to go out to the county buildings.

18 Q You created this document?

19 A Yes.

20 Q And the -- this spreadsheet and the one you did for
21 the schools, what was the basis of the information you put in
22 these spreadsheets?

23 A We had not received our electrical surveys back yet,
24 so it was the information from my notes that I gleaned from
25 going around with the surveyor. I took notes of the,

1 basically, the information that he was taking note of.

2 Q And after you got the notes back from the inspector,
3 did you compare them?

4 A I looked at them. I can't say that I compared them
5 completely because I knew that when I went out, I was taking
6 notes of everything that he took notes of. When I looked at
7 the documents, I didn't really see any additional information
8 in them that I didn't already have.

9 Q Was Ms. Sosebee's characterization of the challenge
10 of setting up advance voting at the office accurate?

11 A Yes.

12 Q Were you there for the full 15 hours or whatever it
13 was?

14 A I was there on Friday afternoon. I believe we were
15 there until about 8 o'clock, and then we came back on Saturday.
16 I had -- I believe I left -- I had to leave before some of the
17 other, some of my other coworkers left, but I know I was there
18 for probably three hours or more, and then they were there an
19 additional time.

20 Q Did you go there on Monday morning --

21 A Yes.

22 Q -- when advance voting starting? Was the location
23 set up on Monday morning when you all started like it was on
24 Saturday afternoon?

25 A Yes.

1 Q With all the work that you did, what were you -- what
2 were you trying to accomplish by reducing the number of devices
3 and hanging the curtains and all that kind of thing?

4 A We were trying to accomplish so that the voter would
5 feel secure that no one was looking over their shoulder, that
6 we were giving them the best possibility ballot security that
7 we could within the small space that we have.

8 MR. MITCHELL: That's all that I have.

9 MR. MASHBURN: Do you want to put in 32 before you
10 step away?

11 MR. MITCHELL: Oh, I tender Exhibit 32.

12 MR. GERMANY: No objection.

13 (Respondent's Exhibit 32 admitted.)

14 MR. GERMANY: No questions. Thank you.

15 MR. RAFFENSPERGER: Next witness.

16 MR. MITCHELL: We call Lanie Lessard.

17 MR. RAFFENSPERGER: For scheduling time purposes, how
18 many more witnesses do you expect today?

19 MR. SELLS: Three, after Lessard.

20 MR. RAFFENSPERGER: Okay. Thank you.

21 THE COURT REPORTER: Do you swear or affirm the
22 testimony you are about to give is the truth, the whole
23 truth, and nothing but the truth?

24 THE WITNESS: I do.

25 Whereupon,

1 A I think they are. At that time, I wasn't concerned
2 with all the other locations. I was just concerned with mine.

3 Q Okay. And over the last three to four months, have
4 you had the opportunity to be in all the locations?

5 A Yes, I have.

6 Q And in all the advance voting locations?

7 A Yes.

8 Q And what was your purpose in being at all those
9 locations?

10 A While it was different things. So one case I was
11 actually helping to do a demonstration and then I was going
12 over with the state inspector to show him the sites, to help
13 him identify, you know, where we were going to be voting and
14 what the electrical systems were in each location.

15 Q And what is your role with regard to setting up the
16 polling locations?

17 A Well, now, it has become to try to help make sure the
18 machines are attached to the right receptacles and not, you
19 know, have any issues with overloading the system.

20 Q And what else do you do with regard to locating the
21 machines and laying out the precincts?

22 A Well, what I've started doing is working on the
23 actual CAD drawings of the layouts based on sketches that I had
24 made on going out with the inspector from the State and with
25 the county electrician and with the school electrician.

1 Q Had you done the scale drawings like we've seen today
2 prior to this year? Had you done them for previous elections?

3 A I did it for my precinct, but I didn't do it for
4 others.

5 Q So this is the -- is this the first time that they've
6 -- that you've done this for all the precincts in the --

7 A It's the first time I've done it. Yes.

8 Q Do you know whether it's been done before? Have you
9 seen scale drawings from others?

10 A It had been done when they first -- when we first
11 started using the old DRE machines and at that time, again, I
12 was working in my precinct. I sort of had blinders on.

13 Q Had you ever gotten anything from the Office of
14 Elections for your precinct or was that just what you had done?

15 A I had done them.

16 Q What is your background with regard to -- why do you
17 do that?

18 A I am an interior designer.

19 Q And you have access to a piece of software you can
20 use for doing this type of thing?

21 A Yes, sir.

22 Q Let's take a look at -- in the notebook in front of
23 you, take a look at Exhibit -- what's been previously admitted
24 as Exhibit Number 11. I'll take you to about a third of the
25 way through, starting at ACC BOER 0030. What's the date on

1 this email?

2 A March 9th.

3 Q And the from, Lanie Lessard, that's you.

4 A That's me.

5 Q All right. And the -- do you have these drawings in
6 this form prior to last weekend?

7 A I did in a very rough draft.

8 Q You had it in rough --

9 A I had the rough draft sketches that I had made.

10 Q Okay. When you say sketches, you're talking about
11 hand sketches?

12 A Yes, sir.

13 Q And the -- are these that we have before us in
14 Exhibit Number 11, are they final today?

15 A No, sir.

16 Q Have you made any changes to the scale drawings since
17 you provided these Monday morning?

18 A Only on paper with a pencil. I haven't finalized
19 them on the CAD program yet.

20 Q Okay. And with -- the notes that you made on the
21 paper, what was the basis on that? What have you been doing
22 the last couple of days?

23 A Well, again, I went back to the schools primarily
24 because I had not had a chance to see all of the schools yet
25 after the, you know, we had talked about doing the drawings, so

1 I just wanted to see them with my eyes and with my drawings.

2 Q Had you been back in the locations since the
3 electrical systems had been upgraded?

4 A Yes.

5 Q And is that -- let's walk through one of these since
6 there's not an actual formal legend so that everybody's
7 familiar when they're looking at this exactly what -- what
8 we're looking at. So turn over to ACC BOER 0031. Are you
9 looking at it?

10 A Yes.

11 Q All right. And although this is one of the smaller
12 sites, would you say that the symbols we have on here is
13 representative of what we're going to see on the other
14 drawings?

15 A Yes.

16 Q And we'll go through -- and if you -- once we go
17 through this one, we're going to turn over to the other ones
18 and if there's anything that we see on the others that's not on
19 this and we need to talk about it, you'll let me know.

20 A Sure.

21 Q All right. The way it's configured in the book --
22 well, can you give it a half clockwise turn? Okay. Along the
23 top, the very top line just outside the boundary, what is that,
24 that number? It's like 19.

25 A 19 feet, 4 inches. That's the dimension across the

1 interior of that space.

2 Q And then, and the way we'll do this is we'll just
3 come from there inside the building. What is the thing in the
4 middle at the very top? What is that, the square or the two
5 squares?

6 A That is a 6-foot table that represents 2 voting
7 booths.

8 Q And again, this, is it scale?

9 A Yes. They were done as to scale drawings, but
10 because of printing them large enough to see, they are not to
11 any particular scale as they are printed.

12 Q But we can get the -- we can get the idea from these
13 what it's going to look like if you had to move things around.

14 A Right. I mean, actually, some of them are so small
15 if I had done them at a scale to fit this paper, you wouldn't
16 be able to tell me.

17 Q The two red circles that are in the middle of that
18 box, what are those?

19 A Those represent the quad outlet that was installed by
20 the Winterville -- by the Winterville electrician.

21 Q On these drawings, are we going to be able to tell
22 which electrical outlets were installed just for this election
23 and which ones were existing?

24 A On this particular drawing, the single ones are
25 existing. The new ones are the double ones. The two that are

1 together representing the quads that were installed.

2 Q Is that going to be true on the other drawings as
3 well or do you know?

4 A No. I got a little more creative after that.

5 Q Okay.

6 A I changed to color coding, but it's still not
7 finalized.

8 Q What is the color coding just so we know?

9 A Well, I just wanted to make sure that each circuit
10 was a different color to make it easier to see because these
11 little numbers just weren't showing up.

12 Q If you go to the -- on this, if you go to the left,
13 there's a red circle and then what looks to be a yellow
14 triangle. What is that?

15 A It represents the receptacle number above and the
16 breaker number below.

17 Q Okay. Now, standing in front of the box, you've got
18 -- it's, like, an oval with wings. What does that represent?

19 A It's a head shot, over-the-head shot of a person's
20 body.

21 Q Are the persons in your program drawn to scale? Are
22 they scale as well?

23 A No. Well, nobody --

24 Q I understand what you're saying. Generally speaking
25 --

1 A Yes, sir.

2 Q -- in general scale that -- I get it. Now, in the
3 middle, what do the red arrows represent?

4 A Just sort of a traffic pattern. We try to have as
5 many precincts as possible where we have an in and an out flow,
6 using one entrance to go in and a difference entrance to come
7 out, and this is representative of that. In just about all the
8 drawings, I tried to kind of give an indication of the traffic
9 flow.

10 Q When -- and then the kind of wave, half S, serpentine
11 line, what is that?

12 A That is separating the enclosed space from a more
13 public space.

14 Q Would you go out to the whole document? So this, is
15 that going to be a hard barrier like a cubicle wall?

16 A It can be a rope with stanchions. It can be tape on
17 the floor. It can be a row of chairs. It's whatever the --
18 whatever we can use to provide a separation.

19 Q Okay. And then what is this table right here
20 (indicating)?

21 A Sorry.

22 Q You'll have to -- it's in the middle -- it's in the
23 middle room right in the midst of the ballot location.

24 A Okay. That is -- that's representative of a mag --
25 what I call a magnifier station. It's a ballot review station,

1 so someone might want to look at something through either
2 reader glasses or a magnifying sheet on top of their ballot.
3 The ballots are printed right next to it.

4 Q Have you put one of those in each one of the
5 locations?

6 A Yes, sir. I have.

7 Q Do those need to be in the enclosed space?

8 A Yes, sir.

9 Q And why is that?

10 A Well, they can't take that ballot outside of the
11 enclosed space.

12 Q Got it. This over here to the left about a third of
13 the way down this particular wall, what is that (indicating)?

14 A Each location has a manager's table and a provisional
15 table. I kind of like to keep those two together, and so some
16 of them are configured in straight lines and some are
17 configured in a T shape or an L shape.

18 Q And what are the dimensions of the table -- or the S
19 that you've put in here?

20 A They're all 6-foot tables.

21 Q Okay. So either the tables that Athens has or
22 they're renting, that's what's going to be used in the polling
23 places.

24 A A lot of the sites provide them for us as well, and
25 there's some that -- they're all 6-foot tables for the most

1 part.

2 Q And they're all the 6-foot banquet tables like Ms.
3 McGlaun --

4 A Well, some of them might be dining tables or they
5 might be conference tables, but they're 6-foot tables.

6 Q All right. Let's see. And then, this area right
7 here with the four locations or places, what are those
8 (indicating)?

9 A Those represent the poll pads, which is the new form
10 of checking in.

11 Q And is there a certain number required of those in
12 each location?

13 A I'm not sure of the details of the requirements, but
14 I'm thinking it's based on the number of voters.

15 Q Is that how you chose the number that you put in
16 here?

17 A That was not my purview. I didn't do that.

18 Q And then, the -- these two boxes down here. What do
19 those represent (indicating)?

20 A The larger box is the ballot box. That would be the
21 scanner, tabulator, and the bin underneath it which would catch
22 all the ballots. And then the last little smaller box
23 represents the sticker table, where someone would get that
24 beloved sticker.

25 Q The little peach sticker?

1 A Yes, sir.

2 Q Now, you've only -- in this particular drawing,
3 you've only got 4, as I count them, 4 people in the polling
4 location. On Election Day, there's not ever going to be a time
5 when there's only going to be 4 people in this space, is there?

6 A That depends on the time of day and how it's
7 controlled by the poll workers. There's enough room for there
8 to be 10 poll -- 10 voters.

9 Q How many poll workers -- did you ever work
10 Winterville?

11 A No, sir.

12 Q Do you know how many poll workers are going to be at
13 Winterville or how many have been assigned?

14 A 10 traditional poll workers.

15 Q Do most of them generally show up for work that day?

16 A Oh, yeah.

17 Q Does that include the manager?

18 A Yes, sir.

19 Q Right. If you would, just take a minute, and turn
20 the pages, the next 19 pages, and if you see something that is
21 different that we need to explain to the Board what the symbol
22 or the thing is --

23 A Well, first off, I would apologize that the drawings
24 are not very dark because this is a color document. It shows
25 up a lot better on my computer screen.

1 Q Sure.

2 A So it's really hard to tell where the exact
3 placements are. And what I was doing with these was to try to
4 show different turns and directions for each of these voting
5 booths. So the larger areas, like the one following the page
6 we just looked at, which was -- you're looking at now, 32, is a
7 large gymnasium, and there's a lot more flexibility in where we
8 can put the voting booths around the room and not so much
9 concern as far as whether you have something against the wall
10 or out from the wall. And you have, in larger areas, you'll
11 notice here we have 10 poll pads. So every one of them is just
12 very unique based on space.

13 Q Do you still have your book open to the Winterville
14 drawing? Hold your hand there and turn over to Exhibit 28 but
15 keep your -- keep that place right there.

16 A 28?

17 Q Exhibit 28, I'm sorry. The tabs on the side, go over
18 to 28.

19 A Okay.

20 Q You've seen this document before. It's a spreadsheet
21 --

22 A Yes, sir.

23 Q -- and for Winterville, it says that there's supposed
24 to be 10 ballot-marking devices in that location. Am I reading
25 that correctly?

1 A Yes, sir.

2 Q And how many do you have on the scale drawing that
3 you have over there?

4 A 10.

5 Q Where are they? I count 8.

6 A You see the wheelchair?

7 Q I do.

8 A That's 2.

9 Q Okay.

10 A Next to that, 2 more.

11 Q Right.

12 A Oh, you're right. There are only 8. Sorry. There
13 are 8 at this point, and that's why I put the word preliminary
14 on there.

15 Q So are there -- as we sit here today, are you aware
16 of any other locations where there needs to be additional
17 ballot...

18 A Yes.

19 Q Can you id -- can you tell us which ones those might
20 be?

21 A Well, particularly, Howard Strout, which is 2B.

22 Q 2B, which is ACC --

23 A Number 34?

24 Q -- BOER 0034, Precinct 2B, so that one's supposed to
25 have how many?

1 A 18.

2 Q And how many are located in there now?

3 A Let's see -- 2, 4, 6, 8, 10.

4 Q Any others like that that you can think of?

5 A No, sir. And I just found out 2 that we have -- I
6 didn't realize there were outlets on the floor which give us
7 another opportunity for putting them there.

8 Q Now, the -- with regard to -- you heard my
9 conversation with Ms. Sosebee about the 6 smaller locations,
10 which are Multi-Modal, the 3 fire stations, Clarke Central Gym,
11 and Winterville. I hadn't heard that Strout Elementary had a
12 size problem. Is that more of a where the outlets are arranged
13 problem?

14 A Strout actually has plenty of outlets and plenty of
15 circuits. It's the floor space.

16 Q So that's another location where there's some concern
17 about whether we're going to be able to get it --

18 A Well, this is an active school. They'll be in
19 session that day, and the gymnasium or the cafeteria are not
20 available.

21 Q Are -- for the setups that you've applied on these,
22 are these the same setups that were used when the DREs were in
23 use the last several years?

24 A No, sir.

25 Q This is different?

1 A Well, we used them around the walls without any
2 problem, and there was never any issue with electrical outlets,
3 so there was a less -- less of that kind of concern.

4 Q Take a look at Exhibit 15, if you would. Behind tab
5 15, it's ACC BOER 0088 through 0091. Can you identify those
6 photographs for us?

7 (Respondent's Exhibit 15 identified.)

8 A That is the Transit Center.

9 Q What we call Multi-Modal?

10 A Multi-Modal.

11 Q Are you in one of the photographs?

12 A Yes.

13 Q They accurately represent what was depicted?

14 A Yes.

15 Q Did you -- you didn't take them, obviously, but did
16 you take any of the ones you're not in?

17 A No.

18 Q I may have already asked you this. When do you plan
19 on finalizing the scale drawings?

20 A Between now and Wednesday, next Wednesday.

21 Q When you -- when you were -- they weren't done until
22 this past weekend. Did you focus on any in particular when you
23 were -- over the last several weeks as you were putting them
24 together?

25 A Not any more than the others. It just takes time

1 because we have to figure out where the locations are going to
2 be, especially in the smaller size.

3 MR. MITCHELL: Okay. Thank you, Ms. Lessard.

4 MR. GERMANY: No questions.

5 MR. RAFFENSPERGER: Okay. Next witness?

6 MR. SELLS: The Respondents call Ms. Laura Camacho.

7 THE COURT REPORTER: Do you swear or affirm the
8 testimony you are about to give will be the truth, the
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11 Whereupon,

12 LAURA CAMACHO

13 having been duly sworn, testified under oath as follows:

14 DIRECT EXAMINATION

15 BY MR. SELLS

16 Q Good afternoon, Ms. Camacho. Would you please state
17 your name for the record?

18 A Yes, good afternoon. My name is Laura Camacho.

19 Q And thank you for being here. Would you tell the
20 Board in what County you live?

21 A Clarke County.

22 Q And are you registered to vote?

23 A Yes, I am.

24 Q And have you voted in the presidential preference
25 primary?

1 A Yes. I did the early voting.

2 Q And on what day did you do the early voting?

3 A That was the first day. I think it was a Monday,
4 March 2nd.

5 Q And did you cast your vote on one of the ballot-
6 marking devices?

7 A Yes.

8 Q And did you have concerns as you voted or after you
9 voted with regard to your privacy of your ballot or the ability
10 of someone to see who you're casting a ballot for?

11 A Yes. I was a little surprised that I didn't see
12 enough privacy barriers around the machines. Like it seemed
13 like they should have had a barrier, like a soft one, like a
14 curtain, but the curtain on the further side of the machine I
15 was using, it was like a foot lower than the machine instead of
16 being hanging on the side. There was some separation, but it
17 was minimal, and it didn't feel like a super private situation,
18 like, there were not a lot of people there, but if there had
19 been, it could have been a problem.

20 Q Now, did the voting booth where you cast your ballot
21 have a blue plastic screen on the side of it?

22 A Yeah. There was some kind of plastic barrier coming
23 out, but it didn't feel very big. It was, I don't know, 10
24 inches, 7. It was fairly small.

25 Q And you feel like that wasn't enough to protect the

1 secrecy of your ballot?

2 A If I'm -- if I'm not trying to look, it's not like I
3 could see everything on the other screen, but I felt like if
4 maybe if I took a step or two back, I was able to see the other
5 machine and vice versa somebody voting on the other machine, it
6 would not be that difficult.

7 Q Now, in the machine that you voted at, if there were
8 someone next to you, would they have to walk past your machine?

9 A Yes.

10 Q Okay.

11 A Definitely.

12 Q And would that add to your concerns about privacy?

13 A Yes. That was very noticeable, yes.

14 Q So if someone had walked behind you to get to the
15 machine next to yours, they would have been able to see the
16 face of your ballot, correct?

17 A Probably, that was my first thought. That this is
18 going to be a problem.

19 MR. SELLS: Okay. I don't have any more questions.

20 MR. GERMANY: Just a couple of questions.

21 CROSS-EXAMINATION

22 BY MR. GERMANY:

23 Q Ms. Camacho, thank you for being here. Was there
24 someone next to you when you voted?

25 A Not at the moment. The only person that was sitting

1 next to a machine was one of the workers, and she was sitting
2 next to it, but she was in a lower position.

3 Q Did anyone walk behind you while you were voting?

4 A I'm not sure. I don't think they did. I was a
5 little unsure, but I don't think it happened.

6 Q Gotcha. So you were concerned something may have --
7 could happen, but you're not concerned that your actual
8 privacy, your ballot, was compromised.

9 A I'm not sure. I got help from the workers, because
10 you get even -- you're given this paper scan and they help
11 [sic] me take it to the machine. And I was, like, flipping it
12 over to make sure they weren't seeing, so it didn't feel -- I
13 didn't feel threatened. I don't think they cared who I was
14 voting for, but it felt like if somebody wanted to see what I
15 was doing, they could have. I don't know if anybody did.

16 MR. GERMANY: Thank you.

17 MR. SELLS: No further questions for Ms. Camacho.

18 MR. RAFFENSPERGER: Okay. Thank you, ma'am.

19 THE WITNESS: You're welcome.

20 MR. RAFFENSPERGER: Next witness?

21 MR. SELLS: The Respondents call Annemarie Zimeri.

22 THE COURT REPORTER: Do you swear or affirm that the
23 testimony you are about to give will be the truth, the
24 whole truth, and nothing but the truth?

25 THE WITNESS: I do.

1 Whereupon,

2 ANNEMARIE ZIMERI

3 having been duly sworn, testified under oath as follows:

4 DIRECT EXAMINATION

5 BY MR. SELLS:

6 Q Good afternoon, Ms. Zimeri.

7 A Good afternoon.

8 Q Thank you for being here. Would you state and spell
9 your last name? State your name and spell your last name for
10 the record.

11 A Yes. Annemarie Zimeri, Z as in zebra, I, M as in
12 Mary, e-r-i.

13 Q And in what County do you live?

14 A Athens-Clarke.

15 Q Are you a registered voter?

16 A Yes.

17 Q And have you cast your vote in the presidential
18 preference primary?

19 A Yes.

20 Q When did you cast your ballot?

21 A Super Tuesday, the 24th.

22 Q That would have been last Tuesday?

23 A Yes.

24 Q Okay. And did you use the ballot-marking device at
25 the elections office?

1 A Yeah, the downtown Board of Elections.

2 Q And did you have concerns about the privacy of your
3 ballot or the secrecy of your ballot given the way that the
4 machines were set up?

5 A Yes. I wasn't as concerned about my ballot on that
6 date because there weren't voters filling all the booths, but
7 it was clear to me that I would have been able to see other
8 voters as I passed their booths. And the screens this year are
9 almost perpendicular, whereas in the past, they were kind of
10 laying down, and once you cast your vote, whomever you cast
11 your vote for comes up in large font, and it's -- it's very
12 clear to read from a distance. So if I were to walk to the
13 booth that I walked to past the other three booths that were
14 open, I would have easily been able to see it, and the poll
15 workers -- it's a very small space, so the poll workers
16 stationed there I'm sure could see what I was doing, and they
17 certainly could see the paper because I had trouble with
18 getting it to read in the scanner as well.

19 Q Did your booth have the blue plastic privacy screen
20 attached to it?

21 A No. I recall at the top there was some cloths
22 hanging down, and in the past, where there was the horizontal
23 voting machines, there were these plastic measures up, but they
24 weren't -- they were on the sides of the booth. They weren't
25 on the sides of the actual screen.

1 Q And so was it possible to see over those things on
2 the sides to look at another machine while you were standing to
3 vote?

4 A I didn't try. I think you would as the past witness
5 said have to back up a step. I think my concern is more while
6 you're standing there to wait, the Board of Elections
7 volunteers standing there and approaching your voting machine
8 being able to see what others are doing.

9 Q If someone were walking behind you?

10 A Yeah. Yes. Correct.

11 MR. SELLS: Thank you. Those are all the questions I
12 have.

13 MR. GERMANY: Just a couple of questions.

14 CROSS-EXAMINATION

15 BY MR. GERMANY:

16 Q Did anybody walk behind you while you were voting?

17 A No. As I said, I was -- there were very few people
18 in there when I went there.

19 MR. GERMANY: Okay. Thank you.

20 MR. SELLS: Our next witness is going to take a
21 while. Would the Board like a break at this point?

22 MR. RAFFENSPERGER: Yeah. We'll take a 10? 15? Be
23 back at 3:30.

24 MR. SELLS: Okay.

25 (Court in recess.)

1 (Court resumes.)

2 MR. RAFFENSPERGER: Okay. If we could -- everyone
3 take their seat and settle down, and we'll get going with
4 the next witness. So Counselor, call your next witness.

5 MR SELLS: The Respondents call Mr. Jesse Evans.

6 THE COURT REPORTER: Do you swear or affirm the
7 testimony you are about to give will be the truth, the
8 whole truth, and nothing but the truth?

9 THE WITNESS: Yes.

10 MR. RAFFENSPERGER: Okay. If everyone in the
11 audience could be quiet now, thank you.

12 Whereupon,

13 JESSE EVANS

14 having been duly sworn, testified under oath as follows:

15 DIRECT EXAMINATION

16 BY MR. SELLS:

17 Q Good afternoon, Mr. Evans.

18 A Good afternoon.

19 Q Would you state your name for the record?

20 A Jesse Evans.

21 Q And what is your relationship to the Athens-Clarke
22 County Board of Elections and Registration?

23 A I'm a Board member, and I'm the Chairman of the
24 Board.

25 Q And how long have you been a member of the Board?

1 A I'm in my fourth year.

2 Q And how long have you been Chair?

3 A I was selected by my peers on January 21st of this
4 year, and so since that day or the end of the meeting, so my
5 first meeting as Chair would have been on February 4th.

6 Q What is your educational background?

7 A I went to -- I got my undergraduate degree at the
8 University of Louisville. I majored in philosophy and
9 psychology, and I minored in political science, history, and
10 Latin American studies. I came here to UGA afterward and --
11 because I knew I wanted to teach, government civics actually,
12 and UGA was the top, like, the fourth ranked in the nation
13 program at the time for secondary education, so I came here,
14 went to UGA for my Master of Arts in teaching. I specialize in
15 political science, and I also got a reading endorsement while I
16 was doing that.

17 Q Okay. And so what do you do for a living then?

18 A I teach government civics at a high school here in
19 town, a Title 1 public high school. This is my seventh year
20 doing that.

21 Q And how long have you been a voter in Athens-Clarke
22 County?

23 A Well, I voted, you know, when I was in school here,
24 so that would be 2011, around there, so, you know, going on
25 around 9 years.

1 Q And as a voter in Athens-Clarke and as a member of
2 the Board of Elections, are you familiar with the polling
3 places used in elections here in Athens-Clarke?

4 A I am. I've voted in four different locations
5 throughout my time here, and those locations are still used,
6 you know, today. And as a Board member, I have visited polling
7 locations, you know, during elections to make sure everything
8 was going smoothly.

9 Q I want to begin by directing your attention to the
10 issue of un-merging polling places that was discussed a little
11 bit earlier by a number of witnesses. Do you recall that
12 testimony?

13 A I do.

14 Q Okay. What was the issue with polling places having
15 been merged and why was that problematic?

16 A IN November 2018, we had really long lines at these
17 locations. They had combined -- we had combined polling
18 locations -- precincts, two into one location, and, you know,
19 5,000, 6,000 voters instead of 2 or 3,000 in each, so there
20 were very, very long lines, and people, quite naturally were
21 upset, including myself. I was very upset about it. You know,
22 some people can't wait that long to go, and it's seen as a form
23 of voter suppression to have long, like, lengthy lines, and
24 that's not something I want us to be doing here in Clarke
25 County.

1 Q And so what did the Board do to try to address that
2 issue?

3 A Well, right after the election we acknowledged within
4 meetings and the staff -- we talked about how this was
5 unacceptable and that they should be un-merged. I spent the
6 next -- so since late 2018, early 2019, it's been a recurring
7 topic that I've raised, and I kept being told we'll get to that
8 later. We'll get to that later, like, you know, that's not the
9 priority right now. We're on this right now. We'll come to
10 that later. And so that sort of series of event happened all
11 the way up to end of 2019, and finally, we met to discuss this
12 January, once at, I think it was the January 21st special
13 meeting, and that was the first time we actually had a serious
14 conversation and looked at, like, proposals, and we've
15 continued that process from there to now.

16 Q Okay. So the Board first put it on its agenda for
17 the January 21st, 2020 special meeting, this issue of trying to
18 un-merge the polling places to reduce the number of voters at
19 each -- at the ones that were being un-merged?

20 A That was the -- yeah, that was the first time we
21 actually sat down and discussed actually doing it, like looking
22 at the data, looking at possible locations and stuff. As I
23 said, I brought this up in previous meetings since late 2019
24 [sic], early 2019, but this is the first meeting we had to
25 actually do that --

1 Q Okay.

2 A -- to actually act upon that.

3 Q I'd like to show you Exhibit 3, which is Bates Number
4 0004 to 0006, Board of Education -- excuse me, Board of
5 Elections Bates Number 0004 to 0006, and it's marked as Exhibit
6 3. It is in the book in front of you.

7 (Respondent's Exhibit 3 identified.)

8 A What was the page?

9 Q It's the other book.

10 A Oh, this book?

11 Q It's tab 3.

12 A This book?

13 Q Yes. So can you identify this document?

14 A Yes.

15 Q What is it?

16 A It's a letter from the Lawyers' Committee for Civil
17 Rights Under Law, the NAACP, and the People's Agenda. It's
18 dated January 20th, 2020.

19 Q And did you, as a member of the Board, receive this
20 letter?

21 A I did via email, and we also discussed it or had it
22 provided to us on paper on the 21st of January.

23 Q And can you summarize the content of this letter?

24 A I can. Basically, these three organizations were
25 concerned what -- that we were trying to look at un-merging the

1 polling locations for the polling locations that had been
2 merged so close to the presidential primary -- pref -- for
3 March 2020. So they were basically telling us that we
4 shouldn't do that and that we're actually not legally permitted
5 to do so because we were in the 60-day window of doing that,
6 and if we did act on that, then there would be action taken
7 against us.

8 Q So they advised you that you couldn't -- it was too
9 late in effect to change polling locations for the March 24th
10 primary. What was the Board's reaction to this letter?

11 A Well, we were advised by staff that we -- like the
12 staff concurred with this, and we definitely wanted to comply
13 with this. It was frustrating for me because again, we had
14 been waiting since 2018 to do this, and I've been trying to,
15 you know, reduce polling -- voting lines with these locations,
16 and I didn't want to repeat the issue from 2018, but we decided
17 to -- we agreed that we couldn't do it for the March elections,
18 so we decided to move forward and do it for the May 2020
19 elections.

20 Q The May primary?

21 A Yes.

22 Q And has, in fact, the Board voted to un-merge several
23 of the precincts for the May primary?

24 A We have.

25 Q And when did that vote take place?

1 A March 3rd.

2 Q March 3rd?

3 A Of 2020.

4 Q And could the un-merging of those several polling
5 places alleviate some of the privacy concerns that we're
6 discussing here today?

7 A Possibly. We haven't actually seen sketches for the
8 other locations, so it's possible because -- and I say it's
9 possible because we'd be reducing the number of people assigned
10 to a polling location which would reduce the number of polling
11 -- sorry, voting booths and machines needed at those polling
12 locations. So it's possible.

13 Q Okay. So I want to ask you about your awareness of
14 the privacy issues with the new ballot-marking devices. When
15 did you first hear that there might be privacy issues with the
16 new machines?

17 A I think people began approaching me about this as
18 early as November 2019. But -- and, you know, the media picked
19 it up as well. There were, you know, articles put out about
20 this, particularly one in Dooly County. It was put out
21 February 5th, I believe. I think 11 Alive might have done that
22 one, but voters and poll workers in that area were concerned
23 about it. Members of our community began speaking up at our
24 meetings about it, and so, yeah. I became aware of it around
25 November 2019, but also, staff was telling us that these

1 machines were -- we had a lot more machines, they were
2 significantly larger in size, and this was just a concern as
3 far as how we were going to fit -- where we were going to fit
4 these and how we were going to fit them all in.

5 Q Given your familiarity with polling places in Athens-
6 Clarke County, what did you make of those concerns?

7 A Those are very valid concerns. I've voted, like I
8 said, in four different locations. I've voted in Lake Clarke,
9 I've voted in Winterville, I've voted at -- at Clarke Central,
10 and I've voted -- so Lake Clarke, Winterville, Clarke Central,
11 oh and Cedar Hills High School. Yeah.

12 Q And Winterville is one of the polling locations that
13 we were discussing earlier on the screen, right?

14 A Correct.

15 Q So what did -- did the Board raise the privacy issue
16 with staff?

17 A Yes.

18 Q Approximately when did that take place?

19 A Maybe late, like, December 2019, January 2020 is when
20 we really began talking seriously about, like, okay, we've got
21 to do something about this to make sure that we're protecting
22 ballot secrecy.

23 Q Okay. And let's see. If we could put up Exhibit 9,
24 which is already in the record, and it should be behind tab 9
25 in your book, if you're not already there. And for the record,

1 can you identify this document?

2 A Yes. This is an email that I sent on January 30th to
3 Director Sosebee and I cc'ed the Board, my fellow Board
4 members, ACCBOE staff, our local assistant county attorney
5 who's been helping us as the Board of Elections, and the
6 Assistant City Manager of Athens-Clarke County. And -- go
7 ahead.

8 Q And this is dated January 30th, 2020, right?

9 A Yes.

10 Q And you had discussed the issue of ballot secrecy
11 prior to the day on which you sent this email, right?

12 A Yes, absolutely. We actually went very much in
13 detail in the January 21st meeting.

14 Q Okay. In addition to the requests or questions in
15 this email, did you ask staff to provide the Board with any
16 other information?

17 A Do you mean at this point at January 30th or ever?

18 Q Ever.

19 A Oh, so after we had -- so during the February 4th
20 regular meeting, Board members -- or excuse me, members of the
21 public continued to come and speak about their concerns about
22 secrecy and we as a Board requested from staff that they
23 provide to scale drawings, like floor plans, of each of the 20
24 polling locations that would be used on the March 24th election
25 day. So we wanted to -- we wanted to do it. We wanted to be -

1 - like the staff kept saying we can do this. We can do this.
2 And we were like okay, we want to, like, see that we can
3 definitely do this, so please produce these -- these floor
4 plans, and staff agreed to do that. And we asked that they be
5 provided well in advance of the March 3rd meeting, so that we
6 would be able to, you know, process that, look at that before
7 we get to the meeting.

8 Q Okay. Just to be clear, why did you want the
9 drawings or sketches?

10 A Because there's a variety of -- like, each polling
11 location is very different, and there's a -- so the space is
12 very different, the layout is very different, and we had
13 already been briefed that there were some concerns from staff
14 about whether or not we were going to be able to actually use
15 the number of BMDs required by law for the one per 250 rule.
16 We talked about that in the January 21st meeting. And we really
17 needed to see to scale drawings to know that we were going to
18 be protecting ballot secrecy. I -- I teach government civics,
19 right? Like, this is the law. Like, there are several
20 statutes. It's the Georgia constitution, it's the state
21 statutes, and it's the federal statute actually too. And I
22 teach government civics. I'm very passionate about, you know,
23 democracy, voting, and I wanted to make sure -- sorry. The
24 phone call was a little bit of a distraction there.

25 So the -- I'm also familiar with, as a teacher of

1 government civics and in Georgia and growing up in Kentucky,
2 I'm familiar with voter suppression efforts throughout the
3 history of the Southeast -- Southeastern United States, and I
4 just don't want that to be the case here. We have not allowed
5 voter suppression, and ballot secrecy is a very serious thing,
6 and it's required by law.

7 Q And there are other requirements of the law with
8 respect to voting as well, right?

9 A Yes. So we have one voting booth or BMD -- we were
10 told BMD -- per 250 voters assigned to a polling location, but
11 we're also required to -- our poll workers are required to
12 monitor the machines while in use to prevent any sort of
13 tampering or if there's any sort of, you know -- as Director
14 Sosebee mentioned earlier, like, people -- some people like to
15 take pictures of things, and they're not supposed to have their
16 phones out, so like we're supposed to be able to -- there are
17 three things really, like, protect ballot secrecy, be able to
18 monitor all equipment when it's being used, all BMDs, and then
19 the third thing is we have to have one for every 250 people
20 assigned to a polling location. We have to one voting booth or
21 BMD.

22 Q Okay. I want to focus in on that one per 250
23 requirement. How did you become aware of that requirement?

24 A I believe it was staff that told us about this.

25 Q And did staff prepare a chart showing the number of

1 BMDs required by law in each polling place?

2 A They did. On January 21st, we looked at -- it was an
3 electrical survey estimate provided by staff initially, and
4 they had the required number of BMDs for each polling location
5 listed right next to each polling location.

6 Q All right. If we could look at Exhibit 71, which is
7 already in the record, and specifically, Bates ACC BOER 0477?

8 A Say it again?

9 Q Okay. 0477. It's in Exhibit 71. Do you have that
10 in front of you now?

11 A Yes, sir. Thank you.

12 Q Okay. And I believe Ms. Sosebee testified that this
13 was a PowerPoint presentation that she presented to the Board
14 at a January or February meeting. Does that look familiar to
15 you?

16 A It looks familiar, not identical to the one that we
17 were shown, but it does look familiar.

18 Q Okay. And I know she presented multiple PowerPoints,
19 and you may have seen a chart very much like this one on
20 several occasions, and she said the numbers may change, but
21 what was your understanding of the column that says BMDs
22 required?

23 A So per the one -- the one voting booth per 250 rule,
24 this is the number required by law that we are required that we
25 have to have one voting booth for every 250 people, so that's

1 the total number required based upon the number of voters
2 assigned to each voting location.

3 Q Okay. And if we could do a side-by-side with Exhibit
4 28, which is also already in the record. That was one Ms.
5 Sosebee testified about. Okay. That's Exhibit 28. And Ms.
6 Sosebee testified about this exhibit earlier, has the Board
7 seen this or have you seen this document before today?

8 A I've seen documents like this, so yes. This is a
9 pretty standard sort of table that we would look at going into
10 Election Day. Honestly, I don't recall seeing this particular
11 document though.

12 Q Okay. So the Board saw these electrical survey
13 estimates showing the number of BMDs required at the polling
14 places?

15 A Mmm-hmm. And I've seen previous -- so this is the
16 same 20 polling locations that we've had in recent elections,
17 and I've seen very similar numbers on those as well for similar
18 documents like this.

19 Q Okay.

20 A As far as the active voters at each location.

21 Q Now, by the start of early voting last Monday, had
22 the Board received the drawings that it asked for showing the
23 positioning of the BMDs, the required number of BMDs, in the
24 polling places in a manner that would protect voter privacy?

25 A No. We did not.

1 Q Now, I want to focus your attention to the beginning
2 of early voting, advance voting, we'll call it. Did you show
3 up on the first day of advance voting at the elections office?

4 A I did. It's something that, you know, we as Board
5 members, that I've definitely done it during elections during
6 my tenure as a Board member, just going to polling locations
7 and popping in to make sure everything is going smoothly,
8 offering any assistance that I can provide if there's ever
9 anything that needs to be addressed, things like that.

10 Q Okay. And describe what you did and what you saw
11 when you arrived at the elections office on the first day of
12 early voting.

13 A When I walked in, I saw the setup -- the booths and
14 the machine set up to my -- to my right as I walked in the
15 door. At my one o'clock -- as if you know my 12 o'clock were
16 right in front of me, and my one o'clock were the four voting
17 booths that were right next to -- right in front of --
18 normally, when you walk in, there's -- you go to that one
19 o'clock, and there's a sliding window that, like, staff is
20 behind. So there's a, you know, a wall. There's staff office
21 spaces and stuff behind that wall. So that's where people
22 would go, where the public would go to, like, talk to staff,
23 but on that day, there were four voting machines in front of it
24 set up with a curtain on one side and a curtain on the other
25 side as well. So I went to talk to staff to check in and see

1 how things were going, so if I go back to my 12 o'clock as I'm
2 walking in the door -- in the front door, if I keep going --
3 there's a door that locks. There's a locked door that the
4 general public don't [sic] have access to open unless a staff
5 member helps them with that.

6 So I went back there and began speaking with staff. I saw
7 someone that I knew that was actually there to qualify, and we
8 spoke for a little bit in the hallway right there. There was a
9 gentleman sitting right in front of me being helped by staff, a
10 member of the public, so there were two members of the public
11 in the back at the time. And then as you walk through the
12 door, you know, there's a hallway and you've got offices and
13 stuff on the other side or on the left and little areas and
14 working spaces to the right, but to my immediate right, that's
15 where the desk is, where staff sits to greet public and speak
16 to them, you know, through that sliding window. And there were
17 two staff members there, sitting there. One, who was closest
18 to me, was speaking to the gentlemen sitting in the chair in
19 the hallway, and the other was sitting further down on the
20 other side of the desk.

21 Q And what did you see?

22 A So we got -- I was speaking and checking in about
23 stuff and talking at people, and I just sort of glanced as I
24 was talking. I was, like, looking around just like anybody
25 does when they're talking, and I glanced to my right, and I

1 could see the screen of the voting machine, the BMD, through
2 the window, through the sliding glass window area. Like, I
3 could see that, like, just right there in front of me, which to
4 me is a violation of ballot secrecy. Nobody is supposed to be
5 able to see the ballot that somebody is using to vote. Go
6 ahead.

7 Q About how far away from the voting machine, the face
8 of the BMD, were you at that point?

9 A 5 feet, 6 feet? You know, I mean, it's hard, like --
10 you know, I was right there by where the desk is where they
11 sit. You know, when they're greeting, so when they're looking
12 out through the window, as staff members are. So, like, I was
13 in the hall right next to that, and I was looking at an angle.
14 As other people have discussed, over here how that angle could
15 be a problem with ballot secrecy, I was at an angle, and there
16 was the machine right there.

17 Q Was there a voter at that machine while you were
18 looking at it?

19 A There was not.

20 Q If there had been a voter at that machine in front of
21 the BMD, from the angle at which you were looking at it, would
22 you have been able to see the face of the screen?

23 A Yes.

24 Q Did it matter to you from a privacy perspective that
25 you were in essentially a non-public area?

1 A No. Because absolute ballot secrecy means that no --
2 even staff members -- we, the members of the Board of
3 Elections, ACCBOE staff, nobody is supposed -- poll workers --
4 nobody is supposed to be able to see who you are selecting on
5 your ballot, so and besides that, there were also members of
6 the public coming in and out of the hall to qualify or to have
7 any of their voting issues troublesh -- like, the staff was
8 troubleshooting I believe the gentleman who was sitting down.
9 So it wasn't like there weren't members of the public back
10 there to begin with. There were members of the public back
11 there. And ballot secrecy is ballot secrecy. It doesn't
12 matter who sees it.

13 Q Now, there's a photo of the elections office set up
14 in the record, and I'd like you to look at that. It's Exhibit
15 12, and if it's all right with the Board, I'd like to hand the
16 witness a laser pointer so he can point out what he's seeing on
17 the screen.

18 MR. RAFFENSPERGER: Sure.

19 BY MR. SELLS:

20 Q You turn it on with that red button. It is Bates,
21 within Exhibit 12, 0079. All right. So Mr. Evans, what I'd
22 like for you to do as best you can is use the laser pointer to
23 show the Board what it is that we're looking at and how that
24 ties into your experience when you visited the advance voting
25 site last Monday.

1 A Okay. So these pictures -- both of these pictures
2 would have been taken like right in front of the main entrance,
3 like when you walk through, so it's basically, like, stepping
4 through. This one is looking at what I was calling the one
5 o'clock here (indicating). That's what I was describing. This
6 area is the one o'clock with -- these are the windows that
7 staff is behind. This is the booth right there (indicating),
8 the one closest to the window. That's the booth with the
9 machine that I could see the screen for through the window,
10 right through this window right here (indicating). And the
11 window looks further to the left behind the curtain there
12 (indicating), but, like, that's what I saw.

13 Q Okay. So just to be clear on that last point, the
14 window in the office is partially obscured by the screen in the
15 photo.

16 A In the photo.

17 Q But you were able to see through that window when you
18 were standing in the back office?

19 A Yeah. I was on the other side of this wall right
20 here -- this wall right here (indicating). That's where the
21 staff offices and stuff are, most of them. There's one that's
22 outside of it, but so I was back there. Basically, if I turned
23 about, you know -- if that's one o'clock, just turned to 12
24 o'clock, you're walking into the row. I walked through, and I
25 was on the other side of that door next to the desk that was

1 right behind these windows right here (indicating). And I did
2 that, and I myself saw the ballot-marking device screen through
3 that window.

4 Q Okay. And how about the photo on the right? Can you
5 orient us as to how that is...

6 A Yeah. That's actually the 3 o'clock. You walk in --
7 this is the one o'clock (indicating). That's the 3 o'clock
8 (indicating) for walking right in the front entrance.

9 Q Okay. And guarding the staff windows on the one on
10 the right, correct?

11 A There's this curtain here --

12 Q Mmm-hmm.

13 A -- that's that curtain there in that picture
14 (indicating).

15 Q Okay.

16 A So there's, like, not staff -- there's no -- this is
17 the front of the building. There's no staff windows or
18 anything like that on that side.

19 Q Was there any other aspect of the configuration or
20 arrangement of the voting booths that gave you a concern about
21 privacy?

22 A Yeah. So you can see that they're side-by-side here.
23 These two are side-by-side, and as multiple people today have
24 spoken about, if a person needs to get to the far machine
25 there, they have to walk past this machine here (indicating).

1 Okay. So as you're walking past this machine here (indicating)
2 and to get to that machine over by the window, you can actually
3 see the ballot, the BMD screen. Same thing applies to the
4 reverse side. You can actually -- as you're walking through
5 here, right, to get to this area in the back (indicating), you
6 could possibly see this screen here, and if you need to use the
7 far machine in that corner over there, you have to go past this
8 machine here, and you can see that screen as well (indicating).

9 Q Now, how did what you saw on the first day of advance
10 voting impact your concerns about privacy at the Election Day
11 polling locations?

12 A So we had been assured -- staff had told us on
13 February 4th that there were no privacy concerns for early
14 voting locations, so they were not providing us with drawings,
15 like to scale drawings, for those locations. And staff assured
16 us that there would be no issues whatsoever on those early
17 voting sites, but that they would provide us with sketches for
18 the 20 polling locations for Election Day. And so when I
19 showed up to the one location where we had actually used the
20 electronic -- the BMDs, for early voting, and I see that ballot
21 secrecy is being violated. That caused me great concern
22 because this is the one location that had been reviewed so far
23 that staff had guaranteed us there would be no issues with
24 this, and there was ballot secrecy violations in more ways than
25 one. So that led me to really -- it confirmed the need for us

1 to be able to see the -- the drawings for each of the 20
2 polling locations for election day, but also, like, we needed
3 to act to stop this from happening continuing with early
4 voting, so we needed to stop it from happening here, at that
5 location, but also we needed to prevent it from happening at
6 the other -- at any other locations that were going to be
7 utilized in early voting because again, we'd already -- we'd
8 been told there were no concerns of ballot secrecy for early
9 voting locations and then the only one that they've done so
10 far, that staff had set up so far, the ballot secrecy was
11 violated.

12 Q And as we've already, I think, been told, there were
13 10 machines allotted for this location, but there weren't 10
14 deployed, were there?

15 A No. There were 8. And that's because of the size
16 and secrecy issues, as well.

17 Q So the Board had its regular meeting on March 3rd?

18 A We did.

19 Q Which was the second day of early voting, I believe?

20 A Yes.

21 Q So the day after you had this experience at the
22 elections office. What did the Board do in response to the
23 concerns that you saw?

24 A Well, we had -- we had not received the to scale
25 drawings as we'd been told we would, and actually, on the

1 February 25th meeting, it was a hearing, a public hearing,
2 about unmerging, we actually reminded staff that we needed to
3 see those drawings before -- before, like, the March 3rd
4 meeting, and they were never provided. And so we discussed the
5 issue with this location, and we also looked at the two
6 diagrams that were shown earlier today that were provided by
7 the Secretary of State's Office. And we, as a Board, the
8 majority of us realized that we cannot guarantee ballot secrecy
9 at this point with the information in front of us, and in
10 Clarke County, there was no way for us to guarantee ballot
11 secrecy. Like, protecting ballot secrecy was impracticable.
12 There was no way, like, that we had seen that it would actually
13 be done, and they were already being -- it was already being
14 violated, so we voted to stop the violation of ballot secrecy
15 and to utilize the Cobb County pilot -- the program that Cobb
16 County had piloted for hand-marked paper ballots as a way to
17 guarantee ballot secrecy in our community.

18 Q Now, you mentioned the diagrams, and Ms. Sosebee went
19 over those earlier that she had provided the Board with, the
20 Secretary of State's diagrams indicating which polling places
21 would be set up according to that general layout. Do you
22 recall receiving those at the March 3rd meeting?

23 A I do.

24 Q And why were those not enough to reassure you and the
25 Board?

1 A Well, the Board members, as well as members of our
2 public, spoke about the issues with the two diagrams and how
3 they were not satisfactory in meeting the requirements for --
4 even just the diagrams themselves are problematic as far as
5 meeting the requirements for ballot secrecy and monitoring of
6 the machines while in use. But also, like, when discussing
7 those diagrams, you know, there was a lot of uncertainty about
8 what would be actually, like, happening, where people would be,
9 what -- we were missed a lot of the, like, equipment that's
10 required to be in the room, and actually, the two diagrams,
11 they were in no way to scale as far as, like, it wasn't a floor
12 plan to scale so we could actually see the evidence that shows
13 that we can do this at all of our locations. And that was
14 concerning to the Board members.

15 Q So as of the time that the Board made its decision
16 that brought us here today, it had not seen any scale sketches
17 of the actual Athens-Clarke County polling places showing that
18 the BMDs could be configured in a way that provided the number
19 of required BMDs and guaranteed ballot secrecy at the same
20 time, correct?

21 A Yeah. We -- we hadn't even seen hand-drawn sketches
22 either. Like, we hadn't been provided those either. Like, no
23 -- nothing to scale, no hand-drawn sketches that staff
24 apparently had available somewhere that we never saw, and it
25 was -- so yeah. One machine -- one voting booth or machine for

1 250 people, ballot secrecy, and the monitoring of equipment
2 while in use, those three things -- we had no evidence that we
3 could do those three things at that moment in time.

4 Q Now, since you've received the notice of this
5 emergency hearing, you have seen diagrams such as the ones we
6 were going over with Ms. Lessard just a few minutes ago,
7 correct?

8 A Yeah. That was over the weekend, yeah.

9 Q And what's your reaction to those diagrams?

10 A They're problematic. So they -- we are required to
11 have a certain number of BMDs, a certain number of voting
12 booths, and as shown earlier today, like, Winterville does not
13 have the required number. There were only, like, -- I went,
14 line by line, each polling location, like, looking at all of
15 the diagrams and also comparing them to the required number of
16 BMDs that we'd been provided by staff -- with those numbers.
17 And I think 3, maybe 4, had even the number of voting booth set
18 up on the diagram that's required by law, only 3, maybe 4 out
19 of 20. So -- and even those were problematic with ballot
20 secrecy, so -- ballot secrecy and monitoring of equipment.

21 Q Were any of the diagrams that you reviewed in your
22 view consistent with the guidance diagrams provided by the
23 Secretary of State's Office?

24 A I don't recall any of them being, like, consistent
25 with the two diagrams. You could see that the people in the

1 diagrams are actually on the inside of the machines instead of,
2 you know, instead of the machines facing the wall, the machines
3 were facing the interior. And in some of them, you've got some
4 machines facing the wall and some of the machines facing the
5 interior, so no. I didn't see those drawings actually
6 complying with either of the diagrams.

7 Q Do you continue to have concerns about the ability to
8 guarantee ballot secrecy given the number of BMDs that are
9 required by law in each polling place in Athens-Clarke County?

10 A I do. As I said, the sketches -- and staff has said
11 the sketches, they're not finalized, and -- but they're the
12 only evidence that we have. And at this point, I haven't seen
13 evidence that we are actually going to be able to meet those
14 three things, the one per 250, the ballot secrecy protection --
15 absolute ballot secrecy protection, and the monitoring of
16 equipment while in use.

17 Q Now, if you saw such a diagram, would your reaction
18 change? In other words, if you saw a diagram that was
19 consistent with the guidance diagrams provided by the Secretary
20 of State's Office, had a required number of BMDs, and ensured
21 ballot secrecy, what would your reaction be to something like
22 that?

23 A If I saw diagrams that, like, were to scale that had
24 the number of required BMDs, that protected absolute ballot
25 secrecy, and that allowed for the monitoring of equipment while

1 in use, then, clearly, yeah. I would want to go ahead and
2 continue with using the electronic equipment that we were
3 planning to use at that specific location. There would be no
4 reason for us to not use it if that specific location supports
5 those three things. However, I haven't seen that, but I -- you
6 know, that's something that the Board would have to revisit and
7 make a decision about. If we do actually see that evidence
8 that we can do that, that's what we'd do. Well, that's what I
9 would want to do. We'd have to have a vote for that.

10 Q But as we stand here today, you haven't yet seen that
11 evidence, correct?

12 A Correct. I have looked at all 20 of the diagrams
13 that have been provided over the weekend, and I looked at them
14 more than once and took notes and not a single one seemed to --
15 to meet all requirements by law and to be in compliance with
16 the Secretary of State's guidelines and meet those three things
17 that we've discussed the one in 250, the ballot secrecy, and
18 the monitoring of equipment while in use.

19 MR. SELLS: May I have just a moment to confer? I
20 need to tender Exhibit 3, please? It's the one that's not
21 on the record. Yes, Exhibit Number 3. It's the letter
22 from the Lawyers' Committee.

23 MS. MCGOWAN: No objection.

24 (Respondent's Exhibit 3 admitted.)

25 MR. SELLS: And those are all the question I have

1 right now.

2 MR. RAFFENSPERGER: Counselor?

3 CROSS-EXAMINATION

4 BY MS. MCGOWAN:

5 Q Good afternoon, Mr. Evans.

6 A Good afternoon.

7 Q I want to -- we've talked a lot about the March 3rd
8 meeting when the Board's vote occurred. At that meeting, the
9 Director, Ms. Sosebee, did present her privacy plan to the
10 Board as to how she planned to lay out each precinct in order
11 to accommodate voter privacy, correct?

12 A When you say privacy plan, are you referring to the
13 two temp diagrams provided by the Secretary of State with each
14 -- with polling locations, like, listed on the bottom of those
15 two things, is that what you're referring to?

16 Q Yes.

17 A Yes.

18 Q And didn't she tell the Board at that time that she
19 was confident that they could achieve voter privacy at each
20 location by turning the voting booths?

21 A By turning the voting booths?

22 Q According to the layout that she presented.

23 A Oh, so using, like, for the ones that were listed on
24 diagram 1 and then the ones that were listed on diagram 2, you
25 mean that way?

1 Q Yes.

2 A Yes.

3 Q Why don't you trust her determination?

4 A So I -- for a variety of reasons. One is we were
5 assured ballot secrecy would be -- absolute ballot secrecy
6 would be protected for the early voting site at the Board of
7 Elections Office, and it wasn't. I saw it with my own eyes.
8 Two, I've personally been to these locations, and I, like, am
9 familiar with the locations from voting at four different
10 locations, two of which were the smaller locations that were of
11 concern with space, but I've also visited others as well, so my
12 own experience from voting and also being a Board member --
13 it's my fourth year. My own experience with this community led
14 me to that, but also the diagrams that she showed were
15 problematic for reasons that I've already discussed.

16 Q Well, let's talk about not the early voting location,
17 but the other precincts that are planned for Election Day on
18 March 24th, the day of primary when those will be in use. You
19 said that you had asked for to scale drawings of those, and as
20 you sit here now, you know that those were in process at the
21 time, right?

22 A I'm sorry. Could you clarify the question?

23 Q The drawings done by Ms. Lessard. You had asked for
24 precinct layouts that were to scale, but your testimony today
25 is that you were not given those by March 3rd. Is that right?

1 A We were not provided any sort of sketches, hand-
2 written sketches or to scale sketches, before that meeting or
3 at that meeting.

4 Q Why not wait then until you had been provided the
5 sketches?

6 A We were already violating ballot secrecy at a
7 location that we were told -- we were assured --

8 Q But that was an early voting location, correct?

9 A Yes, ma'am.

10 Q And that one is not going to be used on -- come March
11 24th, the primary day?

12 A Yeah. I think that what I'm trying to say is that we
13 had already -- we had taken the word, the assurance of our
14 staff that that would not be an issue and that ballot secrecy
15 would be protected, and that was just not the case. Like, it
16 was -- so we trusted staff with that location, and it was
17 violated. Like, so, and also my own experience, again, being
18 at these location throughout the community led me to be pretty
19 skeptical actually based on what I've seen of these locations
20 and what staff told us about the problems, you know, their
21 concerns. We needed evidence, okay. Like, and we had to stop
22 the violation of ballot secrecy right then. It wouldn't be
23 acceptable to just allow a ballot secrecy violation to
24 continue.

25 Q So it's your testimony today that you lost all

1 confidence in the Director and her staff based on your one
2 experience at the early voting location in the office?

3 A That's -- no. That's not true. There is -- there
4 are reasons and previous experiences with the staff throughout
5 my duration that have eroded our ability to trust that they --
6 that it would done.

7 Q So even though the Director of Elections came forward
8 with her plan to achieve privacy that she believed was
9 workable, you still decided that the Board needed to move
10 forward on March 3rd to vote to move forward with hand-marked
11 paper ballots instead?

12 A This is the last meeting that we had before March
13 24th, that we had scheduled before March 24th. And as I've
14 said, it was already -- we were already violating ballot
15 secrecy at the early voting location, and we needed to stop
16 that, and we needed to prevent that from happening at any other
17 -- any other early voting location and also prevent that from
18 happening at any of the polling locations on Election Day.

19 Q Let's talk about your experience at the early voting
20 location on March 2nd, and if I could turn your attention back
21 to that photograph. That's document ACC BOER 0079. I think
22 it's here.

23 A Do you mind if I -- so you said that I decided
24 something, and I just want to make it clear that I alone didn't
25 make any decisions. This was a vote done by the Board itself.

1 Q Fair enough, but you made the motion, correct, to
2 move forward with --

3 A No.

4 Q -- hand-marked paper ballots?

5 A I did not.

6 Q Well, in your opinion, that was at least -- your
7 personal decision, you voted in favor of moving forward with
8 hand-marked paper ballots?

9 A I was one of three Board members of the five Board
10 members -- a five member Board that voted for it, and I did not
11 vote to make a motion for that.

12 Q Turning to your experience at the Board of Elections
13 office, I believe your testimony was that -- we're looking at
14 the photograph on the left. There is a series of -- it looks
15 like three windows behind the voting booths, and you were
16 actually in that office space back there?

17 A Mmm-hmm.

18 Q Looking into the voting space through the window,
19 correct?

20 A Not intentionally. I was just standing --

21 Q But that's where you were looking?

22 A That's where I was, yes.

23 Q Do voters go back there?

24 A Yes.

25 Q During the vote?

1 A Not when they're voting, but yes. Like, that day
2 whenever I came on that day, I had gotten off of work. I went
3 by to check it out and to make sure that everything was going
4 well and when I walked through that door, which -- so again, if
5 this is one o'clock, further this way would be a door
6 (indicating), so I went through that's door that's locked, but
7 I went through that door, and there were two members of the
8 public on the other side of the door already. Like, there was
9 a gentleman sitting in a chair, speaking to, like, a staff
10 member was addressing a concern to that person, and one of our
11 -- actually one of our Commissioners was coming into quality
12 for the election.

13 Q Isn't it possible that the poll workers could prevent
14 traffic from -- from going back into that space?

15 A I'm sorry?

16 Q Isn't it possible that the poll manager, who is
17 responsible for directing voter traffic, could prevent voters
18 from going into that space?

19 A The doors are locked, like, the only way you're
20 getting on the other side of that door is if somebody opens it
21 for you.

22 Q Okay. So we could -- you could keep voters from
23 being in that space since the doors lock by not allowing them
24 back there, correct?

25 A So -- okay. The door is locked, and if you wanted to

1 prevent anybody from going through a locked door, the answer is
2 yes. But when I went on the other side of that door and
3 actually, in my previous experience as well, voters have been
4 on Election Day -- or not on election day, during early voting,
5 been in that area when they were having their problems
6 addressed. I've seen it myself.

7 Q My question is isn't it possible to prevent voters
8 from being in that area while there is voting going on?

9 A Yes.

10 Q Also, those are windows, right?

11 A Yeah, well, yes.

12 Q Could they be covered up?

13 A Yeah, it's possible.

14 Q This is just one of the early voting locations,
15 right? There are at least -- the one that's going on right
16 now, but three more will be opened up next week.

17 A Four more.

18 Q Four more. Did you visit any of those locations?

19 A I've been to multiple of those locations, yes.

20 Q Did you -- how recently?

21 A Well, we had our March 3rd meeting at one of them,
22 which is the library.

23 Q But you don't have any assessment as to why it's not
24 possible to achieve voter privacy at those locations?

25 A I do. And it's --

1 Q What's that assessment based on?

2 A My experience in those locations.

3 Q But you haven't seen the setup, correct?

4 A There is -- there is not setup to be seen. Like,
5 nobody's -- I don't know what you mean. I'm using my own
6 experience with the locations, my own experience of seeing the
7 machines set up this way, and that's what I'm using to make
8 these -- like, say that I need to make sure that we don't have
9 continued violations. And also the fact that the Board's trust
10 in staff when they assured us that they wouldn't be doing --
11 violating ballot secrecy at this location -- was the Board --
12 the staff did not live up to the assurances that they said.

13 Q And so even though the Director and the staff told --
14 advised the Board that they could achieve voter privacy for the
15 other advance voting locations, you assumed contrary to that
16 testimony, is that correct?

17 A I -- so I saw it violated here after receiving
18 assurances, and I didn't have any evidence that it would be
19 able to actually be done in any of the other locations.

20 Q Did you ask the county attorney's office to give you
21 an opinion as to whether it was impossible or impracticable to
22 use the BMD touch screens?

23 A I personally did not.

24 Q Do you know if any Board member did?

25 A I don't recall if that was actually the question that

1 was asked.

2 Q In fact, the county attorney at the March 3rd meeting
3 actually advised you against moving forward with moving to
4 hand-marked paper ballots, is that correct?

5 A My recollection is that the -- the county attorney
6 did not say one way or the other that it was actually, like,
7 practicable. He said that if we did this, then it would be
8 challenged -- it's likely to be challenged. And, like, so
9 that's my recollection is that he said that it is likely to be
10 challenged is what he said if we do that. I don't recall him
11 ever saying that it's definitely practicable to do that.

12 Q Did your -- the county attorney tell you at that time
13 about the lawsuit that had been filed in Sumter County?

14 A He did mention that, yes.

15 Q Have you seen a copy of the Superior Court's order in
16 that case?

17 A I have.

18 Q I'm sorry?

19 A Yes.

20 Q What is your understanding of the Court's order in
21 that case?

22 A I'm sorry?

23 Q What is your understanding of how the Judge ruled in
24 the Sumter County case?

25 A So it's my understanding that there are multiple

1 components to that case and it's ongoing, like still, that the
2 Judge did give a decision about the request for him to direct
3 the Sumter County Board of Elections to switch from BMDs to
4 paper ballots, and it's my understanding that in his decision,
5 he said that it's up to the Board, the local election
6 officials, like, to make that decision, and they had to -- and
7 he said in his decision that they need to protect absolute
8 ballot secrecy while also ensuring that machines are being
9 monitored when they are in use.

10 Q So I've handed you a copy of that Sumter County
11 order, have you -- is that the particular order that you
12 reviewed?

13 A I looked at multiple things. I've looked at
14 summaries, I've looked at video actually of the Judge giving
15 the decision that I just described, and I've looked at -- I
16 believe I've seen this as well, but I can't be sure.

17 Q Okay.

18 MS. MCGOWAN: I'd like to tender that as Exhibit 9.

19 (State's Exhibit 9 identified.)

20 MR. RAFFENSPERGER: Entered.

21 (State's Exhibit 9 admitted.)

22 BY MS. MCGOWAN

23 Q Did you consult with the county attorney's office and
24 get an opinion on when the use of paper ballots is permissible
25 under Georgia's election code?

1 A Did I seek out our county attorney and ask that is
2 what you're saying?

3 Q Yes.

4 A Me, personally?

5 Q Yes.

6 A We discussed as a Board in Board meetings that county
7 attorneys were present at that question.

8 Q And did you get an opinion from the county attorney's
9 office at those meetings?

10 A Like, did they, like, give an official --

11 Q Yes.

12 A -- opinion?

13 Q Correct.

14 A Not that I recall. I don't recall that.

15 Q Do you think that information would have been useful
16 in making this determination whether you should switch to hand-
17 marked paper ballots?

18 A Maybe, but I read the statute myself. I've seen the
19 statute, like, I have the book with me. There's a green book
20 sitting right there that I take with me to Board meetings and
21 that is the relevant statute. It has to do with
22 impracticability or impossibility -- are in that book, and I've
23 read it and actually showed it to the Board member next to me
24 during our discussion on March 3rd, that actual statute.

25 Q The vote that occurred on March 3rd to move forward

1 with hand-marked paper ballots, did that just apply to the
2 presidential preference primary or is it for all future
3 elections?

4 A I'm sorry. Would you say that one more time?

5 Q The vote that occurred on March 3rd, where the Board
6 approved moving forward with hand-marked paper ballots instead
7 of the BMD touch screens, does that apply to just the
8 presidential preference primary or to all elections moving
9 forward?

10 A The vote was just for this presidential preference
11 primary.

12 Q Is it your position that the Board will reconsider
13 its position for the May primary?

14 A Would you explain what you mean by that?

15 Q So do you plan to use the BMD touch screens for the
16 May primary?

17 A As long as we can meet statutes that say that we have
18 to have one BMD and voting booth, for every 250 people assigned
19 to the polling location, and we have -- we're guaranteeing
20 absolute ballot secrecy, and that we're able to ensure that all
21 equipment can be monitored while in use, then yes, we would
22 continue with that if we could do that. There's time between
23 now and then that we may be presented with, you know, other
24 evidence possibly. I don't know. But we haven't made a
25 decision about that as a Board.

1 Q You testified at the March 3rd meeting that the Board
2 also discussed un-merging polling locations, is that --

3 A Yes.

4 Q -- correct? And you -- you mentioned that you believe
5 that this could help alleviate some of the concerns with voter
6 privacy, right?

7 A Maybe, maybe not. Like, again, I'm going to have to
8 see the diagram, you know, with these particular spaces that
9 we're -- that we're using for the four new locations, so that,
10 you know -- and compare that to the required number of BMDs for
11 that location. And also, I have to see -- so staff was telling
12 us on February 4th that the way that they were going to go
13 about protecting ballot secrecy is turning the machines a
14 particular way, so in order for us to know that that's possible
15 and practicable, we have to see the diagram showing -- to scale
16 diagram showing that that's possible and practicable.

17 Q At some point -- I believe it was January or
18 February, maybe you can help me with the precise date -- but
19 did the Board vote to invoke a Plan B or come up with a Plan B?

20 A The Board, after hearing -- seeing -- hearing from
21 the public concerns about secrecy after seeing the pictures of
22 the inventory that we were getting, after hearing from the
23 staff concerns about the size and the number of machines that
24 we -- the increase in size and the number of machines that we
25 were receiving for the new systems, the Board -- I'm sorry.

1 Repeat your question.

2 Q Do you understand Plan B to be to move to hand-marked
3 paper ballots as opposed to using the BMD touch screens?

4 A No. Plan B is we literally said during the -- like
5 we talked about it, like, in the meeting where we did this,
6 like -- we wanted to use the process that Cobb County piloted
7 in November of 2019 at the order of Judge Totenberg. You know,
8 we wanted to use that as our process for the backup plan, if
9 for some reason it became impossible or impracticable to
10 continue with the electronic voting equipment, the BMDs.

11 Q This Cobb County pilot that you have referred to a
12 number of times, you understand that that was part of a court
13 order, correct?

14 A Yes.

15 Q And are you a party to that litigation?

16 A No.

17 Q Did you receive any legal opinion from your county
18 attorney if the -- what you're referring to as the Cobb County
19 pilot, was an available legal alternative for Athens-Clarke
20 County?

21 A Are you asking me if the county attorney told me if
22 we could or could not do that?

23 Q Correct.

24 A I don't recall the county attorney telling us we
25 cannot use this process particularly as a Board to make a pilot

1 saying this is the way we're going to do this.

2 Q Did you ask for an opinion whether or not it was
3 legally permissible to invoke what you've called the Cobb
4 County pilot program?

5 A Again, attorneys are in the meetings with us whenever
6 we're having our meetings, and they speak up whenever there's
7 an issue with legality and whenever they realize an issue.

8 Q One moment please. Ms. Sosebee testified earlier
9 that she received curtains along with the -- the voting booths.
10 Isn't it an option for the County to install the curtains on
11 the booths?

12 A I'm honestly not sure about that because again, we're
13 supposed to be monitoring the equipment. It's my
14 understanding, particularly in agreement with what the Judge in
15 the Sumter County case said, that the equipment should be
16 monitored while in use. So if you've got a curtain around a
17 machine and a person inside it, how could it possibly be
18 monitored while in use?

19 Q Are you familiar with OCGA 21-2-267, concerning the
20 use of privacy screens and curtains and those kinds of things?

21 A I'd have to read the statute to know if I'm familiar
22 with that or not.

23 Q Are you aware that this particular code provision
24 allows counties to use curtains, screens, or doors on the upper
25 part of the front of each compartment or booth so that in the

1 marking thereof they may be screened from the observation of
2 others?

3 A Again, I'd have to see the statue myself to know
4 that.

5 Q But you would agree that you didn't consult that
6 provision or read that provision you went forward with your
7 vote on March 3rd?

8 A The provision saying that --

9 Q That curtains could be used for privacy?

10 A With -- with the electronic voting equipment?

11 Q Yes.

12 A In ways that obstruct the ability to monitor the
13 equipment, it says that?

14 Q It says the language that I have just read. Had you
15 read this provision before voting on March 3rd?

16 A Not that I recall. It's possible, but I don't know.
17 There are a lot of statutes in that book.

18 MS. MCGOWAN: I have no further questions.

19 MR. RAFFENSPERGER: We have a few -- the Board
20 members have a few questions for the witness. Mr. Worley?

21 THE WITNESS: Ma'am, did you want this back?

22 MS. MCGOWAN: Oh, yes. Thank you.

23 MR. WORLEY: Thank you, Mr. Chair. Mr. Evans, I was
24 struck by something that you said in your testimony, and I
25 wrote it down, and I think what you said was -- and this

1 is in reference to the early voting location. You went in
2 on, I think it was on March 2nd, the first day of early
3 voting and saw that early voting location at the main
4 office, is that right?

5 THE WITNESS: Yes, sir.

6 MR. WORLEY: And what you said was you came to the
7 conclusion that we had to stop the violation of ballot
8 secrecy right then. Isn't that what you testified to?

9 THE WITNESS: That was in reference to the March 3rd
10 meeting, like, so the March 3rd meeting was what I was
11 referring to when I said that we needed to stop it right
12 then.

13 MR. WORLEY: Well, you didn't think when you saw the
14 problems on March 2nd -- you didn't think you had to stop
15 it -- stop it at that point?

16 THE WITNESS: So in my experience with staff
17 throughout my tenure, my concerns are often dismissed as -
18 - and we're often told, like, you know, basically, like,
19 that we're treated as if our concerns aren't basically
20 worth acting on. We already had tension with staff with
21 this. We had staff behaving toward us in very
22 unprofessional ways with this topic, and, like, I didn't
23 feel comfortable addressing it in that moment with the
24 staff.

25 MR. WORLEY: So on the day, on March 2nd, when you

1 were there in the office and you could see through the
2 window to the voting booths, you didn't say anything to
3 the staff at that point to say hey, we need to stop this.
4 We need to do something.

5 THE WITNESS: Not in that moment, sir.

6 MR. WORLEY: Okay. Was there anything that you saw
7 there on that day that raised concerns about how the staff
8 was able to monitor the election equipment?

9 THE WITNESS: So the curtain, if you pull up the
10 curtain --

11 MR. WORLEY: I think it's page 79, ACC BOER 0079.
12 There.

13 THE WITNESS: So there were staff members when I went
14 standing to the, like -- in this picture here, like, there
15 were staff members standing to the left, like, you know,
16 in this area over here, where it would be over here
17 (indicating). And so -- and there was a staff member
18 sitting behind the window back there, so the only concern
19 that I would have had would have been monitoring what was
20 happening on these machines in the back here or, you know,
21 and from this angle here, you can't really see what a
22 person is doing to a machine from this angle (indicating).
23 So that would have been my concern with the tampering
24 issue.

25 MR. WORLEY: And your concern about the tampering

1 issue or an inability to monitor, is that reflected
2 anywhere in the Board minutes?

3 THE WITNESS: When you say the Board minutes...

4 MR. WORLEY: The minutes of the Board in this period
5 leading up to March 3rd.

6 THE WITNESS: It's in the recordings. We've had --
7 minutes have not been verbatim minutes, but we do have
8 recordings of meetings online, and we have discussed these
9 issues.

10 MR. WORLEY: I don't have any further questions.

11 MR. RAFFENSPERGER: Ms. Le?

12 MS. LE: Thank you. Thank you. I do have a couple
13 questions. That configuration up there, is that typical
14 of other configurations in the past? You've been on the
15 Board for four years, you said?

16 THE WITNESS: This is my fourth year.

17 MS. LE: Fourth year. And is that configuration
18 similar to other configurations in the past with the DREs?

19 THE WITNESS: Actually, no. Like, that's not the way
20 they've been set up in the past.

21 MS. LE: But not side-by-side ever?

22 THE WITNESS: Oh, you mean the side-by-side piece?

23 MS. LE: Yes.

24 THE WITNESS: Yeah. The DRE situation, they would
25 have the side-by-side and the DREs could be laid back, so

1 that that would less of an issue for people to go and see
2 --

3 MS. LE: But they are side-by-side, and the concern
4 you had where when someone walks behind one, it would have
5 been the same for the four years you've been there, no?

6 THE WITNESS: No, ma'am. Because the DREs -- so the
7 DREs had smaller screens, they could be laid -- these
8 machines are almost vertical, right? And they're bigger
9 screens, and they're more brightly lit, and, like, the
10 text is, like, different as well. Like, with the DREs,
11 you could actually lay them back and as I believe Director
12 Sosebee said earlier, our staff was actually trying to,
13 like, find a way to lay these machines down, and they were
14 advised not to do that. So it was a different experience
15 with the previous system than with this system.

16 MS. LE: Because -- but the DREs are also upright
17 too, right? So were those a concern back then and what do
18 you do about that to protect the privacy?

19 THE WITNESS: No. I guess what I'm trying to say is
20 the DREs did not sit in this position, like, necessarily.
21 They can be folded back, and there were smaller screens
22 and different lighting, like it was a very different
23 experience with voters, like, visually. That's -- that's
24 a very different thing than this. This is a very
25 different system than what was used before.

1 MR. RAFFENSPERGER: I have a couple questions. One,
2 really goes to a little bit what Mr. Worley -- Mr. Worley
3 just asked you. But if you saw that situation -- I'm just
4 on the window on the left -- why didn't you approach one
5 of the, I believe Ms. Sosebee works actually out of that
6 location if it's the main place where I visited once. Why
7 didn't you go over and grab her and bring it to her
8 attention and just go grab some 8 ½ by 11 white paper or a
9 piece of drafting paper and just tape it up from the wall,
10 if it was such a concern to you?

11 THE WITNESS: As I stated before, there have been,
12 like -- there's been some tension recently and
13 unprofessional behavior towards Board members by staff.
14 And particularly, when -- there's a difference between
15 when we're in a public meeting, and not always but usually
16 if we're in a public meeting, it's one way, but if we're
17 not actually in a public meeting, there are -- other
18 things are said. And I just felt more comfortable
19 addressing it as a Board instead of as an individual.

20 MR. RAFFENSPERGER: Okay. And I guess when you had
21 your Board meeting, was there any transcript or a video
22 made of that meeting?

23 THE WITNESS: Which meeting, sir?

24 MR. RAFFENSPERGER: When someone asked you if the
25 county attorney gave you any legal advice --

1 THE WITNESS: The March 3rd meeting?

2 MR. RAFFENSPERGER: The March 3rd meeting.

3 THE WITNESS: Our meetings are recorded, sir.

4 MR. RAFFENSPERGER: The meeting has a recording. Do
5 we have a transcript of that because you stated that the
6 county attorney did not give you any advice that you would
7 not prevail, and you would put yourself or your county in
8 a precarious position, and I'd like to know if there is a
9 transcript of that or the video?

10 THE WITNESS: Sir? Do you mind if I clarify? That's
11 not what I was saying earlier. I was not saying that the
12 county attorney didn't say that we would be -- that we
13 would be challenged. I didn't say that. I didn't say
14 that, like, the county attorney didn't say -- like, I was
15 saying that the county attorney never gave a decision on
16 whether or not this was actually practicable or possible.
17 That's what I was saying.

18 MS. MCGOWAN: Mr. Secretary, there is audio recording
19 of the meeting, and we're happen to admit that into the
20 record. We could get a copy if opposing counsel would
21 agree to stipulate, then we could put that in the record.

22 MR. MITCHELL: I've got it on my computer. We can
23 drop it onto the flash drive and just put it in the record
24 as Plaintiff's Exhibit 75.

25 (Respondent's Exhibit 75 identified.)

1 MR. RAFFENSPERGER: Yeah.

2 MS. MCGOWAN: We'll figure it out.

3 MR. RAFFENSPERGER: Okay. Thank you.

4 (Respondent's Exhibit 75 admitted.)

5 THE WITNESS: Do you mind, sir, if I say one more
6 thing that's relevant to this? Is that okay?

7 MR. RAFFENSPERGER: Go ahead. Be quick.

8 THE WITNESS: So back in November 2018, our county
9 attorney Ben was giving the Board very bad legal advice.
10 I was the one person, like, on the Board looking at the
11 statute. Like, we had members of precincts had petitioned
12 for recanvass, and they submitted a petition for
13 recanvass, and we were being advised by our county
14 attorney, like, that we could vote not to do this even
15 though the statute says if the three electors in a
16 precinct petition for recanvass, that we shall do that.
17 The word was shall, and he was trying to talk us out of it
18 and saying vote no and don't do this. So with all due
19 respect to county attorneys, they're there to advise, but
20 the decision rests with the Board, and we made the right
21 decision that day, the Board did, in continuing to do the
22 recanvass, but it was a -- I mean, it was a battle, like,
23 to do the right thing. And our county attorney at that
24 point was not on the right side of that battle, so in my
25 experience, county attorneys don't necessarily have the

1 final say on the legality of something, and that's not
2 their area of expertise necessarily. Election law is not
3 their area of expertise. That's my experience.

4 MR. RAFFENSPERGER: Mr. Worley?

5 MR. WORLEY: I just wanted to follow up on something
6 you said. Essentially, you said you weren't comfortable
7 taking your concerns to the staff.

8 THE WITNESS: By myself and in that moment.

9 MR. WORLEY: Yeah. Well, wouldn't it make more sense
10 to take your concerns to the staff or go to the other
11 Board members and then go to the staff rather than
12 changing the method of voting for every person in Clarke
13 County?

14 THE WITNESS: So we -- we met as a Board the very
15 next day, and we were looking at, like, we were expecting
16 prior to that meeting to see the evidence that we could
17 actually meet these three standards that I've been
18 referencing, one machine for every 250 voters in a polling
19 location, absolute ballot secrecy, and monitoring election
20 equipment while in use. This here doesn't satisfy that.
21 That arrangement doesn't satisfy those requirements. And
22 it's not just seeing through the window. When a voter is
23 walking past, they can see the screen. Like, to get from
24 here -- excuse me, here, like walking from here to here
25 (indicating). If a voter is here to get to that machine,

1 a person can see their ballot when they're, like, walking
2 by that other person. So it wasn't just seeing it through
3 the window, it was this configuration here as well that
4 was a concern.

5 And we had already been assured by staff -- like,
6 staff had assured us repeatedly that this wouldn't happen,
7 that this ballot secrecy would not be violated at any of
8 these advanced polling locations. And also, staff had
9 assured us that we would be provided in advance the
10 evidence that we needed to know that we can guarantee
11 absolute ballot secrecy. And they just didn't provide it,
12 sir. And that's why -- based upon the information we had
13 at the time, that's what we made our decision on on March
14 3rd.

15 MR. WORLEY: And you didn't make any attempt on March
16 3rd to work with the staff to reconfigure that
17 configuration?

18 THE WITNESS: Are you asking -- that specific
19 configuration there?

20 MR. WORLEY: Yeah.

21 THE WITNESS: Did we go to the Board office and try
22 to help them figure them it out? Is that what you're
23 asking?

24 MR. WORLEY: Yeah. Did you ask them, or did you tell
25 them you need to reconfigure this? These are our

1 concerns. What can you do to fix this?

2 THE WITNESS: We were in a Board meeting at the
3 library, sir. The Board meeting was at the library. It
4 was not at the Board of Elections office.

5 MR. WORLEY: Right. But you didn't bring up the
6 issue? You didn't say --

7 THE WITNESS: We did bring up --

8 MR. WORLEY: -- at the Board -- at the Board of
9 Election office, you haven't configured in properly. How
10 can we change that configuration at the Board of Elections
11 office.

12 THE WITNESS: So I think you heard earlier that the
13 staff worked, has been working for months to come up with
14 this configuration, and they worked for 13 hours to get
15 that as their best work, right? That's the best that they
16 thought they could do, so, like, I don't -- you're saying
17 that I should have gone to the Board of Elections office
18 and rearranged their equipment for them or...?

19 MR. WORLEY: I'm asking you if you had any
20 discussions with them at that point about your concerns
21 and asked them to change that configuration.

22 THE WITNESS: In that moment at that meeting, we did
23 not ask them to change the configuration.

24 MR. RAFFENSPERGER: Matt Mashburn?

25 MR. MASHBURN: I just have a request. Can we make --

1 can we enter the audio recordings of the March 3rd Board
2 meeting and the March 9th Board meeting into the record?

3 MR. MITCHELL: Yes, sir.

4 MR. MASHBURN: Thank you.

5 MR SELLS: We'd actually like to enter all of the
6 meetings since January into the record, audio recordings.
7 I think just about all of them have been referred to
8 today.

9 MS. MCGOWAN: We have no objection to that.

10 MR. RAFFENSPERGER: Okay. Order.

11 MS. LE: I'm sorry. I have one more. I think the
12 last one.

13 MR. RAFFENSPERGER: Yes, ma'am.

14 MS. LE: What I'm hearing today, and tell me if I'm
15 hearing correctly, is that you said earlier you don't have
16 a lot of faith in your staff or the confidence --

17 THE WITNESS: We -- sorry.

18 MS. LE: -- and -- and the other thing I also heard is
19 you don't have faith -- I'm paraphrasing -- in your
20 attorneys, your Board attorneys either, so what will the
21 Board do going forward in terms of operations?

22 THE WITNESS: So what I -- what I was saying about
23 the staff is we would like -- we would like staff to show
24 us actual diagrams to scale. They can create the diagrams
25 and show us these diagrams, so we can know that they can -

1 - that they can actually -- we can actually do what they
2 say they're going to be doing because they said they were
3 going to be doing it with this machine -- with this setup
4 here, and it didn't happen. So that's what I was saying
5 is that we need to be able to be provided actual evidence
6 as a Board to make decisions and not just we'll do our
7 best. That's not acceptable as a Board of Elections.

8 And then the other thing was about the attorney --
9 clearly, we're going to seek legal counsel. That's what
10 we do. The Board is the decision-making body. We ask for
11 legal counsel, and then we make a decision based upon what
12 they say, but also based upon what our knowledge is
13 collectively. So that's, like -- it's not that the county
14 attorney is the decision maker for the Board. The Board
15 is the decision maker, and we take into account all the
16 evidence that we can get including what the county
17 attorney says. That's what I mean.

18 MR. RAFFENSPERGER: Thank you.

19 THE WITNESS: Thank you.

20 MR. RAFFENSPERGER: Next witness? Sir, we're --
21 you're done.

22 THE WITNESS: I'm done? Okay. Thank you.

23 MR. MITCHELL: I need to tender Exhibit 15. It was
24 the photograph of the diagrams. I talked to Ms. Lessard
25 about those.

1 MR. RAFFENSPERGER: Okay.

2 MS. MCGOWAN: No objection on those.

3 MR. RAFFENSPERGER: Ordered. Number 15.

4 (Respondent's Exhibit 15 admitted.)

5 MR. SELLS: We have no other witnesses.

6 MR. RAFFENSPERGER: Do you have any closing comments?

7 MS. MCGOWAN: Yes. Thank you, Board, for your time
8 today. I will be brief because I know we've -- we've been
9 here a long time. To put it simply, Georgia's election
10 code requires that all counties use the ballot-marking
11 device and optical scanner system that was approved by the
12 General Assembly once it was certified by the Secretary of
13 State that it complies with Georgia law, which is has
14 been. This is not discretionary. There is a clear
15 mandate from the General Assembly that counties use this
16 equipment, and as we all know, the State made a
17 significant investment in the Dominion system, funded over
18 \$1 million worth of equipment to Athens-Clarke County that
19 is now not currently being used.

20 Now, certainly no one -- no one here today is arguing
21 that voter privacy is not a legitimate concern. It is
22 protected by the State constitution and in the election
23 code. But it is not justification for scrapping the
24 equipment all together and switching to hand-marked paper
25 ballots. The Secretary of State's Office understands the

1 privacy concern and that is why it provided training
2 materials and manuals and diagrams to help staff at the
3 county level decide how they can best lay out their
4 equipment and provided solutions on the phone with staff
5 as to how they could achieve voter privacy. Here, the
6 Director of Elections clearly took this issue seriously.
7 She developed a privacy plan and frankly, it was ignored
8 by the Board.

9 The Georgia election code and the Board's rules only
10 permit the use of hand -- paper ballots in an emergency
11 situation, when the use of voting equipment is impossible
12 or impracticable. That's the language in the statute.
13 What this means is a technical malfunction of the
14 equipment, when it simply just doesn't work. Now, as Mr.
15 Germany explained when we started the day off today,
16 impossible or impracticable does not mean inconvenient.
17 It doesn't mean when it's the preferred policy choice of a
18 county board. The Georgia Supreme Court has defined --
19 well, we all know what impossible means, but the Georgia
20 Supreme Court has defined the term impracticable as it's
21 used in statute, and they have said to say that something
22 is impracticable is to say that it reasonably cannot be
23 done. It does not mean merely that it is inconvenient.

24 Now, here, we certainly don't dispute that this was a
25 difficult decision before the Board and that they were

1 weighing competing interests between privacy and how to
2 set up their locations and accommodate the number of
3 voting booths that they had to provide by law, but here, I
4 think it's pretty clear from the Chairman's testimony that
5 the Board didn't really even consider whether privacy was
6 achievable. It seemed to be a foregone conclusion when
7 they went to vote. The staff worked hard as we saw to
8 come up with a privacy plan. They had sketches made. The
9 Board didn't wait to review those for each polling
10 location. They instead moved forward with a hasty vote.

11 This vote was also against the advice of the county
12 attorney. At the meeting, since the audio will be
13 admitted into the record, you will hear them talk about
14 this situation and how the same situation happened down in
15 Sumter County and the very argument that voter privacy
16 issues mandated that counties switch to hand-marked paper
17 ballots that had already been rejected by the judge down
18 in Sumter County. I was present at that hearing in Sumter
19 County. What it was was an emergency hearing on a writ of
20 mandamus where a voting rights organization had sued the
21 County Board trying to force them to use hand-marked paper
22 ballots based on privacy concerns. The Superior Court
23 judge rejected that emergency motion, denied it, and what
24 the judge found there was not the Board had discretion to
25 make that decision. What the judge found was that there

1 wasn't evidence that it was impossible or impracticable to
2 achieve voter privacy, and many of the same exhibits and
3 evidence were presented at that hearing as was today,
4 where the judge was persuaded that options that were
5 provided by the Secretary of State's Office to achieve
6 privacy were -- could be employed by that particular
7 Board.

8 It's also important to note that in addition to being
9 able to achieve voter privacy with the BMD touch screens
10 by using screens or curtains, any voter that has a concern
11 about the privacy of their ballot and prefers to vote on
12 paper can do so under Georgia law. Any voter can request
13 an absentee ballot and vote by absentee ballot.

14 There's been some discussion and testimony about this
15 Cobb County pilot. As the Board is likely aware, this
16 pilot was ordered by Judge Totenberg in the Curling case
17 last summer. That plan was to test out an emergency back-
18 stop in case the new Dominion equipment either didn't come
19 in on time, wasn't available to be used, or hadn't been
20 certified by that time. It was not presented as an
21 alternate option for counties. And the judge in that case
22 has certainly not ordered that this back-stop plan be put
23 into place.

24 So to conclude, we believe the evidence establishes
25 that the Athens-Clarke County Board of Elections committed

1 violations of the Georgia election code, specifically 21-
2 2-300, which requires that all counties use the Dominion
3 ballot-marking devices with optical scanners. We've also
4 cited codes 21-2-265, 266, and 267, which require Boards
5 to approve polling locations that can accommodate the
6 equipment that is required.

7 As far as options that are available to the Board,
8 OCGA 21-2-33-.01 provides the particular remedies that are
9 available. The Board can order the Athens-Clarke County
10 Board of Elections to cease-and-desist using hand-marked
11 paper ballots in a way that violates the election code. A
12 public reprimand is also a remedy that is available. The
13 Board can order that the County pay the Secretary of
14 State's investigative costs, which I understand for this
15 matter have become substantial because this has turned
16 into a full-time endeavor for -- for many staff members of
17 the Office since the emergency hearing was announced.

18 The Board may also impose a civil penalty of up to
19 \$5,000 per violation. The appropriate penalty is within
20 the Board's discretion. It's also within your discretion
21 to determine what's a violation? A violation could be
22 each paper ballot that was cast improperly or it could be
23 for each day the Board of Elections is not in compliance
24 with the law, so it's up to you to determine both the
25 amount per violation that should be imposed and the number

1 of violations.

2 In addition to the statutory provisions, as the
3 notice of hearing provides notice of, we believe that
4 there's also been violations of the SEB rule 183-1-12-.01
5 and 183-1-14-.02.

6 MR. SELLS: I want to again thank the Board for
7 wading out here in all this testimony. I'm not sure you
8 signed up for 7 hours of a hearing, but that's what we
9 delivered today. I want to respond to a few things that
10 my friend on this side of the table just said.

11 Number one, she said that hand-marked paper ballots
12 are only available under Georgia law in the event of a
13 technical malfunction. That is simply not the law. 21-2-
14 344 is the statute which has existed for quite some time,
15 and it allows the use of paper ballots when voting
16 machines become impossible or impracticable to use or not
17 practicable -- not practicable is the actual language.

18 And there is an Attorney General opinion directly on
19 the point, and I'll get that citation. It is 1997 Georgia
20 opinion of the Attorney General, at page 7. This was a
21 1997 opinion authored by Michael Bowers to Lewis Massey,
22 the Secretary of State. And the issue there was not a
23 technical malfunction, it was an impracticability or
24 impossibility because the ballot language was too long to
25 fit on the voting machines that were in use. And so that

1 became impracticable, and Mr. Bowers cites the 344 and
2 says now applied to this situation, you've got
3 impracticability and so you should use hand-marked paper
4 ballots in order to maintain compliance with Georgia law.
5 So I think it's clear that this failsafe can apply other
6 than in situations where there is a technical malfunction
7 or a power outage.

8 There's a separate section of Georgia code that
9 applies to the emergency ballot situation, and that does
10 apply not only to a technical malfunction or to a power
11 outage, but it also applies in situations where the line
12 is more than 30 minutes long, so there's yet another
13 provision there. But that's not the provision that the
14 Athens-Clarke County Board of Elections relied on. The
15 Board of Elections here relied on 21-2-344.

16 Ms. McGowan also said that voter privacy is not a
17 justification for scrapping ballot-marking devices, and we
18 respectfully disagree with that position. Ballot secrecy
19 is a constitutional right under Georgia law, and if it is
20 impossible or impracticable to guarantee that right using
21 the machines, then -- in a particular situation, then it
22 is not only possible but actually a duty of a County
23 Elections Board to declare that to be impossible or
24 impracticable.

25 Now, having said that, this is not a case, and I hope

1 it became apparent from Mr. Evans' testimony, where the
2 Athens-Clarke County Board of Elections took the position
3 that the BMDs can never be used in a manner that is
4 consistent with voter privacy or ballot secrecy. That is
5 not our position. The position is what you heard here
6 today that we couldn't fit enough machines, the required
7 number of machines, in the space allowed in a way that
8 would comply with the Secretary of State's diagrams that
9 were specifically promulgated in order to guarantee ballot
10 secrecy.

11 And in fact, even though the Board of Elections
12 didn't have any sketches at the time they made this
13 decision, the ones we have seen look an awful lot more
14 like Mr. Harvey's examples of what not to do than what to
15 do. And there is a real problem in Athens-Clarke County
16 particularly with respect to about six polling places of
17 whether you can fit the number of machines in the space in
18 a manner that is remotely consistent with what Mr. Harvey
19 laid out. And so this Board, being unable to add polling
20 places or move polling places to a larger location, really
21 did find itself between a rock and a hard place, and it
22 may or may not be the only Board in the State dealing with
23 those issues.

24 This is not about any other County. This is about
25 the polling places that exist in Athens-Clarke County, and

1 the ones that, frankly, we're stuck with for the March
2 24th primary. We can make changes for the May primary,
3 and we've already done that, and we can make more changes,
4 if necessary, for the November election, and I think the
5 Board indicated -- Mr. Evans indicated willingness to do
6 that if necessary to comply with all of the legal
7 requirements.

8 You heard Ms. McGowan say that this was a difficult
9 decision by the Board, and it certainly was. It was not a
10 hasty decision. Ballot secrecy was one -- was an issue
11 the Board had asked about repeatedly for months and had
12 asked them to provide more than mere assurances that
13 ballot secrecy would be respected given the constraints
14 that the Board was facing. The Board did not receive
15 those drawings, and it -- given the information before it,
16 it made what is clearly a reasonable decision. It may not
17 be the one that the State Election Board would make. It
18 may not be the one that another county would make.

19 But I think that in order to find a violation of law
20 here, the State Election Board needs to find that no
21 reasonable Board would find it impracticable to meet its
22 many obligations under the law with the use of ballot-
23 marking devices. Again, if the Board -- if this Board
24 applies any other standard, then you take away discretion
25 and you open the courthouse door to litigants who want to

1 capitalize on that lack of discretion to get judges to
2 substitute their opinions for those of Boards of Elections
3 around the state.

4 I will close where, in a way, I began, and it was
5 part of Mr. Evans' testimony as well, that this Board
6 remains open-minded and willing to work not only with
7 staff but also with the Secretary of State's Office to try
8 to come up with a solution that works in Athens-Clarke
9 County that respects voter privacy, complies with the
10 legal obligations for the number of voting booth required,
11 and also complies with changes -- the restrictions on
12 changing a polling place so many days before an election.
13 We can't change polling places before the presidential
14 primary, but there may be other things that we can do,
15 working with the Secretary of State, that would provide a
16 technical solution here. In fact, the Secretary of
17 State's Office clearly has diagramming capabilities. I
18 suggest that might be one area where we could collaborate
19 and come up with the kind of evidence that the Board has
20 been requesting for a way to allow them to ease back into
21 the polling places in a way that respects voter privacy.

22 Voter privacy, ballot secrecy is clearly something
23 that is important to the Board. It is a constitutional
24 right, and it is one of several things that the Board has
25 to consider when equipping its polling places and moving

1 forward with elections. I think it's beyond dispute based
2 on the evidence in front of you that this Board did its
3 level best, given the information in front of it to try to
4 accommodate all of the many requirements that it faced.
5 So if -- I think with that, I'll rest.

6 MR. RAFFENSPERGER: Any Board members have any
7 comments or input? Would you make a -- go ahead.

8 MS. LE: I think what I heard today is a little bit
9 concerning with how Clarke County -- Athens-Clarke County
10 Board and its staff work, and we're up against a very
11 important year. Elections is a demanding business to
12 begin with, but what I heard today is concerning, and I
13 hope -- it seems to be a, you know, disconnect between the
14 Board and its, I guess, staff if you want to call it that,
15 but I really hope you guys find a way to better
16 communicate. It has to happen or else what I feel like --
17 the impression I got from this, hearing the testimony,
18 especially that of Mr. Evans, is that this, what has been
19 brought today, seems more like an event of
20 miscommunication between the staff and the Board --

21 MR. RAFFENSPERGER: Excuse me.

22 MS. LE: -- because it could be resolved another way,
23 the Board decided to take this extreme measure. I don't
24 see impossibility or impracticability based on the
25 definition with the law because I don't hear that other

1 options haven't been explored, like the windows, and, you
2 know, those are very concerning, I understand. But
3 they're not impracticable for this. So I think there's
4 some here for the Board and its staff to figure out how to
5 make this work. You're up against a big year. There's a
6 lot on you, I understand. I was in elections, I
7 understand. But we're not talking about is it easy or is
8 it hard? We're talking about is it impracticable. And by
9 that standard, I don't see it here today from what I'm
10 hearing. And it is my sincere hope that you guys figure
11 it out and work with the Secretary of State's Office. I
12 think it can be done. Other counties are doing it too.

13 MR. RAFFENSPERGER: Worley? Mashburn?

14 MR. MASHBURN: The two major problems that I see with
15 the Respondent's case today was that there's actually been
16 no evidence introduced that anybody actually ever saw a
17 ballot be cast. There is a hypothetical idea that
18 somebody may be doing this, if they were doing that, could
19 have maybe seen something. The Chairman's testimony today
20 was that he saw a screen and that had there been a voter
21 there, he believed that he might have been able to see the
22 vote, but he didn't see an actual vote be cast. So I
23 think you've got the burden of the proof, the Board had
24 the burden of proof of establishing impossibility and
25 impracticably -- impracticability. And I don't think they

1 met their burden of proof because they didn't introduce
2 anybody today that actually saw a ballot be cast. There
3 were two witnesses who said they were concerned about it.
4 They didn't see a ballot be cast. They didn't testify
5 that somebody else saw their ballot being cast. So there
6 was no evidence.

7 Now, the absence of evidence also creates the second
8 problem in your case. And I don't think I'm the only
9 person to see this, but there's a lot of dysfunction going
10 on in that office between the Board and the staff.
11 There's a lot of dysfunction, but the problem is not whose
12 fault is it? Or who didn't give me what I wanted? It was
13 do we have enough evidence to make a determination that
14 it's impossible or impracticable? And the Chairman's
15 testimony again solidified that there wasn't the evidence.
16 He didn't get the evidence that he wanted. And so the --
17 the default position is that it is possible and it is
18 practicable. And in fact, that was the testimony of the
19 Elections Supervisor that she said that, so to move off
20 the default of possible and practicable, you have to have
21 convincing and clear evidence that it's not. And the
22 testimony that we heard today was well, the staff didn't
23 get me the information from which to make that
24 determination. Well, if that's the case, the status quo
25 applies, and you don't make the change. So those are the

1 two things that I'm very concerned about with the
2 Respondent's case.

3 MR. RAFFENSPERGER: Mr. Worley?

4 MR. WORLEY: First of all, I compliment the
5 attorneys, and I compliment both sides. I particularly
6 compliment Mr. Sells because I think he has a very
7 difficult case, and I think he made a reasonable argument.
8 But I don't think -- I don't think the Board, the Athens-
9 Clarke County Election Board has actually been reasonable
10 in what it's done. I do think that the standard is if you
11 want to make a change like this, you have to show that
12 it's impossible or impracticable. The Elections
13 Supervisor testified that she told the Board it was not
14 impossible or impracticable. And in this case, having
15 listened to her testimony and the testimony of the other
16 members of the staff and the testimony of the Chairman of
17 the Board, I come down on the side of the Elections
18 Supervisor.

19 And I think, after having heard the testimony, that I
20 really don't think the Board was being reasonable and
21 dealing with its concerns by making a wholesale change in
22 every precinct when from the facts that we have, there are
23 reasonable concerns about ballot privacy and secrecy in
24 some limited number of precincts, but to me, the
25 appropriate way to deal with that is not to make a

1 wholesale change as it was done. So I think -- I think
2 the Board did violate the law. I think they do have the
3 burden in showing impossibility and impracticability and
4 they did not do that. I think they violated the statute
5 in terms of an appropriate penalty. I would favor
6 ordering them to cease-and-desist from using the hand-
7 marked ballots at this point, and I would defer in further
8 penalties until such time as the Secretary of State's
9 Office has had a chance to work with the Board to reach a
10 resolution of these privacy concerns, and if that can't be
11 done, then I would consider a further penalty at that
12 time.

13 MR. RAFFENSPERGER: Well, I'm in agreement with many
14 of the comments that have been made by the Board. I've
15 heard an awful lot of management dysfunction, and I've
16 heard the Chair of the Board has an issue and believes
17 that the county attorney has given bad legal advice, so he
18 has no confidence in the county attorney's legal ability
19 and then has also expressed dissatisfaction with county
20 election officials. I have traveled to many of the
21 counties throughout the State, and one thing I really have
22 spoken highly of is the personal integrity of our county
23 election officials, that -- it doesn't really matter what
24 side of the aisle they're on. What 100% of them, what I
25 have found, is they want to do a good job in the process.

1 But it's not our job to handle the day-to-day
2 management of Athens-Clarke County elections, but I would
3 highly recommend that you work collegiately as a team
4 because this is a very important year. We're trying to
5 keep lines down because we're expecting over 5 million
6 people to show up for the November election, so therefore,
7 when you, you know, decouple your precincts and have
8 additional precinct locations, I think that'll be a good
9 thing, and that's the right path that you're on.

10 But I concur with my members that have spoken so far
11 today that I don't think that you've provided clear and
12 convincing proof in your case and that you have actually,
13 you know, violated, you know, the sections of code and SEB
14 rules as stated by the Attorney General's Office.

15 Accordingly, we can bring this to a vote, but what
16 I'm going to recommend first off is I would recommend a
17 cease-and-desist, a public reprimand -- which I think
18 we've just given you right now -- but also we've had some
19 investigation costs, and, you know, we're going to --
20 we'll work that up and I believe that we should assess
21 that, and we're going to send you an invoice for that
22 because I think that is the appropriate reaction.

23 But also, you've been voting, you know, with hand-
24 marked paper ballots for a week, and the question is what
25 is the appropriate day for you to be ready to go back to

1 ballot-marking devices? And if you think you could stand
2 it up and have it done tomorrow, then that would be it.
3 But obviously, it's 5:20 tonight, and I don't think you
4 can do that, but if you can try it Friday, and maybe I
5 should ask Ms. Sosebee, once it's finished, you could
6 stand that back up?

7 MS. SOSEBEE: Tomorrow.

8 MR. RAFFENSPERGER: You would actually be ready
9 tomorrow morning?

10 MS. SOSEBEE: Yes.

11 MR. RAFFENSPERGER: Mr. Germany, you look like you
12 want to say something?

13 MR. GERMANY: Please. I was just going to add --

14 MS. LE: You can have my mic.

15 MR. GERMANY: Sorry. I was just going to add that
16 given what I heard today as well, I think it will be
17 difficult to work to come up with a solution that's not
18 ordered by the Board. I think that cease-and-desist order
19 does accomplish that. I was going to propose a fine where
20 we basically put a -- well, if they say they're back in
21 compliance, we'll suspend it, given a certain time. Based
22 on Director Sosebee's statement that they can be back in
23 compliance tomorrow, I don't think a fine will be
24 necessary, other than the investigative costs.

25 MR. RAFFENSPERGER: Okay.

1 MS. LE: I was actually going to -- I was thinking of
2 making that proposal myself, which is \$5,000 per day until
3 full compliance to the satisfaction of your office at
4 which point you can suspend.

5 MR. RAFFENSPERGER: Okay.

6 MR. GERMANY: I was thinking along the same lines,
7 but given what Director Sosebee said, you know, I would be
8 comfortable without imposing a civil penalty at this
9 point.

10 MR. WORLEY: I -- it would be my preference to vote
11 on some of these proposed penalties separately because I,
12 for one, don't feel comfortable assessing the
13 investigative costs without actually knowing what they
14 are, so I would make a motion to order the Athens-Clarke
15 County Board of Elections to cease-and-desist using hand-
16 marked ballots immediately.

17 MS. SULLIVAN: Second.

18 MR. RAFFENSPERGER: Do we have any further
19 discussion? All those in favor of issuing a cease-and-
20 desist to Athens-Clarke County, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Any opposed? Motion carries.

23 MR. MASHBURN: I will support the Chairman's --
24 Secretary's remedy for administrative or investigative
25 costs. And the reason -- the reason why I support that

1 idea is because our -- I had an open mind coming in, and
2 as I heard the testimony develop today, what I -- what I
3 started hearing is that there was a kind of a
4 misunderstanding about decisions being made about policy
5 and the implementation of the policy and I was like, okay.
6 There's a simple disagreement. There's a simple
7 misunderstanding there. But as the day went on, it
8 sounded like there was more than that, and the concern
9 that I have is that the citizens of Athens-Clarke County
10 who want to vote with electronic devices were denied that,
11 and it was stripped from them on a one-person vote. And
12 so they, the people that want cast a ballot on paper have
13 the right to do so. It's well established, and the
14 Supreme Court has already held that. And so there needs
15 to be something more. There does need to be a remedy for
16 that. The other problem is the equipment was provided by
17 the taxpayers of the State of Georgia, if I'm not
18 mistaken.

19 MR. RAFFENSPERGER: You're correct.

20 MR. MASHBURN: It wasn't bought by Clarke County, and
21 so Clarke County wasn't putting away their own equipment
22 in their own county doing their own thing. They were
23 dealing with equipment bought by the taxpayers all over
24 Georgia. So there does need to be more than just the
25 cease-and-desist and the reprimand, so I support strongly

1 the motion made by the Chairman to propose the
2 investigative costs.

3 MR. RAFFENSPERGER: Mr. Germany, did you want to add
4 something to that?

5 MR. GERMANY: I would -- I would support that as
6 well. I do think we should talk about what those costs
7 would be, and frankly, you know, I think we are all
8 cognizant of the fact that we don't want necessarily to
9 punish the citizens of Athens-Clarke County or the County
10 Commission for what seems to be some dysfunction on the
11 County Elections Board. So I think a reasonable number
12 for that would be \$2500. I think that's very low. I
13 think the investigative costs are probably more than that,
14 but I think that's a reasonable number to get the point
15 across that there is a monetary component of this.

16 MR. RAFFENSPERGER: To Mr. Germany's point, I ran
17 some numbers this morning and that was over \$16,000 before
18 I started calling, you know, someone in the accounting
19 department, so I think your number is very fair. And I'll
20 let it go at that. Do you want to make a motion?

21 MS. LE: Does that include the \$5,000? Or is that a
22 separate one?

23 MR. RAFFENSPERGER: No. That's a separate one.

24 MS. LE: Oh, okay. I motion for a fine of \$2500...

25 MR. GERMANY: Investigative costs.

1 MS. LE: Investigative costs.

2 MR MASHBURN: I second the motion to impose the
3 investigative -- investigative costs of \$2500.

4 MR. RAFFENSPERGER: Any further discussion? Hearing
5 none, all those in favor of the \$2500 investigative cost
6 to be assessed to the County Election Board of Athens-
7 Clarke County, signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed?

10 MR WORLEY: No.

11 MR. RAFFENSPERGER: Motion carries.

12 MS. LE: I'd like to propose, just to ensure timely
13 compliance, \$5000 per day per violation, per day per
14 violation until Athens-Clarke County is in full compliance
15 to the satisfaction of the Secretary of State's Office.

16 MR. RAFFENSPERGER: At which time it will be waived?

17 MS. LE: It could be waived.

18 MR. RAFFENSPERGER: Do we have a second?

19 MR. MASHBURN: I'll second that.

20 MR. RAFFENSPERGER: Do we have any discussion?

21 MR. WORLEY: So is it our understanding that if they
22 revert to the ballot-marking devices tomorrow, there will
23 be no penalty?

24 MR. RAFFENSPERGER: That is correct.

25 MR WORLEY: Okay.

1 MR. RAFFENSPERGER: Any further questions? Comments?
2 I'll call the question. All those in favor of proposal
3 introduced, the motion before us, signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Motion carries.
6 Does anyone have any more information -- any further
7 comments before we adjourn?

8 MR. WORLEY: I would just have one further comment.
9 There's been some discussion about dysfunction between the
10 Board and the staff. We've heard testimony today. I
11 don't see anything that the staff has done improperly in
12 this situation, and I just wanted to state that on the
13 record.

14 MR. RAFFENSPERGER: If that was a motion, I'd second
15 it. Being it not, and it's late in the day, this meeting
16 is adjourned.

17 (Meeting adjourned 5:30pm)

18

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 2 through 257 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 16th day of April, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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			72 (6)	



EXHIBIT 1
SEB
Deponent _____
Date _____ Rptr. _____
WWW.DEPOBOOKPRODUCTS.COM

SEB-0108



SEB-0109



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the attached four (4) pages are true and correct copies of the Dominion Voting System Certification issued on February 19, 2020; KNOWiNK Electronic Poll Book Certification issued on January 17, 2020; KNOWiNK Electronic Poll Book Certification issued on October 11, 2019; and the Dominion Voting System Certification issued on August 9, 2019; all as the same appear on file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 9th day of March, in the year of our Lord Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.



Brad Raffensperger
Brad Raffensperger, Secretary of State

EXHIBIT 2
JEB
Deponent _____
Date _____ Rptr. _____
WWW.DEPOBOOKPRODUCTS.COM



OFFICE OF SECRETARY OF STATE

*I, Brad Raffensperger, Secretary of State of the State
of Georgia, do hereby certify that*

the Dominion Voting System (EAC Certification Number DVS-DemSuite5.5-A), consisting of the Democracy Suite 5.5-A Election Management System Version 5.5.12.1, EMS Adjudication Version 5.5.8.1, ImageCast X Prime (ICX BMD) Ballot Marking Device Version 5.5.10.30, ImageCast Precinct (ICP) Precinct Scanning Device Version 5.5.3-0002, and ImageCast Central (ICC) Central Scanning Device Versions 5.5.3-0002 and 5.5.3.3, manufactured by Dominion Voting Systems, Inc., 1201 18th Street, STE 210, Denver, Colorado 80202, has been thoroughly examined and tested and found to be in compliance with the applicable provisions of the Georgia Election Code and Rules of the Secretary of State, and as a result of this inspection, it is my opinion that this kind of voting system and its components can be safely used by the electors of this state in all primaries and elections as provided in Chapter 2 of Title 21 of the Official Code of Georgia; provided however, that I hereby reserve my opinion to reexamine this voting system and its components at anytime so as to ensure that it continues to be one that can be safely used by the voters of this state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 19th day of February, in the year of our Lord Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth



Brad Raffensperger
Brad Raffensperger, Secretary of State



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the KNOWiNK PollPad Plus 2.5.0 electronic poll book, a product of Know Ink, LLC, 2111 Olive Street, Saint Louis, MO 63103, has been thoroughly examined and tested and found to be in compliance with the applicable provisions of the Georgia Election Code and Rules of the Secretary of State, and as a result of this inspection, it is my opinion that this kind of electronic poll book and its components can be safely used in all primaries and elections in this state as provided in Chapter 2 of Title 21 of the Official Code of Georgia; provided however, that I hereby reserve my opinion to reexamine this electronic poll book and its components at anytime so as to ensure that it continues to be one that can be safely used in this state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 17th day of January, in the year of our Lord Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth



Brad Raffensperger

Brad Raffensperger, Secretary of State



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the KNOWiNK PollPad Plus 2.4.7 electronic poll book, a product of Know Ink, LLC, 2111 Olive Street, Saint Louis, MO 63103, has been thoroughly examined and tested and found to be in compliance with the applicable provisions of the Georgia Election Code and Rules of the Secretary of State, and as a result of this inspection, it is my opinion that this electronic poll book and its components can be safely used in all primaries and elections in this state as provided in Chapter 2 of Title 21 of the Official Code of Georgia; provided however, that I hereby reserve my opinion to reexamine this electronic poll book and its components at anytime so as to ensure that it continues to be one that can be safely used in this state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 11th day of October, in the year of our Lord Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Fourth



Brad Raffensperger
Brad Raffensperger, Secretary of State



OFFICE OF SECRETARY OF STATE

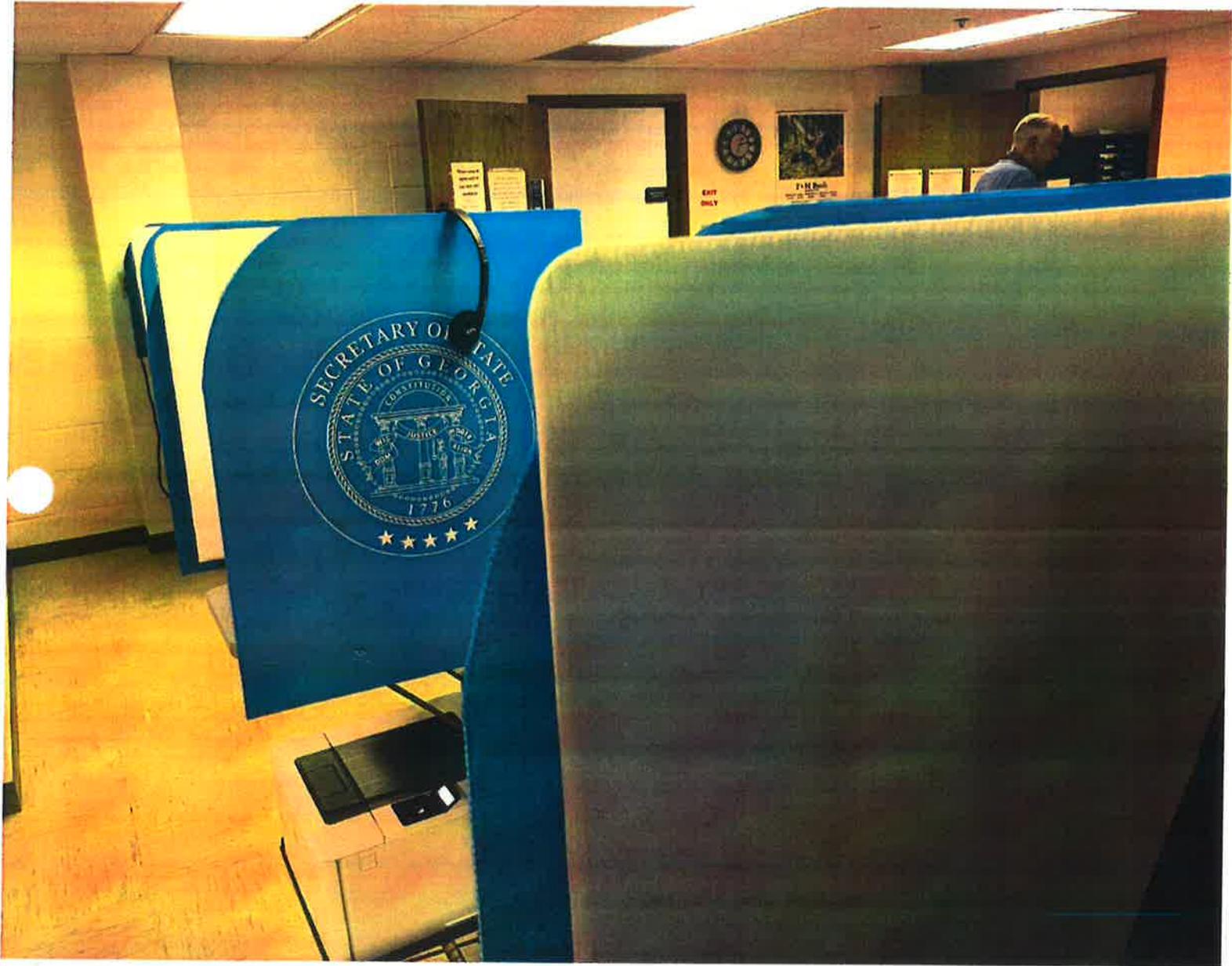
I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the Dominion Voting System (EAC Certification Number DVS-DemSuite5.5-A), consisting of the Democracy Suite 5.5-A Election Management System Version 5.5.12.1, EMS Adjudication Version 5.5.8.1, ImageCast X Prime (ICX BMD) Ballot Marking Device Version 5.5.10.30, ImageCast Precinct (ICP) Precinct Scanning Device Version 5.5.3-0002, and ImageCast Central (ICC) Central Scanning Device Version 5.5.3-0002, manufactured by Dominion Voting Systems, Inc., 1201 18th Street, STE 210, Denver, Colorado 80202, has been thoroughly examined and tested and found to be in compliance with the applicable provisions of the Georgia Election Code and Rules of the Secretary of State, and as a result of this inspection, it is my opinion that this kind of voting system and its components can be safely used by the electors of this state in all primaries and elections as provided in Chapter 2 of Title 21 of the Official Code of Georgia; provided however, that I hereby reserve my opinion to reexamine this voting system and its components at anytime so as to ensure that it continues to be one that can be safely used by the voters of this state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 9th day of August, in the year of our Lord Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Fourth



Brad Raffensperger
Brad Raffensperger, Secretary of State



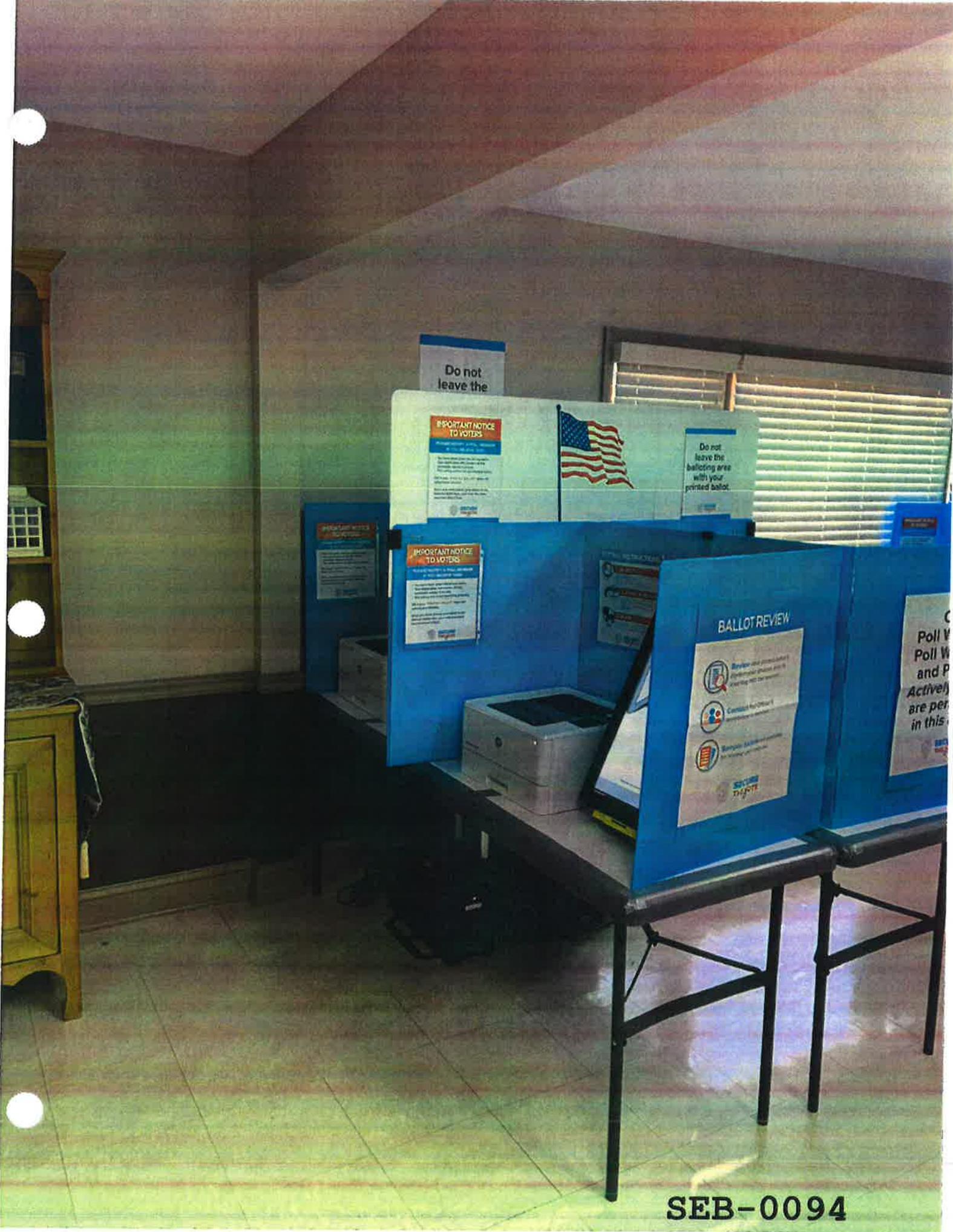
STATE'S
EXHIBIT
3

PERCEAD 300-631-6888

SEB-0104



SEB-0107



Do not
leave the

**IMPORTANT NOTICE
TO VOTERS**

Ballot Review Station
Instructions
1. Review your printed ballot to ensure that it is correct and that you have marked all of the boxes correctly.
2. If you have any questions, ask the poll worker for assistance.
3. Do not discuss your ballot with anyone else in the polling station.
4. Do not take your ballot home with you.
5. Do not take any other materials out of the polling station.
6. Do not use your phone or other electronic devices in the polling station.
7. Do not eat, drink, or smoke in the polling station.
8. Do not use the restroom in the polling station.
9. Do not use the telephone in the polling station.
10. Do not use the computer in the polling station.
11. Do not use the internet in the polling station.
12. Do not use the printer in the polling station.
13. Do not use the scanner in the polling station.
14. Do not use the copier in the polling station.
15. Do not use the fax machine in the polling station.
16. Do not use the photocopier in the polling station.
17. Do not use the shredder in the polling station.
18. Do not use the shredder in the polling station.
19. Do not use the shredder in the polling station.
20. Do not use the shredder in the polling station.



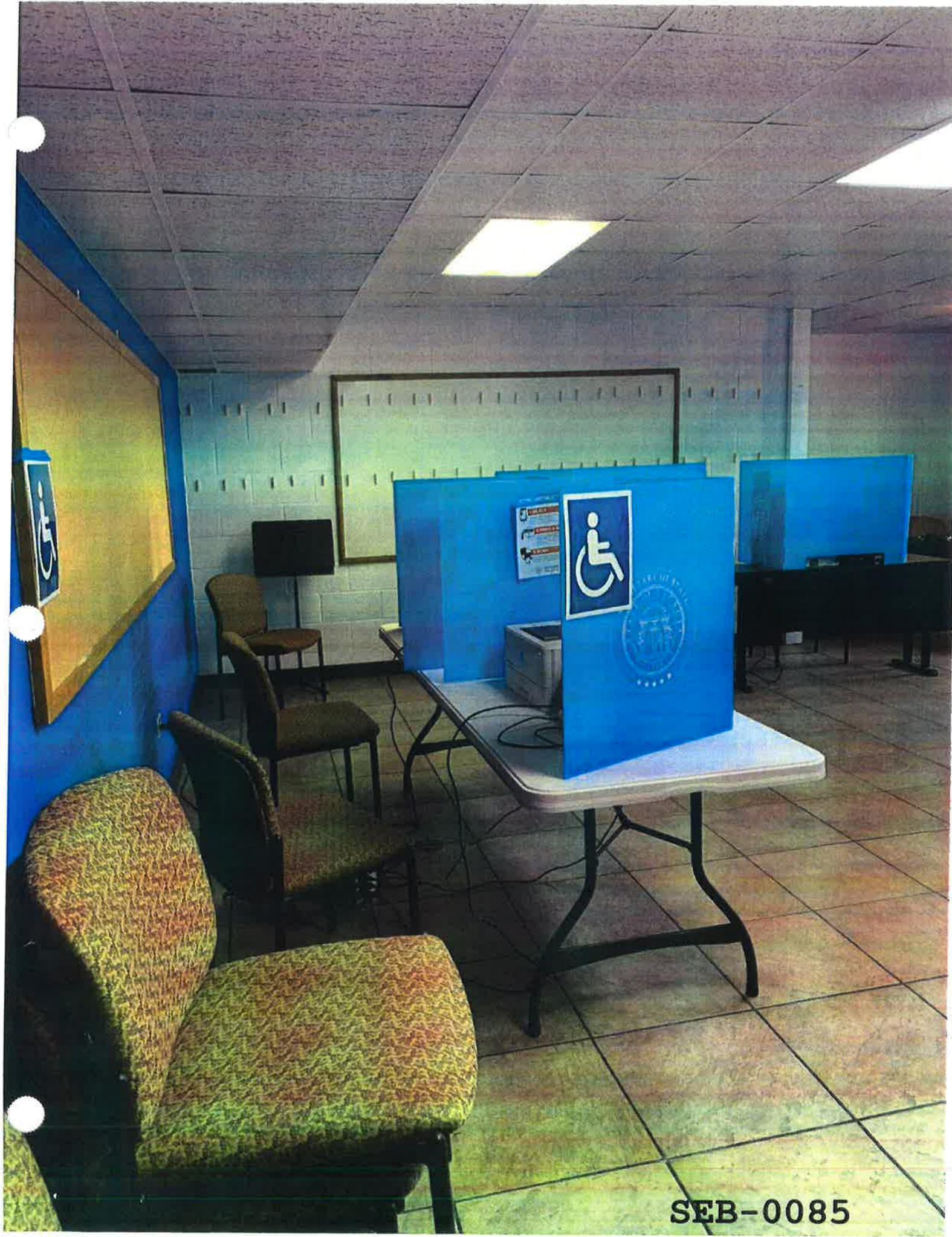
Do not
leave the
balloting area
with your
printed ballot.

**IMPORTANT NOTICE
TO VOTERS**

BALLOT REVIEW

- Review your printed ballot to ensure that it is correct and that you have marked all of the boxes correctly.
- Consult the poll worker for assistance.
- Do not discuss your ballot with anyone else in the polling station.

C
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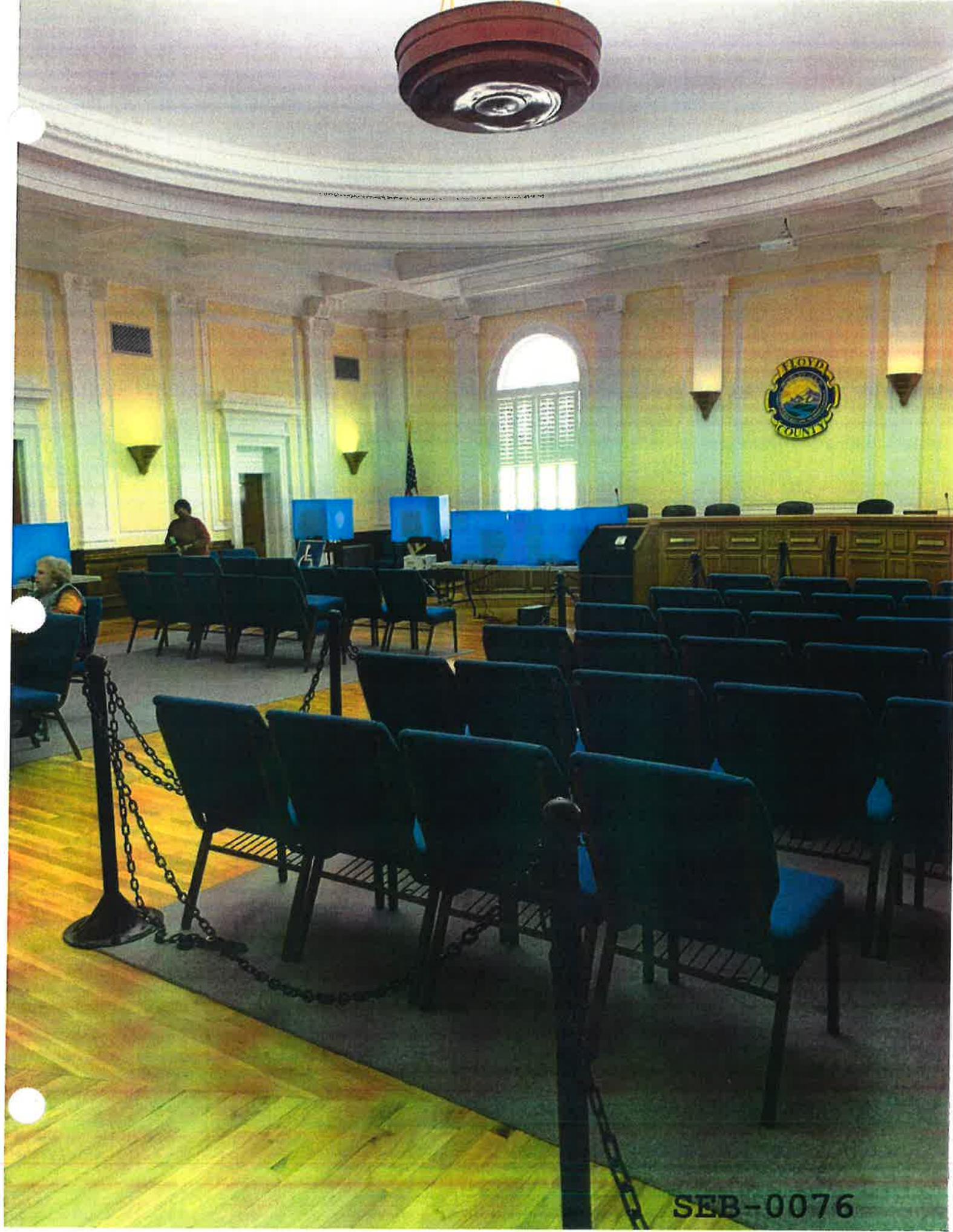
SEB-0085



SEB-0088



SEB-0069



SEB-0076

Floyd



SEB-0081

Thomas Mitchell

From: Charlotte Sosebee <Charlotte.Sosebee@accgov.com>
Sent: Thursday, January 23, 2020 8:29 AM
To: Deborah Lonon
Cc: Lisa McGlaun
Subject: STATE DISTRIBUTION OF VOTING EQUIPMENT TO ACCGOV ELECTIONS

Good morning and Happy Thursday...

Below is the list of equipment ACCGov Elections will receive from the State's Budget:

EQUIPMENT	UNITS	STATE'S INVESTMENT
Ballot Marking Devices (BMDs) includes printers	318	\$ 641,142.06
Polling Place Scanners & Ballot Boxes (PPSs) (Tabulates ballots at the Polling Places)	34	\$ 82,632.24
Central Scanning Device (CSD) (Tabulates Absentee Ballots)	1	\$ 4,950.11
Poll Pads (Check-in System)	124	\$ 108,066.00
Mobile Ballot Printer (MBP) (Ballot on Demand Printer)	1	\$ 5,800.00
Software	-	\$ 197,297.02
TOTAL	478	\$1,039,887.43

Please let me know if you have any questions.

Best,
Charlotte



Charlotte Sosebee, Director
Athens-Clarke County Board of Elections
155 E Washington Street***Athens, Georgia 30601
706-613-3150

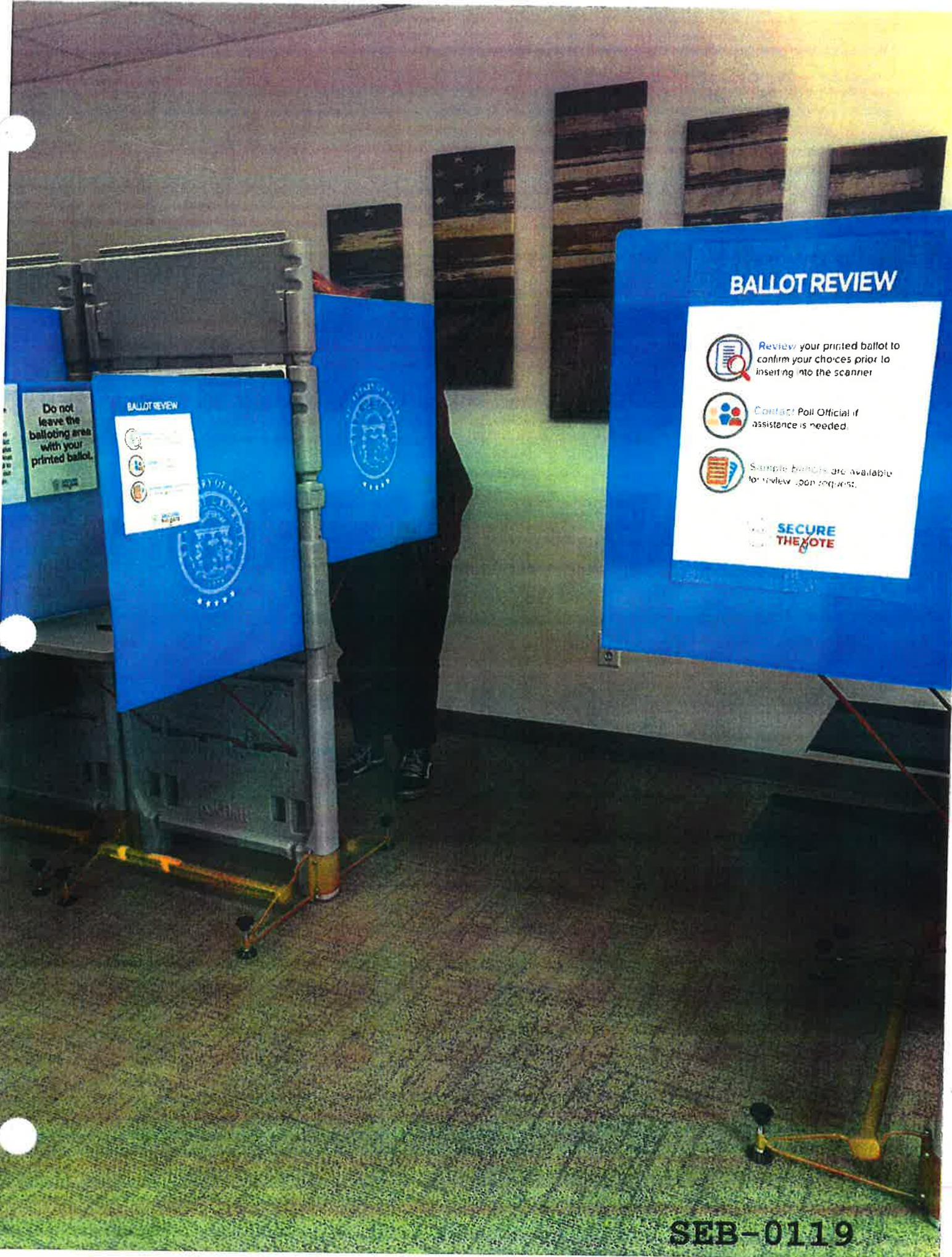
"If you only have one Smile in you, give it to the people you Love!"

-Maya Angelou



PENSAID 800-361-6266
STATE'S
EXHIBIT
5

SEB-0118



BALLOT REVIEW



1. Review your printed ballot to confirm your choices prior to inserting into the scanner



2. Contact Poll Official if assistance is needed.



3. Sample ballots are available for review upon request.



Do not leave the balloting area with your printed ballot.

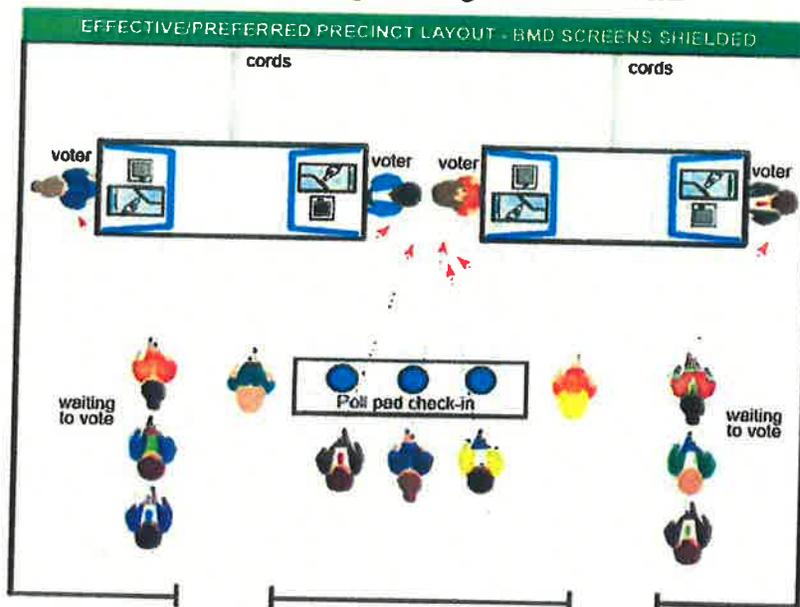
BALLOT REVIEW

Small version of the ballot review instructions sign, including the three numbered steps and the SECURE THE VOTE logo.

SEB-0119

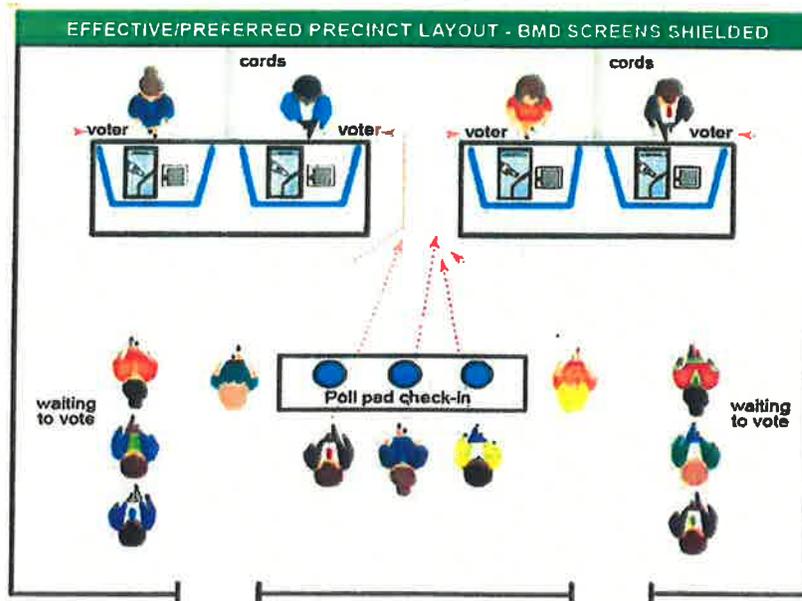
Special Training Topic Precinct Layout – Privacy

Firefly > Training > Polling Place Information



Special Training Topic Precinct Layout – Privacy

Firefly > Training > Polling Place Information



SECRECY LAYOUTS

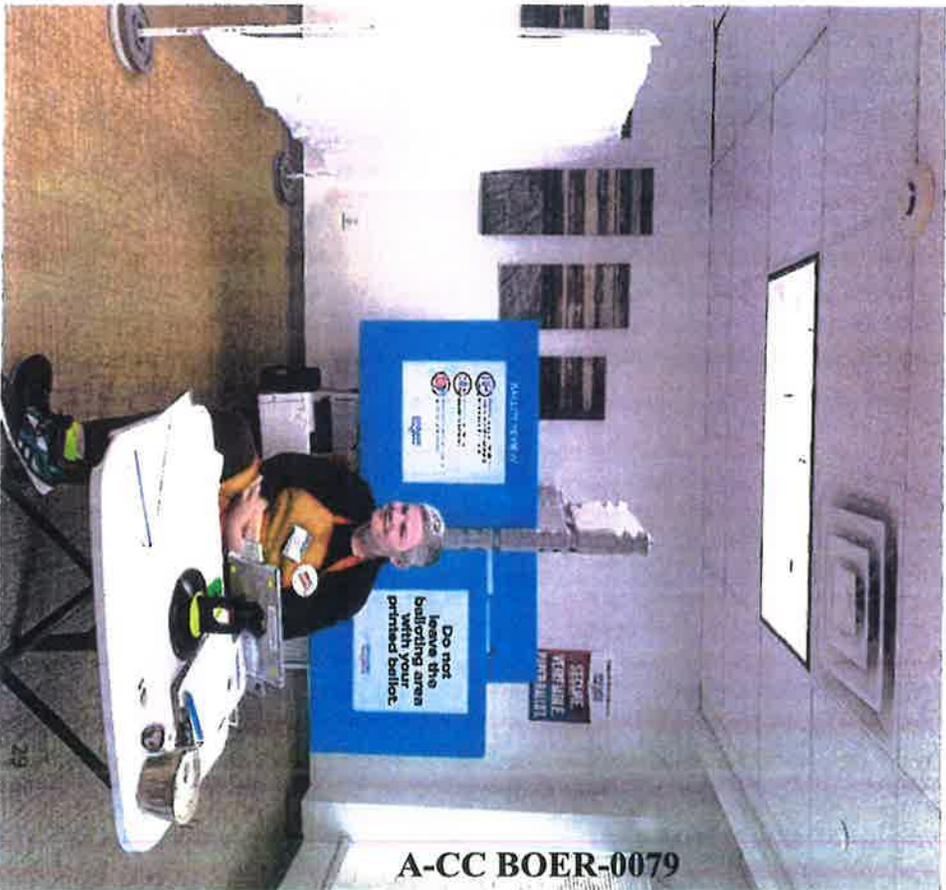
ATHENS-CLARKE COUNTY, GA

3/3/2020

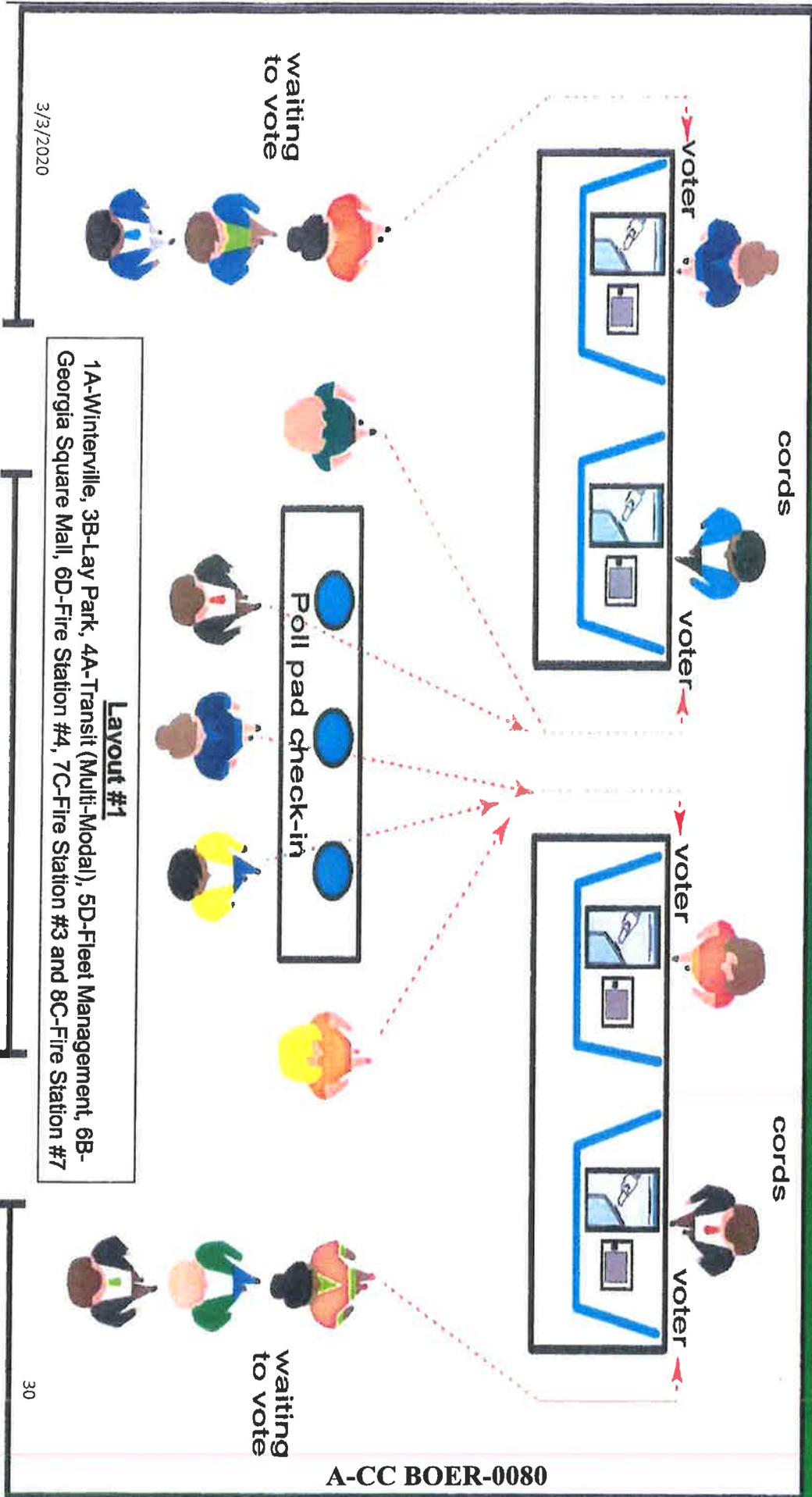


A-CC BOER-0078

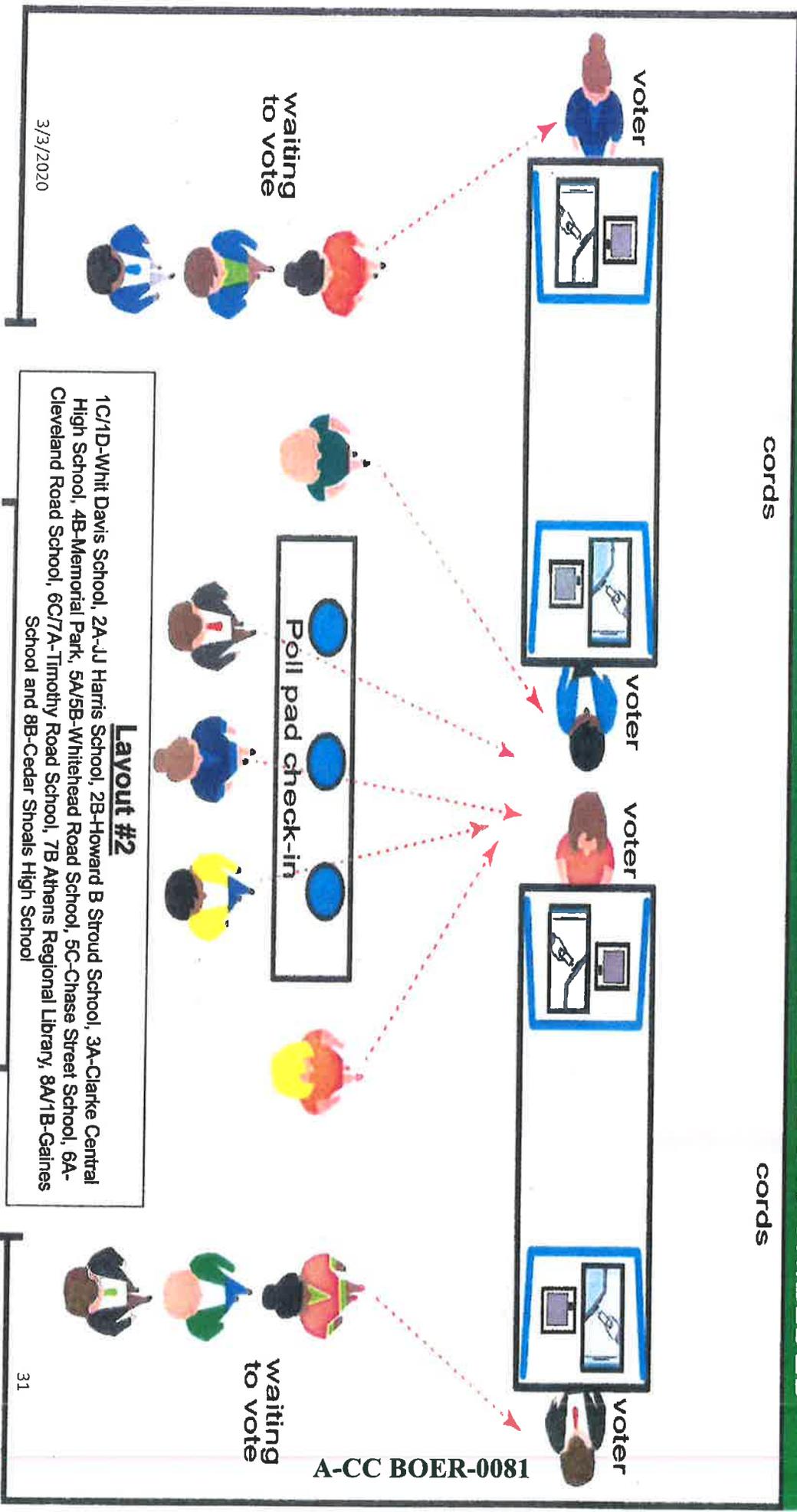
ACCGOV BOARD OF ELECTIONS OFFICE LAYOUT



EFFECTIVE/PREFERRED PRECINCT LAYOUT - BMD SCREENS SHIELDED



EFFECTIVE/PREFERRED PRECINCT LAYOUT - BMD SCREENS SHIELDED



Layout #2
 1C/1D-Whit Davis School, 2A-JJ Harris School, 2B-Howard B Stroud School, 3A-Clarke Central High School, 4B-Memorial Park, 5A/5B-Whitehead Road School, 5C-Chase Street School, 6A-Cleveland Road School, 6C/7A-Timothy Road School, 7B Athens Regional Library, 8A/1B-Gaines School and 8B-Cedar Shoals High School

3/3/2020



SECURE THE VOTE

Backup Procedures

Using Emergency
Paper Ballots



A-CC BOER-0176



USING EMERGENCY PAPER BALLOTS

If an emergency situation makes utilizing the electronic ballot markers impossible, impracticable, or if emergency ballots are otherwise needed as determined by the election superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the precinct. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes. (SEB Rule 183-1-12-.11 (2) (c) & (d))

Items Needed:

- Emergency Ballots
 - The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters assigned to a polling place. (SEB Rule 183-1-12-.11 (2)(c))
 - Emergency Ballots must be secured prior to use.
- Pens
 - Dominion Voting Approved Pens
 - Sharpie Fine Point Black (part #: 30001 SKU: 071641300019).
 - Paper Mate Flair M Medium Point Black, (part #: 8430152, SKU: 041540843016).

Voting Procedures:

- The poll officer shall verify the identity of the voter and that the person is a registered voter of the precinct.
- On the Poll pad, the poll officer will select "Emergency Ballot" instead of "Touchscreen," and hit "submit" in order to finalize check-in of the voter. No voter access card is needed or created.
- The poll officer shall provide an emergency ballot to the voter that is to be filled out with a pen.
- The voter shall mark their ballot with a pen in an area that provides voter privacy.
- The voter shall scan their ballot in the scanner connected to the ballot box.
- Emergency ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned.
- All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.



FILED IN OFFICE
CLERK OF SUPERIOR COURT
SUMTER COUNTY, GEORGIA
20CV00077(S)
R. RUCKER SMITH
MAR 02, 2020 10:41 AM

IN THE SUPERIOR COURT OF SUMTER COUNTY
STATE OF GEORGIA

Cortisa Barthell, Clerk
Sumter County, Georgia

COALITION FOR GOOD
GOVERNANCE, *et al.*

Petitioners,

v.

JAMES GASTON, *et al.*,

Respondents.

CIVIL ACTION

FILE NO.
20CV00077(S)

ORDER

This matter came before the Court at an emergency hearing on February 26, 2020 on the Petitioners' "Emergency Motion for Section 412 Hearing and Relief" filed on February 24, 2020 ("the Emergency Motion"). The Emergency Motion was filed contemporaneously with Petitioners' "Verified Petition for Writ of Mandamus and Complaint for Prospective Relief Under O.C.G.A. § 21-2-412 and 42 U.S.C. § 1983." The Verified Petition was amended late on the evening of February 25, 2020 to add a verification, correct a defendant's name, and substitute a plaintiff.

¹ Petitioners are the Coalition for Good Governance, a Colorado nonprofit corporation; Craig Walker, a registered voter in Sumter County who was substituted for Terence Clemons in the Amended Petition; Jeanne Dufort, a registered voter in Morgan County; and Aileen Nakamura, a registered voter in Fulton County.

SEB-0060

The Verified Petition, as amended, includes three counts, requesting:

- (1) an order under O.C.G.A. § 21-2-412 requiring Respondents² to use hand-marked paper ballots instead of the new Dominion Ballot-Marking Devices (BMDs) to preserve ballot secrecy by the use of hand-marked paper ballots;
- (2) a writ of mandamus under O.C.G.A. § 9-6-20 requiring Respondents to maintain the absolute secrecy of the ballot; and (3) equitable relief under 42 U.S.C. § 1983 regarding the alleged violation of ballot secrecy. The prayer for relief also sought attorney fees from Respondents.

The Court moved expeditiously to set a hearing after consulting with counsel for both parties and held a hearing with all parties represented by counsel on February 26, 2020 at 3:00pm. Given that the hearing was set so quickly after the filing of the Amended Petition, Respondents did not file a written response in objection to the Emergency Motion but rather presented their opposition orally at the hearing. A court reporter transcribed the hearing.

Upon consideration of Petitioners' Emergency Motion and argument of counsel for Petitioners and Respondents, the Court hereby denies the Emergency Motion.

² Respondents are the members of the Sumter County Board of Elections in their official capacities, specifically James Gaston, Shirley Latimore, Marty McDonald, Rhonda Reddick, and Carson Walker.

CONTENTIONS OF THE PARTIES

Petitioners allege that Respondents are not obeying the Georgia Constitution, which commands that “Elections by the people shall be by secret ballot,” Art. II, Sec. 1, Par. 1., and O.C.G.A. § 21-2-379.22(5) which prohibits the use of ballot marking devices unless they “[permit] voting in absolute secrecy so that no person can see or know any other elector’s votes.” Petitioners allege that the size and brightness of the screens on the Dominion BMDs and their upright positioning, and the size of the font, makes it impossible for voters to vote in “absolute secrecy.” Petitioners submitted a variety of photographs that were admitted into evidence without objection, showing visible screens of BMDs being used in voting. Petitioners further allege that it is “impossible or impracticable” to use the BMDs in conformity with Georgia law and election rules, including the (a) ballot secrecy laws and (b) O.C.G.A. § 21-2-267 and State Election Board Rule 183-1-12-.11(4) (which requires the polling place to be arranged “to allow monitoring of each voting system component by the poll officers while the polls are open” and the ballot marking devices to “be arranged in such a manner” as to “allow monitoring of the devices by the poll workers” and to maintain “the security of such units against tampering, damage, or

other improper conduct;” (c) the “number of voting stations” requirement of O.C.G.A. § 21-2-367 (b) (“at least one voting booth or enclosure for every 250 electors”); and (d) with the physical limitations of the existing polling locations, which cannot be moved in advance of the upcoming elections. As a result, Petitioners request this Court find that since it is “impossible or impracticable” for Dominion BMDs to be used in a manner that protects the secrecy of the ballot and complies with these other Georgia laws, Respondents should be ordered to conduct the election using hand-marked paper ballots, as provided in O.C.G.A. § 21-2-281 and State Election Board Rules 183-1-12-.11(2)(c) & (d).

Respondents allege that Petitioners are advocates for hand-marked paper ballots and that reconfiguring polling places fully addresses Petitioners’ concerns, because it is possible to utilize the BMDs consistent with the monitoring requirements of state law while also protecting the right to a secret ballot. Respondents further raise a variety of other arguments, including (a) that mandamus is not the appropriate remedy because Petitioners request the Court direct officials how to exercise their discretion and (b) that voters do not have a constitutional right to a particular method of voting. Respondents further submitted drawings

prepared by the Secretary of State which they allege show how polling places might be configured and photographs of other methods that prevent BMD screens from being visible by persons other than the voter. These drawings and photographs were admitted into evidence without objection.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court first determines that it has jurisdiction over the Amended Petition. While there may be some question about out-of-county Petitioners, there is at least one Petitioner with standing to raise the issues in the Amended Petition. There was no dispute about venue.

The key issue for determination by the Court was whether it was “impossible or impracticable” for the BMDs to be deployed in a way that (1) protects the absolute secrecy of the ballot while (2) allowing sufficient monitoring of the BMDs in use.

Having heard the argument and considered the evidence submitted by the parties, the Court finds that Petitioners have failed to carry their burden of proving that it will be “impossible or impracticable” for Respondents to deploy the BMDs in a manner that protects the secrecy of the ballot while allowing sufficient monitoring. It is not for this Court to

devise how best to configure the BMDs. Instead, it is the Respondents' responsibility to comply with Georgia law.

CONCLUSION

Based on the foregoing analysis, the Court DENIES Petitioner's Motion for Emergency Relief.

So ORDERED this 2nd day of ^{March} February, 2020.



JUDGE R. RUCKER SMITH
Superior Court of Sumter County

In The Matter Of:
Secretary of State
State Election Board Hearing

April 15, 2020

Steven Ray Green Court Reporting, LLC
404 733 6070

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

April 15th, 2020
10:15 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

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

1
2 MR. RAFFENSPERGER: Well, the first item before us on
3 the agenda will be the approval of the board minutes from
4 February 28th, 2020 and March 11th, 2020. As that has
5 been presented to the members, now would be the
6 appropriate time for a motion. Do we have a motion?

7 MR. MASHBURN: This is Matt Mashburn. I make a
8 motion that the Board minutes from both meetings be
9 approved.

10 MR. RAFFENSPERGER: Do we have a second?

11 MS. SULLIVAN: Rebecca will second.

12 MR. RAFFENSPERGER: Do we have any discussion?

13 MR. WORLEY: This is David Worley. There appears to
14 be a duplicate paragraph in the minutes of March 11th,
15 2020, so I would amend the motion to pass the minutes with
16 the duplicate paragraph deleted.

17 MR. MASHBURN: I view that -- Matt Mashburn views
18 that as a friendly amendment and has no objection.

19 MR. RAFFENSPERGER: Okay. That being said, we have a
20 motion before us with the amendment as proposed by Mr.
21 Worley. All those in favor, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: None opposed? Motion carries.
24 Okay. We now have the time for public comments, and I
25 understand, Bre, that you'll be quarterbacking that for us

1 and coordinating that, so we'll call on the first public
2 comment. I'll turn it over to you, Bre.

3 MS. THOMAS: Okay. If you would like to make public
4 comment, on the toolbar there is an option to raise your
5 hand, or you can write in the questions box if you would
6 like to make a public comment. We're first going to start
7 with Joy Wasson and Liz Throop. You can speak now.

8 MR. RAYBURN: This is Kevin Rayburn. As a reminder,
9 everyone has two minutes. Please state your name and
10 where you are from for the record before you begin, and we
11 will have a timer going off after two minutes. Please
12 respect the time, and please --

13 MS. WASSON: Hello.

14 MR. RAYBURN: -- keep comments to the rules that are
15 up for discussion today. Thank you.

16 MS. WASSON: Okay. Can you hear me?

17 MS. THOMAS: Yes.

18 MR. RAFFENSPERGER: Yes.

19 MS. WASSON: Hi. I'm Joy Wasson, a DeKalb County
20 voter. On March 27th, there was a hearing on a violation
21 of the Help America Vote Act, known as HAVA. The
22 complaint was brought by Coalition for Good Governance,
23 who presented compelling and overwhelming evidence that
24 secrecy of the ballot was violated in numerous counties in
25 Georgia with the new Dominion voting system. It was clear

1 from the witnesses that the machine's design flaw and
2 space considerations made it impossible in most
3 configurations for the systems to comply with Georgia
4 laws. There would be no doubt to reasonable people
5 hearing and seeing the evidence presented that the finding
6 should be that the privacy requirements under HAVA were
7 not met.

8 The Secretary of State's Office dismissed the
9 Plaintiffs' claims and ultimately concluded that no
10 violation occurred despite the fact that the witnesses had
11 each personally observed scores of non-secret touch screen
12 ballots. I've observed these myself. The State once
13 again told Georgia's counties that they must assure voter
14 privacy and were free to be creative with solutions.

15 Athens-Clarke County recently adopted a resolution to
16 restrict ballot-marking devices to a number that can be
17 arranged to comply with secrecy and use hand-marked paper
18 ballot voting stations in the remaining space to comply
19 with required number of voting booths per electors.

20 Athens-Clarke has been punished by this body when trying
21 to move to a better solution of all hand-marked paper
22 ballots. That would be the best given the current
23 pandemic physical distancing guidelines in place. I
24 applaud Athens-Clarke for working to protect voters and
25 urge the SEB to do the same.

1 MR. RAYBURN: Thank you. You came in just under two
2 minutes. I appreciate that comment.

3 MS WASSON: Thank you, and Liz Throop is with me.
4 She's next.

5 MR. RAYBURN: Okay. As a reminder, if everyone would
6 please keep your comments focused on the rules on the
7 agenda today. Thank you.

8 MS. THROOP: Well, thanks. This is Liz Throop, and I
9 live in DeKalb County. This is related. Another thing --
10 a lot of questions about voting on social media. People
11 are asking what if I didn't get a ballot application?
12 What if I'm not over 65 or disabled? What if I didn't put
13 my birth date on the application? What if I voted for the
14 presidential primary already? Why do I have to state my
15 party? What if I don't have stamps? What if I prefer to
16 vote in person? Many of these questions have simple
17 answers. Could the State Election Board ask the Secretary
18 of State to put an FAQ on their webpage? Thank you.

19 MR. RAYBURN: Thank you for your comment.

20 MS. THOMAS: All right. So next we're going to have
21 Saira Draper, and you are unmuted, and you can speak now.

22 MS. DRAPER: Right. Thank you. Good morning,
23 everyone. Can you hear me?

24 MS. THOMAS: Yes.

25 MR. RAYBURN: Yes.

1 MS. DRAPER: Wonderful. So, good morning. My name
2 is Saira Draper, and I'm the Director of Voter Protection
3 for the Democratic Party of Georgia. I see that the Board
4 will consider an emergency rule today about ballot drop
5 boxes, and I wanted to say that I'm pleased that you're
6 considering options to expand opportunities to vote at a
7 time when in-person voting is severely restricted. And
8 for those of you who do not know, ballot drop boxes are
9 secure metal boxes where voters can drop off their vote-
10 by-mail ballots postage-free. Given that the State is not
11 providing postage for ballots, the uncertainties about the
12 future of the USPS, and that in-person interactions are a
13 health risk, offering limited contact options to voters is
14 prudent. By offering drop boxes, you are limiting the
15 pressure on and the risks to our counties, poll workers,
16 and voters.

17 That said, for the roll out of drop boxes to be
18 effective, there are certain minimum standards that must
19 be met. So first, drop boxes must be fully funded by the
20 State. Counties across Georgia are heavily burdened right
21 now and simply cannot be expected to raise additional
22 funds in addition to everything else. Georgia has
23 received \$10 million federal dollars for elections through
24 the CARES Act that are use it or lose it funds. Providing
25 safe ballot access is the most important use of these

1 funds. The State must step up to provide these essential
2 drop boxes. Each county should be offered funds for at
3 least one drop box and jurisdictions with larger voting
4 populations should be provided funds for additional drop
5 boxes.

6 Second, if the drop boxes are to be utilized, they
7 must be plentiful and accessible 24/7. Research shows
8 that jurisdictions that offer greater access to ballot
9 drop boxes see higher rates of use. Ideally during this
10 time of pandemic, drop boxes will be located outside, so
11 that voters can access them while limiting interaction
12 with others. Offering drop boxes behind locked doors
13 available only for certain times carries the same risk as
14 in-person early voting. We must allow Georgians to drop
15 off their ballots at a time that works for them.

16 And third, drop boxes must be made available in
17 advance, but at least three weeks before Election Day, in
18 line with Georgia's early vote period. We know that drop
19 boxes for ballots are a secure, viable alternative to
20 forcing Georgians to endanger themselves by voting in
21 person, and we must provide that alternative to every day
22 voting -- we must provide that alternative for every day
23 voting, not just Election Day. Offering counties the
24 option to put up drop boxes --

25 MR. RAYBURN: That's time.

1 MS. DRAPER: without providing them the support for
2 resources to do so is an empty gesture. County election
3 officials are dealing with unprecedented challenges right
4 now: an overwhelming influx of vote-by-mail applications
5 that need to be processed safely and quickly, staff
6 shortages, and closures of polling locations.

7 MR. RAYBURN: Thank you. Sorry. The two minutes are
8 up. We appreciate your comment.

9 MS. DRAPER: Oh, okay. Yeah.

10 MR. RAYBURN: Thank you.

11 MS. THOMAS: All right. So next is Jeanne Dufort.
12 You are unmuted, and you can speak now.

13 MS. DUFORT: Good morning. I'm from Madison,
14 Georgia. Revall Burke died on April 5th from coronavirus
15 with symptoms developed 5 days after he served as a poll
16 worker in Chicago. He was 60. And letters are going out
17 to poll workers and voters who may have been exposed in at
18 least 4 Chicago voting precincts on March 17th. In coming
19 weeks, we'll hear about exposures, illness, and yes, death
20 in Wisconsin from voters and poll workers exposed to
21 coronavirus last Tuesday. Georgia's overall peak is
22 projected to be around May 1. Conditions when early
23 voting in person begins in 159 counties two weeks later
24 are -- they're going to be like they are today and
25 consider why we're meeting virtually today.

1 The plan to use touch screens to mark ballots
2 requires at least 6 common touches of tablet screens,
3 access cards, printers, and scanners. Would you feel safe
4 today as a poll worker sitting at a table for 12 hours as
5 voter after voter came within 3 feet of you? Why would
6 you feel any safer on May 18th or even June 9th?

7 Last Monday, Secretary Raffensperger held a press
8 conference, and instead of addressing his plans to help
9 poll workers and voters get through the upcoming election
10 season with their health and lives intact, he chose to
11 announce a voter fraud task force. Because it's tradition
12 in Georgia to pretend that voter fraud is a real thing,
13 while voter suppression is not. He offered no answers
14 about the reported shortage of poll workers, no answers
15 about how to protect workers and voters, no ideas about
16 how the upcoming election might be redesigned to require
17 fewer resources and less contact.

18 There are ways to make in-person voting safer for
19 both poll workers and voters. Distributing hand
20 sanitizers and wipes and telling election directors to try
21 harder is not enough. Why is this not at the top of your
22 agenda today? It's top of line for election directors and
23 boards across the state. Some, like the Jackson County
24 Board of Elections, are beginning to speak out. None of
25 us chose this pandemic, but we are all called to respond.

1 When you look back at this time, will you be proud that
2 you, the SEB, did everything possible to protect poll
3 workers and voters while ensuring that everyone who wants
4 to vote is able, or will you sit this one out while
5 Georgia poll workers and voters face the same terrible
6 choices Wisconsin citizens faced last week? I hope --

7 MR. RAYBURN: Thank you, Jeanne. The two minutes
8 are up. We appreciate your comments.

9 MS. THOMAS: All right. Next is Stacey Hopkins.
10 And you may speak now.

11 MS. HOPKINS: Hello?

12 MS. THOMAS: Yes. We can hear you.

13 MS. HOPKINS: Okay. My question is in light of the
14 reports that absentee ballot applications were erroneously
15 sent out to registered voters with the incorrect mailing
16 addresses and being designated as undeliverable by the US
17 Postal Service, will the Secretary of State's Office mail
18 the new applications out to those voters to -- and ensure
19 that they are not also reported on the NCOA database? If
20 that is the case that they are reported, this would also
21 erroneously create the criteria for them to be eligible to
22 begin the process of being removed from the voting rolls
23 in accordance with the FDRA. How does the State plan to
24 remedy this problem to ensure that every registered voter
25 has the option to use absentee ballots in this particular

1 election cycle?

2 MR. RAYBURN: Thank you.

3 MS. THOMAS: Thank you, Ms. Hopkins. Next, we will
4 have Representative Park Cannon. And you can speak now.
5 Ms. -- Representative Cannon, you are self-muted. Okay.
6 You can speak now.

7 MS. CANNON: Are you able to hear me?

8 MS. THOMAS: Yes.

9 MS. CANNON: Well, I want to say thank you for
10 gathering here in these times. I do agree that it takes
11 all of our collective leadership to help secure the vote
12 in Georgia's 2019 elections. I am a State Legislator in
13 Fulton County, the county with the largest voting
14 population in the state. I bring concern today that the
15 public notice for today's meeting was sent less than 24
16 hours before the meeting, being stated to being sent at
17 11:42am. Even though we are in a state of emergency,
18 there is much concern for voting and public concern at
19 that.

20 I bring concern that during today's presentation and
21 considering of State Election Board proposed amended rules
22 related to provisional ballots, prompt notification of
23 absentee ballot rejection, the definition of a vote, and
24 the optical scan recount procedure that we need more work
25 on this. We have been allocated \$10 million in the CARES

1 Act for our state related to voting, and I hope that we
2 will pay attention and do what is best to provide public
3 notice to Georgians on how the vote will be counted fully
4 in 2019. Thank you for being here today.

5 MS. THOMAS: Thank you, Representative Cannon. Next,
6 we will have Aileen Nakamura. You may now speak.

7 MS. NAKAMURA: Hi. Can you hear me?

8 MS. THOMAS: We can hear you.

9 MS. NAKAMURA: Okay. Hi, I'm Aileen Nakamura from
10 Fulton County. I believe what I and so many of us
11 witnessed five weeks ago in Athens-Clarke County was a
12 grave dereliction of duty by this Board. The ACC, Athens-
13 Clarke County Board, showed that it was impracticable or
14 impossible for them to use the oversized touch screen
15 equipment in adequate numbers in the current polling
16 places while abiding by 3 important legal requirements.
17 One, provide every voter absolute ballot secrecy. Two,
18 provide one machine for every 250 voters. And three,
19 provide visibility for poll workers to monitor the
20 machines to prevent tampering.

21 The only law that the -- that the state lawyers
22 talked about was the mandate for all 159 Georgia counties
23 to use a uniform system of voting. They ignored the
24 evidence of non-compliant precinct layouts showing that
25 the machines simply cannot be installed in current

1 precincts in a manner that protects voter privacy. This
2 Board relied on the County Election Director saying that
3 she thought she could fit up polling places even though
4 she had not been able to provide the Board with specific
5 layouts to show that it was feasible.

6 So after 7 hours of testimony, most of it was
7 ignored. With 4 lawyers and an engineer sitting on the
8 State Election Board, not one member of the SEB bothered
9 to ask any questions related to ballot secrecy or polling
10 place layout or equipment anti-tamper monitoring. And not
11 one SEB member commended the ACC Board for doing the
12 lawful and right thing for their voters, protecting their
13 constitutional right. Instead, 4 lawyers and an engineer
14 ignored all of the legal and logical reasons why ACC
15 rightly decided they had to stop using particular
16 equipment and then reprimanded them for not getting along
17 with their election staff, but failed to find any method
18 of protecting a secret ballot with the touch screens. And
19 on top of that, they slapped them with fines so that other
20 counties would not follow in their footsteps.

21 It's abundantly clear that the Georgia State Election
22 Board is only interested in defending the Secretary's poor
23 choice of a BMD voting system. Shame on the SEB. Georgia
24 voters deserve better. A State Board should enforce the
25 law, not driven by a goal of justifying the Secretary's

1 improper choice of a voting system. Thank you.

2 MS. THOMAS: Thank you. Next, we will have Libby
3 Seger. You are now unmuted, and you can speak.

4 MS. SEGER: Good morning. My name is Libby Seger,
5 and I am a voter from Fulton County, where I am a student
6 at Georgia State University. I'm here today to talk on
7 some of your proposed rules. However, I would like to say
8 that at this point, I do feel like myself and the rest of
9 us who continue to attend these meetings and speak at them
10 are beginning to sound like a broken record. How many
11 times are we going to have to repeat ourselves until
12 people like you actually start listening to the people you
13 represent?

14 So for starters, I'd like to say that choosing to
15 make an unreadable barcode the official vote of Georgia is
16 just ridiculous. If we can't read a QR code, how are we
17 supposed to ensure that what we're being [sic] voted for,
18 is actually what we're voting for? The official and final
19 vote of Georgia should be verifiable by Georgia voters
20 everywhere without the need of some expensive scanner to
21 do it for them.

22 And as for your optical scan recount procedure, it
23 makes absolutely no sense. The purpose of a recount is to
24 verify the result. You can scan the same QR code once,
25 twice, a hundred times, but the answer will never change.

1 If this rule is adopted, Georgia voters will never truly
2 know whether my vote or that their vote, the vote they
3 intended to cast, was the one that actually counted.

4 So I'm asking you to protect our right to vote by
5 not adopting these rules and redefining the official vote.
6 Georgia voters deserve to have confidence in who they're
7 voting for, especially at a time like this when everything
8 else in life seems so uncertain. Thank you.

9 MS. THOMAS: Thank you, Ms. Seger. Next, we will
10 have Elisa Goldklang. You are now unmuted, and you can
11 speak.

12 MS. GOLDKLANG: Okay. Hi, my name is Elisa
13 Goldklang. And first of all, I want to thank you all for
14 having this virtual meeting, though a little bit more
15 notice would have been better. As you all know, I always
16 say my father and my grandfather served and that you
17 serve, and I think our number one priority right now is
18 protecting poll workers and citizens. And right now, as
19 many Americans have died as died in the American
20 Revolution. Do you understand that -- in five months?
21 It's not going okay, and this is not going to be the only
22 election where COVID is going to be a problem. It's going
23 to peak again in the fall. My father is a
24 gastroenterologist, my mother was a [sic] endoscopy nurse,
25 and my husband and I are both in the medical field, and

1 we're very aware, and we're very concerned about our poll
2 workers and about our citizens.

3 And the touch screens are an absolute no. They
4 cannot be used during this time. We cannot expose our
5 poll workers and our citizens to each other because the
6 virus lingers for 72 hours in the air, and it lingers on
7 hard surfaces. You must, for the safety of everyone, use
8 absentee ballots or vote-by-mail, whatever you want to
9 call it, and your poll workers need to use gloves when
10 they open those letters.

11 The fact that you're refusing to do that is like a
12 hospital administrator saying that oh, they have a new
13 machine that's going to do great work in surgery, but all
14 the surgeons say, no, it's really unsafe. People are
15 going to die. But you all are like that hospital board,
16 and you're like, well, you know, the company said it was
17 great, so we're going with the company, and we're not
18 listening to the surgeons. You're doing the same thing
19 with the -- with the machines. You're not listening to
20 the computer scientists and the elections security experts
21 because you don't have any on your Board, and the one that
22 you had on the SAFE Commission, you didn't listen to. So
23 this is -- clearly, you are doing this for profit and for
24 money and for power. And I am ashamed, and I am
25 embarrassed for our State.

1 But most of all, I am worried about everyone's
2 health. You know, my mother passed last month, and it's
3 horrendous. I do not want anyone else to go through this,
4 but right now, we are 10 times as many dead as on 9/11.
5 And a little bit about myself, I lived in New York City in
6 9/11, and it's beyond horrible. So please, put your egos
7 aside and save our citizens. Thank you.

8 MS. THOMAS: Thank you, Ms. Goldklang. And next,
9 we have Laura Walker. And you are now able to speak.

10 MS. WALKER: Hi. My name is Laura Walker. I live in
11 Muscogee County, and I'm the Chair of the Muscogee County
12 Democrats. And I wanted to echo a previous comment that
13 in-person voting for this May/June in-person -- obviously
14 -- election period is not safe yet, and it's not going to
15 be safe. It would be one thing if we had valid data that
16 connected, you know, outbreaks to causes, et cetera, you
17 know, to be able to target how it is spreading, where it
18 is spreading in different counties. But we don't. We
19 just saw within the last 24 hours that Georgia is lagging
20 far behind other states. We are 45th out of 50 as far as
21 how many people we are able to test. We just don't have
22 the proper data to make a decision about safety here.
23 Because we are touching screens and the cards and the
24 paper, it is, you know, it's unsafe for voters and poll
25 workers and election, you know, county election boards

1 alike.

2 Know that -- I know that if we did make the decision
3 or the decision was made to go full on absentee voting for
4 this election, the Democratic Party of Georgia and all of
5 our counties are ready to, you know, phone bank to help
6 people with this, you know, spreading the word so that
7 they know and we can answers about, you know, what they
8 should do and how they should, you know, make sure that
9 they get the ballot to the county boards, et cetera. You
10 know, we would do our best to help, you know, spread that
11 so that people would know what to do and could do it
12 probably. But I just think it's just not safe. It's not
13 safe for anyone. And that's it. Thanks for listening.

14 MS. THOMAS: All right. Thank you, Ms. Walker.
15 Next, we will have Jacqueline Elsner. And you are
16 unmuted, and you can begin speaking now.

17 MS. ELSNER: Thank you. I'm Jacqueline Elsner in
18 Athens, Georgia, and I've attended Athens-Clarke Board of
19 Elections meetings regularly since September 2019 and
20 observed the performance of our Election Director and of
21 our Board of Election members. I attended the March 11
22 meeting -- hearing -- at the UGA Center. I want to stand
23 in support of my Board of Elections. The decision to
24 protect ballot secrecy was honorable, and it was awful.
25 I'm ashamed that my Mayor and 8 of my 10 Commissioners

1 could not see it that way. But that's not where I am
2 today.

3 We are talking definition of vote in 183-1-15-.02.
4 As I understand, in the Dominion System, the definition of
5 vote is the QR code. And no one except the proprietary
6 software of Dominion can read the QR code. So that is --
7 let's make the definition of the vote the actual names of
8 people I voted for on my ballot. And I help with poll
9 worker training. I sadly have to say I could not be a
10 poll worker in 2020 because of COVID-19, and there's a
11 code of conduct at Athens-Clarke County that you can't
12 work for a candidate if you're going to be a poll worker,
13 and, you know, that was a priority of mine to work for a
14 candidate.

15 Okay. So beyond the Dominion touch screen, you take
16 out your ballot, which, of course, the QR code is my vote
17 not the name there, and you walk over to the scanner, and
18 you put it face up into the scanner. Well, the scans --
19 the poll workers have to make sure they're looking at
20 that, the voter. This is not ballot secrecy. I mean, we
21 are -- we're so many directions of violation of ballot
22 secrecy.

23 I -- I attended SAFE Commission meetings in 2017 and
24 2018 and in 19 and I am not proud of our State Election
25 Board. I've seen Mr. Harvey testify to terminal

1 incompetence. I've seen Mr. Germany testify to things
2 that don't make a lick of sense. So I'm asking you to
3 protect our ballot secrecy, to protect our voters and our
4 poll workers. Thank you.

5 MS. THOMAS: Thank you, Ms. Elsner. So that ends our
6 section for public comment.

7 MR. RAFFENSPERGER: Okay. This is Secretary Brad
8 Raffensperger. Next, we have the presentation and
9 consideration of State Election Board proposed amended
10 rules. Now, like we've done at the last two meetings, if
11 we could have our Chief Counsel Ryan Germany go through
12 183-1-12-.18 on provisional ballots and explain what we're
13 doing there, and then we'll take Board questions and
14 comments.

15 MR. GERMANY: Yes, sir. Thank you, Mr. Secretary,
16 Board members. The rules for consideration on our agenda
17 today are changes that we had made to already adopted
18 rules that we have adopted through the rule posting
19 process in response to comments that we have received. We
20 did not receive any additional written comments on these
21 posted rules.

22 Rule 183-1-12-.18, regarding provisional ballots, the
23 only change to the rule we're making is we're taking out a
24 phrase, and I guess this was noticed by counties, that
25 required -- it sounded like it required an electronic poll

1 book at the provisional ballot station. So we're
2 clarifying that the polling place shall have an electronic
3 poll book that includes a master list of registered voters
4 but not a separate one for each provisional ballot
5 station. And that's the only change there. I'm happy to
6 take any questions.

7 MR. RAFFENSPERGER: Any members have any questions?
8 If not, now would be the appropriate time for a motion.

9 MR. MASHBURN: This is Matt Mashburn. I move that
10 the rule be adopted as published.

11 MR. RAFFENSPERGER: Do we have a second?

12 MS. SULLIVAN: Second.

13 MR. RAFFENSPERGER: Okay. Do we have any discussion
14 on this proposed rule? Hearing none, I'll call to action.
15 All those in favor of accepting provisional ballot rule
16 183-1-12-.18 as presented, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: And those opposed? Let the
19 record show none opposed. Motion carries. Okay. Next
20 one we have up is 183-1-14-.13, prompt notification of
21 absentee ballot rejection. Mr. Germany?

22 MR. GERMANY: Thank you, Mr. Chairman. The change
23 we're making to this rule is again in response to the
24 comments received. The existing rule required the county
25 to attempt to notify the elector by telephone and email if

1 the telephone number or email is on the elector's voter
2 registration record. What we're adding in this rule is
3 "or absentee ballot application." So it's telephone and
4 email contact is required if that information is on either
5 the voter registration record or the absentee ballot
6 application. So that's the change we're making here.

7 MR. RAFFENSPERGER: Do we have any questions from any
8 of the Board members?

9 MR. WORLEY: This is David Worley. This is not a
10 question, but I just wanted to say for the record that
11 this entire rule I think is a great improvement over
12 preceding practice, and it will ensure that voters are
13 notified promptly if their absentee ballot application has
14 been rejected.

15 MR. RAFFENSPERGER: Okay. And I guess to Mr.
16 Worley's -- this is Secretary Raffensperger. And to Mr.
17 Worley's point and also to some of the comments that were
18 made about notification, I do like that we've added "or
19 absentee ballot application," so as these applications are
20 out there, if people put down their phone number or get a
21 new phone number that we don't have, it gives us that
22 opportunity to make sure that we can contact them if we
23 have to contact them. And so I hope they put that out
24 there if we need to, but I think this is another way to
25 really make this more accessible to more voters, so I

1 think it's a very solid improvement. Is there any other
2 comments from any of the Board members?

3 MR. MASHBURN: This is Matt Mashburn. And first, I'd
4 like to commend the Secretary for making this absentee
5 ballot application available. I -- I think the Secretary
6 was ahead of the curve on this one, and so much of COVID-
7 19 has been reacting to things, I think the Secretary was
8 ahead of the curve, and I commend him for that. I
9 received my absentee ballot application in the mail, and I
10 saw the place where you could add your email and your
11 phone, and I did it, and it was very simple and easy, and
12 I sent it back. So I think is a very good change. It's
13 very helpful, and I echo David's excellent comments as
14 well and would make a motion that it be adopted as is.

15 MR. RAFFENSPERGER: Do we have a second on that
16 motion?

17 MR. WORLEY: This is David Worley. I will second
18 that.

19 MR. RAFFENSPERGER: Okay. Do we have any further
20 comments from any members? Hearing none, all those in
21 favor of proposed rule 183-1-14-.13, prompt notification
22 of absentee ballot rejection, please signify by saying
23 aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed? Let the record show

1 none were opposed. Motion carries.

2 MR. GERMANY: The next rule on our agenda is rule
3 183-1-15-.02, definition of a vote. Again, these are
4 updates we posted in response to comments we received
5 before we adopted this rule. The edits are we're adding a
6 few sections that if there's any discrepancy between the
7 voter's mark on a hand-marked ballot or the printed
8 choices on a ballot-marking device ballot that the voter's
9 mark or the printed text shall control and be counted, but
10 also stating that nothing herein shall be deemed to
11 disallow the use of ballot scanners for tabulation of
12 ballots. We're also adding a section that says a vote
13 cast on an optical scan ballot marked by an electronic
14 ballot marker shall be the choice that's indicated by the
15 printed paper ballot. I'm happy to take any questions on
16 those updates.

17 MR. RAFFENSPERGER: Any members have any questions or
18 comments? Hearing none, now would be the appropriate time
19 for a motion, if the Board is so inclined.

20 MR. MASHBURN: This is Matt Mashburn. I make a
21 motion that the rule be adopted as published.

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: I hear a second. Do we have any
24 further discussion from any Board members? Hearing none,
25 all those in favor of adopting rule number 183-1-15-.02 as

1 presented, please signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Let the record show
4 no one was opposed. Motion carries.

5 MR. GERMANY: The next rule is 183-1-15-.03. This is
6 the recount procedure. And again, this is making updates
7 based on the comments we received prior to adopting this
8 rule. There's two, kind of, main changes. One, we go
9 into a little more detail in subsection 1C about how the
10 county is supposed to test the scanners before they
11 conduct a recount. And we also add a section 2, which is
12 recount by manual hand count, which provides for how to
13 conduct a manual hand recount if, basically, no scanners
14 pass the testing or a court orders it. I'm happy to take
15 any questions.

16 MR. RAFFENSPERGER: Members, do you have any
17 questions? Hearing none, now would be the appropriate
18 time for a motion if the Board is so inclined.

19 MR. MASHBURN: This is Matt Mashburn. I make a
20 motion that the rule be adopted as published.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. SULLIVAN: Second.

23 MR. RAFFENSPERGER: We have a second. Discussion
24 from the members? Any further discussion? Hearing none,
25 all those in favor of adopting rule number 183-1-15-.03,

1 signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Hearing none, let
4 the record show it was passed unanimously. Mr. Germany?

5 MR. GERMANY: The next rule for consideration -- this
6 is the emergency rule on absentee ballot drop boxes that
7 we've been working on, and I appreciate Kevin Rayburn's
8 work in our Office, as well as Lynn Bailey and other
9 counties that we've been working with on it. This would
10 be a response to the COVID-19 situation that's ongoing to
11 try to add an additional way for people to return absentee
12 ballots. The way it works now is you -- obviously, you
13 can return your ballot through the mail or you can drop it
14 off in-person with your County Registrar. What this would
15 do is allow the County Registrars to establish one or more
16 secure drop boxes at their office or in other -- on other
17 government property in their county. The point would
18 obviously be that some counties are currently closed, and
19 so this will hopefully allow another way to have a
20 contactless return of your absentee ballot.

21 We pulled a lot of this, these rules, from Colorado's
22 rules. They have drop boxes for their absentee ballots,
23 and that's something they've had for quite a while, so
24 it's not -- we're trying not to reinvent the wheel.

25 I will -- as we finished this, which was not too long

1 before this meeting, we went over a few comments we
2 received from the Rules Working Group members, and some
3 we've incorporated in the version that you have and some
4 have not, but, obviously, we can discuss all of them.
5 There was -- there was a suggestion that we make this
6 mandatory that each county have at least one, and while
7 that's understandable, my concern on that is that, you
8 know, some counties have been asking about this and I
9 think will utilize it. Other counties may not be prepared
10 to do that on such short notice. I think if we do end up
11 adopting a permanent rule on this based on how we see this
12 process working, that would be appropriate, but to put
13 this as a requirement on counties right now with what they
14 face, I don't think it's appropriate. Frankly, I think if
15 we let the counties who are interested do it, I think
16 we'll probably see widespread adoption from other counties
17 once they kind of have that roadmap from the counties that
18 are interested.

19 The other comment was about a drop box being securely
20 fastened to the ground or an immovable fixture. And there
21 was some concern about how that would work on a drop box
22 located indoors. Ms. Bailey from Richmond County was the
23 one concerned about that, and her and I talked about it,
24 and I think she's now okay. Obviously, the security of
25 the boxes is paramount, that no one can walk off with them

1 or otherwise tamper with the ballots in them. So I think
2 we're okay with that requirement.

3 We also added -- Mr. Mashburn brought up that we
4 should make sure that the people who are handling the
5 ballots, as they return them from the drop boxes, are
6 sworn, just like poll officers. So we've added that in
7 paragraph 10. And then, we added -- in number 9, we added
8 a requirement that a drop box shall be clearly labeled
9 official absentee ballot drop box and that each drop box
10 location shall have signage clearly displayed -- or
11 clearly displayed signage developed by the Secretary of
12 State regarding Georgia law with the absentee ballot
13 harvesting and destroying, defacing, or delaying
14 deliberately ballots. And that's also consistent with
15 what they do in Colorado, where they have kind of like a
16 warning on charity drop boxes that says here is the law
17 basically regarding soliciting charitable donations from
18 drop boxes.

19 That's the rule. This would be an emergency rule so
20 this would -- this would not be for posting. This would
21 be for -- it would take effect immediately as we get it to
22 Delores in administrative procedures. It is -- and this
23 rule, as it's written, applies only to June 9th, 2020.

24 So, and then, it's repealed as -- by operation of law
25 because it's an emergency rule and states must, but even

1 with that, this rule is only applicable to June 9th, 2020.
2 This has been something that the Rules Working Group has
3 discussed. Something that we want to consider, I think,
4 going forward anyway, so it basically would allow counties
5 to utilize secure drop boxes for the primary election, and
6 then the Board would have to come back and do a permanent
7 rule after that. And I'm happy to take any questions.

8 MR. RAFFENSPERGER: Any Members? Do you have
9 questions for Mr. Germany?

10 MR. WORLEY: This is David Worley. I have a question.

11 MR. RAFFENSPERGER: Okay.

12 MR. WORLEY: Is -- by limiting it to the June 9th
13 election -- historically, the run-off is considered part
14 of the primary election. Would this rule apply to the
15 run-off?

16 MR. GERMANY: I think the way it's written it would
17 only apply to the general primary and not the run-off. If
18 the Board wanted it to apply to the run-off as well, I
19 think we could -- we could say that for, you know, the
20 general primary and the run-off. But as it's written, it
21 only applies to the June 9th election.

22 MR. RAFFENSPERGER: Any further comments?

23 MR. GERMANY: I would make one other comment. It's
24 that we are looking at, you know, per the Secretary's
25 direction, our office is looking at whether and how we can

1 use grant money to, you know, from the federal government
2 for COVID-19 to help counties establish these locations.
3 Not really relevant to the rule, but just so the Board is
4 aware.

5 MR. RAFFENSPERGER: I believe that we had some public
6 comment to that effect.

7 MR. MASHBURN: This is Matt Mashburn. I would like
8 to commend Ryan and his team, Kevin and his team, for a
9 well-thought out proposal. As I read it, I had questions
10 in my mind that was well, what about this or what about
11 that? And as I kept reading, there was the answer. So I
12 think this rule reflects a lot of thought that went into
13 it and a lot of well, what about this and what about that?
14 And just playing things out in their minds about how
15 things were going to happen, and so, just -- they did a
16 great job with this, in my opinion. And as a result, I
17 move that the Board adopt this rule as published.

18 MR. RAFFENSPERGER: Do we have a second?

19 MR. WORLEY: This is David Worley. I'll second it.

20 MR. RAFFENSPERGER: Okay. Do we have any further
21 comment?

22 MR. WORLEY: This is David Worley again. I have some
23 comments. I think this is a very good idea. I am anxious
24 to see how it plays out in the primary and how -- what we
25 may need to do to use it later in the year. I -- this is

1 the first Board meeting that we've had since the Secretary
2 decided to mail almost 7 million absentee ballot
3 applications to voters, and I want to compliment the
4 Secretary on that decision. I think that was the right
5 decision. I think this rule will help carry out that
6 decision. And I just think it's the right thing to do.

7 MR. RAFFENSPERGER: Thank you, Mr. Worley. Any
8 further comments? Hearing none, all those in favor of
9 adopting the emergency rule, absentee ballot drop boxes,
10 as presented today, please do so by signifying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed? Hearing none, the
13 motion passes unanimously. I don't see anything else to
14 be brought before the Board today. Do any Board members
15 have any business they'd like to bring for our
16 consideration this morning? Hearing none, I'll ask for a
17 motion for adjournment.

18 MR. WORLEY: This is David Worley. I move that we
19 adjourn this meeting of the State Election Board.

20 MR. RAFFENSPERGER: Second, anyone? Anybody want to
21 second this?

22 MR. MASHBURN: Second.

23 MR. RAFFENSPERGER: Any opposed? Motion carries.
24 Thank you very much for your time and being here on such
25 short notice. If any of our Board members or any of our

1 staff need them for any other emergency procedures as
2 regards to COVID-19, we will reconvene, but thank you very
3 much for your input with our Counsellor, also, the Rules
4 Working Group for their efforts, and also, with all the
5 decisions we've made so far, they're really trying to put
6 voters first and our election workers. So we are working
7 together and being very mindful of the situation we have
8 on the ground, so with that, I wish you all the very best.
9 God bless and good day. Thank you.

10 (Meeting adjourned)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 34 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 12th day of May, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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In The Matter Of:
SECRETARY OF STATE
State Elections Board Hearing

May 18, 2020

Steven Ray Green Court Reporting, LLC
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Min-U-Script® with Word Index

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

May 18th, 2020
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

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

Quoted material is typed as spoken.

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1 P R O C E E D I N G S

2 MR. RAFFENSPERGER: Good morning. This is Secretary
3 Brad Raffensperger. I wanted to call this meeting to
4 order. We'll begin with an invocation and Pledge of
5 Allegiance.

6 (Invocation)

7 (Pledge of Allegiance)

8 MR. RAFFENSPERGER: Okay. I wanted to just check to
9 see if I have all of my Board members with me if you'd
10 just say yes when I call your name. Mr. Worley?

11 MS. THOMAS: He is here. Mr. Worley, it's asking for
12 you to put in an audio... there he is.

13 MR. RAFFENSPERGER: Ms. Sullivan?

14 MS. THOMAS: He's on now.

15 MR. RAFFENSPERGER: Ms. Le?

16 MS. LE: Here.

17 MR. RAFFENSPERGER: Great. Great.

18 MS. LE: Good morning.

19 MR. RAFFENSPERGER: And Mr. Mashburn?

20 MS. THOMAS: He's not on yet.

21 MR. RAFFENSPERGER: So we're still waiting for Mr.
22 Mashburn to join us.

23 MS. THOMAS: Mmm-hmm.

24 MR. RAFFENSPERGER: Okay. Well, let me know when he
25 gets on board. We have enough for core. We also have

1 today on the agenda the approval of the Board meeting
2 minutes from the April 15th, 2020 special called meeting.
3 And, members, those are before you today. You've had a
4 chance to review them. Do you have any comments or
5 questions on that? If not, now would be the appropriate
6 time for a motion.

7 MR. WORLEY: This is Mr. Worley. I'll make a motion
8 to approve the minutes.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I'll second it. This is Anh.

11 MR. RAFFENSPERGER: Hi, Anh. Thank you.

12 MS. LE: Good morning.

13 MR. RAFFENSPERGER: All those in favor in approving
14 the Board minutes as presented, signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Motion carries. Thank you.

17 Okay. We have public comments on the proposed emergency
18 rule. Jasmine, I believe you're organizing that.

19 MS. THOMAS: Okay. Mr. Mashburn is on now.

20 MR. RAYBURN: Mr. Secretary, Matt Mashburn has
21 joined, so we're getting his audio set up. And everyone
22 who wants to make a public comment, please use the raise
23 your hand function on the webinar, that way we can put
24 down your name and call you for that. So please use the
25 raise my hand or raise your hand function so we know who

1 wants to make a public comment.

2 MR. RAFFENSPERGER: Great. Are we ready to begin
3 that then?

4 MS. THOMAS: Yes. So we're going to first start with
5 George Balbona.

6 MR. RAFFENSPERGER: Okay. Mr. Balbona.

7 MS. THOMAS: And you may speak now.

8 MR. BALBONA: Check. Check. Can you hear me?

9 MS. THOMAS: Yes.

10 MR. BALBONA: Okay. Real quick, I attended the
11 State Election Board's emergency hearing in Athens-Clarke
12 County and that was an absolute traviti -- travesty of
13 justice. Ballot secrecy is both impossible and
14 impracticable. I have some questions for you. Since
15 Georgia is going mainly to absentee ballots, will Athens-
16 Clarke County get their fine money back?

17 I'll like to also state that I'm sick of the SEB
18 cherry-picking which laws you enforce. You claim -- claim
19 that having state-wide uniformity is an important law and
20 paramount, but I informed David Worley that Fulton County
21 is utilizing BMD carriers no other county is using, and
22 they're spending \$2.6 million to do so, which is \$76,000
23 more than they're BOC-approved, by the way. So that's
24 different equipment, different procedures, and Fulton
25 County is utilizing a ballot box which is a different size

1 and actually sent back the unit which the scanner sits
2 upon back to Dominion. So you practice what you preach.
3 I have not heard word one about anybody raising a ruckus
4 about how Fulton County, the largest county, most populous
5 county in the State, is using equipment that is different
6 than everybody else, procedures that are different from
7 everybody else. This is ridiculous, okay? And it needs
8 to be addressed.

9 And since everyone is going to try to be using, you
10 know, mailed in absentee ballots, I don't see why Athens-
11 Clarke County, that was ahead of the curve, is getting
12 penalized for it. I wish you could see what I have on my
13 screen. It's a picture of Brian Kemp. I figured maybe
14 you guys would pay attention because he seems to be the
15 only person you'll listen to. That is not what your job
16 is. Thank you.

17 MR. RAYBURN: All right. Thank you, Mr. Balbona. We
18 have put the emergency rule that's going to be up for
19 discussion today on the website. It's part of the agenda.
20 It was also sent around to those on the list serve. And
21 to make this a productive meeting, we ask that everyone
22 try to restrict your comments to the emergency rule that
23 is going to be discussed today, and we greatly appreciate
24 that.

25 MS. THOMAS: All right. Next, we have Liz Throop.

1 You are now able to speak.

2 MS. THROOP: Thank you. This is Liz Throop, and I
3 live in DeKalb County. Can you hear me?

4 MS. THOMAS: Yes.

5 MS. THROOP: Thank you. I can't speak to the
6 proposed emergency rule because I didn't find that on the
7 website, but at the Faith in Freedom Forum last month,
8 Secretary Raffensperger encouraged voters to bring their
9 absentee ballots to the polling place saying you can
10 decide to drop it in here or if it's up to you, how you
11 want to handle that. It's true that some counties do
12 accept completed absentee ballots at polling places during
13 election -- during early voting. However, they don't
14 accept them on Election Day. Surely, this restriction
15 confuses and intimidates voters who might otherwise vote
16 safely by absentee instead of going to vote in person
17 during the pandemic.

18 The Coalition for Good Governance has been asking the
19 SEB for months to allow voters to drop off completed
20 ballots at their polling place. Dropping off completed
21 absentees at one's regular precinct on Election Day would
22 be convenient and seem logical, especially to counties
23 where voter [sic] drop off ballots already at early
24 voting. Poll workers could be designated as absentee
25 ballot clerks, and absentees could be delivered to

1 election offices right along with provisional ballots,
2 memory cards, and tabulation tapes after polls close.
3 These ballots would arrive at election offices about the
4 same time that absentee ballots arrive from ball -- from
5 the county drop boxes. The SEB should suspend this
6 restriction on drop offs of voted absentee ballots on
7 Election Day. This would be convenient for voters, reduce
8 confusion, and reduce possible exposure of voters and poll
9 workers to the virus. Thank you.

10 MR. RAYBURN: Thank you, Ms. Throop. We appreciate
11 your comments.

12 MS. THOMAS: Next, we have Garlan Favorito. You can
13 now speak.

14 MR. FAVORITO: Thank you, Mr. Chairman. As founder
15 of Voter GA, I first want to thank you for sending a mail-
16 in ballot application to all Georgia voters. It was the
17 right thing to do, even though you received some unjust
18 criticism for that. Like the rest of our members, I do
19 not want to chance the barcoded votes on an unverifiable
20 ballot-marking device. I already applied for my absentee
21 ballot back on March 20th and still have not received it.
22 I've found others in Fulton County who have waited even
23 longer than I have because the County at one time
24 apparently had a backlog of over 100,000 applications.
25 It's not just Fulton though. Many counties have a backlog

1 of thousands of applications and it appears hopeless that
2 we will get our ballots in time for the election.

3 There's also tremendous confusion resulting from the
4 attempt to combine the presidential preference primary and
5 the Georgia primary election. We should have learned our
6 lesson in 2017 when we were ridiculed nationally after the
7 voting system failed when the Secretary of State's Office
8 attempted to combine the Sixth District race with other
9 elections.

10 In addition, there's ballot confusion in Gwinnett
11 County, where voters are only getting half a ballot with
12 partisan races and no non-partisan races. Another voter
13 there is being unjustly denied the right to vote because
14 he is falsely listed in the wrong database that the
15 Secretary of State is using to track felons. I have
16 explained to your office that the voter has no
17 convictions, but there seems to be no interest in
18 correcting this problem so the voter can vote.

19 Mr. Chairman, I am inviting you or any one of the
20 Elections Division to have the opportunity to address all
21 of these concerns by joining our Zoom meeting at 11am
22 today immediately following this Board meeting. The Zoom
23 link can be found at the voterga.org events tab, and I
24 urge you or someone to join the meeting, and we'll give
25 you time to discuss whatever you'd like to discuss.

1 MR. RAYBURN: All right. Thank you, Mr. Favorito.

2 MS. THOMAS: All right. Next, we have Jonathan Grant.

3 You may speak now. Mr. Grant? Jonathan Grant, you may

4 speak now. All right, so we'll come back to Mr. Grant.

5 Next, we're going to have Jeanne Dufort. You may speak

6 now.

7 MS. DUFORT: Good morning. I'm the first Vice Chair

8 of the Morton County Democratic Committee and also a

9 member of the Coalition for Good Governance. These are

10 challenging times to be sure. County election officials

11 are straining under a triple threat. It's the biggest

12 year of the four-year election cycle. Most will be using

13 the new election system for the first time, and we have a

14 pandemic.

15 County election officials and voters deserve more

16 from the State Election Board than two emergency rules.

17 Your rule authorizing ballot drop boxes is a good rule,

18 and today's rule which we've just seen five minutes ago

19 will help. It's insufficient. It's not enough. You need

20 to permit and encourage county election officials to use

21 all of their authority to protect the election. Without

22 that support, county election officials face impossible

23 choices. They're watching the Secretary of State break

24 the law when he chooses, compromising ballot secrecy by

25 substituting a folded sheet of paper for the sealable

1 envelope required by law and ignoring the deadlines for
2 mailing absentee ballots to voters. And they watched you,
3 the State Election Board, punish the one county which
4 tried to make sense of conflicting rules by providing
5 constitutionally protected secret ballots and the required
6 number of voting stations. That would be Athens-Clarke
7 County.

8 Are you, the Board, charged with operating the
9 State's elections in a uniform manner, aware that some
10 polling places will have only one third of the voting
11 stations required by law while others will have their full
12 complement, which means some voters will endure terrible
13 lines, others not so much? Are you aware that the
14 training materials provided by the State do not mention
15 long lines as a reason to implement your emergency ballot
16 rule despite the Secretary of State's repeated statements
17 including while voting for the rule that no one should
18 wait more than thirty minutes to vote?

19 Counties need options to streamline in-person voting
20 while minimizing contact. Voters need options to be sure
21 they can get a mail ballot with time to return it.

22 Counties need to know they will not be punished when they
23 make responsible choices to protect their voters. Choose
24 to be part of the solution, not part of the problem.

25 MR. RAYBURN: Thank you, Ms. Dufort. Ms. Dufort,

1 thank you.

2 MS. THOMAS: All right. Next, --

3 MR RAFFENSPERGER: Is that it?

4 MS. THOMAS: -- we have Ailene Nakamura. You may now
5 speak.

6 MS NAKAMURA: Can you hear me?

7 MS. THOMAS: Yes.

8 MS. NAKAMURA: Great. Okay. Good morning. The
9 proposed rule wasn't available to the public until a few
10 minutes ago, so my comments have to do with the pandemic.
11 For months now, those of us volunteering with the
12 Coalition for Good Governance have been sending letters,
13 speaking at County and State Election Board meetings, and
14 talking to voters and county election officials in the
15 hopes of helping Georgia have safer and more secure
16 elections. We've been mentioning easy, cost-saving
17 improvements like dropping off absentee mailboxes at
18 polling places during early voting and Election Day, which
19 the majority of election supervisors we've talked to think
20 is a great idea. During the pandemic, we've sent letters
21 with procedure recommendations from voting experts that
22 would help counties with the huge influx of absentee
23 ballots that they're experiencing right now and also help
24 keep polling places safer for voters and poll workers to
25 prevent situations like Wisconsin had.

1 So it's truly disappointing that the only time the
2 Secretary of State's Office starts listening to us is when
3 we file a lawsuit. In fact, after absentee mail ballots
4 were to the wrong addresses of over 400,000 voters, the
5 Secretary announced that they would send those missing
6 ballots to the right addresses only after we filed suit.
7 Due to the pandemic, we will have fewer voting machines
8 than required by law, fewer polling places, and fewer poll
9 workers, all leading to long lines at many polling places.
10 Add to that the fact that new poll workers are going to
11 have a lack of training because they're only getting
12 trained with videos without any hands-on training, so that
13 will add more time and confusion.

14 So it seems ridiculous that the Secretary is not
15 making the most obvious decision to keep voters and poll
16 workers safer during the pandemic. It's a decision that
17 some Pennsylvania counties that use the same Dominion
18 voting systems as Georgia have already made. They are
19 going to use hand-marked paper ballots with disposable
20 pens instead of virus-spreading touch-screen machines. It
21 takes much less time to vote on a paper ballot, so it's
22 quicker to vote, wait times are shorter, and so are the
23 lines, and it also gives you the ability to have other
24 great options like curbside voting from your car. Please
25 do the right thing and prioritize voter and poll worker

1 safety. Thank you.

2 MR. RAYBURN: Thank you, Ms. Nakamura.

3 MS. THOMAS: Next, we have Saira Draper.

4 MS. DRAPER: Good morning. My name is Saira Draper,
5 and I am the Director of Voter Protection for the
6 Democratic Party of Georgia. Today I'd like to speak with
7 you about the current lack of and voters' need for real-
8 time reliable information from the Secretary of State's
9 Office about the vote by mail process. I'd like to share
10 with you the story of one voter's efforts to vote safely
11 in the upcoming primary to highlight this issue.

12 In April, the voter received an application to vote
13 by mail. By April 15th, she had filled out the
14 application correctly, taken a photo of it with her phone,
15 and emailed it to her county. The voter checked MVP
16 regularly to see the status of her application. Days went
17 by, then weeks. MVP did not indicate her application had
18 been received. The voter considered submitting a second
19 application or calling the county, but because the voter
20 knew the county was processing a large number of
21 applications, she tried to remain patient.

22 After waiting nearly a month though, she took action.
23 The voter was pregnant and didn't feel she could risk the
24 heightened virus exposure that comes from voting in
25 person. The voter, who had connections at her local

1 elections office, was able to communicate directly with
2 the county election supervisor about the status of her
3 application. The voter checked MVP later that day. For
4 the first time, it indicated her application had been
5 received. It also indicated that her ballot had been
6 issued. Her ballot arrived nine days after the ballot
7 issue date on MVP. It was disconcerting to the voter that
8 MVP had proved to be an unreliable source of information.

9 The voter opened the ballot. Rather than finding the
10 inner envelope that she was accustomed to, there was a
11 sheet of white paper curiously called a privacy sleeve.
12 The voter checked the Secretary of State's website for
13 information on whether the sleeve needed to be sealed, but
14 there was no information.

15 I can attest to the truth of this story because this
16 is my voter story. In some ways, my story is typical of
17 what many Georgians are experiencing right now. In some
18 ways, it is not. I wonder if I would still be waiting for
19 my ballot if I did not have access to information and
20 people as part of my job.

21 The most common question that Georgia Democrats have
22 received over the past week is can I still go vote in
23 person if my absentee ballot never arrives. It is
24 incredibly troubling that Georgians are frustrated with
25 the vote by mail process to the point that they've been

1 forced to consider taking their risk and the health of our
2 -- taking -- risking their health and the health of our
3 poll workers and election staff in order to vote.

4 There's a bigger issue at play here, and that is
5 this: what is the State doing now to prevent these issues
6 from happening again in November? The general election is
7 less than 6 months away, and it is clear that COVID is not
8 just going to disappear. How is the application process
9 being streamlined? Will you be sending Georgia voters
10 applications to vote by mail? Planning and transparency
11 now will go a long way to assuring voters that November
12 will not be a repeat of June 2020. The State's lack of
13 communication and action to aid voters for the June
14 primary is already concerning, but make no mistake, it
15 will be reckless endangerment of voters if we do not
16 swiftly correct course now to prepare for November. Thank
17 you.

18 MR. RAYBURN: Thank you, Ms. Draper.

19 MR. RAFFENSPERGER: Next speaker?

20 MS. THOMAS: Next, we have Marilyn Marks. You may
21 now speak.

22 MS. MARKS: Thank you. This is Marilyn Marks. I'm
23 the Executive Director of Coalition for Good Governance.
24 Coalition for Good Governance has been seeking a court
25 order to improve poll worker health-safety conditions that

1 would permit an early scanning of the ballots, and we
2 appreciate the Board's attempt to address that issue
3 today, but we urge you to instruct staff to go back to the
4 drawing board on this one. It needs some work.

5 As the email that we sent you this morning details,
6 there are numerous confusing and conflicting provisions in
7 the draft rule that we've seen. We saw a draft rule, but
8 unfortunately, we did not see the final rule before this
9 meeting. It was not posted. Such conflict and confusion
10 and omissions that are in the proposed rule will serve to
11 create controversy rather than clarity. The county
12 election officials already have had an overwhelming number
13 of new issues and concerns to deal with, and they deserve
14 absolute clarity, not more confusion, in any rule that the
15 Board promulgates as an emergency measure.

16 We have detailed 11 points in our email this morning
17 that require immediate attention before this rule is
18 promulgated. For example, it seems that the terms
19 tallying, tabulation, processing, scanning, and counting
20 are used somewhat interchangeably, and at other times,
21 it's clear that they do not mean the same thing. Without
22 more clarity, it's inevitable that the county officials
23 will unintentionally violate the rules and potentially the
24 underlying statutes and then have to deal with partisan
25 controversy. They deserve better than this.

1 Also, we'd like to note that it is unclear as to the
2 difference in the rights and responsibilities of monitors,
3 poll watchers, observers, and public observers. All of
4 those terms are used in this rule. Again, it's essential
5 that the clarity -- that clarity is required for the rule
6 to be effective.

7 We detail more of this in our email this morning. We
8 urge you to review that carefully, and we urge you to
9 consider those things before you promulgate any rule on
10 the early scanning of mail ballots. Thank you.

11 MR. RAFFENSPERGER: Next speaker?

12 MS. THOMAS: All right. So next, Jonathan Grant?
13 You may speak now. Jonathan Grant?

14 MR. RAYBURN: That's all the public comment, Mr.
15 Secretary.

16 MR. RAFFENSPERGER: Okay. Well, thank you for your
17 comments. Now, we have on our agenda the presentation and
18 consideration of the proposed emergency rule. If we could
19 have our General Counsel Ryan Germany go over that. I
20 believe they discussed this with the Board members. We've
21 also got the input from our counties. Mr. Germany?

22 MR. GERMANY: Thank you, Mr. Chairman. So the rule
23 in front of us today is an emergency rule allowing early
24 processing of absentee ballots. I want to thank all the
25 members of the Rules Working Group for a lot of helpful

1 back and forth on this. Particularly, Ms. Bailey in
2 Richmond County was very helpful in helping us put this
3 together.

4 So as each of you know, this current election, the
5 June 9th election, is shaping up to look very different
6 than elections in Georgia usually look. To give you some
7 statistics, as of this morning, we have had 1,438,000
8 absentee ballot applications accepted. Out of that 1.4
9 million, 1.319 million of those absentee ballots have been
10 mailed. The rest are, of course, in the process of being
11 mailed. And out of those 1.3 that have been mailed, 1.25
12 million have already been delivered to Georgia voters.
13 360,173 ballots have already been accepted -- been
14 returned and accepted by county election officials. I
15 think the last presidential preference primary, general
16 primary, there was 36,000 total absentee vote by mail
17 ballots cast in the entire election. So we're already at
18 well above that in orders of magnitude. This is more
19 absentee ballots than have been accepted -- than were
20 accepted in the November 2018 election. I think there it
21 was only 250,000 absentee ballots.

22 So I think what we're seeing is Georgia voters have,
23 for 15 years, had the opportunity to vote no excuse
24 absentee, and what we've seen here for obvious reasons is
25 a huge increase in voters interested in utilizing that

1 option. So we've made some changes. Obviously, a part of
2 that increase is due to the Secretary's decision to mail
3 out absentee ballot applications to every voter. And
4 then, I think, you know, you guys have made other
5 additions like the drop boxes, and basically, we've just
6 seen counties have to really go to being able to process a
7 large amount of absentee ballot applications and that was
8 difficult, I think. I saw some numbers this morning.
9 Cobb has 130,000 absentee ballots that they've issued.
10 Fulton has 110,000, and I know they're still -- they're
11 still accepting applications today.

12 So that leads me to this emergency rule we are
13 considering. With this many absentee ballots coming in,
14 if there is going to be a way to get results any time
15 quickly after the election, we think we need to allow
16 counties to start processing these absentee ballots early.
17 And one thing they can -- that they're able to do and come
18 up with is not tabulate them because, you know, we don't
19 want -- we don't want to do earlier tabulation than is
20 already allowed because that can -- there's just issues
21 with those numbers being out there. We don't want them to
22 be known. And so, with the new system, you're able to
23 scan the ballot without tabulating it, similar to early
24 voting. Basically, where if you go early vote in person,
25 you scan your ballot through the scanner, but your ballot

1 is not tabulated until, you know, those ballots are
2 returned back to the -- to the county election office and
3 the election management system.

4 So the emergency rule -- I'll go through it here, the
5 proposed rule. For the election held on June 9th, 2020,
6 counties can start the second Monday prior to the Election
7 Day processing absentee ballots, and what that means is
8 they are allowed to open the outer envelopes -- by this
9 point they've already read the back of the envelope,
10 checked the signature, determined whether or not to accept
11 it. If it's been rejected, you know, that's a separate
12 process, so these are only for -- this is only for once
13 the applic -- the ballot's already been accepted. They're
14 allowed to open the outer envelope, remove the contents,
15 and then scan the absentee ballot. However, no person
16 shall tally, tabulate, estimate, or attempt to tally,
17 tabulate, or estimate the actual votes.

18 So the three things we were kind of trying to
19 accomplish in this rule: one, we've got to make sure
20 there's a process that can be followed that will basically
21 help the counties keep things organized. So that's why
22 we've limited it to absentee ballots shall be processed in
23 batches of not more than 100, and at least 3 persons who
24 are registrars, deputy registrars, poll workers, or
25 absentee ballot clerks must be present for the processing

1 of absentee ballo -- of absentee ballots. They have to
2 have a reconciliation form to make sure that the number of
3 ballots matches the number of envelopes and vice versa and
4 sign their name to it. They also have to then keep those
5 batches together once they're scanned so you can keep
6 track of okay, this has been scanned, and then they're put
7 in a secure ballot container. So we want to make sure
8 there's a good process.

9 The other thing that we want to accomplish is we do
10 want to make sure that it's available to the public, but
11 it's got -- it's got to be securely available because the
12 third thing we were trying to accomplish in this rule is
13 keeping in place ballot secrecy. So, you know, the
14 process to remove the -- to separate the outer envelopes
15 from the ballot with the security sleeve around them and
16 the rule says that has to be done in such a way where they
17 can't be matched back to one another after the fact.

18 One thing that we spent a lot of time on with the
19 Rules Working Group is the observers and the monitors.
20 The process is open to the public and that's -- those are
21 the observers, the public observers. Designated monitors,
22 who can be designated by the state political parties or
23 the nonpartisan or independent candidates that are on the
24 ballot -- they can also be there to monitor. And we try
25 to monitor -- to set the guidelines for that process based

1 on the current guidelines for poll worker -- sorry, poll
2 watcher monitoring in the tabulation center. And so
3 that's in number 12 of the rule, and we list that the
4 superintendent may designate locations that allow the
5 monitors to monitor the process and those locations shall
6 include areas that let them -- let them view batching the
7 ballots, reconciliation of envelopes to ballots, scanning
8 the ballots, duplication of ballots, adjudication of
9 panels -- adjudication of ballots by review panels, and
10 sealing the ballots after scanning, and that's modeled
11 after the poll watchers in the tabulation center.

12 We also modeled this rule after the existing early
13 tabulation statute, including the restriction on cell
14 phones, laptops, audio or video recording devices, or
15 other communication devices. They can't be in the room.
16 There's also some prohibited activities from anybody, from
17 the monitors or observers interfering with the processing
18 of the ballots, bringing in any photographic or other
19 electronic monitoring or recording devices, engaging in
20 any kind of campaigning, taking any action that endangers
21 the secrecy of the ballot, touching any ballot or ballot
22 container, and then again tallying or attempting to tally
23 any votes, and then communicating any information that
24 they might see about a vote on a ballot.

25 So those are the things we were trying to accomplish

1 and again, I'm thankful for the -- to the Rules Working
2 Group because there was a lot of helpful comments that we
3 incorporated into this, and we were working on it as late
4 as yesterday. But we envision, if the Board decides to
5 pass this emergency rule, the Secretary of State Elections
6 Division will send out some guidelines to the counties
7 that, you know, are a little more specific about some of
8 these processes. We didn't want to get into those, I
9 think, in the rule. The purpose of the rule is really to
10 allow the county to do this, set some guidelines, set, you
11 know, set the guard rails, and then we'll send out some
12 more specifics about how exactly, you know, we think these
13 things should be accomplished in the guidelines we issue
14 to counties. I'm happy to take any questions.

15 MR. RAFFENSPERGER: Do we have any questions or
16 comments from any of our Board members?

17 MR. WORLEY: Mr. Chairman, this is Mr. Worley. I
18 have a question for Mr. Germany.

19 MR. RAFFENSPERGER: Yes, sir.

20 MR. WORLEY: Mr. Germany, in the guidelines -- in the
21 guidelines that you send to the counties, do you
22 anticipate emphasizing that monitors and observers do have
23 a right to view the election from a -- from an appropriate
24 location and make sure that county election officials know
25 that that is still a right that needs to be preserved in

1 this rule?

2 MR. GERMANY: Yes. Yes. I think we do want to make
3 that clear. You know, it definitely needs to be a public
4 process. The county election official does have authority
5 to set reasonable regulations, again copying from the poll
6 watcher statute, especially, you know, it's a little
7 complicated in these times with social distancing
8 requirements and all that, but that's certainly something
9 we can include in the guidelines, Mr. Worley.

10 MR. WORLEY: All right. Thank you.

11 MR. RAFFENSPERGER: Any other members, any questions?
12 Hearing none, now would be a good time for a motion, if
13 someone is so inclined.

14 MR. MASHBURN: This is Matt Mashburn. I move that
15 the rules be adopted as published.

16 MR. RAFFENSPERGER: Do we have a second?

17 MS. LE: This is Anh, Anh Le. I'll second that.

18 MR. RAFFENSPERGER: Great, a second. The rule is
19 before us. Do we have any additional comments any members
20 would like to make before we bring it to a vote?

21 MR. WORLEY: Mr. Chairman, this is David Worley. I
22 have just a brief comment. I appreciate the efforts that
23 the members of the Rules Working Group and Mr. Germany and
24 Mr. Rayburn and others did in putting these rules
25 together. There was considerable comments and revisions

1 that were made that I think improve the rule. I don't
2 think it's a perfect rule but given Mr. Germany's
3 assurance about the guidelines that we'll be able to flesh
4 out this rule, on the whole, it's a rule that I will
5 support.

6 MR. RAFFENSPERGER: Thank you, Mr. Worley. Any
7 additional comments from any Board members?

8 MR. MASHBURN: This is Matt Mashburn. First, I would
9 like to apologize to everyone for my being late. I had a
10 little technical difficulty that I had to work through, so
11 I apologize to everyone and their time for both the Board
12 members and the public, so I apologize for that. But I
13 think for this once in a lifetime unprecedented emergency,
14 this regulation attempts to balance transparency and
15 security with a methodical, orderly, observed, and safe
16 processing system and it also supports the timely release
17 of results once the polls close, so I support it and vote
18 for it -- will vote for it.

19 MR. RAFFENSPERGER: Thank you, Mr. Mashburn. Any
20 additional comments? Hearing none, all those in favor of
21 the emergency rule as presented, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Any opposed? Hearing none,
24 motion carries. I don't believe we have anything else
25 before us today, so therefore if we have a motion for

1 adjournment, I'll entertain that at the present time.

2 MR. MASHBURN: Move to adjourn, Matt Mashburn.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: Second, Rebecca Sullivan.

5 MR. RAFFENSPERGER: All those in favor?

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Motion carries. The meeting is
8 adjourned. Thank you for your time. Thank you for
9 getting up. Sorry that this was a little bit earlier than
10 normal, but enjoy the day, and God bless your service.

11 Thank you.

12 (Meeting adjourned 9:45am)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 28 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 18th day of June, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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In The Matter Of:
SECRETARY OF STATE
State Election Board Hearing

July 1, 2020

Steven Ray Green Court Reporting, LLC
404 733 6070

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

July 1st, 2020
8:00 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

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

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

1
2 MR. RAFFENSPERGER: I think we can call the meeting
3 to order. Once again if we could just do a quick roll
4 call and make sure that everybody's here. Rebecca
5 Sullivan?

6 MS. SULLIVAN: Present.

7 MR. RAFFENSPERGER: David Worley?

8 MR. WORLEY: Present.

9 MR. RAFFENSPERGER: Anh Le?

10 MS. LE: Present.

11 MR. RAFFENSPERGER: And Matthew Mashburn?

12 MR. MASHBURN: Present.

13 MR. RAFFENSPERGER: Okay. We'll lead off with a
14 quick word of prayer and the Pledge of Allegiance.

15 (Invocation)

16 (Pledge of Allegiance)

17 MR. RAFFENSPERGER: So good morning. I appreciate
18 everyone being up at 8 o'clock this morning. So anyone
19 that's listening understands, one of our Board members
20 actually has a deposition at 9 o'clock, so we really have
21 to end promptly at 9 so they can get on with that. So
22 we'll be moving through this and hear a few comments.
23 Because I know we all have busy schedules and I don't want
24 to take too much time out, I wanted to take a moment to
25 thank each and every county elections official and all of

1 those poll workers that worked so hard to help us reach a
2 record turnout on June 9th despite COVID and the
3 challenges it brought. We know we will face similar
4 challenges in the elections to come. In today's meeting,
5 I hope to see a systemic use of the rules that we had in
6 place in June to help people exercise their right to vote.

7 I also want to let Georgians know that we are all
8 going to work together to make the elections in August,
9 November, and January a success. Working together, we
10 will learn the lessons from June. And, with the full
11 understanding that we will likely see three times the
12 voter turnout in November, I am proud of the work this
13 Board has done to make voting easier for today and in the
14 future, and I hope to dwell on those accomplishments and
15 put the weaponization of election administration by both
16 the left and the right behind us.

17 Before I have any of the Board members comment, we
18 have a review of the approval of the Board meeting minutes
19 there before the Board from the -- May 18th. We all
20 should have had a chance to review those. Now would be
21 the appropriate time to make a motion if you're so
22 inclined.

23 MR. WORLEY: This is David Worley. Mr. Secretary, I
24 would make a motion to approve those minutes.

25 MR. RAFFENSPERGER: Do we have a second?

1 MS. LE: This is Anh Le. I second it, the motion.

2 MR. RAFFENSPERGER: All right. Any further comment?

3 All those in favor of approving the Board minutes as
4 presented, please do so by signifying aye.

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Any opposed? Motion carries.

7 Okay. Board members, before we get into public comments,
8 do you have any comments that you'd like to say? If you'd
9 just identify your name and then if you want to share a
10 few comments with the Board and the public.

11 MR. WORLEY: Mr. Secretary, this is David Worley. I
12 would like to share a comment. And that is that I think
13 the Secretary should be complimented for mailing out
14 absentee ballot applications to every person, every active
15 voter, in the run-up to the primary. I think the current
16 pandemic made that entirely necessary, and I think the
17 conditions that led to the mailing of those absentee
18 ballot applications continue and will be continuing in the
19 months leading up to the November election. I think it's
20 imperative for the Secretary to do that again, and I know
21 he's been subject to criticism from people in his own
22 party about that, but I think the current situation
23 demands that absentee ballot applications be mailed out to
24 voters again in advance of the November election.

25 As the Secretary noted, we may have three times as

1 many people wanting to vote in November as voted in the
2 primary. If we do not have a very robust absentee ballot
3 program, we will see an absolute disaster in November, and
4 so I just wanted to encourage the Secretary to reconsider
5 his position about mailing out ballot applications,
6 absentee ballot applications, between now and the November
7 election. Thank you.

8 MR. RAFFENSPERGER: Thank you. Any other members?
9 Okay. Now, let's -- we'll have a moment for public
10 comments. We've allocated two minutes per speaker, and I
11 don't know if anyone has just added their name to that
12 list, but if we don't get through everyone before we need
13 to take up the emergency rules, we'll just hold you over
14 after we vote on those emergency rules. But I want to
15 make sure that the public comments are specifically
16 addressed according to the consideration of the extension
17 of the emergency rules. If it's on another matter, then
18 we'd like to hold you on after just because we do have to
19 break at 9 o'clock at the latest. I want to make sure we
20 have suff -- sufficient time to really have discussions
21 over the emergency rules among the Board members. So with
22 that, who is our first person with public comment?

23 MS. THOMAS: All right. So first, --

24 MR. RAYBURN: Matt, did you have a comment you wanted
25 to make?

1 MR. MASHBURN: I did. I did. Again, I'm sorry that
2 the lines were long on June 9th. There were things that -
3 - that were beyond people's control, like a pandemic. And
4 for those things, I thank the voters for their patience.
5 There were people in lines, and there were people on the
6 news reports, and they said I'm staying here and I'm going
7 to stay as long as it takes and I'm going to vote, and I
8 was so proud of those voters, and we can't do enough to
9 thank them.

10 There are things that can be done better, and the
11 Secretary of State, the General Assembly, and the State
12 Board of Elections are already looking at these things and
13 making changes and new ideas. For example, the
14 Secretary's suggestion to place an IT technician in each
15 and every precinct, especially in Fulton County at opening
16 time, to make sure that the machines, printers, and
17 scanners are up and running is a great idea and one that I
18 wholeheartedly support. And just for some perspective,
19 there were two million -- two million Georgia primary
20 voters on June 9th, but in the general primary of 2016
21 there were 887, not even a million, and in 2018, there
22 were just under a million. So under Secretary of State
23 Raffensperger's leadership, state-wide Georgia was able to
24 process double the normal general primary turnout.

25 Now, the problems that we experienced, and primarily

1 in Fulton and Metro Atlanta, were not unique to Georgia.
2 Every state, Wisconsin, Pennsylvania, now Kentucky --
3 especially every large city, including the District of
4 Columbia, which has held an election during this pandemic,
5 has had strikingly similar issues, problems, and wait
6 times. The last Metro Atlanta precinct on June 9th closed
7 around 10:15 according to the AJC, but the very same night
8 in Washington D.C., voters were in line past midnight up
9 until 1AM, and not many people have heard about that
10 problem.

11 The Secretary was proactive, and I commend him for
12 this, he sent out warnings long before the election about
13 wait times. On May 20th, he was warning for Georgians to
14 seriously consider using absentee ballots. He warned of
15 long wait times because of fewer workers. We were
16 concerned about the health. He warned about sanitation
17 with increased wait times. He warned about the need to
18 cancel absentee ballots was [sic] also going to slow down
19 the process, so he sounded the alarms early and often
20 about this. And just to give you an example, four years
21 ago in 2016, approximately 37,000 voters submitted
22 absentee ballots. In this election, it was over a
23 million, and Secretary of State Raffensperger personally
24 took the initiative to do that, and he reduced the number
25 of voters standing in line, and his initiative succeeded

1 in reducing the number of voters standing in line by over
2 one million voters.

3 The problem is all that postage costs a lot of money,
4 and in this time of budget shortfalls, I'm going to have
5 to disagree slightly -- well, as to method not as to
6 purpose -- with my friend and colleague David Worley
7 because of this time of budget shortfalls and teachers and
8 state workers are afraid of furloughs and layoffs. Unlike
9 the Federal government, the State government is --
10 decreasing budgets is a zero-sum game, so the money for
11 postage is going to have to come from somewhere, come from
12 parks or libraries or seniors. It's going to have to come
13 from some other area, and so I support the Secretary's
14 initiative that he stated to try and get the same or
15 similar result, and I agree with a very robust effort
16 here, but shifting the primary effort away from snail mail
17 and to instantaneous online request which uses zero cost
18 of postage. The Secretary of State, I think, is correct
19 that taxpayers don't need to spend millions of dollars in
20 postage to mail applications to people who have
21 demonstrated they don't want to use them.

22 Now, the primary was a good opportunity to show
23 people who had never voted how [sic] an absentee works how
24 to do it, and I applaud the Secretary's initiative on
25 doing that. But now that people know how to do it and we

1 know which people responded well to it and which ones
2 didn't do it, I agree with the Secretary's idea to try and
3 move this online, and people who can -- who want to use
4 the mail can still use the mail, but people who want to
5 register online can do that. So I think the Secretary was
6 absolutely correct -- I agree with David, the Secretary
7 was absolutely correct in sending the applications for the
8 June election. It had a tremendous success and half the
9 voters voted by absentee rather than standing in line.

10 Also, and good news that's not widely reported, I was
11 very encouraged to personally observe Fulton County's
12 tabulation center this past Monday as it passed it's post
13 alleg -- post-election logic and accuracy audit. And it
14 conclusively showed with great margin that there was no
15 need to hand count all of the ballots, so congratulations
16 for Fulton County for passing their audit. That was
17 tremendous.

18 State-wide, 152 of 159 counties, there were
19 relatively bumps and hiccups. And for example, in my home
20 county of Bartow, we didn't have a single machine delayed
21 opening, and we had dramatically shorter wait times even
22 though we handled double the normal vote load. We did
23 have one closing. It was because the fire department
24 didn't show up on time to unlock a building, and that's
25 the kind of thing that just normally happens in elections

1 every now and then.

2 So I think the Secretary of State is being proactive.
3 I think he's watching out for the taxpayers. I agree
4 wholeheartedly with setting up a system to register online
5 for absentee ballots and even now, you can go to
6 mvp.sos.ga.gov and get registered for an absentee ballot,
7 so I agree with a very robust effort to promote absentee
8 ballots, but I would like to do it online rather than do
9 it by snail mail. And we paid for postage for 6 million
10 people that didn't want to use absentee ballots, but we
11 didn't know that until we did it, so it was correct to do
12 it then, but I support shifting it online now. So -- but
13 as David said and as the Secretary said, there's a lot to
14 do between now and November, and I am absolutely committed
15 and I know the Board is committed, the Lieutenant Governor
16 is committed, and the Secretary of State is committed, and
17 everybody is going to pitch in, and we'll pull together
18 and hopefully have much better results. Thank you.

19 MR. RAYBURN: And before we go to public comment, I
20 would just ask if your comment is not on the proposed
21 rules, you hold off.

22 MS. THOMAS: All right. So first, we have Jeanne
23 Dufort for public comment. You may speak.

24 MS. DUFORT: Good morning. My name is Jeanne Dufort.
25 I'm a Morton County voter, first Vice Chair of the Morton

1 County Democrats, and a member of the Coalition for Good
2 Governance. Last summer, we all knew that rolling out a
3 state-wide voting system during the busiest year in the
4 four-year election cycle was an ambitious and risky
5 endeavor. And then the COVID-19 pandemic came along and
6 said hold my beer. Those of us who believe in the new
7 system and those of us who do not must be united on one
8 front: that election officials across the state have
9 literally exhausted themselves and their staffs in service
10 to our recent primary elections. And voters stepped up,
11 enduring long lines and doggedly tracking absentee
12 ballots. They deserve our gratitude. Instead, the
13 Secretary of State offers blame most of the time, except
14 for today. Thank you for your remarks today. I find that
15 reprehensible and remarkably tone-deaf for an elected
16 official.

17 The presidential and general primaries had record
18 turn-out. The new system had a stress test beyond what
19 anyone imagined, and now is the time to assess what worked
20 and what must be improved before November. Thank you for
21 extending the two rules you're considering today. About a
22 million Georgia voters cast their vote in person, checking
23 in with the no-ink poll pads, selecting candidates with
24 the Dominion image cast ballot-marking tablets, and then
25 printing ballots, for some reason casting them with the

1 ballots -- with the precinct scanners. And about a
2 million Georgia voters used hand-marked paper ballots,
3 filled out at home and mailed in or dropped off in secure
4 drop boxes. These ballots were opened and scanned on
5 central scanners in election offices across the state.

6 Over the course of the last year, the Coalition for
7 Good Governance has proposed rules to improve the voter
8 experience, reduce workload for counties, and improve
9 citizen oversight of elections. Things could have been
10 better if you had adopted our rules. It's not too late
11 for November. Please consider some of these as you
12 consider emergency rules. Thank you.

13 MR RAFFENSPERGER: Thank you. Our next speaker?
14 Who's our next person?

15 MS. THOMAS: So next, we have Shea Roberts. You're
16 self-muted right now.

17 MS. ROBERTS: Got it. Hi, my name is -- oops. My
18 name is Shea Roberts, and I'm a Fulton County voter and
19 the democratic nominee for State House District 52. Your
20 emergency paper ballot rule wins an award for the best
21 idea kept locked in a broom closet. Take a hard look at
22 the training materials you developed to support this rule
23 because virtually no counties were prepared to use the
24 rule. With such a critical new rule, it's important that
25 training materials be clear.

1 Counties must know: one, the difference between
2 provisional and emergency ballots. Provisional ballots
3 are used when the voter cannot be fully checked in. They
4 may be in the wrong place or may -- may not provide proper
5 ID. Voters may mark a provisional ballot, but they do not
6 cast it in precinct. Provisional ballots do not always
7 count. Emergency paper ballots are used when the machines
8 malfunction or when wait times exceed 30 minutes. Voters
9 both mark a paper ballot and cast it at the precinct
10 scanner. Emergency ballots always count. When to use
11 emergency ballots? Some believe all machines must be down
12 for at least 30 minutes.

13 We believe the emergency paper ballot rule can be
14 used to increase capacity for in-person voting. A ballot
15 on a clipboard becomes an additional voting station.
16 Marking a paper ballot is actually faster than using the
17 tablet and printer. With record turnout predicted for the
18 November election, proper implementation of the emergency
19 paper ballot rule just makes sense. Thank you.

20 MR. RAFFENSPERGER: Thank you. Our next person for
21 public comment?

22 MS. THOMAS: Next, we have Saya Abney.

23 MS. ABNEY: (very distorted sound) Hi, my name is Saya
24 Abney, and I'm a Fulton County voter. There is a current
25 demonstration that voting with poll pads inhibits voters

1 in many instances. While it's true that last minute
2 changes in poll worker (???) with voter conditions. It's
3 also well-documented that sometimes the poll pads are
4 simply wrong. A demonstrated law from the Coalition for
5 Good Governance is we must be allowed to cast the ballot
6 if their MyVoter page shows them in the precinct where
7 they're checking in. Reporting the inaccuracies in your
8 electronic poll books was common among the 50,000 voter
9 complaints compiled by the MyVoter hotline during the 2018
10 midterms. State Senator Jasmine Clark has testified in
11 federal court about her experience during the 2018
12 runoffs, where she was told that she was at the wrong
13 polling place during the check in process. As a state
14 senator, she knew exactly where she was supposed to cast
15 her ballot, and after several minutes of phone calls, the
16 issue was mysteriously resolved.

17 The Secretary of State encourages voters to rely on
18 the MyVoter page when checking the status of their
19 absentee ballot, reviewing their ballot, and when planning
20 (???). Allowing the voter to cast a ballot in the
21 precinct shown on the MyVoter page, even though it
22 conflicts with the electronic poll-pad, would mitigate
23 harm that could be caused by (???) or sending voters to
24 the correct precincts and allowing voters to cast their
25 vote. Thank you.

1 MR. RAFFENSPERGER: Thank you. All right. Next
2 comment?

3 MS. THOMAS: All right. Next, we have Isabel
4 Gambino. You're self-muted right now.

5 MR. RAFFENSPERGER: Ms. Gambino?

6 MS. GAMBINO: Okay. Can you hear me?

7 MS. THOMAS: Yes. We can hear you.

8 MR. RAFFENSPERGER: Yes. Go ahead?

9 MS. GAMBINO: Do you skip Joy from our list? I just
10 want to make sure --

11 MS. THOMAS: I don't see Joy's name as being -- as
12 attending.

13 MR. RAYBURN: Your time is running. Please go ahead
14 and make your comments.

15 MS. GAMBINO: My name is Isabel Gambino, and I'm a
16 Fulton County vote -- voter. Demand for absentee mail
17 ballots soared to record heights in the recent primary.
18 Our rule, first proposed last fall, allows voters to
19 deliver absentee mail ballots to any location at which
20 they would be eligible to vote in person and have their
21 ballot accepted. This rule will reduce administrative
22 handling while increasing voters' certainty that their
23 votes have been accepted. The rule designates an absentee
24 ballot clerk in each early and Election Day polling place,
25 giving the voters the option of delivering their absentee

1 mail ballot at any place they would be eligible to cast
2 their vote in person. Upon presentation of proper ID and
3 recognition of eligibility through the standard check in
4 process, the ballot would be accepted with no further ado.
5 Special absentee ballot check in lines could be
6 established.

7 Allowing election workers to accept voters' absentee
8 ballots at early voting locations and at Election Day
9 precincts -- and at Election Day precincts is a win-win
10 for all. For voters, it eliminates the risk of mailed
11 delivery -- having a ballot rejected for minor
12 discrepancies. And for election officials, it reduces the
13 office work of mail ballot envelope verification and
14 associated ballot-related security. This change will
15 provide voters who wish to vote a paper absentee ballot at
16 home the opportunity to cast a ballot at their home
17 precinct on Election Day with the advantage of the latest
18 election information, and this change will permit voters
19 who have a visual or dexterity difficulty with computer
20 screens and operation to vote their ballots with paper and
21 pen at home and cast it on Election Day in their home
22 precinct.

23 In short, adapting this new election rule strengthens
24 civic participation in our democracy, and everybody wins.
25 Also, given that the budget is a concern, it costs less to

1 handle a mail ballot than an in-person ballot. You'll
2 need to do much better. Georgia was a national joke. We
3 are the ones labeled --

4 MS. THOMAS: All right. Next, we have B Wasson or
5 Joy Wasson.

6 MS. WASSON: Joy. Hi, I'm Joy Wasson, a DeKalb
7 County voter. The Secretary has projected perhaps two and
8 a half times the turnout in November that what we saw in
9 June. We're likely to see huge numbers. Expanding
10 capacity for in-person voting depends partly on number and
11 size of polling places and staffing, but the SEB rules
12 also affect capacity. I saw poll pads down on Election
13 Day at poll opening. I see the countless voters waiting
14 hours to vote. This problem checking in put an immediate
15 stop to all voting. In November, counties must deploy
16 more poll pads. One poll pad for every one thousand
17 registered voters in a precinct should be the minimum
18 required. In addition, it would make so much sense if you
19 would create an emergency voter check in rule as
20 counterpart to your emergency paper ballot rule. Many
21 voters and poll workers have said bottlenecks in the
22 primary began with slow check in.

23 Two of Coalition for Good Governance's previously
24 proposed rules will speed voter check in. First is the
25 requirement that paper poll book backups be available in

1 every precinct and used when the poll pads are not working
2 or when check in lines exceed 30 minutes. The second
3 previously proposed rule that would help speed checkup --
4 check in is -- of voting is allowing voters to cast a
5 regular ballot if they're in a precinct shown on their
6 MyVoter page. The paper -- the backup paper poll book
7 would be printed after records are updated from early
8 voting, and it would be used as the official record if
9 there were a discrepancy or any problem with the e-poll
10 book. This would go a long way in keeping lines moving if
11 poll books are down. Adding paper poll books -- poll book
12 check in stations is a low-cost way to expand capacity and
13 reduce wait times. Thanks.

14 MR. RAFFENSPERGER: Thank you for your comment. Our
15 next -- who do we have next?

16 MS. THOMAS: All right. Next is Liz Throop. You may
17 speak.

18 MS. THROOP: Hello. Can you hear me?

19 MS. THOMAS: Yes.

20 MS. THROOP: Thank you. I'm Liz Throop from DeKalb
21 County. It's timely and urgent that recount procedures
22 are updated for the new voting system. And there are few
23 things more nerve-wracking for candidates and their
24 supporters than races that wind up in a recount. There
25 have been some close contests in this election already.

1 Haber -- Habersham took four days to recount a commission
2 race. A house in Cobb took three days. Yesterday, a
3 recount for a commission seat in Gwinnett was settled by
4 counting votes for only two of the five candidates.
5 Public trust in elections is never more fragile when --
6 than when there are winners and losers that are only a few
7 votes apart.

8 We've proposed some amendments to the recount rules
9 that ensure that public observation is meaningful and that
10 the results are trusted. Over the past months, it's been
11 my privilege to observe elections and ballot processing
12 across Georgia. I've gotten to meet election workers and
13 officials who are doing their very best to run fair and
14 efficient elections, but restrictions on public
15 observation vary widely, and this is especially
16 problematic for recounts when the stakes are so high.
17 Your guidance could prevent arbitrary restrictions on
18 public access to recounts.

19 Secondly, because most of Georgia's ballots encode
20 voters' choices in QR codes, it's critical that for any
21 election to have a meaningful recount, it must be preceded
22 by a meaningful audit of the human readable portion of
23 those ballots. Our proposal is straightforward. If an
24 election is close enough to warrant a recount, then there
25 must be a thorough audit prior to that recount. Thank

1 you.

2 MR. RAFFENSPERGER: Thank you for your comment. Next
3 speaker?

4 MS. THOMAS: Our next speaker is Ailene Nakamura.
5 You may speak now.

6 MS. NAKAMURA: Hi, I'm Ailene Nakamura from Fulton
7 County. Now that we've re-proposed rules that Coalition
8 for Good Governance proposed months ago, it's necessary to
9 mention that had the State Election Board done its job and
10 promulgated better rules and procedures, June 9th could
11 have been a success instead of a disaster. The Secretary
12 seems to just make up procedures and keeps breaking
13 existing laws himself, all the while threatening counties
14 that do try to follow the law. What am I talking about?
15 The Secretary decided to hire an outside vendor in Arizona
16 to send absentee ballots to Georgia voters, and while it
17 was a good idea, he did not have the authority to do so
18 because sending absentee ballots is in the purview of
19 counties, not the Secretary of State. He should have
20 asked for an emergency rule to enable him to do so.

21 And those absentee ballots themselves broke the law
22 in two ways. They were not sent out with an inner
23 envelope to protect ballot secrecy, and they had the wrong
24 date of May 19th on it. But the Secretary must think that
25 the law does not apply to him. And we have evidence that

1 some people threw away those absentee ballots thinking
2 they had the wrong ballot or that they had missed the
3 election. And Athens-Clarke County can attest that when
4 they tried to obey all voting laws and found that they
5 could not do so using the touch screen voting machines,
6 the Secretary and this Board held a 7-hour hearing and
7 told the County that they must use the equipment the
8 Secretary purchased and threatened them with fines if they
9 used hand-marked paper ballots, all because the only law
10 this Board cared about is that all 159 counties use the
11 unlawful BMDs.

12 And let's talk about the most important rules the SEB
13 has failed in promulgating: recount rules, as Liz
14 mentioned, ballot secrecy, which is one of the laws
15 Athens-Clarke tried to preserve, audit rules, which are
16 currently nonexistent, yet crucial. It is absolutely
17 unconscionable that this Board is letting counties use
18 brand-new equipment that counts bar codes with no audit
19 rules and inadequate recount rules. And last, the SEB
20 must ensure that every vote counts, which should be the
21 fundamental rule of election, yet did not happen in this
22 election. Thank you.

23 MS. THOMAS: So next -- next, we have Libby Seger.
24 You're self-muted right now. Okay. You're good now.

25 MS. SEGER: Hi. My name is Libby Seger, and I am a

1 voter from Fulton County, and I'm also a student at
2 Georgia State University, where I'm the President of the
3 Young Democrats. COVID has affected our primary --
4 primary elections in so many ways, to that point that
5 counties were literally scrambling to secure polling
6 places and poll workers. Social distancing rules changes
7 -- had changed completely how we conduct in-person voting,
8 but sadly, ballot secrecy was still forgotten.

9 Ballot secrecy is granted in the Georgia Constitution
10 and it's also required by the Help America Vote Act, known
11 as HAVA. The law that enabled ballot-marking devices says
12 that they must permit voting in absolute secrecy so that
13 no person can see or know any other electors' votes.
14 Election boards are required conduct all elections in a
15 manner such as to guarantee the secrecy of the ballot. It
16 is absolutely clear that under the law in Georgia, ballot
17 secrecy is not optional.

18 And yet, here we are. When I voted on June 9th at
19 where I live, I could see everybody's screen from inside,
20 not to mention that I could -- I was within 6 feet of
21 everybody voting, and there were no COVID guidelines in
22 act. But we have these new voting tables with bright
23 screens that stand upright, allowing your votes to be seen
24 from across the room or even outside. We've been here at
25 every single meeting since fall, asking you to provide the

1 counties with a solution to this problem that the
2 Secretary of State created when he chose these Dominion
3 tablets. You spend most your time meting out penalties
4 for people who don't follow the law. What is your answer
5 to the election superintendents across the state who are
6 required to use this equipment? November is coming soon
7 and to handle the expected turnout, every one of those
8 33,000 ballot-marking tablets will have to be used on
9 Election Day. So what is your plan for protecting ballot
10 secrecy? Thank you.

11 MR. RAFFENSPERGER: Thank you. Our next speaker?

12 MS. THOMAS: Next, we have Rhonda Martin.

13 MS. MARTIN: Hello.

14 MS. THOMAS: You may speak now.

15 MS. MARTIN: Okay. Hello, my name is Rhonda Martin,
16 and I live in Atlanta, and I am on the Board of the
17 Coalition for Good Governance. The foundation of our
18 democracy is the right of the people to vote, to have
19 their votes counted, and when counted, to have their votes
20 accurately reflect their intentions. The key to ensuring
21 that votes counted equate to votes cast is the risk-
22 limiting audit. I commend you for your efforts to
23 introduce risk-limiting audits to Georgia. I attended the
24 trial RLA on Monday in Fulton County. I watched as people
25 lined up to roll the die to create the seed for the

1 pseudo-random number generator used to select the ballots
2 for use in the audit. I watched as people retrieved
3 ballots and filled out tally sheets. It was an
4 interesting and reassuring process. All of the activity
5 almost made me forget that the exercise was totally
6 meaningless.

7 In order for an audit to be valid, you must have
8 trusted source documents, showing the votes that have been
9 cast. Hand-marked paper ballots are trusted source
10 documents. The output of electronic ballot-marking
11 devices are not and can never be trusted source documents.
12 I know you all envision a process where each voter
13 carefully verifies their selections on the paper summary
14 produced by the electronic ballot-marking device so that
15 these documents can then be considered trusted. This just
16 doesn't happen. Research has shown that less than half of
17 the voters take the time to carefully review their votes
18 when asked to do so. Further, even when voters try to
19 verify the paper summary, less than half noticed when
20 errors had been introduced. It should be noted that this
21 statement is not controversial. It is the most widely
22 replicated experimental result in election security.
23 There is literally no evidence to the contrary.

24 My ballot from the June 9th election had over 40
25 contests. Very few humans can memorize touch screen

1 ballot content at the level needed to verify a ballot card
2 of this length for accuracy and completeness. Bottom
3 line? The paper trail that electronic ballot-marking
4 devices offer cannot be used as the basis for an audit
5 because voters cannot verify the accuracy of the ballot
6 summary codes. The good news --

7 MR. RAYBURN: Thank you, Ms. Martin.

8 MR. RAFFENSPERGER: Okay. I think, I'm watching the
9 clock here, I think we need to move onto the consideration
10 of the extension of the emergency rules and then come back
11 to the balance of public comments that we haven't gotten
12 to, unless there's just one or two left. But I think
13 there's a few more than that.

14 MR. RAYBURN: There's only one more left, Mr.
15 Secretary.

16 MR. RAFFENSPERGER: Oh, okay. Let's finish that.
17 Great.

18 MS. THOMAS: So next, we have Marilyn Marks.

19 MS. MARKS: Yes, good morning. I'm Marilyn Marks,
20 the Executive Director of Coalition for Good Governance.
21 I urge you to adopt -- to adopt an emergency rule today to
22 immediately ban the use of the software application
23 settings that are being used to suppress certain mail
24 ballot and provisional ballot votes. There are thousands
25 of legal votes not being counted because of this software.

1 Georgia law protects the voters by mandating that every
2 mark for which the voter intent can be determined must
3 count, but the software application is programmed to
4 disobey this mandate.

5 The new software application works in conjunction
6 with the ballot scanners. The scanners read the hand-
7 marked votes, the votes are recorded, but then the system
8 is instructed not to count those recorded votes if those
9 votes are light marks, x marks, check marks, or other
10 light, non-uniform marks. This should really be a scandal
11 for this Board that the system that is being used is
12 programmed not to count thousands of votes that the system
13 recorded.

14 Counties are handling this very differently. They're
15 treating the voters and votes differently from county to
16 county. Some are trying to partially compensate by
17 remarking those ballots by hand duplication. That method
18 is causing thousands of ballots to be hand-duplicated,
19 scores of thousands of ballots, which is notoriously
20 error-prone and completely unnecessary and does not catch
21 all of the uncounted votes. This is not normal. Other
22 states that are running mail ballot operations, their
23 experience is well under one percent for ballots that need
24 to be duplicated. The system is out of control in
25 Georgia.

1 We saw the impacts of this improper software
2 application yesterday happen in a Gwinnett recount where
3 13 votes separate two candidates out of 104,000 votes in a
4 ballot race. The Board refused to consider the clear
5 votes that remained uncounted in the stacks of ballots, so
6 this Board today should order the Secretary to immediately
7 stop the use of the software application that purposely
8 does not count votes and instead order the counting of all
9 legal votes. Thank you.

10 MR. RAYBURN: Thank you, Ms. Marks. So Mr.
11 Secretary, I misspoke. There are some additional
12 speakers, but we can get to them after the consideration.

13 MR. RAFFENSPERGER: All right. We'll need to. So
14 we'll go ahead with the consideration of the extension of
15 emergency rules. Mr. Germany, good morning. I don't know
16 how to want to go about it, but dig into it.

17 MR. GERMANY: Yes, sir. Thank you, Mr. Secretary.
18 There's two rules I would ask the Board to consider today,
19 and they are both the emergency rules we passed. It's the
20 secure absentee ballot drop boxes and then the early
21 processing of absentee votes. In both of those rules, the
22 State Election Board limited them to the election held on
23 June 9th thinking that we'd want to see how -- how they
24 held up. And the indication from -- from our counties is
25 that they both work well. And so -- then the counties

1 have asked that we extend those rules.

2 So on the secure absentee ballot drop box rule, the
3 only changes that we're making are deleting the reference
4 to "for the June 9th election only." And again, this
5 would still be an emergency rule that would be in place
6 for six months. To make this permanent, we will have to
7 go through the whole process which, you know, I envision
8 us doing before the November election, particularly for an
9 audit rule we've been working on, and then we need to add
10 these 12 to make this permanent, if that's what we want.
11 So we're making -- we're getting rid of the reference that
12 limits these to the June 9th election.

13 And for the drop box rule, I added some opening
14 procedures. When we adopted the rule last time, we were
15 already in an election, so I wanted to add, kind of,
16 opening and closing procedures where counties have to
17 follow that, if the boxes are closed and then emptied
18 prior to closing before election. Those are the changes
19 that we have there.

20 And the other change that we made, and this was from
21 the request of counties, is that the current rule says the
22 boxes have to be emptied at least once every 24 hours.
23 We've had some comments from counties that that became
24 quite an extensive endeavor to do every day, and before --
25 the week before the election, there was not really a lot

1 of ballots in the drop boxes. So we're changing it to
2 before the second Monday before the election, so
3 basically, before the week before the election, they have
4 to empty the drop boxes at least once every 72 hours.
5 That's at least once, obviously, so, you know, if it's a
6 more crowded area, you might need to do more than that.
7 And then, for the week before the election, it's at least
8 once every 24 hours, which is the standard rule. So those
9 are the changes we're making there. I'm happy to take --
10 well, I'll go ahead and present the other one too.

11 Processing absentee ballots, again, the changes we're
12 making there are getting rid of the reference limiting it
13 to June 9th, and then just some -- some slight wording
14 changes. One comment that we got was on what counties
15 have to put in their notification they're going to use in
16 procedures. I think what we saw is we -- we required
17 telling us when they're going to start, but that made it a
18 little bit difficult for people to know exactly when it
19 was going to happen every day, and so the new notification
20 procedures require the counties to say when they're doing
21 the early processing on a -- on a daily schedule. I think
22 that'll be helpful for monitors and observers. And then,
23 of course, that would be published on the Secretary of
24 State's website in addition to on the county website. I'm
25 happy to take any questions on both of those from the

1 Board if there are any.

2 MR. RAFFENSPERGER: Do we have any questions? Any
3 questions or input from Board members?

4 MR. MASHBURN: I -- this is Matt Mashburn. Out of
5 respect for our colleague Board Member Worley, I will go
6 ahead and make a motion that both be adopted as proposed,
7 so that we can see if there's a second and begin
8 discussion to be respectful of his time.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: This is Anh Le. I'll second it.

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

12 Discussion from Board members?

13 MR. WORLEY: This is Mr. Worley. I appreciate the
14 Board's consideration of the fact that I have a, you know,
15 a work commitment later this morning. I have arranged to
16 push back that deposition, so I -- I can stay until 9:45
17 to allow a full discussion. As far as these rules go, I
18 appreciate Mr. Germany's efforts in adopting comments that
19 were -- that came to me that I passed on to him about some
20 changes that needed to be made with the rules. I think
21 both rules worked well in the primary and should be
22 adopted for the general election.

23 MR. RAFFENSPERGER: Any other comments? We have no
24 further comments. Now is the appropriate time to bring
25 this to a vote. All those in favor of -- let's vote on

1 this -- the motions together, so all those in favor of
2 approving emergency rule 183-1-14-0.6-0.14 and emergency
3 rule 183-1-14-0.7-0.15, do so by signifying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Hearing none, the
6 motion carries. Okay. Mr. Worley, since you have
7 additional time, would you like to talk before we go back
8 to public comment or would you like to -- what is your
9 preference, finish up public comment?

10 MR. WORLEY: I'd like to hear the additional -- my
11 preference would be to hear the additional public comment.

12 MR. RAFFENSPERGER: Okay. We'll go back to public
13 comment then, Mr. Germany?

14 MR. GERMANY: Yes, sir. Thank you.

15 MR. RAFFENSPERGER: Okay.

16 MS. THOMAS: So next, we have George Balbona. You
17 may now speak.

18 MR. BALBONA: Hi, I'd like to start by saying that
19 Board Member Mashburn's comments were incredibly
20 obsequious, as usual, and inaccurate. As Rhonda pointed
21 out, what occurred on Monday was not a logic and accuracy
22 test, it was in fact a risk limiting audit, and perhaps
23 before becoming a State Elections Board member, he should
24 know the difference.

25 I listened to Gabriel Sterling, the state-wide Voting

1 System Implementation Manager, flat out lie to the
2 Governmental Affairs Committee last week. When asked if
3 they were going to Runbeck, you know, the company that
4 printed ballots on the other side of the country in
5 Arizona, for the presidential election, he said, and I
6 quote, there is no Georgia vendor that can do this, end
7 quote. No. That's not true. There was a big GAVRIO,
8 which is the Georgia Association of Voter Registration and
9 Elections Officials, conference in December in Savannah,
10 and at that -- at that conference, one of the vendors was
11 Tattnall, who's based in Reidsville, and they have been
12 printing ballots for Georgia since the early 1960s.
13 Furthermore, in 2008, -- this is straight from their
14 literature -- they began printing optical scan ballots and
15 is currently a certified printer of Dominion voting
16 systems. They also say that they'll use their own
17 personal fleet of trucks to hand deliver ballots, so I'd
18 like to know why we chose Runbeck on the other side of the
19 country?

20 I also don't want to listen to excuses from Georgia
21 SOS employees who are pathologically incapable of
22 accepting blame. Who I would like to hear from are the
23 Dominion voting employees, such as Tom Feehan, the Senior
24 Project Manager who had a direct liaison with Gabriel
25 Sterling at the Georgia Secretary of State's Office, Scott

1 Tucker, the only one anyone ever seems to know about, Beau
2 Roberts, the Dominion Customer Relations Associate. The
3 first and the third, Tom joined in August of 2019 to
4 Dominion and Beau joined in October 2019 to Dominion, so
5 yeah, that's great.

6 I'd also like to have some words with Kathy Smothers
7 (ph.) and Mitch Pedrell (ph.), who are the Dominion
8 training specialists, and all the -- Brad was very happy
9 about the historic four-day GAVREO conference in December.
10 It had over 700 local and state elections officials who,
11 no doubt, were using it to meet the OCGA 21-2-100
12 mandatory training hours. And --

13 MR. RAYBURN: All right, Mr. Balbona. Thank you for
14 your comments. That's exceeded your time.

15 MR. MASHBURN: Mr. Secretary, this is Matt Mashburn.
16 I'm going to ask for indulgence here and just go ahead and
17 make a statement that personal insults against the
18 Secretary's staff are out of order, and I'm all for free
19 speech, and so just go ahead and put down a marker that if
20 there's any more personal attacks on the Secretary's staff
21 -- personal attacks on me are fine. I don't care about
22 them. I care about them, but I don't let them hurt my
23 feelings. But any personal attacks on the Secretary's
24 staff, I will immediately move that the speaker be placed
25 out of order and that his time be cut off.

1 MR. RAFFENSPERGER: Okay. Next speaker?

2 MS. THOMAS: Next, we have Aklima Khondoker. You're
3 self-muted now. Okay. You're good to go. You may now
4 speak.

5 MS. KHONDOKER: Hi. Thank you, and my name is Aklima
6 Khondoker. I'm a voter from Butts County, and I am the
7 Georgia State Director of All Voting is Local. I'm also a
8 voting rights advocate and a lawyer. What I heard are --
9 what I heard today overwhelmingly are [sic] that we have
10 inconsistencies in our elections administration between
11 and among counties. And I echo many of the solutions that
12 I heard on this call. I'm going to keep my comments to
13 the rules, but I do request a follow-up after the meeting
14 to talk open -- to talk about the overwhelming issues that
15 I saw on Election Day.

16 I do want to say this: we need more uniform
17 requirements and not just allowances and suggestions to
18 our county elections administrators if we hope to have
19 elections that run smoothly. Successful elections need
20 established standards required for all counties to follow.
21 And while these two suggested rules today and the proposed
22 changes will allow for a lot of improvements for our
23 elections, what we need are those standards in uniformity
24 throughout all counties to make sure that they all adhere
25 to the same rules so that voters have equal access to the

1 ballot.

2 So let me say this. I heard from David Worley that
3 we should absolutely have more absentee ballot
4 applications sent out to more voters, and I do agree with
5 that. I think I heard from Gabriel Sterling today that
6 our last voting site closed officially in Georgia at
7 10:30PM or so. Well, I'm here to say that there was a
8 South Fulton location, Christian City, where the last
9 ballot was cast well after midnight under the glow of
10 police lights because police showed up to intimidate
11 voters and voting rights advocates and election protection
12 workers that were there to help voters. So I just want to
13 clarify that the conditions on Election Day were very
14 horrendous for certain voters, while they may not have
15 been for others.

16 So what we must have is uniformity throughout our
17 elections so that all voters have equal access to the
18 ballot. Moving forward, drop boxes must be available in
19 all 159 counties and not just at the discretion of county
20 elections officials. It must be mandated and paid for by
21 the State so that voters from all 159 counties have equal
22 access to the ballot. Voters also need clearer and more
23 accessible information about the drop boxes, information
24 about drop box use and availability should be published in
25 more forms and not just on the counties' --

1 MR. RAYBURN: All right. Thank you.

2 MR. RAFFENSPERGER: Our next speaker?

3 MS. THOMAS: Next, we have Adam Shirley. You may now
4 speak.

5 MR. SHIRLEY: Good morning. Can you hear me okay?

6 MS. THOMAS: Yes.

7 MR. RAFFENSPERGER: Yes.

8 MR. SHIRLEY: Thank you. Thank you to each of you
9 for your sacrifice and dedication. I am thankful that we
10 all share the goal of making it as easy as possible for
11 all Georgia voters to register and vote as safely and
12 reliably as possible. We -- I think we can all agree we
13 have room to grow from what happened in June. I'm hopeful
14 that we use the months that we have to make the
15 adjustments.

16 I've served on the Clarke County Vote Review Pad, and
17 as you are aware, Georgia state law makes it clear that x
18 marks and check marks are acceptable ballot marks.
19 Despite an x or a check not satisfying the State Election
20 Board's rule that we need to shade the oval, state law
21 also makes it clear that when the voters' intent can be
22 clearly discerned, our vote shall be counted, must be
23 counted.

24 In Clarke County, we learned that the absentee ballot
25 scanner was programmed to classify votes in three ways

1 based on the percentage of circle that was shaded. When
2 the circle was darkened 12 percent or less, it was
3 classified as a blank contest and was flagged that way.
4 We discovered in Clarke County in 16 percent of the
5 ballots we adjudicated, voters who used x marks or check
6 marks, which is fully complaint with state law, frequently
7 had their votes go uncounted. Worse still, in Clarke
8 County, the software we're using did not send blank
9 contests to adjudication. The only way we bumped into
10 this was when we would consult the rest of the ballot to
11 inform our decision about the voters' intent on the
12 contests that were flagged for adjudication.

13 I know, for example, in Oglethorpe County, blank
14 contests were automatically flagged for adjudication.
15 This suggests that the superintendents had discretion on
16 what types of ballots to flag for adjudication. I hope
17 I'm misunderstanding this because it doesn't seem to
18 square with our objective for a uniform, state-wide voting
19 system. The problem that I'm seeing is that different
20 counties use different settings with their absentee ballot
21 scanner software.

22 So please, to help us solve this problem, please
23 order Dominion to update the scanner software so that
24 circles that are at least 1 percent filled in are counted
25 as ambiguous and sent to humans for review. It might mean

1 that we have to unnecessarily adjudicate many contests
2 that were legitimately blank, but it's the only way to be
3 sure that we catch the x's and the check marks that are
4 allowed by state law but can easily fall to less than 12
5 percent of the circle. And second, please -- thank you
6 very much for your time.

7 MR. RAYBURN: Thank you. To clarify in response to
8 that, while there is a statute that talks about marking a
9 paper ballot and mentioning an x or check mark, that does
10 not apply to our current state-wide method of voting.
11 That is a very old statute that only some municipalities
12 can use, and it doesn't refer to optical scan ballots. It
13 refers to old ballots that have a box next to candidates,
14 and those are hand counted. So while there is a statute
15 out there, it does not apply to our current system. Our
16 current system's law and rule requires for optical scan
17 ballots that the voter fill in the oval. So I just wanted
18 to clarify that. Thank you.

19 MR. RAFFENSPERGER: Thank you, Kevin. Next speaker?

20 MS. THOMAS: Next, we have Jasmine Clark. You are
21 self-muted right now.

22 MS. CLARK: Okay. Hi. Are you able to hear me?

23 MS. THOMAS: Yes.

24 MS. CLARK: Okay. So first, I want to say thank you
25 for you all considering and now adopting the extension of

1 those rules. I think that we all can see what's happening
2 as far as the coronavirus numbers, and I think the best
3 plan of action for November is to hope for the best but
4 over-plan for the worst. If we are in for a worse
5 situation than we were June 9th, then we can anticipate
6 fewer poll workers, higher demand for absentee ballots,
7 and more voters that vote in person. And so, again, I'm
8 encouraged that we are going to extend the absentee ballot
9 drop boxes, but I would also encourage us to consider
10 making this a permanent fixture in Georgia elections.

11 Secondly, I'm also encouraged that we're going to
12 begin opening our absentee ballots earlier. I would
13 encourage an even earlier start date than we had for the
14 June 9th primary. Third, I want to echo David Worley's
15 proposal that we do send out ballot applications. I
16 understand the cost associated with this, but I also want
17 to -- want us to be mindful that not everyone follows
18 these meetings and knows to check certain websites. And
19 so, I think there would still need to be a cost associated
20 with directing people to the website anyway.

21 Next, I really would like to see the scanning of -- I
22 would like to see software scanning experts to really
23 figure out what's going on with the discrepancies on the
24 high-volume ballot scanners. And lastly, we are probably
25 going to see an unprecedented, historic number of absentee

1 ballots in Georgia in November, and I would like to see
2 more scanners for ballot counting in order to reduce the
3 amount of time that it takes to count those ballots and
4 certify elections. We want this done right. We also want
5 it done timely. I'm sure most voters would agree. We
6 don't want to wait until the middle of December to know
7 who our -- our party's -- or who our new representatives
8 and, you know, et cetera are.

9 And then finally, I want to echo another person's
10 comments about the guidance on emergency ballots. This
11 was not clear on June 9th. And we saw this in Gwinnett
12 County, where precincts did not exactly know what to do
13 and gave provisional ballots instead of emergency ballots.
14 And so, that --

15 MR. RAFFENSPERGER: Okay. Next speaker?

16 MS. THOMAS: Next, we have Wanda Mosley. You may now
17 speak.

18 MS. MOSLEY: Good morning. My name is Wanda Mosley.
19 I'm a Fulton County voter, and I'm with an organization
20 called Black Voters Matter. I'm speaking today because
21 what I saw on June 9th was an absolute disaster, a failure
22 of just about every part of the system of elections in our
23 state. We made headlines for all the wrong reasons as
24 usual. As my friend Aklima mentioned earlier, I
25 personally witnessed the last voter emerge from Christian

1 City in Fulton County at 12:35AM. There's no way we can
2 do a victory lap and say that we've done a good job with
3 regards to elections.

4 Voting rights advocates estimate that about 52
5 percent of all Georgians resided in a county where polling
6 times had to be extended beyond the normal 7PM end-time.
7 The Lawyers' Committee for Civil Rights Under the Law, the
8 folks that man the 866-OURVOTE hotline estimate that
9 nearly 70 percent of all the calls they got on June 9th
10 were from the State of Georgia. I see here in these
11 proposed rules there's something with regards to having
12 information listed on the county board of election
13 website. Sirs and Madams, please understand that not all
14 159 Georgia counties have a website for their board of
15 elections.

16 One of the things that this Board is tasked in doing
17 is ensuring that there is uniformity in the administration
18 of elections in our state. There is no way to expect
19 there to be uniformity and equity when you look at a
20 county like Randolph with about 7700 people and then the
21 county where I reside, Fulton, the largest county in the
22 state. So at this point in time is where we need
23 leadership, our Secretary of State, to come forward and
24 fill the gap, offer guidance, and advocate for all 159
25 counties, but especially those smaller counties. We can't

1 place the same expectations on a county with less than
2 10,000 people as we do with Fulton, Cobb, and DeKalb. We
3 saw the struggles with absentee ballots in the Metro, so
4 we can only imagine that our smaller rural counties are
5 going to have even more challenges again, unless
6 leadership, this body, the Secretary of State, come
7 forward and help these counties.

8 MR. RAYBURN: All right. Thank you.

9 MR. RAFFENSPERGER: Thank you. Next speaker?

10 MS. THOMAS: Next, we have Melanie Ray. You may now
11 speak.

12 MR. RAYBURN: Go ahead, Ms. Ray.

13 MS. THOMAS: Melanie Ray? Okay. So next, we have
14 Tracey Baker. You may now speak.

15 MR. RAYBURN: Go ahead, Ms. Baker.

16 MS. THOMAS: You're self-muted.

17 MS. BAKER: Okay. Can you hear me now?

18 MS. THOMAS: Yes.

19 MR. RAFFENSPERGER: Yes.

20 MS. BAKER: Okay. I yield my time to the next
21 speaker. Thank you.

22 MR. RAYBURN: Thank you.

23 MR. RAFFENSPERGER: Next person?

24 MS. THOMAS: Next, we have Laura Walker. You may now
25 speak.

1 MS. WALKER: Hi, my name is Laura Walker, and I'm a
2 Muscogee County voter. My husband and I retired here in
3 Columbus after 25 years of Army service, where we often
4 used absentee ballots, which we had extreme faith in, just
5 as an aside. I'm the Chair of the Muscogee County
6 Democrats and a Fair Fight Action volunteer. And through
7 those two organizations, I did a lot of outreach prior to
8 the primary via text and phone to answer voter questions.
9 I can tell you that many Georgia voters were confused and
10 not confident at all about the different changes in voting
11 in regard to the new system and to the changes brought
12 about by COVID. This distrust is simply heart-breaking
13 because of its preventability.

14 I urge the Board to adopt the following actions,
15 possibly using some of the over one billion dollars that
16 the federal government sent to address COVID in Georgia
17 that is left over, and I think that elections would
18 certainly fall within that purview. And these actions
19 are: to ensure proper training of county election
20 officials, to mail absentee ballot request forms to all
21 registered voters not just active voters, to create se --
22 a secure online portal for absentee ballot requests for
23 the November elections, to ensure voters can track
24 absentee ballots to increase the trust in the process, to
25 create a central processing -- sorry, central processing

1 centers across Georgia for mail ballots, mandate enough
2 paper ballot backups and allow immediate use in
3 conjunction with voting machines, to mandate paper backup
4 for poll books and train poll workers on how to use them,
5 to fully fund technicians in every polling location for
6 November, to guarantee fully funded drop boxes in every
7 county available 24 hours a day, and to inspect every
8 early vote and Election Day polling location for adequate
9 electrical capacity. We -- oh, perfect. Thank you.

10 MR. RAYBURN: Thank you for your comment.

11 MS. THOMAS: Next, we have Hillary Holley. You may
12 now speak.

13 MS. HOLLEY: Good morning. My name is Hillary
14 Holley, the Organizing Director with Fair Fight Action.
15 After this disorganized and haphazard rollout of the new
16 election system that failed every 2019 pilot program, the
17 June 9th elections were met with another unprecedented
18 obstacle, which was COVID-19. The Secretary of State
19 decided to mail absentee ballot request forms to all of
20 Georgia's active voters and neglect eligible inactive
21 voters. The State Election Board allowed but did not
22 mandate counties to set up drop boxes which was warmly
23 welcomed here in a state known for voter suppression.
24 Allowing counties to set up drop boxes was a positive step
25 that allowed voters to drop off their completed mail-in

1 ballots. We ask that the State Election Board mandate
2 drop boxes in all of Georgia's 159 counties, and the
3 Secretary of State to provide funding for these drop
4 boxes.

5 After -- we are seeing tremendous spikes in COVID-19,
6 due to the Governor's inactions, so it's critical we
7 ensure all voters who would like to return their mail-in
8 ballots in the drop boxes have access. Thousands of
9 voters have shared their voting experience with us. Fair
10 Fight Action has heard from various voters who experienced
11 issues with drop boxes, such as voters dropping off their
12 ballots before 7PM on Election Day, yet having their
13 ballots rejected with the reason given being that the
14 ballots were received too late to be counted. These
15 voters had their ballots rejected and their votes not
16 counted despite doing everything right and dropping their
17 ballot off before the received deadline.

18 So going forward, it is imperative that all counties
19 are trained by the State on maintenance, best practices,
20 and usage procedures to ensure that voters who choose to
21 use drop boxes have their votes counted. The State must
22 act now and provide the necessary guidance, resources,
23 funding, and training to use these novel drop boxes. They
24 are an asset to expanding ballot access but must be
25 properly maintained, and counties must have the proper

1 resources to employ them. This guidance must be developed
2 quickly and distributed to county election officials so
3 mistakes and mish -- missteps we saw on June 9th do not
4 occur in November. Please act now and thank you so much
5 for your time.

6 MR. RAYBURN: Thank you for your comments.

7 MR. RAFFENSPERGER: Thank you. Next speaker?

8 MS. THOMAS: Next, we have Alexia Niketas. You may
9 now speak. You're self-muted right now. Alexia Niketas?
10 Okay. Next, we'll have Garlan Favarito. You may now
11 speak.

12 MR. FAVORITO: Mr. Chairman, Georgia was ridiculed
13 again nationally for a variety of problems we encountered
14 in the June 9th primary, but almost none of the reports
15 covered the five most critical problems that this Board
16 needs to understand. Number one, not a single Election
17 Day or early voter in the State of Georgia was allowed to
18 cast a verifiable vote. Approximately a million voters
19 were forced to cast unverifiable votes in encrypted QR
20 codes that they cannot read. Number two, Georgia counties
21 certified election results without auditing a single one
22 of nearly two million votes cast. In fact, most Georgia
23 races will never be audited.

24 Number three, no meaningful recount was conducted
25 anywhere in Georgia because this Board required recounts

1 to re-scan encrypted votes in QR codes and simply reprint
2 previous unverifiable results. Number four, mail-in
3 ballot adjudication teams in five counties uncovered a
4 state-wide scanning defect, causing tabulators to fail to
5 count an estimated tens of thousands of votes that should
6 have been included in certified results according to 21-
7 240-438, and that does apply to all voting methods in
8 chapter 2.

9 Number five, Election Day and early voters were
10 forced to cast votes on a type of system that national
11 experts repeatedly told us is not secure and it was even
12 banned in Colorado and Texas. None of these five most
13 critical problems were caused by coronavirus. Georgia's
14 new voting system has not solved a single problem that was
15 inherent in the old system, and that system was ruled
16 unconstitutional and banned in Georgia beginning this
17 year. It does no good to increase voter turnout when you
18 cannot ensure votes will actually be counted. The public
19 will never trust this system no matter how much taxpayer
20 money you spend trying to convince them it's secure. The
21 roughly \$3 million that will be spent during the next 10
22 years is the greatest swindle in Georgia history.

23 I'm Garlan Favorito, Co-Founder of Voter GA. I have
24 40 years of IT experience and 20 years of part-time
25 research into electronic voting systems. We have led the

1 election integrity fight since 2006 here in Georgia.

2 MR. RAYBURN: Thank you, Mr. Favorito.

3 MR. RAFFENSPERGER: Next speaker?

4 MS. THOMAS: Next, we have Elisa Goldklang. You're
5 self-muted right now.

6 MS. GOLDKLANG: Hi. This is Elisa Goldklang. Thank
7 you so much. First, I would like to thank the Secretary
8 for sending out the absentee ballots. Because of the
9 COVID pandemic, I think that was the proper thing to do,
10 and thank you, Mr. Worley, for those comments. I
11 appreciate that.

12 And I know that at the last week's hearing, Secretary
13 Raffensperger said that the virus was dissipating, but
14 unfortunately, that's not the case. It is increasing, and
15 we just have to really take care of voters, and we have to
16 be careful about them. And we need to make sure that
17 we're sending out absentee ballots to all of them, and I
18 understand the postal issue, but perhaps if we used a
19 local Georgia company to send things out, maybe it would
20 be better. I do appreciate you putting together the
21 online system, but as so many have said, not all counties
22 have an online system and not all voters have online
23 systems. We were fortunate to be able to download our
24 request and then we dropped them off into the drop box,
25 and I would like to thank you all so for passing the drop

1 box rule, those emergency rules today. They're very
2 important.

3 But I also agree with the other voters that we must
4 have emergency ballots available, must. I like the fact
5 that people could bring in their absentee ballot on voting
6 day, and the QR codes are an issue. So there can be no
7 risk-limiting audits. There can be no meaningful audit
8 because you're only counting the number of votes people
9 cast. You're not actually counting the hand vote because
10 the receipts they give us -- we have no idea if what's
11 written on the receipt is actually copied into the QR
12 codes since the computer only reads the QR code.

13 So these are real serious issues, and we should
14 always have -- and I'm old enough to remember when you
15 went to a polling location, and they had a little book,
16 and they looked you up, and they put a little x. Yep, she
17 showed up. You need to have one of those paper books
18 again because there have been so many issues with the poll
19 books and the electronic equipment. Thank you so much.

20 MR. RAYBURN: All right. Thank you for your comment.
21 And to clarify that, it is required under Georgia law and
22 our counties are sent and have paper poll books of the
23 voters in each precinct at the polling places. So that is
24 currently the practice in law.

25 MR. RAFFENSPERGER: Thank you, Kevin. Next speaker?

1 MS. THOMAS: Okay. So next, we'll have Alexia
2 Nikitas. You're still self-muted. And then one more
3 time, Melanie Ray, you may now speak.

4 MR. RAYBURN: That's all. That's all the public
5 comment, Mr. Secretary.

6 MR. RAFFENSPERGER: Okay. Thank you for all the
7 comment. Do we have any other items that the Board
8 members would like to, you know, that are not on the
9 agenda, but would like to bring forward to our attention
10 right now?

11 MR. WORLEY: Mr. Secretary, this is David Worley, and
12 I would like to say a couple of things. First of all, I
13 think this is probably Mr. Rayburn's last Board meeting
14 before he goes on to work for the Election Assistance
15 Commission, and I just wanted to compliment him on his
16 hard work over the years. He is -- I think he's done a
17 very good job for the Secretary of State's Office and in
18 assisting the State Election Board, and I'm very
19 appreciative of everything that he's done.

20 MR. RAYBURN: Thank you, Mr. Worley.

21 MR. WORLEY: You're welcome. More than welcome.
22 Secondly, I wanted to say something about the rules that
23 have been proposed again by the Coalition for Good
24 Governance. Those rules were proposed earlier, and I said
25 at the time that I thought the rule on mail ballot return

1 was a good rule, that we needed to have that, but that it
2 might be too difficult for election officials to do this
3 year, given the volume of other changes that they would
4 have. I also thought that -- that's their proposed rule
5 number 1.

6 I thought that their proposed rule number 2 on
7 MyVoter precinct was not really necessary or -- being able
8 to vote in the precinct where MyVoter page says you're
9 located, and their proposed rule number 3 about paper poll
10 book backups was also not really necessary. The
11 experience from the primary and the reports and
12 observations that I've been told about lead me to believe
13 that those two additional rules are now necessary, and
14 that the mail ballot return is also something that we need
15 to be doing, so I support those three proposed rules, and
16 I would make a motion now that we adopt them.

17 MR. RAFFENSPERGER: Okay. We have a motion before
18 us. Do we have a second? Do we have a second? Hearing
19 no second, motion dies due to lack of having a second.

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

21 MR. RAFFENSPERGER: Okay. Do we have any other
22 comments or questions?

23 MR. GERMANY: Mr. Secretary, this is Ryan. I just
24 wanted to echo Mr. Worley's comments. For those who are
25 listening who don't know, Kevin Rayburn, our Deputy

1 Elections Director and Deputy General Counsel, has been
2 appointed by the US Election Assistance Commission to be
3 their next General Counsel. It's a great, I think,
4 recognition of the expertise that he has in elections. I
5 don't think there's a better elections lawyer in the
6 county, so Georgia's loss is certainly the country's gain,
7 and I'm glad that he will be continuing in that -- in his
8 role of serving elections across the country. We're sad
9 to see him go, and he's been a great asset to Georgia
10 elections and the Secretary of State's Office, and I just
11 wanted to say it's been a pleasure working with him, and
12 thank you for all your hard work.

13 MR. RAYBURN: Thank you.

14 MR. RAFFENSPERGER: Well, I will comment also on
15 that. Kevin Rayburn, you know, came to the State of
16 Georgia, you know, from Tennessee, and when I became
17 Secretary of State, there were many solid people we had
18 who were already in place and Kevin was one of them. With
19 the new voting system and all the different things that
20 that entailed and really looking at House Bill 316 and
21 then the changes that we've had to make in the code book
22 and also with the state election rules with the new
23 machines, with the ballot-marking devices, it was a big
24 list. And his confidence and what he brought to the table
25 and his work ethic -- effort, we couldn't have cleared

1 those hurdles if it wasn't for, you know, Kevin Rayburn's
2 work. And I think the Elections Assistance Commission has
3 found a very, you know, solid, one of the best election
4 attorneys in the country.

5 And we hope that this will help the EAC actually, you
6 know, pick up the pace on the good work it does do. One
7 of the strong suits of the EAC is because the Commission
8 is two Republicans and two Democrats is that nothing moves
9 forward unless it truly is bipartisan. I think that's a
10 good thing because elections should not be partisan. What
11 they really need to be is a process. How do we get the
12 process better so we can engage voters so that everyone
13 has that confidence? And that really requires a
14 bipartisan attitude and also requires deep integrity, and
15 Kevin Rayburn has very solid and deep integrity, so I wish
16 him well. We will miss him, but we understand it's a
17 tremendous honor, and we wish him the very best.

18 MR. RAYBURN: Thank you, Mr. Secretary.

19 MR. RAFFENSPERGER: If we have no other new business
20 before us, I think now would be the appropriate time to
21 make a motion for adjournment.

22 MR. MASHBURN: I move that we adjourn.

23 MR. RAFFENSPERGER: Do we have a second?

24 MS. SULLIVAN: Second.

25 MR. RAFFENSPERGER: Do we have any other comments?

1 MR. WORLEY: Just Mr. Secretary, it's David Worley.
2 Just again I want to thank the Board members and the
3 Secretary for accommodating by schedule by beginning this
4 meeting so early this morning. Thank you all.

5 MR. RAFFENSPERGER: Well, our pleasure, David.
6 Thanks for being here. All those in favor of adjourning,
7 please signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Motion carries. Thank you so
10 much for meeting early this morning and doing the people's
11 business, and God bless you all. Thank you. Meeting
12 adjourned.

13 (Meeting adjourned 9:25AM)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 56 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 28th day of July, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

August 27, 2020

Steven Ray Green Court Reporting, LLC
404 733 6070

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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

August 27th, 2020
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

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Frances Watson

Chris Harvey

Gabriel Sterling

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

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

Quoted material is typed as spoken.

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1 P R O C E E D I N G S

2 MR. RAFFENSPERGER: Good morning, everyone. I wanted
3 to call the State Election Board to order. Before we get
4 started since we are on a webinar, if we could just do a
5 roll call of all the Board members? If you could just
6 identify yourself, so we can get you. Is David Worley on?

7 MR. WORLEY: Yes, I'm here.

8 MR. RAFFENSPERGER: Great. Okay. Next, Rebecca
9 Sullivan?

10 MS. SULLIVAN: Present. I'm here.

11 MR. RAFFENSPERGER: Okay. Anh?

12 MS. THOMAS: Anh's not here. She's not on.

13 MR. RAFFENSPERGER: Anh Le? I don't hear Anh. Matt?

14 MR. MASHBURN: Matt Mashburn is here.

15 MR. RAFFENSPERGER: Okay. Are we showing that Anh Le
16 is on or is she still calling in?

17 MR. GERMANY: She's not going to be able to make it
18 this morning.

19 MR. RAFFENSPERGER: Okay. Great. Okay. Well, we
20 have four, and so we're ready to go. Well, I'll begin
21 this with an invocation and a Pledge of Allegiance, if we
22 could do that.

23 (Invocation)

24 (Pledge of Allegiance)

25 MR. RAFFENSPERGER: We have before us the Board

1 minute meetings from last meeting. If anyone -- I guess
2 everyone had a chance to review that. If someone would
3 like to make a motion, now would be the appropriate time.

4 MR. WORLEY: This is David Worley. I make a motion
5 that we approve the minutes of the August meeting.

6 MR. RAFFENSPERGER: Do we have a second?

7 MS. SULLIVAN: Second, Rebecca.

8 MR. GERMANY: Rebecca seconded.

9 MR. RAFFENSPERGER: Okay. All those in favor,
10 signify by saying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed? Motion carries.
13 Okay. Before we get to public comments, if any Board
14 members would like to offer a few comments, now would be a
15 great time to do so. Then, we'll roll into public
16 comments, and I don't know how many people have signed up
17 so far for that, but we'll talk about that to make sure
18 that we really get into the investigation report, and if
19 we have so many public comments, then we'll need to have
20 those afterwards. But let's first -- Board members, if
21 any of you would like to offer some comments before we
22 begin today, the floor is yours. Okay. Hearing none,
23 public comments. How many people do we have signed up for
24 public comments so far?

25 MS. THOMAS: One, two, three, four -- we have four so

1 far.

2 MR. RAFFENSPERGER: Okay. Well, great. Go ahead and
3 have the first person, and I believe we have a time limit
4 of two minutes.

5 MS. THOMAS: All right.

6 MR. RAFFENSPERGER: And please provide your name and
7 where you reside, city or county.

8 MS. THOMAS: Okay. So first, we have Jacqueline S.
9 Elsner. You're self-muted right now.

10 MS. ELSNER: Am I muted? Hello, I'm Jacqueline
11 Elsner from Athens-Clarke County, and I was a monitor for
12 a local nonpartisan cont -- candidate in the June 9th
13 primary in Clarke County for the opening of the absentee
14 ballots. And so I observed that, and I was also an
15 observer while our Clarke County Voter Review Panel was
16 going over the, you know, the ballots that were flagged
17 for them to look at, and so then I -- I was able to
18 visually see the types of mar -- voter marks that the
19 Voter Review Panel was looking at. You know, not every
20 one, but a few, and I could see, and it was explained to
21 us that the scanners had highlighted some problematic
22 things that the Voter Review Panel discussed and came to
23 unanimous decisions, but it was clear that there were some
24 check marks and some x's that voters had made which are
25 valid voter marks by the Georgia Constitution and, you

1 know, they -- they weren't being picked up by the Dominion
2 scanners.

3 And so at the August 10th State Election Board
4 meeting, y'all decided okay, you're going to push the
5 scanners down to a ten percent low mark of, you know,
6 observing voter marks, but our Georgia Constitution
7 doesn't talk about a scanner setting. It talks about
8 check marks and x's are valid voter marks. And so I'm
9 asking you to adjust everything about your State Election
10 Board rulings so that valid voter marks are counted as
11 valid marks.

12 And then I listened to my Clarke County Board of
13 Elections meeting to certify the June 9th primary and
14 heard the attorney for Clarke County, Attorney Judd Drake,
15 instruct the Board of Elections that they absolutely could
16 not bring this up. They could not use the actual
17 experience of their Voter Review Panel to say we need to
18 look more at some more votes that didn't get counted, and
19 I was appalled that the county attorney that my taxes pay
20 for is telling my election board members they cannot go
21 back and look at valid votes. So I ask you to please do
22 whatever -- you know, reduce the percentage of the ballot
23 marks that -- a check and an x by the Georgia Constitution
24 is a valid vote. Thank you.

25 MS. THOMAS: All right. Next, we have George

1 Balbona. You're self-muted right now. Okay. You may
2 speak. Mr. Balbona, you may speak. Okay. We'll come
3 back to Mr. Balbona. Next, we have Helen Butler. You're
4 self-muted right now.

5 MR. RAFFENSPERGER: Morning, Ms. Butler.

6 MS. THOMAS: Ms. Butler, you're self-muted right now.
7 You'll have to unmute yourself.

8 MS. BUTLER: I'm sorry. Am I un-muted now?

9 MS. THOMAS: Yes, ma'am.

10 MR. RAFFENSPERGER: Yes, you're good.

11 MS. BUTLER: Okay. Good morning. I'm Helen Butler,
12 and I'm a resident of Morgan County. I really want to say
13 it's imperative we find solutions for the issues around
14 absentee balloting which is on the agenda today, and I'm
15 specifically addressing that because voters were made to
16 stand in lines, potentially being exposed to the
17 coronavirus, in order to cast their vote. These issues
18 didn't just happen in Fulton. I know they happened in
19 other Metro areas but were more pronounced because of
20 Fulton's numbers. I want to commend Ms. Nuriddin on the
21 Board of Elections who was sounding the alarm and trying
22 to fix those problems along with the public and Fulton
23 voters. But as I see it, I hope that Fulton is coming
24 with a plan to correct those issues.

25 And some of those issues that I think need to be

1 addressed are as follows: absentee ballot applications
2 must be issued from the date received and not held with
3 indiscriminate dates for processing or not processed at
4 all, and I know the Secretary of State did a contract with
5 Runbeck to help with the processing of these ballots, but
6 we must have a quicker delivery time to reach voters less
7 than the 16 days or more in order for them to know what is
8 happening. The absentee ballot applications via
9 electronic means, and I mean email effects -- they must
10 have a system that will capture and process in a timely
11 fashion. What was happening -- none of the electronic
12 applications got processed unless you actually followed up
13 with the Board of Elections and redid them if the voter
14 knew how to do that. They didn't have enough staff to
15 process applications and ballots, and they must have a
16 robust communications system for alerting voters regarding
17 the status of their ballots so that they're not confused
18 and not unaware of what's happening. The cancellation
19 process at the polling location must be improved so that
20 they don't have to wait -- voters don't have to wait for
21 them to get someone --

22 MS. THOMAS: Thank you, Ms. Butler. All right.

23 Next, we have Jeanne Dufort. You are self-muted right now.

24 MR. RAFFENSPERGER: Good morning, Ms. Dufort.

25 MS. DUFORT: Good morning. Many of us across the

1 state work tirelessly to make sure that it's as easy for
2 all of us to register and vote as it is for some of us.
3 The rapid shift to mail voting this spring was
4 unprecedented and created real operational challenges for
5 many counties. Sheer willpower got many of the smaller
6 counties through the surge in applications, but for the
7 larger counties, it was not enough, and some voters, too
8 many voters, suffered.

9 But fast tracking this complaint against Fulton
10 County, moving it ahead of much older complaints, is
11 simply election theater. It reminds me of the rushed
12 hearing in Athens when you punished a Board that was
13 simply making the best decisions it could to protect
14 ballot secrecy. Politicizing the State Election Board is
15 simply wrong, and it erodes public confidence in
16 elections. Georgia chose to fast track implementation of
17 a new resource-intensive system, and then a pandemic hit,
18 and the vulnerabilities were exposed in a terrible way.
19 Your duty is work constructively with counties, not punish
20 them for trying to handle an unprecedented workload and
21 falling short. Fulton County must do better. We all
22 agree on that, but this is not the path to get there.
23 Thank you.

24 MR. RAFFENSPERGER: Thank you, Ms. Dufort. Mr.
25 Balona, if he -- if he wants to speak again, he was, I

1 guess, self-muted last time. Mr. Balbona?

2 MR. BALBONA: Check, check. One, two. Can you hear
3 me?

4 MR. RAFFENSPERGER: Yes, sir.

5 MR. BALBONA: Hello.

6 MR. RAFFENSPERGER: Go ahead.

7 MR. BALBONA: George Balbona, Cobb County. To
8 promulgate rules and regulations, those are the five first
9 words of the State Election Board's duties. Promulgate
10 means to promote or make widely known -- widely known,
11 rather. I was unlawfully removed from a polling location
12 on August 11th, 2020 by four Marietta police officers. I
13 was peacefully observing post-election activities.
14 Georgia election codes provides the public the right to
15 peacefully observe elections, yet four police officers
16 were unaware of this even after I repeatedly cited Georgia
17 election code. I met with Marietta Deputy Chief Farrell
18 last week, and he apologized for my treatment.

19 I'm waiting for the Georgia State Election Board to
20 apologize to me for being so blatantly remiss in their
21 duties. The Deputy Chief and major I met with had over 57
22 years of police experience between them, and they claimed
23 to have never heard of the Georgia election code I cited.
24 They promised to train every Marietta police officer on
25 Georgia election code immediately. The State Election

1 Board should properly train all Georgia law enforcement on
2 Georgia election code immediately.

3 Furthermore, this is not a one-time occurrence. On
4 November 7th, 2017, a dozen peaceful observers were
5 removed from the Fulton North Annex by the Fulton marshal
6 hired for elections security. We cited election code, had
7 an email from Chris Harvey, had a letter from ACLU, and
8 had Lieutenant Sweeney, the officer who hires all
9 elections security in Fulton County on speaker phone all
10 telling him that we had the right to observe, and
11 unbelievably, the marshal refused to hear any of it and
12 evicted us. Enough is enough. Do your job and properly
13 train all Georgia law enforcement on Georgia election
14 code, and while you're at it, properly train election
15 security and poll workers as well. Thank you.

16 MR. RAFFENSPERGER: Thank you, Mr. Balbona. Do we
17 have any other folks that have signed up for public
18 comments?

19 MS. THOMAS: Yes.

20 MR. RAFFENSPERGER: The next person?

21 MS. THOMAS: Next, we have Shannon Everly.

22 MS. EVERLY: Hi, good morning. Can you hear me?

23 MS. THOMAS: Yes.

24 MR. RAFFENSPERGER: Yes.

25 MS. EVERLY: Okay. Great. I would like bring up a

1 couple of points. After speaking with a number of my
2 friends regarding their absentee ballot application
3 process and also experiencing this myself, on the MyVoter
4 page when you log in, you know, under your name and birth
5 date, et cetera, under the absentee ballot request
6 information, it says that if you wish to mail or fax the
7 absentee ballot -- you know, it gives a link to your
8 county registrar, but it specifically says mail or fax.
9 It does not say email.

10 I had to -- I spent probably two hours trying to
11 figure out that I could email the application. I had to
12 make the phone call and find that out, and many people
13 won't realize that. Even though when you click through,
14 there is an email address, but it does not indicate in the
15 instructions that email is a valid option. That would be
16 a very simple change to the webpage of MyVoter page that
17 would provide -- that would facilitate the process, make
18 it much quicker, because many people may not realize they
19 can email the application, and then they end up mailing
20 it, which, of course, slows down the whole process. So I
21 think that would be a very easy fix on the webpage.

22 Another easy fix on the webpage: on the actual
23 application for official absentee ballot, line 7 requires
24 the signature of the voter. It does not specify that an
25 electronic signature is insufficient. Many voters may not

1 realize that it has to be handwritten. In the
2 instructions, it should say that you must print this page
3 and handwrite your signature or mark. That would be an
4 easy fix again to the webpage. It will not necessarily
5 work for everybody because not everyone has a printer, but
6 it would at least facilitate -- it would help prevent the
7 issue where people who don't have printers sign with an
8 electronic --

9 MS. THOMAS: Thank you, Ms. --

10 MR. RAFFENSPERGER: Thank you for that input, Ms.
11 Everly. Do we have any other people that would like to
12 speak this morning?

13 MS. THOMAS: Yes. Next, we have Aileen Nakamura.

14 MR. RAFFENSPERGER: Good morning, Ms. Nakamura.

15 MS. NAKAMURA: Hi, can you hear me?

16 MR. RAFFENSPERGER: Yes.

17 MS. NAKAMURA: Good morning. I'm Aileen Nakamura.

18 As a Fulton County voter, I am deeply offended by the
19 Secretary of State's repeated attempts to cast Fulton as
20 the only county that had problems around the June 9th
21 election. In fact, the matter at hand today, the
22 processing of absentee ballots by Fulton, is a direct
23 result of the Secretary's own doing. First, while he
24 rightly chose to send out absentee mail ballot
25 applications to all active voters due to COVID-19, his

1 failure to communicate with counties and let them know the
2 plan before the press release was the beginning of the
3 problems with absentee ballots for June.

4 I was flabbergasted to learn during the April Fulton
5 BRE meeting that the Secretary had not even reached out to
6 Fulton before his announcement to discuss how the vote by
7 mail effort would impact Fulton and how the State perhaps
8 intended to help. Did he even anticipate what problems
9 such a huge county would face? Let's remember that Fulton
10 has 780,000 active registered voters. That's more than
11 the populations of four states.

12 Second, there's the Secretary's unilateral decision
13 to use Runbeck in Arizona to send out the actual absentee
14 ballots, which is likely illegal. OCGA 21-2-384(a) part 2
15 clearly states that only a county's absentee ballot clerk
16 or board of registrars can mail out absentee ballots.
17 Even in an emergency situation like a pandemic, the
18 Secretary surely can't just choose an out-of-state vendor
19 to send out ballots without an emergency rule by the SEB.
20 And what about all of Runbeck's errors and missteps that
21 occurred in sending out absentee ballots. Coalition for
22 Good Governance has documented many such errors. Who is
23 accountable for those? Shouldn't it be the Secretary
24 himself? Clearly, the Secretary has a personal stake in
25 blaming Fulton County for the disaster of June 9th as a

1 scapegoat for himself. There is a huge conflict of
2 interest with the SEB acting on behalf of the Secretary's
3 Office in this persecution of Fulton County, when the
4 Secretary is the Chair of the SEB. I ask you to stop this
5 fiasco and work to help counties solve actually pressing
6 problems before November. Thank you.

7 MR. RAFFENSPERGER: Do we have anyone else that would
8 wish to speak?

9 MS. THOMAS: Yes. Next, we have Garlan Favorito.

10 MR. RAFFENSPERGER: Mr. Favorito?

11 MR. FAVORITO: Mr. Chairman, voters were repeatedly
12 told that we needed this new unverifiable voting system to
13 establish a paper trail, but voters were not told they
14 will never be able to view that paper trail to make sure
15 election results are correct. We were alerted when this
16 new unverifiable system produced suspicious results in a
17 nonpartisan Gwinnett County runoff, and we sought to view
18 a small subset of the paper trail while in the custody of
19 the county elections director. That request was made
20 prior to certification, but the county attorney denied our
21 public access required by Georgia law under OCGA 21-2-72.

22 The race in question produced inexplicable results.
23 An incumbent judge won a landslide victory in a five-way
24 primary, but then lost the runoff in a 60 to 40 percent
25 landslide. Her vote totals went from 60,000 to -- in the

1 primary to 19,000 in the runoff despite no major event
2 occurring during that time that would have impacted the
3 result. A Voter GA analysis of the result showed that the
4 incumbent judge won in 55 to 61 percent of verifiable
5 mail-in absentee votes in some precincts while receiving
6 only 15 to 22 percent of unverifiable early in-person
7 votes cast concurrently in the same precinct.

8 These bizarre results are unprecedented in Georgia
9 election electronic voting history, but attorneys showed
10 no interest in making sure the correct candidate won.
11 Instead, they were only concerned about covering up the
12 paper trail and this new system that is costing taxpayers
13 \$300 million over a ten-year period. I would file an
14 Election Board case about this violation of law committed
15 by the county attorney, but the last time I filed a case
16 about vote counting corruption, the Inspector General
17 claimed she lost my case after her office confirmed that
18 they had it. The only recourse now is to sue for election
19 transparency where Georgia taxpayers will be forced to pay
20 for the legal battle if you fight to continue conducting
21 secret elections. Thank you.

22 MS. THOMAS: Next, we have Aunna Dennis. You're
23 self-muted. Okay. You're unmuted.

24 MS. DENNIS: Good morning. My name is Aunna Dennis,
25 and I'm the Executive Director of Common Cause Georgia,

1 and I am also a Fulton County voter. The Secretary of
2 State's plan to send every active voter an absentee ballot
3 was undoubtedly a good one. However, counties had little
4 time to prepare and had lack of resources to do so.
5 Because of this, across the state we saw the county
6 elections staffs struggle to process record voting numbers
7 of absentee ballot requests. We also saw emailed requests
8 that were being sent back to the voters because the
9 county's server couldn't handle the sudden increase of
10 volume, and no one had thought to increase the bandwidth,
11 and many counties couldn't. We saw absentee ballot
12 requests being mailed to physical addresses instead of --
13 knowing addresses resulting in return requests, wasted
14 dollars, and delays for voters. We saw counties where
15 return instructions included an email for an entirely
16 different county, completely wrong emails, and wrong
17 addressees.

18 And yet, county election staff worked diligently to
19 do their best to make absentee ballot requests that were -
20 - that were processed, voters to be assisted, when they
21 didn't even understand what the delays would be. Absentee
22 ballots were counted, and elections were conducted,
23 imperfect and in the middle of a global pandemic. Fulton
24 County faced many issues, as we all know, in part because
25 it's the most populated county in Georgia. As the issues

1 were exacerbated, there were mistakes. We have no
2 intention of saying that these mistakes were not made and
3 that they were intentional.

4 However, unless the Secretary of State's Board
5 intends to conduct an investigation to hold hearings for
6 mistakes that were made over multiple counties, by the
7 vendors -- with the vendors, and the Secretary of State's
8 Office and its mistakes, that there's an opportunity just
9 to only scapegoat Fulton County, then there's a problem
10 that we see across Georgia, and it needs to be remedied
11 for November and not just for the June primary. The
12 Fulton County and other counties have recognized their
13 mistakes and the focus should be on fixing them and
14 preparing them for the upcoming elections. Thank you.

15 MR. RAFFENSPERGER: Thank you. Next speaker?

16 MS. THOMAS: Next, we have -- next, we have Nan
17 Gartenberg.

18 MS. GARTENBERG: Hello. Yes. My name is Nan
19 Gartenberg, and I'm a voter in Fulton County, and I told -
20 - I've tried to get all of my movers to get to -- to
21 actually participate. I did send an email to J. Shannon -
22 - I don't know if y'all received it -- on July 27th
23 regarding some of my concerns. One of the biggest
24 concerns is that the state voter page must be redesigned
25 for easier use. It is very unclear as to what subsection

1 we're meant to click if a voter needs more information.
2 There are a couple of nonpartisan companies that could be
3 contacted for a redesign, and even the Fulton County
4 website is much easier to use. It seems like the state
5 voter page is actually designed to actually confuse
6 people. So I'd like to -- I think that a redesign of the
7 webpage is something that should be done as soon as
8 possible.

9 The other thing that I have a question about is your
10 hold to deny people who request an absentee ballot about
11 the signature matching laws. Signature matching is a
12 pseudo-science, and I'm not sure -- I'd be very interested
13 to know how that actually is applied when denying people
14 an absentee ballot. I don't know if people are being --
15 have they been trained and are applying uniform
16 nondiscriminatory standards to signature matching and also
17 if there's a problem with an absentee ballot request, is
18 the voter notified and has the -- and do they have an
19 opportunity to cure whatever the issue is? And so those
20 are just two of my many, many issues that I have with the
21 whole program.

22 In addition, -- oh, I guess the third --

23 MR. RAFFENSPERGER: Thank you for your comments. Our
24 next speaker?

25 MS. THOMAS: Next, we have Katrina -- Katrina Dinkle.

1 MR. RAFFENSPERGER: Ms. Dinkle?

2 MS. DINKLE: Can you hear me?

3 MS. THOMAS: Yes.

4 MS. DINKLE: Okay, good morning. Thank you to the
5 Board for all you're doing to conduct our elections during
6 these times. I'm a long-term voter with Fulton and want
7 to voice my concern regarding something a little
8 different. It's regarding the OSCE and observers from the
9 Russian Federation of elections. The OSCE is an
10 international election monitoring organization, for those
11 of you who don't know, of which the US is a member. It is
12 based in Vienna. The Russian Federation of Elections is
13 also a member, and -- excuse me -- historically, teams of
14 election observers, including the Russians, have been
15 allowed to observe our elections in some states.

16 Given the overwhelming consensus by both US
17 intelligence agencies as well as the Senate that the
18 Russians did and will continue to attempt to interfere in
19 our elections, I would respectfully request that the
20 Secretary of State reject any request by this organization
21 to meet with Georgia election officials or observe. My
22 understanding is they were allowed to do this by then
23 Secretary of State and now Governor Brian Kemp in Fulton
24 County during the midterms in 2018, and according to state
25 law, the OSCE would need your express permission and

1 consent, as many states consider this illegal. Please say
2 no to Russian election observers from the OSCE. Thank
3 you.

4 MR. RAFFENSPERGER: Thank you for your comments.
5 Next speaker?

6 MS. THOMAS: Next, we have Mark Swanson.

7 MR. SWANSON: Hi. Yes. Can you hear me?

8 MS. THOMAS: Yes.

9 MR. RAFFENSPERGER: Yes.

10 MR. SWANSON: Thank you. I am a senior citizen, and
11 I was deprived of voting in the primary on June 9th by the
12 failure of Fulton County to send me an absentee ballot
13 which I had requested well -- well before the election and
14 followed up with emails and phone calls, none of which
15 were ever responded to. That's water under the bridge at
16 this point. Right now, I'm quite concerned because on
17 August 20th, I emailed my application for an absentee
18 ballot, as did my wife separately, for the November 3rd
19 election. The same day I sent it, I received an email
20 from the Elections Voter Registration entitled an office
21 absentee ballot request which indicated and confirmed that
22 they had received my email, and it gave instructions then
23 in how to follow up on my request for an absentee ballot.

24 This is where it gets interesting. I followed the
25 process to check with the Secretary of State's ballot page

1 -- or voter ballot page, and it shows that I had -- they
2 had received my application for the August -- the primary
3 runoff election, which I never submitted an application
4 for. And it said it had sent me one before that, which I
5 never received. I still have not received a ballot for
6 the November 3rd election. I'm very concerned, and I've
7 never had any of my phone calls or emails responded to
8 except by electronic means in a general sense, not
9 specifically to me, so there is something wrong with the
10 Secretary of State's Office and perhaps with communication
11 with Fulton County because I never sent in an application
12 for the runoff, and I have sent one in for the November
13 3rd election, and they said they received it, but there's
14 nothing indicating that it has been proc --

15 MS. THOMAS: Thank you, Mr. Swanson.

16 MR. RAFFENSPERGER: Next speaker?

17 MS. THOMAS: Next, we have Sallie Pecora-Saipe.

18 You're self-muted right now.

19 MS. PECORA-SAIPE: Hi, I'm Sallie Pecora-Saipe. You
20 can hear me?

21 MS. THOMAS: Yes.

22 MS. PECORA-SAIPE: Okay. I'm a resident of Fulton
23 County. I have been out of town due to COVID, and --
24 since February. When I realized I couldn't travel back to
25 Georgia, on April 17th, I emailed my absentee ballot

1 application to Fulton County for the June 9th primary.
2 When it was about a month into it, I went to MyVoter page,
3 and yes -- and, you know, there was nothing about it,
4 although I did have the confirmation from Fulton County
5 that -- when they had received my absentee ballot
6 application. I pursued this with MyVoter page. I tried
7 pursuing it with the Secretary of State's Office. I -- I
8 reached out to anybody I knew to try to get my absentee
9 ballot application in. It was finally processed the
10 beginning of June. And I knew that it was being sent,
11 probably from Arizona, but had to reach me in Connecticut,
12 and I had to be able to have it down in Georgia by
13 Tuesday, June 9th. And I was prepared to overnight mail
14 it.

15 However, that absentee ballot was not received by me
16 in Connecticut, but on Saturday night, (distorted sounds)
17 guess what came in that night? And by the way, our mail
18 comes in late. And that was my absentee ballot. It was
19 sent to my Georgia address, not to Connecticut. I was
20 deprived of being able to vote. I find it so negligent on
21 the county and on the state. I want to know how best I
22 can apply now for an absentee ballot.

23 MS. THOMAS: Thank you, Ms. Pecora.

24 MR. RAFFENSPERGER: Next speaker?

25 MS. THOMAS: Next, we have Priscilla Smith. You're

1 self-muted right now.

2 MR. RAFFENSPERGER: Ms. Smith?

3 MS. SMITH: Good morning. Can you hear me?

4 MS. THOMAS: Yes.

5 MS. SMITH: My name is Priscilla Smith. I live in
6 Marietta, Georgia, Cobb County. I want to appreciate all
7 the things that my -- the previous speakers have brought
8 to light. I don't appreciate the scapegoating of counties
9 by the Secretary of State's Office. I don't appreciate
10 the way that Mr. Balbona was treated when he was -- I've
11 seen the video. He was perfectly in his right to do what
12 he was doing. He was not in any way being obstreperous or
13 causing any trouble. He was simply being a citizen
14 observing.

15 I'd also like to bring it to the attention of the
16 Secretary of State's Office that at the last Cobb County
17 Elections Board meeting, there were some irregularities
18 that Mr. Balbona observed in the -- and brought to the
19 attention of Cobb County Elections Board that did nothing,
20 paid no attention to the irregularities that he brought to
21 light. I'd also like to request that while I don't want
22 to scapegoat counties, and I also would like to remind
23 everyone that Cobb County Elections Board voted
24 unanimously to request CARES fund from Cobb County Board
25 of Commissioners to send out absentee ballot request forms

1 to all active voters in Cobb County, the Cobb County
2 Commission did not even make it an agenda item for
3 discussion. It did come up in discussion, but only
4 because it had to, and there was no opportunity for CARES
5 money to be spent in the way that it was supposed to be
6 spent, which is for elections support.

7 However, the irregularities that happened in Cobb
8 County on June 9th with the primary were ridiculous. You
9 had people waiting 5 hours in South Cobb County with the
10 majority African American and people of color living --
11 and you had absolutely no problem in other parts of Cobb
12 County that are more affluent and disproportionately low
13 people of color. Thank you very much for the opportunity
14 to speak.

15 MR. RAFFENSPERGER: Thank you, ma'am. All right.
16 Next speaker?

17 MS. THOMAS: Next, we have Patty Nathan.

18 MR. RAFFENSPERGER: Ms. Nathan?

19 MS. THOMAS: You're self-muted right now.

20 MS. NATHAN: Can you hear me now?

21 MS. THOMAS: Yes.

22 MS. NATHAN: Okay. Good morning. I'm Patty Nathan
23 in Fulton County. Given the state of the Postal Service
24 and how much longer it takes to receive mail, you should
25 mail absentee ballots the day after Labor Day on Tuesday,

1 September 8th. Anything later will be or at least appear
2 to be an act of voter suppression. Thank you.

3 MR. RAFFENSPERGER: Next speaker?

4 MS. THOMAS: Next, we have Liz Throop. You're self-
5 muted right now.

6 MS. THROOP: Hi, can you hear me?

7 MS. THOMAS: Yes.

8 MS. THROOP: Hello? Hi, I'm Liz Throop. I live in
9 DeKalb County, and I want to applaud the Secretary of
10 State for sending absentee ballots out for the June 9th
11 election, and I agree that Fulton and other counties could
12 have done a better job with processing those ballots, but
13 I want to point out something based on my experience. I
14 taught graphic design for 20 years, and about 15 years
15 ago, I really struggled with having dozens of students
16 sending image-based files to my email. It would overload
17 it and shut it down. It took a couple of semesters for me
18 to design a workflow so that those image-based files were
19 limited in size, so they were in an appropriate format,
20 and so they would go to an address that wouldn't overwhelm
21 my inbox.

22 It immediately shocked me when the Secretary of State
23 allowed people to email in their ballots because I knew
24 that that was going to be a problem, and in fact, from
25 what I've heard, that might be the case with Fulton and

1 other counties. I want to point that a denial of service
2 attack is exactly this kind of problem. Someone -- an
3 attack means it's malicious, but sometimes it's
4 inadvertent. When you send too much traffic to an
5 address, it shuts it down. That's a very well-known form
6 of hacking, and I just hope that that is taken into
7 consideration during these discussions today. Thank you.

8 MS. THOMAS: All right. Next, we have Paula
9 Bosworth. You're self-muted. Okay. You may speak. Ms.
10 Bosworth, you may speak. Okay. We'll come back to you.
11 Ms. Howze, Elizabeth Howze?

12 MS. HOWZE: Morning.

13 MS. THOMAS: Yes, we can hear you.

14 MS. HOWZE: I'm Elizabeth How -- I'm Elizabeth Howze.
15 I'm speaking for myself and Paula Bosworth from DeKalb
16 County. State Elections Board Chairman and Secretary of
17 State Raffensperger has spoken out frequently against
18 voting by absentee ballot. He knows very well that
19 absentee ballots are both a long used and very secure way
20 for citizens in the United States to vote. There is
21 simply no reason to question the validity and integrity of
22 absentee balloting. None whatsoever. What will the State
23 Election Board do to see that he stops misleading Georgia
24 voters?

25 Raffensperger is very well aware of the consent

1 decree the Republican National Committee agreed to in 1982
2 preventing the GOP from engaging in voter intimidation
3 practices aimed at minority voters, and he is well aware
4 that the consent decree was updated in 1987 because his
5 party, the Republican Party, had created a voter challenge
6 list of black voters, and he is well aware that the decree
7 was violated again in 1990 and 2004, as the Republican
8 party attempted again to intimidate black voters. The
9 consent decree was lifted in January 2018. What will the
10 State Elections Board do to assure that Raffensperger will
11 not engage in voter intimidation practices of any kind,
12 including absentee ballot intimidation, from now through
13 the election in November?

14 In the past five years, how many times has the State
15 Election Board or the Secretary of State investigated
16 suspected absentee ballot fraud in Georgia? What was the
17 nature of the voter fraud? In those investigations of
18 suspected voter fraud, how many times has it been
19 determined that absentee ballots were cast fraudulently,
20 and how many times was it determined that problems with
21 absentee ballots were inadvertent? How many cases of
22 suspected voter fraud were prosecuted? Of those, how many
23 resulted in convictions? Thank you.

24 MR. RAFFENSPERGER: Thank you. Do we have any other
25 speakers?

1 MS. THOMAS: Yes, we have one more.

2 MR. RAFFENSPERGER: Okay.

3 MS. THOMAS: Ms. Paula Bosworth? Oh, she was with
4 the one before. All right. That's it.

5 MR. RAFFENSPERGER: That's it. Okay. Well, I guess
6 on the agenda next is the investigation report of new
7 cases, and today we're going to meeting just due to the
8 number of cases with Fulton County today, and in the
9 coming months, we'll be looking at other areas. Mr.
10 Germany, do you want to introduce and give an overview?
11 And then I believe that Mr. Harvey and other people, Ms.
12 Frances will be -- Ms. Watson, will be speaking about this
13 also?

14 MR. GERMANY: Yes, sir. Frances Watson is going to
15 give a brief overview.

16 MR. RAFFENSPERGER: Okay.

17 MS. WATSON: All right.

18 MR. RAFFENSPERGER: Go ahead, Ms. Watson.

19 MS. WATSON: Sure. Good morning. This Fulton County
20 investigation was opened as a result of receiving over 250
21 complaints from Fulton County residents that they did not
22 receive their requested absentee ballot, the results of
23 which will show that many did not receive their absentee
24 ballots because they were never processed by Fulton
25 County. Before I present the case findings, I would like

1 to have the Elections Director, Chris Harvey, to provide
2 the Board with some context of what was taking place and
3 the steps that were taken leading up to the June 9th
4 election. Mr. Harvey?

5 MR. HARVEY: Thank you. Good morning, Mr. Chairman
6 and Election Board members. This is Chris Harvey, the
7 State Election Director, and I want to take just a few
8 minutes and sort of set the stage for this. I know that
9 the Secretary and the Board members have been keeping up
10 with events that have been going on throughout the state
11 this year with elections, but I want to try to put it in a
12 little bit of context. I think some of the public
13 speakers spoke well about the things that the county
14 workers have been doing since -- since the pandemic hit,
15 and I want to talk a little bit more about that, and then
16 move specifically into some of the background in Fulton
17 County. So if you'll give me a couple of minutes and let
18 me give you a little bit of background, I think that will
19 be helpful.

20 I want to start by reading an email that I got on
21 April 2nd. I got this email from Claire Moseley, who's
22 the Election Director in Early County down in Southwest
23 Georgia, and as you'll recall, the Albany area was hit
24 particularly hard with the COVID-19. And Early County is
25 a small county. It's a rural county. And this is what

1 she wrote, and what she wrote is representative of many,
2 many conversations I had with elections officials
3 throughout the state as February turned into March turned
4 into April turned into May.

5 And this is -- this is what she wrote: "This is an
6 update on what is really going on in our counties. We
7 have roughly 10,000 people in our county with about half
8 that living here in Blakely. We are all scared. We are
9 one of the hotspots for the virus, according to our
10 numbers. We have 41 known cases here and two deaths so
11 far. If you do the math per capita, that is an extremely
12 high number, and these are people, not numbers. As far as
13 EMS can tell, the majority have originated from a funeral
14 in Albany with a huge birthday party in Blakely
15 afterwards. In our county and city government, our mayor,
16 chief of police, and 8 other workers have tested positive,
17 as well as several county workers. We are working with --
18 we are working in our office with our doors closed and
19 locked to the public but serving our voters and candidates
20 as best we can."

21 "Our grocery store manager is positive. When we have
22 to go there, I am so afraid of whatever is around and
23 whoever is infected but may be asymptomatic and still
24 spreading the disease. After grocery runs, we unload
25 outside our homes and wipe down every single thing we buy

1 before taking it into our homes. There is literally not a
2 single business open except grocery, hardware, and
3 pharmacy. We know these people, and when they pass away,
4 their service must be private so their loved ones don't
5 know how many people really care. It's just awful down
6 here, and we hear daily that it will get worse."

7 "We have five precincts and usually run about 25 to
8 30 poll workers. I don't see how we are going to handle
9 this part as we, Julie and I, can't work all the
10 precincts, and so far we have only 5 poll workers who are
11 willing to work in the presidential preference primary
12 because of the virus. And I'm afraid to even contact
13 these now that it's gotten so much worse. I have reached
14 out to several students, both in high school and college,
15 and they were mostly interested, but all their parents
16 said no. I completely understand their concern. I as a
17 parent, who had my daughter work as a poll officer from
18 age 16, would not allow her to do it now. Poll worker
19 training is a major concern as well. I could not -- I
20 could try by precincts so that we wouldn't go over the 10-
21 person gathering, but the fact is they aren't going to
22 come. Those that can are not leaving their homes. I
23 can't imagine a good election outcome with the unseasoned
24 poll workers that I may be able to come up with. We have
25 worked so hard under already quite daunting conditions to

1 ensure a successful rollout of the new voting equipment."

2 "The county administrator and the Board of
3 Commissioners are not in favor of opening our office to
4 voters. I have told them that this is not something --
5 this is not something we can choose not to do, but they
6 are concerned about putting us and the other poll workers
7 at risk for exposure. All of our precincts are county-
8 owned so we don't have to worry about others being
9 involved, but the Commissioners are concerned about
10 opening our county precinct buildings to voters. They
11 also pointed out that the President, the Commission, and
12 the City has a shelter-at-home ordinance in place through
13 April 30th, so do we just ignore that and open early
14 voting anyway?"

15 "These are not ordinary times. These are desperate
16 times. I have thought many times over the past few weeks
17 that though I have been at my wit's end in elections over
18 the past 23 years, I have never been able -- I have never
19 been made to choose between my job and my life. I feel
20 like this is where we are right now, and I'm really
21 scared, and I'm sad too and frustrated. I've never
22 considered myself old, but now I realize that I am a 63-
23 year-old" and she describes some conditions and her
24 concern for her family. She closes by saying, "I don't
25 know what the answer is, but this is where we are, and I

1 will keep you updated as it goes. Thanks for listening.

2 Very sincerely, Claire Moseley."

3 And again, that's representative of dozens and dozens
4 of phone calls I had with county election officials
5 throughout the state. Since that time, and this was --
6 this was after we had moved the presidential preference
7 primary and moved the primary election -- since then, I
8 also want to point out that last week we had the death of
9 an election superintendent in Chattooga County. Judge
10 John Payne succumbed to the coronavirus and died after
11 almost 50 years as a probate judge and election
12 superintendent. He was, to a large extent, sort of the
13 heart and soul of the elections up in North Georgia. He
14 could have retired and gone home, but he stayed at his
15 post and conducted the primary election, and he is no
16 longer with us.

17 I also want to point out, and it will come out in
18 this hearing I'm sure, the death of the Fulton County
19 election worker -- I believe, Ms. Walker -- who died as a
20 result of COVID-19 in the process of what we're going to
21 be talking about today. I can tell you that at least
22 three members of my team here in the Secretary of State's
23 Elections Division have lost close family members to
24 COVID-19. Many county election officials have lost family
25 members and friends as well, and Ralph Jones, who is the

1 absentee ballot manager in Fulton County, and family
2 members were sickened, fortunately was able to overcome
3 COVID-19. I point out too that when the virus hit with
4 its full force, the legislature disbanded and went home.
5 The Secretary of State's Office started working from home.
6 The county elections officials didn't have that luxury.
7 They had to keep working. They had to deal with machines.
8 They had to deal with poll workers. They had to deal with
9 absentee ballots. And I think that's important to set as
10 a backdrop for this.

11 So let's go back briefly to June of 2019, when we
12 announced the new Dominion voting system. We gave the
13 counties and the Secretary of State's Office an aggressive
14 but achievable timetable in order to get the equipment
15 into the state, get the equipment to the county offices,
16 get the election officials trained and comfortable with
17 the equipment. We had to get poll workers trained on new
18 systems and procedures. We had to get the public educated
19 and experienced using the new voting system, and we had to
20 have the county election offices basically change almost
21 everything they did. Again, it was a tall order that the
22 counties in every respect responded to. To go from a
23 system that used very, very little paper for 17 years to
24 go to a fully paper-based system was not an easy thing for
25 the counties to do, but they responded well,

1 enthusiastically, and heroically.

2 So in late 2019 and early 2020, our office worked
3 with our partners at Dominion Voting System, with KnowInk
4 Poll Pads, and with our Center for Elections system to get
5 to begin this integration of the new voting system. We
6 held in-person training -- training bootcamps for each
7 county that consisted of about four days of intensive
8 training. We held webinars on specific procedures and
9 equipment. We produced and publicized online quick
10 reference guides, instruction manuals, emergency
11 procedures, and similar materials. We held regional
12 trainings in county offices for refreshers and updates.
13 We conducted many demonstrations throughout the state for
14 the public so that they could see and try the new voting
15 system, learn how it operated, and those instructions
16 included many for communities and associations of voters
17 with disabilities. We produced videos in multiple
18 languages for public education.

19 And we even -- when we looked at the election
20 calendar, we selected the March 24th presidential
21 preference primary to roll out the system because believe
22 it or not, that's the easiest election of the year.
23 You're talking about, generally speaking, you know, one
24 contest on the ballot. It would give the voters an
25 opportunity to get in, use the system quickly and

1 efficiently. It would give the counties an easy
2 opportunity to roll it out, and that seemed like a good
3 idea at the time. Of course, nobody knew what we were
4 going to have to deal with.

5 By contrast, the -- the state primary that was
6 scheduled for May is probably the most complex election to
7 hold. You've got -- essentially, you're holding two party
8 primaries and a nonpartisan election, the longest ballot
9 of the year, the most complication in terms of signing
10 ballots. And so we wanted to give everybody a -- a
11 relatively easy run for the first system. As you know,
12 the pandemic hit hard, and we had to revise this calendar.
13 We had to first delay the presidential preference primary
14 from March to May, and then we had to combine those
15 elections and move them back to June to try to give
16 counties and the public the resources and opportunity to
17 deal with the pandemic. But again, at every opportunity,
18 the counties responded heroically and creatively to the
19 challenges.

20 And when it became clear to the Secretary of State
21 that in-person voting was going to be compromised either
22 with fear of the virus or actually with the virus,
23 Secretary Raffensperger made the decision to mail pre-
24 filled absentee ballot applications to 6.9 million active
25 Georgia voters. Of course, as the Board knows, no-excuse

1 absentee voting has been available for over a decade in
2 Georgia, but it hasn't been widely used. It's always been
3 sort of a third distant cousin to in-person voting on
4 Election Day and then advance in-person, usually making up
5 about five percent of the votes cast in an election. And
6 so a lot of people may have known in theory that it could
7 be done. Many people had not actually done it themselves.

8 And one of the challenges was going to be to get the
9 applications from the voters to the counties, get them
10 processed, and get the ballots out. So what we did was we
11 contracted with Runbeck Voting Systems, as you've heard,
12 to -- to process the ballots and remove from the counties
13 the requirement that they actually print the ballots,
14 stuff the ballot envelopes, make sure the right ballots
15 get assigned. We automated the process, and we did this
16 in conjunction with mailing out the applications. I can
17 tell you that in states that do large-scale vote by mail,
18 you know, they recommend that this process be transformed
19 over the time of years rather than weeks. We simply
20 didn't have that luxury. We worked extremely diligently
21 to get partners on board. It wasn't a perfect system. We
22 didn't do everything right, but we tried to communicate
23 what we were doing with the counties.

24 The counties received the information
25 enthusiastically when they realized it was going to take a

1 lot of the front end work off of them. They saw the
2 numbers of applications coming in and most of them
3 realized they would not have been able to process the --
4 the ballots going out themselves. It simply would not
5 have worked. They didn't have the people. They didn't
6 have the space in order to get that done.

7 And so, you know, the -- the ballots were sent out by
8 Runbeck. They were received by the voters. Many -- as I
9 mentioned, many counties ran out of space to process the
10 applications. They ran out of people to do the
11 applications. In many cases, they were working with
12 reduced or significantly shortened staff, and, you know,
13 again, we tried to work with the counties throughout this
14 process to make sure they understood what was going on, to
15 give them updates about when things were happening, give
16 them resources they could follow up with. Everybody was
17 learning together and working together to get this done
18 and keep the ballots flowing as much as possible.

19 Shifting a little bit towards the specific issues in
20 Fulton County, we realized that -- we started receiving an
21 influx of emails and calls from Fulton County voters that
22 voters had not received their absentee ballots after
23 several weeks. In many but not all cases, the voters had
24 emailed their ballots to the email provided on the
25 application. I kept in fairly regular contact with the

1 management staff of Fulton County and let them know about
2 the rising tide of complaints. I spoke with Rick Barron
3 and Ralph Jones at times to let them know what was going
4 on, and they replied back problems they were having with
5 managing a lot of the email applications. The numbers
6 were big. They were having a hard time getting them
7 routed to people who worked with them, and they had
8 problems with their servers and printers trying to print
9 off some of the ballots.

10 I learned that their offices were shut down for
11 several days after the death of the employee that I
12 mentioned before and that Ralph Jones had himself taken
13 ill with COVID-19, further hurting their abilities to
14 manage the flood of applications that were coming in. I
15 continued to stress the importance and the need to process
16 these applications and ballots quickly, and they
17 communicated to me their efforts, that they were -- they
18 were trying their best.

19 While this was going on, Fulton County was also
20 reporting that they were well-staffed with poll workers,
21 and those were mostly coming from other furloughed county
22 workers from other county agencies. While that was the
23 initial report, they continued to report as we kept in
24 touch that they were beginning to lose large numbers of
25 poll workers, and they were also losing polling places.

1 They were having polling places back out and having to
2 find new polling places, having to combine polling places
3 in order to provide voting locations for all their voters.
4 This was exacerbating the problem dealing with absentee
5 ballots because it was drawing resources away from that.

6 They also communicated to me that they were -- they
7 had made the decision to wait until they had processed all
8 the other absentee ballot applications before doing the
9 ones that had come in by email. I didn't think that was a
10 good idea and pointed out that voters who had applied for
11 their absentee ballots as early as April had not gotten
12 ballots, had not gotten any communication, which resulted
13 in them sending in more applications which was adding to
14 the snowball that was building already and was making the
15 problem worse. This was going to manifest itself in some
16 problems that we'll deal with in future hearings.

17 I got -- in regular calls with -- with Fulton County
18 leadership, I got I think well-intentioned promises that
19 they would go ahead and process the 80,000 plus email
20 applications. I was told they were going to hire
21 temporary workers to deal with them, but I don't think it
22 was -- it wasn't until after Memorial Day that they were
23 able to get to all of them. And when an absentee ballot
24 is returned to the Fulton County Office, it has to be
25 entered into our voter registration system, the E-net, so

1 that the voter gets an update that it had been received.
2 Well, they hadn't been entered those in as they came in,
3 so voters whose absentee ballots had been accepted were
4 not getting updates when they checked MyVoter page that
5 their absentee ballot had been received, which again,
6 created the snowball getting bigger again because then
7 they were sending in additional applications or they were
8 calling or they were sending in emails saying what
9 happened to my ballot? And it took -- it took Fulton
10 County a while to recover and get those entered in so that
11 people were getting regular updates and could see the
12 status of their absentee ballot. And again, this -- this
13 caused -- this contributed to the erosion of confidence, I
14 think, in the Fulton County Election Office.

15 The other issue with difficulties processing absentee
16 ballots and getting absentee ballots out or receiving them
17 back in is that when somebody is issued an absentee ballot
18 in the voter registration system, it marks them as having
19 gotten an absentee ballot in the voter registration
20 system. So if they go to vote in person on Election Day,
21 they have to go through a process of canceling the ballot,
22 which again, slows down the process and increases the wait
23 times. I know that's not specifically what we're talking
24 about today. That'll be dealt with in future
25 investigation, but I think it's important to realize that

1 there are far-reaching effects that a failure to process
2 absentee ballots efficiently can have.

3 I want to also say, you know, I don't want there to
4 be any mistake. Everything I said at the beginning of my
5 comments about the heroic work done by the election
6 officials statewide also applies to the election officials
7 in Fulton County. I was in regular communication with
8 Rick Barron, Blake Evans, and Ralph Jones, and they
9 consistently tried to adapt to changing conditions. I
10 didn't see any evidence of dereliction or indifference
11 from them. I think they tried. Unfortunately, I believe
12 the processes in Fulton County trying to deal with the
13 absentee ballots was insufficient and ineffective, and it
14 shifted problems from one area to another, and the
15 inability to identify key problems early and apply new
16 solutions contributed significantly to a significant
17 number of voters in Fulton County not being able to vote
18 absentee and probably not being able to vote at all.

19 Chief Investigator Watson is going to detail the
20 cases as I finish speaking. Lastly, I just want to say
21 that the day after the election in June, I walked down to
22 Fulton County Election Office. I spent about two hours
23 with Rick Barron and Blake Evans in their office asking
24 about how we could provide support or help them improve.
25 I'm pleased to report that we had many subsequent

1 conversations about changes and improvements, and my team
2 and I are standing by to provide as much support as we can
3 going forward. And so I just wanted to provide that
4 background and context as Chief Investigator Watson goes
5 into the specifics of the case. Thank you.

6 MS. WATSON: Okay. This is Frances Watson, and we'll
7 start with the case. It's Fulton County Case 26 -- 2020-
8 016, and with the absentee ballot applications mailed to
9 all the active registered voters, the county saw a
10 tremendous increase in the absentee ballot requests, not
11 only through the mail but fax and email. The email
12 provided on Fulton County's webpage prior to the election
13 and on Election Net to send the absentee ballot
14 applications to was
15 elections.voterregistration@fultoncountyga.gov.

16 This email inbox was set to distribute to a group.
17 Ralph Jones advised it was distributed to 20 inboxes, so
18 one email with an attachment of an absentee ballot is
19 multiplied by 20. 20,000 absentee ballot requests with
20 attachments times 20 is 400,000 emails with attachments.
21 This caused an issue with email not having server space,
22 according to Mr. Jones. The attachments that were
23 received included PDFs, JPGs, and also many other files
24 that would not print. This created an issue with the
25 printer and the inability to print out all the

1 applications. There was some intent at reconciliation of
2 what had been received, what had been processed, but there
3 was no checks or verifications.

4 Ralph Jones advised due to the printing issues,
5 clerks worked straight from the email and did not print a
6 copy. Ralph Jones, the Chief Registrar, advised once the
7 email was distributed to be worked, he deleted the emails
8 to preserve server space. When asked how they planned to
9 retain the emailed absentee ballot application to comply
10 with 21-2-390, Mr. Jones advised that IT might be able to
11 provide them if needed.

12 Many that requested absentee ballots both by mail and
13 by email did not receive them. Some were able to go to
14 the poll and wait in the long lines and sign an affidavit
15 to vote at the poll. This created problems at the poll
16 locations with poll workers not being able to reach anyone
17 at the county to verify if the voter had cast the absentee
18 ballot before allowing them to vote on the machine. Some
19 poll workers were not familiar with how to deal with the
20 voters that had requested an absentee ballot and what
21 steps they needed to take. The complaints concerning the
22 absentee ballots -- our office alone received 254
23 complaints, which we're still receiving comments notifying
24 us that they didn't receive their June or their August
25 absentee ballot.

1 Regarding absentee ballots, we mailed a letter on --
2 or an email to each complainant requesting them to
3 complete a questionnaire. We asked how did you -- how did
4 you request your absentee ballot, when did you request it,
5 did you ever receive it, were you able to vote, et cetera.
6 Approximately half that returned the questionnaire replied
7 that they requested by mail, and half by email.

8 An example of the complaints that we received -- I'll
9 read this complaint from one of the residents, Fulton
10 County residents. "I requested an absentee ballot two
11 months early. Though I spent several hours on this
12 request and filling out the application and emailing it
13 and two follow-up phone calls with elections official to
14 confirm that I could have the absentee ballot sent to my
15 alternate address where I am quarantining with my family,
16 my vote was still effectively suppressed. My absentee
17 ballot was sent to my permanent address rather than the
18 temporary address, again, even though I spent much time
19 ensuring it would go to the right place. On top of that,
20 my ballot request status online never updated to even show
21 the absentee ballot had been mailed, making it impossible
22 for me to track the status. I was unable to -- due to
23 work commitments to drive the 200 miles necessary to pick
24 up my absentee ballot at the permanent address it was sent
25 to or to vote in person, so again, I am very disappointed

1 in the Georgia Elections Board for their handling of this
2 election. When I vote in November, if it's done via
3 absentee, I expect it will be sent to the correct
4 address."

5 A second complaint: "my wife and I emailed our
6 absentee ballot requests April the 2nd. My wife received
7 an email stating that her request had been processed and
8 to check the MyVoter page and that ballot would be mailed.
9 I received nothing. I checked her page and could not find
10 anything, so we called the number as instructed and
11 reached an answering machine which said she would be
12 called right back. The call was never returned. Over two
13 months is plenty, repeat, plenty of time to send out two
14 ballots. No excuses. It is also inexcusable to not
15 return a phone voicemail which has been solicited on your
16 part. Meanwhile, my 98-year-old mother received not one
17 but two absentee ballots. Everything is documented and
18 saved. You have a big problem. Will you reply to this or
19 will it also fall on deaf ears or blind eyes?

20 Incidentally, both of the ballots requested are
21 Republican. This is the first time I have missed voting
22 that I can recall."

23 Examples of the responses continued, further
24 examples. Most of them were requested in early April.
25 "April the 7th, 2020, received the email confirmation of a

1 request that it was processed on May 29th. There is no
2 entry in Election Net that it was entered or processed."
3 "Absentee ballot request submitted on April the 4th." A
4 voter in Alpharetta called Fulton County on May the 20th
5 when they still had not received their ballots and were
6 told they had a problem with the overwhelming number of
7 applications coming in and that they should receive their
8 ballots soon as the very week she called, the issues had
9 been resolved. The ballot still did not arrive, and they
10 called Fulton County again and were told that the county
11 processed it May the 30th. By Election Day, they still
12 did not receive a ballot. They are caregivers for an
13 elderly person and did not want to risk exposure but were
14 forced to go to the poll in order to vote. At the time of
15 the completion of the questionnaire, they still had not
16 received an absentee ballot. And those examples continue.
17 I believe that I sent all of the complaints to the Board
18 for them to review.

19 Our findings in this case: out of the 254
20 complainants that reported they did not receive an
21 absentee ballot, at least 107 of those responded that they
22 did not otherwise vote in the election which was verified
23 through Election Net. 105 of the absentee ballot
24 applications were never entered into the Election Net
25 system to generate an absentee ballot. This is just those

1 that reached out to our office to submit a complaint. I
2 anticipate the numbers to be much higher for those that
3 did not receive their ballots, as evidenced in the large
4 numbers that went to the poll or did not receive an
5 absentee ballot and completed an affidavit. And that
6 concl --

7 The violations: there's sufficient evidence to show
8 that Fulton County received via mail and email absentee
9 ballot applications that were not processed and entered
10 into the system as received or to be processed. A
11 violation of OCGA 21-2-384(2), failure to process and mail
12 requested absentee ballots. And we're recommending this
13 case to be bound over to the Attorney General's Office for
14 this violation. And we also would like to have Gabe
15 Sterling to provide the Board with some additional
16 comments. Gabe?

17 MR. RAFFENSPERGER: Gabe Sterling?

18 MS. THOMAS: You're self-muted right now, Gabe.

19 MR. STERLING: It says green on my thing. Can you
20 hear me now?

21 MS. THOMAS: Yeah.

22 MR. STERLING: Okay. All right. What I'm going to
23 be asked to do is kind of to say what the State is doing
24 to address some of these issues as we move forward into
25 the election time for November 3rd, as the early vote is

1 only about 45 days out. Specifically, in the absentee
2 ballot situation, the State will again take some of the
3 burden off of all of the counties. The State will be
4 sending 565,000 rollover ballots through the vendor
5 Runbeck and Dominion, and on top of that, we have told the
6 counties that we will -- all of the applications that they
7 put into the e-net system by the same date we do the
8 rollover list, which will be the week of September 14th,
9 probably by September 18th, we will also mail all of those
10 as well. As of -- as we sit here today, there's 565,000
11 on the rollover list and about 100,000 that have already
12 been entered into the e-net system for the November 3rd
13 election.

14 We will do this for all the counties with the
15 exception of Gwinnett. As some of you may or may not
16 know, they had to enter into a -- a settlement for a
17 lawsuit with the Democratic Party of Georgia wherein the
18 settlement was that they have to make an irregularly
19 large-sized envelope to handle both sets of languages,
20 Spanish and English, which makes automating that process
21 essentially impossible, and it makes the mailing cost for
22 both the outgoing mail and incoming mail between \$1.60 and
23 \$2 depending on the ballot size. So there's no way we can
24 do that. However, we have put together a partial solution
25 wherein we can print the ballots and organize them by

1 precinct to make it easier for them to be able to hand
2 stuff them themselves, but we've not -- we've been unable
3 to find a vendor to handle it simply because of the size
4 of that. I do know their attorneys went back to the
5 Democratic Party of Georgia to try to see if they could
6 come to another solution, and they are going to stick with
7 the settlement they have. This settlement was done pre-
8 COVID, so at the time, it didn't seem like it had a big
9 impact. Now, in COVID, it obviously does.

10 Another large thing we've done to take care of the
11 processing issues is we are -- we built out an online
12 ballot request portal. We have code tested it, security
13 reviewed, and stress tested the new portal, and we are
14 very close to launching it. We are planning on doing it
15 very soon. And what this will do is this will allow the
16 voter, using five pieces of information, their first name,
17 their last name, their date of birth, their driver's
18 license or state ID number, and their county, to identify
19 the voter. That takes them into an online situation where
20 they are allowed to request their ballot, where they want
21 it mailed and everything. This will cut down on entry
22 errors and loss errors when these things are sent in and
23 touched by many, many human hands over and over again.

24 What happens now sort of mimics the workflow of our
25 online voter registration where the information is put in

1 by the voter. It goes to a dashboard at the county level
2 where a county worker will review the application and say
3 yes or no. It will automatically populate E-net, and then
4 they can fulfill that ballot after that. It's going to
5 make it a lot easier, take a lot of work off of them, and
6 cut down on errors and loss. So we anticipate that being
7 a very successful project to help them, the counties, do
8 their work, and it will also provide some more
9 transparency to the voter because as soon as they submit
10 that, an email will be sent to them saying on this date,
11 we received your absentee ballot application, and here's
12 some information about how you can track it on the MyVoter
13 page.

14 So -- another thing we're working at which is not
15 finalized yet which follows on the same thing with the
16 absentee ballots is a way to do ballot tracking
17 proactively, where a voter can put it their cell phone
18 and/or email and be proactively informed when their ballot
19 is mailed to them, when it is received, when it's been
20 processed back in. So they have a lot more transparency
21 as opposed to what's happened. We saw in Fulton and other
22 counties where they're sort of left in the dark other than
23 going to MyVoter page and if the county hasn't put it in
24 yet, there is no update to MyVoter page because that is
25 where the information comes from. It's from the counties

1 themselves. So the tracking of the ballot, more proactive
2 ability to get to the MVP, is one of the big things for
3 that.

4 Now, the big lift we have is going to be on Election
5 Day. And one of the things that we have done already for
6 all of the counties including Fulton is provide a check-in
7 data analysis to show where they may have either
8 logistical issues or poll worker training issues. We
9 basically took them from the poll pad check-in data. We
10 looked at anything that opened -- we had different levels
11 of opening, and they were color-coded to make it very
12 visibly easy to see where they were having poll worker
13 issues or logistics issues.

14 Along with that, we are working with counties on an
15 analysis of each polling location they're going to have
16 and their equipment allocations to make sure they will
17 function both on a line management perspective and a
18 throughput perspective because at the end of the day, as
19 we have told the counties repeatedly, this is a math
20 problem. One of the really big lifts we've had to do is
21 to change the -- the thought process of everybody involved
22 in elections because for years having paperless voting
23 with the DREs, you could just throw extra equipment into
24 it -- into a polling location, and your problem is solved.
25 When you add the component of paper, regardless of system,

1 you have a throughput issue on those things, so as we've
2 said many times and the Secretary has noted, if you have
3 one voter go through every 25 seconds, you can get 1,725
4 voters through a polling location with a single scanner on
5 a 12 hour Election Day. That's it.

6 So what we've done is we've asked all the counties to
7 give us their equipment allocations for each and every
8 polling location, and then we can see the number of voters
9 they have assigned to those polling locations. We're
10 running an algorithm on the front end to make sure they
11 can process properly the number of people to get through
12 there, and on the back end we're saying if they get the
13 anticipated turnout to come out, if they can get them all
14 through the scanner or the scanners that they've set up,
15 then what we're going to do is we're going to have a
16 color-coded system again where essentially, green means
17 this polling location is going to be good to go. Yellow
18 means you're going to have to rethink this polling
19 location somewhat by either adding equipment and/or
20 people, and then there's the one we don't want to see a
21 lot of which is the red, that there's no way, no how, no
22 matter how much equipment and how much -- how many people
23 you have there, this is not going to be a functioning
24 location.

25 This is in part to address the sort of -- we can't

1 have a one-size fits all which many people want to try to
2 do. In Lumpkin County, we see they have a single polling
3 location with over 22,000 voters there, and they have been
4 doing this for a while, and it functionally works for them
5 right now. And we're running it through, and it seems
6 like it'll work again. What we saw, as an example, in
7 Fulton County at Park Tavern, that was literally one of
8 the faster processing locations in the state, but they had
9 16,685 voters, I believe, assigned to that location, so
10 when they opened -- and they were doing 160 voters an
11 hour. So they had 350 people in line when they open the
12 door, so if you're processing 160 voters an hour with 350
13 people in line at the door, the math shows you you are
14 never going to catch up. So that's why we're working with
15 them on that to add more counties, and I'll get to some of
16 that in a minute.

17 So far of the 159 counties, 142 counties have sent us
18 their initial equipment deployments, so our data analysts
19 are going through those now. We hope to be able to get
20 the initial analysis out to many of the counties next week
21 so they can look at any changes we might need to do as far
22 as reallocation of resources or people. Fulton County --
23 we've asked all counties to look at how they've deployed
24 their voters, and Fulton County is doing a good job so far
25 -- are on a good path of additions. They've moved from

1 164 polling locations in June to 174 in August. Their
2 Election Board met -- I believe it was last Thursday and
3 added 18 more. I've been working directly with some of
4 their consultants in trying to find some more locations,
5 and there's about 15-20 more in the queue right now
6 they're trying to bring in.

7 On poll workers, as many of y'all have seen and heard
8 per Secretary Raffensperger's direction, we have had a
9 very strong push to add more poll workers even before
10 COVID because we knew we wanted to have more younger poll
11 workers to come in. So we've been -- I've seen a lot of
12 success since June 9th and along with partners as diverse
13 as the ACLU and the Metro Atlanta Chamber of Commerce, we
14 have handed over nearly 8500 names of those who would like
15 to be poll workers. And our intent at the Secretary of
16 State's Office per Secretary Raffensperger's direction is
17 to make sure that any and all people who want to be
18 helpful, even if they can't be a poll worker, it's our
19 intention to then put them out there as potentially a
20 field tech as well.

21 And on that front, the Secretary of State's Office is
22 working with our vendor, our counties, and other state
23 agencies to deploy a field tech to each and every polling
24 location to address any training issues that crop up. As
25 we saw on June 9th, most issues that were quote-on-quote

1 equipment issues had to actually do with poll workers
2 being unfamiliar with the equipment because of the
3 inability to do a lot of hands-on training due to COVID.
4 And once we saw what happened if a tech got there who was
5 familiar with the equipment, they could easily address the
6 two main things that we saw. One, holding the power
7 supply button down for the BMDs for more than five
8 seconds. We've also put a sticker onto those UPS's so
9 they know. It says please hold power button down for more
10 than five seconds. And the card encoders in the poll pads
11 being upside down, we've also added a sticker to those
12 that says this side to poll worker. Now, it still takes
13 some work to get some of these things done to make sure
14 everything is done properly, but those were the main
15 things we saw.

16 So these field technicians will be trained on all
17 five pieces of equipment, shown the top three things that
18 go wrong with them, and here's the top couple of fixes.
19 So they're not the full techs that have been there to
20 understand the EMS, the election management system, and
21 all the various parts of this. These people are
22 exclusively dedicated to making sure the equipment works.

23 We've also piloted -- and many of you might seen --
24 working with ESRI, a GIS-based line management and
25 technician deployment tool. That'll be deployed to each

1 county and each tech will be putting in line wait times so
2 we can identify issues early on at the state and county
3 level to make sure we have resources available to make
4 sure those counties allow voters to continue to vote no
5 matter what.

6 We've begun and we've started the process of working
7 with IBM to deploy their Watson artificial intelligence
8 tool to better and more quickly answer voter questions
9 through both chat and through the phone in the time
10 leading up to an election and Election Day. We think
11 that'll take a lot of work and move -- off our call center
12 and move people more quickly to the answers they need in a
13 way they're comfortable with.

14 We've continued to work with Fulton and all of the
15 counties to be better prepared for absentee ballots, early
16 voting, and Election Day. We have seen Fulton escalate
17 the issues that they saw on their Election Day to their
18 county leadership level, people like Dick Anderson and
19 Richard Bailey, who we've been working well with. And
20 we're working in a transparent way to address these issues
21 together.

22 We are planning for the tsunami of voters for the
23 coming Election Day. As Secretary Raffensperger has
24 stated, we anticipate 2 to 2.5 million voters on that day,
25 and it's going to take a lot of team effort to make sure

1 those get done, and all of our work is going to be trying
2 to get as many people as possible to take advantage of the
3 pre-election day voting, both through early voting, the
4 three weeks plus the mandated Saturday, and the absentee
5 voting. We feel that the absentee portal and us taking
6 the rollovers and anything done by mid-September off of
7 the counties will really help the counties to be able to
8 focus on that last amount of those and put their resources
9 to where they need to put them.

10 And I just wanted to say again, thanks for the work
11 you do, members of the State Election Board, and thank you
12 to all the county elections workers who are doing their
13 heroic, hard work as Mr. Harvey pointed out every single
14 day coming into the office when most of their colleagues
15 are not to make sure the November election is a success
16 for each and every voter regardless of their zip code
17 because that is what we are all working for.

18 MR. RAFFENSPERGER: Thank you, Gabriel Sterling.

19 MS. WATSON: Okay.

20 MR. RAFFENSPERGER: Ms. Watson, do you have any other
21 information to present?

22 MS. WATSON: No, sir. That concludes my findings.

23 MR. RAFFENSPERGER: Okay. Well, do we have any Board
24 members that would like to ask a few questions of Ms.
25 Watson or Chris Harvey or Gabriel Sterling?

1 MR. WORLEY: I'm sorry. This is David Worley. I
2 have a question for Ms. Watson. Of the complaints that
3 you received --

4 MS. WATSON: Yes, sir.

5 MR. WORLEY: -- about the failure to send absentee
6 ballot appli -- applications, how many were emailed
7 ballots or -- I'm sorry, emailed requests and how many
8 were mailed-in applications?

9 MS. WATSON: Out of the applications -- or the
10 complaints, it came out to being approximately 50/50, with
11 mail and email.

12 MR. WORLEY: Thank you.

13 MR. RAFFENSPERGER: Good question. Ms. Watson, of
14 the total absentee ballot issues that were raised
15 statewide, what percentage did Fulton County represent?

16 MS. WATSON: Fulton County was approximately -- I
17 would -- I don't have the exact numbers, but I would say
18 at least 75 to 80 percent were Fulton County.

19 MR. RAFFENSPERGER: Thank you. And they represent --
20 Fulton County voters as a percentage of registered voters
21 represent what percent of voters in the entire State of
22 Georgia?

23 MS. WATSON: Let me -- let me check. I do not have
24 that information in front of me.

25 MR. RAFFENSPERGER: Would that be about 10 to 11

1 percent, Mr. Germany?

2 MR. GERMANY: Yes, sir. That sounds right.

3 MR. RAFFENSPERGER: Okay. Any other members? Ms.
4 Sullivan or Mr. Mashburn?

5 MS. WATSON: Yes, Mr. Raffensperger. The attorney
6 for Fulton County is also on the line --

7 MR. RAFFENSPERGER: Okay.

8 MS. WATSON: -- that wishes to speak.

9 MR. RAFFENSPERGER: Sure. Could you provide your
10 name and please go ahead and address the Board, please?

11 MS. PALMER: Yes. All right. Good morning. Can you
12 all hear me?

13 MR. RAFFENSPERGER: Yes.

14 MS. PALMER: Okay. Thank you. This is Amanda Clark
15 Palmer. I wasn't sure kind of where on the agenda I'd get
16 a chance to speak up, so I just wanted to make sure you
17 all knew that I was here on behalf of Fulton County along
18 with my partner Don Samuel. What I would like to do is
19 make a brief statement and then I have Rick Barron, Ralph
20 Jones, and Karen Fickland, who are all employees at the
21 Board of Elec -- Fulton County Board of Elections, who are
22 on the line. And I'd like you to hear from Ms. Fickland
23 briefly after I get done speaking.

24 Chris Harvey said a few of the things I had planned
25 on saying this morning with regards to the state of our

1 world back in March and April and May, and I will endeavor
2 not to repeat what he has said already, but March 14th has
3 become one of those days that we talk about in terms of
4 where were you then. Where were you when you realized
5 school would be shut down for two weeks? Where were you
6 when you realized you wouldn't be going back to the office
7 the next day? And where were you on the day when you
8 thought the worst-case scenario was that we might have to
9 shelter-in-place at home for a few weeks? If somebody had
10 told us back on March 14th that our grade schoolers, a
11 large majority of them, would be starting school virtually
12 in the fall, and masks would become de rigeur, we would
13 have been shocked and despondent.

14 As time marched forward into April and May, we
15 realized that there would be no going back to normal.
16 Most people were riddled with anxiety, trying to figure
17 out what activities were safe to do, who was safe to be
18 around. When we brought our groceries home, we wiped them
19 down with a Clorox wipe and left them in the garage for
20 days until we thought and hoped the virus was gone. We
21 knew very little about the COVID-19 virus and what we
22 thought we knew changed every day as doctors and
23 scientists learned more about how this virus was
24 transmitted.

25 So it's against this backdrop that you should

1 consider today's issue. The primary vote scheduled for
2 March 24th -- March 24th was quickly pushed back to May
3 19th. All the plans that Fulton County had in place for
4 the March 24th primary had to be quickly and drastically
5 changed and without much guidance on how voting in person
6 could be done safely, and I say that because the medical
7 community was still learning about the virus, and
8 therefore, the guidance that they were giving us was
9 changing and evolving on a daily, if not hourly, basis.
10 Not only did the day of the primary change, but the way we
11 voted changed. It was the first statewide test of the new
12 voting system which added paper ballots to our elections
13 for the first time in almost two decades.

14 Then the primary election was postponed again, this
15 time to June 9th. This year, Fulton County had an
16 unprecedented demand for absentee voting. They saw one-
17 hundred-and-forty-fold -- one-hundred-and-forty-fold
18 increase in absentee by mail applications, and the number
19 of ballots actually returned increased a hundred-fold over
20 the 2016 general primary. This phenomenon was not limited
21 to Fulton County, and according to our Secretary of State,
22 Georgia smashed its record for absentee turnout by over
23 400 percent. So as I said, it's worth mentioning that
24 Fulton County was not the only county who faced challenges
25 with the June 9th election. We've heard already about

1 some of the challenges that the other counties were
2 experiencing, and I know that other Metro-Atlanta counties
3 like Gwinnett, DeKalb, Cobb County were also having
4 problems. And I'm sure that the county workers in those
5 counties just like the ones in Fulton did their absolute
6 best to ensure every citizen who was eligible to vote
7 could do so safely.

8 And as we've heard -- excuse me -- Director Chris
9 Harvey say this morning and I've heard him say on previous
10 occasions, those efforts could be appropriately described
11 as heroic, and I absolutely think that word applies to the
12 efforts of Ralph Jones, Rick Barron, and every other
13 Fulton County employee involved in this election. And we
14 appreciate Chris Harvey's comments this morning,
15 recognizing the overwhelming problems facing Fulton
16 County, as well as every other county.

17 So it should surprise no one that there were some
18 challenges with this dramatic increase in demand for
19 absentee by mail voting. So you've heard a little bit
20 about this already, but I want to highlight three things.
21 First, there was a time period in early April where the
22 staff at the Fulton County office could not come into the
23 office because it had to be completely sanitized and
24 decontaminated after staff members tested positive for
25 COVID-19, including Ralph Jones, who you've already heard

1 had to be hospitalized to treat the illness, the COVID-19
2 illness that he contracted. A longtime staff member
3 tragically died from the virus in early April, and when
4 the staff returned to the office on about April 20th, they
5 had to process a lot of absentee applications.

6 So second, the applications could be returned to the
7 county by email or by mail, and for the applications that
8 were sent in by email, as you've already heard, they were
9 sent to an email address that went to 20 different people,
10 which means that one email from a voter actually resulted
11 in 20 emails going to a Fulton County staff member -- or
12 staff members. This overloaded the email system, and it
13 took time to get the system back up and running.

14 I want to just point out quickly that we disagree
15 with something that's been stated already. It was stated
16 earlier that -- so the email address that was -- that was
17 printed on the document that went out from the Secretary
18 of State's Office, that email address was, I believe,
19 elections.voterregistration, and there was a statement
20 made earlier that that email address was on Fulton
21 County's website prior to those documents going out, and
22 that's just incorrect. The email address that was on
23 Fulton County's website earlier this year was ale --
24 elections dot -- I believe it's absentee ballot. And you
25 can go back and verify that using, like, a web archive --

1 if you google way back machine, you can go back and look
2 at what Fulton County's website looked like in April, and
3 it did not have the elections.voterregistration email
4 address on there. And this is important because the other
5 email address that I -- that I just mentioned,
6 elections.absentee, that only went to one person and had
7 that email address been used, it likely would have
8 alleviated the problems that they had with the overload of
9 their email system. Now, Fulton County's website has
10 since been updated. It now uses -- it now says that your
11 email should go to elections.voterregistration, and they
12 did that so as not to confuse the voters.

13 Finally, there were printing issues with printing the
14 applications that were sent in by email because there was
15 no standard format in which the application would be
16 returned, and by that, I mean that some people sent them
17 as JPG files, some sent them as PDFs, some people actually
18 kind of took pictures and actually embedded the picture in
19 the email, so some of the files could not be printed by
20 the printers in the county office. I also want to point
21 out that it is -- it is not correct that we processed the
22 emailed applications last. That is incorrect. We
23 processed applications that were received by mail and
24 applications that were received by email at the same time.

25 So as I said, we appreciate all the comments that

1 have been made already, including by Chris Harvey,
2 recognizing the overwhelming problems that Fulton County
3 and the other counties faced, but we disagree respectfully
4 with his conclusion that the problems were not remedied or
5 addressed quickly enough or sort of highlighted flaws in
6 Fulton County's systems because we think they don't take
7 into account sort of the other factors that were caused by
8 the pandemic, you know, losing the ability to have our
9 employees in the office and being exiled from the office.
10 I mean, the fact of the matter is that many of the
11 problems that this pandemic caused for Fulton County with
12 absentee voting were addressed. Not a hundred percent,
13 but not ninety-nine percent -- I'm sorry, not a hundred
14 percent, but most of them were addressed.

15 Fulton County successfully processed the vast
16 majority of the absentee applications they received. They
17 received approximately 28,000 emailed applications and
18 approximately 116,000 paper applications for a total of
19 over 144,000 applications. The hearing notice in this
20 matter says the State received over 250 complaints from
21 Fulton County residents about not receiving their
22 requested absentee ballots for the June 9th election.
23 This represents an error rate, well, of only .17 percent.
24 Of course, one person who is denied their right to vote
25 for whatever reason is one too many, but in light of the

1 challenges that the COVID-19 pandemic presented, the short
2 timeframe the county had to respond to the changing
3 primary dates, and the unprecedented demand for absentee
4 by mail in voting, Fulton County performed heroically,
5 admirably, and successfully in carrying out the June 9th
6 primary election. Additionally, Rick Barron and his team
7 have identified some improvements to implement going
8 forward that will hopefully prevent some of these issues
9 from recurring, and if you want to hear more about that,
10 we can give you some details.

11 So in summary, we believe that no punitive sanctions
12 of any kind are warranted or appropriate in this matter,
13 including referral to the Secretary of -- I'm sorry, the
14 Attorney General's Office. Punishment is designed to
15 deter certain behavior. That is the essence and purpose
16 of punitive sanctions. Imposing sanctions or referring
17 the matter in this case will only serve to deter
18 qualified, hard-working people from ever signing up to
19 work for a county agency like the Election Board. It
20 sends precisely the wrong message to the people at the
21 Fulton County Election Board who worked so hard to achieve
22 the optimal results under circumstances that were
23 unforeseeable and monumentally challenging. This Board
24 should conclude that there were many problems that need to
25 be overcome [sic] -- overcome, but these problems are not

1 man-made and did not occur because of recklessness,
2 negligence, or malfeasance on the part of any of the
3 people who worked tireless -- tirelessly at the Fulton
4 County Board of Elections.

5 That concludes my remarks. I would like you all to
6 hear a short statement from Ms. Karen Fickland, if now is
7 the appropriate time to do that. So if now is the
8 appropriate time, if -- Rick, if you could have Ms.
9 Fickland -- if you all could unmute yourselves so she
10 could speak?

11 MS. THOMAS: Are you -- are they under Ralph Jones?

12 MS. PALMER: Yes, ma'am. That's it.

13 MS. THOMAS: Okay.

14 MS. PALMER: Thank you.

15 MS. THOMAS: Yeah, they're self-muted right now.

16 MS. PALMER: Ralph, can you -- there should be a
17 microphone button that you can plug -- push and it'll turn
18 green, so you can start speaking. Or they're on the
19 phone. Is there some way to unmute them if they've dialed
20 in on the phone?

21 MS. THOMAS: No. I can't -- can't unmute them if
22 they've dialed in on a phone. They would have had to log
23 in on a computer, but it looks like there's three people
24 that are logged in as Ralph Jones right now.

25 MS. PALMER: Yes. If you could bear with me one

1 second, let me -- I'm going to call Mr. Jones directly,
2 and we'll get this figured out.

3 MR. JONES: Okay. Hold on. Oh.

4 MS. FICKLAND: Hello? Good afternoon, can you hear
5 us? No, they can't hear us still.

6 MS. PALMER: I can hear you.

7 MS. FICKLAND: Oh, okay. Sorry. All right. Hi, my
8 name is Karen Fickland. I'm the Registration Supervisor
9 here. Just wanted to make a small comment about what we
10 were going through during that time, so the increase in
11 the number of applications that we had was probably ten
12 times more than anything we've normally received for an
13 election cycle. And I've been here 22 years, and I've
14 never seen an election like that before.

15 So on March 16th of this year, we were notified that
16 our office would be closed until further notice due to
17 COVID-19. Mr. Jones had us -- had us to come [sic] into
18 work for the next two Mondays, so we could meet and
19 discuss a work plan. At the end of the second week, I
20 believe it was around the 2nd or 3rd of April, our postman
21 reached out to me to tell me that we had a half a bin of
22 mail, which equates to about 9 trays. On the following
23 Monday when we reported to work, there was a full bin,
24 which is approximately 18 trays of mail to be processed.
25 At that point, the mail room staff was coming in --

1 started coming in daily, along with a few other staff
2 members that would report at least two days a week to
3 assist. After that point, the mail steadily increased
4 from the one bin to between two and three full bins daily.

5 Around the same time, the applications sent in via
6 email and fax also started increasing. On several
7 occasions during the first two weeks, we had issues
8 printing those applications. Our IT department had to
9 come down at least twice a week to assist us with the
10 issues. At the end of the month, the volume of email
11 attachments was so heavy that the system crashed, and it
12 took the IT department several weeks to correct those
13 issues. We were working overtime to deal with the
14 dramatic increase in absentee ballot applications. We
15 were working anywhere from two to four hours extra a day,
16 including working on the weekends. Our ability to
17 efficiently process those applications was hindered by the
18 fact that most people were working from home with only a
19 few of us in the office.

20 On top of the increased workload, we had -- we had
21 some very difficult personnel issues happening at the same
22 time. Mr. Jones started feeling poorly in late March. It
23 seemed to get worse over the next week. He tested
24 positive for COVID-19 and was ultimately hospitalized.
25 Despite this, Ralph made himself available via phone and

1 email, but he still had his own health and recovery to
2 focus on. We had another staff member also to get ill
3 [sic], and she too was hospitalized, and unfortunately,
4 she passed away on April 15th. When the information of
5 her passing was shared in the office, it was devastating.
6 Emotional -- it was a devastating emotional impact to our
7 office. We were all touched by her passing, and it took a
8 toll on our production. The office had to be shut down
9 for four days, so it could be sanitized and made safe to
10 return to work.

11 I know that I personally did my best to process every
12 absentee application we received, and I believe that
13 everyone else in the office also did their best. I would
14 never intentionally try to keep anyone from exercising
15 their right to vote, and none of my coworkers would
16 intentionally keep any Fulton County citizens from being
17 able to vote. We did our best despite all the challenges
18 we were facing due to the pandemic. Thank you for your
19 time.

20 MS. PALMER: Thank you all. This is Amanda Clark
21 Palmer again. I just want to let you know that Ralph
22 Jones and Rick Barron are also available if anyone has
23 questions for them.

24 MR. RAFFENSPERGER: Do they want to speak before we
25 ask questions, or do they want to make a presentation or

1 any comments?

2 MS. PALMER: No, they do -- I don't believe they have
3 any comments or statements to make. They're just
4 available to answer questions.

5 MR. RAFFENSPERGER: Okay. Thank you very much.
6 Well, Board members, do you have any questions for the
7 Fulton County election officials or any other questions
8 for any of the presenters that you've heard so far?

9 MR. WORLEY: This is David Worley. I had several
10 questions for --

11 MR. RAFFENSPERGER: Please go ahead, Mr. Worley.

12 MR. WORLEY: -- for Ms. Palmer, I guess, or whomever
13 can answer these questions. It sounds as if the office
14 was closed for cleaning for a total of 4 days, is that
15 correct?

16 MR. JONES: Yes.

17 MR. BARRON: Yes, that's correct, and they also --
18 staff took two days off for bereavement after Beverly
19 Walker died.

20 MR. WORLEY: Okay. How many of the email
21 applications that were received were never processed?

22 MS. PALMER: This is Amanda Clark Palmer. If I could
23 -- I don't know that we have the answer to that, in part
24 because, you know, we know that the number 250 was in the
25 complaint. We don't have the names of those people. We

1 did look at some of the names that were -- the last names
2 that were in the State's PowerPoint presentation that we
3 just looked at. And then at least -- at least for some of
4 them, we think that some of those applications were
5 processed. There's at least one person who did have his
6 ballot mailed to him. So I apologize that we can't answer
7 that. It's really due to a lack of knowing who all the
8 complainants were and being able to track down what
9 happened with them.

10 MR. WORLEY: Well, but shouldn't the office be able
11 to know of these vast numbers of applications that were
12 coming in how many they never got to? And that leads to
13 my second question. Of the mail applications that were
14 sent in, how many of those were never processed?

15 MR. BARRON: Mr. Worley, we processed every
16 application that we received. Now, whether -- whether
17 they were processed later is one thing, but every
18 application that we received, we believe we processed.

19 MR. WORLEY: Well, when you say later, do you mean --
20 I mean, what do you mean by later?

21 MR. BARRON: Well, --

22 MR. WORLEY: Do you mean after the primary?

23 MR. BARRON: I think just based on -- on what you
24 heard from -- from our attorney, we had -- we had major
25 issues processing applications out of the email, and so

1 some of those were not processed in what we consider to be
2 a timely -- anyone would consider to be a timely manner,
3 but we went back through all -- all of the emails to make
4 sure that we processed all of the time.

5 MR. JONES: Twice.

6 MR. WORLEY: And -- and what about the mail in
7 applications? I mean, were they processed in a timely
8 manner? And I guess I have a question. What do you
9 consider a timely manner? I mean, when were --

10 MR. BARRON: Well, most --

11 MR. WORLEY: -- the last -- I'm sorry. When were the
12 last email -- I'm sorry, the last mailed in applications
13 being processed? On what date before the primary?

14 MR. BARRON: We -- I mean, we processed them all the
15 way through Friday night before the election.

16 THE COURT REPORTER: I'm sorry. This is the court
17 reporter.

18 MR. WORLEY: And -- And -- I'm sorry. And were all of
19 them processed by that Friday night, all of the
20 applications?

21 THE COURT REPORTER: Excuse me. Sorry, sorry, sorry.
22 This is the court reporter. I know there's two men on
23 that one line. Can you tell me who's speaking, please?
24 Thank you.

25 MR. WORLEY: Yes. This is David Worley.

1 MR. BARRON: This is Rick Barron.

2 THE COURT REPORTER: Thank you. I meant Mr. Barron.
3 Thank you, Mr. Worley.

4 MR. WORLEY: Those were all the questions that I had
5 for now.

6 MR. RAFFENSPERGER: Are there any other Board members
7 that have questions?

8 MR. MASHBURN: This is Matt Mashburn. I have a few.
9 Rebecca, do you have any? Would you like to go first?

10 MS. SULLIVAN: Go ahead, Matt.

11 MR. RAFFENSPERGER: Go ahead, Matt.

12 MR. MASHBURN: Okay. As you were talking about the
13 processing, as the representatives of Fulton County were
14 talking about the processing of the absentee ballot
15 applications, did you use the bar code to process the
16 applications faster or not? And how was -- and if not,
17 how was that decision made?

18 MR. JONES: What is he asking?

19 MS. FICKLAND: It's about that barcode that was on
20 the applications.

21 MR. BARRON: But they didn't process any faster. I
22 mean, the barcode didn't speed up processing. I mean,
23 that was -- we used it. Some people were processing --

24 MR. JONES: Not for the application.

25 MR. BARRON: Yeah, for the application, it didn't

1 speed it up, using the bar code. I mean, one of the --
2 one of the main things about data -- data entry is you
3 want to keep your hands on the keyboard, so if you -- you
4 process looking at the voter registration number -- I mean
5 I think some people might have preferred just to use the
6 scanner, but you're taking your hands off the keyboard at
7 that point. So it -- I think it was up to -- it's up to
8 the individual user how they did it, but I processed many
9 applications. I spent hours processing applications, and
10 it was no faster to use the -- the bar code scanner.

11 MR. MASHBURN: All right. And so y'all -- y'all --
12 you entered them manually the whole time?

13 MR. BARRON: Yeah.

14 MR. MASHBURN: Okay.

15 MR. BARRON: You have to process all of them
16 manually. The barcode scanner doesn't do anything except
17 to just bring up the name, and then you have to do the
18 data entry, so if you take your hand off of the barcode
19 scanner to -- to do the data processing, it -- you're
20 taking your hand off the keyboard. It's better just to
21 look at the application and just do the data entry.
22 Nothing -- it doesn't speed -- it doesn't speed up the
23 process.

24 MR. MASHBURN: Okay. Thank you. The next question I
25 have is with -- I'm very sympathetic, and I think the

1 descriptions that people have made of -- of heroic work by
2 election workers and supervisors and management is an
3 accurate description because it was certainly
4 unprecedented times, and also, I want to also just state
5 in advance that I've found everybody at Fulton County to
6 be, especially Ralph Jones, to be uniformly kind,
7 cooperative, helpful, open, and very welcoming. So I -- I
8 don't think any of this inquiry on my part at least
9 indicates -- and I don't think any other member of the
10 Board has that opinion either that this is saying that
11 people in Fulton County are bad people, but I've always
12 found them to be very kind and welcoming and very open and
13 friendly. But we also have to kind of get to the root of
14 these issues, and so while COVID was a problem, an
15 unprecedented problem, the question with regard to email
16 multiplications of one email turning into, you know,
17 multiples, 20, 40, whatever, that wasn't COVID-related,
18 was it?

19 MS. PALMER: This is Amanda Clark Palmer. I'm just
20 going to answer your question. I agree. That's not
21 COVID-related, but that's why I made a point to say that
22 the selection of that email address was not something that
23 Fulton did, and I'm not pointing fingers here. I don't
24 think anybody, you know, intentionally tried to choose an
25 email address that was not the best one, and I will also

1 say that that issue has been addressed. We've also
2 addressed the problem with the printers. We have also
3 standardized the format in which we will accept email
4 applications. Mr. Barron has gotten some grant money for
5 Fulton County that will enable him to buy additional
6 equipment and pay for additional staffing, so Fulton
7 County has taken steps to make sure that the issues that
8 happened with the emailed applications do not occur in the
9 future.

10 MR. MASHBURN: Does Fulton County -- this is Matt
11 Mashburn again. Does Fulton County know whether -- I know
12 the counties talk to one another. Did Fulton County
13 receive any information that -- that other counties were
14 having similar problems? And if so, was Fulton County's
15 response similar to these other counties or different, and
16 if it was different, how so?

17 MS. PALMER: I'll let Mr. Barron address that one
18 because I know that he -- he was speaking to people in
19 other counties.

20 MR. BARRON: Most -- most of our discussions with
21 other counties happened after the election, so we -- you
22 know, it was indicated to me that many counties had
23 similar issues to us. I mean, you know, I think during
24 that time, all of us -- all of the counties were focused
25 on their own issues, and so we weren't -- we weren't

1 speaking on a regular basis before the June election
2 because we were just buried. And I think one of the
3 things that -- when our office -- the mail started coming
4 in at the time -- in big numbers at the time that Mr.
5 Jones was out who oversaw that -- that process and Ms.
6 Walker died, and so we were -- we were tens of thousands
7 of applications behind at the time we started data entry
8 because -- because of the office being shut down, so it
9 put us in the hole right -- right off the bat.

10 MS. PALMER: Mr. Barron, this is Amanda Clark Palmer.
11 Could you also say, you know, a few sentences about how
12 having an online, you know, portal or website to apply for
13 an absentee ballot would fix this problem?

14 MR. BARRON: Yes, and I know that the State is
15 putting together a portal, and it should be ready next
16 week, but that is going -- that is going to -- that is
17 going to alleviate most of these issues because, you know,
18 on a portal -- it would have be helpful for all of the
19 counties to have a portal up, you know, back then. And I
20 was told by US Digital Response that one could have been
21 put up, you know, within -- within a week or two. And I
22 think a portal is something that would have enabled all of
23 the counties -- you need an intake mechanism in which to
24 track everything. If you don't have that intake
25 mechanism, then -- and you have a situation such as us

1 where we had a group email set up, and you have
2 applications going to multiple boxes, and it shuts down
3 the system, it -- it complicated matters for
4 reconciliation. But if you have something going through a
5 dashboard, which would be a portal, then -- and it's right
6 on Election Net, it makes it much easier to -- to track
7 everything that you do.

8 There was -- once -- none of us, we weren't prepared
9 with the way our email boxes were set up for the influx to
10 have, you know, tens of thousands of emailed applications
11 come in, and I think one of the issues that you have is
12 you have some emails come in with multiple attachments.
13 You have some come in with -- with applications that were
14 embedded into the email. You had these extension files --
15 the extension types that were that coming in. There was
16 no standardization. That was another thing that should
17 have been set up at the very beginning is that there
18 should have been a standard set up, maybe whether -- it
19 could have just been JPGs and PDFs were the only things
20 that were accepted, but that wasn't the case. We were
21 getting movie files. We were getting all sorts of files.
22 We couldn't -- we couldn't print them. And we were
23 getting all of them -- we have nice commercial printers,
24 commercial copier printers, but they -- we were -- they
25 were -- what's it called, Ralph?

1 MR. JONES: They were spooling.

2 MR. BARRON: They were spooling. And so you would
3 send a print job over, and people were send -- multiple
4 people would send the print jobs over, and you'd have this
5 spooling happening. And then at first, people didn't
6 realize that all of the applications weren't printing out
7 and so what we've done to rec -- we've standardized
8 everything now so that we only accept the JPG and PDG
9 applications, and if they aren't in those formats, we
10 reject them. We've had to do that in order -- so that --
11 in order for us to be able to print them off of our
12 printers because we -- my staff knew early on that there
13 were certain file extensions we could not print, and they
14 would cause the printers to spool. And in addition to
15 that, we had to have people from Canon in here to -- to
16 reset the printers multiple times before everyone realized
17 what was happening, but when we -- we ran out of memory
18 also because all of the email boxes were full from all of
19 these extensions and large file sizes.

20 MS. PALMER: Mr. Barron, this is Amanda again. Am I
21 correct that you don't anticipate those problems again
22 because of the portal, because of getting more printers,
23 and because of standardizing the way you're going to
24 accept applications by email?

25 MR. BARRON: No. I think those -- we got those set

1 up on July 20th, and since then, we've had much better
2 success, especially through the email. We've -- we
3 processed more ballots for the August election, our August
4 runoff for Sheriff and District Attorney, than we did for
5 the presidential election in 2016. And so, I believe
6 that, you know, we -- we're well on our way to be able to
7 serve the voters for November.

8 MS. PALMER: Okay. Great. Thank you.

9 MR. WORLEY: Mr. Secretary, this is David Worley. I
10 had another question.

11 MR. RAFFENSPERGER: Please go ahead, Mr. Worley.

12 MR. WORLEY: And Ms. Palmer, either you can answer
13 this or -- or perhaps it would be better if Mr. Barron
14 answered this question, but -- and while it's not the
15 subject of today's complaint, I would like to know the
16 answer. I have received -- I did receive at least four
17 calls from Fulton County voters prior to the August runoff
18 who had requested absentee ballots by mail or by email and
19 never received their ballots. How would you explain that
20 if you have fixed these ballots?

21 MR. BARRON: These are applications or...?

22 MR. WORLEY: These were people who sent in
23 applications, by email --

24 MR. BARRON: Can you provide --

25 MR. WORLEY: I will provide you the names after the

1 call. Happy to do that. But they never received their
2 ballots.

3 MS. PALMER: Why don't you let us look into that,
4 please, so we can verify that they were processed and
5 figure out where the disconnect is? Because there are --
6 as you know, there are other people involved in the
7 process of getting an absentee ballot out.

8 MR. GERMANY: This is Ryan --

9 MR. WORLEY: Sure. I will send those names to Ms.
10 Palmer at her law firm email.

11 MS. PALMER: Thank you very much.

12 MR. GERMANY: This is Ryan Germany. I was just going
13 to ask Frances -- did you also receive complaints, similar
14 complaints, about the runoff in Fulton that Mr. Worley was
15 just referencing?

16 MS. WATSON: Yes. I did. I can provide those names
17 also.

18 MR. BARRON: And I think they were -- we need to see
19 what date they came in on too because most of our -- the
20 reconciliation process that we put in place started -- I
21 think it was either July 20th or 21st.

22 MR. RAFFENSPERGER: Any other Board members? Ms.
23 Sullivan, do you have any questions?

24 MS. SULLIVAN: Sure. This is Rebecca Sullivan. I
25 think we all recognize the tremendous challenges that were

1 faced by Fulton County in the primary, and I certainly
2 appreciate the efforts that were made by the county
3 election officials to meet those challenges. I think what
4 we've got before us today is whether or not there was a
5 violation of the election code for failure to timely
6 process the absentee ballot applications. I heard that
7 Fulton County disagrees with a couple of points that were
8 made in the presentation this morning, but does Fulton
9 County deny that at least a hundred absentee ballot
10 applications were not processed in a timely enough manner
11 to allow those applicants to vote an absentee ballot?

12 MS. PALMER: So this is Amanda Clark Palmer, and my
13 response to that is I don't -- I can't answer that, just
14 because as I said before, we don't have all of the names
15 of the people who complained, so we haven't been able to
16 go through, you know, and troubleshoot what happened with
17 each person. We do not deny that there were people who
18 had their absentee ballot -- or I'm sorry, whose
19 application for an absentee ballot was not processed. I
20 just can't say to you that we agree with the 150 number.

21 MS. SULLIVAN: Okay. Thank you.

22 MR. RAFFENSPERGER: Do we have any other questions
23 from our Board members?

24 MR. MASHBURN: This is Matt Mashburn. I do have a
25 question. There was an issue earlier during Frances'

1 presentation about that there were email applications that
2 had been deleted, and there was an indication that she
3 inquired whether they could be recovered and was told that
4 they might be recovered. What's the current status of
5 those applications? Are they found or are they deleted?

6 MR. JONES: This is Ralph Jones. I can answer that
7 one. In order for us to be able to process that, some of
8 the staff had to remove the emails from their particular
9 email box. We said we asked one staff member to not
10 remove any of their emails, so we do have a record of all
11 emails that have come in, but everybody else in order for
12 them to maintain a system with the email system was
13 removed. But we do have one staff member who retained
14 every email that came in for the June election, so we do
15 have a record of all emails that have come in.

16 MR. MASHBURN: Thank you, Ralph.

17 MR. RAFFENSPERGER: Okay. Do any other members have
18 any questions for anyone from Fulton County or any of the
19 presenters this morning? Mr. Germany, do you have any
20 other questions that you would like to ask?

21 MR. GERMANY: No, sir. The only thing -- Frances is
22 raising her hand.

23 MR. RAFFENSPERGER: Okay.

24 MR. GERMANY: But the only thing I would say is -- is
25 to add a little bit of context. You know, we did -- we

1 have obviously dealt with every county throughout this.
2 Other Metro counties experienced similar issues,
3 particularly related to the emailing in of applications,
4 and they experienced problems at the beginning similar to
5 what Fulton was regarding server space and things like
6 that because the volume, as everyone knows, was
7 unprecedented from an absentee voting perspective. I
8 think one thing that we saw that happened is for instance,
9 in Cobb County, they recognized the problem and they were
10 able to resolve it fairly quickly by adding additional
11 server space. In Fulton County, they weren't able to, and
12 it kind of snowballed and turned into a much bigger
13 problem, and obviously, some of that is due to COVID and
14 the Fulton-specific issues, and, you know, I think some of
15 that was probably just not recognizing the problem at the
16 beginning and responding to it. And, you know, by putting
17 off processing applications, it basically just allowed the
18 snowball to grow.

19 MR. RAFFENSPERGER: And Ms. Watson? You wanted to
20 add some additional comments?

21 MS. WATSON: Yes. I would just like to request that
22 Fulton County provide a hard drive with the absentee
23 ballot email requests to our office, if that's possible.

24 MR. RAFFENSPERGER: Would that be possible for Fulton
25 County to provide that?

1 MS. PALMER: This is Amanda Clark Palmer. I don't
2 see why it wouldn't be.

3 MS. WATSON: Okay. Thank you. That's all I have.

4 MR. RAFFENSPERGER: Thank you. So this case is
5 before the Board, SEB Case Number 2020-016, Fulton County,
6 processing absentee ballots. What is the position of the
7 Board on this matter?

8 MR. WORLEY: This is David Worley. I have a couple
9 of comments before stating what I think my position is.
10 First of all, there were problems in a lot of counties on
11 Election Day, and those problems related to the machines.
12 It related to a lack of poll workers. It related to a
13 number of things that caused severe problems in the June
14 primary which we all know about. I don't necessarily
15 think it's fair at this point to single out Fulton County
16 for the problems that they've had that related to the
17 absentee ballot applications.

18 On the other hand, while the -- the COVID phenomenon
19 as Ms. Palmer said was not limited to Fulton County, it
20 seems that the large extent of problems with the
21 processing of absentee ballot applications were clearly --
22 clearly evident in Fulton County, and I don't think that -
23 - now that the case is before us, I don't think that we
24 can ignore that. And if one person being denied their
25 right to vote is too many, 250 is certainly too many. And

1 -- I mean, it seems clear from the testimony that we've
2 heard today that while there was a severe problem with the
3 email applications at Fulton County, there was also a
4 problem with the mailed in applications, where it seems
5 that over a hundred were never processed. So our job at
6 this point is to decide whether there's probably cause to
7 refer the case to the Attorney General or not, and there's
8 no question in my mind that there is probably cause to do
9 this.

10 But beyond that, this is going to be a severe problem
11 is November if it's not fixed. We're going to have 5
12 million people trying to vote in Georgia. If half of them
13 vote by absentee ballot as they did in the primary, then
14 we're going to have huge numbers of absentee ballot
15 applications that need to be processed correctly, and
16 we're going to have huge numbers of people who are wanting
17 to know whether their ballot is going to be processed.
18 And if it's -- they don't get the ballot, then they're
19 going to show up at the polls on Election Day, and we're
20 going to have a repeat of the problems that we had in the
21 primary. So this problem has got to be fixed, and I'm
22 very sympathetic to the problems that Fulton County and
23 election workers in other counties had, but there is
24 almost no margin for error anymore in processing absentee
25 ballots and making sure that November's elections work.

1 So that is my view, and I hope that that message is
2 clearly conveyed to Fulton County and every other county
3 in this state and to the Secretary of State's Office,
4 which is doing its best, I know, to fix this and other
5 problems. But -- but there is just no margin for error
6 anymore. So all that having been said, I don't think that
7 we have any choice but to bind this over under the
8 standards that we normally use for adjudicating cases --
9 to bind this over to the Attorney General's Office, and I
10 would make a motion that we do that.

11 MR. RAFFENSPERGER: We have a motion before the
12 Board. Do we have a second?

13 MS. SULLIVAN: I'll second that motion. Rebecca
14 Sullivan.

15 MR. RAFFENSPERGER: Ms. Sullivan has seconded. Do we
16 have any further comments before we bring this to a vote?
17 Do any Board members wish to speak further on this?

18 MR. MASHBURN: This is Matt Mashburn. I'm the junior
19 member of the Board, so I defer to Rebecca, if she'd like
20 to go first.

21 MS. SULLIVAN: Please go ahead, Matt.

22 MR. MASHBURN: Thank you. I'd just like to address a
23 couple of issues, some that were raised in the public
24 comments section, but -- but are relevant here in that one
25 thing -- I don't think Fulton County is being unfairly

1 scapegoated because the problems that they're being
2 reviewed on actually happened, and an interesting thing
3 about the scapegoat is the scapegoat is innocent, and all
4 the sins are placed on the scapegoat. So I don't think
5 anybody is scapegoating Fulton County here and certainly
6 not the Secretary. I think to accuse the Secretary of
7 that was unfair and certainly not -- not warranted by the
8 facts. I think there's a -- there is a systems management
9 issue definitely at Fulton County, and it has to get
10 fixed. It's widespread. It's consistent, but it just has
11 to be fixed, and it has to be fixed now.

12 And there's two parts of that in that I applaud
13 Fulton County, especially Robb Pitts, the Chairman of the
14 Commission, and I told him this personally when I saw him
15 that I was so proud that he had taken such proactive steps
16 with arranging for the arena to be used as a polling
17 place, and so I don't think that I'm -- I don't think that
18 what we're acting on today shows that we don't appreciate
19 Fulton County's efforts at remedying the situation. But
20 one of the things that we always hear in public comment is
21 this might lead to voter suppression. Well, what's the
22 evil of voter suppression? The evil of voter suppression
23 is disenfranchisement, and as my colleague David Worley
24 correctly pointed out, that -- that happened here. And
25 so, I agree with David, and I agree with Rebecca's second

1 of the motion that this be bound over. And I will vote
2 accordingly. Thank you.

3 MR. RAFFENSPERGER: Do we have any other Board
4 members that wish to speak? So I understand that we also
5 have a complainant that's in on this call, and he would
6 like an opportunity to speak. Would the Board members
7 wish to hear from this complainant or go straight to the
8 vote?

9 MR. WORLEY: Yes.

10 MR. RAFFENSPERGER: If you could go ahead and connect
11 them?

12 MR. GERMANY: Yes, sir.

13 MS. THOMAS: Mr. Kevin Ward?

14 MR. RAFFENSPERGER: Mr. Ward.

15 MS. THOMAS: You're self-muted right now.

16 MR. RAFFENSPERGER: Mr. Ward?

17 MS. THOMAS: Mr. Kevin Ward?

18 MR. RAFFENSPERGER: Mr. Ward, you can speak now. If
19 you are muted, unmute your phone and you can begin. Mr.
20 Ward?

21 MS. THOMAS: We can move to that next one. Kimberly,
22 no. She's not on. Douglas? He's not on either. Was
23 Brandy Tanner...?

24 MR. GERMANY: I think you should just proceed with
25 the vote. Sorry about that.

1 MR. RAFFENSPERGER: Okay. No worries. This is
2 before us. Do any of the Board members wish to make any
3 comments? Hearing none, I'll ask to bring this to a vote.
4 All those in favor of binding SEB Case Number 2020-016,
5 Fulton County, processing absentee ballots, over to the
6 Attorney General's Office, please do so by signifying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed? Hearing none
9 opposed, motion carries. Is there any other comments or
10 new business that members would like to bring before the
11 Board, or should we have a motion for adjournment?

12 MR. WORLEY: This is David Worley. I'd move that we
13 adjourn.

14 MR. RAFFENSPERGER: Do we have a second?

15 MR. MASHBURN: Second.

16 MS. SULLIVAN: Second.

17 MR. MASHBURN: Matt Mashburn.

18 MR. RAFFENSPERGER: All those in favor of
19 adjournment, do so by signifying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: We are adjourned. Board members,
22 thank you so much for your time and effort, and thank you
23 very much for diligently pushing into these issues and the
24 time -- the additional time it's taking to this kind of
25 weird election year, during a big election year with big

1 turnout and also with the COVID-19 situation and with the
2 new election system. Once again, I wanted to thank all
3 the county election officials if they're listening in on
4 the call. I appreciate all the efforts and know the
5 challenges that all of us face this year. God bless you
6 all. Thank you. Meeting is adjourned.

7 (Meeting adjourned 11:24AM)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 95 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 22nd day of September, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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80 (1) 61:18				
80,000 (1) 42:19				
8500 (1) 57:14				
8th (1) 27:1				
9				
9 (1) 71:22				
98-year-old (1) 48:16				
9th (16) 6:12;7:13;14:20; 15:25;22:11;24:1,13; 26:8;27:10;31:3; 57:12,25;64:15,25; 68:22;69:5				

In The Matter Of:
SECRETARY of STATE
STATE ELECTION BOARD MEETING

September 3, 2020

Steven Ray Green Court Reporting, LLC
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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

September 3rd, 2020
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

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Frances Watson

Chris Harvey

Amanda Clark Palmer

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

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

Quoted material is typed as spoken.

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1 P R O C E E D I N G S

2 MR. RAFFENSPERGER: It's 9AM, and we'll begin, and
3 I'll call the meeting into order, and if we could start
4 off with -- Matt, since you're here, do you want to do the
5 invocation?

6 MR. MASHBURN: I'd be glad to.

7 (Invocation)

8 (Pledge of Allegiance)

9 MR. RAFFENSPERGER: Okay. Okay. If we could just do
10 an official roll call, Mr. Worley, are you here?

11 MR. WORLEY: Yes, I'm here.

12 MR. RAFFENSPERGER: Great. Ms. Le?

13 MS. THOMAS: Ms. Le, you're self-muted right now.

14 MR. RAFFENSPERGER: Ms. Le?

15 MS. LE: I'm here. Yes. I'm present.

16 MR. RAFFENSPERGER: Great, and Mr. Mashburn's here.

17 MR. MASHBURN: Yes.

18 MR. RAFFENSPERGER: And myself. We have everyone.

19 Okay. Item number two on the agenda is the approval of
20 the board minute meetings from August 27th, 2020. Members
21 of the Board, you have that before you to review. Now
22 would be the appropriate time for a motion.

23 MR. WORLEY: This is Mr. Worley. I make a motion
24 that we approve the meeting minutes of the August 27th
25 meeting.

1 MR. RAFFENSPERGER: Thank you, Mr. Worley. Do we
2 have a second for that? Do we have a second?

3 MR. MASHBURN: This is Matt Mashburn. I second.

4 MR. RAFFENSPERGER: We have a second. Do we have any
5 comments about the meeting minutes, any additions,
6 changes, or anything else you wish to make? Hearing none,
7 all those in favor of the minutes as presented, please do
8 so by signifying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Any opposed? None opposed.
11 Motion carries. Okay. Now, we move on to the third point
12 of the agenda, public comments. And I believe our staff
13 member, Ms. Thomas, will be managing that process. How
14 many folks do we have signed up for comments?

15 MS. THOMAS: So far, it's about ten folks.

16 MR. RAFFENSPERGER: Ten folks. We'll allow two
17 minutes each, and we'll go ahead and handle that right
18 now, so who is the first person we have?

19 MS. THOMAS: First, we have Liz Throop.

20 MR. RAFFENSPERGER: Okay. Ms. Throop, good morning.

21 MS. THOMAS: You're self-muted right now.

22 MS. THROOP: Good morning. Thank you. I'm Liz
23 Throop, and I live in DeKalb County. The first duty of
24 the State Election Board is to supervise and coordinate
25 the Office of the Secretary of State and others to obtain

1 uniformity in practices and proceedings and legality and
2 purity in all primaries and elections. The fifth duty of
3 this Board is to investigate the administration of
4 elections and to report violations to the Attorney General
5 or appropriate DA for further investigation and
6 prosecution. No investigation into Fulton County's role
7 in the June 9th absentee ballot delay can be meaningful
8 without this Board's thorough review of the role of the
9 Secretary of State.

10 Why did the Secretary of State tell 6.9 million
11 voters to go ahead and send emails with image attachments
12 to counties without first establishing dedicated email
13 addresses and servers to handle the traffic? Did
14 Secretary Raffensperger even ask counties if this was
15 going to work? Small counties, especially those with
16 sparse Internet availability, might not have had troubles,
17 but Fulton has over 800,000 registered voters. What email
18 account do you use that can handle that kind of traffic?
19 While Fulton's actions weren't criticism, your actions
20 will be a sham unless you take an honest look at all the
21 relevant parties. Thank you.

22 MR. RAFFENSPERGER: Thank you. Our next speaker,
23 please?

24 MS. THOMAS: Next, we have William Brown.

25 MR. RAFFENSPERGER: Mr. Brown?

1 MR. BROWN: Can you hear me?

2 MR. RAFFENSPERGER: Yes, sir.

3 MR. BROWN: Okay. Thank you. I didn't understand
4 the instructions last week, so I was planning on speaking
5 then, but here I am now. My name is William Brown. I
6 live in Sandy Springs, Fulton County, and I have three
7 parts of my comments. One is my obtaining and submitting
8 an absentee ballot for the June 9th primary. My wife and
9 I mailed the absentee ballot request on April 10th. She
10 received hers on April 27th, and eventually her vote was
11 received by the county on May 22nd. Mine never arrived.
12 In 11 exchanges with 5 different people, Secretary of
13 State's Office, Fulton County, and my representative in
14 the Georgia Senate, eventually, I received a ballot May
15 26th. I put it in a drop box May 28th.

16 Next, I tried to learn what happened to my ballot. I
17 made status requests starting June 5th through -- excuse
18 me, June 5th through July 20th. 14 exchanges, 8 people,
19 Secretary of State, Fulton County, and the Georgia
20 Assembly rep -- 7/20, July 20th, I filed an Open Records
21 Request. My GA representative said my vote had not
22 counted. I learned that from him on August 5th. I emailed
23 the ORR administration on August 17th because I had no
24 response, despite the law requiring a three-day response.
25 I received an ORR administration email on August 19th,

1 saying it appears Fulton County never received my ballot.
2 So I'd like to ask, how do I find out where my ballot is?
3 I put it in the drop box, and according to the Secretary
4 of State's ORR administration, it never was received by
5 Fulton County. That's the end of my comment. I want to
6 find out how to know what happened to my ballot, and I
7 think that will help everyone in case the same thing
8 happens to them.

9 MR. RAFFENSPERGER: Thank you, Mr. Brown. Our next
10 speaker?

11 MS. THOMAS: Next, we have Patty Nathan.

12 MR. RAFFENSPERGER: Ms. Nathan?

13 MS. THOMAS: You're self-muted right now.

14 MS. NATHAN: Good morning. I'm Patty Nathan from
15 Sandy Springs, Fulton County. Rather than expending our
16 limited state and county resources on investigating Fulton
17 County, you should be resolving all the technical issues
18 and breakdowns across the state. Problems so significant
19 that they required at least 20 counties to extend their
20 voting hours. Thank you.

21 MR. RAFFENSPERGER: Thank you, ma'am.

22 MS. THOMAS: All right. Next, we have Rhonda Martin.

23 MR. RAFFENSPERGER: Ms. Martin?

24 MS. THOMAS: You're self-muted right now.

25 MS. MARTIN: Can you hear me?

1 MR. RAFFENSPERGER: Yes.

2 MS. THOMAS: Yes.

3 MS. MARTIN: Okay. My name is Rhonda Martin. I am a
4 Fulton County voter and a board member of the Coalition
5 for Good Governance. At a recent Fulton County Board of
6 Registration and Election meeting, I presented my
7 Christmas in November wish list. I'd like to share it
8 with you now. The first gift I want for me and all
9 Georgia voters is an efficient portal to use to request an
10 absentee ballot. Thank you for already granting this
11 wish. I found the new portal very easy to use, and
12 MyVoter page shows that my application was received, and
13 my ballot will be issued on September 18th.

14 Second, I want drop boxes distributed throughout the
15 state in obvious and convenient locations. With all of
16 the concerns about the USPS, drop boxes are going to be
17 more important than ever. Unfortunately, there's a lot of
18 confusion about drop boxes. When discussing concerns
19 about this recently with friends, many seemed to think
20 that drop boxes were available at their polling places.
21 It only makes sense, right? This underscores the
22 importance of accepting absentee ballots in the usual
23 places that people go to vote. They don't want to stand
24 in line. They have done their homework. Let's let them
25 turn it in and get the credit in the easiest possible way.

1 The third gift I want is for the scanners to be
2 configured to reliably count every vote that a human would
3 count. Technology should support our efforts not subvert
4 them, and during adjudication, vote review panels should
5 be encouraged to consult the original paper ballots
6 whenever the ballot images seem unusual, for instance,
7 when it appears that a voter has cast an entirely blank
8 ballot. What's that about? Vote review panels should
9 feel comfortable investigating these issues.

10 Finally, when ballots are being hand-duplicated, I
11 want the election laws and rules of Georgia to be
12 followed. I want duplicate ballots to be marked as such
13 and labeled so that the originals can be referenced when
14 conducting audits. I hope you all are feeling generous
15 and will do all you can to make my dreams for this next
16 election come true. Thank you.

17 MS. THOMAS: Next, we have Laura Walker. You're
18 self-muted right now.

19 MS. WALKER: Good morning, everyone. My name is
20 Laura Walker, and I'm from Columbus in Muscogee County,
21 and I just wanted to volunteer to be a witness or someone
22 that you question when you investigate all of the counties
23 that had issues in the June primary. Muscogee County had
24 -- probably about 10 of our precincts had early morning
25 problems getting set up and delays because of deliveries

1 of machines, and we had lines all day at about five of our
2 precincts. Our voting time was extended out -- from all
3 of our precincts until 9PM, and we had line warmers out at
4 one of our precincts who did not -- were not able to
5 finish voting until 10PM that night, so I'm sure you're
6 not singling out Fulton County for any reason. I look
7 forward to giving you my testimony or assistance when you
8 come to check out all of the counties that had issues
9 because of lack of thoughtful and realistic procedures for
10 the state. Thank you.

11 MR. RAFFENSPERGER: Ms. Frances Watson heads up our
12 investigation commission, so that's who you should reach
13 out to. Thank you. Our next speaker?

14 MS. THOMAS: Next, we have George Balbona. You're
15 self-muted right now.

16 MR. BALBONA: Can you hear me?

17 MS. THOMAS: Yes.

18 MR. RAFFENSPERGER: Yes, sir.

19 MR. BALBONA: Hi, it's George Balbona. I'm from Cobb
20 County. I took a little field trip yesterday to go down
21 to Chatham County, Savannah, to observe the hand recount
22 for the State House District 163 election which -- run-off
23 -- which was decided by 20 votes, razor-thin, worth a hand
24 recount. I had a quick question. Clearly, -- let me say
25 hand recount one more time. Why was there a Dominion

1 Voting Systems representative present all day for a hand
2 recount? What purpose could he possibly serve? This is
3 looking at paper, and that's not really their forte. So,
4 on top of being there all day, in a rather Three Stooges
5 kind of way, whenever I tried to look at his name on his -
6 - on his credentials, he would flip it over or cross his
7 hands over it. This is not transparency. He would not
8 let me see his name. We played this game all day. Why?

9 On top of that, Russell Bridges and Thomas Mahoney,
10 that's the Elections Supervisor and the Chairperson of the
11 Board of Elections, intimidated and threatened at least
12 three people including myself, who were observers, with
13 removal, unlawful removal. On top of that, I was made
14 aware that Russell Bridges, the Elections Supervisor for
15 Chatham County, doesn't provide responsive information
16 when somebody submits an Open Records Request. That is
17 utterly unacceptable. I think he should be told by the
18 Secretary of State about OCGA 50-18-70. This isn't
19 optional. You can't choose to not follow Georgia Election
20 Code, okay, or any part of OCGA, really. This cherry-
21 picking is getting ridiculous. I just submitted two Open
22 Records Requests this morning, one to Chatham County Board
23 of Elections and one to the Secretary of State. I hope I
24 will receive my responsive -- initial response in three
25 business days, and that they, you know, the cost --

1 anyway, --

2 MR. RAFFENSPERGER: Next speaker?

3 MS. THOMAS: Next, we have Aklima Khondoker.

4 MS. KHONDOKER: Hello, can you all hear me?

5 MR. RAFFENSPERGER: Yes.

6 MS. KHONDOKER: Thank you for convening this meeting,
7 and thank you to everybody and your wonderful comments. I
8 just want to say that I echo a lot of the sentiments that
9 I heard from William Brown, from Patty Nathan, from Rhonda
10 Martin, from Laura Walker, from other speakers today, and
11 anyone who wants to get in touch to talk about these
12 issues to work together and with the Secretary of State's
13 Office, my name is Aklima Khondoker. My email address is
14 aklima@allvotingislocal.org. I am the Georgia State
15 Director at All Voting is Local. We are a campaign housed
16 with a leadership conference, and we are dedicated to
17 promoting and protecting voting rights.

18 Now, Fulton County's processing issues were apparent
19 because it is one of our most populous counties, not
20 because other counties did not experience issues.
21 Fulton's volume of applications and ballots outpaced other
22 counties, so it makes sense that similar complaints were
23 not wildly publicized. But as Mr. Worley noted at the
24 last meeting, one person denied their vote is too many,
25 and we must work together to ensure that no voter is ever

1 disenfranchised. We, along with other voting rights
2 groups, have recommended that the Secretary of State's
3 Office provide clear mandates and uniformity for all
4 counties to follow not just suggestions, so that
5 processing delays due to an influx of absentee ballots do
6 not jeopardize votes.

7 Specifically, applications must be issued immediately
8 and not held for indiscriminate processing times. The MVP
9 site must also be updated immediately with when
10 applications and ballots are received and processed.
11 Absentee ballots must be sent to voters immediately with
12 enough time for voters to cure any issues, and more staff
13 is necessary to ensure that all counties can process
14 applications and ballots correctly ahead of time. Your
15 office must provide mandatory directions to county offices
16 so that our voters are not disenfranchised in November.
17 Investigating individual counties is not enough.

18 We are open to working with the Secretary of State's
19 Office, to communicating with voters, and helping the
20 process along. Please connect with us. Again, my name is
21 Aklima Khondoker. My email address is
22 aklima@allvotingislocal.org. We are connected with other
23 civil partners in doing this work. Please connect with
24 us. We are happy to work together to ensure that our
25 elections work more efficiently and effectively for all of

1 our voters. Thank you.

2 MR. RAFFENSPERGER: Thank you, ma'am. Next speaker?

3 MS. THOMAS: Next, we have Dawn Ginnaty. You're
4 self-muted right now.

5 MS. GINNATY: Good morning.

6 MR. RAFFENSPERGER: Good morning.

7 MS. GINNATY: Thank you for the meeting and allowing
8 us to speak. My name is Dawn Ginnaty. I'm from Fayette
9 County. I am a proud voter and very happy that we are all
10 on the same page. We all want to have equitable
11 elections. However, what we saw -- the lines that we saw,
12 the suffering that we saw for -- in order for people to be
13 able to vote in the -- in the last several elections is an
14 embarrassment as a Georgian. I'm sure we all feel
15 embarrassed, and that's why we're all here, and we're all
16 -- want to work hard for the next election. And it's this
17 Board's responsibility to make sure that that happens
18 throughout all of Georgia.

19 We should be investigating any -- any long lines that
20 occurred in the last elections and ensure that that
21 doesn't happen going forward. Every person's right is to
22 be able to vote. All the speakers made wonderful points.
23 I especially want the gentleman who had missed -- was
24 unable to vote or his vote wasn't counted, how can -- you
25 know, when you have that, you need to -- we all need to

1 know why that happened. A vote was cast. It was
2 presented, and it wasn't counted. The precinct -- we've
3 heard that there are precincts that are being changed and
4 maybe larger precincts areas. I want to know that -- how
5 are the voters being -- being notified of the changes in
6 their precincts. It's wonderful that the -- there's a
7 large facility in downtown Atlanta that will house a
8 precinct --

9 MS. THOMAS: Thank you, Ms. Ginnaty.

10 MR. RAFFENSPERGER: Thank you. Next speaker?

11 MS. THOMAS: Next, we have Paula Bosworth. You're
12 self-muted right now. You're unmuted. You can speak now.

13 MR. RAFFENSPERGER: Okay. Next person? That's the
14 tenth speaker. Is there one more? That's it? That's
15 everyone?

16 MS. THOMAS: That's all.

17 MR. RAFFENSPERGER: Okay. Great. Thank you for your
18 public comments today. Before we get started with the
19 investigation, we'd like to allow our Board members to
20 make any opening comments that they might have. Mr.
21 Worley or Ms. Le, would you have any opening comments that
22 you would like to share with the Committee and the public
23 before the investigation is opened?

24 MR. WORLEY: This is Mr. Worley. I do have an issue
25 that I want to make a statement on. Earlier this week,

1 Judge Ross in US District Court issued a ruling allowing
2 counties to count absentee ballots that are returned
3 within three days after the election as long as they were
4 postmarked on Election Day. I've had the opportunity to
5 read Judge Ross' ruling. It's carefully thought out.
6 It's a very reasoned decision. I think it sets a standard
7 that is consistent with how we treat military ballots, and
8 I think it's the right thing to do.

9 There were a number of claims that were brought in
10 the case that Judge Ross dismissed, but she did rule on
11 behalf of the Plaintiffs on that one issue, and I think
12 she did so correctly. I was disappointed to read in the
13 paper that the Secretary of State planned to appeal Judge
14 Ross' decision. I don't think that's good or -- I don't
15 think it's good for the State. I also don't think it's
16 good for the voters. I think an appeal or the prospect of
17 an appeal will only lead to more confusion. I think it's
18 important that we have a consistent rule right now that is
19 understood by all the counties.

20 So number one, I would urge the Secretary of State
21 not to appeal Judge Ross' decision. Let's respect it,
22 deal with it, and move on. Second, I intend to inform the
23 Attorney General and our outside counsel in the case that
24 I have no wish to appeal that decision as a party in the
25 case and to instruct them not to file an appeal on my

1 behalf. Thank you.

2 MR. RAFFENSPERGER: Thank you. Do we have any other
3 Board members that wish to speak? Mr. Mashburn?

4 MR. MASHBURN: I -- I'm going to take my mask off
5 just to make my transmission more clear. I also read
6 Judge Ross' opinion, and I appreciate my colleague David's
7 comments. I think, as usual, his comments are well
8 thought out and well spoken. I just happen to disagree
9 with the conclusion that he has drawn in that military
10 ballots have a special place in that we have heroes out on
11 the front lines defending the country in harm's way, and
12 so a little bit of extra accommodation in that regard
13 doesn't bother me.

14 The thing that I am concerned about -- and David and
15 I and the rest of the Board and the Secretary of State,
16 the staff of the Secretary of State, and the counties have
17 been working so hard to respond to COVID, and in fact, we
18 have drawn -- some report had us number one in the nation
19 for responding to COVID in the steps that we have taken.
20 And so the Board has been proactive, the Secretary of
21 State has been very proactive, the staff has been very
22 proactive, and we've worked very, very hard to set up a
23 carefully balanced system. And one of the precepts that
24 I've always followed is that votes should not be cast
25 after the polls have closed.

1 And the judge's order, by allowing votes to be
2 counted as long as they're postmarked by midnight, I fear
3 is going to create a problem with campaign staffs who have
4 now heard the results of the election going to those
5 voters who have absentee ballots that haven't been cast,
6 and -- and -- I fear -- my fear and one of the fears that
7 we've -- as we've crafted, carefully crafted, this system
8 through months and months and months of hard work, has
9 been that we don't want to increase the likelihood or the
10 incentive for ballot harvesting or voter intimidation.

11 And I fear that in the five hours after the polls
12 close and the midnight that these order opens up the
13 citizens of Georgia to intimidation. It opens up to
14 ballots being cast after the polls have closed that will
15 be counted. And therefore, I would instruct please the
16 Secretary of State's Office to immediately appeal, and if
17 they need one of the parties to authorize it, I authorize
18 the immediate appeal, and I hope -- while the majority of
19 that opinion I thought was well reasoned and well thought
20 out, I hope this portion of the opinion will be reversed
21 on appeal. Thank you.

22 MR. RAFFENSPERGER: Thank you, Mr. Mashburn. Do any
23 other members have any comments on any issues that they'd
24 like to discuss before we get into the investigation
25 report?

1 MS. LE: This is Anh Le, and I would just echo some
2 of Mr. Mashburn's thoughts. I -- I definitely appreciate
3 Mr. Worley's thoughts, but I don't think that UOCAVA
4 voters and local voters, in state voters if you will, can
5 be completely compared -- I guess on equal grounds, in
6 terms of availability and resources. For one, we're
7 making special rules for local voters or in state voters
8 such as drop off boxes and other accommodations that
9 UOCAVA voters do not have access to.

10 There's also voters overseas with timing
11 considerations, dates, you know, with how fast and how
12 soon the ballots can get to us here in the state, and
13 sometimes they're a day behind, day ahead. So they're --
14 it can't be completely in parallel. And those rules are
15 made -- or the laws for the three days extra for UOCAVA
16 are to accommodate those differences. And given the
17 resources that we're doing and making available to in
18 state voters, I don't think it's completely correct to
19 make one completely in sync with the other given the
20 different accommodations that they need. And I think for
21 that reason, I would lean towards Mr. Mashburn's thought
22 on this one. Although I very much appreciate Mr. Worley's
23 thoughts as well.

24 MR. RAFFENSPERGER: Thank you, Ms. Le. I will say
25 that we always want to be -- make sure that for our

1 military voters, that we reach out to them. When you
2 think about their dedication and sacrifice, we always want
3 to make sure because they've gone above and beyond the
4 call of duty because when they do sign up for military
5 service, in effect -- I mean, it's in effect a blank check
6 and sometimes that check gets cashed. They pay the
7 ultimate price of their life, so if there's anything that
8 we can do to just extend those three days for our military
9 overseas, then we'll help those folks. And also, if you
10 think about things that we've done in the past, that my
11 father had the opportunity to take advantage of after he
12 fought in World War II -- we've always done these things.
13 I think it's a wonderful thing about our nation, and so I
14 appreciate the comments of Ms. Le about the strong
15 distinction between the sacrifice that the military folks
16 make for our nation, and so we're very grateful for that.

17 With our investigation report, Ms. Watson, we'll turn
18 that over to you with the new case. And then you might
19 have some other speakers, but I'll let you introduce them,
20 if you want to present SEB Case 2020-027. The floor is
21 yours.

22 MS. WATSON: Yes. That's correct. Yes, at first, I
23 would like to have the Elections Director Chris Harvey to
24 say a few words before I present.

25 MR. HARVEY: (sound goes in and out, Mr. Harvey

1 repeats his comments later in the meeting.) Good morning,
2 Mr. Secretary. I just wanted to say a few words before
3 this presentation starts. I don't feel like I need to
4 rehash the comments I made last week regarding the COVID
5 response. (???) I just want to remind the Board members
6 that (???) I also want to say just a word or two about
7 Fulton in response to some of their comments and things
8 that they said, the idea that this is a kind of
9 persecution case of Fulton County. I disagree with that
10 characterization. I think that (???) I think one of the
11 differences here is that we see so many problems sort of
12 rose through the (???) and I think the goal is to identify
13 issues and find solutions in order to work together so
14 that (???) we want to make sure we're working with them
15 and working towards a resolution with them. (???) So I
16 just wanted to remind the Board of the situation that
17 Fulton County and the rest of the state is in (???) and
18 sort of identify that it's not a -- it's not exclusive to
19 Fulton County. It's something that we're dealing on (???)

20 MR. MASHBURN: Mr. Secretary, may I ask that the
21 record from the previous hearing be included in today's
22 record?

23 MR. RAFFENSPERGER: Is there any objection? Hearing
24 none, so ordered.

25 MR. MASHBURN: Mr. Secretary, this is Matt Mashburn.

1 I move that the record from the previous hearing be
2 included -- as unanimous consent, to the record from the
3 last hearing being included in this hearing.

4 MR. RAFFENSPERGER: Any objections? Hearing none, so
5 ordered.

6 MS. WATSON: Okay. I'm ready to present. Again,
7 this was SEB 2020-027, Fulton County, and this is mainly
8 dealing with issues that were presented on Election Day.
9 The -- the first category of complaints involve polls
10 opening late, and we identified 12 locations that opened
11 late, Adams Park Library, Camp Truitt Senior Center,
12 Clifton Church, Jackson Warren T School, Lindsay Street
13 Baptist, Morris Brandon, Park Tavern, Pittman Park,
14 Southwest Arts Center, the Fairmont, Wills Park Recreation
15 Center, and Woodland Elementary School. Two polls
16 received the wrong equipment. They were swapped. One
17 received the other and had to be delivered, which created
18 an issue with them opening late. One of the complainants
19 stated they showed up to vote at 6:45 and at 7, they were
20 still not ready. We were told at 7:30 that they were
21 waiting on supplies. The polls did not open until 7:50,
22 then it took other 40 minutes for the voting to begin.

23 We had many complaints from voters that their polling
24 locations were changed, voters at the incorrect polling
25 location due to the poll location changes and reports that

1 they received no notice of the change. There were 45
2 polling locations that were changed, eight due to
3 renovations, one was closed, and 32 due to COVID-19
4 closures or concerns, and four the reason was unknown, and
5 this was according to Fulton County. Many of the voters
6 received a notice in the mail that was dated May the 22nd,
7 2020, but was not received until after the election on
8 June 9th, 2020. This created confusion and delays at the
9 polls with voters showing up at the incorrect location and
10 not being able to find where they were supposed to go.

11 There were many complaints due to the long lines.
12 Overwhelmingly, the biggest complaint was the long lines
13 and the slow rate that the line was progressing, reported
14 up to wait times of 6 hours. Some of the issues that
15 resulted in the lines were due to some of the polling
16 locations having to be relocated or changes in the polling
17 locations. It created some locations that had many voters
18 that were assigned to that location with not enough
19 resources to process in a timely manner. For example,
20 Park Tavern that had approximately 16,000 voters assigned
21 to the location on Election Day.

22 Poll worker lack of training led to delay in setting
23 up, operation of, and trouble-shooting basic issues with
24 the equipment. The wrong equipment and/or supplies not
25 available created delays in waiting for equipment and

1 supplies to be delivered. The inability of the poll
2 managers and the poll workers to contact the elections
3 office on Election Day: poll managers expressed difficulty
4 in reaching the elections office to report issues,
5 requesting assistance, and verifying voter information.
6 The delay in technical support, an example was Christian
7 City -- City requested a technician at 7:30AM and did not
8 arrive [sic] until 3:30PM.

9 Complainants report the reasons for the long lines
10 were not enough poll workers, poll workers not properly
11 trained, and polls opening late. Forty-nine percent of
12 the poll managers expressed that they did not feel that
13 they were adequately trained at operating the voting
14 machines. Thirty-five percent of the poll managers did
15 not believe they had adequate staff on Election Day.

16 The ADA issues that were reported -- we had two
17 complaints. The second, possibly on Baptist Church
18 precinct, there was no headsets, the ATI, available at the
19 poll site for a voter who experiences blindness to cast a
20 private ballot. Also, at Peachtree Hill Recreation Center
21 polling site, a voter who experiences blindness could not
22 independently verify information and party affiliation on
23 the tablet upon arrival. There was no headset, the ATI,
24 or controller available on site upon arriving. He chose
25 to stay and wait until they could get that equipment there

1 on site. Once it was on site, the poll workers had
2 difficulty in setting it up and operating it. It took
3 over four hours for him to be able to -- to cast his vote,
4 but he stayed and made sure that that was done.

5 Multiple poll locations without the required signs
6 posted: this is also bound to be the case in the August
7 election. When the investigators were out doing their
8 poll monitoring, some of the signs that were not posted:
9 the card of instruction, the notice of penalties, the
10 voting rights poster, voting instructions, and the notice
11 of the elderly. There were no oaths signed by the poll
12 workers at the Messiah precinct in Pittman Park. There
13 was no seal on the scanner at one location, and no poll
14 worker badges at Pittman Park. St. James Methodist Church
15 precinct advised two voters they did not have an extended
16 hours paper ballot with the PPP available for them to
17 vote, so those two voters cast ballots without the PPP on
18 the ballot.

19 We identified training as an issue, a lack of
20 training. The poll managers that we talked to, we asked
21 them what their experience in working at the polls were.
22 We found that, overall, that they were not new to being a
23 poll manager, but they were new to this equipment. Most
24 poll workers had little if any training on the actual
25 machines themselves. The online training that Fulton

1 County offered did not properly prepare the elections
2 staff to conduct the election. They did not know how to
3 set the equipment up. Some reports were that they were
4 having problems turning the machine on. They didn't know
5 to hold the button down for a few seconds to make the --
6 to power on up the equipment. They didn't know how to
7 deal with the issues such as paper jams and error
8 messages. They had great difficulty in reaching anyone at
9 Fulton County to get assistance when they had issues at
10 the poll location. Some precincts had techs and some did
11 not. The poll workers expressed not having enough
12 training in provisional ballots, emergency ballots, and
13 extended hours procedures.

14 Poll managers voiced complaints regarding
15 instructions that were not clear, requested more hands-on
16 training with smaller class sizes, and basic
17 troubleshooting and training on equipment for the poll
18 workers to include mock set-up and closing, training in
19 all the new forms with checklists for each package at the
20 end of the night to make sure everything is included in
21 their packages. Equipment issues that were reported to us
22 from the poll managers in our phone interviews and in
23 their questionnaires: they expressed concerns in the poll
24 pads that they had false positives when scanned driver's
25 licenses. The search looks for various match points, and

1 it's up to the poll worker and the voter to verify the
2 information is the voter, but we're still researching this
3 to verify exactly what the issue is there.

4 The poll pads failed to show the voter registration
5 number, needed to be rebooted, would go offline or fail to
6 sync. If the voter access card was not inserted into the
7 encoder all the way, it wasn't -- it failed to sync
8 properly. The card would not properly encode. This
9 created a situation where the voters would go back, and it
10 would have to be encoded again, which, again, created a
11 delay. The BMDs failed to power on, again, a training
12 issue on how to set up and power on. Display asking for a
13 code: a training issue to identify what the codes are and
14 how to deal with those -- those displays. The need for
15 the BMD to be reset, error signals -- it stopped working,
16 invalid activation code, again, addressed through
17 training. At 8:30 to 9PM, BMDs started to shut down,
18 which, I believe, is a training of how to set up the power
19 supply for the machines.

20 The scanner paper jams, repeated complaint: in our
21 poll monitoring, -- this came up more in Fulton County --
22 there was a metal box that Fulton County had that seemed
23 to have a paper jam. There was some internal ledge that
24 the paper would catch on and would not drop fully into the
25 -- into the box. Again, reported that UPS failed, and

1 they had to be rebooted and that they were too slow.

2 Supplies and forms not provided on Election Day:
3 there were no recap forms provided to the precincts. To
4 resolve the issue, as the machines and paperwork were
5 submitted to the warehouse, the recap forms were completed
6 by other staff with the managers being contacted later to
7 come in and sign the forms. Some did not have the poll
8 zero count sheet, the numbered list form, or provisional
9 inner and outer envelopes. Not enough seals were
10 provided. When they would have to open up the ballot box
11 in order to clear a jam, they would have to take the seal
12 off, and then you have to reseal it, so you're using more
13 seals when you're having to -- having to do that
14 throughout the day. Printer paper, power strips, missing
15 cords for the poll pads, missing extension cord for the
16 carry box, missing log-on passwords for the poll pads --
17 fifty-four percent of the poll managers that we spoke to
18 advised they did not have adequate supplies for Election
19 Day.

20 Our recommendations are that we're recommending that
21 Fulton County Board of Election and Registration and
22 Fulton County Director of Elections Richard Barron be
23 bound over to the Attorney General's Office for the listed
24 violations. If you would like for me to read all of the
25 violations, I would be happy to do so.

1 MR. MASHBURN: I ask for unanimous consent that the
2 violations be included directly in the record.

3 MR. RAFFENSPERGER: Any objections? So ordered.

4 MS. WATSON: That concludes my presentation.

5 MR. RAFFENSPERGER: Okay. Fulton County, if you
6 could speak at that podium there, that way we'll pick you
7 up on the mic.

8 MS. PALMER: Good morning. My name is Amanda Clark
9 Palmer. I'm here on behalf of Fulton County. I was at
10 the hearing last week, so it's nice to see some of you in
11 person, and good morning to everybody else who's on the
12 phone. Yet again, Fulton County finds itself in the
13 crosshairs of this Board for alleged that occurred during
14 the June 9th election. As we said at last week's hearing,
15 the June 9th election was unprecedented in just about
16 every aspect, and the employees of the Fulton County Board
17 of Elections exhibited heroic efforts to conduct a
18 successful and inclusive election.

19 These employees and the volunteers who assist during
20 an election are people who strive every day to achieve the
21 most efficient election process that is possible. Their
22 efforts to maximize absentee voting, early voting, and
23 Election Day voting reflect their belief, shared by all,
24 that our country, state, and county depend on the voting
25 electorate for our democratic system of government to

1 thrive. Not a single Board member, staff member, poll
2 worker, or volunteer has ever shirked his or her
3 responsibility, and they receive very little credit for
4 their work. They do not deserve to be vilified, and yet,
5 that is how they feel right now, being the only county
6 that has been called to account before this Board for the
7 June 9th election. No one who works for the Board or the
8 County Registration and Election Office is perfect. No
9 one is clairvoyant or able to predict natural disasters,
10 such as a pandemic, but they are absolutely above reproach
11 when it comes to their dedication to their jobs.

12 It's not possible to overstate the effect the
13 coronavirus pandemic had on the elections in June and
14 August, to say nothing of the absentee ballots and early
15 voting in the spring and summer months. You heard about
16 that last week, and I'm not going to repeat my comments
17 today, but you know that despite all the challenges Fulton
18 County faced, the staff continued to do their work,
19 handling over 140,000 absentee ballots for the June
20 election, which was a gargantuan increase of the expected
21 amount, and ultimately pulled off an election where
22 233,000 people voted.

23 The State Board did recognize Fulton County's efforts
24 at the hearing last week and yet found probable cause to
25 bind the case to the Attorney General because it seems

1 that a violation is a violation, and that's all it takes
2 to bind a case over. Respectfully, I say that is
3 insulting because it seems only to apply to Fulton County.
4 The issues that Fulton County experienced during the June
5 9th election were not unique to them. I heard some of the
6 callers mention issues with other counties this morning,
7 and we know that many other counties, including ones in
8 our metropolitan area, as well as rural counties that are
9 hours away, experienced long lines, malfunctioning voting
10 machines, and not enough poll workers, just to name a few.
11 All issues caused by the pandemic.

12 If a violation is a violation, then why is it that
13 not a single notice of violation has been issued to any
14 other county in the state for the June 9th election? If a
15 violation is a violation and nothing more must be shown,
16 it would seem that notices of violation should have been
17 issued to virtually all 159 counties in our state.

18 Perhaps the Secretary of State receives more complaints
19 about Fulton County, but Fulton County also has the
20 largest number of voters. Fulton County is where the
21 Secretary of State had its investigators going to various
22 polling locations, looking for any possible election law
23 violations.

24 Now, I'm not here to suggest that that's actually
25 what this Board should do. I don't think you should

1 chastise Cobb County, Gwinnett County, DeKalb County, or
2 Chatham County. I think you should praise each and every
3 one of those counties for their dedication to this
4 election.

5 The Fulton County Election Board and the staff that
6 work tirelessly from March -- really, earlier than March
7 through today to improve voting procedures accept
8 responsibility for the problems that occurred despite
9 their best efforts, and we're prepared to address those
10 violations that are contained in your notice of hearing.
11 We also submitted a letter brief yesterday, which I
12 believe was included in your materials, where we really
13 gave a lot more specifics in responses to some of the
14 allegations, and you know that we're not claiming they
15 were no problems. We recognize there were, and we're not
16 claiming that the election ran flawlessly, and we know
17 there were problems with the machines, and the signage,
18 and the lines, but we explained to you what the cause of
19 those problems were.

20 And I think more importantly, and what I really want
21 to focus on, is the steps that Fulton County has taken to
22 make changes and improvements and things that have been
23 implemented to address those issues that arose in June.
24 And so I want to highlight some of those for your
25 consideration today. First, Fulton County has made

1 arrangements to increase the number of the advance voting
2 locations for the November election to 24. They didn't
3 plan to have only, you know, 5 to 8 early voting locations
4 available for the June pandemic, but with the fears about
5 the coronavirus, as well as the extremely late notice of
6 the renovations to Grady High School, that was really
7 ripped from their control, but they now have made
8 arrangements that are in place to make sure they have 24
9 advance voting locations for the November election. And
10 as you know from our brief, in the June election, there
11 were only 5 locations available at the beginning of the
12 early voting period, and that number increased to 8 by the
13 third of the week -- by the third week of advanced voting.

14 Second, Fulton County has resumed in-person training.
15 They were unable to conduct in-person training for a time
16 period before the June 9th election, but that has been
17 resumed and will be conducted frequently and at regular
18 intervals before the November election. And in fact,
19 there will be some poll workers, you know, by virtue of
20 having worked in the various Election Days coming up to
21 November, who will have received multiple in-person
22 training sessions before the November election. And
23 previously, poll workers had to pass a 10-question
24 examination at the end of the training in order to be
25 certified as a poll worker. That has been changed, and

1 they now have to pass a 20-question examination before
2 they are certified.

3 Third, Fulton County will have a technician present
4 on site at every precinct on Election Day. These people
5 will be available and trained to deal with any technical
6 issues that arise with the equipment. There will also be
7 three call centers available with approximately one
8 hundred operators to answer calls from both poll workers
9 and voters with any concerns on Election Day.

10 We will have -- by virtue of having more locations
11 available, we're going to have fewer voters per location,
12 and that will improve the issue with lines and delays in
13 voting. Fifth, the poll workers are going to have more
14 experience with these new machines, and we fully expect to
15 see fewer technical issues with people not remembering
16 where to go to troubleshoot any problems with the
17 machines. So we will no longer have, you know, people who
18 are novices at working these new voting machines.

19 Sixth, with improved absentee ballot procedures, we
20 expect that absentee voters will not be showing up at the
21 polls insisting on their right to vote, which ultimately
22 causes a delay because the poll worker has to prepare an
23 affidavit and follow some certain procedures in order to
24 cancel that previously requested absentee ballot. And we
25 want to thank and applaud the State for creating the

1 online portal that we think is going to be able to greatly
2 facilitate the absentee voting process.

3 And since we talked about included the minutes from
4 last week, I would ask you all to remember the other
5 comments that we made about improvements in the absentee
6 ballot process that we talked about last week. We can
7 also address if anybody has any questions about the
8 specific alleged violations or any other questions that
9 you have. We have some employees with us here. Rick
10 Barron is here, as well as Nadine is here. Johnny Harris
11 is here. They are employees of the Fulton County Board of
12 Elections. Johnny can speak to training, and Nadine can
13 speak to supply issues and equipment issues, if anybody
14 has any questions for them. So at the end of this matter,
15 this Board should vote to close and dismiss the matter
16 rather than taking any other action. And to be fair and
17 just, you should also thank the hard work of the Fulton
18 County Elections Board and their staff, and they deserve
19 far more than just a simple we bind this over to the
20 Attorney General's Office based on probable cause.

21 MR. RAFFENSPERGER: Are there any other comments
22 anyone on your side would like to make?

23 MS. PALMER: No. That's why we submitted the brief
24 yesterday because otherwise, I think I'd be standing up
25 here for probably 30 more minutes, but if any of the Board

1 members have questions, we do have the people I mentioned
2 who are available to answer them or address them, or I
3 could do that as well.

4 MR. RAFFENSPERGER: Okay. Thank you, Ms. Palmer.
5 Let's hear from the first person who'd like to speak. If
6 they could provide their name, and then expound on the
7 issue that they've had.

8 MS. THOMAS: So the first complainant is Micah
9 Ascano.

10 MR. RAFFENSPERGER: Okay.

11 MS. THOMAS: Yes, sir. You're able to speak now.

12 MR. RAFFENSPERGER: Go ahead, sir.

13 MR. ASCANO: Thank you. So again, I've submitted
14 some comments in writing, and I'll highlight a few points
15 from -- from what I submitted before, but when I showed up
16 to the polling place early, for early voting, I mean, the
17 line was fairly long, but a poll worker told me it was
18 only about an hour wait, and I figured that must be
19 correct because we're all trying to socially distance,
20 space it out, and that would make it longer. About an
21 hour and a half later, they said it was going to be about
22 another hour, and at the end of the day, it took close to
23 four hours. I -- I looked back at my watch and my
24 schedule and realized it was about three hours forty-five
25 minutes from the time I stood in line to the time I walked

1 out the door, and that doesn't include parking or anything
2 else or getting there, which is a good chunk of my day,
3 when I originally intended to take my lunch break, go
4 vote, and get back to work. So I had to manage a lot with
5 my boss to say, like, I'm so close to voting, and then
6 I'll get back to work.

7 But for me, it's -- it's very frustrating to see some
8 people leave the line. One gentleman had his wife pick
9 him up, take him to a gas station to go to the bathroom,
10 and come back because he didn't know if there were
11 facilities at the front of the line or if they were
12 accessible due to the pandemic. There was no food or
13 water offered until I probably got up near the front of
14 the line. I don't know if that's common or part of the
15 voting process because honestly, I've never had to be in
16 the line long enough where I'd think about going to the
17 bathroom, getting water, or needing a snack to stay awake.

18 It -- it was a very frustrating experience that
19 again, I think someone just mentioned that most of the
20 problems were on Election Day. This was early voting. It
21 was four hours in the middle of the day, early voting, and
22 to see people in such miserable conditions and such
23 confusion and not much communication from poll workers.
24 No signage where we were in the back of the line to call
25 anyone to ask for, you know, what's going on, can we fix

1 this -- there was just no communication, no process. And
2 even when we got inside, it wasn't even clear where you
3 could vote. The machines honestly -- because there were
4 multiple sides to the machines, well, we didn't know there
5 was a backside, so consistently I saw one of the backsides
6 of the machines not being used because who would go behind
7 the machine to look to see if you could vote there? It
8 wasn't intuitive, and it was just a very frustrating
9 experience.

10 Again, I've mentioned most of this already in my
11 written comments. But I wanted to reiterate some of those
12 things and just say as kind of extra color commentary that
13 I -- the machines may be new, but the demographic of the
14 poll workers tends to be more older people, who, in my
15 experience, are less technically savvy, and if that's your
16 demographic of people working the polls, you need to have
17 the process and technology to cater to that demographic.
18 I voted in August at the Atlanta Hawks stadium to a much
19 younger demographic who was very comfortable with the
20 technology, and one of them flat out told me it really
21 wasn't that hard, but that's because they're a younger
22 generation who understands technology. And I've
23 personally worked with dealing with process technology
24 with a lot of older employees, and I have to build the
25 process and technology around them at their level, and to

1 me, that just makes common sense, and I don't know if
2 that's a fault of a particular department or the vendor or
3 whoever, but to me, that seems like a fundamental thing.
4 You don't take the highest, most complicated piece of
5 technology and give it to someone who can't turn on the
6 iPad. And sorry, I'm frustrated, but those are my
7 comments, and I thank you for your time.

8 MR. RAFFENSPERGER: Do we have another speaker?

9 MS. THOMAS: That's the only one right now.

10 MR. RAFFENSPERGER: That's it?

11 MS. THOMAS: Yeah. If anyone else would like to
12 speak towards this case, please raise your hand right now
13 or write in the comments box so we can give you a chance.

14 MR. RAFFENSPERGER: Okay. Well, we've heard from
15 Fulton County. We've heard from the complainants, though
16 there may be some other comments. Board members, we have
17 before you SEB Case 2020-027, what comments would you like
18 to make or what questions do you have, or do you want to
19 make a motion about -- what is the disposition of the
20 Board?

21 MR. WORLEY: Mr. Secretary --

22 MR. RAFFENSPERGER: Mr. Worley?

23 MR. WORLEY: I'm sorry. Ms. Le can go ahead.

24 MR. RAFFENSPERGER: No. It's -- Mr. Worley, you go
25 ahead. You spoke up first. Go ahead.

1 MR. WORLEY: All right. I had -- I had -- before
2 making any comments, I had a number of questions for Ms.
3 Palmer.

4 MR. RAFFENSPERGER: Okay.

5 MR. WORLEY: Ms. Palmer, thank you for the letter
6 brief. That was very helpful and cleared up a lot of
7 issues in my mind, but I did want to follow up on a few of
8 the points that you made. First, on page 4 of your letter
9 brief, you have an item 4 that begins, "the complications
10 with absentee ballots," can you see that?

11 MS. PALMER: Yes.

12 MR. WORLEY: Okay. I -- I had a question regarding a
13 statement you make there. You say though the number of
14 absentee voters reduced the number of Election Day voters,
15 this was more than offset by the number of Election Day
16 voters who came to the poll after having registered as an
17 absentee voter, which required the preparation of an
18 affidavit, et cetera. Are you really saying that -- I
19 mean, is that really mathematically possible? Because it
20 seems to me what you're saying is that most of the people
21 who requested an absentee ballot didn't get one, and I --
22 I'm sure that -- I certainly hope that that's not the
23 case.

24 MS. PALMER: Yes, Mr. Worley. What I meant -- not
25 that there was a one for one in terms of the number of

1 voters, but that the people who had to come to the polls
2 because they had some kind of issue with their absentee
3 ballot would increase the amount of time it took for them
4 to vote. You know, it would take longer for somebody like
5 that to vote than it would for somebody who was just
6 coming to vote without having requested an absentee
7 ballot, and so that extra time, you know, would delay the
8 line and impact the, you know, time and speed with which
9 that particular precinct may be able to process their
10 voters. That's what I meant.

11 MR. WORLEY: Okay. Thank you. I had some other
12 specific comments about -- or specific questions about
13 some of your responses that you itemized later in the
14 letter brief. Item two that -- about the Fulton County
15 Board of Elections failed to provide at least one
16 electronic ballot marker, do you see that? I'm sorry.

17 MS. PALMER: Oh, yes. Over on page 5?

18 MR. WORLEY: Yes. On page 5, and you indicate that
19 for item number two the precinct workers were instructed
20 over the phone about where to find the unit and that
21 problem was resolved.

22 MS. PALMER: On Election Day. They -- it was part of
23 the online training that they received, where all of the
24 supplies were located on the carrier, and then on Election
25 Day, there was one precinct that called and said, you

1 know, we can't find the headset, and they were instructed
2 over the phone where to find it.

3 MR. WORLEY: Okay. And then on your response to item
4 three about the necessary Election Day forms, in your
5 response, the second paragraph, you say the zero-county
6 sheet was not provided in the Secretary of State's supply
7 store and Ful -- Fulton County was told not to bother
8 using it. Who -- who told Fulton County that?

9 MS. PALMER: Could you bear with me one second, and
10 I'll get the answer to that for you?

11 MR. WORLEY: Sure.

12 MS. PALMER: I'm going to ask Ms. Williams, who's
13 here in the room. So Mr. Worley, my understanding is that
14 Fulton County was told by their Chief, Mr. Evans, not to
15 use it, and this was -- and Mr. Barron has confirmed that
16 other counties received the same instructions with regard
17 to that particular form.

18 MR. WORLEY: Okay. Thank you. And then finally,
19 there's an allegation that Fulton County -- and this is
20 your response four on page six, for your response to item
21 four on page six. The Fulton County Board of Elections
22 violated OCGA section 21-2-99, instruction of poll
23 officers and workers in election procedures. Could --
24 could you just elaborate on what -- why it is that you
25 think Fulton County is not responsible for that kind of

1 violation?

2 MS. PALMER: Sure. So as I noted in our response,
3 you know, they naturally had limitations with the pandemic
4 on how to provide training that were kind of two-fold.
5 And these -- these were things that were outside their
6 control. Number one, they actually had trained over a
7 thousand people in person before, you know, the pandemic
8 hit. So then the pandemic comes, and now they have a
9 large number of people who had previously been trained
10 call them -- communicate to them and say I'm not going to
11 be a poll worker anymore. Right? I don't feel
12 comfortable doing it. So they lost all of those people
13 that they had previously provided in-person training to.

14 Secondly, given the conditions of the pandemic, and I
15 would again ask everybody to kind of remember what, you
16 know, life was like in March and April. I think that was
17 really before we were wearing masks. It was before, you
18 know, things had started to open back up in our state, and
19 people were -- were really reluctant to leave their homes,
20 which necessitated that Fulton County had to develop an
21 online training within a very short time period. And they
22 did that. It was -- Mr. Harris, am I correct? Was it a
23 three-hour online training for --

24 MR. HARRIS: Closer to four.

25 MS. PALMER: Closer to a four-hour online training

1 session that they developed. It was offered multiple
2 times, and then they also did webinars with their poll
3 workers right before the June 9th election, where the poll
4 workers could call up and ask questions, and it was, you
5 know, more of an interactive thing. You know, look, I
6 recognize that virtual training, especially when you're
7 dealing with new equipment, is not as good as in-person
8 training, but I just -- given the limitations that they
9 were facing at that point in time, I don't know what they
10 could have done differently. You know, we're dealing with
11 new machines.

12 I want to echo something that the complainant said
13 when he called. It does turn out that most poll workers
14 tend to be older. I think there are plenty of people of
15 all ages who are comfortable with technology, but I think
16 it's fair to say as a general rule maybe people who are
17 older are less comfortable with technology, and I'm
18 certain that has some kind of impact when we're talking
19 about this particular issue.

20 But they had a multi-hour training session. They
21 gave a test at the end of it to certify that people were,
22 you know, paying attention and retaining the important
23 information. You know, I just -- I don't know how you can
24 turn at Fulton County and say well, if there were problems
25 at the polls that day, you know, with people who -- who

1 didn't retain the information, you know, maybe because
2 they didn't have that hands-on experience or for whatever
3 reason. I don't see how Fulton County should be held
4 responsible for that violation, given all the other
5 circumstances that were at play.

6 MR. WORLEY: Thank you. Those are all the questions
7 that I have. I'll have some motions to make at the
8 appropriate time.

9 MS. LE: I have a question for Ms. Palmer. This is
10 Anh Le.

11 MR. RAFFENSPERGER: Go ahead, Ms. Le.

12 MS. LE: Ms. Palmer?

13 MS. PALMER: Yes.

14 MS. LE: I just wanted to ask if you can clarify -- I
15 think you did -- you clearly laid out all the different
16 steps that Fulton County took in training the poll
17 workers, and in abstract, it sounds good in the sense that
18 there's a test and the materials fit together,
19 opportunities -- multiple opportunities to ask questions -
20 - as interactive as virtual can get. But given that it
21 still fell short and in your words, not as good as in-
22 person training, can you elaborate on what can -- what has
23 been done, other than going through the steps in terms of
24 substance and achieving that end result which is getting
25 trained poll workers sufficiently trained, regardless of

1 the method of training, whether it's in person or online,
2 adequately and sufficiently trained and ready for this and
3 future elections? I don't think that the age gap should
4 be -- I think it's a consideration in terms of if someone
5 isn't as familiar with technology, but your training
6 sessions, I'm assuming, should address all the different
7 levels of -- of familiarity with technology. I'm
8 assuming. So could you elaborate on how your county,
9 Fulton County, is going to close that gap that they
10 clearly missed in this last election, in terms of
11 training? Even though I understand some steps were taken,
12 I'm looking for substance. Thank you.

13 MS. PALMER: Sure. I'd be happy to. So Fulton
14 County, as I said before, has resumed the in-person
15 training. It's offered multiple times at different
16 locations throughout the county so that there are plenty
17 of opportunities to be trained. I was just observing, on
18 Tuesday I believe, down at the building that the Fulton
19 County Board of Elections offices are in. They were
20 conducting an in-person training. It was a small class
21 size so that, you know, people could ask questions. They
22 had the equipment in front of them to use it and interact
23 with it.

24 And then as I said before, they're -- we're going to
25 have poll workers who because they have now worked

1 multiple elections have more familiarity with the
2 equipment, so they're going to have that kind of
3 institutional knowledge that they bring with them. And
4 then also as I said before, we're going to have
5 technicians at every site in the November election who
6 will be on site and dedicated to that precinct, you know,
7 to be there to troubleshoot any problems there may be, and
8 we've expanded -- the number of people who were the call
9 center for the June 9th election was also impacted by
10 COVID. It was a lower number than Fulton County had
11 wanted to and anticipated having, and so they now have --
12 they will have a hundred people in the call centers for
13 the November election. So those few steps that I've just
14 outlined will address that issue that you raised.

15 MS. LE: Thank you.

16 MR. RAFFENSPERGER: I understand that we now have
17 four complainants. If we could have the first additional
18 complainant -- if we could have the first one?

19 MS. THOMAS: So first, we have Cigdem Oktem. You're
20 unmuted, and you can speak now.

21 MR. OKTEM: Thank you. I hope you all can hear me.

22 MR. RAFFENSPERGER: Yes.

23 MR. OKTEM: Perfect. Thank you. My name is Cigdem
24 Oktem, and I just wanted to share a couple of thoughts
25 here. I echo the comments that have been shared by

1 others. I also was in the four-and-a-half-hour line to
2 vote, encountered the kinds of issues that are being
3 discussed, but beyond that, I also observed -- because I
4 did do the subsequent vote, you know, did the subsequent
5 voting opportunity that we had and did that in a different
6 location. And so here's something that I think is worth
7 considering.

8 Given the fact that the current process requires
9 voters to go through three separate lines to register, to
10 check in and get the key card to then vote, and then to
11 turn the key card in, if everything goes smoothly, we're
12 still talking 6 to 7 minutes, and that was a concern. As
13 I think about anticipating the kind of volume we're going
14 to talk about for the fall, for the November elections, so
15 I wanted to just be clear here that as you all are
16 thinking about and very thoughtfully addressing the
17 changes that are needed to ensure everything goes as
18 smoothly as possible, the fact that the process itself
19 even under the best circumstances does require a certain
20 amount of time -- I hope that's being taken into account
21 so that that's part of the assumption in looking at how
22 many locations would be sufficient, how many poll workers,
23 et cetera. Because that was a big concern that I noted
24 when I kind of took a step back from the in the moment and
25 looked at the overall process.

1 And just one thing to reflect on as well as I'm
2 listening to the conversation here, there is one thing
3 that is a little disconcerting which is I recognize that
4 there was a crisis afoot and that impacts things, but most
5 organizations have, you know, scenario planning and crisis
6 planning scenarios that they walk through in advance so
7 that when unexpected issues come up, there's at least some
8 sort of sense of a plan or what could be done. I haven't
9 heard any of that, so to the extent that that's something
10 worth considering for the future, I wanted to bring that
11 up because most organizations these days both non-profit
12 and for-profit are really dialing up their crisis planning
13 and their scenarios because things happen that are
14 unexpected. So I just wanted to share my thoughts on
15 these and again, went through the painful process that
16 everybody else has spoken about and beyond the
17 observations I had, which they have already shared so I
18 don't want to repeat it, the fundamental underlying
19 process itself, I think, calls for looking more closely at
20 the number of resources that are needed to ensure
21 everything goes smoothly. So thank you.

22 MR. FLETCHER: Hello? Can you hear me? Hello, can
23 you hear me?

24 MS. LE: Hello, this is Anh. I can hear you, but I
25 don't hear anyone else.

1 MS. THOMAS: We can hear you. We can hear you.

2 MR. FLETCHER: (distorted sound) My name is Maceo
3 Fletcher. I'm from Fulton County. I would like to say
4 hello to David Worley. We've worked on campaigns in the
5 past together. But my question is why is it that there's
6 always problems centered around minority areas, whether
7 it's the polls being moved or polls being closed or
8 merging the polls or different aspects, but it's always
9 something preventing a mass of people from voting. And
10 they can't vote because there's a problem or a technical
11 difficulty, and we know because we see them out there.
12 Jesse Jackson came in and the ACLU found it was
13 suspicious, so it seems like there's always some sort of
14 voter suppression in the minority areas. I can't hear
15 anything. Can you fix the audio, please? This feels like
16 voter suppression right there.

17 MR. WORLEY: Hello, this is Mr. Worley. Did Ms.
18 Palmer want to respond to that?

19 MR. RAFFENSPERGER: Would anyone like to address any
20 of the comments or questions that they brought up?

21 MR. HARVEY: I hope you're not talking about the last
22 call. I couldn't understand it. Okay. But generally,
23 the questions or comments that have been made -- and I
24 understand there may have been some difficulty hearing me
25 when I made my comments at the beginning of the meeting,

1 so I'll -- I'll reiterate them again, I think, for the
2 people on the webcast. Again, I wanted to just reiterate
3 what I said in the previous meeting about the situation
4 that Fulton County and the rest of the state were under in
5 the June election. All those comments made then, I would
6 repeat them, but save everybody the time to actually go
7 through that.

8 Some of the questions -- and I responded also at the
9 beginning of the meeting to the issue or the idea that
10 Fulton County was somehow being unfairly singled out or
11 criticized. I don't think that's -- that's an accurate
12 characterization. The numbers of complaints we got and
13 sort of the depth and scope of the complaints indicated to
14 me that there were some pretty fundamental issues that we
15 wanted to make sure we got resolved before November. Yes,
16 there were other counties that had problems, and frankly,
17 there are a number of other counties that have
18 investigations that are being undertaken by Ms. Watson and
19 her team, and they will eventually get their time going.

20 The fact was that when Fulton County had some -- some
21 real obstacles and some real road blocks, they had a much
22 harder time recovering as the day went on, and they
23 weren't able to get ahead of it. Other counties had
24 issues with delivery of equipment. They had lines. They
25 seemed to be able to recover a little bit. And so, as I

1 mentioned I think last week, the day after the election, I
2 walked down to the Fulton County Office and sat in Mr.
3 Barron's office, and we spoke for about two hours, and we
4 talked about what can we do to make this try to work?
5 What can we do so this doesn't happen again? What
6 resources do you need? What can we do to help you guys?
7 Because as everybody knows, it's the county that actually
8 runs the elections. We certainly support. We certainly
9 create an environment, hopefully, where they can be
10 successful, but really, we don't open any polling places.
11 We don't deploy equipment. We don't select poll workers,
12 train them, and things like that.

13 So over the -- the, you know, series of the last
14 couple of weeks since June -- or couple of months, I guess
15 now, I've had regular communication with Mr. Barron and
16 members of his team. I think we've made a lot of
17 progress, but again, to why we're here today is because I
18 think it was important that -- that Fulton County
19 understood the gravity of what was going on, and if we saw
20 the similar kinds of systematic problems that we saw June,
21 regardless of what the COVID situation was, we thought
22 there were going to be problems.

23 I've said before that if somebody had told me in
24 January or when we were at our conference in December of
25 last year -- if somebody had told me that deploying a new

1 voting system would be the fifth or sixth hardest thing we
2 would have to do in elections this year, I think I would
3 have, you know, quit and done something else. The fact is
4 all these issues that came up that Fulton County dealt
5 with were problems that every county dealt with. You
6 know, some really rose to the challenge. Many were, you
7 know, had challenges and had issues that they were able to
8 deal with.

9 So my thought in this is that we want to continue to
10 build partnerships with counties. We want to solve
11 problems. We want to leverage our office's ability to
12 provide solutions so that when the voters go to November
13 or when they actually start in mid-October, early October,
14 they have a great experience and that Fulton County is
15 able to provide the level of service for the county that I
16 absolutely know they intended. But I know Mr. Barron, I
17 know Mr. Jones, I know Chairperson Cooney are interested
18 in providing for the citizens of Fulton County.

19 If I could just mention a few things that we've done
20 in partnership with Fulton County that I think are moving
21 towards to that end, like I said, I probably speak with
22 Mr. Barron once a week. We have large county conference
23 calls with the ten largest counties in the state so that
24 we can address their specific needs and specific issues.
25 We've talked about having -- basically exchanging liaisons

1 on Election Night so that Fulton County has somebody in
2 our command center, and we have somebody in their command
3 center so that we can have immediate communication back
4 and forth. We don't have to miss phone calls and wonder
5 what's going on.

6 One of the things that we knew was a problem was the
7 absentee portal, and we launched that last week, and it
8 has been really a tremendous success. I think everybody
9 recognizes that. I know when we have some of our regular
10 callers of the State Election Board, when they're praising
11 our efforts of the election absentee ballot portal, you
12 know that it's a success, and we've seen over 50,000 --
13 we've got about 10,000 absentee ballot applications a day
14 on that portal, and counties are responding incredibly
15 well.

16 And we've sent over 4,000 applications to Fulton
17 County for people that want to become poll workers. As a
18 matter of fact, I had a conversation with Mr. Barron after
19 this last week and the week before about what they're
20 going to do with all these folks, and how they, you know,
21 they can't even absorb all that, so they're going to build
22 a reserve list, and they're going to have people as
23 backups, and they're going to maybe offer some of those
24 people to be Dominion technicians.

25 So the fact that I think the Secretary of State's

1 Office and Fulton County recognized immediately that there
2 were some problems and that we've worked together -- I
3 told Mr. Barron that I knew that -- that issues would come
4 up in the press and public things would be said, but it
5 was my commitment that we work together in a partnership
6 so that the citizens of Fulton County, the citizens of
7 Georgia, are best served, and they're the ones that get to
8 vote. And I think we've been largely successful to that
9 end, and I think this hearing is kind of a continuation of
10 that process, and as was mentioned by several Board
11 members last week, the real goal is to have a successful
12 election in November and to identify the things -- it's
13 encouraging to hear some of the responses that were
14 presented that Fulton County's already done to improve it,
15 so I think we're on the right track. I want to continue
16 that partnership. We've got about two months to go, and I
17 think everybody -- I know everybody at the Secretary of
18 State's Office and I believe everybody at Fulton County
19 wants to make this the best election that Georgia's ever
20 seen.

21 MR. RAFFENSPERGER: Well, Board members, I'll put it
22 back in your hands. This is before you. I don't know if
23 you have any comments or if you want to make a motion.

24 MR. WORLEY: Mr. Secretary, this is David Worley.
25 I'm -- I'm having a little trouble hearing you.

1 MR. RAFFENSPERGER: Mr. Worley, it's back to the
2 Board. Do we have any comments or does anyone want to
3 make any motions at the present time. Ms. Le? Mr.
4 Mashburn? Mr. Mashburn has a -- the floor is yours.

5 MR. MASHBURN: First, I think Fulton County's
6 attorneys have made an excellent presentation today.
7 Fulton County has been well-represented, and their
8 attorneys have done an excellent job and have presented
9 their case very well. One thing that I did appreciate was
10 when there was something that needed to be admitted, they
11 just admitted it rather than fight every single last point
12 to the bitter end, so I think that helped a lot.

13 One thing I would like to address though specifically
14 is I might have misread the letter last night, but I read
15 that Fulton County was being vilified, and I heard today
16 during the excellent presentation by the attorney that
17 they felt vilified, and so I wanted to -- I wanted to kind
18 of address that in that I've been down at Fulton County as
19 a member of the public observing, credential poll watcher,
20 credential tabulation person for over 30 years, and I've
21 never been treated with anything other than respect and
22 kindness and friendliness and helpfulness, and so I don't
23 believe this Board or the Secretary of State and certainly
24 not I have any intention to vilify anyone at Fulton. I've
25 been very respectful -- or very appreciative of the

1 kindness that they've shown me through these years or the
2 friendliness and count them as very kind and diligent
3 public servants, and I appreciate all the work that we
4 have -- that they do for the citizens of Fulton County and
5 Georgia.

6 But -- and so I want to be very clear that the
7 takeaway from at least my comments and I think I hear the
8 Board saying the same thing was not that the county
9 workers go home and say that we've been picked on or
10 vilified, and that was their takeaway. So I just wanted
11 to be real clear about that. Being the junior member of
12 the Board, Mr. Worley, my colleague indicated that he was
13 prepared to make a motion, and so I would yield the floor
14 back with the Secretary's permission to Mr. Worley for his
15 motion.

16 MR. RAFFENSPERGER: Mr. Worley, the floor is yours.

17 MR. WORLEY: Well, before I make the motion or maybe
18 a series of motions, I just wanted to make some general
19 comments. First of all, the problems that were
20 experienced on the primary Election Day were not unique to
21 Fulton County. I think we need to recognize that and
22 address that and I think the -- I hope and I do think the
23 Elections Division is addressing that problem with other
24 counties, and there, I expect, will be complaints filed
25 against other counties as a result. But when -- when 20

1 counties in the state have to hold their polls open beyond
2 7PM, clearly that's a problem, and it's obviously not
3 isolated to Fulton County. I also think that some of the
4 problems that were brought to our consideration today were
5 directly related to the pandemic, to poll workers not
6 showing up, to longstanding precincts deciding that they
7 no longer wanted to be precincts -- polling locations,
8 that is, and I don't really know -- I mean, I think that
9 Fulton County handled that as best as they possible could.

10 So that being said, I also think that we need to
11 consider the complaints that we have today in light of our
12 past practice in similar situations, and it's generally
13 been our practice, and I think it should remain our
14 practice, that we take into account how responsive the
15 county has been, how willing the county has been to
16 correct problems that we're dealing with. And I do think
17 that Fulton County has been very forthright, very
18 cooperative in dealing with these problems. They
19 certainly are taking these matters very seriously and
20 working very hard to make sure that these issues don't
21 come up again in November.

22 So with all that being said, there are a couple of
23 the items that have been complained about that I think
24 ought to be dismissed. And the first is the failure of
25 the Board of Elections to provide at least one electronic

1 ballot marker that meets the requirements to be accessible
2 to individuals with disabilities. It seems clear from the
3 evidence that Fulton County actually did provide that
4 equipment. The poll personnel were not able to find it
5 immediately, but they did eventually find it, but that
6 Fulton County did provide that. So I would make a motion
7 that that alleged violation be dismissed.

8 MR. RAFFENSPERGER: Do we have a second?

9 MS. LE: Mr. Worley, I'd like to just add a thought
10 to that. For that one voter, I think -- let me rephrase.
11 I think this is a training issue, and it's something that
12 Fulton County has spoken about either, but it's also
13 something that's in control of the Fulton County, I guess,
14 poll workers or their domain in the sense that, you know,
15 for that one voter who comes in and needs -- and it takes
16 a while or in some cases, if they can't find it, that one
17 voter, it affects him one hundred percent.

18 So I move to -- I would not support the motion to
19 dismiss that because it's something they could address in
20 voting, and I would echo everything you say and Mr.
21 Mashburn is saying. I haven't been in elections on the
22 operations side. I do appreciate the nuances and the
23 challenges that come with every day, under normal
24 circumstances, let alone under a pandemic. I mean, that's
25 -- it's hugely challenging to say, and that's an

1 understatement. So I do appreciate what these counties,
2 the challenges they may go through, and it's not lightly
3 that I say that because I know it's challenging. But
4 we're in the business of ensuring the right to vote, not a
5 privilege to vote but the right to vote is carried out to
6 the best that we can. And I think in that case, I would
7 not want to dismiss -- in the case of -- I think you're
8 talking about number two -- to dismiss that, but lead that
9 back in so that the Fulton County Board can address in
10 terms of the training. So I would not support that
11 motion.

12 MR. RAFFENSPERGER: Do we have a second? Motion
13 fails due to lack of second.

14 MR. WORLEY: Okay. Thank you.

15 MR. RAFFENSPERGER: Do you have any other --

16 MR. WORLEY: Yes. I have some other motions. The
17 next motion -- and this is item three in the letter brief
18 of Fulton County. The allegation is that the Board of
19 Elections failed to provide necessary Election Day forms,
20 and it seems that the only form that is at issue is the
21 zero-county sheet, which was not provided in the Secretary
22 of State's supply store, so I would move to dismiss that
23 allegation.

24 MR. RAFFENSPERGER: Well, they mentioned the
25 Secretary of State's Office -- they can address whether

1 the Secretary of State's Office provided that form. Ms.
2 Watson or Mr. Harvey?

3 MS. WATSON: Yes. There was additional forms: the
4 recap form was not provided to any of the precincts, and
5 the numbered list form, and the inner and outer
6 provisional envelopes were not provided. They were
7 provided, but they ran out, and they had to be resupplied
8 at some locations. Some locations didn't receive the
9 necessary supply. I'm sorry?

10 MR. RAFFENSPERGER: Was that a Fulton County issue or
11 a Secretary of State issue?

12 MS. WATSON: That was -- Fulton County did not
13 provide those.

14 MR. RAFFENSPERGER: Okay. We have a motion. Do we
15 have a second? Hearing none, motion fails. Do we have
16 any other motions?

17 MR. WORLEY: Yes. I have two other motions that I
18 would make. Well, three other motions. Let me -- let me
19 start with the items that are indicated as items five
20 through seventeen in the letter brief that Fulton County
21 submitted. Those do appear to be the minor types of
22 violations for which we normally issue a letter of
23 instruction to Fulton County or to any county, and so I
24 would make a motion that we send a letter of instruction
25 to Fulton County on the items listed as numbers five

1 through seventeen in their letter brief.

2 MR. RAFFENSPERGER: Do we have a second? Do we have
3 a second?

4 MS. LE: I would respectfully modify that motion to
5 items six through seventeen.

6 MR. WORLEY: I'd accept that as a friendly amendment.

7 MR. RAFFENSPERGER: Okay. So we have that before us,
8 items six through seventeen. Any further comment on that?
9 All those in favor of that motion?

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Motion carries. Okay.

12 MR. WORLEY: And then I would have two further
13 motions, Mr. Secretary. The first would be relating to
14 item four in the letter brief, which is the allegation
15 that Fulton County violated the code by its training of
16 voters, failure to properly train the voters -- I'm sorry,
17 the election workers. It seems to me that under all the
18 circumstances here of the pandemic that everyone is
19 dealing with that Fulton County did the best that they
20 reasonably could be expected to do under the circumstances
21 of the pandemic. And so I would move to dismiss that
22 allegation.

23 MR. RAFFENSPERGER: Do we have -- is that a motion?

24 MR. WORLEY: Yes. That's a motion.

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

1 a second? Motion dies due to lack of second. Do we have
2 any --

3 MR. WORLEY: Okay. And then I'd have one --

4 MR. RAFFENSPERGER: Go ahead.

5 MR. WORLEY: -- final motion. And this relates to
6 the first item in the letter brief about polling places
7 not being open. Apparently, there were 12 polling places
8 that were not open on time. And again, I think we have to
9 consider this in light of the pandemic and the large
10 number of precincts that were -- where the church or the
11 school decided, often at the very last minute, that they
12 would not be a polling place. Again, I don't think that
13 is something that is within Fulton County's control to
14 such an extent that we should hold them responsible for a
15 violation of the code because the election precinct opened
16 somewhat late. I just don't think that that's fair or
17 reasonable.

18 I also don't think we should be in the business of
19 referring to the Attorney General every time a polling
20 precinct opens somewhat late. There are remedies for
21 that. When those precincts are open late, they are held
22 open late in the evening, and they should be, obviously.
23 And I don't want to encourage any county to not work
24 extremely diligently to open the polls on time. That has
25 to be done for the adequate operation of our election

1 system, but given that there were 12 locations out of well
2 over 150 locations that Fulton County operates and that
3 those seemed to be, based on the evidence, related to
4 these in many cases unforeseeable precinct changes --
5 polling location changes -- I don't think it's appropriate
6 to bind that over to the Attorney General's Office. I
7 would make a -- so at the very least or at the very most,
8 I think we should send a letter of instruction because of
9 that, but I do think it's more appropriate under the
10 circumstances that that allegation be dismissed, and I
11 would make a motion that it be dismissed.

12 MR. RAFFENSPERGER: Do we have a motion -- a second
13 to dismiss? Hearing none, motion fails.

14 MR. WORLEY: Then, Mr. Secretary, I'd make one final
15 motion to send a letter of instruction to Fulton County
16 regarding the 12 polling locations that were not available
17 at 7AM.

18 MR. RAFFENSPERGER: Do we have a second? Hearing
19 none, that motion fails also. Do we have any other Board
20 members that would like to speak or present a motion?

21 MS. LE: I just want to add to -- or comment on Mr.
22 Worley's thoughts on the polling -- this is Anh Le, for
23 the record -- thoughts on the polling places opening late.
24 We have in the past, if I recall correctly, sent to the
25 AG's Office polling places that don't open on time for

1 various reasons, and -- and I think you're right, Mr.
2 Worley, to the fact that, you know, this is caused a lot
3 by the pandemic, but the fact that it opened late -- we
4 have bound it over for -- part of the reason being for
5 that voter who comes at 7, asks for time off or to come in
6 late to work to vote, and has to leave because the polling
7 place didn't open. You know, again, for that one voter,
8 that is one hundred percent denial of that person's right
9 or impairment of that person's right to vote, even if we
10 were to extend it to 8, 9, 10 o'clock at night. So it is
11 very much important that when we say we're going to open
12 on time at 7 o'clock that we do, in fact, open on time.
13 So for that reason, I don't take it lightly that when
14 we're supposed to open at 7, that we don't -- for the
15 simple fact that we compensated late at night, to me, is
16 not parallel compensation.

17 So for that reason, I move to bind the rest of the
18 items to the AG's Office, not in the spirit of
19 prosecution, but hopefully, in the spirit of finding --
20 having more time to work it out with Fulton County to find
21 a viable resolution to these problems so that we can
22 mitigate them in the future and perhaps as a model for
23 other counties who may encounter similar problems in the
24 future as well. I think there's a lot of hope for that,
25 and I think that we can achieve that. So I'm not asking

1 to bind over so that we can prosecute or vilify Fulton
2 County in any way, but perhaps to give it more time so
3 that we can -- the Secretary of State's Office and the
4 AG's Office and Fulton County can collaboratively work out
5 a more meaningful path going forward on those items.

6 That's my motion.

7 MR. MASHBURN: Second.

8 MR. RAFFENSPERGER: We have a motion. Oh, second.

9 Any further comments?

10 MR. WORLEY: I'd like to just make a couple of
11 comments. This is Mr. Worley, for the record. First of
12 all, I appreciate the comments that Ms. Le has made, and I
13 certainly agree that every, you know, every voter who is
14 inconvenienced by the polls being open late is a serious
15 problem. But I'm afraid that we've adopted a standard
16 here which means that every time now a poll is held open
17 late because it opened late in the morning, that we're
18 going to have to refer that to the Attorney General for
19 investigation. And that happened in 20 counties on
20 primary day so I fully expect that we will get reports
21 from the Secretary of State on each of those counties and
22 that we will refer those over to the Attorney General for
23 investigation, each one of those. That's the standard
24 that we seem about to set, and I don't think that's the
25 right standard to set.

1 Beyond that, I just want to make one final comment.
2 Last week, for the issue of absentee ballot applications,
3 I took the position that those needed to be referred over
4 to the Attorney General because that was a very serious
5 situation of denying persons their right to vote. That
6 situation to me was a much more systemic problem that took
7 place over a long period of time that was not related as
8 directly to the pandemic as the Election Day issues that
9 we've been dealing with today. So just by way of
10 explanation, I just wanted to explain that that's the
11 distinction that I made and the position that I took last
12 week and this week. Thank you. That's all.

13 MR. RAFFENSPERGER: Mr. Mashburn, do you wish to
14 speak?

15 MR. MASHBURN: Yes, sir. For the discussion before
16 we vote on the motion, I don't -- I'm not voting on the
17 motion on the basis that we have agreed that every single
18 late opening precinct is a referral. I'm -- I see a big
19 difference between one precinct opening late because say
20 as an example, the fire department failed to bring the
21 keys on time at 6:30 in the morning, and so they're --
22 they've fixed the problem, but they did open late. But 12
23 is a different matter than one, so I am going to vote for
24 the motion, but I -- I don't believe that my vote is
25 setting a standard that every single late-opening precinct

1 is a cause for referral.

2 MR. RAFFENSPERGER: Any other additional comments?

3 MS. LE: And this is Anh Le, and those are my
4 thoughts as well. I do not think this is the one size
5 fits all, blanket standard, that any time for any reason
6 whatsoever -- as with every case that's come before us,
7 there are lots of facts, and it's facts-based. So, and,
8 you know, to the extent that it is out of -- completely
9 out of the county's control and not something that they
10 can address through training or better practices, then I
11 think that deserves a different look than something that's
12 otherwise under their control and could be improved with
13 training. So my motion also does not mean it's a blanket,
14 universal, any time you're late you'll be bound over to
15 the AG's Office for prosecution.

16 MR. RAFFENSPERGER: Hearing no further comment, all
17 those in favor of the motion as presented, signify by
18 saying aye.

19 THE BOARD MEMBERS: Aye.

20 MR. RAFFENSPERGER: Those opposed?

21 MR. WORLEY: No.

22 MR. RAFFENSPERGER: Motion carries. Okay. There's
23 some other items on this list. What is the will of the
24 Board?

25 MR. MASHBURN: I think we got them all. Did we?

1 MR. WORLEY: I think Ms. Le's motion was to refer
2 everything other than the items that we had voted on a
3 letter of instruction on to the Attorney General.

4 MR. MASHBURN: I agree. Yes, I agree. That was my
5 understanding.

6 MR. RAFFENSPERGER: Okay. Great. So that concludes
7 our work then. Do we have any additional comments from
8 any of the Board members?

9 MR. MASHBURN: Before we adjourn, I would like to
10 make one additional comment, and that is I would like to
11 commend the Secretary of State and the staff for the
12 online portal. I used it myself, and the whole process
13 from beginning to end took less than a minute, and that
14 included a confirming email that I received, as well as an
15 online message that confirmed it, so I just think that was
16 a terrific rollout. It worked perfectly, and the whole
17 process took me less than a minute from beginning to end,
18 so I just wanted to take a minute to commend the Secretary
19 and the Secretary's excellent staff for getting this up
20 and running and just did a great job with it.

21 MR. RAFFENSPERGER: Any other members? Mr. Worley?
22 Ms. Le?

23 MR. WORLEY: This is Mr. Worley. I have heard good
24 reports about the portal as well, and I commend the
25 Secretary for getting that rollout done. Of course, the

1 proof is in the pudding, and Mr. Mashburn will be very
2 happy when his ballot comes shortly after September 19th,
3 I guess. And I just hope everything continues well with
4 the operations of that portal. Does the Election Division
5 have any figures yet as to how many people have used the
6 portal so far?

7 MR. RAFFENSPERGER: I believe we're at 80,000 right
8 now. Mr. Harvey is shaking his head yes. And I think
9 we're adding fifteen to twenty thousand a day, so it's
10 been very well received.

11 MR. WORLEY: Well, that's excellent news. Thank you.

12 MR. RAFFENSPERGER: Thank you.

13 MS. LE: This is Anh Le. I've also used the portal,
14 and it's -- it's great. I had a great experience with it.
15 Thank you.

16 MR. RAFFENSPERGER: Now would be the appropriate time
17 for a motion for adjournment, if anyone would like to so
18 move.

19 MR. WORLEY: So moved.

20 MR. MASHBURN: Second.

21 MS. LE: Second.

22 MR. RAFFENSPERGER: All those in favor?

23 THE BOARD MEMBERS: Aye.

24 MR. RAFFENSPERGER: We are adjourned. Thank you.

25 (Meeting adjourned 10:52AM)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 71 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 28th day of September, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

September 10, 2020

Steven Ray Green Court Reporting, LLC
404 733 6070

THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

September 10th, 2020
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

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Frances Watson

Ryan Germany

Chris Harvey

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

(???) - Audio feed unclear

-- Break in speech continuity.

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

Quoted material is typed as spoken.

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1 PROCEEDINGS

2 MS. THOMAS: Good morning. We're going to go ahead
3 and get started with the meeting. If you would like to
4 make a public comment, please go ahead, and raise your
5 hand now, or write in the questions box that you would
6 like to make a public comment. You can go ahead,
7 Secretary.

8 MR. RAFFENSPERGER: Good morning, everyone. This is
9 Brad Raffensperger. Thanks for bearing with us. We had
10 five minutes of technical difficulty upgrading, so thank
11 you for bearing with us. I'd like to call this meeting to
12 order, and right now what we'll do is invocation and
13 Pledge of Allegiance, so I'll read that.

14 (Invocation)

15 (Pledge of Allegiance)

16 MR. RAFFENSPERGER: Now, before we get started, I'd
17 like to go ahead and call roll call. Rebecca Sullivan,
18 are you --

19 MS. SULLIVAN: Present. Present.

20 MR. RAFFENSPERGER: Hi, Rebecca.

21 MS. SULLIVAN: Hi. Good morning.

22 MR. RAFFENSPERGER: Good morning. Ms. Anh Le?

23 MS. LE: Good morning. Present.

24 MR. RAFFENSPERGER: Good. Mr. David Worley?

25 MR. WORLEY: Present. Good morning. Good morning.

1 MR. RAFFENSPERGER: Good morning. Okay. Mr.
2 Mashburn? I think he'll be joining us a bit later, so
3 we'll get started. We have a forum to begin. Before us,
4 we have the updated minutes. If everyone's had a chance
5 to look at that, I think we recorded everyone's roll call
6 votes -- our votes last time, got that correctly. Has
7 everyone reviewed that? Are there any additional changes?
8 If not, now would be the appropriate time for a motion.

9 MS. THOMAS: And Mr. -- Mr. Mashburn is here.

10 MR. RAFFENSPERGER: Oh, great. Good morning.

11 MR. MASHBURN: Good morning, everyone.

12 MR. RAFFENSPERGER: Okay. The minute meetings, do we
13 need any changes, or are those correct? Now would be a
14 good time for a motion if they are correct.

15 MR. WORLEY: This is Mr. Worley. I'll make a motion
16 to approve the minutes.

17 MR. RAFFENSPERGER: Thank you, Mr. Worley. Do we
18 have a second?

19 MS. LE: I'll second that motion. This is Anh Le.

20 MR. RAFFENSPERGER: Thanks, Anh. All those in favor
21 of approving -- do we have any further discussion? All
22 those in favor of approving the meeting minutes, please do
23 so by signifying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Those opposed? Motion carries.

1 Okay. We'll have the public comments. Before we get into
2 that, we'd like the public comments -- if you have any
3 public comments today on any of the proposed rules, now
4 would be the appropriate time to do that. And Bre, you're
5 going to triage everyone, you know, people signed up and
6 you're ready to go?

7 MS. THOMAS: Yes, sir.

8 MR. RAFFENSPERGER: Okay. First person that would
9 like to speak?

10 MS. THOMAS: First, we have Mr. George Balbona.

11 MR. RAFFENSPERGER: Mr. Balbona?

12 MS. THOMAS: You're self-muted right now.

13 MR. BALBONA: Over a month ago, I submitted an Open
14 Records Request with the Secretary of State's Office,
15 2020-728. I requested copies of the Runbeck invoices,
16 postage invoices, and mailed tracking information. I only
17 received the Runbeck invoices, which, oddly, were
18 submitted by Dominion Voting Systems, not Runbeck. I'm
19 quite sure Runbeck has a billing department. Why did
20 Runbeck print three-and-a-half million envelopes for 1.5
21 million ballot requests? Why did they mark up the costs
22 nearly four hundred percent? Why are the invoices --
23 where are the invoices for postage? And why did Georgia
24 pay \$39,000 for mail tracking information when we have
25 nothing to show for it?

1 I recently requested a poll pad recap sheet from
2 Marietta polling -- from our Marietta polling location
3 from the primary election. The SOS had left this off of a
4 previous ORR I had submitted for recap sheets. When I
5 received the poll pad recap yesterday, I was shocked to
6 find that it was redacted. This is an elections document.
7 Their sole purpose is transparency. I've never seen nor
8 heard of an elections document being redacted. More
9 damning still is what SOS tried to hide from me -- was the
10 fact that the security seal on one of the poll pads was
11 broken.

12 It is not the purpose of the Georgia Secretary of
13 State to selectively cover up issues with the
14 administration of Georgia elections. I'm glad to see that
15 the SEB is handling so many cases and complaints today.
16 It'd be better if the vast majority of these cases were
17 not from 2016 and 2018 when we were still using DREs. We
18 have plenty of current problems to address with the new
19 poll pads, BMDs, and scanners.

20 Lastly, shame on Secretary of State Brad for his
21 recent double-voting stunt. Didn't we pay over \$100
22 million for a supposedly high-tech voting system to
23 prevent such issues? Brad's nebulous statement to the
24 media was voter intimidation, plain and simple. Georgia
25 deserves better from the Secretary of State than poorly

1 veiled threats. Thanks.

2 MS. THOMAS: Thank you, Mr. Balbona. Next, we have
3 Dan Gasaway.

4 MR. RAFFENSPERGER: Mr. Gasaway?

5 MR. GASAWAY: Yes. Can you hear me?

6 MS. THOMAS: Yes.

7 MR. RAFFENSPERGER: Yes, sir.

8 MR. GASAWAY: Well, first, I would like to thank all
9 of you for your service to the State of Georgia. My name
10 is Dan Gasaway. I served three terms in the Georgia House
11 of Representatives. In my knowledge, I am the only
12 candidate in the history of Georgia to overturn the same
13 election twice because of county-level election corruption
14 and malfeasance. In 2018 and 2019, I found intentional
15 county-level illegal activity in my Georgia State House
16 election sufficient to overturn two consecutive elections.
17 Both cases were forced to trial by those intent on
18 protecting corruption in our state election system.

19 Since then, I've spent two years and over a hundred
20 thousand dollars of my own money in an attempt to
21 personally advocate for increased integrity in the Georgia
22 election system. I have exhausted every avenue at the
23 state level to bring the county-level election office
24 corruption, all across Georgia, to the attention of local
25 and state authorities, who should be accountable. Today,

1 I am convinced that the political will to not exist in
2 Georgia to fix our system, even though the fix is simple
3 with today's technology. Both political parties share
4 equally in the blame.

5 In conclusion, today I ask you in your capacity as
6 the State Election Board of Georgia to reach out to our
7 federal delegation, our Congressmen, and US Senators --
8 reach out and request US Justice Department help. I
9 believe the only way we will get necessary reform in
10 Georgia is to have law enforcement and law enforcement
11 that brings prosecutions at the local level. Those who
12 make the choice to game the system are breaking the law,
13 no matter if they are voters, county election
14 superintendents, candidates, or local county
15 commissioners. Too many have fought and died for this
16 most basic civil right. This is the right on which all
17 other rights depend. Election integrity is achievable in
18 Georgia only if those in positions of power decide to
19 choose it. Thank you for your time and your service to
20 our great state.

21 MR. RAFFENSPERGER: Thank you, Mr. Gasaway.

22 MS. THOMAS: All right. Next, we have Jeanne Dufort.

23 MR. RAFFENSPERGER: Ms. Dufort?

24 MS. DUFORT: Good morning. My name is Jeanne Dufort.
25 I'm a Morgan County voter and a member of the Coalition

1 for Good Governance. During the June primary, many of us
2 who served on vote review panels around the state were
3 shocked to observe that the new system was discarding some
4 perfectly clear votes. Vote review panels are the back
5 stop for our elections by making up for the limitations of
6 technology. We look at ballots that either cannot be
7 scanned or have marks that the software can't figure out.
8 We also make certain ballots that need to be duplicated
9 are done so faithfully. We're there to make sure every
10 vote counts as cast.

11 Your proposed changes to rule 183-1-15-.02(2),
12 definition of vote, are confusing at best and dangerous at
13 worst. Two DNE defer to the opinion of the vote review
14 panel, no matter how the vote is marked, as long as the
15 intent is clear. That controls over scanner tabulation.
16 Voter intent controls, the bipartisan vote review panel
17 decides. So why in the world would you screw that up by
18 adding (k)(2), detection of less than ten percent of the
19 target fill in of the target area surrounded by the oval
20 shall not be considered a vote for that selection?

21 If you know anything about scanned images and
22 election software, you understand that many factors
23 outside of voter control influence that calculation of ten
24 percent. How light or dark is the printed oval? What ink
25 is in the voter's pen? What scanner is used, and was the

1 ballot perfectly straight as it was scanned? Vote review
2 panels make up for the limitations of technology. Humans
3 are better at some things than machines. It's a system
4 that works.

5 Voters want to be confident their votes will be
6 counted as cast. This proposed rule destroys that. Let
7 the vote review panel do its work. Let humans discern
8 what the computer cannot. Thank you.

9 MR. RAFFENSPERGER: Thank you.

10 MS. THOMAS: Next, we have Tessa Saxon. You're self-
11 muted right now. Ms. Tessa Saxon, you're self-muted.

12 MS. SAXON: Hello. Good morning.

13 MR. RAFFENSPERGER: Good morning.

14 MS. THOMAS: Good morning.

15 MR. RAFFENSPERGER: Go ahead.

16 MS. SAXON: Okay. My name is -- my name is Tessa
17 Saxon, and I received a -- excuse me, I'm sorry. I
18 received a letter stating that Mr. Frank Scoggins from
19 Thomas Elections -- the supervisor -- talked to me on the
20 11th of 4 of 2016, and I had explained to him that he -- I
21 explained to him that I did, in fact, do two absentee
22 ballots, applications for myself and my 87-year-old
23 grandmother, who was bedridden, being that we were first
24 time trying to vote [sic]. According to Mr. Scoggins, he
25 stated that I filled out an application for my demised

1 mother, which her name was Gloria Willis.

2 Since my mother had recently passed, I was grieving
3 and going through a lot and was the only caregiver that my
4 grandmother had. It was not intentionally or willfully --
5 it was a mistake or human error. I was trying to really
6 see -- excuse me because I'm nervous. I was just trying
7 to see -- I would have never tried to willfully, I mean,
8 force a vote for a deceased person, being that I knew my
9 mother was deceased. I was having my -- at the time, my
10 grandmother was bedridden, and I made a human error, and I
11 just want -- I'm just asking the Court and the voting
12 relations -- I mean, and everyone to forgive me for this
13 mistake. Thank you.

14 MR. RAFFENSPERGER: Thank you. Next speaker?

15 MS. THOMAS: Next, we have Priscilla Smith. You're
16 self-muted right now. Priscilla Smith, you are self-muted
17 right now. You'll have to unmute yourself. Okay. Next,
18 we have Michael Pernick.

19 MR. PERNICK: Good morning. My name is Michael
20 Pernick. I'm an attorney with the NAACP Legal Defense and
21 Educational Fund. Thank you for the opportunity to speak
22 this morning. We are pleased that you're taking steps to
23 clarify the instructions provided to absentee ballot
24 voters through your proposed changes to rule 183-1-14. We
25 think it's important to modify your proposed rule in

1 several ways, and we've provided our recommendations to
2 you in our written comment letter. I'd like to focus my
3 comments today on two specific issues.

4 First, it's important to educate voters on how they
5 can vote in person even if they requested an absentee
6 ballot. Voters have two options. They can bring their
7 absentee ballot to their precinct and surrender it, or if
8 they lost, forgot, or never received their absentee
9 ballot, they can still go to their precinct to vote. The
10 poll managers are supposed to verify that their absentee
11 ballot was not received. Given the significant increase
12 in absentee voting and the possibility of postage service
13 delays, there is a risk that a substantial number of
14 voters may not receive their absentee ballots in time to
15 vote, and it is critical that voters who request an
16 absentee ballot are educated about both options for in-
17 person voting.

18 Second, it's important to inform absentee ballot
19 voters in the instructions how to use the two envelopes
20 provided with their absentee ballot and what to do if they
21 are not provided with both envelopes. Notwithstanding the
22 requirement under Georgia law that absentee voters must be
23 given an inner and an outer envelope, during the June
24 primary absentee voters were only provided the outer
25 envelope. The instructions provided to absentee voters

1 incorrectly directed them to use two envelopes. This
2 caused voter confusion. The SEB has the power and
3 responsibility to address these issues by clarifying the
4 instructions that appear on the absentee ballot, as well
5 as the uniform instructions that are separately provided
6 to all voters. Thank you for your consideration.

7 MS. THOMAS: Edgardo Cortes? You're self-muted right
8 now.

9 MR. CORTES: Yes. Good morning. Thank you for
10 allowing me the opportunity to speak this morning. I'm
11 Edgardo Cortes, former Commissioner of Elections in
12 Virginia. I work as an elections security advisor for the
13 Brennan Center for Justice. I'd like to speak this
14 morning regarding two proposed rules. We have submitted
15 lengthier written comments on these proposed rules. But
16 the first one is rule 183-1-15-.02, subsection (2)(k). It
17 has to do with the -- with the threshold for flagging
18 ballots for adjudication.

19 We have two recommendations here based on the
20 experience in other states that use the exact equipment
21 that Georgia is now using to count these ballots -- to
22 scan the ballots. The first one is requiring -- we would
23 recommend that Georgia require the use of red oval
24 ballots, as opposed to black oval ballots, to make it
25 easier for the machines to distinguish when there are

1 marks made by the voter.

2 We would also recommend changing the thresholds to be
3 between five percent and twenty-five percent. We believe
4 that these thresholds have been looked at over time over a
5 number of election cycles, again in states like Colorado
6 that use the same equipment as Georgia and have found to
7 most accurately get at capturing votes. There was a
8 comment earlier that spoke about not accidentally, you
9 know, prohibiting people from voting because the mark is
10 off, and so we do believe that these changes will greatly
11 improve the process for counting ballots, particularly
12 since voters in Georgia may be unaccustomed to properly
13 filling out the absentee ballots and use them in state.
14 And we do appreciate the Board taking a look at this and
15 looking to learn from the recent election, and we hope
16 that you will change those thresholds.

17 The next proposed amendment I'd like to speak to is
18 183-1-14-.06, subsection (3). It relates to the absentee
19 ballot instructions. Again, we have submitted lengthier
20 comments, but we do feel it is imp -- the two points I
21 want to highlight are the recommendations to include
22 accompanying graphics for voters in terms of how to
23 properly fill in the ovals on the ballot, which we have
24 provided examples of in conjunction with the experts at
25 the Center for Civic Design. And then I would also, you

1 know, -- we would also like to emphasize that having the
2 instructions include information about voters that have
3 not received a ballot or how they can go to vote in person
4 and the processes and steps for doing that will be very
5 important. We saw, particularly in the primary, some
6 delays related to --

7 MS. THOMAS: All right. Thank you, Mr. Cortes.
8 Next, we have Stephen Day. You may now speak.

9 MR. DAY: Gwinnett County -- I have sat on several
10 ballot adjudication panels, and I offer that the proposed
11 rule that states quote, "wherein detection of less than
12 ten percent of the fill in target area of the ballot oval
13 shall not be considered a vote," unquote, will result in
14 the disenfranchisement of a number of Georgia voters. I
15 have personally witnessed and adjudicated check marks and
16 circles around ballot ovals that did not engage the ovals
17 or barely engaged the oval and definitely had less than
18 ten percent of the oval filled, but the voter's intent was
19 still very obvious. This proposed rule would not count
20 that vote.

21 Therefore, it is simply a bad rule that
22 disenfranchises voter intent. The ballot scanner needs to
23 be set to kick out ballots for review with less than
24 twenty percent down to zero percent of the oval filled as
25 long as there are detectable marks within a reasonable

1 distance of the oval. This practice occurred in Gwinnett
2 during the primary and worked well.

3 A second point I have is under the criteria to be
4 used by the Secretary of State to select an audit. There
5 is this -- there is this specific criteria stating quote,
6 "the ability of a county to complete the audit before the
7 state certification deadline," unquote -- I believe it
8 should be removed as an evaluation criteria. The accuracy
9 of votes cast should be the only concern, not how long it
10 will take a county to do the audit. The state has the
11 power to grant certification extensions -- extensions.
12 Don't let county inadequacies in completing an audit in a
13 timely manner interfere with ballot accuracy validation.

14 So in summary, please set ballot scanners to detect
15 all marks on or around the ovals, no matter how small, and
16 reject those for panel -- vote panel adjudication that
17 have under twenty percent of the oval marked, even if
18 there is no mark directly on the oval, but in an area
19 around it. And second, please remove as a criteria to be
20 used for audit selection by the Secretary of State the
21 time it will take a county to do the audit. Thank you
22 very much.

23 MR. RAFFENSPERGER: Thank you.

24 MS. THOMAS: Next, we have Aunna Dennis. You're
25 self-muted right now. You may now speak.

1 MS. DENNIS: Good morning. Thank you. Good morning.
2 My name is Aunna Dennis, and I am the Executive Director
3 of Common Cause Georgia. Thank you for the opportunity to
4 comment on the new rules governing the audit preparation
5 and the conduct in 183-1-15-.04. First, we encourage the
6 State to issue rules instructing poll workers to encourage
7 voters to review their marked ballots. If the ballot-
8 marking device misprints a voter's choices, and the voters
9 don't catch these mistakes, this audit can't correct the
10 problem, and the election choices of those voters will not
11 be accurate.

12 Second, we recommend that the rules not limit
13 counties as auditing a single contest. We recommend that
14 the presidential race and at least one other be audited.
15 Third, the transparency of this audit must be increased.
16 The dice roll should occur at the previous announced
17 public meeting, and the public should be able to view the
18 creation of the seed and its input into the audit tool.
19 The adjudication of ballots should be publicly observed
20 and audible. Each ballot should be projected on a screen
21 so that the public can view and hear the adjudication
22 process.

23 Finally, for the -- the following should be published
24 on the Secretary of State's website: the notice of the
25 public meeting to establish a random seed, what contests

1 are be targeted as soon as the decision is made, the risk
2 limit as soon as the decision is made, the random city as
3 soon as it's generated, the ballots manifest as soon as
4 they are generated, the cast of the vote record, the poll
5 list of the sample as soon as they are generated, the
6 final report and results of the audit as soon as they're
7 finished, and the discrepancy report when it's generated.
8 Thank you for the opportunity to speak today. I will be
9 happy to answer questions in writing.

10 MR. RAFFENSPERGER: Thank you.

11 MS. THOMAS: Next, we have Lee Hol -- Holsworth. Lee
12 Holsworth?

13 MR. HOLSWORTH: Yes. Hi, I'm Lee Holsworth. Can you
14 hear me okay?

15 MS. THOMAS: Yes, sir.

16 MR. RAFFENSPERGER: Yes, sir.

17 MR. HOLSWORTH: I have a case, 2017-004. I -- I'm
18 just unfamiliar with this procedure of the meeting and
19 wanted to get an idea at what point during this meeting my
20 case would be coming up.

21 MR. RAFFENSPERGER: Mr. Holsworth, what case number
22 are you, and what county are you from?

23 MR. HOLSWORTH: Fulton.

24 MR. RAFFENSPERGER: Fulton?

25 MR. HOLSWORTH: Yes, sir.

1 MR. RAFFENSPERGER: Mr. Germany, do you want to
2 discuss -- because Fulton cases -- I know their counselor
3 has reached out to us, and some cases will be continued.
4 I don't know if this is one of them.

5 MR. GERMANY: Mr. Secretary, this one is on the
6 agenda, and it's -- it's currently a letter of instruction
7 case. And Mr. Holsworth, when that -- when we call those
8 cases, you can ask for this case to be removed for
9 discussion, and at that point, you'll be able to speak to
10 this case.

11 MR. HOLSWORTH: All right. And -- and are we
12 talking, like, an hour from now or what timeframe?

13 MR. GERMANY: I -- I can't really -- I mean, probably
14 at least an hour. Yes, sir.

15 MR. HOLSWORTH: Okay. All right. So I just stay on
16 through the meeting until -- until I'm called?

17 MR. GERMANY: Yes, sir.

18 MR. RAFFENSPERGER: Yes, sir.

19 MR. HOLSWORTH: All right. Thank you very much.

20 MR. RAFFENSPERGER: Thank you. Next speaker?

21 MS. THOMAS: Next, we have Elizabeth Howze. You're
22 self-muted right now.

23 MS. HOWZE: Good morning.

24 MS. THOMAS: Good morning.

25 MS. HOWZE: Good morning. At your meeting on August

1 27th, I asked you several questions. What will the State
2 Election Board do to see that Secretary of State
3 Raffensperger stops misleading Georgia voters? And two,
4 what will the State Election Board do to ensure that
5 Secretary of State Raffensperger not engage in voter
6 intimidation of any kind from now through the election in
7 November?

8 In the two weeks since that meeting, Secretary of
9 State Raffensperger has gone out of his way to do both.
10 Among other actions, he has announced that a thousand
11 people voted twice in the June 9th election.
12 Intentionally, he assures us, without offering the public
13 any investigatory evidence. In my own experience, I know
14 a number of people who did not receive any confirmation
15 that their absentee ballots had been received and accepted
16 right up until Election Day, the morning of Election Day,
17 and to presume intent is -- is really just outrageous --
18 malintent is outrageous.

19 He has moved thousands of voters to inactive status,
20 violating the federal prohibition about interfering with
21 voting within 90 days of an election. He's made
22 unsupported claims that absentee voting opens up elections
23 to voting fraud when we know from years of experience that
24 it doesn't, and he's appealed a federal judge's decision
25 to allow a grace period of three days for absentee ballots

1 to be counted.

2 These -- these and many other examples I could offer
3 up if there were more time -- but they lead to one clear
4 confusion [sic] that Secretary of State Raffensperger,
5 like his predecessor Brian Kemp, is practicing voter
6 intimidation and suppression on a grand scale. We all
7 know that the impacts of his actions will be greatest
8 among African Americans and other minorities. Georgia
9 voters are honest. They don't deserve a Secretary of
10 State who tries to frighten and mislead them. Thank you.

11 MR. RAFFENSPERGER: Next speaker?

12 MS. THOMAS: Next, we have Margaret Arnett. You may
13 now speak.

14 MS. ARNETT: Hi. We get numerous questions from
15 voters about whether they can bring their absentee ballots
16 to the voting precincts to submit them, whether it be
17 during early voting or on Election Day. It would be --
18 most definitely be helpful to voters if the SEB could
19 authorize this as an acceptable practice across the state.
20 Also, due to the USPS service delays, we get an incredible
21 number of questions from voters about whether they can
22 drop their absentee ballot request forms in the county
23 drop boxes. There are some counties that are allowing
24 this, but most are not, as by code, these boxes are only
25 to be used for absentee ballots. I guarantee it will be

1 incredibly helpful to voters if the SEB would authorize
2 the county drop boxes to be able to accept absentee ballot
3 request forms across the state. The SEB has truly worked
4 very hard to make voting easier and more accessible for
5 voters, and I feel that these two rules will truly
6 continue that effort for voters across the state, and many
7 thanks to the staff for coordinating today's call. Thank
8 you.

9 MS. THOMAS: Next, we have James Bomar. You're self-
10 muted -- I'm sorry.

11 MR. BOMAR: Good morning. This is James Bomar.
12 Thank you for being recognized. I'm calling in regarding
13 SEB case number 2016-179. It's a case of voting twice
14 back in 2016. I don't have any visual on my screen only
15 audio and wanted to know if there was an agenda, or if I
16 could get some sort of idea about when these cases will be
17 reviewed.

18 MR. GERMANY: Mr. Bomar, this is Ryan Germany. There
19 is an agenda on the State Election Board website. Your
20 case has actually been continued at the request of Fulton
21 County's counsel, so I apologize but that case will not be
22 heard today.

23 MR. BOMAR: Okay. Thank you.

24 MS. THOMAS: All right. Next, we have Lonnie Hollis.
25 You're self-muted right now. Lonnie Hollis?

1 MS. HOLLIS: Okay. I'm on. I was calling to see if
2 I would be able -- I wanted to be able to speak on the
3 case for Troop County when it comes up or if it's going to
4 be heard today.

5 MR. GERMANY: Yes. If you want to speak to a
6 specific case, and you know, the time for all that is when
7 the case is called later on at the end of the public
8 comment on proposed rules or for other things related to
9 cases.

10 MR. RAFFENSPERGER: Okay. Thank you.

11 MS. THOMAS: Next, we have Joy Wasson. You're self-
12 muted right now

13 MS. WASSON: Good morning. I'm Joy Wasson, a DeKalb
14 County voter, and I want to state my strong agreement with
15 Jeanne Dufort's comments in opposition to your proposed
16 changes to rule 183-1-15-.02(2), definition of a vote.
17 The State has purchased subpar software, and there are too
18 many variables in scanning to allow your ten percent
19 threshold to determine what constitutes a vote. A
20 citizen's vote should never be discarded because a
21 specific instance of scanning their ballot failed to
22 adequately read their intent due to circumstances outside
23 their control and when they're not present to clarify what
24 their vote should be. Thank you.

25 MS. THOMAS: And next, we have Liz Throop. You're

1 self-muted right now.

2 MS. THROOP: Thank you. I'm Liz Throop. I'm a
3 DeKalb voter. Please do not pass rules that fail to align
4 with Georgia statute. 21-2-386 covers the tabulation of
5 absentee ballots once polls have closed. This law is
6 oddly silent about how voter marks on those ballots should
7 be adjudicated. Hand-marked ballots from precincts,
8 however, are evaluated on discernible voter intent, but
9 that is a separate law. SEB rules that say voters must
10 fill in ovals completely fail to resolve whether all hand-
11 marked paper -- all hand-marked paper ballots with voter
12 marks such as x's and check marks should be counted. This
13 body can propose clearer statutes that count every
14 absentee vote. We need clarity, not more layers of
15 ambiguity. Thank you.

16 MR. RAFFENSPERGER: Thank you.

17 MS. THOMAS: All right. And just one more. Lon
18 Fezmer [ph.]?

19 MR. RAFFENSPERGER: Go ahead.

20 MS. THOMAS: You may speak. You're self-m -- okay.
21 All right. That's it.

22 MR. RAFFENSPERGER: That's it?

23 MS. THOMAS: Mmm-hmm.

24 MR. RAFFENSPERGER: Okay. Well, thank you very much
25 for your public comments. On the agenda, we have the

1 Attorney General report as item number five, but the
2 Attorney General has another meeting that they need to
3 head on out to, and we're going to move that up, if that
4 will be -- if there's no objection from any of our Board
5 members to move them up, and then I'll have Board member
6 comment after we have that, if that works for all of our
7 Board members. That being -- hearing no objection, it's -
8 - Mr. Germany, can you put the Attorney General or the
9 Assistant Attorney General who is speaking for their
10 office today?

11 MR. GERMANY: It's Charlene McGowan, and let's see.
12 We're looking -- Bre is looking for her.

13 MR. RAFFENSPERGER: Okay.

14 MS. THOMAS: Charlene? Ms. Charlene, if you're on
15 the call, please raise your hand or write in the comm --
16 in the questions box, and I can unmute you.

17 MR. RAFFENSPERGER: While you find her, Board
18 members, normally I like to open it up to comments. Ms.
19 Sullivan, Ms. Le, Mr. Worley, or Mr. Mashburn, would any
20 of you like to, you know, offer comments before we get
21 into the Attorney General's report and then we'll have the
22 Attorney General's report? Okay. We're back to the
23 Attorney General's report.

24 MS. MCGOWAN: Yes. Mr. Secretary, this is Charlene
25 McGowan from the Attorney General's Office. Can everyone

1 hear me?

2 MR. RAFFENSPERGER: Yes, we can.

3 MS. MCGOWAN: Well, thank you, Mr. Secretary and to
4 the Board members, for accommodating me earlier in the
5 agenda. On the Attorney General's agenda that I'm here to
6 present today, we have nine consent orders and one
7 dismissal for the Board's consideration and approval. Two
8 of the consent orders were presented at the last meeting
9 in December -- were pulled at that time due to a lack of
10 quorum, that is case number 2015-100 for DeKalb County and
11 then also the consolidated consent order for Fulton
12 County. So we're presenting those again today, if there
13 is a quorum available to -- to vote on them. I'm happy to
14 answer any questions that the Board members may have about
15 any of these individual cases, but if you don't have any
16 questions, my recommendation is that the Board vote to
17 approve the consent orders and dismissal that are listed
18 on the Attorney General's agenda.

19 MR. RAFFENSPERGER: Board members, you have the
20 consent orders before you. What is the will of the Board?

21 MR. MASHBURN: This is Matt Mashburn. I'll -- I'll
22 kind of take them in order. Fulton County 2015-079, I've
23 carefully reviewed the file and find the proposed consent
24 order to be just and fair and meeting with the
25 circumstances and move for it to be accepted.

1 MR. RAFFENSPERGER: Okay. We typically vote all of
2 these in block, and pull them out --

3 MR. MASHBURN: Oh, I'm sorry.

4 MR. RAFFENSPERGER: -- if there's any of them that
5 need further discussion, if any Board members have an
6 issue with each particular one, but if we've reviewed
7 those in total, we can then handle them in motion that
8 would work as opposed to individual motions. Mr.
9 Mashburn, would you like to reconsider your motion?

10 MR. MASHBURN: Very good. Yes. I have reviewed the
11 two cases and the dismissal and find them all to be
12 appropriate and just and meeting the circumstances and
13 move that they be accepted as proposed en masse all
14 together.

15 MR. RAFFENSPERGER: We have a motion before the
16 Board. Do we have a second? Okay.

17 MS. SULLIVAN: I'll second that. This is Rebecca
18 Sullivan.

19 MR. RAFFENSPERGER: Thank you, Ms. Sullivan. Okay.
20 We have a second. The motion is now on the floor for
21 discussion. Would any member like to discuss any of those
22 individual cases before we ask for a vote? Hearing none,
23 all those in favor of the motion as presented, signify by
24 saying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: And those opposed? Hearing none
2 opposed, motion carries. Okay. Ms. McGowan?

3 MS. MCGOWAN: Thank you, Mr. Secretary. I believe
4 that is the end of the Attorney General's agenda, and I
5 have nothing further.

6 MR. RAFFENSPERGER: Thank you very much. Okay. I
7 believe now we're back to investigation reports. Mr.
8 Germany?

9 MS. WATSON: Yes. That's correct. I believe that we
10 have the consent cases that are first, if there's any that
11 we'd like to be pulled from that to be presented, or if
12 you want to vote on those in block?

13 MR. RAFFENSPERGER: What is the will of the SEB?

14 MR. WORLEY: This is Mr. Worley. There are some of
15 the consent cases that I would like to have pulled and
16 discussed individually.

17 MS. WATSON: Okay.

18 MR. RAFFENSPERGER: Yes.

19 MR. WORLEY: Those would be case numbers 2016-046,
20 Troup County.

21 MR. RAFFENSPERGER: Okay.

22 MR. WORLEY: 2017-069, City of Sparta.

23 MR. RAFFENSPERGER: Okay.

24 MR. WORLEY: Case number 2018-059, Baldwin County.

25 MR. RAFFENSPERGER: Okay.

1 MR. WORLEY: 2018-066, I believe that's Jefferson
2 County.

3 MR. RAFFENSPERGER: Okay.

4 MR. WORLEY: And 2018-101, Fulton County.

5 MR. RAFFENSPERGER: Got it. Okay.

6 MR. WORLEY: And that's all.

7 MR. RAFFENSPERGER: Do any other Board members want
8 to pull any of these other cases?

9 MR. MASHBURN: This is Matt Mashburn, and pardon my
10 disorganization here but can you advise me whether case
11 Gwinnett County, case number SEB 2019-009 is in this
12 batch?

13 MR. RAFFENSPERGER: Yes, it is. It's on the bottom
14 of my page there. Would you like that pulled?

15 MR. MASHBURN: Yes, please. I'd like to pull that
16 please.

17 MS. WATSON: Okay.

18 MR. RAFFENSPERGER: Okay. And any other members,
19 anything else you want pulled out? Okay. Then, Mr.
20 Mashburn, I just want to make sure. We're pulling out
21 Gwinnett County 2019-009. There's also a Gwinnett County,
22 voter registration application, 2019-022. Are you okay
23 with leaving that there or did you want that pulled also?

24 MR. MASHBURN: Thank you, Mr. Secretary. That's
25 actual -- these were companion cases, and I would like

1 both of them to be pulled. Yes, please. Thank you.

2 MR. RAFFENSPERGER: Okay.

3 MR. MASHBURN: I appr -- I appreciate it. Thank you
4 very much.

5 MR. RAFFENSPERGER: Members, anything else that you'd
6 like pulled? If not, what I would propose to do: if
7 someone would make a motion to approve all the other
8 cases, and then we could move those off the docket, and
9 then we can pull out all those 2, 4, 6, 7, cases and have
10 those presented for individual consideration.

11 MR. MASHBURN: This is Matt Mashburn. I will make a
12 motion that we do precisely that and approve all cases as
13 recommended except for those that have been pulled.

14 MR. RAFFENSPERGER: Okay. Do we have a second?

15 MS. SULLIVAN: Rebecca Sullivan will second.

16 MR. RAFFENSPERGER: Okay. Any further discussion?

17 Hearing none, all those in favor of voting for these
18 consent cases as presented except the ones that are being
19 pulled out for further consideration by the Board, signify
20 by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Any opposed? Hearing none, okay.
23 That's that. Ms. Frances, I guess the first one for us to
24 consider then would be 2016-046, Troup County.

25 MS. WATSON: Yes, sir. Tab number three, 2016-046:

1 the complaint in March and April of 2016 is that multiple
2 complainants reported that Troup Election Board member
3 Jason Creel had been publicly endorsing for election a
4 Lewis Davis, a candidate for Troup County Commissioner.
5 The complainants state that they believe this is a
6 violation of Mr. Creel's oath as a Board member as
7 stipulated in the official code of Georgia 22-2-70-15(b).
8 Also relevant is 22-2-214(c), which addresses prohibited
9 political activities of county election Board members.

10 The investigation revealed on February 25th of 2016,
11 Troup County Commission candidate Lewis Davis held a
12 fundraiser at the Gray Hill community center at West Point
13 for the purpose of initiating his campaign. Among his
14 attendees was the Jason Creel who currently sits as a
15 member of the Troup County Board of Elections and
16 Registration at that time. Mr. Creel was appointed to the
17 Board in January 2015 by the Troup County Republican
18 party. This occurred during the time that Mr. Davis was
19 serving as the Chairman of that party.

20 As part of the event, attendees were giving the
21 option of paying for a table at a cost of \$250. Mr. Creel
22 did so and was listed on a poster at the event as having
23 been one of the several table sponsors. At the conclusion
24 of the event, all the attendees had their photograph taken
25 with Mr. Davis while holding a sign that read "I stand

1 with Lewis." Mr. Creel's photograph was made with Mr.
2 Davis as well, and the photograph was then posted, along
3 with others, on Mr. Davis' campaign Facebook page.

4 On February the 13th, 2016, the photograph was posted
5 on the Troup County Citizen Facebook page, a political
6 blog and forum site. The site called the photograph proof
7 of corruption and blatant cronyism. On March 18th, blog
8 readers were urged to contact the Office of the Secretary
9 of State to complain about the photograph and its
10 implications. Ultimately, five individuals contacted the
11 Investigations Division to complain.

12 Mr. Creel's involvement at the fundraiser along with
13 the photographs taken at the event have been the only
14 evidence offered by either the complainants or the
15 witnesses. Creel asserts that he has maintained
16 impartiality in regards to the Lewis Davis campaign and
17 will continue to do so. Creel does not believe that the
18 provisions of his oath stretch to the point that they
19 dictate his political involvement while acting as a
20 private citizen and not as a Board member. The
21 recommendation is -- you know, the issue of the statutes
22 that were cited, 22-2-70-15(b) and 22-2-214(c): we
23 recommended the case be dismissed as there was no evidence
24 to substantiate any impartiality in the conduct of Mr.
25 Creel while conducting the duties as a Troup County

1 Election Board member.

2 MR. RAFFENSPERGER: Members, do you have any
3 questions or comments?

4 MS. LE: Hi, Ms. Watson. This is Anh Le. I don't
5 think the facts that you put in there support this. I
6 don't think it's in there but let me be ask you this to be
7 sure. There's no evidence that Mr. Creel was wearing a
8 badge that identified him as a Board member or he -- he
9 probably isn't being paid from the Board to be -- at any
10 time or at least during the time he was there. There's no
11 county resources that were used for this event by him,
12 correct?

13 MS. WATSON: None to my knowledge.

14 MS. LE: And he did not identify himself as a Board
15 member but just as a private citizen at this event, or you
16 don't have any facts that say or support that he
17 identified himself as a Board member, correct?

18 MS. WATSON: I do not have any facts that support
19 that he was there in an official Election Board member
20 capacity.

21 MS. LE: Okay. Thank you.

22 MR. RAFFENSPERGER: Any other members have any
23 questions, comments, concerns?

24 MR. WORLEY: This is David Worley. I don't have a
25 question, but I do have a concern. First of all, I asked

1 that the case be pulled because it wasn't clear from the
2 report why the recommendation was being made, so that has
3 been clarified. But I have another concern, which is I'm
4 not sure how the statute which requires that election
5 boards remain impartial is intended to deal with a
6 situation where a Board member is supporting a candidate,
7 and I -- my preference in this case would be to refer it
8 to the Attorney General's Office for an interpretation of
9 the two -- the two statutes involved and how they should
10 be interpreted when an election board member is supporting
11 a particular candidate. So that's -- that's what I would
12 like to see happen here.

13 MS. LE: This is Anh Le. I -- I have a question, a
14 follow-up on that one, on Mr. Worley's thoughts. Given
15 that Mr. Creel has a First Amendment right and he was
16 using his private time and no county resources and didn't
17 implicate the Board in this private event that he attended
18 in his personal capacity, I think it might be unfair to
19 prolong his case for the sake of our need for
20 clarification. I think that maybe if this is an option, I
21 would like to perhaps escalate a question where -- or an
22 opinion -- request an opinion letter from the AG's Office
23 to clarify Mr. Worley's points without involving Mr. Creel
24 in those or prolonging his matter. Would that be
25 acceptable?

1 MR. WORLEY: Well, that would be acceptable to me.
2 This is Mr. Worley.

3 MR. RAFFENSPERGER: Does anyone --

4 MR. MASHBURN: This is Matt Mashburn. I think both
5 Anh Le and David make excellent points in that when I was
6 reviewing this, I came across -- there's a 1968 Attorney
7 General opinion that says it's okay to serve as a -- as a
8 Democratic party member, committee -- committee member,
9 and that didn't violate it, but that it was not okay -- in
10 a 1986 opinion, it was not okay to display signs while a
11 business is using -- is being used as a registration site.
12 So I do think that we would be benefitted by an updated
13 opinion by the Attorney General's Office, but I am
14 sympathetic to Anh Le's point as well, and I make a motion
15 that the case SEB 2016-046 be dismissed, but with the
16 condition that a request for an opinion by the Attorney
17 General's Office on this question be submitted.

18 MR. WORLEY: This is Mr. Worley. I would second
19 that.

20 MS. THOMAS: I'm sorry.

21 MR. GERMANY: Sorry, it was muted. Go ahead, Mr.
22 Secretary.

23 MR. RAFFENSPERGER: Oh. We have a motion before us
24 by Mr. Mashburn, seconded by Mr. Worley. All those
25 members in favor of the motion as presented, signify by

1 saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Motion carries.

4 Thank you. Next case, case number 2017-069, City of
5 Sparta, Hancock County.

6 MS. WATSON: Yes, sir. In this case, it's tab --
7 excuse me, tab number 10, City of Sparta, Hancock County.
8 On November 6th, 2017, complainant Richard Allen Haywood
9 filed a complaint when Elections Superintendent Aretha
10 Hill challenged him and removed his name from the ballot.
11 Mr. Haywood states the challenge hearing was held on
12 November the 6th, 2017 at 10am, and he was not notified so
13 he could attend. He states his attorney obtained an
14 injunction late on Monday from Superior Court Judge
15 William Fryer to keep his name on the ballot. The
16 notification was given in writing via email and through a
17 standard US postal mail to Mr. Haywood, the email four
18 days prior to the meeting, and the US postal mailed three
19 days prior. The remaining issues concerning the challenge
20 were handled through an injunction issued by the court
21 that he was to remain on the ballot. We're recommending
22 the case be dismissed as there was no election code
23 violations substantiated for the notice.

24 MR. RAFFENSPERGER: Okay. Board members, do we have
25 any questions about this case? Any comments or concerns?

1 MR. WORLEY: This is Mr. Worley. There were -- there
2 were two reasons that I asked for this case to be pulled
3 and discussed. One is that the statute 21-2-6(b) states
4 that the superintendent upon his or her own motion may
5 challenge the qualifications of any candidate referred to
6 in the subsection, and apparently, the election
7 superintendent challenged the qualifications of the
8 candidate. There's no indication in here of -- well, the
9 elections superintendent has not cooperated at all with
10 this investigation it seems. So it's difficult to
11 determine the basis on which she made that challenge which
12 was overturned by a court immediately, and it seems to me
13 that if she didn't have a basis, there was a violation.
14 We can't determine if there's a basis because she's not
15 cooperating, and under these circumstances, I would refer
16 this case to the Attorney General.

17 MR. RAFFENSPERGER: Any comments or is that a motion?

18 MR. WORLEY: Well, I would make that in the form of a
19 motion to refer it to the Attorney General.

20 MR. MASHBURN: This is -- this is Matt Mashburn. I'm
21 very concerned when there's a lack of cooperation with the
22 investigators, and this was my first batch of cases, and
23 just the incredible amount of work that these
24 investigators put into these cases -- it just astounded me
25 how thorough they were. But it disturbs me when -- when

1 an elections superintendent is not cooperative with the
2 investigators and so I would second Mr. Worl -- Mr.
3 Worley's motion.

4 MR. RAFFENSPERGER: Okay. Do we have any discussion?
5 Hearing none, let's call the question. All those in favor
6 of Mr. Worley's motion to refer this back to the Attorney
7 General's Office, signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries.

10 MS. WATSON: Okay. The next case that we have is tab
11 number 24, which is Baldwin County, 2018-059. In
12 September of 2018, the Legal Director of the ACLU, Sean
13 Young, reported that according to Georgia Shift, the
14 Baldwin County Elections Office was requiring copies of
15 photo identification to accompany any voter registration
16 turned in by Georgia Shift. Sean Young also stated the
17 Baldwin County Elections Office held irregular office
18 hours that prevented Georgia Shift from turning in voter
19 registration applications during regular business hours.
20 Sean Young alleged the Elections Office was closed from 12
21 to 2:30 on one or more weekdays.

22 It was verified that in 2016 Baldwin County was using
23 the voter registration forms that were provided by our
24 office. The wording on the forms was in the process of
25 being changed to include the word "or" in the sentence.

1 The sentence states, "if you are submitting this form by
2 mail and you are registering for the first time in
3 Georgia, you are required to submit proof of residence
4 either with this form or when you vote for the first
5 time."

6 Baldwin County was processing all voter registration
7 applications they received, regardless of if proof of
8 residency was provided or not with the application. A
9 letter is mailed to the voter to advise the requirement
10 for proof of residency, and the voter registration in the
11 system is flagged to require proof at the time the
12 individual shows up to vote. The Baldwin County Elections
13 Office would regularly be closed for lunch with a sign
14 posted on the door. A part-time person was hired to cover
15 during the lunch periods so the office could remain open
16 during the business day going forward. We recommended the
17 case be dismissed with no violation.

18 MR. RAFFENSPERGER: Okay.

19 MR. WORLEY: This is Mr. Worley, Mr. Secretary. If I
20 could explain why I asked that this case be pulled, I'm
21 not concerned about the hours that the office being open
22 because that seems to be resolved by the investigation,
23 but there's an issue in this case about the use of voter
24 registration forms, and essentially, someone in Baldwin
25 County was trying to conduct voter registration efforts.

1 They had gotten a form from the Baldwin County Elections
2 Office that was not accurate, the -- in that -- in that
3 the form was requiring submission of photo ID, a copy of a
4 photo ID with the form, which is not required under
5 Georgia law.

6 The former Secretary of State had agreed that those
7 forms would -- would -- should not be used, essentially,
8 and the forms were revised, but the investigation seems to
9 indicate that the State has a supply at least at one point
10 of more than 130,000 of these old forms. And the
11 spokesperson for the former Secretary who was quoted in a
12 newspaper article that local officials had been trained to
13 accept all of the voter registration forms without asking
14 applicants for a photo ID or proof of residence, and it
15 seems that at least some counties are still using the old
16 forms. And this is leading to some problems.

17 So I -- I wanted this case pulled so we could just
18 discuss and find out, perhaps from Mr. Germany or anyone
19 else, whether these old forms are still being used, and
20 how this problem might be corrected.

21 MR. RAFFENSPERGER: Okay.

22 MR. GERMANY: Hi. This is -- this is Ryan Germany.
23 My understanding is that they were using the old forms,
24 and at the time the form was changed, some counties still
25 had existing supplies, so new supplies would be sent with

1 the new form. We're continuing to, you know, work on
2 updating the voter registration form still. In Baldwin
3 County, I think the investigation found that all the
4 registrations were accepted, so I don't think -- I don't
5 think the report shows -- they couldn't substantiate that
6 there was any -- Baldwin County was putting any photo ID
7 requirement in actuality. And that's -- so I think that's
8 kind of the point that you brought up, Mr. Worley, that
9 they were accepting the form, not requiring photo ID. The
10 old form didn't require photo ID either, but it, you know,
11 allowed you to say it to fulfill the HAVA ID requirement.
12 So I think that -- I mean, that's really the point that
13 the investigation found.

14 MR. WORLEY: Well, I agree with that, but I guess my
15 question is have the counties been instructed that a new
16 form is available and that they should not use these old
17 forms?

18 MR. GERMANY: The counties were instructed at the
19 time consistent with what you said that yes, if you have
20 old forms -- if you receive old forms, continue to accept
21 them. Photo ID is not required. The old form didn't
22 require photo ID either, so that's -- it's kind of a, you
23 know, -- it's not completely accurate. It was -- it
24 simply allowed photo ID to fulfill the HAVA ID requirement
25 in federal law. That requirement has not changed. It

1 was, frankly, some wording on the form that was changed.
2 So to answer your question, yes. Do they know if they
3 receive an old form -- sometimes counties receive forms
4 from -- I mean, they have Secretary of State Max Cleland
5 on them. I don't know where they -- where people get the
6 forms, but if they come in, you know, they are to accept
7 them, and they all know that there's not a photo. I mean,
8 they should all know that there's not a photo ID
9 requirement to register to vote.

10 MR. WORLEY: Okay. Well, I get it if they're -- if
11 they get an old form, they're to accept it, but are they
12 handing out any of the old forms --

13 MR. GERMANY: Here's the thing. There's no evidence
14 in the case that any county was requiring it. The
15 investigation found the opposite. They were accepting the
16 forms without a photo ID requirement.

17 MR. WORLEY: I'm sorry, Mr. Germany. That's not what
18 I said. My -- and I think you are correct. Well, I think
19 there's actually some confusion in the report because --
20 but in any event, my question is are any of the counties
21 handing out the old forms?

22 MR. GERMANY: I'm going to -- I'm looking at Chris
23 Harvey. He would know better than me.

24 MR. HARVEY: This is Chris Harvey. As far as we
25 know, no. We're not providing them to the counties. It's

1 not inconceivable that, you know, a county has them in
2 stock or that some of these organizations that are doing
3 voter registration drives have old stock that they're
4 using, so I don't -- I don't think I can say absolutely
5 that every county elections and registration office has
6 purged every old form or that, you know, registration
7 groups or advocacy groups have either. We've -- we've
8 advised the counties to err on the side of accepting
9 forms, even if they're from previous administrations or
10 previous iterations. But we're certainly not providing
11 them to counties to use now.

12 MR. WORLEY: Okay. But so the counties have not be
13 instructed that if they have old forms, they should stop
14 using the old forms and get new forms.

15 MR. HARVEY: Over the course of several years, that -
16 - that -- I can't say we haven't done that, or we have. I
17 can reiterate to the counties now, but I can't remember
18 any specific direction in the course of the last five
19 years when that was done, although it may have been.

20 MR. GERMANY: At the -- at the time, my recollection
21 was we told them, you continue to use your existing stock
22 of old forms, but that was, of course, you know, years
23 ago, so I assume those have been used at this point.

24 MR. RAFFENSPERGER: I think what I'm hearing is a
25 concern that perhaps it would be best if the Secretary of

1 State's Office would send out notification to every county
2 to discontinue using old forms. Here is the new form, so
3 that there's clarity of that because enough time has
4 lapsed, and the newer forms should be used. Is that what
5 I'm hearing from you, Mr. Worley, that you'd like to see
6 something like that?

7 MR. WORLEY: Yes, Mr. Secretary. That would be my
8 strong preference. Thank you. As far as --

9 MR. RAFFENSPERGER: So we're happy to --

10 MR. WORLEY: As far as this particular case is
11 concerned, I would agree that it should be dismissed.

12 MR. RAFFENSPERGER: Okay. So part of your motion, if
13 you would, make a motion to dismiss. Would you like to
14 then ask the Secretary of State's Office to send out an
15 email notification to all 159 counties and attach the
16 updated form so that they have an official receipt?

17 MR. WORLEY: Yes. I would make that motion. Thank
18 you.

19 MR. RAFFENSPERGER: Is that the motion then? Members,
20 if you would agree, do we have a second of that?

21 MR. MASHBURN: Second.

22 MR. RAFFENSPERGER: Okay. Any further discussion on
23 this matter? Hearing none, all those in favor of the
24 motion as presented, signify by saying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: Opposed? Motion carries.

2 MS. WATSON: Okay. The next case is tab number 28.

3 It's case number 2018-066, Jefferson County, voter
4 intimidation. In October of 2018, our office received
5 several complaints of a possible voter intimidation in
6 Jefferson County. On October the 15th, 2018, the Leisure
7 Center Director Tammy Bennett reported that seniors who
8 wanted to vote were going to be transported to the poll by
9 a Jefferson County transit bus. The arrangements were
10 made in advance for the first day of advance voting.

11 On October the 15th, a representative from Black
12 Voters Matter also came to the senior center to talk to
13 the seniors about voting. The tour bus for Black Voters
14 Matter was in the parking lot, and the seniors were
15 offered a tour of the bus. Then, an offer was made to the
16 seniors that anyone wishing to go to vote could get on the
17 bus, and they would take them. Ms. Bennett, the Director
18 of the Leisure Center, advised the seniors that they would
19 take them to vote but not then and asked them to get off
20 the bus, which they did.

21 Out of the 72 seniors that were known to be in the
22 Leisure Center on October the 15th, it was found that 57
23 voted in the election, one requested an absentee ballot
24 but did not return it, 7 did not vote, and 7 were not
25 registered to vote. There was no one located that advised

1 that there were any threats or force or violence or any
2 acts to intimidate any person to vote or to refrain from
3 voting. We're recommending the case be dismissed.

4 MR. RAFFENSPERGER: Okay.

5 MR. WORLEY: Mr. Secretary, this is Mr. Worley. The
6 reason that I asked that this case or that the results of
7 this case be announced, I have taken the position in the
8 past that cases that have gotten some public notoriety or
9 cases that involve an elected official who's been the
10 subject of an accusation should not, as a general matter,
11 be -- be resolved on a consent basis because that doesn't
12 really provide the public any information about why the
13 case was dismissed. And that's why -- that's why I asked
14 that this case be discussed, and the next case, the Fulton
15 County case that I had pulled, be discussed for that
16 reason. This situation in Jefferson County received a lot
17 of national press attention, and if we are going to decide
18 that there was no violation, I just think it should be
19 something that should be made more available to the
20 public, and Ms. Watson has publicly announced the results
21 of the investigation and that satisfies my concern. Thank
22 you.

23 MR. RAFFENSPERGER: Any other members have any
24 questions, comments, concerns? Hearing none, what is the
25 will of the Committee?

1 MR. MASHBURN: This is Matt Mashburn. I move that
2 SEB number 2 -- 2018-066, Jefferson County, be dismissed.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. LE: Anh -- Anh Le seconds.

5 MR. RAFFENSPERGER: Any further discussion? Hearing
6 none, all those in favor of dismissing SEB case 2018-066,
7 signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Motion carries.
10 Okay.

11 MS. WATSON: Okay. The next case is tab number 37.
12 It's 2018-101, Fulton County, conduct at polling places.
13 In November of 2018, a Naomi Harrington, a polling manager
14 for the Southwest Arts Center polling location in Fulton
15 County, reported a voter was extremely nasty to her and
16 the clerks. The incident took place during advance in-
17 person voting on November 1st, 2018 for the November 6th
18 general election. Fulton County elections also reported
19 that Betty Price [ph.] was disruptive during early voting.
20 This incident took place during advance in-person voting
21 on November 28th, 2018 for the December 4th, 2018 runoff
22 election.

23 The investigation revealed that the voter at
24 Southwest Arts Center polling location was identified as
25 Antoinette Singh, S-i-n-g-h, at the time of the complaint.

1 Ms. Singh advised that she requested an absentee ballot
2 but received an application for an absentee ballot in the
3 ballot. It was too close to the election, so she had to
4 go to the polling place to vote. Ms. Singh states there
5 was not enough seating or voting machines at the polls and
6 no sample paper ballots. She denies the allegations that
7 she was nasty to the -- to the clerks. The poll worker
8 making the complaints when shown a photo of Ms. Singh
9 states that she was not the person that caused the problem
10 at the poll.

11 As to the reported incident with Betty Price, she
12 stated she did not recall any incident at the poll, but
13 she is familiar with the machines having worked the polls
14 but does not recall writing down the machine counts. All
15 of the poll workers recall Betty Price being loud at the
16 polls and upset that she was asked what she was doing. It
17 was noted that Betty Price had waited until all other
18 voters had left the machines before she approached. Two
19 of the three poll workers advised that she did not
20 interfere with any voters or poll workers. One poll
21 worker advised that she was disruptive. We're
22 recommending the case be dismissed.

23 MR. RAFFENSPERGER: Okay. Members? Do we have any
24 questions, comments, or concerns? Hearing none, do we
25 have a motion before the Board?

1 MR. WORLEY: This is Mr. Worley. I would make a
2 motion that this case be dismissed.

3 MR. RAFFENSPERGER: Do we have a second?

4 MR. MASHBURN: Second.

5 MR. RAFFENSPERGER: Do we have any further
6 discussion? Hearing none, all those in favor of
7 dismissing SEB case number 2018-101, Fulton County,
8 signify by saying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Those opposed? Hearing none,
11 motion -- case is dismissed.

12 MS. WATSON: The next case is tab number 41. It's
13 2019-009, Gwinnett County, voter registration. Lynn
14 Ledford with the Gwinnett County Board of Registration and
15 Elections emailed the Georgia Secretary of State's Office
16 reporting three voter registration applications that she
17 states appeared to be false registrations. Three voter
18 registrations were submitted with similar information with
19 variations of the name, address, and date of birth. The
20 registrations were submitted in February of 2019 by a
21 third-party organization conducting voter registration
22 drives. The name of the voter registrations was Chris or
23 Christopher Shakir [ph.] All attempts to locate and
24 interview Mr. Shakir have not been successful. Mr. Shakir
25 does have a valid voter registration form from 2018.

1 We're recommending the case be dismissed, as there is no
2 verifiable proof of the identity of the individual that
3 completed the three voter registrations.

4 MR. RAFFENSPERGER: Okay. Any questions, comments,
5 concerns from the Board?

6 MR. MASHBURN: This is Matt Mashburn. The reason I
7 asked for this one to be pulled and the companion case to
8 be pulled is that it appeared to me from reviewing the
9 case file -- is that we've got six fraudulent voter
10 registrations emanating from a boyfriend and a girlfriend
11 -- between them, appear to have generated six fraudulent
12 voter registration applications, and as far as I can tell,
13 there was zero cooperation and even, you know, hiding from
14 the -- from the investigators, so I would actually like
15 for this to be referred to the Attorney General so that
16 they might use additional investigative powers include the
17 power of subpoena to get to the bottom of this. I think
18 this is very serious and should be referred to the
19 Attorney General.

20 MR. RAFFENSPERGER: Was that a motion?

21 MR. MASHBURN: And move that it be -- move that it be
22 referred to the Attorney General, along with its companion
23 case.

24 MR. RAFFENSPERGER: And that is case 20 -- 2019-022?

25 MR. WORLEY: This is David Worley. I would second

1 Mr. Mashburn's motion.

2 MR. RAFFENSPERGER: Okay. Any further discussion?
3 Okay. Hearing none, all those in favor of moving case
4 2019-009 and 2019-0 --

5 MS. MCGOWAN: Mr. Secretary? Mr. Secretary, I'm
6 sorry to interrupt. This is Charlene McGowan with the
7 Attorney General's Office. I would just like to clarify
8 that it is the State Election Board that has subpoena
9 authority. If -- if further investigation is warranted on
10 this case, then I would suggest that it's the Board that
11 uses a subpoena to do further investigation.

12 MR. RAFFENSPERGER: Okay. Board members, you've
13 heard from the Attorney General's Office.

14 MS. WATSON: Mr. Secretary, we can certainly take the
15 case back and do some fur -- further follow-up to try to
16 locate these individuals for statements and further
17 information.

18 MR. RAFFENSPERGER: I believe it's the will of the
19 State Election Board that you use full subpoena power and
20 additional -- whatever resources to bring to bear to the
21 full degree to get to the bottom of the matter.

22 MS. WATSON: Okay.

23 MR. MASHBURN: Oh, and with that information -- this
24 is Matt Mashburn -- I withdraw the motion but do request
25 that the investigators investigate this and the companion

1 case using all available techniques and powers at their
2 disposal.

3 MS. WATSON: Okay.

4 MR. RAFFENSPERGER: Any further action required for
5 us to send that back, Mr. Germany, or does that -- or do
6 you want a motion for that?

7 MR. GERMANY: In the past, I think it's just been a
8 motion to basically send back for inve -- or further
9 investigation.

10 MR. MASHBURN: I move that this be sent back for
11 further investigation, please.

12 MR. WORLEY: This is Mr. Worley. I would second that
13 motion.

14 MR. RAFFENSPERGER: Any further discussion? All
15 those in favor of moving back case number 2019-009,
16 Gwinnett County, and 2019-022, Gwinnett County, signify by
17 saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Those opposed? Motion carries
20 unanimously. It's moved back for additional
21 investigation. Okay.

22 MS. WATSON: Okay. Next up is the letter of
23 instruction cases.

24 MR. RAFFENSPERGER: Do you want to take a -- let's
25 see. We've been going here for a while. Can we take a --

1 so it's 10:27, come back at, say 10:35. Is that enough
2 time for everyone to check messages and we'll back at
3 10:35, take a six, seven-minute break? Does that work?

4 MS. WATSON: Yes, sir.

5 MR. RAFFENSPERGER: Okay. Thanks.

6 (Meeting break)

7 MR. RAFFENSPERGER: Okay. It's 10:35, and the letter
8 cases are before us. Do we want to have Ms. Watson
9 discuss those, or are there some that the Board members
10 would like to pull out that we can vote as entire group
11 for these? Board members, you have the letter cases
12 before you. Are there any that you want to push -- pull
13 out for individual discussion? Okay. Hearing none, what
14 is the will of the committee for the letter cases? Should
15 we read out all the numbers or go straight down the list?

16 MS. LE: I'm sorry. I'm sorry, Mr. Chairman. This
17 is Anh Le. I didn't unmute myself fast enough. Could I
18 hear --

19 MR. RAFFENSPERGER: Okay.

20 MS. LE: -- could I ask one of the cases, I believe,
21 20-17 and 20-19 about the ballot box drop box cases be
22 pulled please? Okay.

23 MR. RAFFENSPERGER: Which numbers are those?

24 MS. LE: Sorry.

25 MS. WATSON: Tab number six. Go ahead. It's 2020-

1 017 and 2020-19.

2 MR. WORLEY: And Mr. Secretary, --

3 MR. RAFFENSPERGER: Someone faded out there. Can I
4 hear that again?

5 MS. WATSON: Tab --

6 MR. WORLEY: Mr. Secretary, -- oh, I'm sorry.

7 MS. WATSON: 62 and 63. Go ahead.

8 MR. RAFFENSPERGER: Okay. And was that Mr. Mashburn
9 I heard or Mr. Worley?

10 MR. WORLEY: It was Mr. Worley, Mr. Secretary. I
11 believe that Mr. Holsworth, who spoke in the public
12 comment, was here to talk about one of these letter cases,
13 I think the Fulton County one. I'm not absolutely sure.

14 MS. WATSON: That is correct. Tab number 55, 17-004.

15 MR. RAFFENSPERGER: Okay.

16 MR. HOLSWORTH: I'm still here.

17 MR. RAFFENSPERGER: Any other members of the Board?

18 MR. HOLSWORTH: This is Lee --

19 MR. RAFFENSPERGER: Are there any other cases that
20 we'd like to pull out? Okay. Hearing none, if the Board
21 would like to then vote on all the cases en masse except
22 2017-004 and 2020-017 and 2020-019. We'll pull those out
23 for individual consideration of those. Do we have a
24 motion?

25 MR. WORLEY: I will make that motion. This is Mr.

1 Worley.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. SULLIVAN: Second, Rebecca Sullivan.

4 MR. RAFFENSPERGER: Any further discussion? All
5 those in favor of pulling out all cases except the ones --
6 the three that we've pulled out, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any opposed? Okay. Motion
9 carries. Okay. SEB case number 2017-004, Ms. Watson?

10 MS. WATSON: Yes, sir. In January of 2017, Fulton
11 County Director of Elections Richard Barron reported that
12 an elector allegedly campaigned within the 150 feet
13 boundary of the Johns Creek Environmental Campus polling
14 station on October 29th. Investigation revealed that the
15 Respondent Lee Allen Holsworth admitted to wearing a hat
16 that contained a slogan "Make America Great Again" on and
17 inside the Johns Creek Environmental Campus polling
18 station when he voted. And we're recommending that Mr.
19 Holsworth be issued a letter of instruction for violation
20 of 21-2-414(a).

21 MR. RAFFENSPERGER: Okay. I believe Mr. Holsworth
22 was -- called in earlier. Is he -- would he like to
23 address the Board?

24 MS. THOMAS: He's here. He's -- his audio just went
25 out. Mr. Holsworth, it's asking you to put in a PIN. A

1 PIN has been sent to you.

2 MR. RAFFENSPERGER: Okay. In the meantime, do any of
3 the Board members have any questions, comments, or
4 concerns?

5 MR. WORLEY: This is David Worley. I just wanted a
6 little clarification. Did -- did the hat that Mr.
7 Holsworth is said to have been wearing have a candidate
8 name on it or not?

9 MS. WATSON: No. It did not.

10 MR. WORLEY: Okay. Because there's a statement in
11 the findings that says poll worker, Ms. Baker, advised
12 this investigator that the hat the Respondent was wearing
13 had the words "Vote for Donald Trump" on it and so did an
14 assistant poll manager.

15 MS. WATSON: I'm looking at that.

16 MR. WORLEY: Just looking at the last two sentences
17 of the findings portion of the report.

18 MS. THOMAS: And while they're looking at that, Mr.
19 Holsworth, the PIN has been sent to you in a chat. If you
20 could put that in, so you can unmute yourself.

21 MS. WATSON: Yes, sir. I do see that that is what
22 the investigator confirmed that the hat did say that.

23 MR. WORLEY: Okay.

24 MS. WATSON: It did display "Vote for Donald Trump."

25 MR. RAFFENSPERGER: Okay. If we could get Mr.

1 Holsworth on the --

2 MS. WATSON: Should we just try to call him?

3 MS. THOMAS: Yeah.

4 MS. WATSON: I'm going to try to call him on the
5 phone.

6 MR. RAFFENSPERGER: Thank you.

7 MS. WATSON: Hi, Mr. Holsworth. I'm going to put you
8 on speaker, so you can speak to the Board members. One
9 second.

10 MR. HOLSWORTH: Okay.

11 MS. WATSON: All right. Go ahead, Mr. Holsworth.

12 MR. HOLSWORTH: Yeah, I'm so sorry, but my phone
13 dropped twice in a row. So sorry, so I missed -- I heard
14 the beginning of when they were reading what had happened
15 when the investigator called me back. I'm so sorry about
16 that.

17 MR. RAFFENSPERGER: No -- no worries. Mr. Holsworth,
18 one of the Board members asked a question. Did you
19 endorse the candidate or was it just a slogan?

20 MR. HOLSWORTH: It was just a slogan.

21 MR. RAFFENSPERGER: Do you have any further comments
22 that you'd like to present to the Board?

23 MR. HOLSWORTH: You know, I always wear a hat. I've
24 had skin cancer, so I'm supposed to always wear a hat, and
25 the hat I was wearing around election time -- I thought it

1 was interesting that all of the notes from this said
2 something about Trump on it, and the hat is a red hat that
3 says "Make America Great." There's nothing about Trump on
4 any of it. And I wasn't -- didn't feel I was reactionary
5 or anything like that. I was just going in to vote. At
6 the time, I don't even know if there were any other voters
7 there. When they asked me to take it off, I was so
8 surprised, but I did it. I took it out to the car, left
9 it in the car, and came back in and voted, so it wasn't
10 like there was any kind of a confrontation or anything. I
11 just was surprised that they asked me to do that.

12 MR. RAFFENSPERGER: Any questions from any Board
13 members?

14 MR. HOLSWORTH: No. I was just surprised it took --
15 I'd forgotten all about this thing. It was, like, three
16 years ago. The letter that said an investigation was
17 unfolding -- I'd forgotten all about it.

18 MR. RAFFENSPERGER: Board members, do you have any
19 questions for Mr. Holsworth? Thank you, sir.

20 MR. HOLSWORTH: Thank you, sir.

21 MR. RAFFENSPERGER: All right. This is before you
22 right now. We've had a clarification. We know what he
23 was wearing.

24 MR. HOLSWORTH: Sorry. Were you asking me a
25 question?

1 MR. RAFFENSPERGER: No. I think we're good. It's
2 before the Board, if they want to make a motion on what
3 they -- what they would like to do with this case.

4 MR. MASHBURN: This is Matt Mashburn. I move that
5 the case be resolved by a letter of instruction.

6 MS. LE: Hey, Matt. This is Anh Le. Seeing that Mr.
7 Holsworth complied when asked and was not aware of the
8 violation and was agreeable, I also second that motion.

9 MR. WORLEY: This is Mr. Worley. And this -- this
10 may sound like a strange thing for me to say, but I don't
11 think we should send him a letter of instruction because I
12 don't think that it's -- I just don't think it's a
13 violation to wear a "Make America Great Again" hat that
14 doesn't say vote for a particular candidate on it. Even
15 though it's well known that people who are wearing those
16 hats might be supporting a particular candidate, I just
17 don't think it's technically a violation of the statute,
18 and therefore, I don't think he should get a letter of
19 instruction. So I will be voting against that motion for
20 that reason.

21 MR. RAFFENSPERGER: Okay. Do we have any further
22 comments?

23 MR. MASHBURN: Yeah. Just by way of further comment,
24 the -- I think we've -- well, if I could -- if I could
25 just make a comment after we've voted very -- very brief,

1 but I'm prepared to vote.

2 MR. RAFFENSPERGER: You're prepared to vote?

3 MR. MASHBURN: Yes.

4 MR. RAFFENSPERGER: Okay. Any further comment about
5 the motion? All those in favor of the motion of sending a
6 letter of instruction for SEB 2017-004, signify by saying
7 aye.

8 THE BOARD MEMBERS: (except Mr. Worley) Aye.

9 MR. RAFFENSPERGER: Those opposed?

10 MR. WORLEY: No.

11 MR. RAFFENSPERGER: So I hear two ayes and Mr. Worley
12 opposed. Do we have any other votes that we need to pick
13 up?

14 MS. SULLIVAN: Rebecca Sullivan also voted aye.

15 MR. RAFFENSPERGER: You did? So it's three. Motion
16 carries. Okay. Fayette County, 2020-017, is before us
17 now.

18 MS. WATSON: Yes, sir. This case is tab number 62,
19 Fayette County, absentee ballot drop box. The absentee
20 ballot drop box in Fayette County was not in compliance
21 with the SEB rules. It was found during inspection on May
22 27th that the absentee ballot drop box was not made of
23 durable material, did not minimize the ability of liquid
24 to be poured into it, was not securely fastened to the
25 ground, did not have signage regarding the Georgia law

1 relating to absentee ballot harvesting, destroying,
2 defacing, or delaying delivery of ballots. On July the
3 20th, 2020, it was determined that a replacement box had
4 been ordered, and they were not using the old box -- the
5 Fayette County. The recommendation is that Fayette County
6 be issued a letter of instruction for violation of SEB
7 rule 183-1-14-.06-.14(6)(7)(5).

8 MR. RAFFENSPERGER: Okay. Members, -- Ms. Le, I
9 believe it was you that wanted to pull this case out. Did
10 you have any questions, comments, or concerns?

11 MS. LE: Yes, sir. Thank you. I had pulled this and
12 the next case out -- the next case being 2020-019 -- for
13 the same reasons, that is, the four questions on the
14 questionnaire were both -- were all no's, which is
15 summarized by the investigative report just now, and I
16 think that's -- that's a concern, given that we're
17 expecting a decent amount of absentee ballot drop box
18 usage in the next election, and I'm curious to know what -
19 - I guess what the counties are being trained -- some kind
20 of assurance that they're prepared to accept the large
21 volumes and not using boxes that are makeshift because
22 that's all they had on hand like we hear in this case. I
23 guess I'm asking for both cases if I may -- if not, my
24 question will be the same on the next case, which is what
25 training or what assurances are we getting from the

1 counties? I understand that this passing election, it
2 sounded like in one case that they couldn't order it in
3 time, the secure drop boxes, but what about this next
4 election? What's being done to rectify this and to ensure
5 that the counties do have what they need or get what they
6 need in place in time for the next election, being in
7 November? Thank you.

8 MR. RAFFENSPERGER: Okay. Mr. Germany? We've had a
9 couple of questions about that.

10 MR. GERMANY: Yes, sir. Chris, I think Chris is best
11 to answer that.

12 MR. HARVEY: Mr. Secretary, members of the Board,
13 this is Chris Harvey. A couple of things have been done
14 for the counties to make sure that they comply with the
15 SEB rules regarding the ballot drop boxes. One is our
16 office has a grant program whereby we reimburse costs of
17 up to \$3,000 for the purchase and installation of the
18 absentee ballot drop boxes. You know, in some cases
19 they're relatively expensive to install, so we're
20 reimbursing up to \$3,000 for one or more absentee ballot
21 drop boxes.

22 Secondly, we're making sure that the counties are
23 aware of the rules, the updated rules, regarding the
24 requirements for the drop boxes. You know, we understand
25 that the rules are relatively stringent, and we've sent

1 out several directives to the counties making sure that
2 they're aware of the requirements and that they follow
3 them or contact us with any questions. And lastly, we've
4 been working with some groups that are trying to leverage
5 private -- private industry resources to try to get
6 additional funds for counties to install additional drop
7 boxes.

8 So that process is ongoing. We don't have anything
9 final to report on that, but we've been in regular
10 communication with the counties to make sure they
11 understand the -- the role of the drop boxes. Frankly,
12 I've encouraged counties to implement as many drop boxes
13 as they reasonably can, and we're seeing they're taking
14 advantage of it.

15 MR. RAFFENSPERGER: Thank you.

16 MS. SULLIVAN: This is Rebecca Sullivan. I have some
17 concerns that in both of these cases it looks like neither
18 county had acceptable drop boxes, so they made the
19 decision to use unacceptable ones rather than not use drop
20 boxes at all. Is that something that the Secretary of
21 State's Office has addressed?

22 MR. HARVEY: As far as that goes, we -- I always tell
23 the counties they need to follow SEB rules. You know, I
24 make the rules clear with them. We talk about it on
25 conference calls and in written directions, and I -- I

1 always tell the counties that they're ultimately
2 responsible for complying, so that's -- that's our
3 position. I can't -- I tell the counties I can't excuse
4 them deviating from state law and State Election Board
5 rules.

6 MS. WATSON: And this is Frances Watson. Also, we
7 did follow up with these -- these cases, and the first one
8 with Fayette County, they stopped using the drop box until
9 they could get their permanent drop box in place and the
10 same with Spalding County. We did verify that the new box
11 arrived on May 28th and was placed in service on June the
12 3rd of 2020. So we did follow up to make sure they had
13 the regular box that was in compliance in place.

14 MS. LE: This is Anh Le. I -- my biggest concern is
15 -- is, you know, the faith and confidence of the voters
16 that absentee ballots are secured and can be trusted, and
17 -- and I think it is in Georgia. We do a great job in
18 that regard, and the counties are doing an excellent job.
19 I just don't want there to be an opportunity for, you
20 know, somebody out there to take advantage of the counties
21 kind of being on their own and then bring into question
22 the integrity of our vo -- absentee ballots.

23 So on that -- against that backdrop, I am curious to
24 know if, Chris, if you are going to be doing more between
25 now and November then just kind of -- I know you're doing

1 a lot with this, but I'm curious to know will there be any
2 more proactive kind of county assurances reporting that
3 they are, you know, secured. Yes, all boxes are checked
4 because if there's a violation, you're absolutely right.
5 We will enforce that. But that's after the fact, and then
6 that's after the election. So I'm just curious to know
7 will there be any more communications in this regard and
8 enforcement in this regard?

9 MR. HARVEY: This is Chris. Yes. I think it was
10 last -- as recently as last week, I sent out the updated
11 rules and adopted rules and reminded counties that they're
12 doing that. I know that when the monitors go out to
13 monitor both in advance voting and on Election Day, they
14 will be checking all of the drop boxes to make sure that
15 they comply with the -- with the standards. And again,
16 we'll keep reiterating it to the counties. The counties
17 generally do provide us with the locations of the drop
18 boxes so that we can -- we can know where they are, and we
19 can check on them. And I field probably two or three
20 calls a week from county directors asking questions about
21 absentee ballot drop boxes.

22 MS. LE: And I'm sorry. One last question: are we
23 doing spot checking of these locations? Knowing --
24 knowing that the counties have their drop boxes, and once
25 they're set up, they're notifying you. Is there any plan

1 to do spot checking just to ensure?

2 MS. WATSON: Yeah, this is Frances Watson, and we do
3 have an absentee ballot drop box inspection form, so
4 during early, advance, and during election, we -- we would
5 also check those while we're doing the other polling place
6 inspections.

7 MS. LE: Thank you.

8 MR. RAFFENSPERGER: And that -- this is Brad
9 Raffensperger. And that would be for all 159 counties,
10 we'll be making sure we hit every single county to make
11 sure those people's absentee ballot drop boxes comply with
12 the law and SEB rules.

13 MS. WATSON: Okay.

14 MR. RAFFENSPERGER: Okay. Do we have any further
15 discussion about 2017 or 2020-017? And Ms. Le, since
16 Spalding County is similar but different, I don't know if
17 you would like to make a motion for both of those at the
18 same time, or if you'd like to -- if you'd like to, you
19 know, do those individually?

20 MS LE: Mr. Chairman, I -- those were my only
21 questions for 20 -- cases 2020-017 and 2020-019. They're
22 the same concern, and I feel that I've gotten my answer,
23 so if the Board is -- is okay, I'll make a motion to -- I
24 think I was going to originally make a motion to also have
25 a consent order in there requiring the counties to send

1 some kind of compliance assurance, but given that Ms.
2 Frances Watson has said that we are doing spot checking,
3 and Mr. Harvey is continuing his vigorous communications
4 with the counties, I would move to issue a letter of
5 instruction for both of these cases, if that's okay with
6 the Board.

7 MR. RAFFENSPERGER: Do we have a second?

8 MR. WORLEY: This is Mr. Worley. I would second
9 that.

10 MR. RAFFENSPERGER: Any further discussion? All
11 those in favor of the motion for 2020-017 and 2020-019,
12 signify by saying aye.

13 THE BOARD MEMBERS: Aye.

14 MR. RAFFENSPERGER: Those opposed? Motion carries.
15 Okay. New cases, do we have anyone that is here to talk
16 about the cases? We can move them to the front of the
17 line.

18 MS. WATSON: Do you want to do the dismissal -- Mr. -
19 - Mr. Raffensperger, if you would like, I could go over
20 the cases that were granted continuance, so that we can --

21 MR. RAFFENSPERGER: Okay.

22 MS. WATSON: -- or those that -- tab number 65,
23 Fulton County, 2020-022.

24 MR. RAFFENSPERGER: Okay.

25 MS. WATSON: Tab number 67 through tab number 71,

1 Fulton County cases continued. Tab number 76, which is
2 2016-070, Gilmer County, was continued. Tab number 77,
3 Hancock County qualifying, continued, and tab number 78,
4 Long County 2016-110, was continued, all at the request of
5 the attorneys due to conflict.

6 MR. RAFFENSPERGER: Okay. What's the first one that
7 you want to present before the Board?

8 MS. WATSON: The first case is 2020-014. It's Fulton
9 County absentee ballot drop box case. In this case, -- in
10 this case, in May of 2020, an email from Fulton County
11 Elections indicated multiple locations of absentee ballot
12 drop boxes still required surveillance system
13 installations and repairs. On June 8th of 2020, it was
14 reported that an individual located the keys to the
15 absentee ballot drop box and the lock at 2757 Main Street,
16 East Point, Georgia, 30344.

17 The investigation revealed the company installing and
18 repairing the surveillance equipment provided a statement
19 that the location did in fact have working surveillance
20 equipment. It was discovered, however, that the camera
21 recordings were not being stored for the required amount
22 of time. The code states the recordings are to be stored
23 for at least 30 days after the election certification or
24 at the conclusion of any election contest. Fulton County
25 was only storing the video for 14 days from the time it

1 was recorded.

2 A voter dropping off his absentee ballot at the East
3 Point Library observed the keys to the drop box locks. He
4 describes the keys as being on a stretchy, spooling type
5 cord with one key inserted in one lock and the other in
6 the second lock. He was able to turn the key and open the
7 absentee ballot drop box and observe the absentee ballots
8 inside the box. He closed the box, relocked it, and took
9 the keys to the East Point Police Department because there
10 was no one in the library location to turn the keys over
11 to. He saw a policeman outside the police department. He
12 approached the policeman, gave the keys to the police
13 officer, who did not ask him his name, told him they were
14 to the absentee ballot drop box, and asked him to safely
15 return the keys.

16 And we're recommending in this case that it be bound
17 over to the Attorney General's Office for Fulton County
18 Board of Elections and Registration and Richard Barron,
19 Fulton County Director of Elections for Board rule 183-1-
20 14-0.6-.145, secure absentee ballot drop boxes, when they
21 deployed a video surveillance system that does not retain
22 video surveillance footage until 30 days after the
23 election certification or completion of any election
24 contest, and 21-1-386(a)(1)(a), safekeeping,
25 certification, and validation of absentee ballots, when

1 the key to the absentee ballot box was left in the drop
2 box while the box was in use.

3 MR. RAFFENSPERGER: Okay. Do we have any questions,
4 comments, or concerns? Anyone want to speak for Fulton
5 County on this?

6 MS. THOMAS: Ms. Palmer, you're unmuted, if you would
7 like to say something.

8 MS. PALMER: Okay. Thank you. Good morning,
9 everyone. I sent Mr. Germany a very short memo which
10 addressed in part this complaint last night, and I
11 apologize for sending it somewhat late, but I hope you all
12 got it. Just briefly on behalf of Fulton County, I want
13 to let you all know that they have purchased the necessary
14 equipment in order to retain the surveillance footage for
15 the time period required by the rule. That equipment has
16 been purchased and should be in place in about two weeks
17 from today.

18 As to the allegation with the key, we got some
19 additional information this morning just hearing Ms.
20 Watson relate what she did. That was not in the complaint
21 that we received, and frankly, just with the information
22 that was in the complaint, there was really no way to
23 research and respond to the issue with the key. What I
24 would suggest to the Board, we're asking you to just
25 dismiss and close this complaint given that Fulton County

1 has purchased the equipment which will bring them in
2 compliance with the rule, and I would ask you to do that
3 for both potential violations, given that the equipment,
4 you know, being able to record the surveillance footage
5 should also address the issue -- the security issue,
6 which, you know, in this instance allegedly the key was
7 found in the drop box.

8 So, you know, without -- without further information
9 about, you know, the key being turned in -- I believe the
10 copy of the complaint I got said that there was no report
11 made at the East Point police, and they couldn't verify
12 that the key had, in fact, been turned in. You know,
13 without any way to sort of validate that -- you know, I
14 don't know what the Attorney General could do and
15 investigate, but in any event, the end result would be
16 that the new equipment that's put in place would address
17 the issue of security at the absentee ballot drop boxes.
18 Thank you.

19 MR. WORLEY: Well, this is Mr. Worley. Perhaps the
20 investigator could subpoena somebody in Fulton County to
21 find out where the key is and how it got back to Fulton
22 County from the East Point drop box.

23 MS. PALMER: If the Board wants to do that and give
24 us more time to follow up on that particular question,
25 we'd be happy to do that. I mean, we didn't even know

1 before this morning that -- the description about the key
2 being in the lock or it being on the particular type of
3 key chain, so if the Board would give us more time to
4 respond to that specific allegation, we'd be happy to do
5 it.

6 MR. RAFFENSPERGER: I think then from what I'm
7 hearing one of our members and perhaps the Chairman would
8 like to see this sent back for additional investigation to
9 come back at a later time.

10 MR. WORLEY: This is Mr. Worley. I -- I think that
11 the allegations as they have been made are enough to refer
12 it to the Attorney General's Office, but I'm certainly
13 willing to have the investigation continued before we do
14 that, so that we can completely find out the facts and
15 give Fulton County an opportunity to find out what
16 happened to that key, so I would make a motion that we ask
17 the investigator to conduct a further investigation.

18 MR. RAFFENSPERGER: Before I ask for a second, Ms.
19 Watson, if this were sent to the Attorney General's
20 Office, do they do any -- would they do any additional
21 investigation or what would be -- what would the Attorney
22 General's position be on this?

23 MS. WATSON: My understanding is that they do not
24 have investigators to follow up on that, so it would --
25 would be best to refer it back to us for additional

1 follow-up.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. LE: Anh Le, I second that.

4 MR. RAFFENSPERGER: Do we have any further
5 discussion? Mr. Worley's motion of 2020-014, all those in
6 favor, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Case is sent back for additional
9 investigation.

10 MS. WATSON: The next case is tab number 66, which is
11 2016-060, Fulton County, ballot proof. In this case, it
12 was May 2016, Fulton County Board of Elections and
13 Registration Dwight Brower self-reported that a person who
14 was not a candidate for Fulton County Superior court judge
15 had been mistakenly placed on the ballot for the upcoming
16 May 24th, 2016 non-partisan general election. The
17 investigation confirmed that this was the case. The
18 candidate should have been listed on the Atlantic judicial
19 circuit but was instead listed on the Atlanta judicial
20 circuit in error. Fulton County responded by posting
21 notices at the polls and mailing ballot error notices
22 along with absentee ballot forms. We recommend that
23 Fulton County Board of Elections and Registration and
24 Dwight Brower be bound over to the Attorney General for
25 violation of 21-2-283 and SEB rule 183-1-12-.023(a)(3).

1 MR. RAFFENSPERGER: Okay. Do we have anyone to speak

2 --

3 MS. PALMER: Yes.

4 MR. RAFFENSPERGER: -- for Fulton County?

5 MS. PALMER: This is -- thank you, Mr. Secretary.

6 It's Amanda Clark Palmer again. That issue for the ballot
7 I would note for the Board was unintentional, but it was
8 also discovered and self-reported by Mr. Brower, the
9 Elections Director. I want to just make clear for the
10 Board that Robert Russell -- he was the candidate who was
11 running in the Atlantic circuit but erroneously appeared
12 on the Atlanta circuit ballot. He did also appear on the
13 Atlantic circuit ballot. His race was not impacted by
14 this issue, and, in fact, he was the only candidate for
15 his office.

16 Because of the timing when Fulton County discovered
17 this issue -- I don't have the exact date just given the
18 age of this issue that we're talking about, but Mr. Brower
19 recalls that it was recovered -- discovered in advance of
20 the election. They were able to deactivate or invalidate
21 the race because polling had not started, and the race did
22 not appear in Fulton County's election results. So given
23 that there were no consequences from this error and that
24 it was unintentional, self-reported, and immediately
25 corrected by Fulton County when they noticed it, we're

1 asking the Board to close and dismiss the case.

2 MR. RAFFENSPERGER: Okay. Members of the Board, any
3 additional questions, comments, or concerns?

4 MR. WORLEY: Mr. Secretary, this is David Worley. I
5 had a question for Ms. Palmer. How is it that the name of
6 Mr. Russell appeared on the Fulton County ballot in the
7 first place?

8 MS. PALMER: Give me one second to refer back to my
9 notes. The only information I have -- I just frankly
10 don't know enough about the process of how the ballot is
11 put together, but the information that our ha -- that I
12 have from the Elections Director is just that they
13 mistakenly inserted that candidate's name into the
14 candidate race listing for the Atlanta judicial circuit.

15 MR. RAFFENSPERGER: Okay. Any other questions?

16 MS. LE: This is Anh Le, Ms. Palmer. I know this
17 case is back in 2016. What kind of proofing procedural
18 changes has Fulton County enacted to safeguard against
19 these issues since 2016 and now? Do you know?

20 MS. PALMER: I don't know. I don't have any
21 particular response to that question.

22 MS. LE: Thank you. Ms. Frances Watson, do you know
23 how many more cases -- or do you have it off the top of
24 your head that Fulton County has had proofing issues since
25 2016?

1 MS. WATSON: I do not know. I would have to research
2 that.

3 MS. LE: Okay.

4 MR. RAFFENSPERGER: Thank you. It's now before the
5 Board. Is there -- what is the will of the Committee?

6 MR. WORLEY: This is Mr. Worley, Mr. Secretary. I
7 would make a motion that we send a letter of instruction
8 on this matter to Fulton County.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I'd like to make a -- this is Anh Le. I'd
11 like to make a friendly amendment to that, Mr. Worley, if
12 it's all right? I think this is something the Board used
13 to -- the State Board used to do more is issue a consent
14 agreement or consent orders with the county, but if that's
15 an option, I'd like to amend Mr. Worley's motion by adding
16 in there a requirement or proof of training in regards
17 with respect to ballot proofing for Fulton County. So
18 whether it takes the form of a letter of instruction with
19 a follow up or a consent order or a hybrid of the two, I
20 would like to see if we can add that to the motion.

21 MR. WORLEY: I -- I would accept that amendment.

22 MS. LE: So if the motion passes, I think what --
23 what Fulton County could do is give some kind of follow
24 up, whether it's some kind of written confirmation that
25 they put in training in place. Is that correct, Mr.

1 Worley? Is that the amended motion?

2 MR. WORLEY: Yes. That would be fine.

3 MR. RAFFENSPERGER: Okay. It is before the Board.

4 All those in favor of the motion as presented...

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Any opposed? Hearing none,
7 motion carries. Okay. Next case?

8 MS. WATSON: The next case is tab number 73, which is
9 2016-063, Stewart County, absentee ballots.

10 MR. RAFFENSPERGER: Oh, 62, there it is. Got it.

11 MS. WATSON: We received reports of voting
12 irregularities with the May 24, 2016 general primary
13 election, the November 8, 2016 general election, and the
14 July 31st, 2012 general primary election in Stewart
15 County. In allegation one, two, three, seven, eight,
16 nine, ten, and eleven, there was no substantiation that
17 there was no evidence or proof of the allegation.

18 As to allegation number four that some electors in
19 Stewart County were not placed in their proper voting
20 district, the investigation revealed that 18 electors were
21 assigned to the wrong voting districts. Larry Westbrook
22 challenged the electors and the Board of Elections and
23 Registration and determined they were assigned to the
24 wrong district. Chief Registrar Todd Black placed the
25 electors in their proper voting districts.

1 In allegation number five that the Board of Elections
2 and Registration did not have voter registration cards for
3 all the electors in Stewart County, Diane Powell advised
4 prior to her going to work for Stewart County, it was
5 determined that some voter registration cards were
6 missing. Diane advised that around approximately 2014,
7 the Elections Office mailed out voter registration cards
8 requesting the electors to complete them and return them.
9 Neither Diane Powell or the absentee ballot clerk Ann
10 Bennett could advise how many voter registration cards
11 were still missing.

12 In allegation six that some election documents from
13 the May 24, 2016 general primary election were not
14 delivered and sealed containers to the election clerk of
15 Superior court, they were housed in the elections office
16 instead. It was found that DRE takes a CD copy of the
17 elections database, and then the testing form absentee
18 ballot oath envelopes and cast absentee ballots and
19 provision ballots were not delivered to the clerk of
20 superior court.

21 In allegation twelve that during the November 8, 2016
22 general election the assistant poll manager, Pauline
23 Harvey, of the Omaha precinct left to pick up some food.
24 The precinct was manned by the poll manager and the
25 assistant poll manager to conduct an election during her

1 absence. The poll manager advised she gave the assistant
2 manager permission to go and pick up food for the poll
3 workers.

4 And additional findings were: during the
5 investigation, the investigator advised Diane Powell in
6 May of 2016 that an elector was still listed as active but
7 was, in fact, deceased. The name in the information was
8 provided in order to update the status. In December of
9 2016, it was found that the elector was still listed with
10 an active status. The information was provided to Todd
11 Black, and the status was updated right away.

12 We're recommending that in allegation four, Stewart
13 County Board of Elections and Registration be bound over
14 for a violation of 21-2-226(b), when 18 electors were not
15 properly placed in their voting districts. In allegation
16 five, Stewart County Board of Elections and Registration
17 and Diane Powell be bound over to the Attorney General's
18 Office for violation of 21-2-236(a), periods of retention
19 of registration cards, in that they do not have all the
20 voter registration cards of electors whose name appeared
21 on either the official list of electors or the list of
22 inactive electors; 21-2-381(4)(b)(1), determination of
23 eligibility by ballot clerk, in that they failed to
24 compare the identifying information on some of the
25 applications with the information on file at the

1 Registrar's office. The investigator learned from
2 Elections Supervisor Diane Powell they did not have some
3 of the electors' voter registration cards on file,
4 allowing some of the voters eligible to vote on absentee
5 ballot by mail even though they were not able to compare
6 their signature or mark on the application for the voter's
7 registration card.

8 In allegation six, Stewart County Board of Election
9 and Registration and Diane Powell be bound over for
10 violation of 21-2-500(a), delivery of voting materials, in
11 that they failed to deliver election documents from the
12 May 24, 2016 general primary to the clerk of superior
13 court, and in allegation 12, Stewart County Board of
14 Election and Registration and Todd Black, the Chief
15 Registrar, Shonda Crews [ph.], the poll manager of the
16 Omaha precinct, and Pauline Harvey, assistant poll manager
17 of the Omaha precinct be bound over for 21-2-090,
18 appointment of chief manager and assistant managers, in
19 that during the November 8th general election, they did
20 not have their required three poll workers present at the
21 precinct, and Diane Powell be bound over to the Attorney
22 General's Office for violation of 21-2-231(e)(1), removal
23 of names from the list of electors, in that she failed to
24 remove the -- and update the electors list and remove
25 Margery McBride [ph.] who had been deceased when she was

1 notified of that information. And that concludes the
2 report.

3 MR. RAFFENSPERGER: Okay. Do we have anyone from
4 Stewart County?

5 MS. WATSON: I believe Diane Powell did send a letter
6 that was put in the link ahead of the meeting.

7 MR. RAFFENSPERGER: Okay. Members, do you have any
8 questions, comments, or concerns?

9 MR. WORLEY: Mr. Secretary, this is David Worley. I
10 would make a motion that we accept Ms. Powell's letter
11 into the record.

12 MR. RAFFENSPERGER: Okay.

13 MS. SULLIVAN: Second.

14 MR. RAFFENSPERGER: Any comments, concerns,
15 questions?

16 MR. MASHBURN: No objection.

17 MR. RAFFENSPERGER: No objection. It's entered. Do
18 we have a motion on case number 2016-063?

19 MR. WORLEY: Mr. Secretary, this is Mr. Worley. I
20 would make a motion that we bind over this, the particular
21 allegations, as recommended by Ms. Watson to the Attorney
22 General's Office.

23 MR. RAFFENSPERGER: Okay. Do we have a second?

24 MS. SULLIVAN: Second, Rebecca Sullivan.

25 MR. RAFFENSPERGER: Any further comments? Hearing

1 none, all those in favor of binding over to the Attorney
2 General's Office SEB case number 2016-063, Stewart County,
3 absentee ballots, signify by saying aye.

4 THE BOARD MEMBERS: Aye.

5 MR. RAFFENSPERGER: Any opposed? Hearing none,
6 motion carries. Okay. Case 2016-065, Gwinnett County.

7 MS. WATSON: Yes. On May 11th, 2016, we opened an
8 investigation into a residency issue alleging -- alleged
9 in Gwinnett County. The allegation in the complaint is
10 that a candidate for representative in the 99th district
11 and her father had voted in elections using an address
12 where they had not lived. The reported allegation was
13 that House District 99 Representative candidate Brenda
14 Lopez Romero and her father Emiliano Lopez Romero had
15 voted in elections using an address where they did not
16 leave.

17 After conducting interviews and reviewing documents,
18 it was determined that the Lopezes moved from 4737
19 Trailblazer Court NW, Lilburn, Georgia in 2012. It was
20 confirmed through voter certificates that Brenda Lopez
21 continued to use the Trailblazer address to vote in May
22 20, 2014, November 4, 2014, and November 3rd, 2015.

23 Emiliano Lopez voted in the elections of November 4th,
24 2014 and March 1, 2016 using the Trailblazer address.

25 We're recommending that Brenda Lopez Romero be bound over

1 to the AG's Office for violation of 21-2-451, 21-2-
2 562(a)(1) and Emiliano Lopez Romero be bound over to the
3 AG's Office for 21-2-451(c) and 21-2-562(a)(1).

4 MR. RAFFENSPERGER: Does anyone want to -- is anyone
5 here to speak to that?

6 MS. WATSON: No one has raised their hand.

7 MR. RAFFENSPERGER: Okay. Members of the Board, do
8 we have any questions, comments, or concerns?

9 MR. WORLEY: Mr. Secretary, this is David Worley. I
10 -- I have a concern. I think this case should be bound
11 over, but I think -- in a case involving an alleged
12 violation by a state representative, I think it's very
13 unfortunate that it has taken so long to investigate this
14 case and bring it to the Board's attention. I believe it
15 -- I believe it was on a previous agenda and was
16 continued, so I certainly understand that, and I certainly
17 understand how time-consuming these investigations can be,
18 and this is a very detailed report. I would just hope
19 that in the future when there's -- for the benefit of
20 everyone, including the accused or the Respondent, when a
21 public official is -- when an allegation of this kind is
22 made against a public official, it can be given a high
23 priority in investigation. That's all.

24 MR. RAFFENSPERGER: Okay. Ms. Watson, when this was
25 continued, was that -- was that coming from our end, or

1 was that coming from the defendant's end?

2 MS. WATSON: It was a request from the Respondent.

3 MR. RAFFENSPERGER: Okay. Do we have a motion before
4 the Board?

5 MR. WORLEY: This is David Worley. I would make a
6 motion that we refer this case to the Attorney General's
7 Office.

8 MR. RAFFENSPERGER: Okay. Do we have a second?

9 MS. LE: It's Anh Le. I second.

10 MR. RAFFENSPERGER: Do we have any further comment?
11 Hearing none, all those present that would like to refer
12 this, 2016-065, Gwinnett County, residency issue, to the
13 Attorney General's Office, do so by signifying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? Motion carries
16 unanimously. SEB case 2016-112, Gwinnett County, campaign
17 activities.

18 MS. WATSON: On July 27th, 2016, the Gwinnett County
19 Board of Elections and Registration submitted a complaint
20 of a candidate having entered a polling location during
21 the May 24th, 2016 general election. The complaint
22 alleged a candidate for House District 99, Brenda Lopez
23 Romero, had become involved in a voter complaint at the
24 Iglesia Nueva Jerusalem polling location and had entered
25 the poll to speak with the poll manager.

1 It was confirmed that the poll location was court
2 ordered to remain open until 7:42PM. During the extended
3 hours, it is required by code that those casting a ballot
4 do so on a provisional ballot. One voter entered and
5 asked how long it would take and was told approximately 30
6 minutes. The voter decided that the length of time was
7 too long and exited the poll location. The candidate made
8 contact with the voting outside who reported that he had
9 not voted as it would take too long. The candidate went
10 into the poll location to speak to the poll manager with
11 the voter. The candidate was given the same information
12 that it would take approximately 30 minutes to vote a
13 provisional ballot. The voter decided to complete the
14 process, and once he started the process, the candidate
15 exited the polling location. We're recommending that
16 Brenda Lopez Romero be bound over to the Attorney
17 General's Office for violation of 21-2-414(d), as she
18 physically entered the polling place other than her
19 designated polling place for purposes other than voting.

20 MR. RAFFENSPERGER: Okay. Do we -- do any Board
21 members have questions, comments, or concerns? Hearing
22 none, what is the will of the Board?

23 MR. MASHBURN: This is Matt Mashburn. I make a
24 motion that this be bound over to the Attorney General as
25 recommended.

1 MR. RAFFENSPERGER: Do we have a second?

2 MS. SULLIVAN: Second, Rebecca Sullivan.

3 MR. RAFFENSPERGER: Okay. Any further comments,
4 questions, or concerns? Hearing none, all those in favor
5 of sending case number 2016-112 over to the Attorney
6 General's Office as presented, signify by saying aye.

7 THE BOARD MEMBERS: Aye.

8 MR. RAFFENSPERGER: Any -- any opposed? Hearing
9 none, motion carries unanimously. Okay. So the next case
10 is 110.

11 MS. WATSON: That case was a continuance that was
12 granted. The next case --

13 MR. RAFFENSPERGER: Oh, it was. Okay. Got that.
14 Next one?

15 MS. WATSON: 2016-114, Clayton County, unsecured
16 voter registration apps, tab number 79.

17 MR. RAFFENSPERGER: Got it. Okay.

18 MS. WATSON: On August the 1st, 2016, the Office of
19 the Secretary of State opened an investigation into
20 unsecured voter registration applications. The complaint
21 originated when an investigator with the Clayton County
22 District Attorney's Office located 158 voter registration
23 applications by a dumpster in southern Clayton County.

24 850 voter registration applications were received by

25 Clayton County Board of Elections and Registration on

1 April 26th, 2016 from Clayton County Board of Education
2 from a voter registration drive conducted April 22nd
3 through the 26th of 2016 in the school system.

4 On July 29th, the Clayton County District Attorney
5 investigator received a call directing him to 1940
6 McDonough Road in Jonesboro. It was reported that voter
7 registration applications were discarded in the dumpster.
8 158 voter registration applications were recovered by the
9 dumpster. Interviews with the reporting party elections
10 staff and maintenance staff did not reveal the person that
11 was responsible for removing the documents and disposing
12 of them. We're recommending Clayton County Board of
13 Elections and Registration be bound over to the Attorney
14 General's Office for violation of 21-2-224(d), as they
15 failed to place eligible electors on the official list of
16 electors, entitling those electors to vote in the May
17 24th, 2016 general primary election, and 21-2-225(a), as
18 they failed to preserve the confidentiality of original
19 registration applications, and 21-2-226(a), they failed to
20 determine the eligibility of persons applying to register
21 to vote in the May 24, 2016 general primary election.

22 MR. RAFFENSPERGER: Okay. Are there any questions,
23 comments, or concerns from the Board?

24 MR. WORLEY: This is Mr. Worley. I have a question
25 for Ms. Watson. Ms. Watson, were these 158 people

1 subsequently placed on the voter rolls in Clayton County?

2 MS. WATSON: Yes, sir.

3 MR. WORLEY: Okay. Thank you.

4 MS. WATSON: If they were eligible.

5 MR. RAFFENSPERGER: Okay. Any other questions? What
6 is the will of the Board?

7 MS. SULLIVAN: This is Rebecca Sullivan. I'll make a
8 motion that we bind the Clayton County Board of Elections
9 and Registration over to the AG's Office for the listed
10 violations.

11 MR. RAFFENSPERGER: Do we have a second?

12 MR. WORLEY: This is David Worley, and I second.

13 MR. RAFFENSPERGER: Okay. Any other comments? I'll
14 call the question. All those in favor of sending case
15 number 2016-114 to the Attorney General's Office, signify
16 by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: Any opposed? Motion carries.

19 Next SEB case?

20 MS. THOMAS: Before we move to the next case, if you
21 would like to make a comment, please write in the
22 questions box your name and your case number. That's how
23 we'll know that you're -- that you would like to speak for
24 whichever case we're on.

25 MR. RAFFENSPERGER: Okay. Next case?

1 MS. WATSON: Yes. The next case, Webster County,
2 poll workers. A Secretary of State investigator
3 conducting a polling place inspection in a Webster County
4 precinct during advanced voting for the May 24th, 2016
5 general primary -- during that inspection, he noted that
6 only two workers were present to staff the precinct
7 instead of the required manager and two assistant
8 managers. The investigation revealed on May 12th, 2016
9 during early advance voting, Webster County Elections
10 Office -- only one manager and one assistant manager were
11 working. Deputy Registrar Bonnie Whitt advised that she
12 had decided to staff the poll with only two workers during
13 early advance voting due to low voter turnout and
14 budgetary constraints. We're recommending Webster County
15 Board of Elections and Registration and Bonnie Whitt,
16 Deputy Registrar, be bound over to the AG's Office for 21-
17 2-90.

18 MR. RAFFENSPERGER: Thank you. Do we have anyone
19 from Webster County?

20 MS. THOMAS: No, sir.

21 MR. RAFFENSPERGER: Members, do you have any
22 questions, comments, or concerns? Do we have a motion?

23 MR. WORLEY: This is Mr. Worley. I make a motion
24 that we bind over this case to the Attorney General's
25 Office for the allegations contained in Ms. Watson's

1 report.

2 MR. RAFFENSPERGER: Do we have a second?

3 MS. SULLIVAN: Second.

4 MS. LE: Anh Le, second.

5 MR. RAFFENSPERGER: Okay. All those in favor of
6 sending 2016-117, Webster County, over to the Attorney
7 General's Office, signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Hearing none,
10 motion carries. Next case?

11 MS. WATSON: Next case is Twiggs County, absentee
12 ballots, 2016-120. Twiggs County Chief Magistrate David
13 Brown filed a complaint with the Secretary of State's
14 Office citing issues in his county involving absentee
15 ballots and instances of felons voting during the May
16 24th, 2016 election. All the allegations were
17 investigated and predominantly found to be
18 unsubstantiated. It was verified that Shannon N. Carden
19 [ph.] completed and signed voter registration applications
20 and absentee ballot applications in her children's names,
21 Katie Blankenship and William Blankenship. Shannon Carden
22 then voted the absentee ballots in the names of her
23 children, Katie Blankenship and William Blankenship and
24 signed their names on the oaths. We're recommending
25 Shannon N. Carden be bound over to the Attorney General's

1 Office for 21-2-562(a)(1) and 21-2-568(a)(2).

2 MR. RAFFENSPERGER: Do we have anyone from Twiggs
3 County?

4 MS. WATSON: No.

5 MR. RAFFENSPERGER: Members, do we have questions,
6 comments, or concerns? Now would be an appropriate time
7 for a motion if that is the will of the Board.

8 MR. MASHBURN: This is Matt Mashburn. I make a
9 motion that the case be bound over to the Attorney
10 General's Office as recommended.

11 MR. RAFFENSPERGER: Do we have a second?

12 MS. LE: Anh Le, I second.

13 MR. RAFFENSPERGER: Okay. Do we have any comments?
14 Hearing none, all those in favor of binding over to the
15 Attorney General's Office case number 2016-120, Twiggs
16 County, signify by saying aye.

17 THE BOARD MEMBERS: Aye.

18 MR. RAFFENSPERGER: Any opposed? Motion carries.
19 Next case?

20 MS. WATSON: Next case is 2016-121, Glynn County,
21 petitions. On August 15th, 2016, Glynn County Elections
22 Supervisor Tina Edwards sent a letter to District Attorney
23 Jackie Johnson concerning nomination petitions submitted
24 to the Elections Office by Shawn Brown and Tommy
25 Harrington. Ms. Edwards reported the following: that upon

1 review of Shawn Brown's nomination petition, they
2 discovered two signature entries of deceased voters, that
3 Shawn Brown's nomination petition included a signature
4 entry from a member of the Elections Office staff whose
5 name was entered without her consent, that Shawn Brown's
6 nomination petition revealed 199 unmatched signatures out
7 of 419 signatures, that Tommy Harrington's nomination
8 petition revealed 207 unmatched signatures out of 614
9 signatures.

10 Ms. Edwards advised the false signatures entries
11 violated 21-2-170(d)(4) and the fraudulent entry of the
12 voter's signature with a violation of 21-2-562(a).
13 District Attorney Jackie Johnson states her office will
14 await the outcome of the Secretary of State's
15 investigation and any administrative proceedings until
16 making a determination as to whether criminal charges are
17 warranted.

18 The investigation reveals -- as to allegation one,
19 the investigation confirmed that two deceased electors'
20 names were listed on Shawn Brown's nomination petition.
21 Neither Shawn Brown nor the other circulators interviewed
22 admitted to signing the names on the nomination petition.
23 As to allegation two, it was verified that the names
24 Stephanie Atkinson and Amy Atkinson were fraudulently
25 signed on the nomination petition. Shawn Brown and the

1 circulators deny signing any electors' names on the
2 nomination petition.

3 As to allegation three, it was verified that some
4 names on the nomination petition of Shawn Brown were, in
5 fact, signed fraudulently. The forms were signed under
6 oath that Shawn Brown was the sole circulator, but, in
7 fact, he was not. In reference to allegation four, it was
8 verified that some names on Tommy Harrington's nomination
9 petition were fraudulent. Mr. Harrington and the
10 circulators interviewed denied signing electors' names to
11 the petition. Mr. Harrington's nomination petition forms
12 had oaths signed in the names of Robert Harrington, Isiah
13 Chester, Joe Harrington, Joyce Harrington, and Otis
14 Harrington. They all state that they did not sign the
15 oath as circulators. Mr. Tommy Harrington admitted that
16 he signed some of his relative's name to the petition that
17 they were circulators, when, in fact, they were not. Mr.
18 Harrington stated that he signed their names so his name
19 would not be the only one on all the forms. We're
20 recommending Shawn Brown be bound over for 21-2-562(a)(1),
21 fraudulent entries, and Tommy Harrington, 21-2-562(a)(1),
22 fraudulent entries.

23 MR. RAFFENSPERGER: Okay. Do we have any questions,
24 comments, or concerns from the Board? Okay. Now would be
25 the appropriate time for a motion if that's the will of

1 the Board.

2 MR. WORLEY: This is Mr. Worley. I would make a
3 motion that we bind over this case to the Attorney
4 General's Office for the allegations alleged.

5 MS. SULLIVAN: This is Rebecca Sullivan. I would
6 second.

7 MR. RAFFENSPERGER: Any further comment? All those
8 in favor of binding over to the Attorney General's Office
9 case number 2016-121, signify by saying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any opposed? Hearing none, case
12 is bound over to the Attorney General's Office. Next
13 case?

14 MS. WATSON: 2016-122, Glynn County, voter
15 registration. In August of 2016, Elections Supervisor
16 Tina Edwards reported the following allegations: on August
17 the 2nd, 2016, Jackie Dove registered to vote in person.
18 She advised on August the 4th, 2016, Jackie Dove returned
19 to their office to obtain a voter's photo identification
20 card. Tina Edwards states Jackie Dove provided an
21 original copy of his birth certificate to complete the
22 citizen verification process.

23 She advised on August the 9th, 2016, they received a
24 challenge of Jackie Dove's eligibility to remain
25 registered by his ex-girlfriend Gina Croft [ph.]. Tina

1 Edwards states Gina Croft provided a written statement
2 that James Henry Dove assumed his brother's identity to
3 register to vote and receive a photo identification card
4 in his brother's name, Jackie Dove.

5 Tina Edwards states during the general primary
6 election held on May 24th, 2016, candidate for County
7 Commissioner At-Large, Post 2, Julian "Puddy" Smith, who
8 had registered in another state at the time of his
9 candidacy while casting a ballot in Glynn County. Tina
10 Edwards states during the general primary election held on
11 May 24th, candidate for County Commissioner At-Large, Post
12 2, Julian "Puddy" Smith visited various polling locations
13 on Election Day.

14 The investigation revealed as to allegation one,
15 James Henry Dove could not be located to be interviewed.
16 Gina Croft did provide a statement confirming the
17 allegation regarding Mr. Henry Dove submitting a voter
18 registration fraudulently. As to allegation two, it was
19 confirmed that Mr. Smith did have a previous voter
20 registration in another state prior to moving to Georgia.
21 He did not vote in the previous state after moving to
22 Georgia and registering in Georgia. He thought the
23 previous registration would have been cancelled
24 automatically. As to allegation three, it was verified
25 through interviews and witness statements along with a

1 statement from Mr. Smith that he did visit several
2 precincts to check to see how things were going. He
3 states he was not campaigning, as he was running
4 unopposed. We're recommending James Henry Dove be bound
5 over to the AG's Office for 21-2-561(2) and also Julian
6 Smith be bound over for 21-2-414(b), prohibition of
7 candidates from entering certain polling places.

8 MR. RAFFENSPERGER: Okay. Any questions, comments,
9 or concerns from any of the Board members? Hearing none,
10 now would be the appropriate time for a motion.

11 MS. LE: This is Anh Le. I move to bind this over --
12 this case over to the AG's Office.

13 MR. RAFFENSPERGER: Okay. Do we have a second?

14 MR. MASHBURN: Second. Matt Mashburn.

15 MR. RAFFENSPERGER: Okay. All those in favor of
16 binding over the case to the Attorney General's Office,
17 signify by saying aye.

18 THE BOARD MEMBERS: Aye.

19 MR. RAFFENSPERGER: Any opposed? Case is bound over.
20 Next case?

21 MS. WATSON: Next case is 2016-154, Glynn County,
22 voter registration. The Brunswick, Georgia chapter of the
23 NAACP held a voter registration drive at two local high
24 schools. They did not turn in the applications from those
25 drives until after the mandatory deadline. The voter

1 registration drive at Glynn County Academy and Brunswick
2 High School on September 27 and 28th of 2016 -- there was
3 an evacuation due to Hurricane Michael that was ordered on
4 October the 6th of 2016. The residents were allowed to
5 return, and the Elections Office was reopened on October
6 the 11th of 2016. The statewide deadline for the voter
7 registration for the November election was October the
8 11th of 2016.

9 56 voter registration applications were submitted on
10 October the 13th, two days after the deadline for
11 registration for the November election. Mr. Fields, who
12 was the President of the Brunswick chapter of the NAACP at
13 that time, was contacted, and he indicated that he turned
14 in the voter registration applications and took full
15 responsibility for them being turned in later. We're
16 recommending John E. Fields be bound over to the AG for
17 21-2-224, registration deadlines.

18 MR. RAFFENSPERGER: Okay. Any questions, comments,
19 concerns from any of the members? Hearing none, now would
20 be the appropriate time for a motion.

21 MS SULLIVAN: This is Rebecca Sullivan. I'll make a
22 motion that we bind this case over to the AG's Office as
23 recommended.

24 MR. RAFFENSPERGER: Okay. Do we have a second?

25 MR. MASHBURN: This is Matt Mashburn. I second.

1 MS. LE: This is Anh Le.

2 MR. MASHBURN: Anh Le, go ahead.

3 MS. LE: No, sir. I like your motion.

4 MR. RAFFENSPERGER: Okay. Do we have any further
5 comment? Hearing none, all those in favor of binding over
6 case 2016-154 to the Attorney General's Office, signify by
7 saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: Any opposed? Hearing none,
10 motion carries. Okay. Next case?

11 MS. WATSON: Next case is 2016-123, Dooly County,
12 challenge hearing. Dooly County Resident Melvilla West
13 filed a complaint alleging that Brenetta Childs and the
14 Dooly County Board of Elections and Registration did not
15 follow the correct procedure when they challenged the
16 qualifications of a candidate who was running for a seat
17 on the Dooly County Board of Education. Investigation
18 revealed that a challenge hearing was scheduled by the
19 Dooly County Board of Elections. The candidate, Amelia
20 Hayward, was notified verbally regarding the hearing. A
21 written notice was not provided. We're recommending that
22 Brenetta Childs, Dooly County Elections Supervisor, and
23 Dooly County Board of Elections and Registration be bound
24 over to the AG's Office for 21-2-060.

25 MR. RAFFENSPERGER: Okay. Do we have questions,

1 comments, or concerns? Hearing none, now would be an
2 appropriate time to make a motion.

3 MR. WORLEY: This is David Worley. I would make a
4 motion that we bind this case over to the Attorney
5 General's Office.

6 MR. RAFFENSPERGER: Do we have a second?

7 MS. SULLIVAN: Second, Rebecca Sullivan.

8 MR. RAFFENSPERGER: Okay. Do we have any discussion?
9 Hearing none, all those in favor of binding over to the
10 Attorney General's Office case number 2016-123, Dooly
11 County, signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed? Motion carries
14 unanimously. Okay. Next case?

15 MS. WATSON: 2016-124, Walker County, poll watcher
16 issue. In September of 2016, we received complaints
17 regarding poll watcher issues during the general primary
18 election held in Walker County. There were two
19 complainants that submitted the following allegations. A
20 person described as a campaign manager allegedly
21 threatened a county employee with bodily harm. This was
22 based on a YouTube video of poor quality and determined
23 not to be under the SOS venue as this did not occur at a
24 poll or with a poll official. Allegations two through
25 nine were unsubstantiated. The Republican Party properly

1 submitted requests for official poll watchers. Interviews
2 with 11 poll managers found no evidence to support any
3 violations of the election code or rules for those
4 allegations.

5 Allegation ten, a poll manager allegedly hindered a
6 poll watcher from observing the tabulation at the Armuchee
7 precinct. The poll manager requested the poll watcher
8 observe from a distance that he believed was unreasonable.
9 The code does not specify what is considered to be a
10 reasonable distance. The poll watcher advised he could
11 not see the machines or hear the poll workers during
12 tabulation. The complainant is requesting that reasonable
13 distance be defined. There was no violation substantiated
14 in that complaint.

15 Investigation revealed -- the original allegation was
16 not substantiated. However, during the investigation, it
17 was verified that candidate Mike Bearden did visit two
18 poll locations for purposes other than voting on May 24th,
19 2016. We're recommending Mike Bearden, the candidate for
20 County Commissioner, be bound over to the AG's Office for
21 21-2-414(d).

22 MR. RAFFENSPERGER: Okay. Do we have any questions,
23 concerns, comments from the Board? Hearing none, now
24 would be the appropriate time for a motion, if you're so
25 inclined.

1 MS. LE: I move to bind this case over to the AG's
2 Office. This is Anh Le.

3 MR. WORLEY: This is David Worley. I second.

4 MR. RAFFENSPERGER: Thank you, Mr. Worley. Okay.
5 Any comments? Hearing none, all those in favor of binding
6 this over to the Attorney General's Office, case number
7 2016-124, signify by saying aye.

8 THE BOARD MEMBERS: Aye.

9 MR. RAFFENSPERGER: The case is bound over. Okay.
10 Next case?

11 MS. WATSON: Yeah, the next case is 2016-129, Athens-
12 Clarke County, UOCAVA deadline. On September 26th, 2016,
13 the Athens-Clarke County Elections Office self-reported
14 one UOCAVA ballot that was not transmitted by the
15 September 24th, 2016 UOCAVA deadline. Investigation
16 showed the ballot request for Elector Stibbins [ph.] was
17 submitted on August 1. Paula Williams advised when
18 processing the ballot, she failed to hit the add button,
19 which would have enabled Mr. Stibbins to receive the
20 electronic ballot. The ballot was discovered and sent on
21 September 26th, 2016, two days after the deadline. We're
22 recommending Athens-Clarke County Board of Elections and
23 Registration and Athens-Clarke County Elections Supervisor
24 Paula Williams -- at the time -- be bound over to the AG's
25 Office for 21-2-384(a)(2), and the attorney for Athens-

1 Clarke County is on the -- on the line.

2 MR. DRAKE: Yes. Hello, Board members. This is Judd
3 Drake. I'm the attorney for the Athens-Clarke County
4 Board of Elections and Registration. As indicated, this
5 matter was self-reported. I have Paula Williams available
6 if necessary, but we feel like -- in addition, she can
7 talk about how we've instigated policy and procedures so
8 that this will not happen again. We feel like this would
9 be a case that would be appropriate for a letter of
10 instruction.

11 MR. RAFFENSPERGER: Okay. Members of the Board, you
12 have a representative from Athens-Clarke County here
13 today. Do you have any questions for them or any
14 additional comments?

15 MR. WORLEY: This is David Worley. I have a question
16 for Mr. Drake. Mr. Drake, could you let us know the steps
17 you've taken to ensure this will not happen again?

18 MR. DRAKE: Yes, sir. I have Ms. Paula Williams.
19 She's the absentee ballot clerk. I'll let Ms. Williams
20 advise the Board. Give us one second.

21 MS. WILLIAMS: I believe what happened was that when
22 I was working in E-net, I accidentally clicked off where
23 you put in that they're a UOCAVA voter and didn't realize
24 it at the time, so now I'm doing double checks on that to
25 make sure that I'm not doing that. I also copy the --

1 when I put it into the UOCAVA vote, I also copy the email
2 address into a separate spreadsheet, and I had done that
3 on this particular gentleman, so that told me that I had
4 it in the UOCAVA bucket at one time, but accidentally
5 unclicked it and didn't realize it. Any questions?

6 MR. RAFFENSPERGER: Mr. Worley, did that answer your
7 questions?

8 MR. WORLEY: Yes. I'm fine with that explanation.
9 Thank you.

10 MR. GERMANY: Mr. Secretary, this is Ryan. There was
11 an attorney on the line earlier for a case that's already
12 been bound over, case number 2016-063. For some reason,
13 he wasn't able to speak. Would he be able to speak now,
14 Bre?

15 MR. RAFFENSPERGER: Well, let's finish up Athens-
16 Clarke County first.

17 MR. GERMANY: Okay. Sorry.

18 MR. RAFFENSPERGER: And then we'll come back to that
19 after we handle this matter that's before us right now.
20 So the Athens-Clarke County case that's before you. What
21 is the will of the Board?

22 MS. LE: This is Anh Le. Ms. Williams, you have not
23 made this mistake since 2016 again, correct?

24 MS. WILLIAMS: I'm sorry. Could you repeat the
25 question?

1 MS. LE: Yes. Yes, ma'am. Since 2016, this case
2 being a 2016 case, you've not had the same issue again,
3 correct?

4 MS. WILLIAMS: Correct.

5 MS. LE: Okay. Mr. Chairman, I move to issue a
6 letter of instruction.

7 MR. WORLEY: This is Mr. Worley. I would second Ms.
8 Le's motion.

9 MR. RAFFENSPERGER: Okay. All those in -- any
10 further comments? All those in favor of the motion before
11 us, case number 2016-129, please signify by saying aye.

12 THE BOARD MEMBERS: Aye.

13 MR. RAFFENSPERGER: Any opposed? Any opposed?
14 Motion carries. Let's handle the other Clarke County
15 case. Perhaps that's the same attorney. And then we'll
16 come back to Stewart County, if that will work for you,
17 Mr. Germany. Case number 2016-168.

18 MS. WATSON: Yes, sir. In this case, on November
19 7th, 2016, Clarke County Elections Office self-reported
20 that an error had occurred in the processing of an
21 absentee ballot application, which led to the failure in
22 the delivery of the ballot to the applicant voter.
23 Bradley Dunbocker [ph.] submitted an absentee ballot
24 application that was received on October 27th, 2016. The
25 application was processed and mailed the following -- the

1 following day, but the apartment number was not listed on
2 the address. The undelivered absentee ballot was returned
3 to the Elections Office on November 7th, 2016, the day
4 before the election, and too late to send a ballot to the
5 correct address. We're recommending Clarke County Board
6 of Elections and acting Clarke County Elections
7 Superintendent Cora Wright and Clarke County absentee
8 ballot clerk Paula Williams be bound over to the AG's
9 Office for 21-2-384(2) and 21-2-381(b)(2).

10 MR. RAFFENSPERGER: Okay. Do we have anyone from
11 Clarke County that wants to speak to this?

12 MR. DRAKE: Yes, sir. This is Judd Drake again on
13 behalf of Athens-Clarke County. As indicated by the
14 elections staff and the Secretary of State's Office, we
15 did self-report this violation as well. We have in this
16 case also implemented policies and procedures to make sure
17 this does not happen where an apartment number is left
18 off. I'd like -- I have Paula Williams, the absentee
19 ballot clerk, who is here to provide those policies and
20 procedures for the Board. We believe based on our having
21 self-reported and our actions taken to avoid this
22 happening again that this case would be appropriate also
23 for a letter of instruction. Ms. Wa -- Ms. Williams will
24 now talk about what's been done.

25 MS. WILLIAMS: When we receive an absentee ballot

1 that has an alternate mailing address, we circle that with
2 a bid red Sharpie pen so that that always draws attention
3 to that address, and when we enter the addresses, we are
4 double checking that. Then, we put the labels actually on
5 the envelopes. We're also putting one of the mailing
6 labels on the application at the same time, so we're also
7 double checking again that we're using that alternate
8 address. Any questions?

9 MR. RAFFENSPERGER: Members, need any additional
10 information? What is the will of the Board?

11 MR. WORLEY: This is Mr. Worley. Given the isolated
12 nature of the violation, the steps that have been taken to
13 correct it, and the Board's being here today to explain
14 the situation with their counsel, I would make a motion
15 that we send Athens-Clarke County a letter of instruction
16 in this case.

17 MS. SULLIVAN: This is --

18 MR. RAFFENSPERGER: Do we have a s --

19 MS. SULLIVAN: This is Rebecca Sullivan. I'll
20 second.

21 MR. RAFFENSPERGER: Any additional comments? Hearing
22 none, all those in favor of issuing a letter of
23 instruction for SEB case 2016-168, signify by saying aye.

24 THE BOARD MEMBERS: Aye.

25 MR. RAFFENSPERGER: Any opposed? Hearing none,

1 motion carries. That's Clarke County. Mr. Germany, you
2 mentioned that attorney for Stewart County was on the line
3 and wanted to have an opportunity to speak about SEB case
4 2016-063. We've already sent that over to the Attorney
5 General's Office. Would there be an objection from the
6 Board of reopening that to allow the attorney to speak on
7 that and reopen for consideration?

8 MS. SULLIVAN: No objection. No objection.

9 MR. RAFFENSPERGER: Hearing no objection, let's
10 reopen that Stewart County, absentee ballots, and can we
11 get the attorney on there, and we'll --

12 MR. MINTER: Hello?

13 MR. RAFFENSPERGER: Yes, hello. Go ahead.

14 MR. MINTER: Hello, Mr. -- Mr. Secretary?

15 MR. RAFFENSPERGER: Yes, sir. Go ahead.

16 MR. MINTER: Oh, good. You can hear. Thank you, Mr.
17 Secretary and members of the Board, for allowing me a
18 chance to speak. It was incredibly frustrating to hear
19 the item come up and not be able to speak at that time.
20 My name is Binford Minter. I represent Stewart County,
21 and I have since 2017. I did send a letter to Ms. Watson
22 in response to these allegations yesterday, and what I'd
23 like to bring to the Board's attention is that all of
24 these allegations that arise from 2016 -- and some of them
25 actually came from Mr. Larry Westbrook, who is now the

1 Chairman of the Board of Elections. You see, there has
2 been a complete turnover in the Board of Elections after
3 the 26 -- 2016 election, and I would say in large part in
4 response to these allegations. You may recall that I
5 spoke with former State Senator Josh McCown from the State
6 Election Board two years ago also arising from matters
7 that had come up under Ms. Diane Powell's supervision of
8 the Board of Elections.

9 Ms. Powell has not been employed by the Board of
10 Elections for maybe -- at least 4 years. Mr. Todd Black,
11 he has not been employed by the Board of Elections since
12 2017. He was replaced by Ms. Alfreda Hudson in 2017, and
13 all of the Board -- the members of the Board of Elections,
14 there's been turnover there. In fact, some of these
15 allegations arose from a case that I filed on behalf of
16 candidates that were challenging the Board -- the former
17 Board of Elections' refusal to put their candidacy on the
18 ballot. And for example, when they denied petitions by
19 independent candidates, their signed petitions, one of the
20 reasons Mr. Black gave on the witness stand was that they
21 didn't have voter registration cards to match signatures
22 on certain individuals, and so they canceled certain
23 signatures.

24 So I just want the Board to understand that there
25 really has been a turnover to address that, and the new

1 Board is taking elections security very seriously. They
2 have done a lot of training. As I said, Mr. Black is no
3 longer employed. Mr. Larry Westbrook has been the
4 Chairman since 2017. Ms. Alfreda Hudson, who formerly
5 served on the Board but is now the Election Supervisor,
6 did send me an email when I asked her to provide more
7 information concerning the registration card matter, which
8 I surmised was probably one of the ones more important to
9 the Board, and with permission, I'll read that.

10 She said that "our procedures are pretty simple.
11 When absentee ballot applications are received in the
12 office, we proset -- process them immediately into E-net
13 stating the requested date and due date. We then log that
14 application with all pertinent information, registration
15 number, request ballot date, and issue date. When the
16 absentee ballot has been received by our office, I
17 immediately check the signature for validation, process
18 the ballot in the E-net system stating the date and time
19 it was returned, log the ballot, secure the ballot in a
20 lock safe, securing the ballot until the night of the
21 election. This process helps and has proven effective the
22 last election. To my knowledge, the amount of ballots
23 that we receive at one time is rare, but the organization
24 process we use has worked."

25 And I would just add that showing how seriously they

1 take security, they have inserted security cameras in the
2 office of the Board of Elections, and they have not had
3 any problems with any missing documents since that time.
4 They do put boxes over the cameras during elections to
5 make sure they do not capture anyone's vote inadvertently
6 or otherwise intimidate any person.

7 And as to the one instance, Ms. Shonda Crews [ph.]
8 who was a poll manager in allowing Ms. Pauline Harvey, a
9 poll worker, to go get lunch for the poll workers --
10 first, Ms. Crews is the daughter of Ms. Pauline Harvey.
11 Ms. Harvey is no longer a poll worker. The Chairman of
12 the Board of Elections, Larry Westbrook, did concede to me
13 yes, that was an error that should not have happened, and
14 they have addressed that with all poll workers.

15 But as I said, in short, there's been a complete
16 turnover. None of the people that are affiliated with
17 these allegations are -- are still with the Board, with
18 the one exception that Ms. Crews, due to her experience,
19 has now been appointed as of this week to the Board of
20 Elections. But as I said, her mother is no longer a poll
21 worker. But given what I've said, we would ask if the
22 Board would consider just a letter of instruction.

23 MR. RAFFENSPERGER: Okay. Well, members of the
24 Board, I believe we've already moved this over to the
25 Attorney General's Office but wanted him to have the

1 chance -- the opportunity to speak before us. And so, now
2 would be the appropriate time if we want to reconsider our
3 previous motion and make a new motion. Now would be the
4 appropriate time, or we could stand with our original
5 decision.

6 MR. MASHBURN: This is Matt Mashburn. I'll make a
7 motion to recall our previous disposition in this matter
8 so that it can be reconsidered with an inclusion of the
9 attorney's comments.

10 MR. RAFFENSPERGER: Okay. Do we have a second?

11 MS. LE: I'll second.

12 MR. RAFFENSPERGER: Okay. Any additional comments
13 from the Board? Hearing none, all those who would like
14 the matter reconsidered -- or the motion, signify by
15 saying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Any opposed? Hearing none, this
18 matter is now before. I believe a new motion might be
19 made. What is the will of the Committee with the
20 information that we have now before us?

21 MS. LE: This is Anh Le. Oh, excuse me. Please, go
22 ahead.

23 MR. MASHBURN: No, go ahead.

24 MS. LE: Oh, okay. Given the age of this case and
25 the attorney has made it clear that there have been a lot

1 of changes made, you know, -- I think that just because
2 there's turnover it doesn't necessarily mean that the
3 county should not account for mistakes made, but in this
4 case, it seems like he's laid out some serious steps that
5 have been taken to address these issues by a whole new
6 team. Given that consideration, I would like to propose
7 that we issue a letter of instruction -- a very strongly
8 worded letter of instruction, and any further violations
9 we could reconsider callbacks to this case as well, if
10 they were to have the same violations again in the future.

11 MR. RAFFENSPERGER: Do we have a future?

12 MR. WORLEY: This is David Worley. I would second
13 that motion. And if I could also just note for the
14 record, I had a little difficulty unmuting for the
15 previous motion. I would have voted aye on that motion,
16 just for the record.

17 MR. RAFFENSPERGER: Okay. Thank you, Mr. Worley.
18 Okay. The motion is before us. All those in favor of the
19 motion, signify by saying aye.

20 THE BOARD MEMBERS: Aye.

21 MR. RAFFENSPERGER: And those opposed? Hearing none,
22 motion carries. Okay. Looking at our schedule, it's
23 12:10, and I know that -- if we could do a short break,
24 would 30 minutes work for the Board, and then we come
25 back, say, at 12:40? Would that work for the Board?

1 MR. WORLEY: That would be fine with me, Mr.
2 Secretary.

3 MR. RAFFENSPERGER: If there's no objection to that,
4 we'll reconvene. Does that work, Mr. Mashburn?

5 MR. MASHBURN: Yeah, I was going to ask do we just
6 mute and stay on, or do we disconnect and reconnect?

7 MR. RAFFENSPERGER: Just mute and stay on. That's
8 probably the easiest. That way we don't have to worry
9 about reconnecting, and we'll just come back at 12:40.
10 Thank you.

11 MR. MASHBURN: Very good.

12 (Meeting break)

13 MR. RAFFENSPERGER: Okay. Members, thank you.
14 Hopefully, everyone is back. We're ready for the next
15 case, which I believe is 2016-131, Bartow County.

16 MS. WATSON: That's correct.

17 MR. RAFFENSPERGER: Okay.

18 MS. WATSON: On Oct -- on October the 4th, 2016, we
19 received a complaint from Bartow County Elections
20 Supervisor Joseph Kirk regarding a possible absentee
21 ballot fraud issue. The investigation revealed that an
22 absentee ballot application was submitted for a [sic] Eva
23 L. Roth [ph.], and the ballot was sent to her. The ballot
24 was verified through tracking through FedEx delivery to
25 have arrived on September the 23rd, 2016 at 2:58PM. It

1 was verified that Eva Roth passed on September 22nd, 2016.
2 The signed absentee ballot was marked and submitted to the
3 Bartow Elections Office. The signature did not match, and
4 in following up, Mr. Kirk determined that Eva Roth could
5 not have signed the ballot and made the complaint to our
6 office.

7 Thomas Roth, the son of Eva Roth, admitted to the
8 investigator that he had made a mistake and had signed the
9 ballot and returned it. We're recommending Mr. Thomas
10 Roth be bound over for 21-2-562, and also Mr. Roth did
11 call after he got his notice in the -- of the meeting in
12 the mail, and he advised that he would not be calling in.
13 He reiterated that he knew how his mom wanted to vote, and
14 he did complete her absentee ballot. He said that we
15 could send him a fine or send him whatever, but he was not
16 going to pay it.

17 MR. RAFFENSPERGER: Okay. Well, Mr. Germany, could
18 you clarify for the Board and anyone who's listening in,
19 someone that does this, what are the potential fines and
20 penalties -- what is -- what is that state statute?

21 MS. WATSON: Mr. Secretary, Mr. Ryan had to step out
22 for just a second.

23 MR. RAFFENSPERGER: He did? Okay. Well, in the
24 meantime, members of the Board, this is before you. Do
25 you have any questions or comments for our investigator or

1 about this case in general? Hearing none, what is the
2 disposition of the Board?

3 MS. SULLIVAN: I'll make a -- this is Rebecca
4 Sullivan. I'll make a motion that we refer this to the
5 Attorney General's Office with, you know, a request for a
6 recommendation if the Respondent fails to cooperate.

7 MR. RAFFENSPERGER: Okay. Do we have a second?

8 MR. WORLEY: This is David Worley. I will second
9 that.

10 MR. RAFFENSPERGER: Okay. Do we have any further
11 comments? Hearing none, all those in favor of referring
12 this -- binding this over to the Attorney General's
13 Office, please do so by signifying aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? Hearing none, case
16 is bound over --

17 MR. WORLEY: Aye.

18 MR. RAFFENSPERGER: Thank you. Okay. The next case?

19 MS. WATSON: 2016-146, Peach County, absentee ballot.
20 Peach County resident Cheryl Lowery filed a complaint
21 alleging that interim Peach County Elections Supervisor
22 Marsha Gosier did not mail out absentee ballots in the
23 time mandated by Georgia law. Investigation revealed
24 Supervisor Gosier acknowledged that she did mail out some
25 absentee ballots after the three-day timeframe. Ms.

1 Gosier states that she had a backlog of requests for
2 absentee ballots and was the only person qualified to
3 process the requests. A review of the absentee ballot log
4 revealed approximately 130 absentee ballots that were
5 mailed after the three business day deadline. There were
6 480 requests for absentee ballots total. We're
7 recommending that Marsha Gosier, former Peach County
8 Elections Supervisor, and Peach County Board of Elections
9 and Registration be bound over for SEB rule 183-1-14-.11,
10 mailing and issuance of ballots and 21-2-384(a)(2),
11 mailing of ballots.

12 MR. RAFFENSPERGER: Okay. Is there anyone from the
13 public or the county to speak on this matter?

14 MS. WATSON: No, sir.

15 MR. RAFFENSPERGER: Any Board members have any
16 questions, concerns, comments?

17 MS. LE: This is Anh Le. I'm just curious to know
18 because one of the comments is that, you know, there is
19 low staffing, or they're overwhelmed by the number of
20 absentee ballots. Is that going to be an issue in the
21 fall that's coming up, or is this some issue -- from your
22 investigation, do you have any inkling that they've
23 addressed this sufficiently? I mean, it would be nice for
24 them to be here, but I also am concerned about, you know,
25 their ability to handle if -- the volume of absentee

1 ballots if this was an issue back then.

2 MS. WATSON: Okay. I can check with Chris Harvey. I
3 know Peach County does have a new Elections Supervisor at
4 this time.

5 MR. HARVEY: Yeah, this is Chris Harvey. I -- I
6 can't say that, specifically, I'm aware of innovations or
7 changes they've made. I'm not aware of -- of specific
8 problems or new allegations regarding this, so that's --
9 that's the best I've got right now.

10 MS. LE: Thank you.

11 MR. RAFFENSPERGER: Thank you. Any other questions?
12 Do we have a motion?

13 MS. SULLIVAN: Rebecca Sullivan. I'll make a motion
14 that we bind this case over to the Attorney General's
15 Office.

16 MR. RAFFENSPERGER: Okay. Do we have a second?

17 MS. LE: This is Anh Le. I would have preferred that
18 the county showed up to explain if there had been any
19 changes made and sufficiently satisfy our concerns, but
20 since they're not here, I'll second that motion.

21 MR. RAFFENSPERGER: Any additional comments from any
22 Board members? Hearing none, all those in favor of
23 binding over 2016-146 to the Attorney General's Office,
24 signify by saying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: Any opposed? Hearing none,
2 motion is -- bind it over to Pe -- 2016-146 to the
3 Attorney General's Office. Okay. Next case

4 MS. WATSON: 2016-155, Fayette County, districting
5 issue. In November of 2016, it was alleged that voters in
6 precinct 10 along with possible other split precincts had
7 been redistricted improperly, causing voters to receive
8 incorrect ballots during advance voting for the November
9 8th, 2016 general election. Investigation revealed the
10 Fayette County Board of Elections and Registration were
11 under a federal court order to redistrict prior to the May
12 24, 2016 general primary election.

13 The acting Election Supervisor advised the order came
14 at a time that the Election Supervisor was out on medical
15 leave, the office was short on staff, and they were
16 preparing for the May election. The acting Supervisor
17 stated in the May election there were voters that were
18 assigned to then correct House District 71 and 72. This
19 districting issue was addressed in September -- our SEB
20 2016-079 and was bound over to the Attorney General's
21 Office. It was believed that all the districting issues
22 were resolved after the May election. Then reports of
23 incorrect districting were reported in precinct 10 during
24 the advance voting for the November 2016 election.

25 Further investigation revealed 121 individuals were

1 improperly districted in precincts 5, 8, 10, and 14,
2 commission district 1 and 4, with 82 having cast an
3 incorrect ballot during the early advance voting. Mostly
4 affected streets were corrected in the system. New
5 express poll cards were created and delivered to Fayette
6 County along with an updated electors list and a color-
7 coded map being placed at the affected precincts so that
8 voters could identify their districts. We're recommending
9 that Fulton County [sic] Board of Elections and
10 Registration be bound over for 21-2-226(b) of the Georgia
11 election code for failure to properly district 82 voters,
12 resulting in them casting incorrect ballots for the
13 November 8th, 2016 general election, and we do have
14 someone on the line to speak.

15 MR. RAFFENSPERGER: Okay. Who would like to speak to
16 that? If you're on the line, please talk.

17 MR. STOUGH: My name is -- can you hear me? My name
18 is -- my name is Patrick Stough. I'm with the county
19 attorney's office for Fayette County, and I also represent
20 the Board of Elections. I want to reiterate that this
21 issue came up as the result of a redistricting process
22 that occurred following a court ordered redistricting, and
23 it was compounded into a very short timeframe, and because
24 of that, some errors were made, and I did appear before
25 you back in, I think, December on the issue that came up

1 as part of the primary in 2016, and it appears that this
2 was part of the same registration process. Excuse me.

3 The -- the people that were overseeing that process
4 are no longer with the County Board of Elections, though I
5 think one of them is now with the Secretary of State's
6 Office. And the -- the head of the elections department
7 at the time has since left the county and is now deceased.
8 We are currently -- we are prepared to make any changes
9 needed to make sure this doesn't happen the next time we
10 do have to redistrict. We haven't had any redistricting
11 since 2016, so there haven't been any changes put in place
12 with that regard. The next time we do go through this
13 process, we're prepared to take care of it.

14 MR. RAFFENSPERGER: Okay. Do any Board members have
15 any questions for the investigator or the Respondent?

16 MR. WORLEY: This is David Worley, Mr. Secretary. I
17 had a question for Mr. Stough. You say that these
18 problems were the result of the court -- the court-ordered
19 redistricting. The court-ordered redistricting dealt with
20 the school board districts and the county commission
21 districts. It had nothing to do with House District 71
22 and 72. How is it that those were not districted
23 correctly, given it's --

24 MR. STOUGH: My understanding of -- oh, I'm sorry.

25 MR. WORLEY: -- not related to the court order.

1 MR. STOUGH: My understanding of this process -- and
2 I'm not very familiar of the technical aspects of it, but
3 from what I understand, new district combos had to be
4 created for a number of the precincts in the county, and
5 as part of those combos, the House Districts also had to
6 be -- I'm not going to say reassigned, but they had to be
7 attached to the particular streets or addresses that were
8 affected, and I believe when that was -- when that process
9 was being done, those -- those streets were not correctly
10 identified in the right district. But I couldn't speak to
11 anything further on the technical details.

12 MR. WORLEY: No. I think that answers my question.

13 MR. RAFFENSPERGER: Okay. Thank you.

14 MS. LE: This is Anh Le.

15 MR. RAFFENSPERGER: Any more questions from any Board
16 members?

17 MS. LE: Yes. This is Anh Le. Mr. Harvey, Chris
18 Harvey, do we have a lot of training materials on
19 redistricting that we can request the county to undergo?

20 MR. HARVEY: Actually, we do have some training
21 material we can provide to the county. Of course,
22 everyone is going to get to do redistricting soon when
23 maps are redrawn. It's a -- it can be a painstaking,
24 deliberate process, but we do have materials we can -- we
25 can provide.

1 MR. WORLEY: Mr. Secretary, this is David Worley. I
2 have a comment and a motion. I -- as a Fayette County
3 resident, I do appreciate that there have been changes in
4 the office, but I think that given the -- the number of
5 voters that were affected and the fact that we had
6 previously referred a companion case to the Attorney
7 General's Office, I think that in order to be consistent,
8 we should refer this case to the Attorney General's Office
9 as well, and I would make a motion that we do so.

10 MR. RAFFENSPERGER: Do we have a second?

11 MS. SULLIVAN: Rebecca Sullivan. I'll second.

12 MR. RAFFENSPERGER: Do we have any further comment?
13 Hearing none, all those in favor of referring case number
14 2016-155 to the Attorney General's Office, please do so by
15 signifying aye.

16 THE BOARD MEMBERS: Aye.

17 MR. RAFFENSPERGER: Those opposed? Hearing none,
18 motion passes, and the case is bound over to the Attorney
19 General's Office. Next case?

20 MS. WATSON: Next case is 2016-157, Putnam County,
21 repeat voting. On November 3rd, 2016, Putnam County
22 Elections Supervisor Lynne Laseter reported a voter being
23 allowed to vote twice in the general election. Ms.
24 Laseter stated the voter's name was Ariel Covington [ph.],
25 and she voted on October 31st, 2016, and she return on

1 November 2nd, 2016 and voted again. Ms. Covington voted
2 twice during the early advance voting time period, the
3 first time on October 31st, 2016. Ms. Covington
4 complained that not all the local candidates were on her
5 ballot. She states she complained to a poll worker, who
6 told her to come back later.

7 Ms. Covington returned again on November 2nd, 2016
8 and submitted a request for a ballot. The poll worker
9 that was entering her information received a pop-up to
10 notify him that the voter had already voted in the
11 election. He did not register what the pop-up was, and he
12 forwarded Ms. Covington on through the process to get her
13 voter access card. We're recommending Ariel Covington be
14 bound over to the Attorney General's Office for 21-2-572
15 and Putnam County Board of Elections and Registration and
16 Lynne Laseter, Elections Supervisor, and Tim Davis, the
17 poll worker, be bound over for 21-2-592, and we do have
18 someone on the line to speak.

19 MR. RAFFENSPERGER: Okay. Who do we have on the
20 line?

21 MS. LASETER: Lynne Laseter, Putnam County Supervisor
22 of Elections.

23 MR. RAFFENSPERGER: Okay.

24 MS. LASETER: I just have a couple of things about
25 what we've done afterwards -- immediately after this

1 situation happened. We self-reported, and then I held a
2 training session on EasyVote to remind -- to remind my
3 poll workers that when you have a pop-up on your screen,
4 it is not something to be ignored and to assume that
5 somebody else down the line is going to catch it. We put
6 up extra signs about what voters should do if they think
7 that they have an issue with their ballot, and then I held
8 additional EasyVote training sessions the next morning for
9 the new poll workers coming in to work early voting. And
10 then I've included more extensive training for EasyVote
11 about what to do when pop-ups come and poll -- polling
12 place communication between poll workers and voters and
13 the poll manager and assistant managers. I would like
14 your favorable consideration on this topic. Thank you.

15 MR. RAFFENSPERGER: Thank you. This is the Chairman.
16 I have a question for clarification. So we have before us
17 both the actions of -- or lack of appropriate action of
18 the county, the Putnam County election office, but we also
19 have before us the voter who has voted twice, correct?

20 MS. WATSON: Correct.

21 MR. RAFFENSPERGER: And so there's -- when a person
22 votes twice in Georgia, what are the potential penalties
23 and fines that that person could be facing if they vote
24 double -- twice?

25 MR. GERMANY: This is Ryan Germany, so double voting

1 statute in Georgia is -- let's see.

2 MS. WATSON: 572.

3 MR. GERMANY: It's 21-2-572 that says any person who
4 votes in more than one precinct in the same primary or
5 election or otherwise fraudulently votes more than once at
6 the same primary or election shall be guilty of a felony
7 and upon conviction thereof shall be sentenced to
8 imprisonment for not more than one or less than ten years
9 or to pay a fine not to exceed \$100,000 or both.

10 MR. RAFFENSPERGER: Thank you. So I would surmise
11 from that that the General Assembly when they passed that,
12 they considered it a very serious thing. Do any Board
13 members have any questions, concerns, or comments that
14 they'd like to make about this matter brought before the
15 Board today?

16 MR. MASHBURN: This is Matt Mashburn. This seems to
17 be the instance of double voting, and I think both the
18 Election Board has culpability here, potentially, or in my
19 opinion, there is reasonable cause to believe that the
20 Election Board has a problem, but also this -- the double
21 voter, and so I would move that -- if it's an order -- to
22 refer this matter to the Attorney General and also to the
23 local district attorney for prosecution -- investigation
24 and prosecution, if warranted.

25 MR. RAFFENSPERGER: We've done that in the past. In

1 an early SEB on another case, it went both to the AG and
2 also to the local district attorney, so I consider your
3 motion -- or order. Do we have a second?

4 MS. LE: This is Anh Le. I'll second that motion.

5 MR. RAFFENSPERGER: Do we have any discussion about
6 the case before us? Hearing none, all those in favor of
7 binding over case number 2016-157 both to the Attorney
8 General and also to the local prosecuting attorney, do so
9 by signifying aye.

10 THE BOARD MEMBERS: Aye.

11 MR. RAFFENSPERGER: Any -- any opposed? Hearing
12 none, motion carries.

13 MS. WATSON: Next case is 2016-162, Bryan County,
14 qualification of elector. On November 3rd, 2016, the
15 Bryan County Elections Office reported an unqualified
16 voter voting in the general election. Administrative
17 assistant Linda New [ph.] reported a voter named Donna May
18 Moore [ph.] lived in Bryan County, but she was registered
19 to vote in Chatham County. Ms. New states Ms. Moore
20 filled out an application with her Bryan County address,
21 and she was allowed to vote during advance voting. She
22 advised the error was discovered when they attempted to
23 enter her vote into E-net.

24 The investigation revealed Donna Moore moved from
25 Chatham County to Bryan County. She believed that her

1 voter registration would automatically be updated. Donna
2 went to vote on November the 2nd in Bryan County and
3 provided her identification and her Bryan County address.
4 The poll worker processing Ms. Moore entered her
5 information in the system and pulled up an elector in the
6 system but failed to verify the address and name matched
7 Ms. Moore's. The voter access card was issued under the
8 voter registration number belonging to another Bryan
9 County resident. We're recommending bind over to -- for
10 Bryan County Board of Election and Registration, Cindy
11 Reynolds, Elections Supervisor, and Elizabeth "Betty"
12 Odem, the poll worker to the AG's Office for violation of
13 SEB Board rule 183-1-12-.02(4)(b) for failing to verify
14 Donna May Moore was a registered voter in Bryan County and
15 a letter of instruction be issued to Donna May Moore for
16 violation of 21-2-216(a)(4), qualification of electors.
17 And we have a caller on the line.

18 MR. RAFFENSPERGER: Great. Our caller, if you'd
19 identify yourself --

20 MS. REYNOLDS: (very distorted sound) My name is
21 Cindy Reynolds, (???) supervisor. The case (???) is human
22 error (???) to process the voters in the election process.
23 In this instance, Beth Odem processed (???) honestly chose
24 the wrong voter and issued an (???) she then voted. We
25 will (???) due to human error that was unintentional.

1 Since Beth Odem is no longer working (???), I am unaware
2 of any similar instances. We would ask for a letter of
3 instruction, and (???) Thank you.

4 MR. RAFFENSPERGER: Okay. Did everyone catch
5 everything that was just said?

6 MS. WATSON: No.

7 MR. GERMANY: No. We were going in and out.

8 MS. REYNOLDS: (still distorted sound) Yeah, you
9 guys were too.

10 MS. THOMAS: Ms. Reynolds, do you have multiple log-
11 ins to the webinar going on in one room next to each
12 other?

13 MS. REYNOLDS: Yes.

14 MS. THOMAS: You may want to spread out, so we can
15 hear you.

16 MS. REYNOLDS: (slightly less distorted sound) The
17 case at hand was an unfortunate error. Poll workers
18 trained in E-net to process (???) Instead, our poll
19 worker, Ms. Beth Odem, processed (???) birth date (???)
20 issued an access card. We don't dispute the incident
21 occurred due to human error (???) Since this incident, Ms.
22 Odem is no longer employed by the Bryan County Elections
23 (???) We would (???) letter of instruction. (???) Thank
24 you.

25 MR. RAFFENSPERGER: Okay. Members of the Board, do

1 you have any questions or comments you would like to ask?
2 Hearing none, what is the will of the Board? Members of
3 the Board?

4 MS. LE: This -- this is Anh Le. I -- you know, I
5 sit here, and I look at this, and I'm sure, like, a lot of
6 you think, you know, we're sending cases over to the AG's
7 Office and what can we get out of it when they do get over
8 there. I just really wish we could get more training or
9 some kind of assurance of -- I think there have been some
10 changes made. Ms. Odem is not there. So I feel like if
11 we can get a consent order in here somewhere instead of
12 going to -- it sounds like a training issue. We can get
13 more mileage that way than to send it to the AG's Office
14 for prosecution for the county, and I think it was
15 suggested to send Ms. Moore -- was it a letter of
16 instruction? I think that would be acceptable. She
17 sounded confused, but -- so if that's acceptable, I move
18 to have a strongly worded consent order with a lot of
19 training in this area for the county elections office and
20 a letter of instruction to the elector.

21 MR. RAFFENSPERGER: Okay. Do we have a second?

22 MR. MASHBURN: Matt Mashburn, second.

23 MR. RAFFENSPERGER: Okay. Any further discussion?

24 Hearing none, all those in favor of the motion as
25 presented for case number 21 -- 2016-162, signify by

1 saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any opposed? Hearing none,
4 motion carries. Thank you. Okay. Next case?

5 MS. WATSON: 2016-166, Habersham County, absentee
6 ballot. In November 2016, Habersham County self-reported
7 an elector had timely submitted an absentee ballot
8 application for the November 8th, 2016 general election
9 and did not receive a ballot from Habersham County due to
10 a clerical error. The investigation revealed Gail Hayden
11 [ph.] requested an absentee ballot from Habersham County
12 on October 27th. The request was acknowledged by email by
13 the Elections Supervisor.

14 November 7th, Gail Hayden called the Elections Office
15 to inquire about the absentee ballot because she never
16 received it in the mail. She was told that the ballot was
17 inadvertently rejected in the absentee vote by mail ballot
18 folder. Ms. Hayden was told that she would need to vote
19 in person. Ms. Hayden was working out-of-state and was
20 not able to vote in the election. We're recommending
21 Habersham County Board of Elections and Registration,
22 absentee ballot clerk Olivia Schapansky be bound over for
23 21-2-381(2) and Habersham County Board of Elections and
24 Registration and Elections, Supervisor Laurel Ellison, and
25 absentee ballot clerk Olivia Schapansky be bound over for

1 21-2-381(2)(a) and Habersham County Board of Elections and
2 Registration, Elections Supervisor, and absentee ballot
3 clerk be bound over for violation of SEB rule 183-1-14-
4 .11.

5 MR. RAFFENSPERGER: Okay. Do we have anyone from
6 Habersham County that's speaking on this matter? Okay.
7 Any Board members have any questions or comments? Do we
8 have a motion?

9 MR. MASHBURN: This is Matt Mashburn. I believe
10 probable cause has been established to believe that a
11 violation has occurred and move to refer it to the
12 Attorney General's Office as recommended.

13 MR. RAFFENSPERGER: Okay. Do we have a second?

14 MS. SULLIVAN: Second, Rebecca --

15 MR. WORLEY: David Worley. I second.

16 MR. RAFFENSPERGER: Thank you, Mr. Worley. Any
17 further comment?

18 MS. THOMAS: There's -- Mr. Secretary?

19 MS. WATSON: Mr. Secretary, I believe there may be
20 someone on the line. Just one second.

21 MS. THOMAS: Yeah. Olivia Schapansky?

22 MS. WATSON: The absentee ballot clerk, Olivia, is on
23 the line.

24 MR. RAFFENSPERGER: Okay. Then, we will -- we'll
25 take your comments then. We'd like to hear you before we

1 take action. Go ahead, ma'am.

2 MS. THOMAS: Is she back? Okay. She's here. You
3 may speak now, Ms. Olivia.

4 MS. SCHAPANSKY: It was a human error. We are more
5 vigilant with our filing system now.

6 MR. RAFFENSPERGER: Okay.

7 MS. ELLISON: This is Laurel Ellison. I'm the
8 Elections Supervisor. I'll -- I'm here as well, and I
9 would just like to say that, you know, it was an error.
10 It was late at night. I did put it on her desk. It just
11 accidentally got put in a rejected folder instead of the
12 stack to enter in. It was just, again, an error. It got
13 picked up with another application that was being
14 rejected, so it was not something that was done, of
15 course, on purpose.

16 And, you know, we wish that we had heard from the
17 voter a little bit sooner so that we could have tried to
18 get her out one as soon as possible, but she did not con -
19 - contact us until the day before, and we just didn't have
20 any other options at that point. We did ask the State if
21 we could email -- you know, of course, do anything
22 electronically, and, of course, we could not, but we did
23 try our best to do what we could, and, of course, we did
24 self-report. And we didn't -- you know, we wanted to make
25 sure that yeah, we're aware of what happened.

1 MR. RAFFENSPERGER: Okay. Thank you. We have a
2 motion and a second. With the information just provided,
3 do we want -- if you want to reconsider your positions,
4 you know, now would be the appropriate time. Otherwise,
5 I'll just call the vote on that, so our two members who
6 made the motion and the second, are you good with that?
7 I'll call the motion.

8 MR. MASHBURN: Yeah, I'll -- I will -- I will remove
9 or restate the motion.

10 MR. RAFFENSPERGER: Okay, Mr. Mashburn.

11 MR. MASHBURN: I believe probable cause has been
12 shown that a violation did occur, and therefore, I
13 recommend that the case be bound over to the Attorney
14 General's, as recommended.

15 MR. RAFFENSPERGER: Okay.

16 MR. WORLEY: It's David Worley. I'll second that
17 again.

18 MR. RAFFENSPERGER: Okay. All those in favor of
19 sending this to the Attorney General's Office, case number
20 2016-166, Habersham County, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Any opposed? Motion carries.

23 MS. WATSON: Next case is 2016-174, Murray County,
24 cast ballot. In November 2016, Murray County Elections
25 Office reported that a voter had voted twice as the result

1 of an error in their office, but the voter had taken
2 advantage of that error and intentionally voted twice.
3 Michael Glen Odell [ph.] early advance voted in the
4 November 8th, 2016 election on October 31st, 2016. On
5 Election Day, Mr. Odell went to his poll location to
6 verify that his vote had counted, and he was in the system
7 as having voted during early advance voting. He states he
8 went to the poll, filled out a voter cert --
9 certification, submitted his driver's license, and
10 received a voter access card. He questioned the poll
11 worker issuing the voter access card about a voter voting
12 twice. Mr. Odell reports that the poll worker stated that
13 system would not issue a voter access card to someone that
14 had already voted. Mr. Odell started to the machines and
15 then went back and advised poll workers that he did early
16 vote.

17 After calling the Elections Office and confirming
18 that he was not listed as having voted, he was asked if he
19 was going to vote. He said I guess I need to if you say I
20 haven't. Mr. Odell states he knows voting twice is
21 illegal but thought that his early vote had not counted
22 because of the information given him by the poll workers.
23 We're recommending Murray County Board of Elections and
24 Registration, Murray County Elections Supervisor Larry
25 Sampson, Deputy Elections Supervisor Connie Windler [ph.]

1 be bound over to the Attorney General's Office for 21-2-
2 431, when they qualified a voter to vote when, in fact,
3 the voter had previously voted and was not qualified, and
4 21-2-433, as they allowed an unentitled voter to enter the
5 enclosed space and SEB rule 183-1-12-.024. And we also
6 recommend Michael Glen Odell be bound over for 21-2-562
7 and 21-2-572. And I --

8 MR. RAFFENSPERGER: Do we have anyone from Murray
9 County to respond on the line here today?

10 MS. WATSON: I do not believe so.

11 MR. RAFFENSPERGER: Okay. Does the Board have any
12 questions or concerns? Do we have a motion?

13 MR. WORLEY: I'll make a motion to refer this case to
14 the Attorney General.

15 MR. RAFFENSPERGER: Do we have a second?

16 MS. SULLIVAN: Rebecca. I'll second.

17 MR. RAFFENSPERGER: Do we have any further comment?
18 Hearing none, all those in favor of binding over to the
19 Attorney General's Office case number 2016-174, Murray
20 County, signify by saying aye.

21 THE BOARD MEMBERS: Aye.

22 MR. RAFFENSPERGER: Any opposed? Hearing none,
23 motion is bound -- case is bound over. Next case?

24 MS. WATSON: Next case is 2016-175, Troup County,
25 validation of provisional ballots. On November 29th,

1 2016, the Office of the Secretary of State opened an
2 investigation into the validation duplication of
3 provisional ballots during the November 8th, 2016 election
4 in Troup County. The allegation that was self-reported by
5 Elections Supervisor for the Troup County Board of
6 Elections and Registration was that the Elections
7 Supervisor had failed to duplicate the provisional ballots
8 of persons that had voted out of precinct.

9 Investigation revealed 191 out of the precinct
10 provisional ballots were not properly duplicated to
11 determine what races the elector would be entitled to
12 vote. The result was that voters voted in races they were
13 not entitled to vote in. The recommendation is that Troup
14 County Board of Election and Registration and Supervisor
15 Andrew Harper be bound over to the Attorney General's
16 Office for 21-2-419(c)(2), validation for provisional
17 ballots, 191 counts, and Board rule 183-1-12-.06(b) and
18 (c), 191 counts. And we do have someone on the phone to
19 speak.

20 MR. RAFFENSPERGER: Okay. Who do we have on the
21 phone?

22 MS. THOMAS: Mr. Harper, you're -- you're self-muted
23 right now.

24 MR. HARPER: Thank you. Members of the Board, this
25 is Andrew Harper, Troup County Elections Supervisor, and

1 again, I just wanted to say thank you for allowing us to
2 speak. I just wanted to say this was an error on our
3 part, and we did self-report this error when we were
4 recreating the provisional ballots. At that time, --
5 since then, Troup County has put procedures in place and
6 has not done this again. The procedure we put in place is
7 that the ballot has to be pulled and put with the
8 provisional worksheets and everything when they're
9 recreating the work to be done and that research that has
10 to be done. And so I just want to thank you for your
11 time, but that procedure has been put in place, and we
12 have not done this again since then. Thank you.

13 MR. RAFFENSPERGER: Okay. Board members, do you have
14 any questions? Now would be the appropriate time for a
15 motion if you're so inclined.

16 MR. WORLEY: This is Mr. Worley. I appreciate the
17 statement that was just made by the county, but I think
18 the magnitude of the errors here were such that it
19 deserves to be bound over to the Attorney General's
20 Office, and I would move to bind it over.

21 MR. RAFFENSPERGER: Do we have a second?

22 MS. LE: Anh Le. I'll second that.

23 MR. RAFFENSPERGER: Thank you. Do we have any
24 further discussion on this matter? Hearing none, all
25 those in favor of binding this case number 2016-175, Troup

1 County, over to the Attorney General's Office, please
2 signify by saying aye.

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Any opposed? Hearing none,
5 motion is bound over to the Attorney General -- or case is
6 bound over to the Attorney General's Office. Thank you.
7 Next case, Thomas County.

8 MS. WATSON: Yes. Thomas County Elections Supervisor
9 Frank Scoggins initiated a complaint after a voter
10 submitted an absentee ballot application for herself and
11 her deceased mother. On November 4, 2016, Tessa Saxon
12 completed absentee ballot applications for herself and her
13 mother Glorious Wil -- Glorious Willis, who died on
14 October 26th, 2015. Glorious Willis [sic] advised that
15 she'd mistakenly completed the application for her mother.
16 Excuse me, Tessa Saxon advised she'd mistakenly completed
17 the application for her mother, when she'd intended to
18 complete the application for her grandmother, but it was
19 determined that the grandmother was not a registered
20 voter. We recommend Tessa Renee Saxon be bound over to
21 the AG's Office for 21-2-562, and she did -- Ms. Saxon did
22 call in during the public comment.

23 MS. THOMAS: She's still her.

24 MS. WATSON: She's still on the line.

25 MR. RAFFENSPERGER: Ma'am, would you like to discuss

1 this further?

2 MS. THOMAS: You're self-muted right now, Ms. Saxon.

3 MS. SAXON: Yes.

4 MS. WATSON: We can hear you now.

5 MS. SAXON: Like I stated earlier today, I mistakenly
6 -- I was handling my grandmother's affairs because she was
7 bedridden, and I mistakenly filled out an absentee ballot
8 for my demised mother for my grandmother. Like I said, it
9 was an honest -- honest mistake. I didn't willfully do
10 it. I mean, -- and it was just a human error, and I was
11 trying to get my grandmother to vote. I mean, because she
12 was, like, 80-something, 87, and she hadn't never -- she
13 had never voted before. And I'm sorry about my mistake.

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

15 MS. SAXON: That's all. I forgot to say thank you.

16 MR. RAFFENSPERGER: Thank you. Do the Board members
17 have any questions about this case? Hearing none, now
18 would be the appropriate time for a motion if you're so
19 inclined.

20 MR. WORLEY: This is David Worley.

21 MR. MASHBURN: Go ahead.

22 MR. WORLEY: I appreciate the statement that the
23 Respondent made. I would vote to refer this to the
24 Attorney General's Office so that they can discuss this
25 matter with the Respondent and come to an appropriate

1 resolution.

2 MR. RAFFENSPERGER: Do we have a second?

3 MR. MASHBURN: Well-stated comments, David. I
4 second. Matt Mashburn.

5 MR. RAFFENSPERGER: Well, I think while both of our
6 members were saying that I heard compassion in your
7 voices, but you understand that -- you made an appropriate
8 motion also. That said, all those in favor of referring
9 this over for the Attorney General's careful
10 consideration, please do so by signifying aye.

11 THE BOARD MEMBERS: Aye.

12 MR. RAFFENSPERGER: Any opposed? Motion carries.
13 Next case?

14 MS. WATSON: Next case is 2016-178, Liberty County.
15 On November 29th, 2016, Roger Wells, the Chairman of the
16 Liberty County Republican Party, reported during the
17 November 8th, 2016 general election that official poll
18 watcher designation letters and badges were given to
19 various members of the NAACP. Mr. Wells states it is
20 their belief based upon the applicable statute that such
21 action is not permitted, as the NAACP is not an official
22 political party. He states the poll watcher badges issued
23 did not designate in which precinct the individuals
24 served.

25 The investigation revealed a request was submitted

1 for seven individuals to be designated as poll watchers
2 for the November 8th election for the Liberty County
3 branch of the NAACP. Liberty County Elections Supervisor
4 Ella Golden approved the requests. We're recommending the
5 Liberty County Board of Elections and Registration and
6 former Supervisor, Ella Golden, be issued letter of
7 instruction for 21-2-408(a)(1), poll watcher designation,
8 and SEB rule 183-1-13-.04.

9 MR. RAFFENSPERGER: Do we have anyone from Liberty
10 County that wishes to speak from -- about this matter?

11 MS. WATSON: There's no one on the line.

12 MR. RAFFENSPERGER: Or anyone from the NAACP? Okay.
13 Mr. Germany, before we take this any further, for those
14 who are listening in, perhaps we could explain to them,
15 because we do have an election coming up, about poll
16 watchers so that there's an orderly process, and we want
17 to make sure that the -- you know, all of our county
18 elections folks -- we get requests from the political
19 parties, but there's also independent groups. If you want
20 to just give a brief summation of -- perhaps, so that
21 people understand the way forward really for, perhaps, the
22 future as opposed to this issue here and then we'll
23 address this issue here.

24 MR. GERMANY: Yes, sir. Thank you. So Georgia law
25 allows for credentialed poll watchers that political

1 parties and independent candidates on the ballot can
2 nominate, and there's a process to go -- to go through
3 that to give the proper notice to the county election
4 officials. And there's, of course, strict rules that they
5 have to follow while they are being a poll watcher. I
6 know a lot of times Mr. Mashburn and Mr. Worley have done
7 that before in that -- in that official credentialed poll
8 watcher capacity.

9 There's also sort of unofficial poll monitors, and
10 these are people who, you know, -- obviously, you know,
11 voting is public, and people can be not in the enclosed
12 space, but in the -- in the -- kind of around the polling
13 place generally, and they don't really have any additional
14 access or official status any more than any other member
15 of the public. So that's the distinction between those --
16 between those two groups.

17 MR. RAFFENSPERGER: Okay.

18 MS. WATSON: Mr. Secretary, I would also point out
19 that we did receive documents from Jones, Osteen, Jones
20 attorney's office to provide these letters to the SEB
21 Board. They were provided in your links.

22 MR. RAFFENSPERGER: Thank you.

23 MS. WATSON: And we also have speakers on the -- on
24 the line now.

25 MR. RAFFENSPERGER: Oh, we do? From Liberty County?

1 MS. WATSON: Yes, sir.

2 MR. RAFFENSPERGER: Okay. Would they go ahead then,
3 please?

4 MS. THOMAS: Mr. Wells, you may speak.

5 MR. WELLS: All right. Can you hear me now?

6 MS. THOMAS: Yes.

7 MR. RAFFENSPERGER: Yes, sir.

8 MR. WELLS: Oh, excellent. Thank you for taking our
9 case this afternoon. I guess my biggest concern -- you've
10 got all the information there. Both parties were
11 represented, the Democratic party and the Republic party,
12 as poll watchers, but we also had the NAACP members there
13 at the polls, which was quite intimidating. Now, Ella
14 Golden is no longer the Elections Supervisor, and we filed
15 this complaint with a Dicky Brown [sic - Ricky] who was at
16 the time the Board Chairperson of the Election Board but
17 received no response whatsoever as far as our complaint.
18 I guess our biggest concern going forward is that this
19 precedent has been set with the Elections Board and the
20 Elections Office. Now, we don't want to see this
21 repeated, as we were approached by many members as far as
22 the intimidation factor went. Thank you. I'll answer any
23 questions you may have.

24 MR. RAFFENSPERGER: Do any Board members have any
25 questions or comments?

1 MR. WORLEY: This is -- this is Mr. Worley. If the
2 speaker could just explain what was intimidating about the
3 NAACP being there?

4 MR. WELLS: It wasn't intimidating to me, personally.
5 I had issues just with the fact that they were there, but
6 I was approached by many members -- I was acting in my
7 capacity as Chairman of the Liberty County Republican
8 party at the time and was approached and -- and told this
9 was quite intimidating to a number of the people that went
10 in to register their votes. I was not intimidated, but
11 I'm not easily intimidated anyway.

12 Now, one of the biggest things, we were all required
13 to wear our badges stating that we were poll watchers, and
14 none of the members of the NAACP had poll watcher badges
15 on. The only badges they had were the NAACP-issued
16 badges. But again, we've received no response or
17 confirmation of our letters of complaints by either Ella
18 Golden or Dicky Brown.

19 MR. RAFFENSPERGER: Okay. Do we have further
20 questions?

21 MR. MASHBURN: So -- yeah, this is Matt Mashburn.

22 MR. WELLS: Hey, Matt.

23 MR. MASHBURN: I'm trying to understand. So Liberty
24 County's position is they did not issue poll watcher
25 credentials to a private organization.

1 MR. WELLS: But they did. I spoke personally with
2 Ella Golden about it. They did issue those badges.

3 MR. MASHBURN: Okay.

4 MR. WORLEY: Wait a second. I'm sorry. And I'm
5 sorry to interrupt, Matt, if you had another question.

6 MR. MASHBURN: No, go ahead. Go ahead, David.

7 MR. WORLEY: I thought you just said that the only
8 badges the NAACP had were NAACP badges. That makes --
9 that doesn't make it sound like that was issued by the
10 county. Is that correct?

11 MR. WELLS: Well, as far as I could tell, they were
12 issued, I was told that, they just didn't wear them. They
13 wore their NAACP badges predominantly.

14 MR. WORLEY: But it's your understanding that the
15 county actually issued them badges.

16 MR. WELLS: That is correct.

17 MR. WORLEY: Okay.

18 MS. LE: This is Anh Le. Ms. Watson, do you find in
19 your investigation that the county did, in fact, issue
20 these badges, albeit incorrectly?

21 MS. WATSON: They did approve the seven individuals
22 as poll watchers, and as to the actual issuing of the
23 badge, I'm trying to confirm that.

24 MR. WELLS: Now, we were listed as -- you had a
25 particular precinct that you were to be present at, not

1 all of them, and I know they switched precincts on at
2 least two occasions. And I was present for the counting
3 of the absentee ballots, and the NAACP President was there
4 at that meeting, and he had no badge on stating he was a
5 poll watcher, just the NAACP badge.

6 MS. WATSON: They were issued, the -- the badges. We
7 did document the photographs of the poll watcher badges
8 but did not list the precinct to which they had been
9 assigned to or tabulation center.

10 MR. MASHBURN: Well, this is Matt Mashburn, and I
11 know all the members of the Board and the Secretary of
12 State are very concerned about security at the polls, and
13 perhaps, David and I are more sensitive to this than --
14 than others just because of our experience in -- in doing
15 it, but the hundred-and-fifty foot -- we even call it the
16 hundred-and-fifty foot protective bubble -- is really one
17 of the key tools that the State has to protect against
18 voter intimidation and interference with the election, and
19 so that's one of my hot button issues is protecting that
20 bubble with all -- with all efforts. So I find that there
21 is probable cause to believe that violation was committed
22 in that poll watcher badges were issued to those who
23 weren't entitled to the them and would move that this be
24 referred to the Secretary of State's Office -- I mean, I'm
25 sorry, the Attorney General's Office.

1 MR. WORLEY: Well, this is Mr. Worley. The
2 recommendation from the investigator was that it be --
3 that Liberty County be sent a letter of instruction, and
4 I'm -- if Ms. Watson could just explain why a letter of
5 instruction was thought to be the appropriate route.

6 MS. WATSON: Yes, sir. I believe -- you know, one is
7 that Ella Golden was not -- is no longer there, and they
8 are aware of the requirements at this time. The attorney
9 Kelly Davis [ph.] also submitted the documents that I
10 believe should be in your links that addresses remedial
11 actions that they did take, so I felt that a letter of
12 instruction would be appropriate since they took those --
13 those actions moving forward, and they're aware of the
14 code at this time.

15 MR. WORLEY: Thank you.

16 MR. MASHBURN: Okay. Cooler heads -- cooler heads
17 have prevailed on my hot button, and so I'll amend my
18 motion to issue a letter of instruction.

19 MR. WORLEY: And this is Mr. Worley. I would second
20 that.

21 MR. RAFFENSPERGER: Okay. Any further comments from
22 the Board? Hearing none, all those in favor of the motion
23 as presented for case number 2016-178, please do so by
24 signifying aye.

25 THE BOARD MEMBERS: Aye.

1 MR. RAFFENSPERGER: Any opposed? Motion carries.
2 Next case, please?

3 MS. WATSON: 2016-183, Catoosa County, qualification
4 of elector. In November 2016, Catoosa County Board of
5 Election and Registration reported James David Waters
6 [ph.] registered to vote on September 24th, 2016 and then
7 voted in the November 2016 general election as a felon
8 under sentence. He also reported a Michael Andrew Yates
9 [ph.] registered to vote on August 30th, 2016 and then
10 voted in the November 8th, 2016 general election while
11 under sentence as a felon.

12 Investigation verified that James David Waters was
13 still under a felony sentence when he registered and
14 voted. The investigation confirmed that Mr. Michael
15 Andrew Yates entered a plea under first offender and was
16 eligible to register and to vote. We recommend James
17 David Waters be bound over to the AG's Office for 21-2-216
18 and 21-2-561.

19 MR. RAFFENSPERGER: Okay. Do we have anyone from
20 Catoosa County?

21 MS. WATSON: No.

22 MR. RAFFENSPERGER: Okay. Do any Board members have
23 any questions? Then perhaps now would be the appropriate
24 time for a motion.

25 MR. WORLEY: This is Mr. Worley. I'll make a motion

1 that we bind over Mr. Waters to the Attorney General's
2 Office and dismiss the charge against Mr. Yates.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. LE: This is Anh Le. I second that.

5 MR. RAFFENSPERGER: Okay. Do we have any further
6 discussion? Hearing none, all those in favor of the
7 motion as presented for case number 2016-183, please do so
8 by signifying aye.

9 THE BOARD MEMBERS: Aye.

10 MR. RAFFENSPERGER: Any op -- any opposed? Hearing
11 none, motion carries. Okay. Next case?

12 MS. WATSON: Next case is 2016-184, Cobb County, cast
13 ballots. In November 2016, we received complaints from
14 three Cobb County electors who alleged they visited their
15 separate poll locations to vote in the November 8, 2016
16 general election and were identified as having already
17 voting in the election.

18 Susan Flythe [ph.] stated she went to vote at
19 Lockheed Elementary School precinct and was told she had
20 already voted. She was offered a provisional ballot,
21 which she declined. Cobb County later searched for any
22 record to indicate why Susan Flythe was identified in the
23 system as having already voted. There was no voter
24 certificate, and she was not on the numbered list of
25 voters. It appears she was incorrectly given credit for

1 voting in the system.

2 The second complaint was from Kimberly Hatcher [ph.]
3 who went to vote at Holy Family Catholic Church to vote
4 and was told she had already voted. She was offered a
5 provisional ballot that was later counted. Cobb County
6 was also able to identify the data entry error that
7 incorrectly gave credit to Kimberly Hatcher as having
8 already voted absentee.

9 The third voter, Donna Crews [ph.], went to vote at
10 Mableton Elementary School and was told she had already
11 voted during early advance voting. She denied having done
12 so. Donna Crews was offered a provisional ballot that was
13 counted. Cobb County responded that there was no absentee
14 application for Donna Crews and believed she was
15 incorrectly given credit in the system as having voted
16 absentee. Our recommendation is for Cobb County Board of
17 Elections and Registration and Supervisor Janine Eveler be
18 bound over to the AG's Office for SEB rule 183-1-12-
19 .02(4)(b), and we do have a caller on the line.

20 MR. RAFFENSPERGER: Okay. Who do we have on the
21 phone?

22 MS. EVELER: Hi, this is Janine Eveler. Can you hear
23 me?

24 MR. RAFFENSPERGER: Hi, Ms. Eveler.

25 MS. EVELER: Okay. Hi. So we do train our poll

1 workers that provisional ballots are our safety net, and
2 so I'm glad to hear that all three of these voters were
3 offered a provisional ballot, and as you've heard today,
4 the reason we say that is because there are many places
5 where a single keystroke or transposed digits can cause a
6 clerical error. From what I've understood, Ms. Crews and
7 Ms. Hatcher, they did vote their provisional ballots, and
8 the ballots were counted before our certification. And
9 what we have found is that these voters were marked
10 incorrectly during the advanced voting period, and during
11 that period for the 2016 election, we voted over 141,000
12 people during that advanced voting period. And what we
13 have started doing now is that when the absentee
14 applications are collected from the check-in windows, we
15 have a worker that is assigned to go through them all to
16 compare the label that was created on E-net during the
17 voting transaction to the absentee ballot application, the
18 advance voting application, to make sure that the right
19 voter was -- was chosen.

20 As far as, for Ms. Flythe's record, I -- I found that
21 she was actually on the express poll record for a
22 different precinct than the one that Ms. Watson said, but
23 either way, if -- if the voter -- or the poll workers see
24 that a voter is already marked as voted at the polling
25 place, they are supposed to go through the voter

1 certificates to see if a voter was marked incorrectly.
2 The poll that I show Ms. Flythe at was Sewell Mill 03, and
3 they had over 1500 voters that day, so it may have been
4 that they didn't have the time to go through the voter
5 certificates. In that case, our instructions are to offer
6 the provisional ballot and then we go through the voter
7 certificates during the provisional ballot period. So you
8 know, I think we do have procedures in place for this now,
9 and I would ask that you, you know, maybe consider a
10 letter of instruction instead of the AG. Thank you.

11 MR. RAFFENSPERGER: Thank you, Ms. Eveler. Do the
12 Board members have any questions for Ms. Eveler or for Ms.
13 Watson? Now would be the appropriate time to make a
14 motion, if you're so inclined.

15 MR. MASHBURN: This is -- if I could ask -- this is
16 Matt Mashburn. If I could ask one more question of Cobb
17 County, just to make sure I understand it. So on the
18 first case, Ms. Flythe, she was offered a provisional
19 ballot twice and turned it down twice, but during y'all's
20 -- during the provisional ballot examination, you -- y'all
21 would have discovered this error and had it been an error,
22 her vote would have counted had she chosen to cast it,
23 correct?

24 MS. EVELER: What we would have -- oh, I am on. We
25 would have to go through the voter certificates during

1 that period, and so if she had not filled out a voter
2 certificate because this is the old system where they had
3 a paper voter certificate, and so then if we couldn't find
4 a voter certificate, we would resolve that she had not
5 actually put it at the polling place and a different voter
6 was marked incorrectly. And so then her provisional
7 ballot would have counted if she had cast it.

8 MR. MASHBURN: And so one of the things we're very --
9 you know, everybody in the whole process is concerned
10 about is that when -- when somebody doesn't get to vote.
11 But as you've stated, the provisional ballot is the safety
12 net to make sure that -- that the people do get to vote
13 and so I'm somewhat persuaded in this case that the --
14 that the voter chose not to avail herself of that safety
15 net that was provided to her twice, rather than -- rather
16 than Cobb County did anything other than make the original
17 mistake to prevent her from voting, so in my -- in my
18 view, that's a big mitigating factor in the case. And so
19 I'm inclined to accept -- to make a motion that we accept
20 your invitation to issue a letter of instruction.

21 MR. RAFFENSPERGER: Okay. Do we have a second on
22 that motion? Do we have a second? Okay. Motion dies for
23 lack of a second. This case is before you, members. What
24 is the will of the Board?

25 MS. LE: This is Anh Le. I would echo Mr. Mashburn's

1 thoughts that when a voter's ability to vote is denied or
2 somehow impaired, that that's something that we take
3 seriously, and I know this is a mistake, and I tend to
4 look at can we mitigate something through training or, you
5 know, would we get more of out sending the counties back
6 to training or ask for some kind of assurance that this
7 won't happen again, but I think in this case because the
8 voters, while they were given provisional ballots, one --
9 and I believe if I read it correctly, she had concerns
10 about that provisional ballot, but had the mistake not
11 been made -- excuse me -- she would have been given the
12 ballot to begin with, the original -- her true ballot. So
13 I think for that reason I would like to move to send this
14 to the AG's Office.

15 MR. RAFFENSPERGER: Do we have a second?

16 MR. WORLEY: Well, I --

17 MS. SULLIVAN: This is Rebecca. I'll second.

18 MR. RAFFENSPERGER: Okay. We have a second. Do we
19 have any further discussion on this matter?

20 MR. WORLEY: This is Mr. Worley. I just wanted to
21 say that I agree with Ms. Anh's -- I'm sorry, Ms. Le's
22 reasoning and support the motion.

23 MR. RAFFENSPERGER: Okay. Any further comments?
24 Hearing none, all those in favor of the motion as
25 presented for case number 2016-184, Cobb County, please

1 signify by saying aye.

2 THE BOARD MEMBERS: Aye.

3 MR. RAFFENSPERGER: Any -- any opposed? Motion
4 carries. Thank you. Our next case, please?

5 MS. WATSON: The next case is 2018-100, which is Hall
6 County, conduct at polling places. In November of 2018,
7 Hall County Elections Director reported the following
8 allegations: allegation one was that Maria Palacios used
9 her cell phone in the polling place while voting was
10 taking place after having been requested not to do so and
11 allegation two that members of the Georgia Association of
12 Latino Elected Officials (GALEO) organization caused a
13 disturbance in a polling place in Hall County which
14 prevented the poll officers from performing their duties
15 contrary to OCGA 21-2-569.

16 The investigation shows the reported incident
17 occurred at the First Baptist Church of Gainesville
18 polling precinct. Sue Geninas [ph.] was the poll manager.
19 Maria Palacios identified herself as a poll monitor. When
20 asked if she meant poll watcher, she stated that they
21 would be considered poll watchers. There was no
22 application for a Maria Palacios as a poll watcher with
23 the State or with Hall County.

24 There was a voter presenting proof of citizenship at
25 the poll, and in order to process the voter, the poll

1 manager contacted the County Elections Director Lori Wurtz
2 by phone. During this process, Maria Palacios was
3 inserting herself into the situation. Maria Palacios did
4 use her cell phone in the polling place. Witnesses
5 advised she used the phone to take photos and video in the
6 polling place. Mr. Gonzalez with GALEO advised that Maria
7 used her phone to take notes about the incident. After the
8 incident took place, a gentleman entered the precinct and
9 confronted the poll manager, Sue Geninas, in a loud manner
10 that caused the poll workers to be concerned for their
11 safety. The poll workers requested law enforcement to be
12 present at the closing of the poll for safety precautions.

13 The allegation that Maria Palacios interfered with
14 poll workers was verified through statements of poll
15 workers. Olga Fuentes [ph.] stated what they were doing
16 was interfering in the sacrosanct process of voting.
17 Ralph Magwell [ph.] stated Sue Geninas was under a lot of
18 pressure from the one poll watcher early on and later Mr.
19 Gonzalez. This pressure was relentless and totally
20 unnecessary. Vito de la Ponte [ph.] states they stayed
21 the whole day trying to disrupt the process.

22 Mr. Gonzalez was contacted and stated that he was not
23 the person that went into the polling location. However,
24 a Harvey Soto [ph.] advised that he was the person that
25 went to the poll and advised that Sue Geninas was not

1 hostile to him, but that the poll worker named Vito
2 started an argument with him.

3 Our recommendation is for Maria Palacios to be
4 referred to the AG's Office for 21-2-413(b), conduct of
5 cellular phones prohibited, and 21-2-408 and Maria
6 Palacios and Harvey Soto for 21-2-569, interfering with
7 poll officers. And we do have speakers on the -- on the
8 line.

9 MR. RAFFENSPERGER: Okay. If the speakers could
10 identify yourselves and who you represent?

11 MS. THOMAS: So first, we're going to Dr. Tom Smiley.

12 DR. SMILEY: Yes. Can you -- can you hear me?

13 MS. THOMAS: Yes.

14 MR. RAFFENSPERGER: Yes, sir. We can hear you.

15 DR. SMILEY: All right. I'm Tom Smiley, Chairman of
16 the Hall County Board of Elections and Registration.
17 Present with me is our Director of Elections, election
18 staff members, poll workers who are knowledgeable of the
19 incident, Board member Craig Lutz, and our county
20 attorney. I want to thank you for hearing our concern
21 today.

22 During voting on November 6th, 2018, at one of our
23 polling places, you have information and an investigative
24 report that there was a material interruption and
25 interference with the execution of our poll officers'

1 duties, where they were willfully prevented to do their
2 responsibilities, including their duties, and
3 intentionally interfered with their responsibilities. We
4 understand this incident was -- occurred with the persons
5 you mentioned as well as the organization that you made
6 mention of.

7 You have affidavits of eyewitness, mine included,
8 which clearly indicate that our poll workers and voters
9 were intimidated, experienced emotional distress, and
10 actually feared for their safety, as evidenced by our poll
11 workers feeling the need to ask local police for escort
12 out of the building and one of our poll workers resigning
13 from service because of the distress of this incident,
14 which among other things involved yelling, continuous
15 badgering, inappropriate cell phone use, all in the
16 confines of the voting area and voting bubble, and the
17 physical taking of a poll manager's personal cell phone as
18 she attempted to carry out her official responsibilities.

19 As an eyewitness, I can affirm that our poll workers,
20 many of them senior adults, were visually shaken by this
21 disruptive behavior, and this continued breach of polling
22 place protocols by the offenders. In closing, please
23 allow me to firmly insist that our poll workers must be
24 protected. They must have confidence in their personal
25 safety while performing their duties. A strong and

1 serious message must be relayed to all persons that
2 behavior as cited in this incident will not be tolerated.
3 Local election boards have a difficult time enough of
4 securing poll workers, and if we cannot ensure them of
5 local and state boards' support, the quality of our
6 elections will be diminished. And I thank you very much
7 for allowing me to speak, and others are in the room if
8 you have any questions.

9 MR. RAFFENSPERGER: Members of the Board, do you have
10 any questions?

11 MR. WORLEY: I have a question, Mr. Secretary. Whose
12 -- whose phone was taken?

13 DR. SMILEY: The poll manager's phone was physically
14 taken from her by members who created this disturbance.
15 I'm not exactly sure which of those mentioned in this case
16 -- I'm sure the investigator has that in your report, but
17 it was the lady who took the phone. And the poll manager
18 is present if you'd like to ask her specifically.

19 MR. WORLEY: No, I was interested in -- it was her
20 phone that was taken, the poll manager's phone.

21 DR. SMILEY: It was the poll manager's phone taken
22 from her physical presence.

23 MS. THOMAS: And we -- we do have two other callers
24 on the line that would like to speak as well, if you want
25 to hold your questions for them -- if you would like to

1 hold your questions until they speak as well.

2 MR. RAFFENSPERGER: Okay. Put on the next person.

3 MS. THOMAS: Next, we have Jerry Gonzalez. You may
4 now speak.

5 MR. GONZALEZ: My name is Jerry Gonzalez, and I am
6 the Founding and Executive Director of GALEO. Thank you
7 to the Board for giving me the opportunity to speak today.
8 I'll like to say a few words about GALEO's work. GALEO
9 has been protecting the right to vote and helping voters
10 for over 17 years, and we're committing to doing -- to
11 continuing to do so again in November. We're concerned
12 about Latino voters having access to the ballot in
13 November, particularly in the midst of the COVID-19
14 pandemic and lack of access to Spanish information for
15 elections statewide, with only Gwinnett County as an
16 exception. As a result, we're particularly focused on
17 access to voting by mail since there will be a record
18 amount of absentee voting the November general election.

19 As always, we'll continue to work cooperatively with
20 hard-working county election officials and employ a robust
21 staff and volunteer training for our outreach efforts. As
22 always, I am fully committed to ensuring that GALEO's
23 voter protection work fully complies with both Georgia and
24 federal law and that it furthers the smooth administration
25 of the upcoming election. I would like to add that this

1 is the first time GALEO has ever received a complaint from
2 an elections director or poll worker or that it has ever
3 been subject to an investigation.

4 Now, I'd like to talk about Election Day 2018. That
5 very day, both GALEO and Harvey Soto received compliments
6 from poll workers on how we were supporting their
7 important work and the election process, specifically from
8 Hall County and Gainesville. There's some confusion
9 surrounding this complaint that I'd like to clear up. It
10 appears some folks alleged that I, Jerry Gonzalez, was at
11 the polling place. I was not. I spent Election Day 2018,
12 including the time during which the relevant events took
13 place, in our offices in Norcross. I'd like to point the
14 Board members to the last page of the investigator's
15 findings, which notes how I was misidentified and how the
16 poll workers went on the GALEO website and were confused
17 about whether I was at the precinct.

18 Now, I'd like to talk about Harvey Soto. He's an
19 endearing person with a very warm and friendly
20 personality. Due to his stellar record and work with our
21 organization, he was recruited to work for another
22 organization. With regard to Mr. Soto, I understand that
23 he arrived at the precinct very late in the day near the
24 time that the polls closed. He approached the poll
25 manager who told him that it had been quote, "a quiet

1 day," end of quote. While Mr. Soto was then approached by
2 a poll worker who was terse and difficult, the poll
3 manager announced soon thereafter that the polls were
4 closed, and Mr. Soto left. Given the late hour, it seems
5 implausible that any conversation that took place at that
6 time disrupted the voting process.

7 In closing, I'd like to add that COVID-19 has limited
8 GALEO's ability to fulfill our mission this year. Due to
9 this unfortunate reality, GALEO will not be significantly
10 involved in November's election with a robust field
11 operation for Get Out The Vote or voter protection in
12 order to keep GALEO's employees, canvassers, volunteers,
13 voters, and poll workers safe with limited contact. We
14 will, however, continue to employ our rigorous training
15 processes for staff members and volunteers to ensure not
16 only that everything GALEO does complies with Georgia law
17 but that our staff members are courteous and kind to
18 voters and hard-working election officials. Moreover, we
19 at GALEO are committed to tightening our training and
20 procedures to further support the voting process while
21 protecting the Latinex community members' right to vote.

22 GALEO takes compliance with Georgia law very
23 seriously. Since this notice, we have redoubled our
24 existing training pro -- processes for both staff and
25 volunteers to further emphasize the need for bilingual

1 assistors of choice to comply with all necessary
2 requirements, and we have also made to sure to place
3 additional emphasis on the need to not disrupt the voting
4 process at the polling place when assisting voters
5 pursuant to the Voting Rights Act. Thank you very much.
6 I'm happy to answer any questions that the Board members
7 may have.

8 MR. RAFFENSPERGER: Do we have anyone else that
9 wishes to speak on this case?

10 MS. THOMAS: Yes. Next, we have Sean Young. You're
11 self-muted right now.

12 MR. YOUNG: Okay. There we go. Can you hear me?

13 MS. THOMAS: Yes, we can hear you.

14 MR. YOUNG: Great. Dear members of the State
15 Election Board, my name is Sean Young, and I'm here on
16 behalf of Maria Palacios, who is with me here today. I
17 wanted to emphasize that I am representing Maria solely in
18 her individual capacity. Neither I nor Maria represent
19 GALEO or any other organization, and Maria is no longer
20 with GALEO. As her lawyer, I want to further emphasize
21 that I cannot and do not speak on behalf of anyone
22 involved in the instance -- in the incident, including Mr.
23 Gonzalez or anyone from GALEO, and I will only speak on
24 behalf on Maria.

25 I'm here today to respectfully ask that the Board

1 issue a letter of instruction in this case with respect to
2 Maria. Maria is not here to contest any of the facts.
3 Maria, like elections officials across the state, has a
4 firm belief in ensuring that all registered voters are
5 able to cast a ballot, but she also understands fully that
6 there are proper rules and regulations that must be
7 followed, especially those that protect hard-working poll
8 workers, and that those rules, in following them, best
9 ensures that poll workers can facilitate the voting
10 process.

11 Maria's understanding of these principles was tested
12 in 2018. In the course of helping people vote, Maria's
13 good intentions led to conflicts with poll workers while
14 she was using her cell phone, and she exchanged words.
15 And we all know that certain roads are paved with good
16 intentions.

17 Maria has been under investigation for the last two
18 years, and she's learned her lesson the hard way. She
19 understands now how the use of cell phones in the polling
20 place can contribute to voter intimidation and compromised
21 election security. She understands the poll workers are
22 on the frontlines of our democracy and how undue
23 interference can disrupt as Olga Fuentes, one of the poll
24 workers involved in the incident, eloquently described,
25 quote, "the sacrosanct process of voting." And Maria

1 understands the critical legal definition of what poll
2 watchers are and that they have a unique role. And she
3 understands other rules governing poll watcher
4 designations that are set forth in OCGA 21-2-408.

5 And I myself fully understand these principles. I
6 was a poll worker in the August 22 run-offs myself, and
7 most definitely would not have wanted anyone to interfere
8 with my hard work of facilitating the democratic process.

9 This is not going to happen again. As a remedial
10 action, she has agreed not to enter any Hall County
11 polling place this fall, period, except to cast a ballot.
12 She has also agreed not to involve herself in any kind of
13 poll monitoring activity in Hall County this fall. In
14 addition, she will be obtaining my legal advice in the
15 future on what she is and is not permitted to do, and I
16 will cooperate with election officials ahead of time to
17 resolve any issues, as I routinely do on many voting
18 related issues. Two years of investigation has made it
19 abundantly clear to Maria what's right and wrong, so we
20 humbly and respectfully plead that the State Election
21 Board give Maria another chance and issue a letter of
22 instruction, just as you graciously issued a letter of
23 instruction with respect to the NAACP folks who were
24 alleged to have interfered with poll workers. Thank you.

25 MR. RAFFENSPERGER: Thanks, Mr. Young. Do we have

1 any other people that would like to speak on this case?

2 MS. THOMAS: No, that's it.

3 MR. RAFFENSPERGER: Okay. Members of the Board, do
4 you have any questions for any of the presenters or for
5 Ms. Frances Watson?

6 MS. LE: Ms. Watson, this is Anh Le. I think it was
7 mentioned in here, but I don't think the police was [sic]
8 called, is that correct? And if they were, do you know
9 what the resolution of that was?

10 DR. SMILEY: No, the police were called at the
11 request -- this is Tom Smiley, Chairman of the Board of
12 Elections, Hall County. The police were called at closing
13 time to escort our poll workers safely to their vehicles
14 as they were concerned about their safety, given the
15 activities of the persons involved in this incident, so
16 yes, they were called. I was there when they were called
17 -- Hall County was called. That is correct.

18 MS. LE: Thank you.

19 MR. RAFFENSPERGER: Do any other members have any
20 questions? What is the will --

21 MR. WORLEY: I don't have a question. Sorry, Mr.
22 Secretary. It's David Worley. I don't have a question,
23 but I -- I did want to make an initial motion. Mr.
24 Gonzalez and GALEO are listed as Respondents in this case,
25 and the evidence seems to be clear that -- well, first of

1 all, that Mr. Gonzalez was not there, and second, I don't
2 -- I don't think we have a basis for holding GALEO
3 responsible for their volunteers. So I would make a
4 motion that Mr. Gonzalez and GALEO be dismissed.

5 DR. SMILEY: May I speak to that?

6 MS. LE: This is Anh Le. The individuals were there
7 representing GALEO. I'm sorry if I'm not pronouncing it
8 correctly, but GALEO, is that correct?

9 MS. THOMAS: Is your question for the Chairman or --

10 MS. LE: Sure. Sorry, Ms. Watson or the Chairman.

11 MS. WATSON: That is my understanding, yes, that they
12 were there on behalf of GALEO.

13 MR. WORLEY: Well, this is Mr. Worley. I -- I just
14 want to be clear about something, and I don't suppose Ms.
15 McGowan is here to comment on this, but we -- I don't
16 think we have a history of -- I mean, essentially, we hold
17 individuals responsible. We do hold State Election Boards
18 responsible, but I don't know that we've ever referred an
19 organization to the Attorney General's Office for this.

20 MS. WATSON: Yes, sir. They were listed as
21 Respondents, but the recommendation did not include Mr.
22 Gonzalez or GALEO. It was Maria Palacios and Harvey Soto.

23 MR. WORLEY: Right. That's what I understood, but
24 since they were listed as Respondents, I thought it was
25 appropriate to make that motion just to be clear.

1 MS. WATSON: Okay.

2 MR. RAFFENSPERGER: Okay. Do we have a second for
3 that motion?

4 MR. MASHBURN: This is Matt Mashburn. After
5 reviewing carefully the record, I find that there is
6 sufficient probably cause to believe that a violation has
7 been committed by Maria Palacios and Harvey Soto, and
8 therefore make a motion that both potential violations be
9 referred to the Attorney General's Office for processing.

10 MR. RAFFENSPERGER: Okay. We have already a motion
11 on the floor though, Mr. Mashburn, that was Mr. Worley's
12 motion to, I guess, to clarify that -- Mr. Worley, if you
13 want to clarify that motion that you were going to -- that
14 you made --

15 MR. WORLEY: Yeah, I -- I -- just to make the record
16 clear, since Mr. Gonzalez and GALEO were named as
17 Respondents, I made a motion to dismiss them, Mr. Gonzalez
18 and GALEO.

19 MS. SULLIVAN: I'll second that motion.

20 MR. RAFFENSPERGER: That's the motion that's on the
21 floor right now.

22 MS. SULLIVAN: And I'll second that motion, Rebecca
23 Sullivan.

24 MR. RAFFENSPERGER: Okay. Any further discussion on
25 that specific portion? Hearing none, all those in favor

1 of the motion by Mr. Worley, please do so by signifying
2 aye.

3 THE BOARD MEMBERS: Aye.

4 MR. RAFFENSPERGER: Okay. Mr. Worley, that passed.
5 Okay, now, the other motion. Mr. Mashburn, you had a
6 motion?

7 MR. MASHBURN: Yes, I have -- after careful review of
8 the record and the evidence presented and the statements
9 of parties both for and against, the report of
10 investigation, I find that probable cause exists that
11 violations have occurred and move that Maria Palacios and
12 Harvey Soto be referred to the Attorney General for
13 potential violations as recommended in the report of
14 investigation.

15 MS. SULLIVAN: This is Rebecca Sullivan, and I'll
16 second that.

17 MR. RAFFENSPERGER: Thank you. Do we have any
18 further discussion?

19 MR. WORLEY: This is David Worley. I just wanted to
20 explain my position on this case. Our job is to determine
21 whether there's probable cause to refer the case to the
22 Attorney General, and traditionally, we've taken the
23 position that when one party says one thing and another
24 says something different, that probable cause exists. In
25 this case, the election officials have stated their side,

1 and Ms. Palacios does not seem to be contesting that, so I
2 think there is probable cause to refer it to the Attorney
3 General.

4 As for the suggestion that a letter of instruction be
5 sent, I would not have a problem sending a letter of
6 instruction if the only charge were using a cell phone in
7 a polling location, but the charge of interfering with
8 election officers or poll officers is -- is a more serious
9 matter, and it needs to be treated more seriously than
10 with a letter of instruction. Under the circumstances,
11 since Ms. Palacios is represented by very competent
12 counsel, I don't have a problem referring it to the
13 Attorney General's Office, as I think the Attorney General
14 and Mr. Young can come to an appropriate resolution of
15 this case, but I think it's more appropriate to be done in
16 the form of a consent order than a letter of instruction,
17 so I am going to support Mr. Mashburn's motion.

18 MR. RAFFENSPERGER: Okay. Is there any other
19 discussion? Hearing none, all those in favor of the
20 motion presented by Mr. Mashburn for case number 2018-100,
21 Hall County, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Any opposed? Motion carries. I
24 believe that is the extent of our cases today. I think
25 we've covered everything else. I think we're now ready

1 for a prest -- presentation of proposed rules. If we
2 could take a five-minute break for everyone, I think we
3 might appreciate that, and then we'll come back for the
4 presentation of proposed rules. So we get back at, say,
5 2:18, how's that? Six minutes.

6 (Meeting break)

7 MR. RAFFENSPERGER: Okay, everyone. We're back on
8 schedule here. Presentation of proposed rules: we have
9 three rules before us today. The Rules Working Group has
10 been working on that. Mr. Germany, do you want to start
11 off that discussion, and then the members, I'm sure, will
12 have lots of questions, so the floor is yours.

13 MR. GERMANY: Thank you, Mr. Secretary. This is Ryan
14 Germany. The first rule that we have posted for public
15 comment is rule 183-1-14-.06(3). This rule makes slight
16 edits to the instructions on the absentee ballot. The
17 point of this rule was to address some issues that came up
18 in the primary. We were seeing a few comments on the
19 rules.

20 One of them was a joint comment from the Brennan
21 Center, Common Cause, the Center for Civic Design, and
22 Asian Americans Advancing Justice. I think they made some
23 very good points in that -- in that comment and some good
24 suggestions. The problem is with absentee ballots going
25 out next week there's really not time for us to implement

1 these -- their suggestions, particularly the illustrations
2 they offer, in time for this election cycle. What I'd
3 like to do is send -- send those comments to our Center
4 for Elections systems to see how we could incorporate
5 those -- there is a space issue also. These are
6 instructions that go on the top of the absentee ballot, so
7 how we could incorporate those onto the ballot for -- for
8 future election cycles. But I would ask that for this
9 election cycle that we adopt the rule as proposed.

10 MR. RAFFENSPERGER: Mr. Germany, I have a question.
11 We have the, you know, illustration option. Would it be
12 possible, even though we can't incorporate because of the
13 timeframe that we're on -- is that something that we could
14 put on our website and also make available to counties so
15 that they can post that, so that there can be additional,
16 like, a link so that if people have questions, whatever
17 county they're in or also with our website, is that
18 something that we could probably get that up and, you
19 know, get that information out there? You know, as long
20 as it aligns with what, you know, our procedures say.
21 We're not saying, you know, two different things. Would
22 that be something that we should perhaps take a look at?

23 MR. GERMANY: Yes. That's a good idea. I know we
24 are -- we are currently putting together some voter
25 education-type materials, specifically on absentee

1 ballots, and so I think this would be good to include on
2 those materials or websites as well.

3 MR. RAFFENSPERGER: Okay. Board members, I know that
4 several of you are on the Rules Working Group. Do you
5 have any input or any questions for Mr. Germany or just
6 comments in general?

7 MR. WORLEY: This is David Worley. I just wanted to
8 say that I have reviewed the suggestions of the Brennan
9 Center and the other groups, and I think they're excellent
10 suggestions, and I think we should move towards adopting
11 them. Unfortunately, I agree with Mr. Germany that it's
12 really not possible to do that right now, but I think that
13 it is a good idea to make them available to the counties
14 and encourage their use.

15 MR. RAFFENSPERGER: Any additional comments, any
16 other members? Okay. What is the --

17 MR. MASHBURN: This is Matt Mashburn. I -- I read
18 their comments -- the comments that were provided as well
19 and state -- and thought they were very good, especially -
20 - especially, I liked the pictograms that have been
21 discussed by everybody so far. I thought those were
22 terrific. But I will make a motion that we approve the
23 rule as posted.

24 MR. RAFFENSPERGER: Okay. Do we have a second?

25 MS. SULLIVAN: This is Rebecca. I'll second that

1 motion.

2 MR. RAFFENSPERGER: Do we have any further
3 discussion? All those in favor of passing rule number
4 183-1-14-.06 as presented, please do so by signifying aye.

5 THE BOARD MEMBERS: Aye.

6 MR. RAFFENSPERGER: Any opposed? Motion carries.
7 Thank you, Board. Also, for the record, let's see if we
8 can get this posted on Secure The Vote and get the
9 pictograms up. I think it's very important information,
10 and this provides additional information for voters, and I
11 think that's always a good thing. Mr. Germany, next rule,
12 please?

13 MR. GERMANY: Yes, sir. The next rule is rule 183-1-
14 15-.02(2), definition of a vote. This is a rule where in
15 response to some of the -- the issues we saw in the
16 primary, we -- to provide a little background which I
17 think is going to be reviewed for the Board, the election
18 equipment that we have, the factory settings are -- well,
19 first of all, this equipment introduces the concept of
20 what's called an ambiguous zone. That's something that we
21 did not have in the old system. It was either, you know,
22 there was one threshold that was below that. If the
23 scanner picked up a fill-in amount below that percent, it
24 was not counted. Above that percent, it was counted. So
25 this zone introduces the concept of an ambiguous zone,

1 with that -- it's helpful and what that means is that if
2 it's in the -- if a scanner picks up a percent filled in
3 of a bubble, then it flags the -- the ballot for human
4 review.

5 The -- in the June primary, the ambiguous zone, we
6 used the factory settings that -- you know, my
7 understanding is what most of the Dominion customers use -
8 - these are the settings that were used when the system
9 was BAC-certified. You know, those -- that, of course,
10 includes stringent tests for accurately counting votes.
11 We did -- and those settings were a twelve percent low
12 threshold, so anything below twelve percent was not
13 counted as a vote and then an upper threshold of thirty-
14 five percent. Anything above thirty-five percent was
15 counted, and anything between twelve and thirty-five
16 percent was flagged for human review.

17 And what this rule does is basically puts that
18 concept into -- into SEB rules which I -- which I think is
19 good, especially given the large increase in absentee
20 voting. Of course, this only is an issue for absentee or
21 other hand-marked ballots such as provisional or emergency
22 ballots. So using the factory thresholds as a guide, the
23 Center for Elections Systems conducted their own testing
24 to see what we thought if we should make any changes to
25 these thresholds with the -- and we basically found two

1 things.

2 One, anything really above twenty percent, so between
3 twenty and thirty-five percent, when it was flagged for
4 human review, it seemed that that mark was always going to
5 be seen by the human as -- as a vote where it -- where it
6 should be. So lowering the upper threshold down to twenty
7 percent, what that will do is that will flag less for
8 human review, which is good, I think, that it would
9 automatically count the vote for the selection, and that
10 will speed up the process, essentially. We decided to
11 lower the lower threshold from twelve percent to ten
12 percent in the proposed rule. What we saw in the testing
13 was that, you know, even really at twelve percent, it
14 seemed that even minimal marks were picked up, and
15 lowering it to ten percent really ensured that the minimum
16 marks were picked up for human review.

17 One thing to keep in mind is that as the rule -- the
18 rule currently states, if any contest is flagged as
19 ambiguous on the ballot, it's going to kick out the entire
20 ballot for human review, so it's not just that one
21 contest. You know, if any one contest is caught in the
22 ambiguous zone, it will flag the entire the ballot for
23 human review. I think that's important because what we
24 generally see is if people are marking the ballot
25 improperly with check marks, x marks, for instance, they

1 generally do that consistently throughout the ballot. A
2 check or x mark through the bubble is, you know, for mark
3 testing, is always going to be at least ten percent.
4 Frankly, it was going to be at least twelve percent. I
5 think one of the commenters made the point a check or x
6 mark next to the bubble might not -- might not pick it up
7 because that's outside of the target zone, but a check or
8 a x mark within the bubble is -- is certainly going to be
9 flagged for human review if not automatically --
10 automatically counted.

11 We did receive some comments on -- on this, one from
12 the Brennan Center. The Brennan Center made the point
13 that they believed red ovals are -- are better. I think
14 that's probably right. We are -- right now, I think we
15 should make that more, the red ovals, aspirational, and,
16 of course, we can't do it for this election. Some of the
17 long-time ballot printers that the counties work with in
18 the state aren't prepared for that right now, so I think
19 we should give them some time to basically prepare for
20 that, but I think it's worth considering to move to red
21 bubbles.

22 Right now, we have black bubbles. What that does --
23 or black ovals, I should say -- what that does is it adds
24 basically a certain percent to the -- to the mark, so as
25 the Brennan Center pointed out, in Colorado, one

1 jurisdiction that uses black bubbles, they have -- Boulder
2 County, Colorado -- they have a lower threshold of nine
3 percent and upper threshold of thirty-five percent. And
4 that's, I think, reflecting that the black bubbles, you
5 know, depending on the-- black ovals, depending on the
6 exact angle, something goes into the scanner, add about --
7 add about four or five percent to the -- to the marks. So
8 instead of starting at zero, a blank mark is really four
9 or five percent.

10 So I say all that to say I think that the thresholds
11 that we posted, a lower threshold of ten, an upper
12 threshold of twenty, will make sure that any ballot that
13 needs to be is flagged for human review. And we'll also
14 ensure that ballots that -- that don't need to be -- by
15 lowering the upper threshold -- are automatically counted,
16 which will hopefully speed up the entire counting process.
17 I'm happy to take any questions.

18 MR. RAFFENSPERGER: Okay. Members, do you have any
19 questions or comments or input that you would like to
20 make?

21 MR. WORLEY: Mr. Secretary, I -- I had a couple
22 comments. Maybe Mr. Germany would like to respond or not.
23 I'm not sure that they're in the form of a question. But
24 first of all, I wanted to thank Mr. Germany for the work
25 that he's put in on this issue and the members of the

1 Rules Working Group as well, but particularly Mr. Germany,
2 who has put a lot of effort into this. And I also
3 appreciated the comments of the Brennan Center about the
4 red ovals, and I'm glad to hear Mr. Germany react the way
5 he did to that, and I think that's something that we
6 should certainly seriously think about moving to.

7 I'm concerned by some of the comments that were made
8 in the public portion of our meeting today, or the public
9 comment portion of the meeting. And particularly, those
10 of Ms. Dufort and Stephen Day, who is a long-time member
11 of the Gwinnett Election Board and in my opinion, one of
12 the best-informed Election Board members that we have in
13 the state, particularly on technical matters, and his
14 concern that there -- if we establish these thresholds,
15 that there are going to be votes that are not counted,
16 where the intent of the voter is nonetheless clear, and I
17 am concerned about that. And I wondered if perhaps Mr.
18 Germany had any reaction to those comments, Mr. Day's in
19 particular, on that issue.

20 MR. GERMANY: Yes, sir. Thank you, Mr. Worley. I
21 think Mr. Day was the one who made the comment that he saw
22 check marks or x marks next to bubbles that might not pick
23 up that -- that low threshold. We did see in our testing
24 that check marks or x marks if they're through the
25 bubbles, then, you know, they're -- like, for instance, in

1 the ones in the pictogram for the Brennan Center, all of
2 those are going through -- are going through black at
3 least the ten percent for human adjudication and probably
4 they're going -- they're probably going to flag the twenty
5 that will be automatically counted.

6 And the other thing I would point out is the scanner,
7 it's looking at individual contests, so if any individual
8 contest meets -- meets that requirement, it kicks out the
9 whole ballot. So for instance, in the issue that Mr. Day
10 brought forth, if someone went next to the bubble in a lot
11 of cases, and it basically didn't pick up anything on the
12 scanner, but they went through the bubble in other ones,
13 that entire ballot is going to be applied for human
14 review, and this rule says in reviewing any ballot flagged
15 for adjudication, the vote shall be counted if, in the
16 opinion of the vote review panel, the voter has clearly
17 and without question indicated the candidate or candidates
18 and answered the question for which such voter desires to
19 vote, which just -- it's the same standard that's in
20 existing law for the voter.

21 So the other thing I will add is the system is -- is
22 also flagged to pick out or to flag for review any
23 completely blank ballots, and the thinking on that is
24 while it's certainly possible that someone can just cast a
25 blank ballot intentionally, the thinking on that is they

1 want to make sure look, are we missing something here? So
2 if in the standpoint that someone missed basically every
3 single bubble, and it's referred to as a blank ballot,
4 that would also be kicked out for -- for review. So I
5 think -- I think the chances of -- with these thresholds
6 of valid votes not being picked up are extremely low, and
7 I think it balances it well with, you know, the need to be
8 able to scan -- we expect a lot of ballots and a lot of
9 absentee ballots, and there's a need, of course, to be
10 able to tabulate those in a -- in a timely manner.

11 MR. WORLEY: Mr. Germany, is there any way to set the
12 scan so that it picks up marks that are near the oval but
13 not in the oval.

14 MR. GERMANY: I understand that that is how it works,
15 that there's basically a target zone and it's, you know,
16 generally the part marked by the oval but it's a little
17 bit larger than that.

18 MR. WORLEY: And -- and then finally, Mr. Secretary,
19 I had one more question, which is the rule that we're
20 adopting sets a standard that is not the same as the
21 intent of the voter. The statute says that intent
22 controls whether it's a vote or not, and our standard is
23 somewhat different than that because it's possible to show
24 intent and not have the mark picked up by the scanner.
25 Has the Attorney General's Office looked at that? Are we

1 able to essentially establish this standard that's
2 different from the statutory intent?

3 MR. GERMANY: Well, I think the only way this is
4 different from statutory -- again, I think it actually by
5 and large -- 21-2-480 talks about ballot -- about
6 precincts using optical scanning equipment, which is what
7 we use. I will point out there's been a lot of references
8 to 21-2-438, which is a statute that governs paper
9 ballots. Paper ballots in Georgia code are basically what
10 some municipality says, you know, the old-fashioned just,
11 you know, mark an x or a check on the actual piece of
12 paper. You know, that's not optical scan. What we --
13 what we use statewide is optical scanning voting
14 equipment, and it says -- the statute says to vote black
15 in the oval or square next to the candidate of your
16 choice. It says marks made in violation of these
17 directions -- directions shall be disregarded in the
18 counting of the votes cast. So I think what we're doing
19 is making sure that the intent is provided, and I think
20 these -- I think these thresholds accomplish that.

21 MR. WORLEY: Thank you. Those were all the questions
22 that I had.

23 MR. RAFFENSPERGER: Okay. Thank you, Mr. Worley.
24 Any other members have questions or input?

25 MR. MASHBURN: This is Matt Mashburn. I'd just like

1 to echo David's commendation and complimentary words for
2 Ryan Germany and all the work that he's done and the input
3 of the various groups and the hard work of the -- the hard
4 work of the counties and the rule committee, and I think
5 we're doing a very good job of updating the system to help
6 voters -- help voters vote. At some -- at some point, and
7 I've seen this in the very contested races that get really
8 -- really heated, at some point, the voter has -- has to
9 follow the instructions to a certain level or else they're
10 deceding [sic] control to the counters.

11 And so I think this is -- I think these rules are
12 working very, very hard to bend as far as they can to
13 someone who simply won't follow the rules, and -- and that
14 was one of the advantages of the computers when Kathy Cox
15 introduced them 20 years ago was that it didn't allow the
16 voter to -- to break the rules. They -- it forced the
17 voters to follow the rules, and so that was one of the
18 advantages of it. So I -- I think these rules and
19 regulations that have been passed and proposed do more
20 than just bend over backwards to try to help somebody who
21 won't follow the rules.

22 And so, you know, -- and the other thing about the
23 upper percentage, and this is a question for Ryan. I just
24 wanted to make sure that I'm right. In moving the -- the
25 upper threshold from thirty-five to twenty percent, the --

1 the if it was a -- if it was at thirty-five percent, what
2 the computers would do is they would capture a ballot and
3 call it ambiguous when at a twenty percent level, it would
4 say oh, yeah, it's definitely a vote. No problem, off it
5 goes. Is that right?

6 MR. GERMANY: No. What -- are you talking -- are
7 asking what they would do with these settings or what they
8 did under the factory settings that we used in June?

9 MR. MASHBURN: Well, just if -- you know, under a --
10 under a twenty percent threshold, that would have the
11 machine process more ballots than the thirty-five percent
12 threshold. The thirty-five percent would kick out more
13 for human review, even though it's pretty clear that --
14 even though the computer had already said it was a vote.
15 So it sounded like we're adding a step by having a higher
16 -- if we had gone with that higher threshold, it sounds
17 like we're trying to -- we're adding in a step and slowing
18 things down and introducing humans into something that the
19 computer's already decided was pretty clear and didn't
20 have a question.

21 MR. GERMANY: That's -- that's what we found in our
22 testing that really, the human review of things between
23 twenty and thirty-five percent wasn't necessary because
24 there was not -- there's not really -- the intent was
25 clear, and the humans were always going to come to the

1 same conclusion as the computer there. So I don't think
2 it's necessary to flag those for human review. We can
3 just go ahead and count them.

4 MR. MASHBURN: So it would -- it would -- to have
5 that higher threshold would slow things down for no
6 appreciable benefit.

7 MR. GERMANY: Correct.

8 MR. RAFFENSPERGER: Okay. Thank you.

9 MR. MASHBURN: Unless any other Board members or the
10 Secretary have further comment, I will make a motion that
11 we adopt the rule as posted and presented.

12 MR. RAFFENSPERGER: Do we have a second?

13 MS. LE: Anh Le, I'll second that.

14 MR. RAFFENSPERGER: Do we have any further
15 discussion? Hearing none, all those in favor of adopting
16 rule 183-1-15-.02, please signify by saying aye.

17 THE BOARD MEMBERS: (except Mr. Worley) Aye.

18 MR. RAFFENSPERGER: Any opposed?

19 MR. WORLEY: This is David Worley. I vote no.

20 MR. RAFFENSPERGER: Okay. Let the record so state.
21 Okay. Next rule?

22 MR. GERMANY: The next rule is 183-1-15-.04. These
23 are the procedures for the risk-limiting audit that we are
24 going to perform following -- beginning following the
25 November election. As the Board knows, we, the Secretary

1 of State's Office, and the counties have been conducting
2 pilot audits to -- to try to get ready for this. We've
3 had a lot of good partners helping us basically get ready
4 for this point. We conducted a successful pilot audit in
5 Glynn County a couple of weeks ago following the August
6 run-off that confirmed the results of the selected race
7 down there to -- I think it ended up with something like
8 0.4 percent, and we're learning a lot of -- a lot of good
9 information about how to help counties prepare for this so
10 that -- and we will, of course, provide help along the
11 way.

12 So the point of the rule and the comments on the rule
13 were from Verified Voting who is an expert on these, and I
14 think was focused on the rule. And as it's been pointed
15 out, I think our rule largely copies Rhode Island's rule,
16 another state that just started doing risk-limiting
17 audits, and we -- we do list some things that aren't
18 specific. We do that on purpose because, you know, we're
19 still learning, but it does require a risk-limiting audit.
20 It provides that the audit shall be open to the public.
21 It provides procedures for how to -- how to take the race
22 that's going to be audited, and I would ask that the Board
23 adopt the rule as posted.

24 MR. RAFFENSPERGER: Okay. Well, members of the
25 Board, do you have any public comment or questions that

1 you'd like to mention at this time?

2 MR. WORLEY: I -- I have a question. This is Mr.
3 Worley. I have a question for Mr. Germany. Could --
4 looking at the rule, the first part of the rule, section 1
5 preparing for the audit, item 1 says following November
6 general elections in even-numbered years, each county
7 shall participate in a statewide risk-limiting audit with
8 a risk-limit of not greater than ten percent, as set forth
9 in this rule. Can you explain how the ten percent works?

10 MR. GERMANY: So the ten percent, what that means is
11 basically the audit is supposed to confirm the result of
12 the election to a ninety percent confidence interval. I
13 think that's the right term, and that's basically what
14 other states use that -- that do this. What that really
15 does is it sets a minimum for us. Let's see. In a lot of
16 our pilot audits, the goal is you've got to have at least
17 a ninety percent, you know, confidence interval. At the
18 end of -- at the end of it, the confidence interval might
19 be much higher, which is good. It can't be lower. If
20 it's lower, than you have to keep counting, so really,
21 what that sets is how many ballots are we going to have to
22 count to -- you know, to try to reach that result, and
23 that depends on the closeness of the race and other
24 factors. Does that answer your question?

25 MR. WORLEY: Yes. I think it does. Thank you.

1 MR. RAFFENSPERGER: Do we have any other input or
2 questions from our Board? If not, now would be the
3 appropriate time for a motion if you're so inclined.

4 MR. MASHBURN: This is -- this is Matt Mashburn.
5 I'll make a motion that the rule be adopted as posted and
6 presented.

7 MR. RAFFENSPERGER: Do we have a second?

8 MS. SULLIVAN: This is Rebecca Sullivan. I'll
9 second.

10 MR. RAFFENSPERGER: Do we have any further
11 discussion? Hearing none, all those in favor of adopting
12 rule number 183-1-15-.04 as presented, signify by saying
13 aye.

14 THE BOARD MEMBERS: Aye.

15 MR. RAFFENSPERGER: Any opposed? None opposed? Did
16 I hear someone opposed just for the record? So sounded
17 like it's unanimous, but I wanted to make sure I had that
18 correct. Okay. Rule passes. That is all the items we've
19 had on our agenda. We've had a long, busy day, but before
20 we head out, is there any Board members that have any
21 closing comments that you'd like to offer? I want to
22 always give you that opportunity to speak before the Board
23 and also the public that's listening in. I'm not hearing
24 anything today. I want to thank the Board members. I
25 want to thank counsel, Ms. Watson, really, anyone that has

1 worked hard to get these cases before us to get us -- get
2 this, the older stuff, off the docket but also adopt these
3 new rules. This is a very busy time this year, obviously,
4 dealing with the pandemic and having to be flexible to
5 make sure that we can have a system that works for our
6 voters of Georgia. So thank you very much. Now would be
7 an appropriate time for a motion for adjournment.

8 MS. SULLIVAN: I move.

9 MR. WORLEY: Second.

10 MS. LE: This is Anh. Oh.

11 MR. RAFFENSPERGER: All those in favor of
12 adjournment, signify by saying aye.

13 THE BOARD MEMBERS: Aye.

14 MR. RAFFENSPERGER: We are adjourned. Thank you so
15 much.

16 (Meeting adjourned 2:51PM)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 190 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 9th day of October, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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