In The Matter Of:

GEORGIA SECRETARY OF STATE
STATE ELECTION BOARD

February 10, 2021

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 10th, 2021
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
Ryan Germany
Frances Watson
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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PROCEEDINGS

MR. RAFFENSPERGER: Do we have everyone? Do we know he’s on? I saw David Worley, and Matt Mashburn?

MR. MASHBURN: Present.

MR. RAFFENSPERGER: Okay. Is Anh Le on?

MS. LE: Present.

MR. RAFFENSPERGER: Thanks, Anh. Rebecca?

MS. SULLIVAN: Present.

MR. RAFFENSPERGER: Okay. Great. Okay. So are we ready to go then? Okay. I’d like to call this meeting to order. We’ll start off with an invocation, and then I’ll follow with -- we’ll follow with the Pledge of Allegiance.

(Invocation)

(Pledge of Allegiance)

MR. RAFFENSPERGER: Okay. Before we get to the approval of the Board meetings, we have a very big agenda. We actually have three weeks in a row of working through a lot of cases to work that down and get those resolved one way or the other, either to dismiss them or forward them over to the Attorney General’s Office or local prosecuting attorneys, but so today we won’t be having public comment, but we asked everyone to send that in. We sent out a reminder yesterday, and we encourage everyone to send in their public comments so we can take a look at that, and
as it relates to perhaps any legislation ideas, we’ll be  
looking to share that with the General Assembly. And feel  
free to reach out to any of your local members if it  
concerns legislation.

So we have before us today, Board members, the  
approval of the board meetings from September 10th,  
October 30th, and November 23rd, and hopefully, y’all have  
had a chance or opportunity to review that, and if you  
have, now would be the appropriate time to make a motion.

MR. WORLEY: Mr. Secretary, this is David Worley.  
I’ll make a motion that we approve the minutes of the  
Board meetings of September 10th, October 30th, and  

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

MR. MASHBURN: Second.

MR. RAFFENSPERGER: I hear a second. Do we have any  
comments? Hearing no comments, all those in favor of  
approving the Board minutes of September 10th, October  
30th, and November 23rd, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Opposed? Don’t hear any. Motion  
carries unanimously. Thank you. We added a section last  
night in the agenda, and it was for our General Counsel  
Ryan Germany to give us an election debrief. Mr. Germany,
could you give us a debrief on where we are.

MR. GERMANY: Yes, Mr. Secretary. Thank you. Thank you, Board members. This is Ryan Germany. I wanted to give a -- an emphasis on brief debrief of the 2020 elections. The purpose of these -- of this meeting is really to kind of help clear the decks of some -- of some cases to -- to really prepare for the cases presented -- or that were brought up to be heard by this Board, you know, sooner rather than later this year, but knowing that that’s kind of -- there’s a high interest level in that -- I did want to speak briefly on -- on what we saw and what we didn’t see in the 2020 election. We’ll obviously hear more about specific cases when those cases are presented to the Board from the investigators, but I -- many of those are still under investigation and aren’t ready for presentation yet.

So first of all, in kind of the lead up to the election, obviously we knew that 2020 was going to be a tough election year. We thought that was going to be the case because we were implementing and rolling out a new system implementing paper ballots for the first time and, you know, having to train counties on -- on -- and ourselves, frankly, on a new system. So that was supposed to be kind of the main challenge. Then, of course, we had COVID happen in kind of the March timeframe, and it really
threw a loop for the whole election cycle in terms of --
in terms of how people basically chose to exercise their
right to vote.

Frankly, the counties, I think, especially in
November and January, performed admirably. They had a
massive increase in the number of absentee voting. It
caused some issues in the primary, particularly in Fulton
County, with just the -- the volume that was
unprecedented, in terms of getting out absentee ballots,
getting everything processed, but I think based on some of
the things that were able to help -- to help with by
bringing in the absentee ballot vendor, I think then by --
by November and January, we really saw them perform
admirably in -- in the face of very difficult
circumstances.

So what we didn’t see -- I’ll start with that
because, you know, election have been -- have become kind
of a rife spot with -- for misinformation, and that’s not
new, but we certainly heard some new levels here. The
Dominion machines performed well. That’s not to say that
there were no issues with them, but the issues that we saw
had to do with, basically, people using them for the first
time and maybe not -- not doing something correctly, but,
you know, the issues that, you know, you heard about on
certain TV stations with things going out of the country
or interference from foreign governments, we have not seen any evidence of that. In fact, all of the evidence I think points against that. Many of those claims are in litigation now, and I think, you know, that will -- that will come out through that process.

So we did -- we did not see any issues like that, and in fact, one thing that we did -- and the Secretary ordered -- a full hand tally of all the ballots that confirmed the results of -- of the election, and that's what we saw. We did not see any issues of county election officials, I think, cheating or doing anything -- doing anything like that. We got some allegations of that, but again, I would just say from what we saw, our county election officials did an excellent job in very difficult circumstances in very contentious elections. And we also didn’t see any evidence of widespread fraud.

Going into what we did see kind of off of that, there’s always some number of ineligible voters who votes in an election. That -- that’s always the case, but the law -- the way our law and federal law and really all state law is set up is that it’s better to let someone vote, and then if they’ve voted and they weren’t able to, to go after them after the fact. Of course, there’s guardrails in place to minimize that, but you’ve got to keep them in place in a way that keeps the system
accessible to eligible voters. So we did see some number of ineligible voters. The numbers that were thrown about after the camp -- after the November election about these large numbers of ineligible voters, that is -- that is not what we’re seeing at all.

Some of the numbers that were thrown out -- some of these numbers we could check pretty quickly, basically doing data reports. For instance, I think there was an allegation that 10,000 underage people voted. Well, we can see the age -- the birthday of everyone who voted, and the number of people who voted who were underage is zero. There was an allegation that, I think, 2500 unregistered people voted. Again, we can check to see who voted and see if they were registered, and the number of people -- of unregistered people who voted is zero.

There was an allegation that 2500 felons voted. We can -- we have data on that as well, and we are investigating potential felon voters. I think we have 74 potential felon voters, and then we’ve got to obviously, you know, do investigations. And when you do those investigations, you -- you kind of find, okay, maybe their sentence was up. Maybe they’re not the same person. But that’s the -- the kind of complete universe of that.

We got an allegation that 435 people voted in multiple states in November, and our -- we have been
investigating that, and we have ruled out all but two voters. We’re still going through some of them, waiting on some data from other states, and again, I think —- you know, that basically shows where that is. Again, I think there was an allegation that thousands of dead people voted, and I think we are —- we have investigated that as well, and, you know, our investigators have spoken to some of these alleged dead people, so again, that’s not the case as well. We do have, I think, two that we’re investigating, and then we’ll continue to see, but that’s not going to be more than a handful either.

The one that’s a little bit tougher —- and this year especially because of the increase in absentee voting —- is people who are registered but no longer live in Georgia. The reason that’s tough is because there’s some people who don’t live in Georgia who are still eligible voters. For instance, obviously, military personnel are still eligible voters in Georgia. All people who are in other government service are eligible in Georgia. If you do —- if you are temporarily somewhere else but still basically intend to reside in Georgia, a college student, people who kind of have jobs where they go —- maybe work in different places around the country for a little bit, so that really takes a more in-depth investigation.

Now, we looked at the numbers. I think the
allegation was that 20,000 people voted who no longer live in Georgia, and the number -- that’s not even close to an accurate number. The numbers that we have seen based on just looking at national change of address data and people who -- who voted, it’s significantly less than that, and we’re going through those people as well, but, you know, while that will be elevated, I think, compared to past elections just because of the increase in absentee, I don’t think that it will be more than -- it will be nowhere close to the -- the margin in Georgia.

Going off of that, another thing that we did see is we definitely saw in both January -- in both November and January, third-party groups kind of affiliated with campaigns -- or not officially affiliated but kind of interested and have an interest in who wins, they would definitely push the envelope in terms of rules. We saw that with monitors who were kind of pushing the envelope and sometimes making election officials feel uncomfortable. We saw that with polling place restrictions and people, you know, getting right up to the line on that and sometimes over the line, so that’s something that we did see, and we also saw that I think in terms of when I was talking about out-of-state voters is people really, I think, reaching out to people who maybe no longer live here but who due to federal law
restrictions are still on our voter rolls and even telling
them oh, you can still vote in Georgia. So you know,
that’s something that we did -- that we did see that I
think is problematic.

So I -- I will stop talking, and I’m happy to take
any questions from the Board, but I just wanted to give
you all a sense of what we did see and what we didn’t see.
And I think the bottom line is we did not see any
widespread or systematic fraud. We did not see any -- any
failures of equipment or any -- anything not working like
it was supposed to other than perhaps some user error or
perhaps kind of the -- you know, a piece of equipment that
didn’t start up correctly. But we didn’t see any of this,
you know, foreign interference or changing votes or
anything like that.

We did see some things that I think we need to think
about going forward, and I kind of put them into three
different categories. One, we just had the first election
with the new system, so you learn things from that. And I
think we -- you guys on the Board and I know the General
Assembly is doing it right now -- can think about okay,
what did we learn? What do we need to sort of shore up
from a process perspective based on this -- this new
system that we have? Two, all the indications are that we
are going to have very close elections in Georgia going
forward, so that means that I think we -- or the State Election Board and General Assembly -- need to think about okay, what are our procedures to make sure that they’re going to be good for very, very close elections? And that’s frankly -- a lot of states are not in that camp from a state-wide perspective, so we need to make sure that we have good processes and procedures for -- for that reality.

And then third, you know, what we’ve definitely seen over the past few election cycles because of, I think, certain actions by candidates post-election is a decrease in confidence of the election systems and, you know, therefore, the legitimacy of election results. That’s really the main things that I think we need to -- we need to focus on as a Board and as a -- as a General Assembly -- and in our Office as well, but to really build back that confidence that has been torn down. And I think, you know, we need to think about that from what are we asking our election officials to do? Last year was certainly a different situation and again, I think our election officials performed really well, but what we asked them to do last year was -- it was way beyond the call of duty and when we ask them to do that much, then, you know, we’re putting in places where there’s going to be things that fall through the cracks or other issues or things that
from a perception standpoint can lead to certain allegations.

So that’s kind of how I’m thinking about things going forward, you know, do they -- from a confidence perspective, from a process perspective based on close elections, and from a what did we learn -- especially in the first year of using new equipment. So I’m happy to take any questions, and I appreciate y’all’s -- y’all’s service.

MR. MASHBURN: This is Matt Mashburn. I do have one question. Just from a public education standpoint or to kind of get it out to the public, all tabulating, counting, certifying, counting for in-person voting, all of that has been done. Is there anything that’s still left to be done for the 2020 general election?

MR. GERMANY: I bel -- I --

MR. MASHBURN: Other than us hearing cases that came out of it, but is there anything in the tabulating, counting, certifying processes still under way? Auditing?

MR. GERMANY: Everything’s been counted. Everything’s been audited. I know that some counties, particularly in January might still be looking at credit for voting to make sure they gave people proper credit for voting, which is basically when you -- when you vote absentee particularly by mail or in person, the county has
to first, you know, check your ballot in, give the voter credit, and then later, you know, scan the ballot which --
which tabulates the vote. I think we did see some issues with that based off of the volume that -- that I think was new. We’ve been working with the counties to make sure that they are giving a correct credit for voting, and I believed that that is complete for both November and January. There might still be a few counties where we’re following up with them to say hey, in January did you --
did everyone get their credit? But that -- that would be it.

MR. MASHBURN: Thank you.

MR. GERMANY: Nothing further from me, Mr. Secretary, unless you have any questions.

MS. THOMAS: You’re muted. You’re muted, Mr. Secretary.

MR. RAFFENSPERGER: Okay. Thank you. Okay.

MR. MASHBURN: This is -- I’m sorry to interrupt. This is Matt. I have one more, if I might --


MR. MASHBURN: Just for public information purposes and to get the word out, when -- when we say we’ve investigated the underage voters and the number is zero, other than cases that we have, and those have their own lives -- they take as long as they take, but those numbers
are -- those numbers are the final numbers. When we know
-- when we say we’ve looked and it’s zero, we’re not
expecting any of those to change, right?

MR. GERMANY: No. No. That’s not going to change.

You know, the ones we’re still investigating are, you
know, out of the 395 people who were alleged to have voted
in two different states, we’re still going through some of
them. I think we’re about halfway through right now, just
waiting on some states. Some states are quicker to get us
information than others.

MR. MASHBURN: And the felons was 74, and we’re
working through that?

MR. GERMANY: Right.

MR. MASHBURN: But the --

MR. GERMANY: And that’s -- that’s the maximum, so
it’s going to end up being less than that.

MR. MASHBURN: And so unregistered voters are zero
and that’s the number?

MR. GERMANY: Correct.

MR. MASHBURN: And the underage, that’s the number?

MR. GERMANY: Correct. The ones we’re still
investigating are the people who voted in different
states, but I think what we’re going to see is the trend
holds up where it’s going to end up with, you know, a
handful, which is frankly not dissimilar to -- to past
elections, and then the people who are -- who are out-of-state, so we have -- that investigation continues as well.

MR. MASHBURN: Thank you. Thank you very much.

That’s very helpful.

MR. RAFFENSPERGER: Okay. We can now roll into the investigation reports. The first ones are the consent cases. Before I get to that, Jasmine, I didn’t have a chance to ask you this question, but in my book, there was a case from Glenn County. It’s 2020-024, deceased absentee ballot voter. That is not in our documents -- it’s in our document file, but it wasn’t included in the agenda. Did you want that to be heard today as one of the cases, and do the other members have that case also? It’s Glenn County, deceased absentee ballot voter, SEB number 2020-024.

MS. SHANNON: It’s not on the agenda, so we will not review that case today.

MR. RAFFENSPERGER: Okay. We’ll get it on the next one. Thanks so much. Okay. The consent cases, those are tabs 2 through 15. Members, you’ve had a chance to look at that, and we have someone from the Attorney General’s Office, would they like to comment on that? Or Ryan, would you like to comment first, or would Frances Watson?

MS. THOMAS: Frances will be presenting the cases.

MR. RAFFENSPERGER: Okay.
MS. WATSON: Yes, Mr. Secretary. I didn’t know if we were going to vote on these en bloc, or if you had any specific ones that you wanted to pull out, or I can go one-by-one, whatever is your preference.

MR. RAFFENSPERGER: I’ve reviewed them all. I don’t know if the members have. I’m willing to -- to vote en bloc. It’s -- what is the will of the Committee?

MR. WORLEY: Mr. Secretary, this is David Worley. I don’t have any of the individual cases on the consent calendar that I think should be pulled out to be discussed individually, so I would make a motion that we adopt the recommendation of the investigators on the consent cases and dismiss the cases.

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

MS. SULLIVAN: This is Rebecca. I’ll second that motion.

MR. RAFFENSPERGER: Okay. Do we have any further comment? Okay. Hearing none, all those in favor of accept -- of the recommendation of the motion before us, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Hearing none, motion carries. Okay. The next set of cases are the letter cases in tab 16 through 20.
MS. WATSON: And -- and this would be the same, if you want me to present them individually or you want to vote on those as a group or pull any of those out.

MR. RAFFENSPERGER: So what is the will of the Board?

MS. LE: Mr. Secretary, this is Anh. I’m willing to vote en -- the letter cases en bloc.

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

MR. WORLEY: I second it.

MR. RAFFENSPERGER: Okay. Do we have any discussion?

Hearing none, all those voting for the motion before the Board do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none, motion carries. Okay. Now, we have before us the new cases. The first one does go back a while. We have a backlog that we are working through, and we want to get through these because I see at the end, we get into 2020 cases. The next two meetings will be 2020 cases primarily, but the first case up is SEB case 2016-6 -- 070 in Gilmer County, felon voting.

MS. WATSON: Yes, sir, Mr. Secretary.

MR. RAFFENSPERGER: Ms. Watson?

MS. WATSON: Thank you. In May 2016, it was reported that Brian Keith Pritchard had registered and was voting in Gilmer County for several years while serving a felony
probation sentence. The investigation revealed that Brian Keith Pritchard has been a resident of Gilmer County since at least January 29th of 2008 when he registered to vote. It was verified that Mr. Pritchard was convicted of a felon in Pennsylvania in May of 1996, and his probation was extended 7 years on April 8th, 2004 with an end date of 2011. According to an Allegheny County probation officer in Pennsylvania, Mr. Pritchard was released from probation on September 27th of 2011.

Mr. Pritchard voted in 9 elections during the time he was under felon sentence, all in Gilmer County, four in 2008, three in -- five in 2010. Mr. Pritchard was contacted and provided his attorney’s name and information. The attorney provided a response that Mr. -- Mr. Pritchard believed his plea to be a no contest and was unaware he was considered a felon under sentence when he registered and voted, and due to the retention schedule at the time that we received this complaint, the elections documents from 2008 and 2010 were no longer available. We are recommending that Mr. Pritchard be bond over to the AG’s Office for a violation of 21-2-216(b).

MS. THOMAS: George Weaver is here to speak about this.

MS. WATSON: And attorney George Weaver is on the -- on the line.
MR. RAFFENSPERGER: Okay. Before we get to the attorney on the line, do we have any Board members that have any questions for the investigator? Okay.

MS. LE: This is Anh. I do have one question. How was he able to vote nine times, and we didn’t catch it before -- or at the county level. Do you know?

MS. WATSON: No. I do not know why it was not -- the only thing that I can think is because it was an out-of-state conviction is that it may not have been on their list of felons.

MS. LE: Okay. Thank you.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: This is Matt Mashburn. I have a question. Is -- is there any indication that the local district attorney has indicted him for felon voting, or are they waiting on us?

MS. WATSON: No. They have no indicted him, and I believe Mr. Weaver may have further for that. I know that they were made aware of this, and they declined to -- they were going to let it come to us first, but I believe that he has since spoken to the district attorney.

MR. MASHBURN: Okay. Thank you.

MR. RAFFENSPERGER: So in other words, the district attorney would be waiting for action from this Board.

MS. WATSON: I believe Mr. Weaver has -- has followed
up with -- with the district attorney as far as an
opinion, and he may have further for that.

MR. RAFFENSPERGER: Okay. In normal practice, we’ve
sent cases to the Attorney General’s Office, and then in
some of the more serious charges, we’ve sent it to both
the local DA and also the Attorney General’s Office. The
attorney is on the line. Would he like to add some
additional information for the Board’s consideration?

MR. WEAVER: Mr. Secretary, this is George Weaver. I
represent Mr. Pritchard. I would ask that the Board read
the letter brief that I sent back to you, and in addition,
I want to -- I will rely completely on the response, and I
would say that Mr. Pritchard received a pardon on November
the 8th of 2017, and I would suggest that -- under my
review anyway -- the statute of limitations ran years ago,
so I -- I would not venture to offer an opinion on this,
but I -- I was a prosecutor for a long time, and I don’t
believe that there is evidence at this point that Mr.
Pritchard has violated any statute, but we will rely
entirely on our response and letter brief to you. I think
we’ve laid it out pretty -- pretty well. Thank you for
very much for letting us attend this.

MR. RAFFENSPERGER: Okay. Do -- do any of the Board
members have any more comments or questions? If not, now
would be the appropriate time for a motion.
MR. MASHBURN: This is Matt Mashburn. One of the things that -- that Ryan talked about in his -- in his 2020 debriefing which I thought was well-stated is we have all these -- we have a lot of protections and checks and double checks in looking at things and a lot of people looking at things, but it's still -- it's not totally an honor system, but it's not -- the system is not set up for people to do whatever they want and us to catch them. It's for people to abide by the law, and so this is one of those cases where, in my opinion, it would do well to send it both to the AG and the local district attorney, and if it happened over 9 elections, the local district attorney -- if there is a statute of limitations issue, the local district attorney can determine whether some of these happened and are precluded by the statute of limitations and some might not be, so I would -- I would make a motion that this be referred to both the AG and the DA.

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

MR. WORLEY: I’ll second that motion.

MR. RAFFENSPERGER: Mr. Worley seconds -- Mr. Worley seconds the motion. Do we have any additional comments from the Board? Hearing none, all those in favor of the motion to send this to the Gilmer County District Attorney and the Georgia Attorney General’s Office, signify by
saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2016-073, which is the City of Sandy Springs. In May of 2016, we opened an investigation into complaints alleging the City of Sandy Springs had failed to properly notify voters of polling place changes prior to the May 24th, 2016 City of Sandy Springs special election. As the investigation progressed, there were further allegations made concerning the security of ballots as the ballots were marked in pencil.

The investigation revealed the City of Sandy Springs called for a special election in conjunction with a Fulton County general primary election to be held on May 24th, 2016. The special election was called less than 90 days of the actual election day, and this required compliance with OCGA 21-2-540 to conduct the election separate and apart from the general primary using separate ballots, voting equipment, facilities, poll workers, and paperwork. Advance voting was held for the general primary in the special election at the same building but in separate rooms, both set up independently to process voters with separate ballots, equipment, poll workers, and paperwork.
in accordance with the code.

On Election Day, voters who resided in Sandy Springs that were eligible to vote in the District 3 special election would vote at the Hammond Park polling location, and there was no violation noted of 21-2-540. Sandy Springs published in the legal organ notifications on April 1st, the 6th, and May 4th and the 18th of the location for voting for special election and gave notification of poll locations for the location to vote.

Sandy Springs gave notice of Fulton County Board of Election in March 2016 via email of their intent to move forward with only one polling location for Election Day voting for May 24th, 2016. Fulton County Director responded to the email with a warning of problems that could arise from the decision to have only have one polling location. Fulton County Board of Election under 21-2-226(e) are to issue precinct cards to the voters affected by the poll change. Johnny Harris of the Fulton County Elections Office checked to verify that the precinct cards were requested to be issued for the May 24th, 2016 special election. It was discovered that the year was entered incorrectly, and the request said May of 2017.

As to the allegation regarding security of the ballots, there was no specific reported incident with
substantiating evidence to support a violation. We are recommending that Fulton County Board of Election and Registration be bound over for 21-2-226(e) of the Georgia Election Code as they failed to issue precinct cards to Sandy Springs District 3 voters notifying them of the Hammond Park poll change.

MR. RAFFENSPERGER: Thank you, Ms. Watson. Do we have anyone from -- do any Board members have any questions, and do we have anyone from the City of Sandy Springs that would like to respond?

MR. BARRON: Hi. This -- this is Rick Barron. What I remember about this case is that Sandy Springs conducted this election on their own. We didn’t conduct this election. Therefore, if they made -- they made the polling place change, we wouldn’t have been -- we weren’t notified of that.

MR. RAFFENSPERGER: Mr. Barron, you’re saying that --

MR. BARRON: They conducted their own separate election under the -- I believe it was Gary Smith and Marcia Ridley ran that election for Sandy Springs.

MR. RAFFENSPERGER: Okay. So I think your contention, Mr. Barron, would be that you shouldn’t be part of this.

MR. BARRON: Yes, and I thought that this case was disposed of already in a previous SEB hearing maybe a year
or two ago as well. Because we were somewhat surprised to see this come up again.

MS. WATSON: It was brought, and then it was continued. It was never presented.

MR. BARRON: Okay.

MR. RAFFENSPERGER: Okay. Thank you, Mr. Barron.

MR. BARRON: You’re welcome.

MR. RAFFENSPERGER: For that background information. Board members, do you have any questions, comments? What is the will of the Board?

MS. LE: This -- this is Anh Le. Ms. Watson, 21-2-226 section e, the one you cited, has the -- is it the county that issued the card and then the municipality would reimburse the county?

MS. WATSON: That is my understanding. Yes. The county is notified, and the county issues the precinct card, and we did verify with Johnny Harris that they were requested, and they -- the county entered the request, but they put the wrong date for the year in the request, so they were not sent out.

MS. LE: The county -- that was the clerical error from the county or the city? I’m sorry.

MS. WATSON: The county.

MS. LE: Okay. And they were provided notice timely of this, right? The city provided it to the county. That
was my understanding.

MS. WATSON: Yes.

MS. LE: Okay. Thank you. Mr. Secretary, given that the city gave the county timely notice, and the error was on Fulton County’s side in entering the date and which inadvertently left a number of voters without the information, I move to send this to the AG’s Office.

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

MR. MASHBURN: Second. Second, Matt Mashburn.

MR. RAFFENSPERGER: Do we have any further comments?

Hearing none, all those in favor of the motion to send SEB case 2016-073 to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Those opposed?

Hearing none, motion carries. Next case.

MS. WATSON: Next case -- next case is 2016-108, Muscogee County, voter registration. Muscogee County Election Supervisor Nancy Boren reported that her office received a number of voter registration applications that were suspicious because of the information that was on them. A voter registration application was submitted for Carol Smith. She states that she did not complete the registration. The person that completed the application could not be identified. Michelle Lewis completed a voter
registration app for her children Bridget Lewis, Brianna Lewis, and John Lewis. The voter registration canvasser that provided the forms and allowed her to complete them could not be identified. Jenna Thornton completed a voter registration app in her husband’s name. The voter registration canvasser that provided the form and submitted the forms could not be identified.

It was reported that a voter registration canvasser reportedly contacted an individual by phone and requested permission to sign his name, Robert Muldoon, to a voter registration application. The canvasser could only be identified as a Khalil. Three reported voter registration applications could not be reached -- the applicants. Three voter registration applicants were verified as having been submitted by (sound distortion).

We recommend the following be bound over to the AG’s Office: Michelle L. Lewis for 21-2-562 in that she signed the names of her children on the voter registration application, Bridget Lewis, Brianna Lewis, and John Michael Lewis, and Jenna Thornton be issued a letter of instruction for violation of 21-2-220(f) in that she completed and signed a voter registration for her disabled husband without signing the application in the appropriate space indicating that she assisted him.

MR. RAFFENSPERGER: Okay. Do we have anyone that
wants to speak from the Respondents?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions? What is the will of the Committee, of the Board?

MR. WORLEY: Mr. Secretary, this is David Worley. I would make a motion that we bind over Michelle Lewis to the Attorney General’s Office for further action and that Jenna Thornton be sent a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: This is Anh Le. I second that motion.

MR. RAFFENSPERGER: We have a motion before us. Do we have any comment now? Hearing none, all those in favor of the motion before us, please signify by saying aye.

THE BOARD MEMBERS: Aye.


MS. WATSON: Next case is 20 -- 2016-118, Fulton County, ballot style. This case involves three complaints that were submitted during the May 24, 2016 general primary and subsequent July 26, 2016 general primary runoff. The first allegation: a voter alleged they were provided a Republican ballot when they requested a Democratic ballot when voting at Buckhead Library during the May general primary. The voter voted the ballot
before realizing the alleged mistake. The second allegation: the voter alleged they were not allowed to vote the ballot of their choice at the poll of Morningside Baptist Church during the July 26, 2016 general election primary runoff as the voter was misidentified as having voted a Republican ballot in the May general primary.

The third allegation is the voter alleged they were misidentified as having voted an absentee ballot prior to voting on Election Day during the May 24th general primary, therefore, had to vote a Democratic provisional ballot. The voter further alleged that they were then denied the ballot of their choice, a Democratic ballot, during the July general primary runoff when voting at the Cathedral of St. Philip because they were misidentified as having voted absentee Republican in the May 24th general primary.

The investigation revealed as to allegation one, the voter certificate indicates the voter requested a Democratic ballot. Her vote was recorded in the system as having been issued in voting a Republican ballot, substantiating her complaint. To allegation two, documents verified that the voter requested and voted a Democratic ballot during the May 24, 2016 general primary. The voter was recorded in the system erroneously as having voted a Republican ballot. As to allegation three,
documents verified the allegation. Fulton County stated that the voter was misidentified with a person in the system with a similar name and marked as having voted a Republican ballot during the May 2016 elections. This prevented the voter from voting their ballot of choice during the July 2016 runoff.

We’re recommending that Fulton County Board of Elections and Registration and Director Richard Barron be bound over to the AG’s Office for SEB rule 183-2-12-.02(4)(b) as they failed to properly encode the ballot access card of Amy Maxwell, Elizabeth Childers, and Sandria Gaines Woods [ph.], authorizing the voter to vote a correct ballot style, and also for 21-2-215(i) as they failed to enter into the statewide voter registration system and apply the proper credit for voting by the qualified voter Elizabeth Childers and Sandria Gaines Woods.

MR. RAFFENSPERGER: Okay. Thank you. Do we have anyone from the Respondent’s office -- the Respondents?

MS. RINGER: Mr. Secretary?

MR. BARRON: Go ahead, Cheryl.

MS. RINGER: Okay. Yes. Can you hear me?

MR. RAFFENSPERGER: Yes.

MS. RINGER: Okay. My name is Cheryl Ringer. I’m with the office of the Fulton County, the attorney
representing Fulton Elections. I am just wanting to make a few comments overall about this process. I understand that the Board is trying to kind of clear its docket, but Fulton County Elections was kind of put in a bad spot with respect to the notice of these hearings and the timeliness of the hearings. We’re talking about things that happened years ago, and in many instances, we do not have any information to be able to respond to or refute Investigator Watson’s summaries. Of course, I don’t have any reason to necessarily believe that Investigator Watson is not, you know, providing what she has found in her account, but we were not given the opportunity to contemporaneously do an investigation and determine what happened ourselves.

Here we are five years later in 2021 trying to defend something that happened in 2016. If we had known even just about the allegation and that this thing would move forward, we could have made sure that we had efforts in place in 2017 and further to underscore what in fact I’m sure this Board would want to see is that we make sure issues like this don’t happen in the future. And so I would like to ask that we look at some processes to let counties know contemporaneous with the investigations going forward so that we can maintain contemporaneous records and actually get contemporaneous statements if
necessary as opposed to five years later trying to respond to an allegation that we didn’t know was out there.

Lastly, I would like to speak to the notice that we received for our 21 cases on today’s hearing. Fulton County received notice at 4:41 on January 29th about 21 cases. The letter was dated I think January 10th. I would like to ask that in the future any notices regarding hearings maybe be sent via email as well so that we can have as much time as possible when there’s a lengthy agenda like this. Trying to go back and figure out what happened four, five, six years ago has put Fulton County at a detriment, and we would just like to have as much notice as possible. That’s all that I have to say. Mr. Barron, did you want to add anything?

MR. BARRON: No. I was just going to say that these -- these happened in the polling place, so I mean, at this point since they’re so old, we really -- I mean, we have no way to confirm or dispute any of these, anything on this case.

MR. RAFFENSPERGER: Okay. Well, your comment is duly noted, and I wasn’t here in 2016, but we have the records, and if it gets referred over to the Attorney General’s Office, then that’ll all get sorted out. Do we have any comments from any of the Board members? Hearing none, now would be the appropriate time for a motion.
MR. MASHBURN: This is Matt Mashburn. I believe that there is at least probable cause to believe a violation has occurred, and there’s no disputing -- there’s been no contrary evidence put in dispute, so the undisputed presentation before us is sufficient in my mind to bind this over to the Attorney General’s Office, and then whatever time is necessary for them to respond over there, the Attorney General is always -- I’ve never heard of a problem of lack of communication. So I move that this be bound over to the Attorney General’s Office, per the recommendation.

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

MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Do we have any additional Board comments? Hearing none, all those in favor of the motion that’s before you, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries. Next case?

MS. WATSON: 2016-133, Fulton County, notice of challenge hearing. In October of 2016, a Julian Powell [ph.] reported that his voter registration was challenged by Fulton County Board of Election and Registration, and he was not given the required three-day notice prior to the hearing which had taken place November 6th, 2015. In
2015, a Gladney Cooper [ph.] reported to the clerk of Mountain Park in north Fulton County that she wanted to challenge the voter registration of Mr. Julian Powell, stating that Mr. Powell does not and has never lived at 172 Spruce Street in Mountain Park. When Mr. Powell went in to vote in the November 3rd, 2015 election, he was notified that his qualifications as a voter had been challenged because of residency. He was allowed to vote a challenge ballot. He was given contact information for the Elections Office.

Fulton County notified Mr. Powell by mail of the voter’s challenge in November 5th, 2015 with a hearing held on November 6th, 2016. Mr. Cooper -- I’m sorry, 2015. Mr. Cooper [sic] had requested to forward his mail to the 172 Spruce Street address while he was relocated several years prior to 2016. The owner, Ms. Cooper, agreed. After several months, she told Mr. Powell that his mail needed to be changed. After he was told to stop the mail from coming, she started returning the mail. Ms. Cooper states he never resided at the location. We’re recommending Fulton County Board of Election and Chief Registrar Ralph Jones be bound over to for 21-2-229(b), challenge of applicant for registration by other electors, for failing to provide the person being challenged three days’ notice of the time and place of the hearing and
Julian Powell for violating 21-2-561, false registration, when he used residential address of 172 Spruce Street, Roswell, Georgia, knowing that he did not reside at that address.

MR. RAFFENSPERGER: Okay. Respondent? Do you have any additional comments you would like to add to this?

MS. RINGER: No, Mr. Secretary.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions? If not, then now would be the appropriate time for a motion.

MR. WORLEY: This is David Worley. I make a motion that we bind this case over to the Attorney General.

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Okay. Any further comments from any of the Board members? Any questions? Hearing none, all those in favor of the motion to bind this over to the Attorney General’s Office SEB case 2016-179 [sic], signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Hearing none, motion carries. Okay. Next case?

MS. WATSON: 2016-170, Fulton County, absentee ballot. In November 2016, it was reported that Fulton County had failed to mail an absentee ballot to Mr. Isaac Freeman Hyman [ph.] to the address indicated on the
elector’s absentee ballot application. Mr. Hyman submitted an absentee ballot application on October 8th, 2016. He requested the ballot be mailed to his address of 3 Old Virginia Chase, Atlanta, Georgia. The ballot was mailed to a P.O. Box in Cupertino, California, which is an address for a different Fulton County elector. The incorrect elector voted the ballot and returned it to Fulton County. Fulton County Board of Election and Registration and Chief Registrar Ralph Jones is our recommendation to be bound over to the Attorney General’s Office for 21-2-381(a)(1)(c), as they failed to mail the absentee ballot of elector Mr. Hyman to the address requested on the properly submitted absentee ballot application.

MR. RAFFENSPERGER: Okay. Do I have any of the Respondents here?

MS. RINGER: Nothing from Fulton County. Thank you.

MR. RAFFENSPERGER: Do the Board members have any questions? Hearing none, now would be the appropriate time for a motion.

MR. MASHBURN: This is Matt Mashburn. I move that this be bound over to the Attorney General’s per their recommendation.

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

MS. SULLIVAN: This is Rebecca. I’ll second.
MR. RAFFENSPERGER: Thank you. Do we have any additional comments from any of the Board members? Hearing none, all those in favor of binding this over to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2016-179, Fulton County, cast ballots. In December of 2016, Fulton County reported 5 electors as having repeat voted in the November 8th, 2016 general elections. Larry Brock advised he received an automated phone call that advised records had indicated he had not voted. He went to the poll and asked if his early advance vote had counted and was told that he was not listed in the system as having voted, so he voted a second time. John W. Hinds advised he received a phone call the night before the election telling him his early advance vote did not go through. He went to his polling location and was told there was no record of him voting, so he voted a second time.

William J. Lawless advised he received a call from a Trey Kelly advising him that records indicated he had not voted, and he needed to go vote. He and his wife went to the polls to confirm their early advance vote had counted. His wife showed credit in the system, and she did not
vote. He did not show credit, so he voted again. Christine James -- and James Bomar early advance voted and then began seeing social media posts that some people’s early advance vote had not counted. They went to their poll and were told that their votes had not counted, and so they voted a second time.

Fulton County reported that due to the volume, they were behind in entering credit for voting in the system for the election, which was the reason poll workers did not see any credit in the system for the voters. We’re recommending William Larry Brock, John W. Hinds, William J. Lawless, Christine Speck Bomar and James Spencer Bomar be bound over to the Attorney General’s Office for 21-2-572 since they repeat voted in the same primary or election of November 8th, 2016 and recommending Fulton County Board of Elections and Registration, Elections Director Richard Barron, Chief of Elections in 2016 Dwight Brower, and Chief Registrar Ralph Jones be bound over to the Attorney General’s Office for SEB rule 183-1-12.07(8), as they failed to ensure all persons who had been issued or cast absentee ballots were marked accordingly on express poll units.

MS. THOMAS: Mr. Secretary?

MR. RAFFENSPERGER: Can you hear me?

MS. THOMAS: Yes. Yes, we can hear you now.
MR. RAFFENSPERGER: Do we have a motion?

MR. MASHBURN: This is -- this is Matt Mashburn. I am sympathetic to the voters here in that when people go down and -- and they vote -- and they double vote, what I want to know is what did they know? And here they got a call saying they hadn’t voted, they went to the county and said have we voted, and the county said no. But they didn’t know -- they didn’t know that they had voted, right? Right, Frances?

MS. WATSON: That is correct.

MR. MASHBURN: Okay. So I -- yeah. Based on that, I make a motion that -- that the whole thing be bound over to the AG’s Office.

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

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Do we have any additional comments? Hearing none, all those in favor of binding those over to the Attorney General’s case, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2016-181, Fulton County, absentee ballots. In December of 2016, an elector reported that they went to the poll on November 8th, 2016
to vote and were told they had already voted by absentee. The elector challenged the poll officer’s information by stating that they had not voted by absentee, and the information was incorrect. The poll officer then offered the elector a provisional ballot, which the elector voted after completing an affidavit and declaring they had not voted an absentee ballot. Elector Philip Schubert [ph.] went to vote at the OC Elementary School and was told he had already voted by absentee on October 20th, 2016. Mr. Schubert refuted the claim and was provided with an affidavit and then a provisional ballot.

Sharon Benjamin with Fulton County advised it appeared Mr. Schubert was incorrectly given credit in the system for voting early absentee when he had not. Fulton County could provide no record for the provisional ballot completed by Mr. Schubert or advise if the ballot was accepted or rejected. We’re recommending Fulton County Board of Elections, Chief Registrar Ralph Jones be bound over to the Attorney General’s Office for violation of 21-2-419(d)(1), as they failed to notify the elector whose provisional ballot was not counted, and Fulton County Board of Elections and Registration, Director Rick Barron be bound over for 21-2-411, as they failed to retain the voter’s certificate of an elector for 24 months, and Board rule 183-1-12-.02(4)(b), as they failed to enter an
appropriate designation on the electors’ list for the
precinct reflecting the voter had voted in the election.

MR. RAFFENSPERGER: Thank you. Do we have anyone
from the Respondent’s office that wishes to comment?
Board members, do you have any questions? Hearing none,
now would be the appropriate time for a motion, if you’re
so inclined.

MR. MASHBURN: This is Matt Mashburn. This -- this
seems to be a case where the voter did the right thing, so
I move that only Fulton County -- it’s the only one
recommended to be bound over, right, Frances? So --

MR. RAFFENSPERGER: Correct.

MR. MASHBURN: So yeah. I move that this be bound
over to the AG’s Office, per their recommendation.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Any comments? Input from any
other Board members? Hearing none, all those in favor of
the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.
Okay. Next case?

MS. WATSON: Next case is 2017-001, Walker County,
interference with performance of elections. In November
2016, it was reported that a private investigator entered
the polling location at Roswell City Hall and interrupted a poll worker for the purpose of serving a legal document. The private investigator was alleged to have been armed with a firearm in the poll.

The investigation revealed the incident occurred on November 8th, 2016. The private investigator was identified as a Roy Cooper. He entered the exit to the poll and interrupted the poll worker as she was checking in a vote. He then exited the poll. The interruption was less than 20 seconds approximately. Mr. Cooper stated that he was not armed when he was in the poll and was unaware that he could not serve a poll worker during the election. We’re recommending that Mr. Cooper be issued a letter of instruction for 21-2-597.

MR. RAFFENSPERGER: Okay. Is the -- is the Respondent here?

MS. WATSON: There is no one on the line.

MR. RAFFENSPERGER: Okay. Board, it is the investigator’s recommendation, a letter of instruction. Do you have any questions?

MR. WORLEY: This is David Worley, Mr. Secretary. I’ll make a motion that we send Mr. Cooper a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.
MR. RAFFENSPERGER: Any additional comments? Hearing none, all those in favor of sending a letter of instruction to Mr. Roy Cooper, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-008, Fulton County, felon. In January 2017, it was reported that a felon possibly under sentence had registered to vote within the County of Fulton. The investigation confirmed that a Joseph Lee Blackmon was under felon sentence when he registered to vote on January 2nd, 2015. We’re recommending Mr. Joseph Lee Blackmon be bound over to the AG’s Office for violation of 21-2-561, false registration, and 21-2-216(b).

MR. RAFFENSPERGER: Is the Respondent here? Okay. Board members, does anyone have any questions?

MR. MASHBURN: Matt Mashburn. I move that the -- that the recommendation be adopted or that we proceed in accordance with the recommendation.

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

MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Okay. Do we have any further comment? Hearing none, all those in favor of the recommendations for SEB case 2017-0018 [sic], signify by
saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Motion -- what was the vote total? Did it pass? Jasmine?

    MS. SHANNON: I’m checking. Mr. Worley, are you there?


    MR. RAFFENSPERGER: Okay. Motion carries. Thank you. Next case?

    MS. WATSON: Next case, 2017-009, Treutlen County, districting issue. It was discovered that Treutlen County had changed from six precincts to two precincts without sending the documentation of the change to the reapportionment office nor the SOS office. Due to consolidation, it was found that voters were not listed in the proper voting district. Investigation revealed it was verified that Treutlen County failed to file a map reflecting changes in precincts within twenty days after the changes were made to the SOS or their reapportionment office. Our office worked with Treutlen County to verify the electors were placed in the proper voting districts. We’re recommending Treutlen Board of Registrars and Judge TJ Hudson, the Election Superintendent, and Judy Carter, the Deputy Registrar, be bound over to the AG’s Office for 21-2-161-.1(c)(1), boundary requirements for precincts,
when they failed to file a map reflecting any changes in
precincts within twenty days after the changes were made
to the SOS or the reapportionment office.

MR. RAFFENSPERGER: Okay. Do we have any of the
Respondents on line?

MS. WATSON: No one is here.

MR. RAFFENSPERGER: Okay. Any Board members have any
questions? You have a recommendation before you to bind
this over to the Attorney General’s Office. Do we have a
motion? Do we have a motion?

MR. WORLEY: Mr. Secretary, this is David Worley. I
make a motion that we bind this case over to the Attorney
General.

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

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. All those in favor of
binding SEB case 2017-009 over to the Attorney General’s
Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Case is bound
over. Okay. Next case?

MS. WATSON: 2017-010, City of Culloden, opening of
polls. Monroe County resident Otis Wright [ph.] reported
that the City of Culloden polls were not open and ready to
accept voters at 7AM on December 6th, 2016, runoff
elections. Mr. Wright also alleges that the City did not publish sufficient information about the election in the local legal organ.

Investigation shows that the City of Culloden did not publish a legal notice advertisement in the local newspaper informing the public of the runoff election for December 6th, 2016. The investigation also found that the polls did open at 7, but the poll workers were not ready to accept voters. They were physically there, but they were not taking voters until 7:10AM. The delay was not having access to the paper ballots that were secured in a safe overnight and had to be retrieved by Jackie Bowling [ph.], the Election Superintendent. We’re recommending the City of Culloden and Jackie Bowling, the Election Superintendent for City of Culloden, be bound over to the AG’s Office for 21-2-73, powers and deeds, in that they failed to ensure the notice was published for the December 6th, 2016 runoff election in the local legal organ and 21-2-403, opening of polls, in that they failed to ensure the polls were open to accept voters at 7AM and the City of Culloden and Lisa Elser, the city clerk of City of Culloden, be bound over to the AG’s Office for SEB rule 183-1-8-.01, in that they failed to publish the notice of the City of Culloden’s runoff election in the local legal organ.
MR. RAFFENSPERGER: Okay. Are any of the Respondents on line?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Board members, do you have any comments? If not, now would be the appropriate time to make a motion.

MS. SULLIVAN: This is Rebecca. I’ll make a motion that this case be bound over to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Do we have any further discussion? Hearing none, all those in favor of binding SEB case 2017-010, City of Culloden, over to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries. Next case?

MS. WATSON: Next case is 2017-021, Cobb County, repeat voter. In April of 2017, Cobb County Board of Elections and Registration reported Richard M. Rector voted twice during the special election held on March 21st, 2017. He voted first at his poll location, Sope Creek 01, and then by provisional at the Mount Bethel 03 poll location. Mr. Rector advised he believed he was
voting at the second location for a different election. However, the sample ballot shows that he did proceed to vote even though the exact bloc amendment was listed on the second ballot. Mr. Rector did tell the poll worker that he already voted and when offered the provisional stated as long as his vote didn’t count twice. There was no credit given for the provisional ballot. We’re recommending that Mr. Rector be bound over for 21-2-572, repeat voting.

MR. RAFFENSEPP: Okay. Is Mr. Rector on line?

MR. RECTOR: I am.

MS. WATSON: He is.

MR. RECTOR: Can you hear me?

MR. RAFFENSEPP: Yes, we can. Go ahead.

MR. RECTOR: So I’m being bound over for following directions from a poll worker because I voted at the first location, and I asked them about the congressional ballot and early voting. They sent me to the second location. I went to the second location, provided all of my information, and told the lady I had just voted down at the other location, but they sent me up there for the congressional early voting. She informed me that early voting had not started yet, and she went to a computer and came back and said well, I don’t see your vote registered or counted or whatever, and she said I’m going to provide
you with a provisional ballot for you to fill out, and that’s when I stated to her well, as long as I’m not voting twice, I’ll fill it out, and she said there’s no record of your earlier vote. So I filled it out at her direction, and now you’re recommending that I be bound over to the Attorney General’s Office. That’s amazing to me. Somewhat frightening.

MR. RAFFENSPERGER: Do any Board members have any questions?

MR. WORLEY: I had a question, Mr. Secretary. Mr. Rector, --

MR. RAFFENSPERGER: Go ahead, Mr. Worley.

MR. WORLEY: Mr. Rector, how long -- how much time had elapsed between the time you voted -- the first time you voted and the second time you voted?

MR. RECTOR: According to this document, it says about 10 minutes because they’re right down the street from each other.

MR. WORLEY: And is that correct?

MR. RECTOR: I made all of that known to the lady that I was talking to at the second location. There was no fraud. There was nothing nefarious about this. I was trying to vote. She told me that my vote had not been registered, and she recommended that I fill out the provisional ballot. My thought was if the provisional
ballot showed that I had voted twice, it would be thrown out. If my first vote didn’t get registered, which she was claiming it hadn’t -- I don’t know how your polls work. You guys are not very transparent when it comes to these polling machines and what they can and can’t do, which is why we had the problem this last year, but I did exactly what I was told to do, so you can bind me over to whoever, but I didn’t do anything wrong. I followed the directions that I was given. I’ve been voting in Georgia since 1996. This is -- this is scary.

MR. RAFFENSPERGER: Any other Board members have any questions? What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. I’m torn here on this one in that you’ve just -- you’ve got instructions being given to the voter, but at the same time, we’ve just got to have it communicated and everybody should understand -- and if everybody doesn’t understand, you just can’t vote twice. You just can’t vote twice on the same day.

MR. RECTOR: Which is exactly what I said, sir, at that time.

MR. MASHBURN: Yes. So I’m sympathetic -- I’m sympathetic to the argument. Would you -- would you be -- would you agree and accept a letter of instruction that while -- while you were given these instructions, you now
know that nobody, even if they’re instructed to, should vote twice on the same day?

MR. RECTOR: I would say you should send a letter of instruction to your poll workers that they shouldn’t recommend that somebody fill out another ballot when they just told them they had voted. Yeah. I’ll accept that, but you need to train your poll workers.

MR. MASHBURN: Yeah, --

MR. WORLEY: Can -- can I ask a question of Ms. Watson, Mr. Secretary?

MR. RAFFENSPERGER: Sure.

MR. WORLEY: Ms. Watson, just to clarify, the provisional ballot that Mr. Rector cast was not counted.

MS. WATSON: No, sir. It was not.

MR. WORLEY: Okay. So in fact, he didn’t vote twice.

MR. RECTOR: That’s exactly right. I didn’t.

MR. WORLEY: Yeah.

MS. WATSON: His vote was not counted twice. That’s correct.

MR. WORLEY: Okay. I -- I appreciate the fact that Mr. Rector has come forward and appeared today, and I am going to accept him at his word which is not disputed by the investigative report, and I would make a motion that we dismiss this complaint.

MR. RAFFENSPERGER: So that is the motion before us.
Do we have a second? Do we have a second on that motion for dismissal? Hearing none, motion dies for lack of a second.

MR. MASHBURN: This is Matt Mashburn. I would make a motion that we issue a letter of instruction and that the letter of instruction include the information that if a voter is given information which they -- which they don’t agree with or they don’t agree is correct that they should -- they should not just comply with what they know to be incorrect or what they think to be incorrect, but they should take it to the election superintendent. So I would -- I would make a motion that we issue a letter of instruction with the specific instruction that the voter be aware of the remedy of taking it upstairs and taking it directly to the election superintendent rather than just accept what they’ve been told when they know it’s wrong.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: This is Rebecca. I’ll second the motion.

MR. RAFFENSPERGER: Okay. Do we have any further discussion? Hearing none, all those in favor of the motion before us for a letter of instruction to Mr. Richard Rector, please signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Any opposed?
MR. WORLEY: No.

MR. RAFFENSPERGER: All right. One opposed. Motion carries.

MR. RECTOR: I hope you’re all voted out.

MR. RAFFENSPERGER: Mr. Rector, before you leave, I would like to add one thing to your comment. Counties do run the elections, so we’ll be reaching out to Cobb County. It’s run by the county election director, and they do a very fine job generally, and it’s unfortunately that this situation arose, but also when you said your poll workers, they’re not our poll workers. They’re actually the county poll workers, but they’re actually your fellow citizens that have volunteered. They do get paid, but there are a lot of guardrails in place, but also when people vote and it’s not recorded immediately, then those situations can arise, and so it’s regrettable that it did happen, and it’s regrettable that it’s taken this long to get, you know, before us today.

So Mr. Rector, thank you for coming before us and speaking for us rightly and transparently, so I’m grateful for that. Also, Ms. Watson, if we could make a note to reach out to the county election director and let them know what we did on this letter of instruction to Mr. Rector but also that they need to really double down on their training on this so situations like this don’t arise
again on the 2021–2022 cycle.

MS. RINGER: Mr. Secretary, may I speak?

MR. RAFFENSPERGER: Yes.

MS. RINGER: I’m sorry. I just know that this case sounds similar to -- this is Cheryl from Fulton County. This case sounds similar to case 2016–179, where Fulton County was bound over. In this instance, you haven’t even named Cobb County, in Mr. Rector’s case. I just find that to be surprising.

MR. RAFFENSPERGER: Okay. Next case.

MS. RINGER: He was given incorrect instruction.

MR. RAFFENSPERGER: Next case?

MS. WATSON: Yes, sir. The next case is 2017–026, which is Fulton County, delayed poll opening. It was reported that the Centennial High School poll location opened late during the special election held on April 18th, 2017. The poll manager advised that they were not able to get the poll opened on time due to a shortage of poll workers. They normally have seven workers at the poll location. There were only two workers, including herself, at the opening, as one of the three workers had called out. The poll manager advised this created a delay in getting everything set up on time. The poll opened approximately 35 minutes late. A court order was signed allowing the poll to remain open until 7:35pm. There were
no reports that anyone failed to vote as a result of the
late opening. We’re recommending Fulton County Board of
Elections and Registration and Fulton County Director
Richard Barron and poll manager April Mann [ph.] be
referred to the Attorney General’s Office for 21-2-403.

MR. RAFFENSPERGER: Okay. Do we have anyone from the
Respondent? Board members, do you have any questions?

MS. RINGER: Mr. -- I’m sorry, Mr. Secretary, can you
hear me?

MR. RAFFENSPERGER: Yes, I can now.

MS. RINGER: Okay. I’m sorry. Yes, this is Cheryl
Ringer on behalf of Fulton County Elections. Because
there’s no record of anyone not being able to vote because
of the late closing and the fact that Fulton County did
extend the polling hours so that there was twelve full
hours of voting, we would ask that this case not be bound
over and at the most we be issued a letter of instruction.
As you know, things do happen. We can’t be accountable
necessarily for folks failing to show up when they’re
supposed to. We do our best, and with the number of
polling locations that Fulton County has, as you know, we
have 255 in 2020, you know, this is a matter of, you know,
people being accountable, and so because there was not an
issue with respect to our electors actually being
impacted, we would ask that this case not be bound over.
MR. RAFFENSPERGER: Okay. Board members, do you have any questions?

MR. MASHBURN: This is Matt Mashburn. Just my personal opinion, I don’t see a particular added value to referring this to the Attorney General, and so what I’m going to do is I would accept the County’s -- I would make a motion that we accept the County’s proper letter of instruction, but I would add on to that a fine of $150, which is $5 for each minute that they didn’t open, and make it -- so therefore, my motion is a letter of instruction plus a fine of $150.

MR. RAFFENSPERGER: Do we have a second? Hearing none, motion dies for lack of a second. It’s now before you again, Board. Do we have a motion?

MR. WORLEY: Mr. Secretary, this is David Worley. I -- I don’t think we should be in the practice of referring late poll openings to the Attorney General in every case, and also, I don’t think it’s appropriate in this case. I also don’t think that -- that we should really be imposing fines having not referred the case to the Attorney General for an analysis, a legal analysis, to benefit us. So in this case, I think a letter of instruction would be appropriate, and I would make a motion that we send a letter of instruction only to Fulton County on this case.

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

MR. MASHBURN: This is -- this is Matt. Since the only -- since the only other option if this dies is to either dismiss it or refer it, I’ll -- I am persuaded by my friend and colleague David -- David Worley’s argument and so therefore, I will join in with him and second his motion.

MR. RAFFENSPERGER: Any further comment from any Board members? Hearing none, all those in favor of the motion before you for a letter of instruction for SEB case 2017-026, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Hearing none, motion carries. Next case?

MS. WATSON: The next case is 2017-028, Fulton County, express poll set-up. In April 2017, several voters reported being turned away from voting in the Roswell municipal runoff election held April 18th, 2017. Cited as possible causes of voters being turned away was improper express poll set-up. 7 voters reported that when they went to vote in Roswell, there were two separate elections: one for District 6 and one for the municipal election. The District 6 election was running correctly. However, the voters for the municipal el -- election were not able to be processed. Only one of the voters advised
he was given the option of a provisional ballot after he asked about a paper ballot. He declined and returned later to vote in the municipal election. The other voters advised that they were given the option to wait or to return later. They were not offered a provisional ballot. We’re recommending Fulton County Board of Elections and Registration and Director Richard Barron be referred to the AG’s Office for violation of 21-2-418, for provisional ballots.

MR. RAFFENSPERGER: Okay. Fulton County, do you have anything you’d like to respond to in this case?

MS. RINGER: I do not. Mr. Barron?

MR. RAFFENSPERGER: Okay. Board members, what is the will of the Committee? Now would be the appropriate time for --

MR. MASHBURN: This is Matt. Let me -- let me ask Frances a question on that. Were there -- is there a record that any of the voters that were delayed did not end up voting, or it sounded like some came back, or did you have a record that any didn’t come back?

MS. WATSON: I do not recall any that said they were not able to vote.

MR. MASHBURN: Yeah. This is Matt Mashburn. I make a motion that we refer this to the Attorney General as recommended.
MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of binding this over to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-032, Coweta County, repeat voter. In May 2017, the Coweta County Board of Elections reported that John Ray Hall had voted in Ohio and Georgia during the November 2016 general election. Mr. Hall was found to have voted in the November 8th, 2016 election on October 13th, 2016 when he voted early in Butler County, Ohio. Then, he advance voted in person in the same election in Coweta County -- also for the same election on October 17th, 2016. We’re recommending Mr. Hall be bound over to the AG’s Office for 21-2-572, repeat voting, and 21-2-573, advance voting by an unqualified person.

MR. RAFFENSPERGER: Okay. Is Mr. Hall here? Anyone from --

MS. WATSON: Yes, sir.

MR. HALL: Yes, sir, I am.

MR. RAFFENSPERGER: Go ahead.

MR. HALL: I just wanted to make a -- I had made a
statement to -- I believe the previous investigator was a Mr. Howard. I’m not really sure about that, but I’ve been voting for over 40 years, and I know this was wrong, and I -- I still have no recollection of ever voting in Ohio. He showed me the signature, and I’ll admit that it’s my signature, but at the time, I’d had a parent just die, and I had another one that was coming in and out of the hospital constantly, so I was going from my address in Coweta County up to Indiana to try to see my dad, try to take care of him, and also, we were finishing selling up our house that we owned in Ohio and doing various maintenance projects and that kind of stuff.

The only thing I can think of is that the large Home Depot that I went to and would always get my materials out of and the rental store where I’d always rent other tools -- ladders, scaffolding, that kind of stuff -- to make repairs to the house when we were selling it was really close to the polling station, and I don’t know. Maybe it was just the vote signs. I guess I went there and voted. I -- like I said, I have -- it sounds bad, but I have zero recollection of doing that. I was basically in a fog that last half of 2016 from my mother dying and my dad being so sick. It’s, you know, not much of an excuse, but I don’t recall having done that, and I know for sure that that’s wrong, and that never should have happened, but like I
said, I have no memory of that.

And then driving back and forth from there, bringing some of the last part of our home goods from the house that we were trying to sell in Butler County up in Ohio, that’s just exhausting. I made a mistake there. I certainly never, ever meant to do that. Never did that while I was in the military. Never would ever do that, and I realize, you know, that it’s just not right. I just have to say that it was just a foggy time for me, and I apologize. I apologize for having to take up you guys’ time on this for something that should not have happened, and thanks so much for listening to me.

MR. RAFFENSPERGER: Thank you, Mr. Hall.

MR. HALL: Yes, sir.

MR. RAFFENSPERGER: Well, members, do you have any questions, or do you want to do a motion? Now would be the appropriate time.

MR. MASHBURN: I -- I have a question for Frances if it’s okay. This is Matt Mashburn. I have a question for Frances. When y’all do these investigations, do y’all -- do y’all -- what’s the number of times that y’all will talk to the local DA about it while you’re investigating? Is it always, never, frequently, or how does that --

MS. WATSON: No. We would not have contacted the district attorney’s office until it’s been presented to
the Board, and the Board refers it to --

MR. MASHBURN: Okay. So in most cases, they’re --

they’re waiting for us.

MS. WATSON: Unless -- unless someone else has
already sent it to them, which they could -- you know, the
local -- someone locally could refer it for investigation
to the district attorney’s office.

MR. MASHBURN: Okay. On this one, Matt Mashburn, I
make a motion that this be referred to the Attorney
General’s Office for processing. Period.

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

MS. SULLIVAN: This is Rebecca. I’ll second the
motion.

MR. RAFFENSPERGER: Do we have any further questions
or comments from the Board? Hearing none, all those in
favor of referring this case to the Attorney General’s
Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. Next case?

MS. WATSON: Next case is 2017-033, Cobb County,
absentee voting by unqualified elector. In June of 2017,
the Cobb County Board of Election and Registration
reported three electors had voted absentee by mail in the
June 20th, 2017 special election from addresses where they
did not reside.

Investigation showed that Sarah Golden voted in November 2016 general election at which time she submitted an application confirming her address as 26 Spring Hedge Court, Smyrna. This generated a voter registration change of address that was not properly processed according to Cobb County Elections. The failure resulted in her address remaining at 4893 Raven Place, Marietta, and her absentee ballot application for the special election runoff for June 20th, 2017 being rejected.

On April 18th, 2017, Ms. Golden returned to her polling location for the Raven Place Marietta address and completed a voter’s certificate confirming her address as Spring Hedge Court, Smyrna, Georgia. She also completed a voter registration changing her address to Spring Hedge Court. Before the voter registration could be processed, Sarah Golden submitted an absentee ballot application for the Raven Place address. The ballot was received and voted. She completed the oath attesting to her address being Raven Place. By the time the ballot was received, Ms. Golden’s voter registration change of address was received, and her ballot was rejected.

Both Karen and Joseph Schuster [ph.] were found to have resided at the address given for their June 20th, 2017 election. When they were requested, the absentee
ballots, on May 9th, 2017, the same day they requested their voter registration to be changed. Karen’s voter registration was not changed before the absentee ballot was processed and so she received her absentee ballot, and it counted. However, Joseph Schuster’s absentee ballot was issued, but his voter registration had already been changed, and his absentee ballot was rejected.

We’re recommending that Sarah Golden be bound over to the AG for fraudulent entries which is 21-2-562, when she signed the oath of an absentee ballot attesting to her residence at an address where she did not reside and 573, absentee voting by an unqualified elector, when she voted absentee as an unqualified elector in the sixth congressional district. We’re also recommending Cobb County Board of Election and Registration be bound over to the AG’s Office for 21-2-218(c), as they failed to properly process the November 8th, 2016 registration of Sarah Golden and 21-2-218(d), as they failed to allow the elector Joseph Schuster to vote in the precinct of the elector’s former residence.

MR. RAFFENSPERGER: Okay. Lots of moving parts here. Do we have any of the Respondents here?

MS. WATSON: I believe Sarah Golden is on the phone.

MS. GOLDEN: Yeah, I’m Sarah. I’m here.

Yes.

MS. GOLDEN: Oh, okay. Perfect. So I will say I am actually not sure who the Schusters are. I will say I’m a bit confused on that part as well, but that aside, four years ago I did speak to a Mr. Jeff Howard with the State. He asked me to provide a statement after explaining what happened. I haven’t heard anything since October 23rd, 2017 until this most recent letter. That being said, I definitely think it was a mistake on both myself and the poll worker, which happens. I get it being -- trying to be a poll worker in the past, you go through a lot of training in a short amount of time.

I did move. I requested an absentee ballot. I do not recall filling it out because I don’t even recall receiving it, which is why I went to my polling location. I moved within Cobb County, so I did go to the polling location that I had always gone to even from my old address, thinking it would not matter since I was still in Cobb. Obviously, it did matter. So I filled out -- when I chatted with the polling -- the poll worker, I filled out a new address form, and she did walk me through if it wasn’t the right location, it wouldn’t be tallied, and when I mentioned the absentee ballot to her, I didn’t sign any kind of form to void that absentee. It just really seemed like it was just going to -- you know, you vote
here. If it’s not the right polling district, it’s just not tallied.

Later on -- and I don’t have the letter anymore because it’s been so long -- later on I did receive a letter saying my absentee ballot was not valid, so really, I didn’t even follow through with anything because I was like, well, if it’s not valid, then nothing was -- so I guess what I’m trying to say is I think it was a mistake on both parts. Maybe I wasn’t walked through it correctly, or I didn’t explain it to the polling individual correctly, so full transparency, it was not on purpose, but I don’t have any other of the correspondence from 2017 regarding the absentee ballot or the change of registration.

MR. RAFFENSPERGER: Okay. Is there anyone here from Cobb County?

MS. WATSON: I do not believe so.

MR. RAFFENSPERGER: Okay. Board members, do any of you have any questions?

MR. WORLEY: I have a question for Ms. Watson, Mr. Secretary.

MR. RAFFENSPERGER: Okay. Go ahead.

MR. WORLEY: Was the absentee ballot -- was the absentee ballot counted?

MS. WATSON: Let me verify that. I do not have
anything showing -- that is showing that it was counted or rejected in the -- in the pile. Can you pull up -- I’m going to look at the hard copy folder. I’m sorry, sir. I do show in the report that it was processed, and her absentee ballot was rejected.

MR. RAFFENSPERGER: Any other -- are you still checking?

MS. WATSON: No, sir. I did verify. It was rejected.

MR. RAFFENSPERGER: Okay. Any other questions? Do we have a motion?

MR. WORLEY: This is Mr. Worley. I make a motion that we send Ms. Golden a letter of instruction.

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

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Any further comment? All those in favor of sending a letter of instruction to Ms. Golden, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries. And we also have the Cobb County Board of Elections and Registrations with two violations. What is the will of the Board on this one, these violations?

MR. WORLEY: I would make a motion that we bind over
Cobb County to the Attorney General’s Office for two violations.

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

MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Okay. Any further discussion?

Hearing none, all those in favor of binding over Cobb County Board of Elections to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any oppose -- any opposed?

Motion carries. Okay. Next case?

MS. WATSON: The next case is 2017-034, Fulton County, voter poll locations. On May 16, 2017 during poll monitoring for the May 16, 2017 special election runoff, it was reported that DRE and express polls were not properly secured at the St. Jude Catholic Church poll location. A poll manager reported that all the DREs were locked in a storage room at the polls the night before, but one DRE could not be secured with a cable because there were not enough daisy chains to secure all the DREs. Dwight Brower with Fulton County contends no violation as the DREs were properly chained and sealed until they set up and due to the space created from the set-up of the machines, there was not sufficient aircraft cable to secure all of the machines together. The poll manager
reported that one DRE was found to have a broken seal
prior to the opening of the poll on Election Day. We’re
recommending a letter of instruction be issued to Fulton
County for 21-2-379.7, as they failed to properly seal a
DRE at the Fulton County SS04 precinct during the May
16th, 2017 special election run off.

MR. RAFFENSPERGER: Okay. Fulton County, do you have
any additional comments? Board, do you have any comments
or questions? If not, now would be the appropriate time
for a motion.

MR. MASHBURN: This is Matt Mashburn. I move that we
accept the recommendation and issue a letter of
instruction.

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

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. Do we have any comments?
Hearing none, all those in favor of sending a letter of
instruction to Fulton County for case number 2017-034,
signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those -- those opposed? Motion
carries. Next case?

MS. WATSON: Next case is 2017-035, Cobb County,
voter registration. In June 2017, a complaint alleged a
violation of 21-2-561, false registration. The voter
registration application in question had been submitted on December 6th, 2016 to the Cobb County Board of Election and Registration via the Department of Driver Services. The registration submitted in the name of Talibah Fagueera Bratton came under suspicion during the verification process, as it was discovered the address may be false.

The investigation found evidence that says that Talibah Fagueera Fatima Bint Abdul Hamind Bratton violated OCGA 21-2-561 of the Georgia Election Code as she submitted a false voter registration application to the Cobb County Board of Election and Registration on 12/06/2016 via the Department of Driver Services. The voter registration application was confirmed as false by Ms. Bratton as she admitted to having used an address where she did not reside when applying for a driver’s license. She confirmed further that she had submitted the DDS application as requesting to vote, but it was unintentional as she had no intention of voting. The recommendation is the case to be referred to the AG’s Office for the listed violation and be considered for a referral to the Cobb County District Attorney’s Office.

MR. RAFFENSPERGER: Okay. Is the Respondent here to speak for herself?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. What is the will of the
Board?

MS. SULLIVAN: This is Rebecca. I’ll make a motion that this case be referred to the Attorney General’s Office.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. Do we have any further comment? Hearing none, all those in favor of referring this case to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one?

MS. WATSON: Next case is 2017-039, Paulding County, voter registration. In July 2017, we received an allegation that a voter registration submitted to the Paulding County Board of Election and Registration was false, as the address provided on the registration was not the address of the applicant submitting the registration. Investigation found evidence to suggest that Sharmaine Swift Covington violated 21-2-561, false registration, as she used a Paulding County address when submitting a voter registration through the Department of Driver Services on June 27th, 2017.

She states the voter registration was not
intentionally [sic]. She failed to opt out of voter registration during the process of using a fraudulent address to obtain a driver’s license. We recommend the case be referred to the Attorney General’s Office for the listed violation.

MR. RAFFENSPERGER: Okay. Is the Respondent here to speak for herself?

MS. THOMAS: She was, but she’s no longer on.

MS. WATSON: She was on, but she is no longer.

MR. RAFFENSPERGER: Okay. What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. To me, this sounds like one that should go straight to the DA as well, so I make a motion that this be referred to the AG and the local DA.

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

MS. SULLIVAN: I’ll make a -- I’ll second that motion.

MR. RAFFENSPERGER: Okay. Any discussion? All those in favor of the motion before you, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any op -- any opposed? Motion carries. Okay. Next case?

MS. WATSON: Next case is 2017-040, Fulton County, nonresident -- non-citizen. In August 2017, we received a
report of a Fulton County non-citizen voter. The
allegation was that Clifton Seymour Salmon, a non-citizen,
had registered and voted in Fulton County.

Investigation found evidence to suggest that Clifton
Seymour Salmon violated the Georgia Election Code as he
registered to vote through the Department of Driver
Services on 12/07/2013 and again on 03/12/2014. The
evidence further suggests that Mr. Salmon again violated
the Georgia Election Code as he voted in the November 8th, 2016 general election in Fulton County, Georgia as a
nonresident. We’re recommending Clifton Seymour Salmon be
referred to the Attorney General’s Office for the listed
violation of 21-2-571 and 21-2-5 -- 571. We did receive a
phone call from Mr. Salmon’s ex-wife, who advised Mr.
Salmon when he registered through the Department of Driver
Services was not fluent with English and may not have
understood the DDS process regarding the voter
registration.

MR. RAFFENSPERGER: Okay. Is the Respondent here?

MS. WATSON: Yes.

MR. RAFFENSPERGER: Mr. Salmon?

MR. SALMON: Yes?

MR. RAFFENSPERGER: The floor is yours.

MS. NEWSOME: Good morning. Mr. Salmon is also on as
well -- on as well. Good morning, everyone on the Board
and Mr. Secretary. Again, I am Ms. Newsome, Mr. Salmon’s ex-wife. Initially, when this happened, he did register to vote August -- I think 2013. Mr. Salmon had just come up from Jamaica November of 2013 and -- trying to go get the proper license to drive around. I was not with Mr. Salmon during that time when he was taken to the DMV to register to vote. Normally, I’m with him to help him fill out all the paperwork as he’s limited with reading. He struggles with reading and then the proper English, the accent that he has.

So he had to go back again in ’14 because when he entered, I can’t remember the status he came on, but it was a temporary, I believe, license provided to him. When he went back, again, I was working. I was not with him, and because he doesn’t pay attention to detail and he has a difficult time reading as well, he did the same thing that he did in 2013, just thinking that that was the correct way to fill out the form. A couple of years after, Mr. Salmon received something in the mail saying that he needed to go vote. I was not aware of this.

When I became aware of this, I immediately contacted the Secretary -- the Secretary of State’s Office, and I got put in touch with Investigator Bagwell. Both being young, really ignorant with the laws, I spoke to Mr. Bagwell. I explained to him this was not fraudulent at
all. This was very unintentional. It was very innocent
on Mr. Salmon’s part. We are very apologetic. He did --
he really did not know. He did go in to vote and after he
did that, I explained to Mr. Bagwell the situation. Mr.
Bagwell did a thorough investigation. Mr. Bagwell
informed me, you know -- he never informed me that a
hearing would come. He made me feel as if everything was
okay, and then four, three and a half years later, I
receive this information in the mail when Mr. Salmon and I
are no longer married.

But I called and spoke to the Secretary of State
trying to rectify the situation and whatever it was that
we needed to do. I was then instructed that I needed to
send an email immediately to -- I believe it was a Mr.
Jones to remove Mr. Salmon from the voter registration
list, and I did that. I followed all the instructions
that were given. Mr. Salmon has never voted again. He
now understands the laws and the severity of it, whereas
before he did not understand any of that. So on behalf of
Mr. Salmon -- and he is online as well -- and to the
Board, I truly apologize. It was really -- being
transparent, there was nothing fraudulent with it. He
just did what he thought that he was doing the correct
thing to do, and unfortunately, this has come up.

So when I spoke to Ms. -- I called and I spoke to, I
believe -- I can’t think of her name. I have the paper here. Ms. Watson -- and I explained everything to Ms. Watson, and she explained to me what today would be about and she did say that the Board had to make a decision. It would either be a fine or a letter of instruction for him not to do it again, or I’m not quite understanding the Attorney General’s Office, but I do just know that it was not a fraudulent case. Mr. Salmon is not a criminal, far from it, and I just wanted to allow the Board to hear me today, but Mr. Salmon is on as well.

MR. RAFFENSPERGER: Mr. Salmon, would you like to...?

MR. SALMON: Yes. So as she was saying, I didn’t have any idea of the laws in America. I was new -- new to the county, and I made a mistake, and I’m truly sorry. You’re hearing me?

MR. RAFFENSPERGER: We can hear you fine.

MR. SALMON: Yes. So I wasn’t aware of the laws, and I’m so sorry that I did this, and I just want to make it right, so I’m sorry.

MR. RAFFENSPERGER: Okay. Okay. Thank you for your input. Before we get into this case, I think that separate from this case, we need to send this case to the Department of Driver Services and let them know that a non-citizen was given -- checked off the box, and the verification process did not pick that up, that we had a
non-citizen that was given the authority to vote, and they were registered to vote through the Department of Driver Services. This is something that people have great concern -- they want to make sure that only American citizens vote, so that is the one thing that I think our Office needs to send a letter to the Department of Driver Services. And before we get into this case, are there any questions that any of the Board members have specifically about this case then?

MS. NEWSOME: Good morning. May I add one more thing? I’m so sorry.

MR. RAFFENSPERGER: Go ahead.

MS. NEWSOME: Initially, the reason that Mr. Salmon went back the second time is what we later found out a year and a half later, and this was on the error of the -- I guess the immigration. They entered him in the country incorrectly, so he was never supposed to go back twice to the DMV. He was only supposed to go just one time, but because he was entered incorrectly, he was initially given the temporary driver’s license, and then I think a year later, he had to go back for the permanent, and so that’s why he went back in ’14 and just remember what he had did in ’13 and tried to fill the form out the exact same way.

MR. RAFFENSPERGER: Okay. Thank you. Do any of the members have any questions, or is there a motion before?
MR. MASHBURN: This is Matt Mashburn. I move that this go — be referred to the Attorney General and also have an immediate referral to the local DA, and I agree with the Secretary that a letter needs to go to DDS.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: This is Rebecca. I’ll second that motion.

MR. RAFFENSPERGER: Okay. The motion is before the Board. Any further comments?

MR. WORLEY: Mr. Secretary, I think to refer it to a district attorney and for the district attorney to do anything about it, there would have to be a showing of intent. I don’t -- I don’t see on the facts of this case that there is a -- an intent to violate that statute, so I would support sending it to the Attorney General’s Office for the purpose of arranging a fine through a consent order, but I’m not going to support Mr. Mashburn’s motion.

MR. RAFFENSPERGER: Okay. Duly noted. Any further comments? Hearing none, all those in favor of referring this to both the Attorney General’s Office and the local prosecuting attorney, please signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Okay. Motion carries. Next
Next case is 2018-020, Fayette County, qualification of electors. In May 2018, a Mr. Ridges advised that on May 22nd, 2018, his wife Mrs. Jarvis Ridges went to her polling location to vote. She was told that she had already voted earlier that day. When Jarvis Ridges disputed this report, the poll manager researched and determined an error was made by a poll worker. Although it was determined that she was both registered and qualified to vote in the election, Jarvis Ridges was required to vote a provisional ballot during the May 22nd, 2018 Fayette County election.

It was determined that the son of Jarvis Ridges had voted, and the poll worker selected Jarvis Ridges instead of Jalen Ridges, marking Jarvis Ridges as having voted. When Jarvis went in to vote, the system indicated she had already voted, and the error was discovered. The poll worker provided a provisional ballot to Jarvis to vote in the election. The provisional ballot was then rejected by the Fayette County Board of Elections and Registration, citing that there was already a vote in her name, knowing the vote was already cast by her son. The reason given was that if the provisional was approved, it would be a second vote in her name. It was determined that although Jalen thought he had registered through DDS, it was not
actually registered until May 22nd, 2018.

We’re recommending the change -- the charge against Jalen Ridges be dismissed, as he believed he was a registered voter at the time that he presented to vote, and we’re recommending that Fayette Board of Elections and Registration, Floyd L. Jones, Director of Elections and Voter Registration, and Judith Bausch, poll manager, be bound over for violation of SEB rule 183-1-12-.02(4)(b), when the voter certificate that Jalen Ridges presented at the poll was erroneously verified and Jarvis Ridges’ voting record was selected to create a voter access card for Jalen Ridges, and SEB rule 183-1-12-.06(4)(c), when they had acknowledged that Jarvis Ridges was timely registered, qualified to vote in the election, and reported to her correct assigned polling location, yet she was required to vote a provisional ballot rather than cast her ballot on a DRE machine, and Fayette County Board of Elections and Registration, Brian W. Hill, registrar, Floyd L. Jones, Director of Elections, be bound over to the AG’s Office for 21-2-419(c)(1), when they rejected Jarvis Ridges’ provisional ballot although they determined that she was timely registered to vote and was eligible and entitled to vote in the May 22nd, 2018 general election, and 21-2-419(d)(1), when they rejected Jarvis Ridges’ provisional ballot and failed to notify her of the
And there also was listed -- a violation of 21-2-603, and we are recommending that be dismissed as not enough to support the violation.

MR. RAFFENSPERGER: Okay. Do we have any of the Respondents here?

MS. WATSON: Yes. There are several people.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: Just one second. We’re going to let everybody speak at one time. Do you want to start with Mr. Ridges?

MR. RIDGES: Good morning. I would like to say that, on behalf of my son, he -- the driver’s services part of the registration is not very good at this time. He checked the box when he got his driver’s license to register to vote, and he went off to college, came back from college, and this was his first time voting, so there was the assumption that he was registered to vote because he checked the box on the official state document saying he wanted to be registered, so when he stood up to vote, the error was made checking off my wife’s name. He voted, and -- and by all accounts, he thought he was eligible to vote, and the poll worker gave him the card to vote, checking him in, and so that part of the problem, I think, leads more back to DDS and the registration of voting. I
think everything else was explained clearly on my wife’s behalf, not being able to vote when she was a registered voter. Thank you.

MS. THOMAS: Next, Ms. Judith?

MS. BAUSCH: Yes. I was the poll manager there, and I would not disagree with part of that statement, but Mrs. Jarvis needed to leave, and we wanted her to be able to vote. So we provided her with a provisional ballot. We had been in touch with the Board of Elections, and they were backed up, and she could not stay. There’s nothing more to really say about this. It was truly a mistake on the poll worker’s part. He should have been checking the birth dates, and he did not. He is no longer working because it upset him so much. I do apologize that Mrs. Jarvis didn’t get to vote. We thought we were truly doing the correct thing in giving her the opportunity to vote provisionally. I do not know what else to say. I upheld my -- I upheld my vote to give her the most perfect election we could.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: And Mr. Patrick Stough and Brian Hill are here from Fayette County.

MR. RAFFENSPERGER: Okay.

MR. STOUGH: Thank you. This is Patrick Stough with the county attorney’s office for Fayette County. I’m here
on behalf of the Fayette County Board of Elections. First of all, I’d like to say that the Board acknowledges that errors were made, particularly with regard to the error that allowed Mr. Ridges to vote under his mother’s name. As has already been stated, the poll worker who made that error is no longer serving as a poll worker for Fayette County. The Board also acknowledges that the decision to not count Ms. Ridges provisional ballot may have been an error. The Board thought it was making the correct decision at the time, and there was no evil intent in their decision.

The Board does take issue with two aspects of the report. First, it implies that there were no communications between the poll manager and the Elections Office about what to do once the error was discovered. It also implies that it was improper to require Ms. Ridges to complete a provisional ballot. Brian Hill, who was the registrar at the time and who is on this call, was in communications with both the poll manager and our state liaison at the Secretary of State’s Office. The decision to have Ms. Ridges complete a provisional ballot was based on the directions from our state liaison.

The Board also takes issue with any allegations that there was intent to cover up an error, as implied by the report. I do understand that they’ve asked that that not
go forward, but I wanted to speak on that. Again, the
Board made the decision and thought it -- that it thought
was correct at the time, and it was clearly understood
that a complaint would probably be filed by a member of
the Ridges family. This occurred during a public meeting,
and the minutes of that meeting and the recording of that
meeting will bear this out. These can be made available
to the Board or to the AG’s Office as necessary. If
there’s any further questions about that, I believe -- I
don’t know if he’s on the call, but one of our members was
intending to be present to speak on that.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: Brian, did you want to add anything?

MR. RAFFENSPERGER: Okay. Board members, did you
have any questions for any of the Respondents or for our
investigator?

MR. WORLEY: Mr. Secretary, this is David Worley. I

--

MR. HILL: I’m sorry. Excuse me. I’m sorry. I was
muted, and I was trying to speak a little bit. Excuse me.

MR. RAFFENSPERGER: Okay. Is this Mr. Hill?

MR. HILL: Yes, sir. This is Brian Hill.

MR. RAFFENSPERGER: Okay. Go ahead.

MR. HILL: Excuse me for interrupting. Good morning,
Mr. Secretary and State Election Board members. Yes. I
just wanted to add just a quick note here as far as with
Mr. Mark Ridges and his son Jalen Ridges. I’m not sure if
Mr. Ridges recalls me talking to him, and I was very
transparent -- me and Mr. Floyd Jones, we were very
transparent in talking with them and trying to give them a
good understanding of the mistakes and were very
apologetic of the error that was done on our Board of
Elections’ part. I -- what was told to me from Mr. Mark
Ridges was that Mr. Jalen Ridges tried to register to vote
at the age of 16 when he went to go get his driver’s or
his license or ID, but he did check that box at the DDS to
try to register, but of course, at the age of 16, you
cannot get registered to vote in the State of Georgia, so
DDS did not send that over to our dashboard in our
election net database, so of course he wasn’t on our
electors list during the time.

We admit the error that was done by our poll workers,
and we thought we handled this in the best way we could.
As soon as we were notified by this by our poll manager,
Ms. Judith, in a timely manner, we called Ms. Melanie
Fourchette, which was the Secretary of State’s liaison for
our county at the time. She informed us to, you know,
issue a provisional ballot, which we did, and to not count
her in our election database because of course, her vote
has already been cast by, of course, instead of her by her
-- her son Jalen Ridges. So I just wanted to add that
more detail to that information. Of course, we didn’t
bring it before our Board until -- until the certification
meeting that Friday of that same election week. Thank
you.

MR. RAFFENSPERGER: Okay. Board members, I think,
Mr. Worley, you had a question?

MR. WORLEY: Not so much a question as a statement.
There are a couple of things troubling to me about this
case, and -- but I think you have to look at what really
happened here. Two things happened: Jalen Ridges was
allowed to vote when he was not registered, and Mrs.
Ridges’ provisional vote was not counted. As to the
first, looking at that, it seems to me that there was a
mistake made. It was a mistake made by the poll worker.
It doesn’t seem to me that anyone else involved in the
process did anything wrong. The poll manager, Ms. Bausch,
did exactly what she was supposed to do, it seems to me,
when Mrs. Ridges came to vote, which is that she had her
cast a provisional ballot. So I don’t -- I don’t see any
wrongdoing on the part of the poll manager at all.

When it comes to what happened after that, the real
problem is that Ms. Ridges’ vote was not counted. Her
provisional ballot was not counted when she had every
right to cast a ballot. This issue, it seems, was
presented to the Fayette County Board of Elections by Mr. Hill, who according to the report that we’ve received presented all of the facts to the Fayette County Board of Elections and did everything that he was supposed to do, so I don’t see anything wrong on his part as the registrar.

Where the problem is is that the Board rather than counting Ms. Ridges’ vote and admitting what had happened decided not to count her vote, and I think that was an error and was a violation of the law, and while Mr. Stough -- I accept what Mr. Stough says, that this was all done in a public meeting, but we don’t have that. We don’t have those minutes. I’d certainly like to see those minutes going further, but based on what we have in front of us, I think Fayette County’s actions need to be referred to the Attorney General, so that’s my view of the case, and as a preliminary matter, I’d move that the charges against Brian Hill and Judith Bausch be dismissed.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: Matt Mashburn, I second.

MR. RAFFENSPERGER: Okay. All those in favor of that motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Mr. Secretary, this is Rebecca. If I could just add an additional question or comment, perhaps for the Elections Division, I recall a very similar case like this from one of our recent meetings and was wondering is there -- is there training? Is there a specific FAQ out there, guidance, on what happens when a family members has been allowed to vote accidentally and how to handle that for the subsequent family member who comes to vote? Is there -- is there clear guidance on what’s the proper cure for that other than, you know, of course, allowing a provisional ballot to be cast, but at that point, how did the Board -- how did this -- how are those votes counted?

MR. HARVEY: Ms. Sullivan, this is Chris Harvey with the Elections Division. There is -- there is a specific procedure for cancelling an erroneously credited absentee ballot, so whether it’s for a family member or somebody else with a similar name, there is a way where you can take the credit back from somebody else and assign it to the proper person. That is provided to the counties. It happens occasionally when people aren’t -- somebody just overlooks it, maybe a junior or a third or a senior or something like that, so it’s not uncommon, but it doesn’t happen a lot. But most counties are familiar with how that goes about.
MS. SULLIVAN: Thank you.

MR. RAFFENSPERGER: Okay. There are -- I don't believe we answered all the questions or issues or recommendations that are before the Board in this matter. Is there any further action that the Board would like to take on any open issues?

MR. WORLEY: Mr. Secretary, if Mr. Ridges is still on the call, I did have a follow-up question for him. It seems that the same day that Mr. Ridges voted -- or his son, Jalen, voted, he registered -- registered to vote or shortly thereafter. Could he explain that?

MR. RIDGES: He -- he attempted, as Mr. Hill said, on his driver’s license the box was there. His assumption, as well as mine -- I gave him instructions to check the box because it was a state document, and I assumed as well as he did that once he turned 18, he’d be registered to vote. We knew he couldn’t register at 16, so the assumption was he was going to be registered at 18 at the appropriate time. Shortly after that date when we found out that he was not actually registered, he immediately went to register, and we got his registration information within a week or two after that.

MR. WORLEY: Okay. Thank you.

MR. MASHBURN: This is Matt. Just trying to clarify in my mind, is the remaining issue that’s open is the --
there’s a pending motion or needs to be a motion to
dismiss the mom? Is that right? Is it the mom? Who are
we missing?

MS. WATSON: We’re recommending the charge against
Jalen Ridges.

MR. WORLEY: Mr. Secretary, this is David Worley. I
would make a motion that Jalen Ridges, the son, receive a
letter of instruction and that the remainder of the case
be bound over to the Attorney General’s Office, that is,
Fayette County be bound over to the Attorney General’s
Office.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Do we have any further
discussion?

MR. MASHBURN: Yeah. This is Matt Mashburn. To just
add in to what David eloquently and wisely said earlier is
this is -- this is one of the most -- to me, this is one
of the most serious issues that I’ve seen since I’ve come
across the Board because the allegation that we have a
provisional ballot being discussed and we do want to --
it’ll be important to see what these minutes say going
forward -- but you’ve got a provisional ballot, and they
look at it and say is this a lawful voter? Yes. Did she
try to vote? Yes. Are we going to count her vote? No.
So to me, you know, it’s a very, very, very serious issue, so I’m glad that David made the motions that he did, and I support it — support it one hundred percent.

MR. RAFFENSPERGER: Okay. Okay. We have the motion before us. We have a second. Any further discussion? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any -- any opposed? Motion carries. If you will indulge me, if we could take a break until 11:45. The session is in, and I have to deal with something, and so if we’ll get back at 11:45, that will be fantastic. Thank you very much.

(Meeting break)

MR. RAFFENSPERGER: Great. We can resume then. Ms. Watson, we’re ready when you are. I believe everyone is back.

MS. WATSON: All right. The next case is 2018-040, Fulton County/DeKalb County, voter registration applications. We received a complaint from a Ms. Helen Butler, the Director of the People’s Agenda, reporting an issue with a canvasser, a Samunta Pittman. She advised as part of their quality control process for handling voter registration forms submitted by Mr. Pittman, they found potential fraudulent activity.
Investigation revealed evidence to indicate that Mr. Pittman while working for the People’s Agenda had as a canvasser fraudulently filled out 70 State of Georgia applications for voter registration forms. Mr. Pittman denies that he completed the applications. We recommend Mr. Pittman be bound over to the Attorney General’s Office for 70 counts of violations of 21-2-562, fraudulent entries.

MR. RAFFENSPERGER: Okay. Well, before we get started, I would like to give a shout-out and thank Ms. Butler for really reporting that issue, so thank you, Ms. Butler. We have talked over the years, and I just really appreciate that you brought that to the Election Director’s attention. Okay. So this is before us now. Is the Respondent here to speak on behalf of herself [sic]?

MS. THOMAS: No. Just Fulton County is here.

MS. WATSON: Fulton County, but no. They’re not a Respondent, and Mr. Pittman is not available.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions?

MR. WATSON: I don’t have any questions, Mr. Secretary, but I would also compliment Ms. Butler for bringing this attention -- or bringing this to the attention of the Secretary of State’s Office and making
sure that her organization follows the rules correctly.

   MR. RAFFENSPERGER: And that was 70 applications fraudulently filled out?

   MS. WATSON: Correct.

   MR. RAFFENSPERGER: What is the will of the Board?

   Now would be the appropriate time for a motion if you’re so inclined.

   MS. LE: This is Anh. Given the volume of fraudulent applications, I would make a motion to send this to the Attorney General’s Office but also the district attorney for a closer look.

   MR. RAFFENSPERGER: Thank you. Do we have a second for that motion?

   MR. MASHBURN: Second, Matt Mashburn.

   MR. RAFFENSPERGER: Do we have any further comment from any Board members? Hearing none, all those in favor of referring this case to the Attorney General’s Office and the local district attorney’s office, signify by saying aye.

   THE BOARD MEMBERS: Aye.

   MR. RAFFENSPERGER: Any opposed? Any opposed? Motion carries. Next case?

   MS. WATSON: Next case is 2018-041, Cherokee County, felon voter. In July 2018, Cherokee County Elections reported that Jared Ferrara Abell did vote during the
general primary of May 22, 2018 while still serving a felony sentence. Investigation confirmation the listed individual was serving a felony sentence and still on probation until 2028. He did vote on November 8th, 2016 and then on May 22, 2018. We recommend Jared Ferrara Abell be bound over to the Attorney General -- General’s Office for a violation of 21-2-216(b).

MR. RAFFENSPERGER: Okay. So do we have the Respondent here to speak on his behalf?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Do we have any questions from any of the Board members? Now would be the appropriate time to make a motion if you’re so inclined.

MR. WORLEY: I would make a motion that we bind Mr. Abell over to the Attorney General’s Office.

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

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Okay. Do we have any further comment? All those in favor of binding this case over to the Attorney General’s Office, signify -- signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-069, Webster County,
qualification of elector. On October 26th, 2018, Bonnie Witt self-reported she accidentally allowed a voter who was unregistered in Webster County to vote on one of the DRE units. Ms. Witt later realized her mistake when trying to issue an in-person credit for the voter. The individual allowed to vote was identified as Summer C. Jones, who was registered in Lowndes County.

Investigation shows Summer Catherine Jones went in to vote in Webster County during early voting. The voter access card was programmed using Catherine Dawn Jones’ information. Due to the mix up in Webster County, Summer Catherine Jones was not certain her vote would count and went to vote in Lowndes County for the same election. We’re recommending Webster County Board of Elections and Registration and Bonnie Witt, the Deputy Registrar, be bound over to the AG’s Office for violation of SEB rule 183-1-12-.02(4)(b), when they allowed an unregistered voter to vote in Webster County -- at the time of the incident, voter Summer Jones was a registered vote of Lowndes County -- and also recommending Summer Jones be bound over to the AG’s Office for 21-2-572, repeat voting in the same election.

MR. RAFFENSPERGER: Okay. Do we have anyone from Webster County, Ms. Summer Jones, any of the Respondents here?
MS. WATSON: I believe that they both may be available.

MS. THOMAS: Ms. Witt, you can go ahead.

MS. WATSON: Ms. Witt?

MS. THOMAS: You’re unmuted. You can go ahead and speak.

MS. JONES: My father was there actually with me, while we went to go vote. I came home from college one weekend, and they went to go -- my father and my grandfather went to go vote, and so I just went with them, not thinking that my driver’s license had my Valdosta State -- Valdosta address on there. When we came in, Ms. Bonnie Witt did not request to see my license, driver’s license, not seeing that I was actually me and not my mom, and I was now in Valdosta and registered in Valdosta in Lowndes County, so I went ahead and voted. She said she didn’t need to see my driver’s license, and so after the fact, she realized her mistake and immediately got on the phone that I had registered -- or I had voted as my mom, Catherine Dawn Jones.

And so my father and I asked her if my vote would count, and she said that she would fix the problem, that my vote would not end up counting, and that -- that I could go vote in Lowndes County in order to get my vote in for the election. It was an honest mistake on Ms. Witt’s
part. I do think that she should have looked at my
driver’s license, but also just a mistake on my part as
well, so thank you for letting me speak today.

MR. RAFFENSPERGER: Okay. Thank you. Next speaker?

Ms. Witt?

MS. THOMAS: You’re unmuted. You can speak now.

MS. WATSON: I think she’s trying, but we can’t hear
her.

MR. RAFFENSPERGER: Well, Webster County. Do we have
anyone there?

MS. WATSON: She’s online and unmuted, but she’s --
we’re not hearing here.

MR. RAFFENSPERGER: Okay.

MS. WATSON: We’re trying to reach out to her.

MR. RAFFENSPERGER: In the meantime, does the Board
have any questions?

MS. THOMAS: Hi, Ms. Bonnie. Hi, this is Brianna.
I’m going to put you on speaker to speak with the Board.

MS. WITT: I was trying to talk to them, but I keep -

MS. THOMAS: Okay. Give me one second. Okay. All
right you can go ahead.

MS. WITT: Okay. This is Bonnie Witt, and I just
want to say that I’m sorry that this incident happened.
It was just a human error. I looked at her license, but
it was -- the mother’s name is Catherine Dawn and the
daughter is Summer Dawn or something like that, but
anyway, I just looked at it wrong, and I made a human
error, and I’m very sorry that I did, and I’ve been very
careful ever since then, and all I can say is I’m sorry.
It’s just a human error.

MR. RAFFENSPERGER: Okay. Do any Board members have
any questions for either Ms. Witt or Ms. Jones?

MS. LE: This is Anh Le. I do have a question for
Ms. Witt. Ms. Witt, did -- Ms. Jones said that you didn’t
ask for her ID and didn’t look at her ID. Is that true?

MS. WITT: She did have it out, and I looked at it,
but her mother’s name is, like, Catherine Dawn, and her
name is Summer Dawn, and I just messed up.

MS. LE: Right. I mean, I -- I understand that
sometimes human error -- human errors happen. I just want
to make sure that you did, in fact, check an ID when a
voter comes -- yes.

MS. WITT: I did. I probably didn’t look close
enough at the address, but I was just looking at the name
and the picture.

MS. LE: Okay. Thank you.

MR. RAFFENSPERGER: Okay. Members, what -- do you
have any further questions or now would be a good time for
a motion?
MR. WORLEY: Mr. Secretary, David Worley here.

MR. RAFFENSPERGER: Yes, sir.

MR. WORLEY: I -- in reading this report and the Fayette County report that we dealt with earlier, I -- I just was struck by the contrast in this case and the Fayette County case in that in the Webster County case the election official realized their mistake right away, admitted to it, tried to resolve it in the appropriate way, so in this case, I would make a motion that we send a letter of instruction to Ms. Jones and to Webster County.

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

MR. MASHBURN: Matt Mashburn seconds.

MR. RAFFENSPERGER: Okay. Any further discussion from the Board? Hearing none, all those in favor of the motion to send letters of instruction to Webster County and also to Ms. Summer Jones, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Okay. Motion carries. Thank you. Next?

MS. WATSON: Next case is 2018-070. In October of 2018, Jimmy Lawson alleged someone fraudulently submitted an absentee ballot in his name and forged his signature on the ballot envelope. This incident was discovered and reported by the Lowndes County Election Supervisor. Investigation revealed that the absentee ballot for Jimmy
Lawson was completed and submitted by his sister Sophia Sharpe. We recommend Sophia Sharpe by referred to the AG’S Office for 21-2-573, absentee voting by an unqualified elector.

MR. RAFFENSPERGER: Okay. Is Ms. Sharpe here?

MS. WATSON: I believe the only one is -- Deb Cox with Lowndes County is on the line.

MR. RAFFENSPERGER: Okay. Good morning, Ms. Cox. Do any Board members have any questions for Ms. Cox from Lowndes County? What is the will of the Committee?

MS. LE: This is Anh Le. I would move -- I would submit a motion to send this to the Attorney General’s Office.

MR. WORLEY: I would second that.

MR. RAFFENSPERGER: Okay. Any further discussion? All those in favor referring this case to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-094. November 7th, 2018, the complainant contacted the investigations office to report that Hassan Musaddiq, a convicted felon, had voted in the general election of November 6th, 2018. Investigation confirmed that Hassan Musaddiq was convicted
of a felony in the federal court system in May of 2018 and was still under sentence in November of 2018 at the time of voting. Mr. Musaddiq was not aware that it was a violation for him to vote and was very apologetic. We’re recommending Mr. Musaddiq be bound over to the AG’s Office for 21-2-216(b).

MR. RAFFENSPERGER: Okay. Is Mr. Musaddiq here?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. Do we have any questions from any of the Board members?

MS. LE: I do have a question on our process that’s not necessarily specific to this case, but given that sometimes when someone is -- is put on probation or they may not be fully aware, is there some kind of coordination or outreach that we have with I guess the probation officers or the community that deals with felons to give them some information on when they’re allowed to vote? Do you know?

MR. GERMANY: This is Ryan. We do have that with the Department of Community Supervision in Georgia, and we work with them to provide information at the beginning of their probation, which says hey, you can’t vote until your sentence is completely up, and then also some information at the end saying hey, your sentence is now up. It can be a little confusing at the end because sometimes there’s
more than one section, but for federal, it’s not something that -- that we have, but we can certainly look into how we could put something like that in place.

MS. LE: Thank you, Mr. Germany. I think voting when you’re not qualified is a serious offense, but sometimes it would be -- like, you know, as you mentioned before, it’s helpful to have this information out as much as possible to help minimize accidental, if you will, type of illegal voting. Thank you.

MR. RAFFENSPERGER: Do we have any further questions or comments? Now would be an appropriate time to make a motion.

MR. MASHBURN: This is Matt. Refresh my recollection. I’m looking through my notes. When did this happen? What did this occur?


MR. MASHBURN: 2018. This is a felony, and so that would have a statute of limitations of seven years?

MS. WATSON: The OCGA was 21-2-216(b). I don’t believe that would be a felony.

MR. MASHBURN: Okay. The Attorney General is sorting that out. All right. Thank you.

MS. LE: This is Anh Le. I move to mo -- to send this to the Attorney General’s Office.

MR. RAFFENSPERGER: Did we have a second?
MR. WORLEY:  I’ll second.

MR. RAFFENSPERGER:  Okay. We have a second. Any further discussion? All those in favor of the motion to move SEB case 2018-094 to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS:  Aye.

MR. RAFFENSPERGER:  Any opposed? Motion carries.

Okay. Next case?

MS. WATSON:  Next case is 2018-099. On November 27th, 2018, a Mr. Todd Snoot [ph.] reported he received a possible fraudulent voter registration precinct card. Mr. Snoot stated the registration card listed his address in the name of Jameera Mickens [ph.] Mr. Snoot stated he did not know Ms. Miggins, and she had never resided at his address.

Investigation showed that Jameera Mickens did register online using the complainant’s address. Ms. Mickens stated that she had made a mistake in entering the information. The online process of entering street numbers and street selections would make it very unlikely that she could have entered this information by mistake, as the address she used was 2403 Field Crest Drive, and the address she was currently living at was 807 South Fry Street, Apt. 422. We’re recommending Jameera Mickens be bound over to the AG’s Office for 21-2-561(3), false
Mr. Raffensperger: Okay. Is Ms. Mickens here to speak for herself?

Ms. Watson: No, but Deb Cox is also on the line.

Mr. Raffensperger: Hi, Ms. Cox. Does anyone have any questions for Ms. Cox, the Elections Directors in Lowndes County? Now would be the appropriate time for the Board to make a motion if they’re so inclined.

Mr. Mashburn: This is Matt Mashburn. I move that we proceed in accordance with the recommendation and bind it over.

Mr. Raffensperger: Okay. Do we have a second?

Ms. Sullivan: This is Rebecca. I’ll second the motion.

Mr. Raffensperger: Any further discussion? All those in favor of binding this over to the Attorney General’s Office for case number 2018-099, signify by saying aye.

The Board Members: Aye.

Mr. Raffensperger: Any opposed? Motion carries.

Next case?

Ms. Watson: 19-004, Muscogee County: on November 2nd, 2018, Muscogee County Director of Elections and Registration Office Nancy Boren reported a voter possibly being under a felony sentence at the time of voting. On
October 25th, 2018, Michael M. Ware submitted a voter registration in October 2018 that matched felon records through e-net that has changed to cancel felon. Mr. Ware was mailed the letter notifying him of the status change to his voter registration. He was also given a copy of the letter when he entered the precinct to vote and was offered a provisional ballot. The provisional ballot was rejected as he offered no further information to show he was not under felony sentence. We’re recommending Mr. Michael Ware be bound over to the Attorney General’s Office for violation of 21-2-216(b).

MR. RAFFENSPERGER: Okay. Do we have any of the Respondents here?

MS. WATSON: Michael Ware --

MR. RAFFENSPERGER: Mr. Ware?

MS. WATSON: No, he is not.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions? What is your will on this case?

MR. WORLEY: I’ll make a motion that we bind Mr. Ware over to the Attorney General’s Office.

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

MS. LE: This is Anh Le. I second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of binding this case to the Attorney General’s Office, SEB 2019-004, signify by saying
aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Okay. Next case?

MS. WATSON: The next case is 2019-005, Fulton County, voter registration. On January 31st, 2019, it was reported canvassers were coming to the UPS Store at 4279 Roswell Road Northeast in Atlanta looking for people registered to vote at that address. Investigation revealed it was determined that there were 12 individuals listed as registered voters using the UPS box location as a residential address for voter registration. We’re recommending that Amira Bennett, Melissa Rockwell, Lynn Nicks, Sherry Whitfield, Cheryl Simone, Ashley Essal, Thelma Ferguson, and Gilmore Catalano [all ph.] be bound over to the Attorney General’s Office for violation of 21-2-217(a)(1) or issue a letter of instruction to the voters, at the Board’s discretion. I did verify that these voters did have local Atlanta addresses except for one, which is now listed in Hilton Head, South Carolina but was at a legal Atlanta address at the time.

MR. RAFFENSPERGER: Okay.

MS. WATSON: Additionally, there was four -- four others that had registered since the report was taken at that location, and they were listed in the report, but
they were not given notice for this hearing, so we would need to bring those back, if they are not also... because they were not given proper notice.

MR. RAFFENSPERGER: I understand. So the first four had proper notice, and the last four did not.

MS. WATSON: The ones I mentioned all were -- all were given notice. I did not -- Sheila Cox, Anne Denihood, Michael Nicks, and Betty Peyton [all ph.] are the ones not given notice.

MR. RAFFENSPERGER: Okay. Got it. Okay. Do we have a motion?

MR. WORLEY: Mr. Secretary, I had a question for Ms. Watson. Ms. Watson, most of these people were notified that they were improperly registered, correct? But only one of the people mentioned had corrected their situation?

MS. WATSON: Several of them have -- have since corr -- changed their locations from the 4279 to other Atlanta addresses, so the majority of them have been changed to alternate locations as of today, and they’re -- we do have one of the Respondents, a Lynn Nicks, that’s on the -- on the call, and she has changed hers as well, so I believe all of the ones -- the first eight that we are -- are looking at today have all changed to residential addresses after being notified.

MR. WORLEY: In that case, I would make a motion that
we send a letter of instruction to the eight people who have corrected their addresses.

MS. LE: This is Anh.

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

MS. LE: This is Anh Le. I second that motion.

MR. RAFFENSPERGER: Okay. Any further discussion? All those in favor of the motion before us, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next?

MS. WATSON: Next case is 2019-008, private -- private voter registration drive. In March of 2019, Gwinnett County Elections Office reported that 201 voter registration applications had been received from New Georgia Project in a timeframe greater than 10 days of a complainant having completed the form. Investigation revealed between the dates of February 27th and May 13th, there was 1,268 voter registration applications that were hand-delivered by a representative of New Georgia Project to the Gwinnett County Elections Office. These applications were delivered in 16 different groups and were all delivered beyond the mandatory 10-day period.

Applications were also received for residents of
Macon, DeKalb, Clayton, Cobb, Fulton, Henry, Newton, Rockdale, Walton, Oconee, Jefferson, Barrow, Tift, Douglas, and Paulding counties. These were all delivered to Gwinnett County, and Gwinnett County personnel then distributed them to the appropriate election offices. We’re recommending that the CEO of New Georgia Project be bound over to the State Election Board for violation of rule 183-1-6-.02(8)(a), by failing to deliver to Gwinnett County Elections voter registration applications within the 10-day timeframe.

MR. MASHBURN: I think -- I think you might have misspoke. You said bound over to the State Election Board. You mean the Attorney General, right?

MS. WATSON: Yes. I’m sorry, the Attorney General’s Office.

MR. RAFFENSPERGER: Okay. There’s a recommendation. Do we have any further comments? Do we have a motion?

MR. WORLEY: Mr. Secretary, this is David Worley. I’m going to recuse myself on this case.

MR. RAFFENSPERGER: Okay. Do we have any --

MR. MASHBURN: This is Matt Mashburn. I make a motion that the recommendation be adopted, and the matter be bound over to the Attorney General.

MR. RAFFENSPERGER: Okay.

MS. MCGOWAN: Mr. Secretary, this is Charlene McGowan
from the Attorney General’s Office. Can I have some
clarification as to which -- who the Respondent is that’s
actually the subject of the recommendation? Is it the CEO
of the organization or the organization itself?

MS. WATSON: It’s the organization, New Georgia
Project, and the listed CEO at that particular time was
Raphael Warnock.

MS. MCGOWAN: So it -- I’m still confused. Is it --
is the recommendation that the CEO, Mr. Warnock, be bound
over or --

MS. WATSON: It’s the organization that we -- we list
the CEO as the person to be notified, not just the
organization. In the past, we’ve had an issue when we
just list the organization and not identify a person also,
so we’re listing the New Georgia Project and CEO Raphael
Warnock as the Respondent.

MR. RAFFENSPERGER: And that’s the motion before us.
We do not have a second. Do we have a second?

MS. LE: It’s Anh Le. I second the motion to bind
over the New Georgia Project to the Attorney General’s
Office in this matter.

MR. RAFFENSPERGER: Okay. Do we have any further
discussion? Hearing none, all those in favor of the
motion, signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.
MR. RAFFENSPERGER: Any opposed? And one recusal, thank you. Motion carries. Next?

MS. WATSON: Next is 2019-017, Barrow County, qualifications of elector. On May 28th, 2019, the Elections Division advised the Investigations Division in regards to a complaint that a non-United States citizen had voted in several previous Georgia elections. The complaint alleges that Albert Niks of Winder, Barrow County, had voted in elections conducted in Gwinnett, Walker, and Barrow counties from 2000 to 2014. Mr. Niks immigrated from the Netherlands in 1985 and currently has a permanent resident immigration status.

Investigation revealed Mr. Niks is not a United States citizen. Albert Niks voted in 8 separate elections between 2000 and 2014. Albert Niks does not meet the requirements under 21-2-216(a)(2). We’re recommending Mr. Niks be bound over to the Attorney General’s Office for violation of 21-2-571 and 21-2-216(a)(b).

MR. RAFFENSPERGER: Okay. Is Mr. Niks here to speak for himself?

MS. WATSON: No. He is not. He did call and said that he came from California, and he was allowed to vote in California. He was not aware that he could not vote in Georgia.

MR. RAFFENSPERGER: Okay. Do we have any questions
from any Board members? So I would take exception to the
comment that I know you cannot vote in any federal
elections in the United States of America as a non-
citizen, but be that as it may, we’re talking about
Georgia law here.

MS. LE: I do have a -- this is Anh. I have a
question for the County officials. Are they on? How was
he able to get a ballot for all those elections?

MS. WATSON: When he came to Georgia, he had been
registered previously in several states, and when he came
-- came here, he also registered and how -- how it was not
identified that he was not a citizen, I am not familiar.

MR. RAFFENSPERGER: Can we send another letter to the
Department of Driver Services and give the backdrop of
this case so they’re aware. There is a citizen question
on the Department of Driver Services, but we are supposed
to be verifying that at all times, and this raises --
elevates the concerns of citizens. I say this because
years ago when I was a young child, my parents -- my dad
was transferred to Canada, and I know he never -- neither
of my parents ever voted in Canada because they knew you
could not vote in Canada as a non-citizen, so obviously, I
know that when you’re in foreign countries, you don’t
vote, and people should understand that when you’re in the
United States. You have to be an American citizen. It’s
one of the most precious rights we have is that only
American citizens vote in elections, so it’s very
important that the Department of Driver Services are aware
of that. That said is there any other comment from any of
the Board members?

MR. MASHBURN: This is -- this is Matt Mashburn. I
have a question for Charlene if I could ask -- if I might,
and I hate to put her on the spot.

MS. MCGOWAN: If it’s all right with the Secretary.

MR. RAFFENSPERGER: Oh, sure. Go ahead.

MR. MASHBURN: Charlene, this is a venue -- or the
report says venue for criminal prosecution will lie in
Walter, Gwinnett, and Barrow counties. I hate to put you
on the spot, and I don’t know but I’ll find out is a
legitimate answer here, but how -- how would the Attorney
General process this, seeing that this is in multiple
counties.

MS. WATSON: They’re doing that at an administrative,
not a criminal.

MS. MCGOWAN: Yeah. I mean we -- we would just list
the counties that are implicated in the case, but it --
this is a state administrative proceeding and so the venue
is not an issue for the civil proceeding.

MR. MASHBURN: All right. So in that case, my -- in
that case, would it be out of order for me to move that it
also be recommended to Walker, Gwinnett, and Barrow County DAs? Would that be out of order?

MS. MCGOWAN: I do not believe that would be out of order. It would be up to the district attorney’s office to determine whether or not they have venue and jurisdiction over the claims.

MR. MASHBURN: So this -- this strikes me as -- it seems to be a particularly troublesome case, so I -- I would make a motion that it be referred to the Attorney General, but also recommended to the DAs of Walker, Gwinnett, and Barrow counties.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: This is Anh. I second that.

MR. RAFFENSPERGER: Okay. Any further comment? All those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.


MS. WATSON: Yes. It’s 2019-021, Angela White Davis from Newton County reported a non-citizen voter that was registered in Newton County. In reviewing old voter registration applications, it was discovered that Sean Watson had marked no for the question are you a US citizen on his application dated November 4th, 2008. There was a
voter history for Sean Watson voting in 2008, 2012, and November of 2018. Mr. Watson advised he has been in the country since 1985, and his mother got her naturalization when he was 15 years old. Mr. Watson was under the assumption that he was automatically a citizen. The status of Mr. Watson was confirmed through immigration as a lawful permanent resident. A lawful permanent resident is not eligible to vote. We’re recommending Sean Watson be bound over for a violation of 21-2-216(a)(2) and 21-2-561(1).

MR. RAFFENSPERGER: Okay. Is Mr. Watson here to speak for himself?

MS. WATSON: No. He is not.

MR. RAFFENSPERGER: The Newton County Board of Elections?

MS. WATSON: No.

MR. RAFFENSPERGER: Okay. Do we have any questions or comments from any Board members? If not, now would be the appropriate time for a motion.

MR. WORLEY: I would make a motion that we bind this case over to the Attorney General.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Any further comment? All those in favor of the motion before you, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any op -- any opposed? Motion carries. Next?

MS. WATSON: The next case is 2019-023 in Henry County. In August 2019, a current complaint alleging a non-citizen, Hurlstone Hendy, voted in 2004, 2008, and 2012. The voter was identified as Hurlstone Hendy with the first registration form dated July 19th, 2008 in Henry County, second registration when Mr. Hendy changed his address in April of 2010. The records indicated Mr. Hendy has been a permanent resident in the United States since 1997. Mr. Hendy voted in 2004 in DeKalb County, 2008 and 2012 in Henry County. There was also a voter registration submitted in 2014 that was rejected for being a nonresident citizen. We recommend Hurlstone Hendy be bound over for a violation of 21-2-561 (1) and 21-2-571, voter by unqualified elector.

MR. RAFFENSPERGER: Okay. Is Mr. Hendy on the phone?

MS. WATSON: He is not.

MR. RAFFENSPERGER: Okay. What is the will of the Committee or Board on this?

MS. LE: I move that we send this to the Attorney General’s Office.

MR. WORLEY: I second that motion.

MR. RAFFENSPERGER: Do we have a -- do we have any
further discussion? Hearing none, all those in favor of
this case 2019-023 to the Attorney General’s Office,
signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you. Next case?

MS. WATSON: 2019-026, Gwinnett County: On
09/25/2019, we opened an investigation concerned a
complaint from the Gwinnett County Elections Office that
they had discovered someone who had registered to vote
three separate times with different information. The
individual submitting the voter registrations was named
Jason Jeter, using the address of 3297 Willow Fields Lane,
Loganville, Georgia. Two of the three voter registrations
had fraudulent date of births entered. We have been
unable to locate a Jason Jeter to interview him, but we
are recommending Mr. Jeter be bound over for violation of
two counts of 21-2-561(1).

MR. RAFFENSPERGER: So I take it that Mr. Jeter will
not be on the phone call today?

MS. WATSON: No.

MR. RAFFENSPERGER: Okay. What is the will of the
Board?

MR. WORLEY: I would make a motion that we bind over
Mr. Jeter to the Attorney General’s Office for further
action.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Any further comments? All those in favor of binding this case over to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any -- any opposed? Motion carries. Next case?

MS. WATSON: 2019-032: Dawn B. Foster reported Court Strickland [ph.] fraudulently using her home address to completely a voter registration card. Mr. Strickland was interviewed and advised he was at the train station and someone asked him to register to vote. He said he was already registered, and he just wrote down that address in a hurry but confirmed that he never lived at that address he provided. There was no other registration date located for Mr. Strickland. We recommend Court Strickland be bound over for violation of 21-2-561(3), when he knowingly gave false information when registering as an elector.

MR. RAFFENSPERGER: Okay. Is Mr. Strickland on the phone?

MS. WATSON: No. He is not.

MR. RAFFENSPERGER: What is the disposition of the Board?
MR. MASHBURN: This is Matt Mashburn with a question, so his information was -- he was -- there was a canvasser, and he told the canvasser he was already registered, and he didn’t want to register again?

MS. WATSON: No. He -- he told the -- he completed the form at the request of the canvasser and just wrote down that address, knowing that it was a fraudulent address.

MR. MASHBURN: The thing about this is whether to send this back to y’all and go find the canvasser because the canvasser might need to be brought up on this one.

MR. RAFFENSPERGER: We could do that at a later date. Handle this issue, and then circle back.

MR. MASHBURN: Yeah. I would -- I would make a motion that we bind this over to the Attorney General’s Office but also request the Investigator’s Office to maybe open up a case about the canvasser or just check into the canvassers.

MR. RAFFENSPERGER: Okay. Do we have a second for the motion to send this to the Attorney General’s Office for Court Strickland?

MS. SULLIVAN: This is Rebecca. I’ll second.

MR. RAFFENSPERGER: Okay. Any further discussion? All those in favor of the motion as presented, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? No opposed. And then, Ms. Watson, the request from the State Election Board was to see if we could find this canvasser and do a full and thorough investigation. Thank you.

MS. WATSON: Okay.

MR. RAFFENSPERGER: Next case?

MS. WATSON: 19-055, Fulton County. On November 12th, 2019, Marion Brooks advised on November 5th, 2019, she was told she could not cast a ballot because she had been sent an absentee ballot. She stated she had never requested an absentee ballot. Investigation shows records to indicate Marion Brooks voted early advance on October 15th, 2019. The signature on the application appeared to be consistent with those on file for Marion Brooks. Marion Brooks agreed that this was her signature. Marion Brooks returned to the poll on November 5th, 2019 and was told that she had already voted. Marion Brooks stated she had not and was allowed to vote on a machine, casting a second ballot for the same election. Marion Brooks advised that she did not realize she was voting for the same election.

We’re recommending Marion Brooks be bound over for 21-2-572, repeat voting, and Fulton County Board of Election and Registration and Election Director Richard
Barron, and Teresa Ajai [ph.] be bound over for a violation of State Election Board rule 183-1-14-.09(1)(a)(2), when an absentee ballot which has been voted shall be returned to and received by the Board of Registrars that shall be deemed to have been voted and no other ballot shall be issued to this same elector, and also 21-2-590, poll officer permitting unregistered or unqualified person to vote.

MR. RAFFENSPERGER: Okay. Is Marion Brooks on the phone call today?

MS. WATSON: No.

MR. RAFFENSPERGER: Okay. Fulton County Board of Elections, do they have anything they would like to add to this case?

MS. RINGER: No, Mr. Secretary. Thank you.

MR. RAFFENSPERGER: Board members, do you have any questions, or do you have a motion?

MS. LE: This is Anh Le. I move to bind this case over to the Attorney General’s Office for both Respondents.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Any additional Board comments, input? Hearing none, all those in favor of the motion before you, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case? Telfair County. Or did I skip one?

MS. WATSON: Yes. 2020-014, Fulton County. On May 18th, 2020, we received an installation update regarding video surveillances done at the 2020 primary election absentee ballot drop box locations. Director Barron provided the update, which indicated multiple locations still required surveillance system installations or repairs. On June 8th, 2020, we received a complaint regarding a security issue with the East Point Library absentee ballot drop box located at 2757 Main Street, East Point. According to the complaint, a voter found the absentee ballot drop box key still inside the drop box lock, leaving the drop box unsecured. Sage Fulton [ph.] then advised that on June 8th, 2020, she dropped her absentee ballot off at the drop box located at 7741 Roswell Road. Ms. Fulton checked her MyVoter page later and discovered her ballot had still not been counted.

Investigation showed in May 2020, we conducted site inspections to each of the 20 drop box locations in service at that time. We also spoke to the vendor contracted to install the video surveillance cameras at each location. We found all secure with video surveillance hardware. However, Fulton County advised the
surveillance video footage could only be retained for 14 calendar days, which was not consistent with the Board rule at that time.

As to allegation two, the poll workers leaving the key in the absentee ballot drop box, we were able to review the video showing the keys left in the drop box. We were able to confirm that no one tampered or removed any ballots. The video shows the complainant take the keys from the drop box. The complainant then took the keys and dropped them off to an East Point PD Major Davis. The keys were then returned to Fulton County.

As to allegation three, Sage Fulton dropped her ballot in a drop box the day prior to the election on June 8th, 2020. The absentee ballot has not been processed as received or any documentation provided by the County. The County has stated previously that they received absentee ballots in the drop box that did not have the outer envelope, so they were unable to process them. Fulton County did not provide any documentation as to the absentee ballot of Sage Fulton.

We’re recommending the following be bound over to the AG’s Office: Fulton County Board of Registration and Director Richard Barron for board rule 183-1-14-0.6-.14(5), secure absentee ballot drop boxes when the County deployed a video surveillance system that does not retain
video surveillance footage for at least 75 days, and OCGA 21-2-386(a)(1)(a), safe-keeping, certification, and validation of absentee ballots when the election division staff left the ballot box key inside the lock of the absentee ballot drop box, and Fulton County Board of Registrations and Elections and Chief Registrar Ralph Jones for State Election Board rule 183-1-14-0.6-.14(10), for the failure to process an absentee ballot dropped in an official absentee ballot drop box in the same manner as absentee ballots returned by mail.

MR. RAFFENSPERGER: Okay. Do Richard Barron or anyone from Fulton County, Ralph Jones, wish to speak before the Election Board?

MR. BARRON: We do have the -- we -- all of our boxes do have 75 days now and have been since I think the August election.

MS. RINGER: There was an issue with respect to our ability to have that type of surveillance retained initially, and as Mr. Barron has said, that has been rectified. Additionally, as noted in the report with respect to the drop box key, reviewing of the surveillance showed that no one had, in fact, tampered with the absentee ballot box, so therefore, we would ask that that matter not be bound over.

MR. RAFFENSPERGER: Okay. Board members, do you have
any questions?

MR. MASHBURN: Mr. Barron, this is Matt Mashburn. Just wanted to reemphasize or have a more direct question: did I understand you correct that there was no drop box anywhere in Fulton County for the November election or the January runoff that did not have video surveillance? They all had video surveillance for the general election and the Senate runoff, correct?

MR. BARRON: Correct.

MR. MASHBURN: This was just limited to the primaries?

MR. BARRON: Yeah. Well, they all had video surveillance. They just didn’t -- they didn’t have 75 days of video surveillance memory. They do -- they did for November and January.

MR. MASHBURN: Okay. Thank you.

MS. LE: This is Anh Le. I have a question for the county officials. So if you were -- were you able to look and see how this happened? I know one key out of all the boxes, but it’s also an election integrity issue, so the question is were you able to understand how it happened and how it was left behind, and has there been training or something to address this so that, you know, going forward it wouldn’t happen again?

MR. BARRON: Yes. We changed the ways in which the
key -- a voter came up while -- while the gentlemen were emptying that box, and I think it distracted the gentleman that was supposed to get the -- get the key, but they have a way now to check to make sure that they have the keys. They are bound up in a different way so that there is actually no way to -- to leave them in the drop box.

MS. LE: Okay. Thank you.

MR. BARRON: They do a check before they leave the site.

MS. LE: Thank you.

MR. RAFFENSPERGER: Any additional questions from Board members? Now would be the appropriate time to make a motion if you’re so inclined.

MR. WORLEY: Mr. Secretary, this is David Worley. Given that Fulton has corrected the situation, instituted training, made it so that the keys would not be able to be left further, and after not unexpected problems initially setting up the video systems, you know, established that all of the drop boxes have at least 75 days of surveillance, I would move that we send Fulton a letter of instruction in this case.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I -- I have a question. I’m sorry. Did the voter end up getting to vote? I know that they couldn’t find the absentee ballot. What happened with the voter in
the end?

MS. WATSON: No. The voter was -- it is unknown what happened to the absentee ballot.

MS. LE: So she didn’t --

MR. BARRON: That’s from a different drop box too, correct?

MS. WATSON: That -- that’s correct.

MS. LE: So do I understand correctly that in the end, she did not have a vote that counted?

MS. WATSON: It was not accounted for in the -- in the system for credit for voting, so it -- we have no -- no way to know whether it was counted or not counted because there is no documentation for it.

MS. LE: I see.

MR. BARRON: We did have a few hundred that were deposited without the outer envelope, only the inner envelope, so we were unable to identify the voters because they just put the white envelope in.

MR. MASHBURN: And just to clarify that, those were not counted, correct?

MR. BARRON: Correct.

MS. RINGER: I want to make sure the Board understands what Mr. Barron is saying. The outer envelope would be the envelope that would have the identification of the voter, so if, in fact, this voter did not include
the outer envelope when she deposited her absentee ballot, we would have no way of being able to say whether, you know, who her vote was and if it counted, so at this juncture, we’re not able to say if the failure to count the voter’s absentee ballot is, in fact, one of Fulton County’s or the voter.

MS. LE: This is Anh Le. I second the motion in consideration of the facts that number one, it’s been rectified as mentioned, and the voter in this case -- I was concerned about the voter’s ability to vote or have it counted, but given the circumstances, I understand. So I second the motion.

MR. RAFFENSPERGER: Okay. Any further comments? Hearing none, all those in favor of the motion in front of the Board, signify by saying aye.

THE BOARD MEMBERS (except Mr. Mashburn and Ms. Sullivan): Aye.

MR. MASHBURN: No.

MS. SULLIVAN: No.

MR. RAFFENSPERGER: So that -- right now, it’s two-two. I’ll vote no against the motion, and it’s back before the Board. Is there a new motion?

MS. SULLIVAN: This is Rebecca. I’ll make a motion that this case be bound over to the Attorney General’s Office.
MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Second.

MR. RAFFENSPERGER: All those in favor of the motion presented, signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley and Ms. Le):

Aye.

MR. RAFFENSPERGER: Any opposed?

MR. WORLEY: No.

MS. LE: No.

MR. RAFFENSPERGER: Okay. Motion -- three-two, motion carries. It heads to the Attorney General’s Office.

Thank you. Next case?

MS. WATSON: Next case is 2020-020, Telfair County.

During an absentee ballot drop box inspection at Telfair County Elections Office in May of 2020, it was discovered they were using a cardboard box instead of a locked container for the absentee ballots to be deposited in. A drop slot was located in the door with a cardboard box inside the Elections Office for absentee ballots to be deposited in. The container was not locked, and there was nothing to prevent tampering or removal of ballots. The County corrected the drop box by having a wooden container built that has a secure box for the ballots to be dropped into from the slot. We’re recommending that Telfair County Board of Registrars and probate judge Elections
Supervisor Diane Walker and Chief Registrar Rebecca Widener be bound over to the AG’s Office for SEB rule 183-1-14-0.6-14.

MR. MASHBURN: Mr. Secretary, this is Matt Mashburn. I need to recuse myself from this case.

MR. RAFFENSPERGER: Okay. Fair enough. Any questions from any -- well, do we have any people from Telfair County? Diane Walker, Rebecca Widener?

MS. WATSON: I believe Ms. Widener is on the phone.

MR. RAFFENSPERGER: Good morning -- or good afternoon, Ms. Widener. You can speak if you’d like.

MS. THOMAS: You are unmuted.

MS. WATSON: We’re going to call her.

MR. RAFFENSPERGER: Okay. Do we have any questions or any input? Do any of the Respondents want to speak to this case? Okay. Hearing none, Board members, it’s before you. What is the disposition?

MR. WORLEY: Well, Mr. Secretary, ordinarily I’d be inclined to give Telfair County some leeway here and send a letter of instruction, but since we’ve just established a precedent that if there’s a problem with a drop -- drop box, even a corrected one, we’re going to bind it over to the Attorney General’s Office, so I’d make a motion to bind this case over to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?
MS. LE: This is Rebecca. I’ll second that.

MR. RAFFENSPERGER: Okay. Any further -- any further comments? All those in favor of the motion before you, please do so signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you. Next case?

MS. WATSON: Next case is 2020-115, Gwinnett County.

In October of 2020, it was reported that a Daniel Wilowski [ph.] had posted on the NextDoor app that he had two absentee ballots for sale. The investigation revealed the post stated two absentee ballots for sale. I was sent two absentee ballots but have decided to vote in person. 18.95 for Biden voters, cash only, no charge for Trump voters and complimentary MAGA hat. I sense a storm brewing in the horizon. Mr. Wilowski was contacted, and both ballots were confirmed to be in his name. Mr. Wilowski stated he had no intentions of selling or giving the ballots to anyone. He did not think that anyone would take him seriously. We recommend referring Mr. Wilowski to the Attorney General’s Office for a violation of 21-2-604. The complainant in this case did call after the notices went out and stated that she was contacted by the Respondent, and he explained he was joking and wanted to withdraw the complaint. Mr. Wilowski also responded that
he was obviously joking and was displeased that we would spend time on this complaint.

MR. RAFFENSPERGER: Okay. Is the Respondent on the phone?

MS. WATSON: He was, but he no longer is.

MR. RAFFENSPERGER: Board members, do you have any questions, or do you have a motion?

MS. SULLIVAN: This is Rebecca. Because I think it is unlikely that this was serious and was most likely a joke as explained by the Respondent, I would make a motion that a letter of instruction be issued in this case.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: This is Matt Mashburn. I have a question. Do you find out whether he actually had two ballots?

MS. WATSON: He did.

MR. MASHBURN: He -- and did you figure out how he got two ballots?

MS. WATSON: They were both issued to him.

MR. MASHBURN: Rebecca, I don’t -- I don’t mean to interrupt your motion, but I want to ask that we send this back and find out how he got two ballots, or we find out if it’s a joke or not. Is that -- will you accept that as a friendly...

MS. SULLIVAN: Sure.
MR. RAFFENSPERGER: So Rebecca would be withdrawing her motion, and then, Mr. Mashburn, I believe you’re making a motion.

MR. MASHBURN: Yes. If Rebecca takes no offense from it.

MS. SULLIVAN: I am not offended.

MR. RAFFENSPERGER: Do we have a second on that?

MR. WORLEY: I’ll second -- I’ll second Mr. Mashburn’s motion.

MR. RAFFENSPERGER: Do we have any further discussion? All those in favor of sending this back so we can get some additional information from the County as to how the gentleman got two ballots so this will be brought before us at a later date, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Okay. Thank you very much. Next case?

MS. WATSON: Next case is 2020–119, Macon County. On Thursday, October the 15th, an investigator conducted an inspection of the early voting precinct and discovered an unsecured drop box inside of the Elections Office. It was found that a slot in the wall of the building led into the Election Supervisor’s office to an unsecured cardboard box for absentee ballots. Patsy Johnson, the Elections Supervisor, advises the office remains locked, and there
is video surveillance. The County ordered a ballot box that could be secured and had it installed to correct the issue. We’re recommending that Patsy Johnson, the Elections Supervisor for Macon County, to be referred to the Attorney General’s Office for SEB rule 183-1-14-0.6-14(8) and have talked to Patsy Johnson who did advise that after this inspection that they did have the metal box installed shortly after.

MR. MASHBURN: This is Matt Mashburn. I move that we accept the recommendation and refer it to the AG’s Office.

MR. WORLEY: This is David Worley to second that.

MR. RAFFENSPERGER: Okay. Any further comments? Hearing none, all those in favor of referring this to the AG’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MS. WATSON: The next case is listed as 2020-194, Floyd County. The attorney for one of the Respondents requested a continuance that was -- was granted.

MR. RAFFENSPERGER: Okay. Fayette County.

MS. WATSON: Yes. The next case is 2020-197, Fayette County. We opened an investigation following an allegation that Fayette County Board of Elections and Registration failed to ensure and verify all votes on memory cards were uploaded into the elections management
Investigation revealed there were four early voting locations, but the Fayette County library scanner was nearing the ten thousand count. The memory card was exchanged for a new one and transported to Floyd Jones, where it was secured. Fayette County Director Floyd Jones reported that at the end of early voting, he assumed there were only four cards and was satisfied when his office collected all four cards. The fifth and final was overlooked and left in one scanners. When the audit was being conducted and the numbers were not matching up, Mr. Jones looked into the issue and discovered that there was indeed a fifth card, which was located still inside the scanner which was in storage. The memory card that was recovered contained 2,760 votes. We’re recommending that Fayette County Board of Election and Voter Registration and Fayette County Elections Director Floyd Jones be bound over to the AG’s Office for violation of State Election Board rule 183-1-12-12(b), consolidation of results.

MR. RAFFENSPERGER: Okay. Does anyone from Fayette County wish to speak on this?

MR. STOUGH: Yes, this is Patrick Stough with the Fayette County attorney’s office, speaking on behalf of the Fayette County Board of Elections. The Board obviously acknowledges the serious errors that occurred in
this case, and as a result of those errors, the County conducted its own investigation. That investigation identified numerous errors that were made by Mr. Jones that led to the issue including failure to account for memory cards. As a result of the investigation, Mr. Jones resigned from his position, and he is no longer employed by the County. In addition, steps are being taken to ensure that this doesn’t happen again, including a system of checks and balances to keep track of all memory cards and service during an election. A copy of the County’s investigation can be made available to the Board or to the AG’s Office as necessary, and if you have any questions, I’m happy to try to answer them.

MR. RAFFENSPERGER: Okay. Members, do you have any questions? Do you have a motion that you would like to make?

MR. WORLEY: This is Mr. Worley. Given the seriousness of the infraction here and the resulting issues relating to the confidence that the voters have in the November election because such a large number of votes were mislaid as it were prior to the recount being done and the audit being done, I think it’s appropriate that -- that something more than a letter be done in this case, and therefore, I would refer this to the Attorney General’s Office and make a motion to do that.
MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Do we have any additional input or comments from any Board members? If not, there’s a motion before you, a motion to approve to move this case to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. Okay. We have the Attorney General’s report, two cases before us.

MS. MCGOWAN: Thank you, Mr. Secretary. For the Attorney General report as you mentioned, we have two cases to present. They are SEB case number 2016-113 and case number 2015-089 -- I believe that might initially have been incorrect on the agenda, but the case number is 2015-089. The first case --

MR. RAFFENSPERGER: Okay.

MS. MCGOWAN: -- involved a -- case number 2016-113 involves a non-citizen voter and the Respondent agreed to a consent order that includes a cease-and-desist, a public reprimand, and a $500 civil penalty. Case number 2015-089 involved the City of Snellville, and this case involved the improper handling of provisional ballots during the 2015 municipal election by the election officials at the City of Snellville. With that negotiated consent order,
the Respondents agreed to a cease-and-desist, a public reprimand, and a $500 civil penalty. So the Attorney General’s Office recommends that these consent orders be approved by the Board.

MR. RAFFENSPERGER: We can hear these, if you’re so inclined, individually or together. What is the will of the Board?

MR. WORLEY: Mr. Secretary, I would make a motion that we accept the Attorney General’s recommendation in both cases and authorize the Secretary to sign the consent orders.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: This is Anh Le. I second.

MR. RAFFENSPERGER: Okay. Do we have any further comment from any Board members?

MR. WORLEY: I would -- I’m sorry. I would make a comment, Mr. Secretary.

MR. RAFFENSPERGER: Okay. Please do.

MR. WORLEY: One of these cases is -- well, the Snellville case I know in particular was one where we asked the Attorney General to go back and negotiate an appropriate penalty, so I just wanted to thank the Attorney General’s Office for doing that. That’s all.

MR. RAFFENSPERGER: Okay. Thank you. All those in favor of accepting SEB case 2016-113 and SEB case 2015-089
from the Attorney General’s Office with their recommendation, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?


MR. RAFFENSPERGER: Thank you. Well, before I make -- take a motion for adjournment, if any Board members would like to speak with -- I know we’ve been going long here. It’s four hours. It’s a big part of our backlog, but I really am grateful for your work, but we’ve also come to a very contentious election cycle, so any Board members would like to, you know, say anything, the floor is yours right now. Well, hearing none, I’ll entertain the motion to adjourn.

MR. WORLEY: So moved.

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Okay. Meeting is adjourned.

Thank you.

(Meeting adjourned 12:58PM)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 141 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 5th day of March, 2021.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256
February 10, 2021

GEORGIA SECRETARY OF STATE
STATE ELECTION BOARD

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The document is not readily legible and contains numerous numbers and names, possibly indicating pagination or identifiers for legal mentions or references. It appears to be an extract from a legal document, possibly a court transcript or a legal notice, given the formal structure and legal terminology used.

Without the ability to read the document accurately, I am unable to provide a coherent text representation. It seems to involve legal terms and perhaps instructions or statements related to legal proceedings, potentially involving entities and dates.
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In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

February 17, 2021

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

February 17th, 2021
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
Ryan Germany
Carter Jones
Frances Watson
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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MR. RAFFENSPERGER: Good morning, everyone. I’d like
to call the meeting to order of the State Election Board
for February 17th, 2021. We’ll start off with an
invocation and a Pledge of Allegiance, and I’ll do the
invocation.

(Invocation)

(Pledge of Allegiance)

MR. RAFFENSPERGER: Well, good morning. Before we
get started, if we could have a roll call of attendance
since this is a Zoom call, if I could call all the
members. Mr. Worley?

MR. WORLEY: Present.

MR. RAFFENSPERGER: Okay. Ms. Anh Le?

MS. LE: Good morning. Present.

MR. RAFFENSPERGER: Good morning. Mr. Mashburn?

MR. MASHBURN: Present.

MR. RAFFENSPERGER: Ms. Sullivan?

MS. SULLIVAN: Present.

MR. RAFFENSPERGER: Okay. Your name wasn’t on the
leader board here, but great. We have a full complement
of State Election Board members. Before we get started,
we’ve updated the agenda to have a presentation from Car -
- Carter Jones, who was our monitor that the State
Election Board inserted into Fulton County as part of the
consent agreement we had with Fulton County coming out of
the June primary election. Mr. Germany, if you would like
to -- you probably have some background information to
share about that, and then you'll be introducing Mr.
Carter Jones.

MR. GERMANY: Thanks, Mr. Secretary. This is Ryan
Germany. The Board members, as you well remember, we
entered into a consent agreement with Fulton County
following the issues that arose during the June primary.
I want to thank the Board members for doing that and for,
you know, taking the novel step that to my knowledge has
not been done before of appointing Carter Jones as the
monitor for the Fulton County elections to oversee the --
the substantive kind of solutions that would have been put
in the consent agreement that Fulton County agreed to. I
want to thank Fulton County Board of Elections too for
welcoming Carter in, for agreeing to Carter. We had --
part of the consent order was we had to agree with Fulton
County who the monitor was going to be, and I think we
ended up between the two of us really fortunately landing
on Carter Jones.

His experience in elections was with the
International Republican Institute where they would
monitor elections in developing countries, and so he was
familiar with observing elections, and I think Carter did
a great job really going to Fulton and becoming --
becoming a trusted person and someone they saw as a help.
And I know that’s what the Board, I think, wanted to do
with the way we approached the Fulton County case. So
I’ll turn it over to Carter. I know he’ll -- he’ll give
some brief remarks, and then he’ll obviously be available
for questions from the Board, and I just want to thank
Carter for -- he put in a lot of -- a lot of hours at the
Fulton County Elections headquarters, at State Farm,
really, all over the place. So Carter, thanks for your
service, and I look forward to your report.

MR. JONES: Thank you, Ryan, for that kind
introduction, and ladies and gentlemen of the Board, thank
you for the opportunity to come here and share some of my
observations from my time with Fulton County here with you
today. I do want to preface all of my statements today
with the reminder from what -- what was in my executive
summary that has gone -- gone out to folks that wanted to
get it that at no point in my more than 270 hours around
Fulton County’s election processes from October to January
did I see any illegality, fraud, or intentional
malfeasance. Now, that being said, I did, unfortunately,
see a lot of sloppy processes, and that was one -- one
thing that I wanted to really highlight today, and I was
aware of that BRE meeting yesterday, and I do want to
underscore that firing Rick Barron is not a shortcut to fixing the mismanagement inside Fulton’s elections department.

From -- from November to January, I saw a lot of things that could be tightened and also the kind of fingerprints of what I will call systemic disorganization. We talk about, at State Farm, a failure to adequately pre-scan before Election Day, November 3rd, led to -- I will -- I will say chaos at State Farm Arena, scanning into the night. We all know what happened with the controversy that came around November 3rd with working so late. I don’t need to allude to that anymore. On November 3rd -- November 5th, excuse me -- a failure to deliver election materials on time. Going into the November election, I was at Fulton’s warehouse on the Monday before November 3rd until 1AM. Still, all election materials had not been delivered, and I was back there at 5AM the next morning, November 3rd, to see that there were still election materials that hadn’t been delivered, and the polls were supposed to open in two hours. That is not all the fault of Richard Barron.

There was no process provisionals going into the November 3rd election, and that was apparent on November -- November 7th, when we had to recall party monitors, myself, as well as the Deputy Secretary of State and
Commissioner Liz Hausmann to go down to State Farm Arena
to watch Fulton figure out what was going on with their
provisional process. Had there been a system in place,
then they would have been able to easily pick that up and
figure out what ballots they had missed, what ballots
needed to be rescanned, or even how many ballots they had,
but it was my understanding that they did not at any point
do an intake count on provisional ballots, and they -- as
a result of that, there was mass confusion, and a lot of
folks -- a lot of folks having, you know, no idea how or
what the actual problem was and then perhaps solving it in
the worst way possible by instead of hand counting ballots
to see if their paper record matched the number of ballots
they had there, they used the OPEX cutters again to use
them as very expensive -- very expensive ballot counters
instead of just doing it by hand, which nearly gave me a
heart attack because I thought they were opening new
ballots on the Saturday after the election.

There was -- it’s documented in my report there was a
sloppy chain of custody within the Pryor Street office,
ballots bouncing all around Pryor Street leading into
November 3rd. But to Fulton’s credit, they learned from
my comments to their leadership in January, and they were
able to buttress those and do the entire process linearly
at the World Congress Center. Perhaps, it is this
willingness to learn from their mistakes that caused some
grade inflation that the BRE wanted to talk about
yesterday.

One -- one big issue that we saw in terms of the
consent order is that Fulton did not adequately update
Election Net and give voters credit, which caused a lot of
confusion for people that had requested absentee ballots,
perhaps filled them, perhaps not. Some people got
multiple ballots, and that’s just sloppy -- sloppy
management, and I don’t mean multiple ballot applications.
I think a lot of folks got multiple ballot applications.
I mean actual, physical ballots. I saw one -- I had one
poll manager send me a photo of someone who had received a
UOCAVA ballot who was not active-duty military, and the
only way that that would happen would be sloppy -- sloppy
data management on Fulton -- on Fulton’s behalf.

Last minute mailers and voter registrations completed
at the 11th hour on October 26th is, I find, very, very
sloppy, and again, not the fault of the Elections Chief
but part of a systemic disorganization within Fulton
County. I have the number in my report, but more than
160,000 notice of poll changes were sent out a week before
the election, which caused me and the Secretary of State’s
Office to be flooded with complaints about Fulton changing
something “at the last minute.” I also know that -- I
believe it was 2500 voter registrations had not been completed, and the ACLU even got involved going into the election. I believe it was the Friday before the Tuesday we voted in November.

These are all just part and parcel of the larger systemic issues within Fulton’s management, and there’s no shortcuts to fixing that. It’s going to take an internal review, as well as an, you know, autopsy or post-action review to figure out what they can actually fix.

And then from an elections standpoint, one thing that I would like to encourage the Board on is that -- is that transparency and proximity are not the same thing. I was at the World Congress Center on January 5th when Fulton was served a court order demanding that party monitors get more access and get closer to the actual, physical process. Now, apart from social distancing guidelines and the fact that there was atrocious mask etiquette or mask hygiene on the part of the monitors, I think there was a massive misunderstanding between the definitions of transparency and proximity. I believe Fulton’s process was very transparent. I think there are things they could have done better in January, but just because you’re not right up against a -- a poll worker being able to see their screen does not mean that the election is not transparent. There were cameras all over the place. You
could see that nothing illegal was happening. No ballots were showing up in the middle of the night. There was transparency in the process. However, you know, there was not necessarily the proximity I would have liked.

And then one last axe that I’ve been grinding for months is that I would like to see the State Election Board push the parties to have greater accountability for the folks that they provide credentials to as their monitors. We had folks that had no training and clearly no understanding of how the election process worked coming down there thinking their party credential was a badge and a gun and that they were going to stop the steal or get involved and yell at election workers. We had multiple death threats to people’s faces, taking pictures inside the polling unit, and just sowing -- sowing discord and confusion due to a lack of training.

If there was a protocol for the parties to actually vet the folks that came down, it would serve the process of rumor abatement so that anyone who was trained would know the actions and the hardware that you would see in elections. It would also remove some of the confusion in the process. To provide an example, if everybody is trained that wants to be a credentialled monitor, when an attorney from not the state alleges that suitcases were pulled from out from under the table at State Farm,
everyone that’s received the training knows that those are ballot bins, and we have them in every precinct in the state. So there’s a functional element to that.

So with that being said, I will yield my time back to the Board and open -- open it up to any questions that y’all might have.

MR. RAFFENSPERGER: Thank you, Carter. Carter, before we get to that point, for the citizens that are listening in today, I know that the Board members have seen your resume, but have you ever monitored elections before, and if so, where? And what organization did you represent when you did that? Just provide some background information.

MR. JONES: Yes, sir. So I worked with the International Republican Institute for four years, almost five years, in Washington, D.C. I organization IRI’s -- actually, our entire delegation, which is the Consortium for Elections and Political Party Strengthening, which is IRI, NDI, which is National Democratic Institute, and IFES. I did a lot of the logistics and planning for the 2015 Nigerian national election monitor, so I was -- I was there. I was physically on the ground for Nigeria’s 2015 elections. I monitored that. I also did data collection on the back end, so that we could write our elections report. Let’s see. I also did a lot of preparation work
for Kenya’s 2017 election, but I moved on from IRI before
that election actually occurred. I have about a decade of
election experience from running campaigns to studying
electoral systems to working at IRI, which is -- their
tagline is advancing democracy worldwide.

MR. RAFFENSPERGER: And I remember, if I recall,
seeing something on your resume with Senator Isakson.

MR. JONES: Yes, sir.

MR. RAFFENSPERGER: What capacity were you affiliated
with Senator Isakson?

MR. JONES: So I was a -- I had the opportunity to be
an intern in Senator Isakson’s office in 20 -- I believe
that was 2012. I was only there for about five months,
but I think that’s, in intern dog years, that’s quite a
long time.

MR. RAFFENSPERGER: Thank you. Board members, I
imagine that many of you have questions. Who wants to go
first? Mr. Worley, any questions?

MR. WORLEY: I did have one question, Mr. Secretary.
Mr. Jones, your comment about poll observers feeling that
their badge, you know, essentially gave them a right to do
whatever they wanted in the polling place, you observed
that happening. Was that more prevalent in one party’s
observers than another’s?

MR. JONES: You’re going to put me on the spot. Yes,
sir. I do believe that it was more of -- more of leaning
towards one party. Then it actually became towards the
end of January, one party was actually monitoring the
other party.

MR. WORLEY: And which party was that?

MR. JONES: The GOP was sending a lot of folks --
even from out of state, which I thought was interesting.
I talked to folks from Tennessee and Illinois that had GOP
credentials. By the end, the party was just sending
blank, like, form -- form letters that people would show
up and didn’t even have their names completed. Until
January 5th, that wouldn’t have been accepted, and then on
the night of January 5th, starting -- starting around 5, I
guess people got out of work and then really after 7 when
polls closed, there was a massive amount of -- massive
amount of folks that showed up, but there must have been
50 monitors from just one party at the World Congress
Center on January 5th.

MR. WORLEY: Okay. And so you’re -- and I appreciate
your honesty about this given your background, so your --
your comment about the need for more training of poll
observers is directed more at the GOP than any other
party?

MR. JONES: No, sir. I believe it applies to both
parties.
MR. WORLEY: Right. But your observation was that it was those GOP observers who lacked the training that you think is necessary.

MR. JONES: But -- but I think both parties could -- could benefit from additional training. I don’t necessarily want to point fingers at one party, but I think -- and I had to -- essentially, my scope expanded in January to rumor abatement. A lot of folks wanted to -- wanted to come down and talk to somebody about what they had heard on the news or seen on social media, and, you know, I let them come yell at me, so that was -- but yeah. I think both parties and also just Georgia could benefit from additional -- additional training.

MR. WORLEY: Thank you.

MR. JONES: Yes, sir.

MR. RAFFENSPERGER: Ms. Sullivan, do you have any questions you’d like to ask Mr. Carter?

MS. SULLIVAN: I don’t have any questions at this time. Thank you.

MR. RAFFENSPERGER: Ms. Le, do you have any questions you’d like to ask Mr. Carter?

MS. LE: Mr. Carter, this is Anh. Thank you for that report. To the extent of your knowledge on the -- to Mr. Worley’s question, any disruption that was caused by individual poll watchers, is it your understanding that
was coming from an individual capacity? The individuals
did not necessarily direct it from the party; is that
correct?

MR. JONES: That’s -- that’s a good question. I’m
not entirely sure. I know that on -- during the RLA and
the recount, there were kind of team huddles where folks
would develop kind of a strategy, and I know that some
folks were working in teams of two during the RLA where
one person would stand in front of a -- in front of a
desk, and the other would stand behind a desk while
auditors were auditing the -- you know, by hand, the
ballots. But I’m not sure. Maybe that was just somebody
who had a good idea. So you know, it’s hard to say. I,
myself, did not get that -- get that close or ask those
sort of questions. I was more just answering questions.

MS. LE: Thank you.

MR. JONES: Yes, ma’am.

MR. RAFFENSPERGER: Mr. Mashburn, you actually spent
some time down at the Fulton County election offices.
Didn’t know if you had any questions for Mr. Jones?

MR. MASHBURN: Yes. I -- I was down there, and I did
see Mr. Jones both at English Avenue diligently performing
his work, and I also saw him at State Farm Arena when I
was at State Farm Arena for about 10 hours on Wednesday.
But what I -- what my question is we know that Fulton
County is -- is making changes at the very top with their Elections Director, but what you described is more of a systemic problem that seems to run from top to bottom, and so my question is -- is kind of over -- overall, does Fulton County just need to tear down their entire system and rebuild it from scratch, or is it salvageable, or what are your recommendations of where we -- where we go next at Fulton County?

MR. JONES: That’s -- that’s good question. Thank you. I do think it is salvageable. There are just some big changes that need to -- need to come through. I think some folks are still working with Fulton County being, you know, not the same size county that it is today. They need to tighten processes. They need to look at kind of internal policies, but no. I do not think it is rotten to the core, but I also think that firing Rick is not, you know, a magic shortcut to fixing the problems. There will -- there will need to be some sort of critique. You know, someone -- someone come in and do an audit of the processes and the team, and I think that the new director has a herculean effort if they have no power to replace some of the people that are -- are big problems within the system.

I think -- I do not think it is rotten to the core. I think it is salvageable. I think a lot of the things, you
know, that ran well were -- had interesting -- interesting innovations. I liked the mobile buses idea. I liked the super centers for polling. I thought that was a good idea too. It’s also good press for elections to remind people to go out and vote. You get to go out on the floor at State Farm. That’s pretty cool. But back-office stuff, I think that they do need -- they do need to fix, access, and analyze, and it’s not, you know, we need to tear it -- tear it completely down, but I do think there needs to be some managerial shake up.

MR. MASHBURN: Thank you. This is Matt Mashburn again. Do you -- do you have a feeling or is it your impression that Fulton County cooperated and acted in accordance with the terms of the consent order as it -- as it related to your functions?

MR. JONES: Yes. They provided me access to wherever I wanted to go. One gripe I had is that I did always kind of find out secondhand about stuff, like they could have been more proactive about telling me when they were going to start, you know, working on things. Like the recount, I found out the day after it happened that they were starting the recount. But I think they complied with giving me the backstage pass and making -- making all their stuff available to -- to me so that I really could see what was going on and learn -- learn from the process,
so I -- I think they complied with that. Regarding the rest of the consent order, I would have to look at my executive summary.

MR. MASHBURN: Yeah. That -- that’s kind of where I wanted to go is whether they -- whether -- thank you in regards to the access because one of the impressions I had was that you were able to go anywhere you wanted to go and see anything you wanted to see, and I appreciate you confirming that. But we do, the Board -- at least me, and I think the rest of the Board wants to be sure or have a look at whether or not they complied with the substantive provisions of the consent order as well, and I understand you just said -- you need to look at that or we need to look at that?

MR. JONES: I think that y’all might want to look at it. So my -- my executive summary is structured to match the consent order even down to the number and letter of the items, going through ballot procedures, poll workers, poll training, you know, and so forth, so that, you know, did they comply is a little bit trickier than a yes or no. They did on some things. They did not on others. I mentioned updating Election Net as one that they, you know, failed to fully comply, but they did what seemed to me a good faith effort to follow a lot of the terms of the consent order. Providing an example, poll workers, they
almost doubled their target for number of poll workers. Early voting locations, they exceeded -- they had thirty-two -- thirty plus two mobile sites plus seven outreach sites in November. Their target was twenty-four. They had 255 Election Day voting locations. That was, you know, the target. So they, you know, it wasn’t a complete -- complete, complete failure by any means, but it also was not a rosy picture given the things that I saw with my access.

MR. MASHBURN: Okay. And for those -- those of the public that’s listening in who don’t have the benefit of your report, go ahead and tell us what were the areas where they fell short. Go ahead and specify those for us.

MR. JONES: Yes. Yes, sir. So the absentee -- so I’ll just run through this top to bottom. For the absentee process, I was very, very concerned with chain of custody at -- at Pryor Street. I alluded to this in my comments, kind of ad hoc problems, the system held together by tape and chewing gum but managed -- managed to limp across the line at the end, but they -- they fixed it in January. But yeah, ballots moving all around Pryor Street. They were in five -- five different rooms.

MR. MASHBURN: And I’m going to interrupt you -- interrupt you just for a second for a point of clarification for the people listening in.
MR. JONES: Sure.

MR. MASHBURN: When you talk about chain of custody issues, the chain of custody issues all dealt with paper ballots, correct?

MR. JONES: That is -- with absentee by mail. Yes, sir.

MR. MASHBURN: The paper ballots?

MR. JONES: Yes, sir.

MR. MASHBURN: Hand-marked paper ballots?

MR. JONES: Correct.

MR. MASHBURN: I’m sorry to interrupt you, but I think it’s an important clarification. Thank you. Please continue.

MS. LE: Carter, I’m sorry. This is Anh, and along the same questioning, can you give us an example of the chain of custody issue you saw?

MR. JONES: Sure. So I have a paragraph here on page 2 for the folks that have -- that have it. For example, a room which housed the team that was doing additional voter verification through Rocket file -- it was also a temporary housing location for ballots -- but an E-net processing room was on a separate floor, so the ballots would come into the mail room and then move to this temporary storage, which also had another function, and then would go to the -- the second floor to the E-net
verification room, where -- in between in transit, no one was signing out the ballots. They didn’t really have a count and the same when they would move back. I witnessed while I was there with the Elections Chief a temp worker taking -- who had not received adequate training, in my opinion -- was taking ballots that had just come in the door and then accidentally later -- inappropriately moving them to this stack that was on the way out to State Farm. So the Elections Chief caught it and said, like, whoa, whoa, whoa, stop what you’re doing, but had he not been there, had he not been giving me a tour that day, perhaps those ballots that had not been verified would have ended up at State Farm, but they did go through the whole verification process. So things like that.

And then other chain of custody stuff, I saw a good number during the RLA and recount of unsealed ballot bags. I just hate unsealed ballot bags. It’s such a headache, and it’s such an easy thing to fix, just seal the ballot bags, and again, to Fulton’s credit in January, every ballot box that came in was sealed and did have the proper chain of custody form. So they learned from my -- from my feedback in November, but those sort of things are really, really concerning to me, especially when we’re hearing chain of custody on the news so much. Would you like me to keep going with the report or do y’all want to ask some
questions about that.

MS. SULLIVAN: Mr. Secretary, I have a related question, if I can ask it.

MR. RAFFENSPERGER: Yes, please do.

MS. SULLIVAN: Mr. Jones, with respect to these issues you’re just discussing about chain of custody, do you see failures in those areas as primarily a lack of having appropriate procedures in place or training about those procedures or a combination of both?

MR. JONES: That -- I think I would say a combination of both because -- but I do think they’re very similar. You know, this is one of the things where we talk about, you know, it doesn’t need to be -- it’s salvageable. And if you -- and Fulton did a good job in January of fixing these silly problems and some kind of self-inflicted wounds from November, and they conducted the entire process transparently and linearly at the World Congress Center. There weren’t things bouncing all over a building. They would come into an intake cage, where they controlled the outflow, and then they would, you know, move down the line. Once they were vetted, they would, you know, be opened and then be scanned. That -- that system makes a lot more sense. It is salvageable. It is not, you know, rotten -- rotten to the core top to bottom, but I do think it was a failure of process and perhaps, a
lack of foresight to see that they were going to get, you
know, 150,000 absentee ballots.

    MR. RAFFENSPERGER: Mr. Jones, I noticed that one of
our citizens asked who is responsible for the training.
The county election director is responsible for training
everyone in their county. We have 159 counties. County
election directors and their management teams in the
larger counties such as Fulton, they -- that would bear
the responsibility; am I not correct?

    MR. JONES: I -- I’m sorry. Could you repeat your
question?

    MR. RAFFENSPERGER: That’s -- that’s a correct
statement that I just made. That it’s the county election
director that’s responsible for training --

    MR. JONES: I’m -- I’m not sure about that, Mr.
Secretary, but regardless -- regardless of who does the
training, there’s a lack of oversight into the process.

    MR. RAFFENSPERGER: Obviously. If there’s no other
questions, one -- one of my takeaways from this is -- I
think the Board members were alluding to it, but we had
the consent agreement to establish accountability. You
looked at what happened in June versus where we are today.
There has been improvement, but that doesn’t mean it’s
acceptable even today, and I think -- you also -- I
believe the consent agreement was violated by Fulton
County. They did not fulfill all of the stated objectives that we required, and so therefore, I would submit to the Board that the State Election Board still has an outstanding issue with Fulton County, and I believe that our General Counsel and the Attorney General’s Office can circle back with Fulton County so that they have a new county election director that they’ll be hiring, looking at a team, but I think that it is in the State’s interest that -- that we do have influence and make sure that we are going to have continued improvements in there. We have 159 counties, but Fulton County represents over ten percent of the voting population, and the rest of Georgia wants things improved, so Mr. Carter, I believe -- Mr. Carter.

Mr. Carter Jones, I do appreciate everything you’ve done. You’ve put eyes into it, 270 hours. You were there until 2 o’clock in the morning, and so I’m very grateful that, you know, the consent degree allowed us to bring you on board, and you were really able to observe things and really help facilitate at some points, lending your expertise, but I do think, Board members, that we have authority, that we can continue to make sure that there’s further improvements for the upcoming election cycles. I don’t know if Mr. Germany wants to add any comments to that at this time, but I think that’s one thing I would
like to circle back with all the Board members, perhaps next week.

MR. GERMANY: Yes, sir. This is Mr. Germany. This is Ryan Germany. With -- and I think that’s a good point that the consent agreement that we entered into, you know, set out basically milestones that Fulton agreed to meet and thought they could meet, and as Carter said, they -- they did -- first of all, as Carter said, we did see -- and the Secretary said -- we saw a lot of improvement from June, but there were things that they thought they would be able to do that they fell short on. The consent agreement has a $50,000 civil penalty, you know, if that occurs, that’s waived if they basically reach all those milestones. I think from reading Carter’s report while there was improvement, and while they did meet many of those milestones, they did not meet all of the milestones. With the permission of the Board, I would like to -- to reach out to their counsel and talk about how to best, I think, deal with that remaining issue. It might be, rather than a civil penalty, to continue the type of monitoring that Carter has done or something like that that can kind of continue the road to improvement that -- that we’re seeing, and that’s something I’d be happy to do if that’s the will of the Board.

MR. MASHBURN: This -- this is Matt Mashburn. On
those -- on those comments, I’ve been monitoring elections for 30 years, and it’s always Fulton. It’s always been Fulton. It always goes down to Fulton, and so the Board puts on this monitor and for the first time ever in 30 years, we see dramatic and remarkable improvement, so clearly, that was the right thing to do, and clearly, it’s the right thing to continue to do going forward, so I don’t -- I don’t believe they fulfilled all of their obligations to relieve them of the $50,000 penalty, and I don’t think they’re ready to be relieved from the Board’s oversight either, so I agree with Mr. Germany that the Secretary of State’s Office and Fulton County and the AG’s Office should figure out how -- how they recommend we proceed in continuing this progress because while, you know, everybody’s always said that it was good progress, but it’s not enough. But -- but my comment is for the first time in 30 years, there finally was progress when -- when we took -- when we took the bull by the horns and installed the monitor, we finally got movement in the right direction. So that’s my comment.

MR. RAFFENSPERGER: Was that a comment or was that a motion?

MR. MASHBURN: I’ll make a motion that the -- I’ll make a motion that the AG and the Secretary of State’s Office and Fulton County come together with a proposal to
continue the consent order.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: I’d like to -- this is Anh Le. I’d like to make a friendly addition to that motion in the sense that Fulton County has been in the elections business for a long time. I’m very interested in knowing what their thoughts in terms of how they best proceed as well and take ownership of some of the changes as opposed to relying on the Secretary of State’s Office or the AG coming in, expending its resources to tell them what’s wrong. I think that they probably also have some suggestions. I’d like to know how they think they can proceed forward and whether it means reaching out to other counties, getting best practices, and taking some ownership of how to proceed forward as well.

MR. RAFFENSPERGER: Mr. Mashburn, I don’t know if that means amending your motion -- your motion.

MR. MASHBURN: Yeah. I’m -- I’m trying to figure out.

MR. GERMANY: And Mr. Secretary, counsel for Fulton County is on, if we’d like to hear from them as well.

MR. RAFFENSPERGER: Please. Who speaks for Fulton County?

MS. RINGER: This is Cheryl Ringer with the office of the Fulton County attorney. I would just like to state
that we have not seen Mr. Jones’ report and so to have an open session like this where Fulton County is not able to even respond to a report it hasn’t seen does not seem to be fair, so I would like the opportunity to obtain the report and then provide Fulton County’s comments at a later date.

MR. GERMANY: So Ms. Ringer, this is Ryan. The report was approved by the counsel that Fulton County had representing the Board in this case, and also, it was presented to the Fulton County Board of Elections at their meeting.

MS. RINGER: It was presented -- it was presented -- I’m sorry. It was presented to the Board, but I, as counsel, have not seen it, and the counsel that initially worked with you all is not present at this meeting, so I’m just saying I can’t speak because I haven’t seen it, and the counsel you’re saying has seen it is not present.

MR. RAFFENSPERGER: We have a State Election Board meeting next week. Mr. Mashburn, if you’d be agreeable, I would like to put this matter on the agenda for next week, along with the cases that will be presented, and there can be a discussion at that time. In the meantime, the Attorney General’s Office and our General Counsel can have discussions with Fulton County’s counsel. Does that work? And that will then give everyone an opportunity to ramp
up, if that’s agreeable to all parties concerned today.

MS. RINGER: Thank you, Mr. Secretary.

MR. MASHBURN: Yes, Mr. Secretary. I’ll withdraw the
motion, and we’ll -- we’ll bring it up for next week’s
meeting.

MR. RAFFENSPERGER: Thank you. I do want to --
before we move onto the cases, I do want to -- I do want
to make two points. One is Mr. Carter Jones said in his
letter at no time did I ever observe any conduct by Fulton
County election officials that involved dishonesty, fraud,
or intentional malfeasance, nor any other fraudulent
conduct that would undermine the validity, fairness,
accuracy of the results published and certified by Fulton
County. That said, however, there is a high level of
distrust because of the other issues that Carter Jones
discusses with lack of management competency, and it
creates the lack of confidence in results from Fulton
County, and that’s why it’s a critical issue.

I understand that perhaps none of this happened, and
it didn’t affect the outcome of the election, but it
created tremendous distrust not just, you know, in Georgia
but throughout the entire country because of the national
significance of the presidential election. And therefore,
it is very important that we continue to make sure that
the Fulton County Election Board and the Fulton County
election system, you know, gives Georgia, gives residents of Fulton County but all of Georgia, solid elections, that we know that they’re honest and fair elections, with the appropriate amount of both accessibility and security that we can trust the results, and that’s where we need to move forward. So I look forward to having those discussions in detail next week.

MR. WORLEY: Mr. Secretary, this is Mr. Worley. Could I add something?

MR. RAFFENSPERGER: Yes, sir.

MR. WORLEY: I don’t -- I don’t dismiss your concerns about the operations of Fulton County’s election system, but I think we have to point out that the reason that there is distrust of the results from Fulton County has, for the most part, nothing to do with the items that Mr. Jones has pointed out. The reason there is a distrust of the election system is because one figure in the country spent months and months and months sowing distrust of the election system. That is not going to be solved by tinkering with Fulton County’s election process. That’s all. Thank you.

MR. RAFFENSPERGER: Okay. Our first thing up on the agenda is section 2 -- 3, investigation reports, the consent cases.

MS. WATSON: Yes, sir, Mr. Secretary. This is
Frances Watson. Do you -- is the will of the Board to vote en bloc or have any of the consent cases pulled out for presentation?

MR. RAFFENSPERGER: Members, what is your will? Mine would be to vote en bloc, unless you’d like to have some cases pulled out.

MR. MASHBURN: This is Mr. Mashburn. I have no cases to be pulled out.

MR. RAFFENSPERGER: Can I -- Can I hear that again?

MR. MASHBURN: I have no cases to be pulled out, Matt Mashburn.

MR. RAFFENSPERGER: Mr. Worley, did I hear you?

MR. WORLEY: Yes. Neither do I, and I would make a motion that we follow the recommendation of the investigative department and dismiss the consent cases en bloc.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Rebecca Sullivan, I’ll second.

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Okay. Do we have any -- do we have any discussion? Hearing none, all those in favor of accepting the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. The next set are the letter cases.
MS. WATSON: Yes, sir. If there is not any to be pulled out, we can vote en bloc on those also.

MR. RAFFENSPERGER: What is the will of the Board?

MR. WORLEY: Mr. Secretary, this is Mr. Worley. I make a motion that we follow the recommendation of the investigative department and send a letter of instruction in the four cases that are on the letter case agenda.

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

MS. SULLIVAN: Rebecca Sullivan, I second.

MR. RAFFENSPERGER: Do we have any further discussion? Hearing none, all those in favor of accepting the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. New cases and Ms. Watson, before we get started, probably around 10 o’clock, we’ll take our first five-minute break, and then we’ll, you know, come back, and then we’ll go on and try to take a break every hour. I understand feedback was that we didn’t take enough breaks sometimes, so I want to be respectful of all of our Board members. So new cases, SEB case 2016-076, Hancock County.

MS. WATSON: Yes, sir. Before we start with those cases, the last meeting on the 10th, the Board -- I presented Gwinnett County, 2020-115, and this was the case where the individual had received two ballots and had
posted on NextDoor the ballots for sale. The Board had requested to find out why he received two ballots. I did reach out to Gwinnett County and have a response from them, if this would be the appropriate time for that update.

MR. RAFFENSPERGER: Yes, it would be.

MS. WATSON: Okay. Gwinnett County says they did enter the request for the absentee ballot into the spreadsheet for the vendor to issue. They do have a situation where if there is a change at the same time that they are issuing the ballot that it will sometimes create an additional line to issue a second ballot. The regular practice is to check that spreadsheet for duplicates and remove any duplicates. In this particular case, that was missed on the part of the County, and it slipped through, and two ballots were issued in error by the County. The recommendation at the time still stands for a letter of instruction for Mr. Wilowski [ph.] in reference to posting the ballots for sale on NextDoor.

MR. RAFFENSPERGER: Okay. What is the will of the Committee, the Board?

MR. MASHBURN: Yes. This is -- this is Matt Mashburn. Since we -- since we now found out that he really did have two ballots, and he really -- so that he could have done what he said he was going to do, to me
that changes -- that changes the -- that changes it. If he didn’t have two ballots and said I’ve got two ballots for sale, that’s -- that’s a joke, and I get that. A bad joke, like saying you have a bomb like you’re going through the airport is a joke, a terrible joke. But here, he actually had two ballots, so I don’t agree that a letter of instruction is -- is the proper remedy, so I think -- I think I would recommend -- I would make a motion that we refer this to the District Attorney for illegal possession of a ballot.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: This is Mr. Worley. I would second that.

MR. RAFFENSPERGER: Do we have any comment from any of the Board members?

MS. SULLIVAN: That motion is for illegal possession of a ballot, where he did not request -- just to verify, did he request two ballots, or were those sent by the County in error?

MS. WATSON: Those were sent -- they were sent by error.

MS. SULLIVAN: So he was in possession of two absentee ballots by -- I mean, no fault of his own, correct?

MS. WATSON: Correct.
MR. MASHBURN: Yeah, but this -- but rather than take the two ballots to the County and say hey, you’ve issued two ballots to me incorrectly, he put them up for sale.

MR. RAFFENSPERGER: Mr. Mashburn’s point is well taken. Do we have any other comments?

MR. MASHBURN: Yeah, and I think -- go ahead.

MS. SULLIVAN: I was just going to say was the Respondent notified that we would be considering this case again today?

MS. WATSON: Yes, sir [sic]. He was. I’m sorry. Yes, ma’am. He was notified. I sent him an email.

MS. SULLIVAN: And yet he is not here today to speak?

MS. WATSON: Is he -- he is not on the line.

MS. SULLIVAN: Thank you.

MR. RAFFENSPERGER: Any other comments?

MS. LE: Yes, this is Anh Le. Mr. Mashburn, your motion is just to the DA and not to the DA and the AG’s Office; is that correct? Or do we want to go send it to the --

MR. MASHBURN: Correct. Yeah. My motion is to go straight to the DA. I think we get a choice -- we have a choice to do one or the other or both, so I -- I think your -- I think what I’m picking up from your question is that you -- you would like for me to amend the motion to say both the AG and the DA, Anh Le?
MS. LE: I’m thinking that because, you know, the District Attorney has their own authority and discretion on what to do with any case that we send over, so I -- I would also like to have us take a look at it -- or the AG’s Office take a look at it as well, please.

MR. MASHBURN: Okay. So David, David, is that okay with you if we -- if we amend the motion that you seconded to include that?

MR. WORLEY: Yes, that’s fine.

MR. MASHBURN: Okay. With Anh Le’s amendment, I restate my motion to send this to the AG and the DA.

MR. RAFFENSPERGER: And Mr. Worley has seconded that. Any further comment? Hearing none, all those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you, Ms. Watson, for bringing that before us.

MS. WATSON: Yes, the next case is 2016-076, Hancock County. In May 2016, Mr. Henry Lee Robinson [ph.] alleged that coroner candidate Audrey Ingram had filed a false affidavit listing his residence in Hancock County for two years. He based his assumption on property records in his name, voter registration dates. The second allegation came from Marion Warren who reported that Davoris Lamar’s [ph.] picture had been circulated in the polling places
and poll workers had been instructed not to allow him to assist voters. Complainant Marion Warren also stated he tried to enter the District 3 polling area, the Mayfield Human Development Center, and was told that he couldn’t enter. The poll manager, Jocelyn Hough [ph.], prevented him from entering the polling precinct. Allegation 4, the complainant reported that her disabled aunt and uncle were told by Hancock County Registrar’s Office that they would not be allowed to receive an absentee ballot to a P.O. box that is not the address where they are registered.

The fifth allegation was the complainant reported that during the counting of absentee ballots, the process slowed down, and there seemed to be problems with the ballot reader. The observers during this process were Gen -- Jim Youmans, a BOER board member observing for the Republican party who is now deceased, and Peggy Lewis, an observer for the Democratic party. Each said they witnessed quite a number of ballots that had been fraudulently changed.

Investigation revealed in the first allegation, the County held a hearing to determine the qualifications of Mr. Ingram and determined he was qualified, and he could remain on the ballot. As to allegation 2, poll workers denied that any photos were passed around or turning away Mr. Lamar from any precinct. There was [sic] no
supporting witnesses located to confirm that complaint. In allegation 3, poll workers did prevent Mr. Warren and Helen Butler from entering precinct 1B, as they believed only voters and authorized poll watchers were allowed to enter. In allegation 4, Tiffany Neal, the Elections Supervisor at the time, states there would be no reason to deny sending an absentee ballot to a P.O. box, and they do so frequently.

In allegation 5, there was no evidence to substantiate the claim. However, witnesses did state that there was an unusually higher number of absentee ballots that had more than one candidate marked in a particular race. However, no individuals could advise who may have made the changes. When the investigator went to review the absentee ballots, it was determined that the majority of the marked absentee ballots were missing, and all of the voter certificates were missing. We recommend that Hancock County Board of Elections and Registration, Tiffany Neal, and Jocelyn Hough be referred to the Attorney General’s Office for violation of SEB rule 183-1-12-.02(4), when poll manager Jocelyn Hough refused to permit Marion Warren and Helen Butler to observe voting at the Hancock Human Development Center, and also Tiffany Neal and Hancock County Board of Elections and Registration for violation of 21-2-500(a), in failure to
retain and secure the absentee ballots and the voter
certificates at the Hancock County Superior Court clerk.
And there is someone on the line to speak.

MR. RAFFENSPERGER: Okay. Who’s here to speak from
Hancock County?

MS. GRANT: Good morning. Good morning. My name is
Andrea Grant. I am the attorney for the Board of
Elections and Registration, and I can’t really speak to
Jocelyn Hough, Tiffany Medlock, aka Neal, situation about
refusing to allow Marion Warren and Helen Butler observe
because Tiffany Medlock/Neal resigned on July 5th, 2016,
and her last day on the job was August 9th, 2016.
However, it’s the Board’s opinion that if they refused
access that was outside the scope of their authority, and
the Board shouldn’t -- they should have known, and the
Board should not be held responsible for their actions.
The next -- the next violation is a little more
complex. As many of you know, the courthouse in Hancock
County burned in 2014. The Clerk of Court was located at
a nearby technical college in a very small room. Some of
their records were stored in that small room. Some of the
records were stored in -- they had a makeshift courtroom,
and then they had another locked room where some of the
records were stored, so when the election happened -- this
allegation is May 24th, 2016 -- the voter certificates and
absentee ballots were not in the Clerk of Court’s office. The Clerk -- Clerk of Court was in the technical college, and their records were kept in various places. It wasn’t until August 11th, 2016 after the election and after everything had been submitted to the Clerk of Court that they moved to their current location at the courthouse after it was rebuilt.

According to the investigative report, a court order around April 7th, 2018 was presumably served on the clerk. However, to our knowledge, nobody on the BOER, the Board, was notified about the service on the clerk or had an opportunity to work with any investigator or the Clerk of Court to locate any missing records, or -- I don’t -- I don’t know what the missing records were. The Chairman -- but the Board did try to take action once we received this -- this notification for this case, Chairman Ingram was tasked with meeting with the Clerk of Court to seek more information. However, he died, unfortunately, of COVID on February -- just very recently, February 9th, 2021, prior to reporting back to me or to the Board on his conversations with the Clerk of Court.

Because I represent the County as a whole and not just the -- I mean, I do not represent the County as a whole. I only represent the Board of Elections and Registration. So ethically, I’ve -- I feel like I cannot
directly contact the clerk of court, and due to the
passing of Mr. Ingram -- did not have an opportunity to
have a full conversation with the attorneys for the Board
of Elections and Registration.

Now, the Board of Elections and Registration is not
trying to blame the clerk of court for the missing items,
rest assured, but the items could have been stored in
several locations at the temporary facility. The Board of
Elections and Registration was not the entity that
actually moved the records, and it’s highly possible that
these items were misplaced, misidentified, mismarked in
transit. In other words, basically, the chain of custody
cannot be ascertained to any certainly. So in light of
these unusual circumstances, the BOER requests -- and no
actual evidence of malfeasance of the BOER, the BOER
requests a letter of reprimand in this matter for the
second count.

MR. RAFFENSPERGER: Thank you, ma’am. Members, any
questions for -- any of the Board members?

MS. WATSON: Also, Mr. Secretary, a Marion Warren is
on the line as well as Nancy Stephens.

MR. RAFFENSPERGER: Yes. Ms. Warren [sic], do you
have anything you’d like to add?

MS. THOMAS: You can unmute yourself. I’m sorry. Go
ahead. Unmute yourself again.
MR. WARREN: It’s Mr. Warren, Secretary.

MR. RAFFENSPERGER: Oh, I’m sorry. I guessed -- the first name. Okay.

MR. WARREN: It happened in the military too, so I’ll let you get away with that one.

MR. RAFFENSPERGER: I’m sorry. I see it. Got it. Marion Campbell was a great football coach though, so anyway, go ahead, Mr. Warren.

MR. WARREN: Yeah. Yes. The 2016 election, in my opinion, probably has a lot of different fingers attached to it because I called it -- watching it, I called it the worst debacle I’ve ever seen in my whole life. There were things being done that were absolutely -- and I understand the fact that the two individuals, particularly Ms. Hough, I understand that at this particular point -- this is a four-year old case, and I do understand that, but there was no reason for her to prevent -- the law has been in effect for quite a long time giving observers the right to enter into a poll place. It just didn’t get written in 2016, so I can’t very well just walk away from that and say so it’s okay. Maybe it was a mistake. I don’t think that it was. I think that, you know, I think that at some particular point some redress should be done or something, probably a letter of reprimand either/or pass it on because that’s not -- when it comes down to the public
opinion and paying attention to the voting process, I think that should be welcomed rather than rejected. I’m finished.

MR. RAFFENSPERGER: Thank you, sir. Members, do you have any questions for anyone? What is the will of the Board?

MS. LE: Just -- this is Anh, Anh Le. With respect to the -- Ms. Eveler’s [sic] first comment about the Board not being responsible for the individual actions of their poll workers, on that note, on that first item, I recommend -- or I make a motion to have a consent order with the County to ask all -- to provide evidence of proper training going forward of their poll managers to prevent this from happening again. I think that this is from a 2016 case, so to send this to the Attorney General’s Office in my opinion may not accomplish what we would want which is a change in practice and to ensure that it doesn’t happen again, so I feel that a consent order with the County ensuring training in this manner would be more effective.

On the second issue, the ballot -- yeah, the absentee ballots being moved, because of the fire and the difficult that that presented, I would make a motion for a letter of instruction. But I will comment that to Ms. Eveler’s [sic] point that she could not reach out to the Clerk of
Court, you know, even if you don’t have jurisdiction over
that office or a formal relationship, there’s always an
opportunity to pick up the phone in cases where it affects
your everyday business as well. So -- but I still would
make a motion to issue a letter of instruction on the
second item.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Do we have any further comments?

Hearing none, all those in favor of the motion as
presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed?

MR. GERMANY: Mr. Secretary? Mr. Secretary, hang on.

This is Ryan.

MS. WATSON: Nancy -- Nancy Stephens is also on the
line in reference to this case. I believe she wishes to
speak.

MR. RAFFENSPERGER: Okay.

MS. LE: Oh, my apologies.

MS. STEPHENS: Can you hear me okay?

MR. RAFFENSPERGER: Yes.

MS. STEPHENS: Okay. I would like to hold my
comments for case number 2020-018, if I may, please?

MS. WATSON: Okay. Thank you.
MR. RAFFENSPERGER: Okay. Okay, fair enough. All those in favor -- I think we voted, did we not? And there were no opposed? Motion carries. Okay. Do we want to take a break now? It’s after 10, and come back at 10:15. Does that give everyone enough time for a short break?

MS. LE: Yes. Mr. Secretary, this is Anh Le. I just wanted for the record -- I’ll be stepping off this meeting for a scheduling conflict that I have, and I’ll come back. When I do approximately in an hour, I’ll announce it for the record.

MR. RAFFENSPERGER: Thank you so much.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Okay. Next case.

MS. WATSON: Okay. Case 2016-090, Peach County, absentee ballots. Several complaints were received regarding Peach County elections concerning the May 24th, 2016 general primary election. The first allegation was not getting out absentee ballots sufficiently in that the elections supervisor was campaigning for certain candidates and previously in 2015, that she did not certify the election in a timely manner, and she would call registered voters while working and encourage them to come and vote. The second allegation: during a poll monitoring conducted during early voting, it was reported
that four out of 19 absentee ballots did not have the date signed. They were received, recorded, and were not signed and approved by the Peach County election supervisor. It was also reported that DRE machines were not locked with a cable or another locking device. The third allegation was a probate court judge candidate reported that two people reported her name was not on their ballots when they went to vote.

The fourth allegation was Peach County Sheriff Terry Deese reported that during the May 24th, 2016 election and absentee ballot processing, after the election, it was reported that the door to the room where the election documents including absentee ballots were located was not considered secured as several courthouse employees have a key to it. He estimated approximately one hundred, plus or minus, keys to that room had been distributed.

Investigation revealed as to the first allegation, the complaint was anonymous, and no evidence was located to substantiate the complaint. In the second allegation, poll workers provided conflicting information regarding the DRE machines being secured with a locking device. Due to the conflicting information, the allegation was not substantiated. A review of the absentee ballots confirmed that they were all marked with the date/time received as signed by the election supervisor. Martha Gossier stated
that she completed the information on the absentee ballots
after it was brought to her attention during the poll
inspection.

The review of the election documents revealed 48
advance voting applications were accepted and processed.
When the applications were incomplete, 8 absentee ballot
envelopes were processed when they did not complete all
the necessary information. 58 voter certificates were
processed improperly, and 54 had no names, initials, or
signature of the poll officer receiving the voter
certificate. 21 had no type of identification of the
elector provided. 3 had no current address of the
elector. One had no elector’s date of birth, and one, no
signature of the elector.

In allegation three, there was no evidence located to
substantiate the violation. As to allegation four,
investigation indicated the door to the room containing
election documents, which included voted absentee ballots,
was found unlocked with election documents unattended on
multiple occasions between the 24th and 26th of May, and
also, that the -- there were approximately 100 keys to the
room that had been distributed, making it an unsecure
location.

We’re recommending Peach County Board of Elections
and Registration, Marcia -- Marcia Gossier, former interim
Peach County Elections Supervisor be bound over to the AG’s Office for Board rule -- SEB rule 183-1-14-.02(10), when after absentee ballot applications were submitted, the registrar failed to note the voter’s registration number on the application, 35 counts, and 21-381(a)(1)(c), when she accepted and process an absentee ballot application for Maria White Hill [ph.] that did not have the relation of the relative requesting the ballot written on it, and 21-2-500(a), after the absentee ballots were tabulated, they were not placed into a locked ballot box or transferred to locked ballot box bags. The room where the ballots were kept was found unsecured and unattended within the courthouse on May 25th and 26th. And Peach County Board of Elections and Registration, Marcia Gossier, Bonnie Bartley [ph.], and Sylvia Malone [ph.] in reference to 21-2-451, execution of voter certificates, when the poll worker failed to sign his or her name or initials on voter certificates filled out by the electors on the May 24th, 2016 general primary election, 54 counts.

MR. RAFFENSPERGER: Thank you.

MS. WATSON: There is no one on the line to speak.

MR. RAFFENSPERGER: Okay. Do we have any questions from any of our Board members? Hearing none, what is the will of the Board?

MR. WORLEY: Mr. Secretary, this is David Worley. I
make a motion that we bind this case over to the Attorney
General.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Do we have any comment? Hearing
none, all those in favor binding this over to the Attorney
General, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2016-110, Long County, and
I was contacted by an attorney for Harriet Smith who is
one of the Respondents in this case and requested that her
portion be continued to a later date, as she had a death
in her family, and that request was granted, but we will
proceed with the other Respondents.

MR. RAFFENSPERGER: Okay.

MS. WATSON: In July 2016, the following allegations
were reported. In allegation one, the complainant who was
a candidate in Long County heard from numerous sources
that the opposition was paying individuals to vote, $10
for absentee ballots. There were no witnesses or
corroboration found in that allegation. The second
allegation, the complainant reported that 18 ballots were
being mailed to P.O. Box 736, which was not regist -- a
registered address for the individuals. The P.O. Box
belonged to Harriet Smith, the complainant’s opponent’s
mother, and Robert Harrison Smith.

The third allegation, the complainant reported that
Bobby Smith and Judy Brooks went to the Sandalwood
Community in Ludowici, Georgia, giving away pizzas and
getting residents to apply for absentee ballots. The
fourth allegation, the complainant reported that one
voter, Ronnie Johnson, stated Leonard Pool [ph.] built the
steps on his residence and Bobby Smith paid for them. He
also reported that Bobby was bringing him an absentee
ballot. The fifth allegation, the complainant stated that
County Commissioner Clifton Deloach, who is Bobby Smith’s
uncle, voted on July 5th, 2016 in a runoff. He was at the
Long County courthouse and the registrar’s office many
times during early voting after he had already voted.

During the investigation, it was discovered that
Yarissa Andrea Velazquez Gomez [ph.] and her sister Brenda
Velazquez Gomez [ph.] had lived at the Harriet Smith group
home in Ludowici, Georgia. According to Election Net, the
sisters registered to vote and voted in the 2014 and 2016
elections in Long County, which included the July 26, 2016
general primary runoff election. Both Yarissa and Brenda
were born in Mexico, were permanent residents, but were
not U.S. citizens.
Investigation revealed allegations one, three, four, and five could not be substantiated. In allegation two, it was revealed that Harriet Smith, the mother of the candidate, did list her post office box in the space for out of county address on the listed absentee ballot applications so that she could make sure they received ballots. During the investigation, it was also verified that two individuals that were not U.S. citizens were registered to vote and voted. Both individuals had stayed at Harriet Smith’s group home in Ludowici. Harriet Smith advised that she believed when the girls received their green cards and became permanent residents that they could register to vote. Both individuals, Yarissa and Brenda Velazquez Gomez, denied that they registered or voted in the election.

We’re recommending Yarissa Andrea Velazquez Gomez and Brenda Velazquez Gomez be bound over to the AG’s Office for 21-2-216(a) and 21-2-216(g). Also recommending Long County Board of Elections and Registration, Sierra Hamilton, the former Elections Supervisor be bound over to the AG’s Office for 21-2-226(a) and also SEB rule 183-1-06.

MR. RAFFENSPERGER: Okay. Do we have any of the Respondents here to speak on their behalf?

MS. WATSON: I believe Teresa Odom is on the line to
speak to this case.

MR. RAFFENSPERGER: Okay. Ms. Odom?

MS. THOMAS: You may unmute yourself. Ms. Odom, you may unmute yourself.

MS. SULLIVAN: I believe Ms. Odom commented that she did not wish to speak.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions or comments? Hearing none, what is the will of the Board?

MR. WORLEY: This is Mr. Worley. I’d make a motion that we bind the case over to the Attorney General.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Okay. Any comment? Hearing none, all those in favor of binding case 2016-110 over to the Attorney General’s Office, do so by-signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries. It’s bound over. Next case?

MS. WATSON: Next case is 20 -- 2017-002, Fulton County. On January 4th, 2017, we opened an investigation into the complaints of three electors that alleged they had not received their requested absentee ballots for the November 8th, 2016 general election. Elector Eileen Gray [ph.] alleged that she applied in late August or early
September for an absentee ballot for the November 8th, 2016 general election. The application submitted directed the ballot be mailed to Ms. Gray at college in Belmont University, Nashville, Tennessee. The ballot received, after making original applications, was in the name of another person. Numerous follow-up contacts with Fulton County Elections Office by Ms. Gray and her father, Robert Gray, resulted in a second replacement ballot being mailed, which was never received. A third ballot was sent via overnight, with that ballot arriving late, and remained questionable if it arrived back to Fulton County Elections Office in time to be counted.

Elector Ava Simone Sinneburger [ph.] alleged that she applied for an absentee ballot for the November 8th, 2016 general election, and the ballot was never received. Elector Sasha Mitteraga [ph.] alleged that she requested a ballot for the November 8th, 2016 general election, and the ballot was never received.

Investigations showed as to Eileen Gray, the first ballot was returned as undeliverable as no room number was listed. The second ballot was mailed on 11/4 with the room number, but so close to the election, it would be difficult for the elector to receive the ballot. There is no record the elector was able to cast the ballot during the election. Fulton County was unable to provide the
absentee ballot application and affidavit of Ms. Gray, in violation of 21-2-73. As to Ava Simone Sinneburger, in interviewing Ms. Sinneburger further, she advised that she could not be positive that she completed the absentee ballot application online, and Fulton County has no records of the application. As to Sasha Mitteraga, it was confirmed that she submitted an application for absentee ballot on 10/7/2016, and records indicate that Fulton County did process the application and mailed it on 10/28/2016.

Our recommendation is for Fulton County Board of Elections and Registration and Chief Registrar Ralph Jones be issued a letter of instruction for a violation of 21-2-73, as they failed to preserve records for 24 months for Eileen Patricia Gray’s original absentee ballot application and affidavit that was required when she reported that she had not received her requested absentee ballot.

MR. RAFFENSPERGER: Okay. Thank you. Is anyone here to speak?

MS. WATSON: Yes. Yes, sir.

MR. LOWMAN: Yes. This is David Lowman from the office of the Fulton County attorney, and we would accept the letter of instruction in the one allegation regarding the failure to preserve the absentee ballot application.
However, with respect to the other two because of the
issues with the US Postal Service and the inability to
substantiate those allegations, we ask that they would be
dismissed as to Fulton County.

MR. RAFFENSPERGER: Board members, do you have any
questions for Ms. Watson or the attorney? What is the
will of the Board?

MR. MASHBURN: Just to make -- this is Matt Mashburn.
Just to make clear, so Fulton County is agreeing to
Frances’ recommendation?

MR. LOWMAN: Yes, sir.

MR. MASHBURN: Correct? Okay. So Matt Mashburn, I
make a motion that we adopt Frances’ recommendations and
issue a letter of instruction and dismiss the other two
cases.

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Okay. Any further comments? All
those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-015. On March 6th,
2017, Fulton County Deputy Elections Chief Sharon Benjamin
reported that a mayoral candidate for the City of South
Fulton, Robert Dalton the III, had been engaging voters in
conversation and handing out campaign literature within a hundred and fifty feet of the poll and at one point had entered the poll with a voter. Investigation revealed Mr. Dawson was observed by the poll manager at the Wolf Creek polling location engaging in conversation and passing out campaign pamphlets in the parking lot of the polls within a hundred and fifty feet of the polls. It was observed that Mr. Dawson handed a voter a pamphlet and walked the voter to the doorway of the voting room. Mr. Dawson had been contacted and instructed regarding the no campaigning restrictions earlier in the day by Dwight Brower with Fulton County elections. We recommend Robert Lee Dawson the III be referred to the Attorney General’s Office for a violation of 21-2-414(a)(1). I believe Mr. Dawson is on the line.

MR. RAFFENSPERGER: Okay. Mr. Dawson?

MR. DAWSON: Hi, greetings. Can you all hear me?

MR. RAFFENSPERGER: Yes, we can, loud and clear.

MR. DAWSON: Okay, great. Thanks for your time, and apologies in advance for this matter. This was a first election for a new municipality. I was a vigorous campaigner, and it should be noted that I was campaigning against a former Fulton County Commissioner who ended up being the mayor of the city, so everything I did was under total scrutiny. The -- the dispute here is the fact that
originally the parking lot was fair game, and then we showed up one day, and they had changed the border of the parking lot, so, you know, if we’d been campaigning for a week in one area, and then the next day, you tell us we can’t campaign in that area, we respected that as much as possible.

Finally, I’d like to say that I’m a member of the community, active. I’m on the zoning board of appeals, appointed and confirmed by the mayor and all city council members unanimously, and I would hate for this to taint my otherwise clean record. I apologize if I have violated anything, but again, there was mass confusion, and there were so many candidates. There were 11 candidates. I’m not even sure if they’ve identified the right candidate who -- who supposedly walked to the door because I would never do that disrespectfully, so I’m begging that you guys will dismiss this case or at the max give me a letter of instruction, but you have my word that nothing like this would happen again, that it didn’t happen intentionally, and again, it was a new city, very hotly contested race, and every little thing I did was under scrutiny. When we had all kinds of serious violations, I can’t believe I’m on the mound for this one four years later.

MR. RAFFENSPERGER: Board members, do you have any
questions for Mr. Dawson or for Ms. Watson? Okay.

Hearing none, what is the will of the Committee?

MR. MASHBURN: This is -- this is Matt Mashburn, and
the hundred and fifty foot protective bubble is -- is one
of my hot buttons, and so I understood -- I understand
that this, the Respondent here, was told not to interact
with voters within the hundred and fifty foot bubble and
continued, so we’ve just got to -- got to -- we’ve just
got to do whatever we can to restore the protective area
that’s intended to protect voters from intimidation within
this hundred and fifty foot area, so I’m not of the mind
that a letter of instruction or a dismissal is warranted
here. Frances, did I understand correctly that your
recommendation was to bind this over to the AG? So I make
a motion to bind this over to the AG.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: This is Rebecca Sullivan. I will
second the motion.

MR. RAFFENSPERGER: Okay. Do we have any on the
motion now? It’s before the Board. Hearing none, all
those in favor of binding this over to the Attorney
General, case number 2017-015, do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case.
MS. WATSON: Next case is 2017-023, Cobb County. On April 17th, 2017, Cobb County reported that four express poll units were stolen from the vehicle of a poll manager. Poll Manager Greg Rogers parked his car in the parking lot at 3595 Canton Road in Marietta, Georgia. Mr. Rogers went into a Kroger store and was not sure if he locked the vehicle. When he returned, the express polls were gone. The police were notified. The suspects were identified through fingerprints, and charges were filed for the theft of the equipment. Interviews with the suspects determined the express polls were thrown into a dumpster. The waste management company advised that the machines would have been compacted several times and transferred to the landfill in Hogansville, Georgia and buried under several tons of track. It was the opinion of the individual that the units would be unsalvageable. We’re recommend that Cobb County Board of Elections and Registration, Elections Supervisor Janine Eveler, and poll manager Greg Joe Rogers be bound over to the AG’s Office for a violation of 21-2-379.9(a) and Board rule 183-1-12.02(2)(f), for failure to secure the voting equipment. And I believe we also have Janine Eveler on the line.

MR. RAFFENSPERGER: Okay. Ms. Eveler, would you like to speak about this?

MS. EVELER: Yes, Secretary. The -- the Board of
Elections and myself as named as violations, we were not at fault in this incident. The poll manager had signed his chain of custody form when he took possession of this equipment, and our poll -- poll manual says specifically that he will complete the form and accept custody of the equipment, and the poll manual also goes on to say under the poll manager’s responsibilities that they will store all the equipment safely and securely at their home, and then it goes on further to say do not leave in your car the express polls. So, you know, we had procedures in place at that time, and we have, in fact, increased our awareness of letting the poll managers know that it is their responsibility. We have to have the poll managers pick up the equipment on Sunday or Monday prior to the election so that they can get it there to the poll on Tuesday morning, and so they are taking responsibility of -- of the equipment.

Unfortunately, I -- you know, I know that everything is our responsibility in the end. The buck stops with the -- the Board and myself, but in this case, this event was precipitated by the actions of the poll manager that were against our policy, and unfortunately, there were criminals that took advantage of that. Thank you.

MR. RAFFENSPERGER: Does Mr. Rogers still work as a poll manager in Cobb County?
MS. EVELER: Not as a poll manager. No.

MR. RAFFENSPERGER: Well, thank you, Ms. Eveler because I know that Cobb County has a record of running very efficient and well-run elections.

MS. EVELER: Thank you, sir.

MR. RAFFENSPERGER: Any questions from any of the Board members? If not, -- yes, Mr. --

MR. MASHBURN: This -- this is Matt Mashburn. Yeah. I am satisfied with the explanation from Cobb County that they had express instructions not to leave it in the car, and so, had this been a different case where the person didn’t sign something that said I know I’m not supposed to leave it in the car, I would have said well, maybe they need to train better, like to a similar case that we had earlier, so I’m satisfied with Cobb County’s explanation on this and move that the worker be bound over to the AG’s Office but that Cobb County be dismissed.

MR. RAFFENSPERGER: Do we have a second? Do we have a second? Motion dies for lack of a second. This case is before the Board again.

MR. WORLEY: Mr. Secretary, this is Mr. Worley. I would make a motion that Cobb County be dismissed but that a letter of instruction be sent to the former poll manager.

MR. RAFFENSPERGER: Okay. Do we have a second on
that motion? I know Ms. Le has stepped out --

    MS. SULLIVAN: This is Rebecca Sullivan. I --

because I believe in the past that we have -- in these
similar cases, we have generally held the Board and the
supervisor responsible in cases where, you know, it is due
to a poll manager’s actions, I would make a motion that we
refer this case over to the AG’s Office.

    MR. RAFFENSPERGER: Okay. So you’re not seconding
Mr. Worley’s -- Mr. Worley’s motion then?

    MS. SULLIVAN: I am not.

    MR. RAFFENSPERGER: Okay. And so Mr. Worley, your
motion has died for lack of a second.

    MR. WORLEY: I’ll second Ms. Sullivan’s motion.

    MR. RAFFENSPERGER: Ms. Sullivan, can you restate
your motion again?

    MS. SULLIVAN: My motion would be to bind all three
of the Respondents over to the AG’s Office.

    MR. MASHBURN: And David seconded, and Matt Mashburn
agrees with it.

    MR. RAFFENSPERGER: Okay. All those in favor,
signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

    MS. WATSON: Next case is 2017-025, Fulton County.
In April of 2017, a case was opened to determine if Fulton County Board of Elections and Registration and the Fulton County Registrar had completed voter registrations in accordance with election code for the April 18th, 2017 federal special election. Investigation shows after receiving questions from voters in Fulton County that advised they had registered prior to the deadline and were having problems voting in Fulton County, a case was opened to review the process. It was found that there was a large amount of voter registrations that were completed online that were submitted prior to or on the day of the registration deadline for the April 18th, 2017 election. These voter registrations had not been processed by Fulton County.

On April 19th, 2017, two voters advised they were turned away. The first was a Mr. Blockter [ph.] who was turned away due to a voter registration issue. He was not listed but believed he was registered through DDS. It was found that Mr. Blockter had submitted multiple registrations and since they were not processed in the order they were received, it resulted in his registration remaining at a previous address on Roswell Road and not the current address of Mitchell Road. The second was Elizabeth Bleakley [ph.] who was turned away from the polls. It was found that her voter registration was
submitted on March the 4th, 2017 and processed on April
the 17th, 2017, the day before the election. A call was
made to the Elections Office, and she was found to be an
eligible voter. Instead of allowing her to vote on the
DRE, she was provided a provisional ballot and while
trying to complete the ballot was told that she had to go
to the Elections Office to complete the provisional
ballot. She did not have time to go to the Elections
Office and did not complete the voting process.

Of the pending voter registrations submitted online
that were pending on the Fulton County dashboard, it was
found that a hundred and forty-five were submitted timely
by the March 20th, 2017 voter registration deadline for
the April 18th, 2017 special federal election. 91 of the
145 were unprocessed as of April 18th, 2017. 49 were
processed as of or shortly after the applicant elector
voted in that April 18th, 2017 election. 3 were pending
due to a street issue, and one was pending citizenship
verification. In the DDS registration applications for
Fulton County, it was found that there were 86 that were
submitted prior to the deadline of March 20th, 2017 and
would have been eligible for the April 18th, 2017
election. 47 of the 86 remained as unprocessed. 18 were
processed as of or shortly after the applicant voted in
the April 18th, 2017 election, and 21 remained pending
address issues.

Ralph Jones explained that due to several elections being conducted at the same time that they were not able to process the voter registrations due to a static election file. Mr. Jones cited limitations due to 21-2-234(i), and it should be noted that this code deals with removing electors from the list, not adding them. And Mr. Jones advised they made a printout of the voter registration from the dashboard and provided them to the poll workers at the poll and advised them to call to verify the voter’s eligibility if they showed up to vote.

Our recommendation is for Fulton County Board of Elections and Registration and Chief Registrar Ralph Jones be bound over to the AG’s Office for 21-2-226(a) and 21-2-418(a) and Board rule 183-12-.06(4). And I believe we have Ralph Jones on the line.

MR. RAFFENSPERGER: Mr. Jones?

MR. JONES: Yes. Good morning, Secretary and Board. This is Ralph Jones. Ms. Watson described the situation very well. We had a March election. As we finished up the March election which was held on March 21st, we began to enter for the April election. Before we started to enter, we were just on hold for a little while to make sure that all of the credit for voting had been given to the -- for the previous election, so once we discovered
that there were people who had not been processed, we distributed that list over to our poll workers to try to at least intervene from any problems that they might have had on Election Day, but we eventually entered all the applications as -- as soon as we began to find out that there was a problem at that time. But we had to hold our data entry, you know, for about up until the first week of April to make sure that the credit for voting was given from the March election, so that’s how we tried to resolve it by sending out a list to the actual polling places because we knew that we wouldn’t get it in in time. So if there’s any questions for me at this time, I’d be glad to answer.

MR. RAFFENSPERGER: Board members, do you have any questions for Mr. Jones or for Ms. Watson? What is the will of the Board?

MR. MASHBURN: Well, this is Matt Mashburn. Anh Le is still out of the meeting, correct?

MR. RAFFENSPERGER: Correct.

MR. MASHBURN: So I -- David and Rebecca can speak for themselves on this, but while Anh is out, I’ll go ahead and channel Anh and say that a lawful voter being turned away is the worst thing -- in the category of the worst thing that can happen. And so I -- I move that we bind this over to the AG as recommended by the -- by the
report of the investigator.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. WORLEY: I --

MR. RAFFENSPERGER: We have a second. Any further comments from any Board member? Hearing none, all those in favor of binding over case number 2017-025 to the Attorney General’s Office, do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-043, Hancock County. During the November 7th, 2017 City of Sparta general and special election, we received the following complaints.

Harold Lawson reported when Richard Allen Haywood and James Clark attempted to qualify for the November election, the city elections superintendent at the time, Aretha Hill, advised they would have to pass a background check. Harold Lawson reported a candidate named Paul McGee [ph.] signed a notice of candidacy and affidavit saying he was not in default of any taxes, but Paul McGee had unpaid taxes. Richard Allen Haywood reported Bonnie Andrews [ph.] gave permission for one of his campaign signs to be placed in his yard. He advised a day later a city employee went to Mr. Andrews’ residence and told him
the sign needed to be removed if he wanted to keep his water and natural gas on.

Marion Warren reported that during the November 3rd, 2015 City of Sparta election for mayor that candidate Richard Allen Haywood signed the notice of candidacy and affidavit saying he had not been convicted of any felonies. He advised Mr. Haywood was found to be lying, and he defended his lie for six months. Mr. Warren stated the City of Sparta had to conduct a second election, and he believe Mr. Haywood should not have been allowed to participate in any election process until the matter was addressed.

Investigation revealed Aretha Hill did add a requirement that a criminal history background check be provided by those wishing to qualify as a candidate. Aretha Hill states that she did not require the background but asked the candidates to kindly provide them. This was contrary to Mr. Haywood and Mr. Clark’s statements that they were told they could not qualify without the background check being completed. Code 21-2-132 lists the requirements for filing notice of candidacy. Nowhere in the code is providing a background check listed as a requirement. The city charter of Sparta does not list background checks as a requirement to be eligible.

In regards to candidate Paul McGee, it was found that
at the time of his signing the affidavit that he was not in default on any taxes, that he -- but he did, in fact, owe taxes for the City of Sparta and Hancock County. A challenge hearing was held on September 19th, 2017 and September 22nd, 2017. Mr. McGee had paid his city taxes prior to the challenge hearing and made a plan to pay the county taxes. Aretha Hill then notified Mr. McGee that he was qualified to run for office.

As to allegation three, there was no supporting documentation to identify any individual that removed the campaign sign. As to allegation number four, there was no violation of election law, and Mr. Haywood was running for office after having his rights restored through a pardon. The recommendation is for City of Sparta, Aretha Hill be bound over to the Attorney General’s Office for a violation of 21-2-132, filing a notice of candidacy, and Paul McGee, elector, be bound over for violation of 21-2-565, making false statements in connection with filing notice of candidacy or qualifying as a candidate for party nominations. And we have Marion Warren and Andrea Grant, the county attorney, on the line.

MR. RAFFENSPERGER: Okay. If the county attorney would like to speak about this case, now is a good time.

MS. GRANT: I -- I believe that she clarified the -- my concern at the very end where they were doing
allegations. I just want to make it clear -- and you all probably know that this is solely against the City of Sparta. Just because it’s located in Hancock County -- they held their own elections, and actually, the County is not involved in this one whatsoever. That’s all I want to make clear, but I think she did so in her recommendations. Thank you.

MR. RAFFENSPERGER: Okay. Thank you. Board members, do we have any questions? What is the will of the Board?

MS. THOMAS: Mr. -- Mr. Secretary, Mr. Warren is on the line as well to speak in this case.

MR. RAFFENSPERGER: Okay. Mr. Warren?

MR. WARREN: Concerning Mr. Haywood’s eligibility to run for mayor, there is a history of Mr. Haywood’s signing affidavits and stating that he was not a felon. In 2015, that case never got to the Election Board, and I don’t understand really why. He was disqualified from that position by a judge after he carried on for six months explaining or yelling that he had a partner, which he didn’t. His partner didn’t come into effect until 2016, August. So my thing is is it -- is it criminal to sign an affidavit stating that you are not a felon while being a felon and attempting to run for office, a political office, in the State of Georgia?

MR. RAFFENSPERGER: Thank you. Board members, do you
have any questions for anyone in this case? What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. I make a motion that we refer the City of Sparta and Aretha Hill to the AG and that we refer Paul McGee to the AG and the DA?

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. WORLEY: This is Mr. Worley. I’ll second also.

Sorry.

MR. RAFFENSPERGER: Okay. Any further comment? Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: All opposed? Motion carries.

Okay. Next case?

MS. WATSON: Next case is 2017-044, City of Bartow. On August 31st, 2017, Susan Scarborough [ph.] reported Bartow City Hall was not open during the times posted for qualifying for the upcoming election. Susan Scarborough also reported she qualified to run for mayor of the town of Bartow on Friday, August 25th, 2017. She advised she filled out the required paperwork and paid the fee to qualify to run for the position. However, when she received a local newspaper on Thursday, August 31st, 2017, she learned there would not be municipal elections in
Avera, Bartow, and Louisville, as only incumbents qualified in those cities.

Investigation revealed it was confirmed that City Hall was closed for approximately 40 minutes on Friday, August 25th, 2017. The complainant was able to return and submit the notice of candidacy and affidavit prior to the deadline of 5:30PM. It was verified that the complainant filed a notice of candidacy and signed the affidavit that she was not in default of her federal, state, county, municipal, or school system tax. However, it was verified that the complainant was sent a notice in January of 2017 of past due property taxes for the years of 2014, 2015, and 2016. A tax lean was issued on March 31st, 2017, and a FIFA filed for the years 2014, 2015, and 2016 and recorded in the Jefferson County court on April 3rd, 2017. On 20 -- September the 12th, 2017, a candidate challenge was held for the complainant challenging her qualification due to the unpaid taxes. The decision was that she was not qualified as a candidate. She did not appeal the decision. The candidate was interviewed and acknowledged that she knew the taxes were outstanding at the time she filed the affidavits.

We’re recommending the City of Bartow, Brittany Kurtz, the City Election Superintendent, be issued a letter of instruction for 21-2-132(d)(3) and Susan
Scarborough be referred to the AG’s Office for 21-2-565.

MR. RAFFENSPERGER: Okay. Is Ms. Scarborough here?

MS. WATSON: No, she is not.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions?

MR. MASHBURN: I don’t have any questions, but this is Matt Mashburn. I move that the letter of instruction be issued to the City of Bartow and that Susan Scarborough be referred to the Attorney General and the DA.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Do we have any further comment on the motion? Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one?

MS. WATSON: Next case is 2017-045, City of Mansfield in Newton County. In September 2017, we opened an investigation to determine if the City of Mansfield city clerk Jeana Hyde violated 21-2-70.1 as she served as municipal elections superintendent in an election when her daughter was the candidate. Investigation revealed the City of Mansfield conducts their own elections. Jeana Hyde is the City Clerk Elections Superintendent for the
City of Mansfield. Elsie Row, the City of Newborn clerk, is the alternate Elections Superintendent, as she has recently been appointed to serve in that capacity in case any future conf -- conflicts should arise. The candidates -- qualifying candidates submit notice of candidacy affidavits to the City of Mansfield. All candidacy affidavits are sent to the Newton County elections office for review. If there are no problems, the candidates are qualified. No intergovernmental agreements regarding elections exists between the City of Mansfield and Newton County Board of Election and Registration.

Ashley Troutman, the daughter of Jeana Hyde, was a candidate for City Council Post 3 in the November 7th, 2017 municipal election. Blair Northern opposed Ashley Troutman for Post 3 City Council. Blair Northern was disqualified, as he was not a registered voter. After the disqualification of Mr. Northern, all municipal candidates ran unopposed, so the election was cancelled. Notification of the cancellation of the election was posted in the legal organ on September 10th, 2017 and on October the 15th, 2017. The City of Mansfield contends that the election was cancelled as all candidates ran unopposed. Therefore, no election had been conducted by the City of Mansfield on November 7th, 2017. The City of Mansfield delegated election superintendent duties to the
City of Newborn Election Superintendent and requested the posting of the notice of election cancellation to ensure the proper election notification.

We recommend a letter of instruction be issued to the City of Mansfield and the City Clerk, Jeana Hyde, regarding 21-2-670.1, as there was no election held and the City contracted an election superintendent to post the election cancellation notice. We also recommend the violation listed for candidate Blair Northern be dismissed, as he stated he did not know that he was not registered at his current address in Mansfield as he did not realize the voter registration had to be updated and that he was not a qualified voter within the City. His qualification application was properly denied. And we also have Blair Northern and Scott Cole from the City on the line.

MR. RAFFENSPERGER: Okay. Would they like to speak to this case?

MR. COLE: Hey, Mr. Secretary. This is Scott Cole, representing Jeana Hyde and the City of Mansfield. We agree with the listing of the actions that were taken. Given that the election was unopposed, we contend Ms. Hyde’s submittal of the publication, the notice of cancellation to the legal organ -- there was no election that she was supervising because it was unopposed. Had
there been -- and then upon receipt of a complaint, we retained the elections superintendent from Newborn to republish the notice. Also, on behalf of the -- Mr. Northern, who can speak for him -- in the end, what we would request is that the complaint against the City of Mansfield and Ms. Hyde be dismissed without a letter of instruction, and we also concur in any request by Mr. Northern -- you know, we request on his behalf that his be dismissed as well. He qualified for the same post at the next election and is now serving and has been serving as a member of the City Council for a number of years.

MR. RAFFENSPERGER: Thank you, sir. Anyone else who’d like to speak to that case? Okay.

MS. THOMAS: Mr. Northern, if you would like to speak, you can unmute yourself.

MR. RAFFENSPERGER: Okay. Board members, do you have any questions for anyone on either side? Hearing none, what is the will of the Board?

MS. SULLIVAN: Ms. Watson, the recommendation in this case is to send a letter of instruction to the City of Mansfield and Ms. Hyde and dismiss Mr. Northern; is that correct?

MS. WATSON: Yes. That is correct.

MS. SULLIVAN: I would make that motion.

MR. RAFFENSPERGER: Do we have a second?
MR. WORLEY: I would second that. Mr. Worley.

MR. RAFFENSPERGER: Any further comment from the
Board? Hearing none, all those in favor of the motion as
presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MR. WORLEY: Mr. Secretary?

MR. RAFFENSPERGER: Yes, sir.

MR. WORLEY: Mr. Worley here. I had a little trouble
unmuting my microphone --

MR. RAFFENSPERGER: Okay.

MR. WORLEY: -- on the vote in the last case, and so
I would like the minutes to reflect that in SEB case
number 2017-044, City of Bartow, I would vote aye. I
would have voted aye on that motion.

MR. RAFFENSPERGER: Okay. I thought I had you down
there. Okay. Thank you for clarifying. If we can take
another short break and come back at 11:15, that’d be
great.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Ms. Watson, you ready?

MS. LE: Mr. Chairman, this is Anh. I just wanted to
let you know I’m back on record.

MR. RAFFENSPERGER: Oh, great. Great.
MS. LE: Thank you.

MR. RAFFENSPERGER: I think that puts us back at full strength again. Okay. Next case.

MS. WATSON: Next case is 2017-047, City of LaGrange. In September 2017, we received an allegation of a candidate having falsified a notice of candidacy and affidavit when qualifying for the City of LaGrange, District 2A City Council seat. Investigation revealed the election involved City of LaGrange District 2A City Council seat in Troup County. The candidate was Chadwick Owens Cooper. Allegation is that Mr. Cooper submitted a false candidacy affidavit. The complainant also filed a challenge that was heard by Troup County Board of Elections and Registration on September the 12th, 2017, and Mr. Cooper was disqualified as a candidate.

The investigation found that Mr. Cooper had been registered in Alabama and had last voted in Alabama on November the 8th of 2016. He was removed from the Alabama voter rolls on September the 15th, 2017 at the voter’s request from Alabama. Mr. Cooper was interviewed and could not provide an explanation as to why he signed the notice of candidacy that he had been a resident of LaGrange, Troup County, for five consecutive years when he had been a resident for less than one year at the time he submitted the notice of candidacy. Mr. Cooper advised
that he had disclosed at the time he qualified that he had voted in Alabama in 2016. He was led to believe that he was qualified by other elected officials.

The recommendation is for Mr. Cooper to be referred to the Attorney General’s Office for the listed violation of 21-2-565(a). There is no one on the line to speak.

MR. RAFFENSPERGER: Okay. Do any of the Board members have questions about this case? If not, what is the will of the Board?

MR. WORLEY: Mr. Secretary, I would make a motion to --

MR. RAFFENSPERGER: I see Mr. Cooper on chat. I don’t know if he wants to say something but look in the chat box there if you could, Ms. Watson or Breanna.

MS. THOMAS: Yes, we can -- we can unmute him, just give me one second.

MR. RAFFENSPERGER: Okay.

MR. COOPER: Good morning, everyone. I am Chad Cooper. I did explain to the candidate when the time period -- because I actually moved up to help take care of my parents during that time period because I was attending school and planning on returning back. Over the course of several years, you know, once my mother had died, I decided to run for office. I had been working up here and everything, and I had talked to several people up here,
the mayor, other city officials, to ensure that it was okay because I did not hide the fact that I had voted in Alabama, and I was -- I was told that as long as I can show that -- could prove that I was actually living up here in the district, that was fine, and that was told to me several, several times even before I actually was qualified to run.

Eventually, when I went in there, they did not have my regis -- they did not have my voter registration that I -- that I completed, so I -- we had to go find it. They said it was stuck in limbo in between -- in between the two states. So that was -- I think that was on August 21st, the same day as the solar eclipse, and so once that was cleared up, I mean, they -- they knew. I mean, like, hey, I explained to them. I said, you know, I voted in Alabama last year, and they still qualified me. I mean, I did not -- I did not hide this because I was staying up here in the area, and they said as long as you bring it up and, you know, prove that you were staying up in the area, you know, that was -- that was okay.

And even the election -- the Board election person, you know, he -- he knew. I mean, because the first day I tried to qualify, I could not qualify, and once we got it straightened out, I came back. There was all the information, and I still was qualified because I did not
know. And even in the packet that they gave us, the first
-- it didn’t say -- it didn’t even state in there -- it
said as long as you could prove that you were living in
that area. It didn’t say about voting. We didn’t find
out about the voting part until the -- until the
challenge, and that’s -- that’s why. That’s why. If it
were known before then, I never -- I never would have done
it. I just -- I just wouldn’t have done it.

MR. RAFFENSPERGER: Thank you, sir. Members, do you
have any questions for Mr. Cooper?

MR. MASHBURN: I have a question.

MR. RAFFENSPERGER: Yes, sir. Mr. Mashburn?

MR. MASHBURN: I have a question. This is Matt
Mashburn. I have a question for Mr. Cooper. Now, Mr.
Cooper, I understand, and I’m sympathetic to your
explanation about people telling you about registration
and whatnot, but didn’t -- doesn’t the notice of candidacy
also contain a statement that you’ve been a re -- resident
of LaGrange, Troup County for five years? But you hadn’t,
right?

MR. COOPER: Well, no. That’s what I’m saying. I
was actually living up here during that time period. That
-- that’s what I’m saying. I was staying up here to help
take care of my parents until they died, and so that’s --
that’s why they were saying -- I mean, because I -- I
didn’t know. I mean, I was up here during that time period taking care of my parents.

MR. MASHBURN: And -- and for how long was that? I’m sorry about your parents.

MR. COOPER: Oh, thank you.

MR. MASHBURN: A lot of us are caring for elderly parents, so I’m very sympathetic. I know what it’s -- I know what it’s like. How long -- how long was that going on?

MR. COOPER: I think -- I think if I’m not mistaken, I came in 2011 or 2012, during that time period.

MS. LE: This is Anh Le. I have a question as well, Mr. Cooper.

MR. COOPER: Yes, ma’am.

MS. LE: Along the lines of Mr. Mashburn’s question, when you voted in Alabama, and I don’t have Alabama law in front of me, but I would imagine that you would also have to attest to something to the effect that you are a resident of Alabama, so how can you be both a resident of Georgia and a resident of Alabama, being that you voted in Alabama at the same time?

MR. COOPER: Yes. What had happened -- and I will say because I was attending school down there. I was going to Auburn University, going after my PhD at the time, and that’s why I was already a resident of Alabama
at the time period. Excuse me. And so once I moved up here, it never -- it never crossed my mind up until in 2017 for me to run for office because I was always intending on going back and trying to complete my PhD. So it never -- it never crossed my mind -- hey, I’m going to run for office -- up until that point. It came up right in 2017, you know, after my mother had died. My father was still alive. And so that’s when I started asking. I was like hey, look, this is -- this is the situation. You know, I voted there. They said as long as you could prove that you were physically living here, that would be okay. And that’s why -- it wasn’t a -- it wasn’t a situation where I was trying to do anything underhanded. That’s just not what I do. Like I said, I never would have done it. I thought I went through every step to ensure that I was, you know, going to be able to qualify. That’s how that happened, ma’am.

MR. MASHBURN: This is Matt Mashburn. I’m going to move that we accept the investigator’s -- inspector’s recommendation and refer this to the AG.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: This is Anh Le. I’ll second that.

MR. WORLEY: Mr. Secretary, this is David Worley. Could I ask Mr. Cooper another question?

MR. RAFFENSPERGER: Yes.
MR. WORLEY: Mr. Cooper, when was the last time you voted in Alabama?

MS. THOMAS: Mr. Cooper, you can unmute yourself.

MR. COOPER: I’m sorry. Yeah, it was 2016 that I had voted in Alabama, prior -- prior to me, you know, thinking about running for office. And that -- that was -- that was the one thing. I tried to make sure that that was okay by speaking to city officials and the Election -- the Election Board -- not the Board but the -- the office prior, and I was always given the same answer. As long as you can prove that you were physically living up here, you know, that was okay. I just -- I just went down to exercise my right to vote. I mean, that -- that was -- that was it. There was no malice at all. If I would have --

MR. WORLEY: Okay. Thank you.

MR. COOPER: -- known I was disqualified -- I’m sorry. Go ahead.

MR. WORLEY: Thank you.

MR. RAFFENSPERGER: Okay. Thank you. So we have a motion. We have a second. Do we have any additional comments or questions? Therefore, all those in favor of the motion as presented, please do so by signifying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Those opposed?
MR. WORLEY: No. It’s Mr. Worley.

MR. RAFFENSPERGER: Okay. Motion carries. Next case?

MS. WATSON: Next case is 2017-048, City of Temple in Carroll County. On October 11th, 2017, a complaint concerning a notice of candidacy affidavit filed by a candidate to run in the November 7th, 2017 municipal election in the City of Temple was received. The allegation in the complaint was that candidate for council Board 1, Demario Healthen [ph.] had made a false statement on a notice of candidacy affidavit when he qualified to run for City Council Post 1. The election for mayor and council was scheduled for November 7th, 2017 in the City of Temple. Mr. Demario Healthen submitted a qualification paperwork and a notice of candidacy affidavit for the City Council Post 1. He swore on the affidavit that he had not been convicted of a crime. A complaint was filed with our office as well as a challenge to his candidacy. Mr. Healthen withdrew his candidacy prior to the hearing. It was confirmed that Mr. Healthen had pled guilty to a felony in Douglas County, Georgia in 2005 and had not received a pardon or had his rights restored at the time of the notice of candidacy. We’re recommend Alvonte Demario Healthen be bound over to the AG’s Office for 21-2-565.
MR. RAFFENSPERGER: Is Mr. Healthen here to speak on his behalf?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. Do the -- does the Board have any questions? If not, now would be the appropriate time for a motion.

MR. MASHBURN: This is Matt Mashburn. I move that the matter be referred to both the AG and the DA.

MR. RAFFENSPERGER: Do we have a second? Motion dies for lack of a second. Okay. The matter is before the -- the Board again. What is your will?

MR. MASHBURN: This is Matt Mashburn. I make a motion that we refer the matter to the AG.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Okay. Any additional comments that any member would like to make? Or questions? Hearing none, all those in favor of referring this case to the Attorney General’s Office, case number 2017-048, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Any opposed? Motion carries. Next case?

MS. WATSON: Next case is 2017-049, City of Temple, notice of candidacy. In 2017, we opened an investigation
after receiving a court complaint concerning a notice of candidacy and affidavit filed by a candidate to run in the November 7th, 2017 municipal election in Temple, Georgia. The complaint alleged that candidate for mayor, Gerald Lee Powell, had made a false statement on a notice of candidacy and affidavit regarding a felony conviction. Investigation revealed Gerald Lee Powell, candidate for Temple City Mayor, submitted a false notice of candidacy and affidavit to the City of Temple on August 24, 2017. On the affidavit, Mr. Powell knowingly attested that he had not been convicted of a -- of a crime and said his rights had been restored. The statement Mr. Powell attested to is false, as he had been convicted of a crime in 1992, and his rights had not been restored for the pardon and fill out an application for the restoration of rights process.

A challenge hearing was held, and Mr. Powell was found not qualified as a candidate. We recommend Gerald Lee Powell be bound over to the AG’s Office for 21-2-565. I believe Mr. Powell may be on the line.

MR. RAFFENSPERGER: Mr. Powell?

MR. POWELL: Yes, I’m here. My name is Gerald Lee Powell, and I wanted to say that I did not know that I was violating any law nor did I willingly violate any law nor did I willingly attempt to make any false statements.
What I’d like to say is back in 1994, I went to a 90-day bootcamp. During that bootcamp process, your last two weeks of bootcamp is when you fill out all of your paperwork restoring all of your rights except for gun rights, and I have that letter if there’s a way that we can fax it to you or whatever, but that letter stated 12 -- 12/15/1994 verifying the facts that I took the classes of the last two weeks while I was in the bootcamp, and I completed all the paperwork for restoration of rights, which was part of the process. If you’re familiar with the bootcamp process, they make sure when you leave there, that you are registered to vote, and that you -- all your paperwork is right so you can get your rights back.

Since that time, -- since that time, I received a notification from the State Board of Pardons and Paroles that my rights had been restored, and I had -- I had been issued a passport back in 2000 to travel in and out of the country. I’ve traveled all over South and Central America, and I have voted since 1994. I -- once I was home from the bootcamp, I called to make sure that my voting rights was restored, and they were, and I have voted every year since then, and then I was called for jury duty. So I took my paperwork down to Mr. Kenneth Skinner [ph.] which was the Clerk of Court back at that time in 1998, and I asked him. I said can I serve on jury
duty, and I gave him my paperwork. He looked at it, and
he said you sure can. He said I’ll make a note of this,
which is -- he is no longer with Carroll County anymore,
but from that time, I served on jury duty from -- like
every year, sometimes twice, three times a year, and, you
know, I’ve been an outstanding citizen. I served on the
planning board 2014 to 2015 for the City of Temple. No
problems. I even ran for city councilman in 2015 with no
problems.

The documents which I received from -- from the State
Board of Pardons and Paroles, I had a fire in 2000, and
most of my stuff got destroyed, but I did -- I was able to
receive a couple of papers that I was able to find in the
fire, but the documents which I received from the State
Board of Pardons and Paroles, most of them was destroyed.
But I have gone back to the Floyd Building on several
occasions to the Pardons Board, and I want to say the name
was Ms. Clark, so they was helping me trying to find those
papers that were lost in archive, and we tried for several
weeks looking through the archives to get those papers
because I know that I had them. In all my documents, they
was telling me that no longer existed and could not be
found, during -- in the archive. They said Mr. Powell,
from -- from 1992 to now, they said there’s no way that,
you know, we would still have those records. So I wasn’t
even at fault.

My parole board was in Newnan, Georgia, so I reached out to that office, which was on Temple Avenue in Newnan, and my parole guy was Mr. David Armstrong [ph.], which was a very nice guy. He -- he helped me with most of my paperwork when I got out. I mean, he walked me through a lot of things, and I wasn’t expecting that from a parole officer, but, you know, he was the kind of guy that was willing to help. He made sure that I had all of my paperwork.

So I applied for the decision to qualify for running for mayor because, you know, I had been an outstanding citizen. I did everything right. I voted. I served on jury duty with no problems. Why didn’t some of that stuff come up then? Because I knew I had my paperwork. And as a result of all of that, I even took it as far as the superior court because I felt I was right. I just couldn’t prove I had the correct paperwork, so I was hoping that someone during my process would pull that paperwork up because they was trying to keep me from running, but it never happened. It -- they said it couldn’t be found. So I appealed that decision to the Georgia Supreme Court, and I -- and I therefore applied for the restoration of my civil rights again since all that had happened, and I was granted -- I was granted all
my rights. I was even granted my gun rights, and I was just -- you know, whether or not the rights had been restored back then, which I know they were restored, so I just went ahead and applied for everything again, and I got it with, you know, no problem. You know, I did that through the Governor’s office.

So there’s no question that I am legally qualified to run for any public office which I desire to seek, and -- and at the time that I signed the application for Mayor for the City of Temple, I knew and I believed that all my legal qualifying rights to run was there, and that, you know, I wouldn’t have a problem getting them up if I needed them. So, you know, as an outstanding citizen, I serve all around Temple. I -- I mean, I’m sure y’all are going to look back at my records, and I do have one of the papers from the State Board of Pardons and Paroles that was dated 12/15/94, Gerald Lee Powell, 162 Enterprise Drive, and it’s saying please find enclosed the original order of communications. Please retain this order for your future reference. Please find enclosed an application and restoration for rights of pardon and parole for your current eligibility to vote. However, you may apply for your civil and political rights: any rights to serve as a jury, rights to run for a political office. Within five years, you may apply for a pardon. All
qualification instructions are listed on this application. So Mr. Armstrong and I sent the application in, and I received my paperwork from the State, and I had it. I even gave it to Kenneth Skinner at the -- when was the -- he was the clerk, the Superior Court Clerk.

MR. RAFFENSPERGER: Mr. -- Mr. Powell, I have a question for you.

MR. POWELL: Yes.

MR. RAFFENSPERGER: Do you have a copy of that 1994 piece of paper on you?

MR. POWELL: I do. Yes, sir.

MR. RAFFENSPERGER: So it wasn’t destroyed in the fire? Ms. Watson, have we reviewed -- is that in your file? Do you have a copy of that?

MS. WATSON: No, sir. They did not provide any information to us at that particular time. We did reach out to Mr. Powell.

MR. RAFFENSPERGER: Can we send this case back to your office and get a copy of that and then bring that before us because it sounds to me like Mr. Powell has been an exemplary citizen. He went through bootcamp, and he’s been a productive, tax-paying Georgia, and that’s what we want for every person that ever serves time, and if he has his piece of paper, and other people don’t have those records, I just think that -- I don’t want to get ahead of
the Board, but I’ll say I’ve made my point, and I’ll throw this out to the Board then. What is their will on this matter?

MR. WORLEY: Mr. Secretary, this is David Worley. I agree with everything you’ve said and with Mr. Powell’s efforts to, you know, correctly bring this matter to our attention, and I would move that we send this case back to Ms. Watson’s division for more investigation.

MR. RAFFENSPERGER: Okay. Do --

MS. SULLIVAN: Second.

MR. MASHBURN: With David’s -- with David’s permission -- this is Matt Mashburn. I actually would like to move that we dismiss the condition upon receiving a copy of that letter, if that’s okay?

MR. WORLEY: I would accept that amendment. Sure, and I would second -- well, I’m assuming you’re seconding it so...

MR. RAFFENSPERGER: Yes. I understand the motion, and I think the court reporter does as well. All those in favor of accepting the motion as amended, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. POWELL: So -- where do I send it?

MR. RAFFENSPERGER: We’ll get that to you, sir.

MR. POWELL: Thank you very much.
MR. RAFFENSPERGER: Okay.

MS. WATSON: Next case is 2017-050, City of Dahlonega, Lumpkin County. On October 16, 2017, we opened an investigation into two complaints received during the November 7th, 2017 City of Dahlonega municipal election. The first complaint alleged that University of North Georgia fraternity Pi Kappa Phi had refused a person voter registration during a campus voter registration drive. A second complaint alleged that Dahlonega Rent, LLC, owned by Roberta Green Garret had circulated a letter to students and tenants threatening to increase rent if they, the student tenants, did not vote for a particular candidate, Rajpal Sagoo.

Investigation revealed candidate Sagoo and UNG fraternity Pi Kappa Phi conducted a voter registration drive -- drive at the HOHG student center. The complainant requested a voter registration to make an address change and stated on three requests he was denied a voter registration form and told we know you are already registered. There is also evidence to suggest that during the voter registration drive, individuals were not informed of the option to submit the voter registration forms themselves. It was also found during the investigation that Rajpal Sagoo did not timely submit the voter registration applications. 89 were submitted late,
with 3 not being within the 10 days of receiving the
application and 86 not being transmitted within 72 hours,
as they were received 14 or fewer days prior to the
October 10th, 2017 voter registration deadline. It was
also found that Wesley Barron [ph.] submitted 24 voter
registration applications late and not within the 10 days
of receiving. Charlie Barrett [ph.] submitted 43 voter
registrations that were late and not within 10 days of
receiving.

As to the letter reported as a threat to increase
rent if the tenants did not vote for a particular
candidate, it was found that the letter referred to a
proposed tax, and the letter recommended to vote for
candidates that opposed the tax. There was no election
violation substantiated.

We recommend Mr. Sagoo be bound over to the AG’s
Office for 21-2-224, registration deadlines, when an
individual or organization failed to transmit 3 voter
registration applications within 10 days of receiving the
application and 86 voter registration applications within
72 hours of the date of execution, as the applications
were received 14 or fewer days before the October 10th
voter registration deadline, and Pi Kappa Phi fraternity
president Andrew Gomez be bound over for violation of
Election Board rule 183-1-6-.02(6), when as a private
entity, the Pi Kappa Phi fraternity failed to advise each applicant that such applicant has the option to return his or her voter registration application personally to the appropriate board of registrars or to the Secretary of State or to permit the private entity to return it on the applicant’s behalf, and Board rule 183-1-6-.02(7)(c), when as a private entity, they failed to accept and transmit a properly completed and contemporaneously dated voter registration application from any qualified individual, and Wesley Barron be bound over for 21-2-224(c)(1), when as an individual failed to transmit 24 voter registration applications within 10 days after receiving such applications, and Charlie Barrett be bound over for violation of 21-2-224(c)(1), when as an individual or organization failed to transmit 43 voter registration applications within the 10 days after receiving such applications or via close of registration.

MS. THOMAS: And Steven Leibel is here to speak on behalf of the fraternity.

MS. WATSON: And I believe we have a gentle -- a gentleman to speak on behalf of the fraternity.

MR. RAFFENSPERGER: Okay.

MR. LEIBEL: Well, let me -- thank you so much for allowing us to speak today. The fact surrounding this matter was that it was a nonpartisan election for the
Mayor of the City of Dahlonega, and the complainant was the campaign manager for the now current Mayor of the City of Dahlonega, Ms. Emerick [ph.]. Ms. Emerick -- I would like to address the first allegation about the being turned away for a voter -- for an address change, basically, and actually, the evidence does show that Ms. Emerick never changed her address, was a sophisticated individual, knew how to change her address, never did, so we don’t believe that that is well-founded.

But what’s really more important is that this is a bunch of kids who go to the Board of Elections in Dahlonega and say that they want to do a voter registration drive. No training, all they received are the forms, not even any forms that tell them how to do these things, and they receive a special bag which stops them from tampering with the registrations. There were no allegations of fraud in this -- this matter, but what you have is a campus voter registration drive with unsophisticated individuals with no training. And no one from the fraternity who was involved in the voter turnout in this university town -- and by the way, this is the first voter registration drive that the university was ever a part of, and these are kids who come to school in Dahlonega, and there was a mayoral race, and there was -- there was a big issue, and that was that at the time -- it
was to talk about having a bed tax in order to raise
revenue for the City of Dahlonega. That’s what this is
all about.

But what’s more, really, concerning to me is who is
the person who brought this in the first place and
utilizing this as a political tool against people who are
opposing them. I think that here there is no fraud.
Everyone who registered to vote was able to register to
vote, and I think that to make an example out of a
fraternity that’s trying to include people in the voter
registration process and then send them to the Attorney
General’s Office for further processing is a terrible
shame and a terrible way to set an example for people who
want to go ahead and do the right thing and have people
register to vote, especially young people.

Now, my understanding is that the fraternity -- this
is from four years ago, and no one has been engaged in any
further activity at all, so why would we want to send this
to -- for a technical violation -- and I know it’s
important -- to the Attorney General’s Office? I think,
really, the solution to this is to send a letter of
instruction to the fraternity saying this is how it’s
done. Get the training from the Board of Elections and do
it the right way and do not set an example that to be
heavy-handed on a bunch of college kids, one, who for
example, Mr. Gomez, is now serving his country at Fort Gordon. The other people are taxpayers, involved in their communities, and doing the right things. You know, I -- I’ve listened to a number of the cases during this morning. This case is different. This case is a bunch of people who have not committed any fraud, have not been -- done any misrepresentation, and really did the right thing by going out and getting kids to vote.

MR. RAFFENSPERGER: Thank you, sir. Board, do you have any questions for the Respondents or for Ms. Watson? What is the will of the Board?

MR. MASHBURN: This is -- this is Matt Mashburn. I appreciate counsel’s excellent argument, and I appreciate his passion for his clients. I do want to take exception to one -- one thing that he said in that nobody is making an example out of these kids. In my view, it’s up to the Board to treat these kids the same as any other kids. So this Board has had issues with regard to voter registration drives before and has referred them to the AG before, so I just want to make sure that you understand that no one is making an example of your kids, but rather, my motion is to treat them the same as others, and so I move that this be referred to the Attorney General as recommended.

MR. RAFFENSPERGER: Do we have a second?
MS. LE: This is Anh. I also want to add that when we say kids, I’m assuming these are 18 and over adults who are in college, and I commend them for wanting to do registration drives and get active. However, the laws and the rules are there to make sure -- not just from the activists’ perspective but also from the applicants, the voter applicants’ perspective as well, that these timelines are in place specifically to ensure that their rights are also protected, and the counties have sufficient time to process their applications. So these things were contemplated carefully and put into law, these timelines are not just -- got you, you know, for purposes, but specifically, to help the counties do their job and also ensure that the voters get registered timely. So in terms of the fraud, some of these are rules that were violated, and there’s no specific intent of fraud required. They are in place, again, for the purposes of ensuring rights of the voters and to help the counties do their job. For that reason, I second this motion.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: Secretary?

MR. RAFFENSPERGER: Yes, sir?

MR. WORLEY: It’s David Worley. I just wanted to make a comment before we vote. We have here, I mean, some facts which are indisputed -- undisputed, but other facts
that are in dispute. Ms. Emerick says one thing. Mr. Leibel says another thing on behalf of his clients. When -- our standard is very simple. When there is a dispute of facts like that, we generally refer it over to the Attorney General’s Office for further action. The Respondents can resolve it with the Attorney General’s Office, or they can have a hearing and have an administrative law judge determine which person is telling the truth. So I think, given our practices on the Board, and in cases like this, I don’t think we really have any other choice but then to refer it over to the Attorney General’s Office, and I’ll vote to do that.

MR. RAFFENSPERGER: Any other comments? Hearing none, all those in favor of the motion before us to send this to the Attorney General’s Office, case number 2017-050, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-051, City of Fitzgerald in Ben Hill County. On October 16th, 2017, the Elections Office in Ben Hill County suspended early voting in the City of Fitzgerald due to a ballot error. They self-reported the ballot error to the elections division. During the investigation, it was learned the Elections
Office had logic and accuracy testing of the voting equipment on October 11th, 2017, but they failed to publish a notice in the legal organ for five days prior to the commencement of such preparation and testing.

Investigation showed that it was confirmed that the race for alderman, eastern district at large was printed on the ballot when it should not have been. An elector on the first day of early advance voting noticed the error on October 16th, 2017, and voting was suspended until a new database was obtained, and voting resumed on October 17th, 2017. On October 26th, 2017, a court order was signed, approving an additional day for voting during early advance voting. The additional day was Saturday, November the 4th, 2017.

During the investigation, it was learned that L&A testing was not published for five days in advance of the testing for the election. We’re recommending Ben Hill County Board of Elections and Registration and Kiefer Lewis [ph.], the Elections Supervisor, be referred to the AG’s Office for State Election Board rule 183-1-12.02(3), when an election supervisor failed to accurately proofread the western district ballot that she received from KSU to proof for errors, and State Election rule 183-1-12.02(b)(1), when an election supervisor failed to have published announcement in a legal organ for five days.
prior to the preparation and testing for the DRE units.

MS. THOMAS: There are five different people that
want to speak on this.

MR. RAFFENSPERGER: We have anyone here?

MS. WATSON: Yes. There are apparently five people
that wish to -- wish to speak.

MR. RAFFENSPERGER: Okay. Who’s the first one?

MS. THOMAS: We’ll start with Mr. -- Mr. Danny Young?

MR. RAFFENSPERGER: Mr. Young, go ahead.

MS. THOMAS: You all can unmute yourselves. I
believe you’re under Ms. Dunlap’s account. Well, next,
we’ll go to Nicholas Kinsley.

MR. KINSLEY: Thank you. Can you hear me?

MS. THOMAS: Yes.

MR. KINSLEY: Well, I represent Ben Hill County, and
Ms. Dunlap and Dr. Green. They’re available to answer any
questions you have. But essentially, as you proved
reading here, everything was done at that time that could
be done. They paused the early voting. They stopped it
until it was corrected, and at that time, they immediately
went to the judge, the local superior court, and filed a
petition for an extra day of early voting, which he
granted, and so that Saturday, they had early voting.

Immediately, the county manager, who was there a very
short time -- so this was a kind of a transition of
management time -- we hired somebody else to take over the
election, a consultant, who was then later hired as the
superintendent -- or the supervisor, excuse me, Cindy
Dunlap. So she ran the rest of the election smoothly.
You know, it’s her rule of practice to proofread all
ballots. It’s hard to do a checks and balances on that
issue, but I’ve spoken with her, and in my research, you
know, and she says that she does, in fact, proofread each
ballot.

So I think that, you know, the easier one to speak on
is the -- the publication issue. And again, that was the
former Elections Supervisor, who was eventually terminated
for -- at least partly because of this issue. Cindy
Dunlap is, again, the current Elections Supervisor and has
taken over this responsibility. So speaking with her, I
think, you know, one of the problems that we had in 2017
was a communication error. Well, that has been solved
because the new Elections Supervisor is in charge of all
communication to the legal organ, so any notices that have
to be published, she does that. Somebody in the office
with a lot of experience, Katherine Sherpsy [ph.], she
told me that she -- any radio announcements, she’s in
charge of because she actually works in the radio industry
on the weekends.

So again, action is taken at the time in 2017.
Action is taken now to continue to prevent these problems that have come to light. I think that we -- we have done a great job. There is no systemic problem and no intentional misconduct at that time, and the efforts that they have in the recent election and the runoff, I think, shows, you know, that this problem has been corrected, so for that reason, we request that just a letter be issued.

MS. THOMAS: And I believe Mr. Young and Ms. Cindy are available now.

MS. DUNLAP: Yes.

MS. THOMAS: We can hear you.

MS. DUNLAP: Can you still hear me?

MS. THOMAS: Yes.

MS. DUNLAP: Okay.

MS. THOMAS: You can go ahead.

MS. DUNLAP: Oh, you want to ask me a question?

MR. RAFFENSPERGER: Do you have anything you’d like to add?

MS. DUNLAP: No. I don’t want to add. No. That was a -- I don’t want to add anything. Thank you.

MR. RAFFENSPERGER: Okay. Anyone else?

MS. THOMAS: And we also -- we also have Ms. Keysa Ashford on the phone. You may speak now.

MS. ASHFORD: Yes. I -- can you hear me?

MS. THOMAS: Yes.
MR. RAFFENSPERGER: Yes.

MS. ASHFORD: I feel like the mistakes were done, and I think that I was put in a position under one county manager that the first election was ran fine, and then when the new county manager came in, my Board was against me having the position, and everyone just started working against me. My Board was against me, the employees in the office was against me, so I was kind of put against the wall of not knowing everything because I had not been there long, and everything started going bad when they wouldn’t work with me, so I was put up against a wall with making the mistakes, and I take the blame for them because of my position at that time. I’m no longer with the County anymore, and I was fired from that position, but in defense of mine, when I was turned over, I tried to get unemployment, and I beat my case of unemployment of them -- the county manager not having enough information to say that I was not doing my job because I was working it. I just didn’t know anything at the time because I was new.

MR. RAFFENSPERGER: Is there anyone else that wants to speak?

MS. THOMAS: Is Ms. Thelma Graham available?

MS. GRAHAM: Yes.

MS. THOMAS: Would she like to speak?

MS. GRAHAM: No. I agree with the -- the attorney.
MR. RAFFENSPERGER: Thank you.

MS. THOMAS: Well, that’s everyone.

MR. MASHBURN: This is -- this is Matt Mashburn. Going back to the attorney, what -- at the very end, you cut out a little bit from where I was listening, and I didn’t hear you. You said that you -- you would agree to accept a letter of instruction? Or I thought I heard a letter of remediation, so I would just ask you to restate.

MR. KINSLEY: Can you hear me?

MR. MASHBURN: Yes, sir.

MR. KINSLEY: We would request a letter of instruction, and I’m speaking on behalf of Ben Hill County.

MR. MASHBURN: On both -- on both counts?

MR. KINSLEY: Yes, sir.

MR. RAFFENSPERGER: Okay. Any other Board members?

MR. MASHBURN: Yes. This is -- this is Matt Mashburn. I just -- I just don’t see any benefit in sending it over to the Attorney General to tell somebody not to make the typo. Every -- you know, everybody has got to be as careful as they can, but human error and typos happen, so I’m inclined to -- to issue a letter of instruction pursuant to the attorney’s request.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: This is Mr. Worley. I’ll second that.
MR. RAFFENSPERGER: Thank you. Any additional comments? Hearing none, all those in favor of sending a letter of instruction for case number 2017-051, please so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-055, Newton County, voter registration. In October of 2017, Newton County Elections Supervisor Angela Mantle submitted 10 voter registration applications that appeared to have irregularities. She advised some of the applicants that were already registered maintained their previous residence address which is a county address as their mailing address, and they listed a new city residence address as their residence. Angela Mantle received four applicants that used 8133 Puckett Street as their residential address. She also received two applications that used 7174 Puckett Street as their residential address.

Investigators contacted the listed individuals associated with the changes to the voter registrations. We found 8 electors that had their voter registration cards changed to show a new residential address in Municipal Ward 3, Covington. Two electors, Lassiter and
Holmes, stated they were told by Anthony Henderson they
could use a former address to register so they could vote
for candidates running in the municipal election Post 3
voting combo 408 in the November 7th, 2017 election. Two
electors, Jaquory Saxton and Larry Saxon, stated they were
instructed by a candidate named Anthony Henderson which
resi -- which residence to list on their voter
registration cards so they could vote in the municipal
election. One elector, Jamonte Smith, advised they were
not aware their voter registration was changed. Three
electors, Darty, Huff, and David, advised that candidate
Henderson assisted them with registering to vote, but they
did not know the residential address was going to be
changed to a false address.

Six of the electors voted in the municipal election
even though they knew that they did not reside in the
city. Mr. Henderson ori -- originally advised he would
meet with the investigator at his attorney’s office but
would not return calls from the investigator. Jaquory --
we’re recommending Jaquory Saxton, an elector, Larry
Saxton, Casetra Marks, Arthur Holmes, and Kabrea Lassiter
be bound over to the AG’s Office for 21-2-562 and 21-2-
571, Anthony Henderson be bound over for 21-2-562, false
entries, 2 counts, and 21-2-604. I don’t show anyone on
the line to speak to the case.
MR. RAFFENSPERGER: Okay. Board members, do you have any questions? Hearing none, what is the will of the Committee?

MR. MASHBURN: This is Matt Mashburn. I make a motion that we refer it to the AG as recommended.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any additional comments? Hearing none, all those in favor of the motion as presented, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MS. WATSON: Next case is 2017-056, City of Peachtree Corners, districting. On October the 25th, 2017, the Peachtree Corners City Clerk/Elections Superintendent self-reported that they discovered advance, absentee, in person, and absentee by mail electors had voted the wrong ballot. Investigation found evidence to suggest the Peachtree Corners City Clerk, Elections Superintendent Kym Chereck, entered the wrong combo number in error when setting up the EasyVote software for early voting in the November 7th, 2017 municipal election. The error resulted in 45 absentee electors having the option to vote in District 2, where they did not live. We recommend City of Peachtree Corners and Peachtree Corners Election
Superintendent Kym Chereck be referred to the AG’s Office for Board rule 183-1-12-.02(4)(b) and 21-2-381(b). And I believe Mr. Riley is on the phone in reference to this case.

MR. RAFFENSPERGER: Okay. Mr. Riley?

MR. RILEY: Thank you, Mr. Secretary and Vice Chair Sullivan, Board member Worley, Board member Mashburn, Board member Le. Thank you for allowing me to speak here today. I want to thank you all for the thankless work you do. I -- I know it is, having been on a local election board before. Nobody -- nobody likes you, and it’s hard work, but I would like to say that I am glad that you have the group that you have, Mr. Secretary, because you have all stars. In reviewing the people -- the Board members that you have here today, they are -- they are the legal minds in this area, and I am glad of that because I am hopeful that they will take a look at some of the -- the issues that I propose.

As an older prosecutor and as a retired judge, when I look at these potential violations, I start by breaking down the statutes and the rules and seeing if every element is met by the facts. In this case, does -- does an event unrelated to the protocol of the procedures of the voting sequence directives under election rule 183-1-12-.02(4)(b) rise to the violations? When all the
procedures are properly followed, can you bootstrap up an unrelated event to make that a violation? You know, I’ll be speaking on this further today. Let me first absolutely acknowledge that during the input -- during the combo input, our clerk fat-fingered a 9 when trying to input an 8. I’ll speak to this later in the terms of intent if I may. And finally, I’d like to put a proposed question about uncontested elections, and it may be an unanswerable question. Is an uncontested election actually a nullity if it’s -- if it’s on the ballot? That may be a Gordian knot. After I finish that, I’d like to give you some proposed resolutions, if you’ll allow that also.

If I can start with the OCGA violation, the OCGA violation carries a willful contempt. Now, that is a -- that is a high standard, but that is a standard that is an element of that violation, and you can find that under 21-2-596. Now, you either have to willfully neglect or willfully -- willfully refuse to perform a duty, okay? You have to find intent of willfulness in doing it in order to find there’s a violation to refer. Okay. In our instance, we -- we did determine the eligibility, correctly determined according to the rules that were put out under 20 -- of how we determine eligibility. We did do that. And -- and the question is can you bootstrap up
an idea of something that happened weeks, months before or
weeks before, to show that that wasn’t done correctly?
And that’s a real question for that. I don’t think you
can get there because you can’t ever get past the willful
intent in an OCGA case. And secondly, it’s a misdemeanor,
which is outside the statute of limitations, but I don’t
think you reach that either because you can’t meet the
intent.

So I’m just going to leave that if I may, and I want
to go to 183-1-12-.02(4)(b). The only potential violation
that I can see in that -- in that section of the rules is
the question of the appropriate voter access car -- card.
That is -- that’s the only question about that, and in --
they used EasyVote machine to appropriately enter the
ballot request, and that EasyVote machine generated the
ballot style that was to be input, okay? There was --
183-1-12.02 contemplates the entire voting process. It is
what you do on that day and how you do it, and if there is
no allegation -- and we have researched this, and we can
find no instance where we did not act appropriately on
that day. We absolutely did it to the -- to the -- all
the knowledge of the people that were doing it and to
anybody’s that would look otherwise, they -- they followed
every rule on the day that they were doing the activity.
So I don’t know that that’s really a violation, but that’s
where we get to intent.

And that’s what I really wanted to speak to you, and I know that Board member Le used to be the Deputy Chamber Counsel. I know Mr. Worley’s many -- great understanding of this, and -- and Ms. Sullivan’s great understanding too, and I certainly respect Mr. Mashburn’s great career. But fat-fingering doesn’t infer intent to something that happened weeks or months later. So here’s the question. Should the clerk anticipate that she would fat-finger a 9 instead of an 8? That’s the question, okay?

MR. MASHBURN: Counselor, this is Matt Mashburn. If I could -- I don’t mean to -- I’m sorry to interrupt you, but let me just ask a question that’s on my mind.

MR. RILEY: Yes, sir.

MR. MASHBURN: No voter actually cast a vote in the wrong district, correct? They were reported -- by this mistake, they were afforded the opportunity, but nobody actually voted in the wrong district, right?

MR. RILEY: I do not know -- we don’t know that votes were actually cast. We can’t say that.

MR. MASHBURN: It was an unopposed -- it was an unopposed race, so no -- no election outcome was affected?

MR. RILEY: Yes. That is exactly right, Mr. Mashburn. That is exactly right.

MR. MASHBURN: You said -- you said you had a
recommendation for the Board?

MR. RILEY: Yes, sir. I do. I would recommend --
this is what I -- here’s what we -- the problem I see for
the Board, and I used to be a judge, and I am a
prosecutor, and we see activities that we say we need to
do something about, okay? And I don’t think that you --
me, if I don’t have all the elements, I can’t do them. I
just can’t. You know, I don’t think you all have that
strictness in there, but I’ll leave that to you. My first
request would be find that this was simply, you know, this
was a brain-motor -- this was a brain-motor skill issue.
Every one of us fat-fingers every day, at least I do. I
would think everybody else does.

And nobody -- and I have reviewed everything in the
whole process, and we did everything right, and I could
find nothing in the process, neither in the training
manual for EasyVote nor in any training modules that there
had ever been that -- that had a failsafe for fat-
fingering a number. And once you fat-finger the number,
there’s nothing that goes out afterwards that can realize
anything else, except we think that there might be some
software in the EasySafe program that could have some kind
of failsafe built into it when they were downloading --
downloading voter rolls. So I think that that would be a
possibility for something as a fix, a greater fix in the
future. It would be a great thing to ask them to look at.

In my case, I’d ask you to dismiss it because there’s no intent when you have a brain-motor skill malfunction, and you certainly intended to hit the 8, and your finger hits the 9, and there’s no way for you to know it until somebody has come and said how come that name was on my -- on my -- on my ballot? I’m not in his district. And that was weeks and months later. So I would ask you to dismiss it, first of all. And I’d ask you as part of the dismissal, that you would allow us to provide the failsafe that my clerk and superintendent has now ended up putting into place for all of our EasyVotes and has made it right for the last three years. And -- and we would -- and we would be -- we would be glad to give it to any training folks.

We’re -- actually, good has come out of this that you’ve done for us today because not only do we have this, that we’ve had in place for over three years, but now, my clerk is working for a second -- working on a potential second failsafe after it comes back from the -- from the logic program. The one we have now is pretty decent for logic and accuracy. So I would ask you to dismiss and allow us to provide that information for training. If you feel that you have to do more because, you know, it was fat-fingered, I’d ask you to give us a letter of
instruction and instruct us to do the very same thing that we have volunteered to do anyway, and that is to give the -- give our failsafe over to the trainers for their review, and if they feel it’s appropriate, to -- to distribute that to all the superintendents who might be using these programs.

MR. MASHBURN: And this is Matt Mashburn again. And this was self- -- this was self-reported, correct?

MR. RILEY: The day we found out about it, and it was corrected.

MR. MASHBURN: Okay. Well, I don’t mean to interrupt your -- your argument, Counselor, but I’m willing -- I’m willing to go ahead and make a motion. Again, I agree with your comment that it did happen, and voters did get the wrong ballot. I agree that there was no effect of it on the election, but I don’t agree that it’s no harm, no foul, so I believe a letter of instruction is proper. I don’t believe that sending it to the Attorney General to tell you not to hit 8 when you mean 9 or 9 when you mean 8 is going to -- is going to do any -- do any good, so I agree that a letter of instruction is proper, and I move -- I make that motion.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: David Worley, I’ll second that.

MR. RAFFENSPERGER: Okay. Do we have any other
comments from the Board?

MS. LE: Yes. This is Anh. I would -- would agree
with the motion and the second. I just wanted to make a
comment for the record that, you know, with clerical
errors, I always struggle with those because you look at
the outcome, and you understand clerical errors can
happen. It happens to everyone, and I believe that the
best way to combat that -- and the counselor had mentioned
it -- is to improve training, so it’s, you know, with
clerical errors because we know that it could happen, you
know, the thing to do is -- it’s not a no harm, no foul
situation, as Mr. Mashburn said, so I always look for what
has been done, what can be done to avoid it, and usually,
it’s training, and maybe redundancy or backup, manual,
double check systems, that kind of thing. And it looks
like they’ve put that in place, so I don’t believe that
clerical errors are always no harm, no foul, as Mr.
Mashburn said, but in this case, I think that’s
appropriate specifically because they’ve already put those
balances and checks in place to help minimize the errors.

In terms of intent, I think counselor referred to 21-
2-596, which deals with misdemeanor, intent as it applies
to misdemeanor. I don’t think that’s what we’re looking
at with this particular code section, so I would still
second the motion, but I also disagree with that argument.
Thank you.

MR. RAFFENSPERGER: Well, we have a motion. We have a second. Any other comments? Hearing none, all those in favor of the motion?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Okay. Motion carries. Next case?

MS. WATSON: Next case is 2017-058, City of Blakely. In October 2017, it was reported that a Travis Wimbush, a candidate for city council in the City of Blakely, Georgia election had posted on his Facebook page an offer for voters in District 2 Post 1 to be entered into a drawing for a $25 gift card. The election was the November 7th, 2017 municipal election. Investigation revealed the Facebook post was confirmed. Travis Wimbush was contacted and had already taken the post off his Facebook page. He stated it was the first time he had ran as a candidate and did not know it was a violation. We recommend Mr. Wimbush be bound over to the AG’s Office for 21-2-570. No one is on the line.

MR. RAFFENSPERGER: No one is on the line. Do we have any questions from any Board members? What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. I move that this be bound over to the Attorney General as recommended.
MR. RAFFENSPERGER: Okay. Do we have a second?

MR. WORLEY: David Worley, I’ll second.

MR. RAFFENSPERGER: Okay. Any other comments? All those in favor of referring this case 2017-058 to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-059, Sumter County.

During the November 7, 2017 City of Americus general election, we received the following complaints. Election Supervisor at the time Robert Brady reported his office received an application for an official absentee ballot for Cassandra Watson Marberry [ph.], but she was not eligible to vote because she was a convicted felon.

Reverend Mathis Wright reported when an elector named Josephine Cooper [ph.] reviewed her vote selection, she discovered one of the selections was incorrect. He states Ms. Cooper attempted to correct her vote, but the voting machine would not accept the correction. Mr. Wright states Mrs. Cooper had to be issued a new voter access card to correct the problem.

Reverend Mathis Wright reported an elector Antonio Willis [ph.] when summarizing his vote selection, he discovered he was voting in the wrong district. He states
Mr. Willis lived in District 5, but the District 5 candidates were not on the ballot. Mr. Wright states Mr. Willis informed a poll worker about his problem, but they were not able to assist him. He states Mr. Willis cast his ballot in the wrong district. Dr. Shirley Reese reported some Election Board members informed her the voting machines had not been checked properly since former Elections Supervisor Sharon Radcliffe [ph.] left office.

It was also reported when the voting machines were tested for the November election, they were not tested where members of the public could observe. It was reported during early voting, she was -- the complainant was informed the voting machines were not sealed at the end of each day. It was also reported during the November 2017 election a candidate went to the elections office to pick up some applications for official absentee ballot. She advised Elections Supervisor at the time Robert Brady gave her the same nasty attitude he had given her in the past, and he only gave her six applications.

Dr. Shirley Reese reported council member Juanita Wilson, County Commissioner Thomas Jordan, and council member Daryl Dowdell were going out in the neighborhoods trying to influence people to vote for her opponent Kelvin Pless. She advised they did not have the right to tell people how to vote. Dr. Shirley Reese reported she
believed Juanita Wilson assisted more than ten people to vote during the November 2017 election. She reported during the November election, there was a power outage at the courthouse. She advised they only used two voting machines when the power went down. She stated she had a concern about who filled out Kelvin Pless’ family members’ election documents when they voted in the election.

She reported she had a question about the 75 absentee ballots that were mailed out all in one day on October 16th, 2017. Dr. Reese stated that she had a question about the absentee ballots, that she would like to know how many were accepted and how many were rejected. It came to her attention that several absentee ballots were dropped off at the post office without postage. She reported the Elections Office would pick the absentee ballots up, and there was no check and balance system in place. She also reported that she heard City Clerk Paula Martin had not attended the yearly required qualifying certification class sponsored by the Secretary of State’s Office in 2017.

The investigation revealed after an extensive investigation, there was only one allegation that was substantiated. In allegation number six, it was verified that the Elections Supervisor at the time, Robert Brady, failed to secure the DRE units with a seal at the close of
business during early voting. Mr. Brady advised he documented
the counter on the daily recap sheets but did not see a need to seal
the DRE units as they were housed in a secure suite in the
courthouse. We recommend that Sumter County Board of Elections
and Registration and former Elections Supervisor Robert Brady be
referred to the AG’s Office for a violation of SEB rule 183-1-14-
.02(8). And I believe we have Mr. Brady on the line.

MR. RAFFENSPERGER: Okay. Mr. Brady?

MR. BRADY: Good afternoon now. Yes, sir. At that
time, the early voting was conducted in the elections
suite in the Sumter County courthouse, and that is the
most secure facility in the county. That’s more secure
than the jail, in fact. With only three keys being issued
in and out of the building, even the fire department can’t
get in there. When I looked at this knowing that I’m the
one that opens early voting and opens and checks the
machines and know that I closed them in the evening, I was
functioning under the intent at the time of believing that
-- that there was no more secure place, and what was
necessary was securing the machines and confirming that
they’d not been tampered with.

Since that time, circumstances have changed because all of this
happened a considerable time ago, and that’s no longer the way
that I do this. I am also no longer in
Sumter County, and Sumter County has moved their early voting to a less secure place requiring that everything be sealed. While it is true that I did not seal the machines, I did secure them, and that’s, again, a set of circumstances that existed in 2017. This is no longer the case. For the infractions, I apologize. There was never an intent to commit any kind of -- any kind of crime. It just looked like to me that we were doing what was necessary, and since circumstances have changed and training and demands have changed, the policy has changed also. Thank you.

MR. RAFFENSPERGER: Any Board members or anyone else want to speak on this case? What is the will of the Board?

MR. MASHBURN: This is -- this is Matt Mashburn. I under -- I understand the reasoning that you had, but we have rules, and -- and I think Anh Le was really right on target when she made comments earlier that the General Assembly and the previous Boards have come up with these rules and regulations not just for their practical effect but also that people trust -- trust the results, so we just have to have a uniform system where everybody follows the same rules rather than individuals deciding what rules they’re going to apply and which ones they’re not, so I would move that this be forwarded to the Attorney
General’s Office for processing as recommended, and that
the other counts, other than six, be dismissed.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I will second that.

MR. RAFFENSPERGER: Do we have any additional
comment? Hearing none, all those in favor of the motion
as presented, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Members, if you don’t object, it’s 12:30, if we could take
a lunch break. I guess we have some debates here of 30
minutes or 45. Let’s do 45 and be back at 1:15, if that
works for everyone. Is that fair enough?

MS. SULLIVAN: That’s fine. Mr. Secretary, I have an
obligation at 1 o’clock. I expect it to last about an
hour. I will try to plan on rejoining by two o’clock.

MR. RAFFENSPERGER: Okay. Well, we’ll have plenty on
our plates still then, so thank you, Ms. Sullivan.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Okay. Well, let’s go ahead and
call the next case then.

MS. WATSON: Okay. 2017-060, City of Warm Springs,
vote buying: we did receive two complaints in this, one
from a Charles Lee and one from a Sheila Conley. When the
notices went out, both of the complainants contacted me
and requested that they would like to withdraw the
complaints. The complaints were that on Sunday, October
22nd, mayoral candidate Charles Lee complained incumbent
Mayor Robert “Bob” Prater mailed out gifts which were
personalized calendars to voters. We also received a
complaint from Sheila Conley, alleging the same --
complaint that he sent out tokens of appreciation in the
form of engraved personalized calendars. The enclosure
included read enclosed is a small token of my appreciation
for the opportunity of serving as Mayor for the last four
years and the anticipation of serving you in the next four
years.

The investigation revealed that the accusations were
verified as accurate. Incumbent Mayor George Robert
Prater advised he did send out the calendars to express
his appreciation to serve not to coerce or influence the
voters. Our recommendation is to refer George Robert
Prater, former Mayor of Warm Springs, to the Attorney
General’s Office for a violation of 21-2-570.

MR. RAFFENSPERGER: Okay. Is Mr. Prater on the phone
call?

MS. THOMAS: No.

MS. WATSON: No, sir. He is not. My understanding
is that he is spending a significant amount of time out of
the country.

MR. RAFFENSPERGER: Okay. Be that as it may, what is
the will of the Committee?

MR. WORLEY: Mr. Secretary, this is David Worley. I
had one question for Ms. Watson first. Ms. Watson, when
you say -- when you describe them as personalized
calendars, does that mean that they have the Mayor’s name
on them?

MS. WATSON: I believe they were personalized to --
to the voter’s name.

MR. WORLEY: Okay. All right. Well, be that as it
may, I just do not think that this is really a violation
to send someone what is essentially a piece of campaign
literature. You know, it’s not different from putting
your name on a -- as people used to do -- on a nail file
or a comb or something like that and sending it to voters
or handing it out to voters. I just -- I just don’t see
this as a violation, so that’s basically my view. That’s
all. Thank you, Mr. Secretary.

MR. RAFFENSPERGER: Thank you for your input. Any
members have any other questions or input?

MR. MASHBURN: Yeah, I -- this is Matt Mashburn. I
agree in that I don’t see -- I don’t see the receipt of
the calendar conditioned on anything. You get this if you
voted for me, or I’ll give you this, please vote for me,
so I agree with David, and move that it be dismissed.

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

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Any other comment? All those in favor of the motion as presented, please do so by
signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next?

MS. WATSON: Next case is 2018-005, Coweta County.

It was reported that four electronic delivery ballots were
transmitted after the deadline for the May 22nd, 2018
election. Investigation revealed that Coweta County
Registrar Diane Prescott was interviewed and was very
apologetic and acknowledged the ballots had not been sent
before the deadline of April 6th. The ballots were
subsequently transmitted, and the County made contact with
three of the voters and advised them of the delivery of
the ballot. No contact could be made with the fourth.
Two of the voters returned the ballots for the election.
We recommend that Coweta County Board of Elections and
Registration and Diane Prescott, the Coweta County
Registrar, be referred to the AG’s Office for a violation
of 21–2–384(a)(2), four counts, and to dismiss the case
against Jane Scoggins, the Election Supervisor. No one is
on the call to speak.

    MR. RAFFENSPERGER: Okay. Members, do you have any
questions or need additional information?

    MR. WORLEY: Mr. Secretary, I don’t have any
additional questions, but I did just have a statement. I
-- in reading over the investigative report, it makes
clear that Coweta County made numerous follow-up efforts
to make sure that these various voters, all of whom were
outside the country, were gotten the information that they
needed, had the opportunity to vote if they chose to do
so, not every one of them did. I -- I just don’t see what
more can be gained by sending them anything other than a
letter of instruction. They -- they did training after
this to -- to make sure that they handled it correctly in
the future, and I think they’ve done what they needed to
do to rectify this situation, so I would make a motion
that we send them a letter of instruction.

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

    MR. MASHBURN: Matt Mashburn, second.

    MR. RAFFENSPERGER: Any further comment? Hearing
none, all those in favor of sending a letter of
instruction for the motion for 2018-005, signify by saying
aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Motion carries.
Next case?

MS. WATSON: The next case was listed as 2018-009, DeKalb County. The attorney for Respondent Niles called and requested this to be moved to the calendar and agenda for the 24th meeting, and that request was granted.

MR. RAFFENSPERGER: Okay. Thank you.

MS. WATSON: Next case is 2018-010, Fulton County. On May 16th, 2018, we opened an investigation into an elector having been improperly turned away from voting in the May 22nd, 2018 primary election. The allegation submitted by the elector alleged the poll officer at the OC polling place had not allowed the elector to vote because the elector was wearing a Reagan/Bush 1984 t-shirt. Investigation revealed on May 15th, 2018, Mr. Timothy Kent [ph.] went to the OC polling location in Fulton County to vote. The poll worker Mr. Reinhold [ph.] advised him that he needed to turn his t-shirt that had 1984 Reagan/Bush on it inside out. Mr. Kent refused, and Mr. Reinhold told the voter that he could not vote until he removed the t-shirt. The voter left the polling location without voting.

Mr. Kent was not able to return to vote, as he had to leave town and did not return until after the polls closed. The poll manager, Margaret Williams, and assistant manager, Richard Reinhold, believed the t-shirt
was a violation of campaign material and thought the candidates listed -- even though the candidates listed were not on the current ballot. We recommend Fulton County Board of Elections and Registration, poll manager Margaret Williams, and assistant poll manager Richard Reinhold be referred to the AG’s Office for a violation of 21-2-596.

MR. RAFFENSPERGER: Okay. Are either one of the Respondents here to speak for themselves?

MS. WATSON: I believe that there’s several people on the phone to speak. I believe Margaret Williams is on the line.

MS. WILLIAMS: Yes, I am. Can you hear me?

MR. RAFFENSPERGER: Yes. We can, ma’am.

MS. WILLIAMS: Thank you. All of a sudden, the volume is low, just one moment. Yes. Good afternoon, Mr. Secretary. As stated, I am Margaret Williams, and I was assigned to the OC Library, my first assignment as poll manager, and I just want to say that as a poll manager, we strive to adhere to the training that’s provided, and in executing our duties, we make sure that no eligible voter is ever willfully denied an opportunity to vote. In this case, the voter chose not to vote. He was not actually turned away, but he chose not to vote because we were under the understanding that any party affiliation was
also a form of campaigning. So we were wrong in thinking
that at that time, but the voter chose not to vote.

MR. RAFFENSPERGER: Okay.

MS. WATSON: I believe we also have Ralph Jones and
Fulton attorney David Lowman on the line.

MR. LOWMAN: Yes, Mr. Secretary, this is David Lowman
with the Fulton County attorney’s office.

MR. RAFFENSPERGER: Okay.

MR. LOWMAN: I would like to point out that the poll
manager and assistant poll manager were attempting to
correctly enforce the rules against campaigning in this
case. I know that they’ve been charged with violating
OCSA 21-2-2(3.1)(a), which talks about a candidate whose
name appears on the ballot but if you go down two more
sections to (c), it says a political party or body which
has a nominee or nominees on the ballot in a primary
election, and although this not necessarily says, you
know, Republicans 199 -- 1984, it did reference the names
of Reagan and Bush, and I think everybody here has heard
the Republican party at times referred to as the party of
Reagan or Reaganomics, and I think that because the poll
manager and the assistant poll manager were attempting to
enforce the spirit and the letter of this rule and of this
law that binding them over would not serve the same
purpose as just administering a letter of instruction.
They did attempt to adhere to the training and the law as it was given to them and as they understood it, and as the poll manager pointed out, nobody was turned away from voting other than asked to either cover or turn the shirt inside out. So because we think that the -- the people involved and Fulton County attempted to enforce the letter of the rule and of the law to the best of their ability during this election and allowed the voter the opportunity to vote, we would ask that either the count be dismissed or a letter of instruction be granted. Thank you.

MR. RAFFENSPERGER: Okay. Members, do you have any questions for anyone? What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. I’m -- as I stated before, I’m very protective of the hundred and fifty foot protective bubble, and so for me, this is a close one, but I don’t think it was a candidate on -- on the ballot, so I don’t think it was campaign paraphernalia for that election, so I think just the poll manager was wrong here, so I don’t see that sending her to the Attorney General is going to benefit anything, but I do think a letter of instruction clarifying what’s permitted and what’s not permitted is -- would be helpful, so I’ll make a motion that we issue a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?
MS. LE: This is Anh. I’ll second that.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of sending a letter of instruction to Fulton County on case number 2018-010, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-012, Sumter County.

On May 16th, 2018 during early advance absentee voting, monitoring inspection at the Sumter County courthouse polling and precinct Sumter County Election Supervisor at the time Robert Brady stated that he has not been sealing the machines on a daily basis. Investigation revealed former Sumter County Elections Supervisor Robert Brady told Investigator Monroe that he did not seal the voting machines during early advance absentee voting during the May 22nd, 2018 general primary election. His reasoning was that he believed the voting machines were already secured inside the elections office, which was secured inside the courthouse and did not need to be sealed.

Inspection supervisor Pam Jones documented in her May 16th, 2018 polling place inspection report when she was there that Mr. Brady told her he was not sealing the voting machines simply because it was a waste of money to
purchase fifty seals. He also stated the polling location and building was secure and has surveillance coverage. He was the last one to leave the room daily and make sure the room was secured.

There was a previous investigation in which he was not sealing the voting machines during early advance voting, which was 2017-059 that we presented earlier this date. Our recommendation was to send Mr. -- former Elections Supervisor Robert Brady and Sumter County Board of Election and Registration to the AG’s Office for violation of Board rule 183-1-14-.02(8). And he is also on the call.

MR. RAFFENSPERGER: Okay. Sir, would you like to speak?

MR. BRADY: No, sir. Thank you.

MR. RAFFENSPERGER: Okay. Members of the Board, do you have any questions for anyone or need additional information?

MR. MASHBURN: Yeah, this is Matt Mashburn. If it would be appropriate, I would just move to merge this in with the other case that we -- that we handled previously, and the two be handled together. That would be my motion.

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. Any further comments? All those in favor of the motion, please do so by signifying
aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none, motion carries. Next one?

MS. WATSON: Next case is 2018-091, Fulton County.

On November 6th, 2018, it was reported that the poll manager at Liberty Baptist Church at 395 Chamberlain Street, Atlanta had been refusing to accept as proper identification student IDs from Georgia Tech and Georgia State University. Investigation revealed on November 6th, 2018, it was reported that a poll worker at Liberty Street Baptist Church was not accepting student IDs from Georgia Tech and Georgia State University as proper identification. Investigator Bagwell [ph.] responded to the location and made contact with the poll manager, a Ms. Franklin. Ms. Franklin was asked if she was accepting student IDs, and she responded absolutely not and why do people keep asking me that? Ms. Franklin referred to the voter certificate and stated the student IDs would not be acceptable for voting. Dwight Brower was contacted, and he stated that Ms. Franklin advised him that she had not denied any student from voting that had presented student identification, which appeared to be contrary to the complaints and statements made to the investigator. We recommend Fulton County Board of Registration and
Elections, Fulton County Elections Supervisor Richard Barron, Fulton County poll manager Ms. Franklin be issued a letter of instruction, as there was no voter that came forward and reported they were turned away. This was reported third party through a news agency with no voter contact information.

MR. RAFFENSPERGER: Okay. Does anyone want to speak from Fulton County?

MR. LOWMAN: Yes. This David Lowman.

MR. RAFFENSPERGER: Yes, sir.

MR. LOWMAN: We will accept Ms. Watson’s recommendation for a letter of instruction in this case.

MR. RAFFENSPERGER: Okay. Board members, anyone have any questions or require additional information? Hearing none, what is the will of the Board?

MS. LE: I move to issue a letter of instruction because there are no witnesses who came forward.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. Next case?
MS. WATSON: The next case -- the next case is 2018-093, DeKalb County. The Respondent in this particular case has requested a continuance to the February 24th, 2021 meeting which was granted.

MR. RAFFENSPERGER: Okay. Next case?

MS. WATSON: Next case is 2018-096, Fayette County.

On November 26, 2018, it was reported that Dexter Mitchell [ph.] voted in both the State of Georgia and the State of South Carolina during the general election of November 6th, 2018. Investigation revealed that the allegation was verified, and Mr. Mitchell admits to the allegation but maintains that he was told this was acceptable as he maintains both residences. Mr. Mitchell advised that Conway, South Carolina is his primary address, and his family resides there as well. Absentee ballots confirm that he voted in both states during the November 6th, 2018 general election. We recommend that Dexter Bernard Mitchell be referred to the Attorney General’s Office for violation of 21-2-572. He is not on the line.

MR. RAFFENSPERGER: Okay. And Ms. Frances, has he been charged in South Carolina?

MS. WATSON: Not to my knowledge. He has not.

MR. RAFFENSPERGER: And we have not sent -- have we sent South Carolina inf -- any information about this case?
MS. WATSON: We -- we did have contact with South Carolina.

MR. RAFFENSPERGER: Okay. Does anyone have any questions? Okay. Hearing none, what is the will of the Board?

MR. WORLEY: I would -- David Worley. I would make a motion that we refer this to the Attorney General.

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

MS. LE: This is Anh Le. I second.

MR. RAFFENSPERGER: Okay. Any further discussion? All those in favor of referring this to the Attorney General’s Office, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.
And Ms. Watson, can we also let the State of South Carolina -- let them know what our position is on this, so they’re aware? If they aren’t aware now, I think they should be. Thank you.

MS. WATSON: Yes, sir, Mr. Secretary. The next case is 2018-103, Bartow County. On December 4th, 2018, it was reported that a person shoved or pushed a poll worker during the December election at the Atco Baptist Church polling location. Bartow County Elections Supervisor Joseph Kirk reported that Glenda Fay Massey [ph.] and her husband were discussing voting while at the voting
machines. The poll manager, Phoebe Martin [ph.],
requested that the voters not talk while voting. Both
refused after several requests and were asked to leave.
It was reported that Phoebe Martin [sic] pushed the poll
manager on two occasions before exiting the poll. Both
had completed their voting before being asked to leave.
The Cartersville Police Department responded and completed
a police report of the incident. The Cartersville police
made a charge against Mrs. Massey for 21-2-566. The case
was resolved through a plea of nolo and pretrial diversion
program. We recommend that the case be closed with no
further action as the Respondent has been charged and
prosecuted for the violation of 21-2-566.

MR. RAFFENSPERGER: Members, what is your will?

MR. MASHBURN: This is Matt Mashburn. I move that
the case -- that our case be dismissed, as it has already
been handled up in Bartow County.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le, second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next?

MS. WATSON: Next case is 2018-107, Carroll County.

This was a self-reported incident. Carroll County
Executive Director of Elections and Registration Carolyn Williams reports an elector named Ronald Larry Green [ph.] voted in person on November 26, 2018, and Mr. Green also voted December the 4th, 2018 on Election Day during the runoff election. Ms. Williams states she believes due to Mr. Green’s age and health condition, it might have been done by error and not intentionally done.

Investigation revealed that Mr. Green did vote during early advance voting and then on Election Day. Mr. Green did not realize that he was voting in the same election. He was asked if he had voted absentee by mail, and he knew -- he knew he had not done so. When the poll worker called to verify, they checked absentee by mail but failed to check in person voting during early advance voting.

Mr. Green was allowed to vote again. We recommend that Carolyn Williams and Carroll County Elections and Registration be referred to the AG’s Office for a violation of 21-2-431 and Ronald Green be referred to the AG’s Office for 21-2-572. And Carolyn Williams is on the line.

MR. RAFFENSPERGER: Okay. Ms. Williams, would you like to speak to the Board?

MS. THOMAS: Ms. Williams, you can unmute yourself if you would like to speak.

Members, do we have any questions about this case. No?
What is your will?

MS. THOMAS: She’s trying to unmute, Mr. Secretary. She’s trying to unmut herself. She’s trying to find the speaker, she says in the chat. The option to unmut yourself will be on your toolbar, Ms. Williams.

MS. WATSON: Hold on. I’m going to put you on speaker phone. Okay. I have Ms. Williams on speaker phone.

MR. RAFFENSPERGER: Great.

MS. WILLIAMS: Okay. Good morning. This is Carolyn Williams, and I’m sorry I was unable to get on the speaker. They couldn’t hear me on the Zoom, but what I wanted to say was this: I don’t know how this happened. It is because I know the rules for the voting here, and it states that the poll manager call me [sic] and says that he had a voter there that had voted absentee and usually, when a voter votes absentee, we go into the system and it -- my clerk be here and both of us be answering the phone on Election Day, and if they call and say that it’s marked in the express polls that a voter had voted, I have been training the poll workers that AB is absentee ballot and AV is for advance voting, and it says that a manager said he asked for an absentee ballot, and I went to the absentee box because we only have just a few voters that
had voted. It was only 13 of them, and it was -- I got up and went and looked, and there wasn’t no ballot there because if they voted absentee by mail, and the ballot had returned, it would have been there with the absentee ballots, and the clerk reviewed the -- the sheet and no, his name wasn’t on there.

And so that’s why we was looking for a paper ballot because he said absentee ballot, but normally, we go into E-net, and it would tell us whether he voted absentee by mail or absentee in person, and so the -- the voter -- we told the poll manager to go ahead and let him sign the absentee ballot affidavit because no paper ballot had returned and allow him to vote on the touch screen. Then, I was still mixed -- confused about that because it wouldn’t have been logged if the voter checked not voted by absentee ballot or in person, and so I went to pull it up on the screen, and by the time I pulled it up, I called and asked the precinct and said wait. He did not vote absentee ballot by mail. He voted in person. Do not let him vote on the machine, and the manager told me well, he’s already cast his ballot, and I was disturbed by that because I didn’t know what -- what I could do but report it because I try to do what I can to run clean elections, and so we looked, and we found, and I called and reported myself that this guy had voted twice.
And I talked with the manager, and I’m looking at the books. It wasn’t AB that was checked. It was AV, as in vote, and that’s absentee. But he was telling by absentee ballot by mail, and Mr. Green actually did not vote absentee by mail, and he has -- he seemed to be having some type of health issues the last time I saw him, and I honestly believe -- he is one of our regular voters, and I believe he has gotten to the age where he just voted in November, and when the December Election Day came around, he thought it was time for him to vote again. And he -- I just don’t think he intentionally did that, and I tried to correct this. It had happened, but I still reported it, and I’m asking the Board members to -- if they would, to take into consideration that both accounts be dismissed and give us a letter of instruction and do not submit this to the Attorney General because we tried both -- at all times to make sure that we abide by all the rules and regulations from the State.

MR. RAFFENSPERGER: Thank you, ma’am.

MS. WILLIAMS: Mmm-hmm.

MR. RAFFENSPERGER: Anyone else who would like to speak or any Board members who have any questions?

MR. MASHBURN: This is Matt Mashburn. Ms. Williams, can you hear me?

MS. WILLIAMS: Thank you.
MR. MASHBURN: Ms. Williams, -- she’s gone. Okay.

MR. RAFFENSPERGER: Okay.

MS. WATSON: She’s still online, though.

MR. MASHBURN: I was just going to ask what -- what procedures or processes she thinks -- or have they instituted to make sure that it doesn’t happen again.

MR. RAFFENSPERGER: Okay.

MS. WATSON: I can get her back on the line. Yes, hello. A Board member has a question for you.

MR. MASHBURN: Hey, Ms. Williams. This is Matt Mashburn.

MS. WILLIAMS: Yes, sir.

MR. MASHBURN: I appreciate -- I appreciate you self-reporting this, and I appreciate you calling the Board and giving us your explanation. What I was wondering is what procedures or what ideas do you have or have you had to put in place to make sure this doesn’t happen again?

MS. WILLIAMS: I actually asked those voters -- those managers to call me on every voter that comes in, and I extended training. Our trainings are broken down into smaller -- we’re from a small county here, and my training -- where I have been calling in, like, two precincts at a time. I called in one precinct, and I work with one precinct at least two hours a day per day for four times, and that’s what we did for that 2020 election, and it did
not happen.

MR. MASHBURN: Thank you, Ms. Williams. I appreciate it.

MS. WILLIAMS: Yes, sir.

MR. RAFFENSPERGER: Okay. Any other members have questions? What is the will of the Board?

MR. MASHBURN: This is -- this is -- go ahead. This is Matt Mashburn. As far as Ms. Williams, I’m inclined to agree with her recommendation of a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: For Mr. -- for Mr. Green, I’m persuaded by his advanced age that sending him to the Attorney General is not going to be a good use of the State’s resources, but I don’t know -- I don’t know exactly what to do about that one, so I’ll just make a motion right now that Ms. Williams be issued a letter of instruction and wait for the other Board members.

MR. RAFFENSPERGER: Do we have a second on the first motion?

MS. LE: This is Anh. I’ll second that.

MR. RAFFENSPERGER: Do we have any further discussion? All those in favor of a letter of instruction for the Carroll Elections and Registration, do so by signifying aye.

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

Now to Mr. Green, what is the will of the Board?

MS. LE: This is Anh. Mr. Green is not on the -- Ms. Williams seems to attest that she knows him as a repeat -- a regular voter in her area and also that he -- it's my understanding, if I'm not mistaken, that she said he's not done this before, but because of his advanced age, he's at the point where this -- it sounds like the first time he was doing this. Is that -- I don't know if she's still on.

MR. RAFFENSPERGER: Yes. That's my understanding also.

MS. LE: Right. I don't know if sending this to the AG's Office will resolve the issue that we're trying to do, which is to make sure that he doesn't do this again. I suppose he could, if it's his advanced age and that's something going to back to the first motion that the training -- Ms. Williams will have to incorporate, not just for Mr. Green's circumstance but similar circumstances, so my motion would be to issue him a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I'll second that.

MR. MASHBURN: Second.

MR. RAFFENSPERGER: Okay. Any further discussion?
Hearing none, all those in favor of sending Mr. Green a letter of instruction, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-109, Fulton County.

On November 6th, 2018, Nan Harmon [ph.] advised that while voting at the Hopewell Baptist Church, she filled out the initial form and her information was entered into the computer. She was asked if she had also requested an absentee ballot. She stated that she had not requested one. The investigation revealed that Nan Harmon voted advance in person at the Milton Library on October 15th, 2018. She then was allowed to vote again at the Hopewell Baptist Church on November 6th, 2018 in the same election. Nan Harmon advised that she did not remember voting the first time. We recommend that Nan Caroline Harmon be referred to the Attorney General’s Office for a violation of 21-2-572 and Fulton County Board of Elections and Registration and Elections Superintendent Rick Barron, Kenneth Sanford be referred to the Attorney General’s Office for violation of SEB rule 183-1-14.09(1)(a)(2), when an absentee ballot which has been voted shall be returned to and received by the Board, it shall be dete -- deemed to have been voted then and there and no other
ballot shall be issued to the same elector, and 21-2-590, poll officer permitted unregistered or unqualified person to vote.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: And Mr. Sanford is on the phone.

MS. WATSON: I believe Mr. Sanford is on the line to speak.

MR. RAFFENSPERGER: Okay. Mr. Sanford?

MS. THOMAS: Mr. Sanford, you’re unmuted. You can speak now.

MS. WATSON: I believe also David Lowman is on the -- on the call from Fulton County.

MR. RAFFENSPERGER: Okay. Mr. Lowman?

MR. LOWMAN: Yes. I would just ask for the sake of consistency because this case is very similar to the case right before this one, I would ask for a letter of instruction in this case as well, and further for the sake of consistency, I point the Board to a case -- I don’t know the exact number, but it was last week, and there was a gentleman in Cobb County that voted twice on Election Day. I think he said that his parents had been sick, and he was traveling back and forth between here and Ohio and cast two votes in the same election, and I believe that in that case, Cobb County was not even named. So I would ask for the same fair and equal treatment for Fulton County,
and at the most, I would ask that the County receive a
text of instruction in this case. Thanks.

MR. RAFFENSPERGER: What is the will of the Board?

MR. MASHBURN: I read this -- did I read this
correctly? She reported herself but didn’t remember
receiving or voting the original ballot. She said that
somebody voted her ballot for her, but it turned out that
she ultimately admitted that it was her, right?

MS. WATSON: That is correct.

MR. RAFFENSPERGER: What would the Board like to do?

MR. MASHBURN: Ms. Watson, did you -- have you spoke
to her? Your investigators spoke to her, and they -- they
didn’t notice any cognitive -- advanced age, cognitive
disabilities, anything like that? Like in the -- like in
the first case that we had?

MR. RAFFENSPERGER: What would the Board like to do
with this one?

MS. WATSON: Mr. Secretary, if we could check one
more time with Mr. Sanford to see if he has -- is able to
speak now?

MR. RAFFENSPERGER: Okay.

MS. WATSON: Mr. Sanford?

MS. THOMAS: Mr. Sanford, you’re unmuted. You can go
ahead and speak.

MS. WATSON: No.
MR. RAFFENSPERGER: Okay. Members, what is your will?

MR. MASHBURN: I -- this is Matt Mashburn. I’m just still really puzzled by this case and have been ever since I first read it, so I’m going to make a motion to table, and we’ll bring it up again.

MR. RAFFENSPERGER: Okay. Motion to table.

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. We have to vote on that. It’s a motion to table, but I don’t have my Robert’s rules here, but all those in favor of tabling this?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Next case?

MS. WATSON: 2019-014, City of Atlanta, District 3 runoff. On April the 9th, 2019, the complainant reported that notice had been posted in the Friendship Tower Senior Center offering cash rewards and prizes to individuals who voted. Investigation revealed Karen Ashley, the resident services coordinator of Friendship Homes on Northside Drive, posted fliers in the facility that offered rewards for residents that voted in the runoff. Residents who could show that they voted would have their names entered into a drawing that yielded three separate prizes: $150 prize to be paid towards the winner’s rent for the month of May, second prize of a $25 Walmart card, and a third
prize of $10 cash.

Karen advised she did post the flier to try and get
the residents to participate in the voting process. Once
she was notified, she removed the flier, and no prizes
were given out. We recommend Karen Ashley be referred to
the Attorney General’s Office for a violation of 21-2-570.
And I believe that she is on the phone to speak.

MR. RAFFENSPERGER: Okay.

MS. ASHLEY: Yes. Good afternoon.

MR. RAFFENSPERGER: Good afternoon.

MS. ASHLEY: Are you -- okay. Hi, I’m Karen Ashley,
and I thank you for an opportunity to speak to the Board
regarding my case. Let me give you some background
information. I do not live in District 3. I don’t have
the ability to vote. I did not know any of the candidates
that were running. I actually work as a resident services
coordinator in a senior community. It’s a community for
independent living, and what I do is that I connect them
to resources and services to help them age in place
longer.

One of the things -- voting is not one of the things
that is a part of my job description. It’s just a passion
of mine because I believe that voting is important, and
the demographics of the people that I serve are mostly
impoverished seniors ranging in age from 62 to 97. Many
have been formerly homeless or had some type of vice in
their younger years, and they don’t have, really, a family
support system, and so I work from a place of empowering
them, and voting is one of those things that I think is an
equalizer for being -- teaching self-empowerment, so
whether or not it is voting or getting a vaccine for COVID
or getting tested for COVID, many of my residents have a
background in their life experiences -- they -- they don’t
trust the system, or they don’t believe themselves to be
trustworthy or anything of that nature, or that the system
doesn’t matter. It’s against them.

And what I seek to do with the voting is to say yes,
you do matter, and this is an opportunity for you to show
that the system works, and in this particular setting, as
again, I don’t invite anyone into the building. If their
campaigns reach out to me, I will allow them to come in to
speak with the residents so that they themselves can be
educated voters. I -- in this particular incident, it was
a special election, and I think it was about nine
candidates that were running. Seven reached out over the
peri -- over the course of the election and asked if they
could come in and speak with the residents, which I
allowed all that called to do. They were able to come in,
and after the actual election, I noticed that out of
26,000 people who were eligible to vote in this district,
less than six percent did, only about a thousand. And so I chose to use that as a teachable moment to my residents to say your vote matters. It makes a difference and to go back out to do the runoff, many of them -- and you would be surprised. People don’t understand the process. They -- many -- I have seniors who are 65 and 70 who have never voted, and so I was saying go back. There’s a runoff -- trying to explain the process, and many of them were -- well, why should we go back? And I had the thought, and it had nothing to do politically. It was just -- I just believe that you are your brother’s keeper.

And it was just -- I had the thought to -- okay, well, that’s an incentive if you go. I got with the property manager because this is subsidized housing. None of them would have gotten -- I wasn’t giving out a hundred and fifty dollars, but I did seek -- it was so important to me that they participate in the process because it didn’t benefit me one way or the other if they voted or not. Again, I don’t know -- know any of the candidates, and -- but when it was brought to my attention that this is not something that you do, I in no way would jeopardize myself or any of my residents because I understand what a privilege it is to vote, and when it was brought to my attention, I immediately took down the sign. It is not open to the public. This is just a private senior
community of about a hundred people, and it was not
mandatory that they participate. It was voluntary --
voluntarily. When it was brought to my attention, I took
it down. We did not have the drawing. They were no
prizes, and this was not for any particular candidate, and
I was not aware that this was considering [sic] buying
votes, or I would have never thought to do anything like
this, never. I had never before, and I haven’t since
then. I was just advocating for a group of people who
would otherwise not participate in the process, and I just
wanted them to -- to participate. And that -- that was my
--

MR. MASHBURN: Ms. Ashley?

MS. ASHLEY: Yes, sir.

MR. MASHBURN: Ms. Ash -- Ms. Ashley, this is Matt
Mashburn of the Board. I appreciate your enthusiasm, and
I apologize to interrupt you, but you raised a question in
my mind, and that is where -- where did the money come
from that was going to be the prize? Who provided that
money?

MS. ASHLEY: No one provided it. It was my own
personal -- that was going to be on me.

MR. MASHBURN: Okay. So no campaign or candidate or
cause offered to give you that money?

MS. ASHLEY: Oh, absolutely not. In fact, once it
was brought to my attention by the County as well as the State, I not only took down what I had posted in the general area, in our common area, I put up notices sharing with them what I had learned when I was educated, and then I had say hey, after I -- you know, if anyone comes in and does it, don’t do it. I even shared it with them because I did not -- I didn’t know. I didn’t look at that as -- as buying votes because it was not for any particular candidate, and I thank God that I was educated because nothing happened. That did not happen.

MR. MASHBURN: Okay. Thank you. I thank you for your answer, Ms. Ashley. Unfort -- well, not unfortunately, but we -- the law is very clear on this that you just can’t offer anything of value for people’s votes, for people to vote, so I’m going to make a motion that this be referred to the Attorney General.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: This is Anh Le. I second.

MR. RAFFENSPERGER: Okay. Do we have any further comments? Hearing none, all those in favor of referring this to the Attorney General’s Office, case number 2019-014, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?
MS. SULLIVAN: Mr. Secretary, for the record, this is Rebecca Sullivan, and I have rejoined the call.

MR. RAFFENSPERGER: Okay. Great. Thanks. Are we ready for the next --

MS. WATSON: Next case is -- next case is 2019-015, Fulton County. Fulton County self-reported that they failed to publish notice for L&A testing for the March runoff election and for the March 19th election. The investigation revealed that the allegation was -- or the self-report was verified. We’re recommending that Fulton County Board of Election and Registration and former Superintendent Richard Barron be issued a letter of instruction for SEB 183-1-12.02-3(b)(1) and also SEB rule 183-1-12.02-3(b).

MR. WORLEY: This is David Worley. I make a motion that we accept the recommendation and send a letter of instruction.

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

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Okay. Any further conversation? Hearing none, all those in favor of sending a letter of instruction for case number 2019-015, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none,
motion carries. Next?

    MS. WATSON: Next case is 2019-016, City of Nahunta. In May 2019, it was reported that the City of Nahunta failed to publish the qualifying fees by the February 1st deadline. The qualifying fees pertained to the November 2019 election. It was determined that the City of Nahunta had the city clerk Brenda Lartz and a new mayor took office. It is believed with the changes that the publishing of the qualifying fees was overlooked. The new clerk was made aware of the missed deadline and advised that the previous clerk Brenda Lartz would have still been in the position when this deadline for publishing the qualifying fees occurred on February 1, 2019, as she resigned without notice February 14, 2019. The notices were published in a legal organ on May 1, 2019. Brenda Lartz advised that she did not know the qualifying fees had to be published in a legal organ and states she had no real training. We’re recommending the City of Nahunta and former City Clerk Brenda Lartz be referred to the AG’s Office for 21-2-131(a)(1)(a), on the publishing of qualifying fees. And we also have someone on the line from the City to speak.

    MR. KINSLEY: Thank you.

    MR. RAFFENSPERGER: Go ahead.

    MR. KINSLEY: So I’m speaking on behalf of the City
of Nahunta. This case is quite simple. I agree pretty much with all the findings in the -- in the report. There was some confusion as to whether Ms. Lartz said she was trained or not, but I think it’s clear that she was trained, and in the investigator’s findings, it states that, you know, eventually, she admitted that she did participate in online training. Since this time, the City has had two clerks, so Ms. Monroe, who -- who did take action as soon as she found out. She published the qualifying fees, albeit late. But since then, they’ve had another clerk, who has -- has taken that position, and she, you know, will be trained on elections. The management, you know, is -- is urging new -- better organization throughout the entire City, not just the Elections Department, but essentially, you know, that’s -- that’s kind of the best practice, I guess, to prevent this from happening in the future.

Overall, you know, it was a simple miss in the deadline. I don’t think there’s any intent, no ill will. It was just an accident. It was corrected at the time, and it -- and it’s -- going forward, they’re trying to correct it and prevent it from happening as well. I spoke with the current clerk, the mayor, and the city manager about this issue, and they believe that it -- it is resolved, and it will be resolved in the future. You
know, based on this and the former case, we request a 
letter of instruction be given to -- to the City of 
Nahunta.

MR. RAFFENSPERGER: And, sir, for the record, can I 
get your name and your position?

MR. KINSLEY: Yes. I’m Nicholas Kinsley, and I’m an 
attorney speaking on behalf of Nahunta.

MR. RAFFENSPEGER: Thank you. Members of the Board, 
do you have any questions or any additional information?

What is your will?

MS. SULLIVAN: This is Rebecca Sullivan. I’ll make a 
motion that a letter of instruction be issued in this 
case.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: David Worley, I’ll second.

MR. RAFFENSPERGER: Any further comments? Hearing 
none, all those in favor of sending a letter of 
instruction for SEB 2019-016, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one, Wilkes County.

MS. WATSON: Next case is 2019-018. On June 25th, 
2019, the complainant reported that the Wilkes County 
Voter Registration Office had been closed during regular 
business hours at different times over the previous few
months. In late 2018, the part-time clerk at the Wilkes County Registrar’s Office resigned. This left Registrar Debbie Anderson alone to handle vote registration. Ms. Anderson suffered health issues that required being absent from the office frequently between January and April of 2019. Records indicate the Registrar’s Office was closed to the public 16 times during this period for a total absent time of approximately 77 hours. In a Wilkes County Board of Registrar’s meeting on July 11th, 2019, the Board appointed a clerk to assist in the duties in the Registrar’s Office and have since taken actions to correct this issue, and is there anyone -- I believe there is someone here to speak to the issue. Due to the actions that they have -- have taken to correct the issue, I would recommend a letter of instruction for violation of 21-2-215(c).

MR. RAFFENSPERGER: Okay.

MS. WATSON: I believe that there’s Thomas Charping on the line to speak.

MR. CHARPING: Yes. Thank you. Good afternoon, Mr. Secretary and Board members.

MR. RAFFENSPERGER: Yes, sir.

MR. CHARPING: I am the probate judge here in Wilkes County, and one of my duties is being the Elections Superintendent also. I took office on January the 1st of
2009. I was certified in election, I think, somewhere the
16th of 2009. I have had many problems with Ms. Debbie
Anderson, when she was appointed as the Chief Registrar
for Wilkes County in 2015. It mentioned in your findings
that the part-time clerk resigned, and Mrs. Anderson was
left alone, but that’s not the case, and the Wilkes County
administrator has a file on Ms. Anderson that says
different. She told, at that time, the clerk, Ms. Tina
Jenkins [ph.], that she did not need her anymore. When
Ms. Jenkins resigned, it was during a major election.
Mrs. Anderson has caused many Board members to resign and
left her without help.

If you will please read the county attorney’s
petition to the Chief Superior Court Judge to remove Mrs.
Anderson that I sent to Ms. Frances Watson on February the
16th of this year, it would give you some insight into
what we, Wilkes County, was dealing with. I would be glad
to furnish the Board with pictures of the office in
disarray and voter registration forms that were not
entered into E-net and just laying exposed with personal
information and also over 900 DDS applications that were
from August 13th of 2018 through July the 17th of 2019
that were never processed because she was the only one
that was allowed into E-net. At that time, we had
approximately 5800 voters. None of the Board members had
privileges to enter into E-net. She also removed me out of E-net twice, and Mr. Chris Harvey and Mr. John Holman [ph.] both are familiar with our problems here and those problems with E-net.

Most of Mrs. Anderson’s Board members were picked from a list that she supplied to the grand jury. Little did they know that they became her puppets. The grand jury, after several years of problems with Ms. Anderson, chose other names that were not on her list. That’s when the Board was able to take control and appoint someone working in the courthouse to be the Deputy Chief Registrar. It just so happened to be my chief clerk for probate court, and my office is open from 8 to 5, Monday through Friday, except holidays, so now, the Registrar’s Office is closed -- is not closed for any other reason other than holidays here, and the door is always open. The phone -- the phoneline is forwarded to our phone. When that office is closed, there’s a note on that door that states come to room 422 on the fourth floor. This was all done, again, against Ms. Anderson -- Ms. Anderson’s wishes.

The day before our Chief Superior Court Judge was to hear our case, Ms. Anderson resigned, and a new Chief Registrar was appointed, and we’ve had no problems since. All Board members have been given a code book by me, and
all Board members have access now to E-net. At this time, we have a Board of Registrars that Wilkes County can be proud of. I do have a Board member that resigned with me today, and she was reappointed after Ms. Anderson resigned. Her name is Lois Strong, and if you have any questions for her or myself, we are prepared at this time.

MR. RAFFENSPERGER: Okay. Thank you, sir. Okay. Members, do you have any questions?

MR. MASHBURN: This is Matt Mash -- this is Matt Mashburn, and I have question for the judge. Thank you for attending today, Judge. I appreciate your presentation. Did -- the Elections Registrar serves at the pleasure of the Board of Commissioners, or how do y’all work down there?

MR. CHARPING: No, sir. They all -- there’s a list that the grand jury supplies to the Chief Judge. That’s usually done in February, always done in July -- excuse me, August, based upon a list for any vacancies, any openings there would be in the Board of Registrars. The Commission has no part, no say-so in the Board of Registrars.

MR. MASHBURN: Okay. So she’s -- she’s appointed and accountable to the Grand Jury?

MR. CHARPING: She’s appointable -- or she’s appointed by the Chief Superior Judge and accountable only
to them.

MR. MASHBURN: Okay.

MR. RAFFENSPERGER: Any other questions?

MR. WORLEY: I had a question, Mr. Secretary, for Ms. Watson. Are -- are any of the items that Judge Charping mentions regarding the failure to process the DDS applications -- are any of those included in the report, or have they been the subject of an investigation?

MS. WATSON: I would have to -- have to check on any of the other investigations that we’ve had. As he stated, that was just sent yesterday, so it may be that we -- we have to open up a separate investigation into those allegations.

MR. CHARPING: I do have picture that are reserved that shows the date and time and pictures on E-net to where it started and where it ended, the long list. When I contacted Mr. Harmon about that, I asked him do you see anything on the dashboard, Mr. Harmon? And he said yes, I do, and I said what do you see? And he says a long list of DDS applications that hadn’t been processed right here, and I said yes, sir. That’s exactly what I’m talking about right here, right now, and with only about approximately 5800 registered voters at the time, that was a big, big portion. We had voters that actually, in my opinion, was [sic] not allowed to vote in elections at
that timeframe. If you look back at the timeframe, and
I’ll be glad -- I’ve got many pictures I’ll be glad to
send you that I took.

MR. RAFFENSPERGER: Members?

MR. WORLEY: Mr. Secretary, David Worley. I would
make a motion that we table this action today until such
time as Ms. Watson has had an opportunity to do some
investigation into the matters that were presented to her
yesterday. I’d rather just deal with all of this at once
than piecemeal it out.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Okay. All those in favor of
tabling?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion is tabled. Next one?

MS. WATSON: Next case is 2019-019, Webster County.

On June 26th, 2019, Mildred Russell [ph.] reported she was
denied the right to vote in person three times. Mrs.
Russell stated each time she was told she had to return an
absentee ballot before she would be allowed to vote.
Investigation shows Mildred Russell did go to vote on two
separate occasions and was told that she could not vote if
she did not have her absentee ballot to surrender and was
turned away. Both the Election Supervisor and the Deputy
Registrar advised at the time of the incident they were unaware of the proper procedure to cancel an absentee ballot. They both believed that the voter had to surrender the absentee ballot before they could vote in person. They both advised they are aware of the procedure and have a copy of the affidavit form at this time.

The election resulted in a tie with each candidate for a special election for Clerk of Superior Court to fill the remainder of the term, receiving 29 votes. A court challenge was filed and a consent agreement to void the election results and hold a second election. This was due to the one -- one voter that was erroneously turned away for not having her absentee ballot with her to surrender when she presented to vote at the polls. We recommend Webster County Board of Election and Registration, Patricia Burks, the Election Supervisor, and Bonnie Witt, Deputy Registrar, be referred to the AG’s Office for the violation of 21-2-388(2), cancellation of absentee ballots.

MS. THOMAS: Ms. Bonnie Witt is on the phone and Frederick Over -- Overby.

MS. WATSON: I believe we have two people on the line to speak: Bonnie Witt and Frederick Overby.

MR. RAFFENSPERGER: Okay. Which one is first?

MR. OVERBY: This is Fred Overby. Can y’all hear me?
MR. RAFFENSPERGER: Yes, sir. Loud and clear.

MR. OVERBY: I’m the county attorney for Webster County and represent the Board of Elections. It should be noted that also this was a very close, contested special election to fill the vacancy of the Superior Court clerk’s office due to a retirement, and there was a second complaint also about a ballot that was checked but not blackened out so that the optical scanner would not count it, and upon learning of that issue and conferring with me and Mr. Harvey from the Secretary of State’s Election Division, they properly counted that ballot, which resulted in the tie.

The issue with Ms. Russell was a second issue in that election, and as stated, both Ms. Burks, the Supervisor, and the Deputy Registrar, Ms. Witt, simply made an error. When the contest was filed by Mrs. Crimes [ph.], that error was admitted. There was no effort to skirt it or deny it or anything like that, and the Board considered and agreed that a new election ultimately had to be required, and that election took place, and Mrs. Crimes, the complainant, did prevail in that election.

The point we would like to make and urge to the Board is that this was not a -- not a mistake of willfulness or intent. It was a mistake of negligence and simply not knowing the proper procedure. They do know the proper
procedure now. They do have the affidavit on file, and
they, you know, know how to handle this situation in the
future, and we would just encourage the Board to look upon
this as a situation where there was an error made. It was
acknowledged, and they’ve received some additional
training, and it won’t happen again. Thank you very much.
I do have Ms. Witt, I believe, and Ms. Burks also is on
the line if y’all have any questions for them.

MR. RAFFENSPERGER: Thank you. Board? Do you have
any questions? What is your will?

MR. MASHBURN: This is -- this is Matt Mashburn. I
appreciate the attorney’s excellent presentation, but
unfortunately, here, he’s got the nightmare scenario in
that he’s got a voter turned away, and it actually
impacted the outcome of the election, so you couldn’t have
-- you couldn’t certify the election, so they had to have
a new election. So this -- you know, this compounds the
worst thing you can do, send the voter away wrongfully,
with have it set aside an election, so this is just -- in
my opinion, this has to go the AG’s Office and make a
motion -- I make a motion that it be referred to the AG’s
Office.

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

MS. SULLIVAN: This is Rebecca Sullivan. I would
agree and second the motion.
MR. WORLEY: This is -- this is Mr. Worley. I’m going to oppose this motion because yes, this is the worst circumstance possible, but if -- if you read the rep -- what I found from reading the report was that they moved to correct it. They did correct it. They were very open about everything, unlike some Boards that we see. They have done everything that they can at this point to correct the situation. The -- the candidate of Ms. Russell’s choice was eventually elected, and I’m -- I’m just not sure what the Attorney General’s Office can do further on this matter. They can enter into a consent order with the Respondent saying they won’t do it again, and they’ve done training, and they’re aware of what’s going on now, but they’ve already done that.

The other option would be to add a fine to, you know, to the file and fine Webster County for this. Webster County is one of the smallest and poorest counties in the State. As you can tell, only 60 people voted in the election that was in question, and I -- I just don’t think we’re achieving anything by sending it to the Attorney General’s Office that wouldn’t be achieved by sending a letter of instruction to -- to Webster County, so that -- that would be my preference, and so I’ll oppose the motion.

MR. RAFFENSPERGER: Okay. Any further discussion?
All those in favor of sending this to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Motion carries. Next case?

MS. WATSON: Next case is 2019-029. On October the 3rd, 2019, Catoosa County Elections Director Tonya Moore reported that Ringgold mayoral candidate Paul Lee had offered free gifts in exchange for voting. Mayoral candidate Paul Lee posted on Facebook on October 1st, 2019 in notice to all voters in the City of Ringgold. The post states that if he is elected Mayor of Ringgold, he will pick two restaurants and buy everyone that shows their “I voted” sticker a free meal. Once notified of the violation, he removed the post and issued a statement formally withdrawing the offer. We recommend that Paul Lee, mayoral candidate, be referred to the AG’s Office for violation of 21-2-570. There is no one on the line.

MR. RAFFENSPERGER: Okay. What is the will of the Board?

MR. MASHBURN: This is Matt Mashburn. I move that this be referred to the Attorney General’s Office.

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Any further discussion? Hearing
none, all those in favor of referring this to the Attorney General’s Office, case number 2019-029, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one?

MS. WATSON: The next case is 2019-033, City of Forest Park. Between October 16th, 2019 to December 12th, 2019, we received multiple complaints regarding the City of Forest Park November 5th, 2019 election. These complaints of election fraud and illegal campaigning were mainly against the City of Forest Park Election Superintendent Lois Wright and City of Forest Park Ward 4 Councilmember Latresa Akins-Wells. Out of the fourteen complaints submitted, five were substantiated.

Latresa Akins-Wells was the incumbent Ward 4 City Councilmember and a candidate on the ballot for the November 5th, 2019 City of Forest Park election. Forest Park City Hall was the early voting polling location. Between October 14th, 2019 to October 18th, 2019, it’s alleged Akins-Wells was inside the polling location speaking and interacting with voters during the early voting session, and this was substantiated.

Lois Wright was the City of Forest Park Election Superintendent. She has conducted herself in an
unprofessional manner while working in the official
capacity of an election superintendent. Allegation three,
Lois Wright maintained a personal relationship with
Latresa Akins-Wells. As a result of their friendship,
Wright has received gifts from Akins-Wells in return for
political support.

Latresa Akins-Wells has campaigned for reelection of
City of Forest Park-funded community events, such as
functions held at community parks and public schools. Her
campaigning activities consisted of wearing campaign
attire, handing out campaign materials, and photo
opportunities with voters and political figures. This was
not substantiated.

The Office of the Secretary of State voter
registration data for the City of Forest Park is
inaccurate. Allegation was not substantiated. Someone
fraudulently submitted an absentee ballot application on
behalf of City of Forest Park resident Brenda Walton
[ph.]. The allegation was not substantiated, but
procedural errors were discovered that constituted
election code violation. Lois Wright entered the date on
the absentee ballot application for Brenda Walton as she
thought that was the date it came in. When Brenda Walton
came to vote in person, she denied completing the absentee
ballot application until she was shown the application.
Brenda Walton stated that she did not write the date on the application and was told by Lois Wright that the date was an error on her part and covered the date with Wite-Out.

Allegation seven, some fraudulently submitted -- someone fraudulently submitted an absentee ballot application on behalf of Jeanette Hand [ph.] who was determined to be deceased on the date of the application. This was a result that contracts with candidates to go out into the community and collect absentee ballot applications well in advance of the election. It appears that some of these applications have not had the election date entered at the time of collecting the application and were then submitted without recontacting the voter, resulting in voters stating they did not request the absentee ballot, and in the case of Jeanette Hand, passing away prior to the application being submitted but after her death. This leads to confusion for the voters, problems for the election staff, and general distrust in the process.

Latresa Akins-Wells campaigned during the early voting session within a hundred and fifty feet of the City of Forest Park polling location. Allegation nine, the City of Forest Park Election Office miscounted the votes for the Ward 3 City Council seat and failed to read out
all of the yes/no referendum questions for the absentee ballots on the night of the November the 5th, 2019 election. This was substantiated. Several voters did not receive ballots with complete candidate information, and one voter was not allowed to vote on Election Day.

Allegation eleven, there is video footage of Latresa Akins-Wells and Lois Wright handling absentee ballots inside City Hall. There was no violation substantiated. Latresa Akins-Wells received a disproportionate amount of absentee ballot votes compared to other candidates on the ballot. Absentee ballot procedural errors were found with no ballot number or issue date listed for 168 absentee ballot applications.

Allegation thirteen, Latresa Akins-Wells was in possession of forged absentee ballot applications in December of 2015. This was not substantiated. Isabelle Martinez [ph.] is the mother of Ward 4 Councilmember challenge Yasmin Julio Martinez [ph.], is not a resident of Georgia, and she assisted in Julio’s campaign. She has also illegally campaigned outside of Forest Park City Hall during the early voting session. That was not substantiated.

Our -- our findings are that all of the allegations except for allegation one, six, nine, ten, and twelve were unsubstantiated. Our recommendation is for Latresa Akins-
Wells, Ward 4 City Councilwoman, be referred to the AG’s Office for violation of 21-2-414(d), restrictions on campaign activities when she was present inside the polling location after she cast her own ballot. She also admitted to escorting voters inside the polling location to cast their ballot. The City of Forest Park, Lois Wright, Elections Superintendent -- or former Elections Superintendent be referred to the AG’s Office for a violation of 21-2-562(a)(1), fraudulent entries when she inserted a date on another person’s absentee ballot application, then concealed that date with Wite-Out, and 21-2-384(a)(5), mailing of ballots, when Wright failed to require a voter, Brenda Walton, to complete an affidavit after allowing that voter to vote in person while their absentee ballot was already in the mail, and City of Forest Park, Lois Wright, Elections Superintendent, former, Celia Jones, the Election Office absentee ballot clerk be bound over to the AG’s Office for SEB rule 183-1-12-.02(4)(b), when she wrote an incorrect voter combination code on the voter certificate which resulted in the voter receiving the incorrect ballot, 1 count, and 21-2-384(a)(3), mailing of ballots, when Wright failed to document absentee ballot information, i.e., ballot number and issue date on at least 168 absentee ballot applications. And then we have two people waiting to
The city attorney, Mike Williams, and a complainant, Trudy -- Trudy Smith.

MR. RAFFENSPERGER: Okay. I guess let's go with the city attorney first.

MR. WILLIAMS: Good afternoon. This is Michael Williams. Can you hear me?

MR. RAFFENSPERGER: Yes, sir.

MR. WILLIAMS: I just wanted to speak to the five violations. With respect to the first violation involving Councilwoman Latresa Akins-Wells, obviously, the City cannot take a position on what action the Board may wish to take, but just for informational purposes, as outlined in the report, the use of City Hall is -- is the issue because of the small size and the layout of City Hall, and our concern is this is a problem that is capable of potential repetition in the future with future candidates or incumbents inadvertently and unintentionally violating this by being at City Hall on official, non-election-related business, so as a result, the City intends to cease using City Hall as a polling location for future advance voting or other election-related matters, and so we have addressed that to the extent it involves the City.

The next three procedural violations, I think the facts speak for themselves, and the City acknowledges that those mistakes were made. Again, for informational
purposes, Ms. Wright, as well as Ms. Jones who was involved as the absentee ballot clerk, will not be serving in those capacities for future elections, and the City is utilizing the City Clerk’s office to perform the Election Superintendent role, and they are in the process of being trained. The City intends to make sure that we have a fully trained and capable staff so that those types don’t occur again.

And finally, with respect to the last count involving the documentation for the absentee ballot applications, et cetera, there’s a dispute as to the facts on this. We do believe that there was a wrong record, but, you know, we certainly acknowledge the concern about that, and one of the things we -- we intend to explore is the use of software to, you know, the ballot track-type software that the State of Georgia is utilizing, as well as Clayton County, so that we can automate that and have a better system for managing absentee ballots going forward, and so that -- that is part of the plan and a step that the City is exploring, how we can utilize those services going forward. And then again, as to that point, Ms. Wright would not be part of that process.

And so as relates to the last four alleged violations because the City is already taking steps to address those, I believe a letter of instruction would be suitable for
those, again, because those individuals won’t be part of 
the elections going forward. And that’s -- that’s all I 
have.

MR. RAFFENSPERGER: Ms. Folami -- Folami is on. 
Could she -- she wanted to speak, one of the complainants?

MS. WATSON: I believe it’s Trudy -- Trudy Smith.

MR. RAFFENSPERGER: Oh, it’s Trudy Smith? Okay. Go 
ahead, ma’am.

MS. SMITH: Yes. They have my written statement that 
I asked them to read because I have a trach, and it’s hard 
for me to speak and to be understood.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: Yes, we have it here. We’ll read it for 
you. So on behalf of Ms. Trudy Smith, this is her 
statement. Even though the mayor vetoed allowing Lois 
Wright to be the Election Superintendent in 2021, three 
councilmembers brought her back up to have her serve 
again. They were unable to get the fourth vote, so it did 
not happen, so clearly, certain members of the council 
have condoned Ms. Wright’s actions.

MR. RAFFENSPERGER: And was there anyone else to 
speak from this?

MS. THOMAS: Lawanda Folami is raising her hand, so 
let me --

MS. FOLAMI: Good afternoon, everybody, Mr.
Secretary, everybody. I am a constituent of Clayton County, Forest Park, and I’m here on this call today because it’s very important to the community. In our last election, we had a host of complaints until I just decided to get the citizens together and call into the State so they could come in and investigate.

There was numerous things that went on. We had at least 12 people -- there was 119 different cases of previous elected officials inside the polling place. We also have a pending case coming up the next week that will actually illustrate why this issue should go over to the AG for further investigation. Our Superintendent Elect is a very trained, well-known of the law of the land of voting, and at one point in time was a very -- person that you could really trust. However, there is questions here now from the citizens who actually pays for them to look at our votes and also the attorney who the citizen pays to represent the municipality. But however, the city constituents would like to see this bound over to the AG so that in future, that because -- the citizen will not have trust problems in casting their ballot. I yield back my time.

MR. RAFFENSPERGER: Okay. Thank you. Okay. Anyone else to speak on this, or if not, Board, do you have any questions? What’s your disposition?
MR. MASHBURN: This is Matt Mashburn. I move that the City of Forest Park on the -- I lost my place. I’m sorry. I move that the City of Forest Park be issued a letter of instruction and the remainder of the case, City of Forest Park, Lois Wright, Election Superintendent, and Latresa Akins-Wells be referred to the AG.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: I would also add to the motion to -- to get the other members of the Board, but I also would move that this file be sent to the public integrity section of the GBI to have them look at it as well as the AG.

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

MR. WORLEY: I just had a question of our legal counsel, if Ms. McGowan is on the call, as to whether we have the authority to send it to the GBI, or is that something that the Attorney General is going to do anyway? I don’t recall a case -- and I’m not saying there has not been one, but I don’t recall a case where we’ve specifically referred a matter to the GBI, and I’m not saying I’m opposed to that, I’m just questioning whether we can do that.

MS. MCGOWAN: Mr. Worley, this is Charlene. I’m not aware of a specific example of our office doing that either, but it’s certainly something that I can look into.
MR. WORLEY: Okay.

MR. RAFFENSPERGER: Does that mean that we hold that second half of the motion in abeyance until we get an answer, or we can do that while there is authority to do that? Does that make sense?

MR. WORLEY: I would go ahead with Mr. Mashburn’s motion.

MR. RAFFENSPERGER: Okay. We have a second. Any other questions, comments?

MS. LE: I think -- this is Anh Le. I think 21-2-31(5) might be of some insight because I think 5 states that the Board can authorize Secretary of State’s Office to investigate or to send to the Attorney General or district attorney. I don’t send a mention under that code section for GBI, but I’ll yield that to Ms. McGowan’s expertise.

MR. RAFFENSPERGER: Okay.

MS. MCGOWAN: I mean, the GBI, obviously, isn’t authorized to -- under legal action in a matter like our office is or a district attorney’s office is. They would maybe be able to assist on the investigative side.

MR. RAFFENSPERGER: We have a motion. It’s been seconded. Is there -- do we need to amend anything, or do we go ahead and put it to a vote? All those in favor of the motion as presented, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Another City of Forest Park.

MS. WATSON: 2019-042: on November 5th, 2019, we received a complaint alleging a young man was distributing pamphlets inside the polling location at 803 Forest Parkway, Forest Park, Georgia. The pamphlet contained information regarding a ballot question. Investigation showed a City of Forest Park poll worker, Edwin Martinez [ph.], advised he was instructed to distribute the pamphlet regarding the referendum question on the ballot to each voter as they entered the poll. Lois Wright, the Election Supervisor, acknowledged she authorized the distribution of the pamphlet. The pamphlet was titled Forest Park Report Referendum. The pamphlet provided the answers to the following questions. What is free port? Why free port? Why -- what should voters do? We -- the recommendation is for City of Forest Park, former Elections Superintendent Lois Wright, and Edwin Martinez, poll worker, be referred to the AG’s Office for 21-2- 414(a), restriction on campaign activities.

MR. RAFFENSPERGER: Okay. Does the city attorney --

MS. WATSON: Yes. I believe there’s three people to speak, Mike Williams and two others.

MR. RAFFENSPERGER: Okay. Who’s first?
MS. WATSON: Mr. Williams? Mr. Williams?

MR. WILLIAMS: I’m sorry. I was muted. Again, this is Mike Williams. I think the facts in this case speak for themselves. We -- once this came to the City’s attention at the time, instructions were given to immediately desist. This was an informational document that was prepared to inform residents as to what was -- what the ballot question was about. It wasn’t an advocacy piece. It was never intended for this to be anywhere near the polling location, and so, it was immediately put to an end, and again, for the same reasons as the prior case, to the extent action is required for the City, a letter of instruction should be sufficient since those individuals will no longer be part of elections going forward.

MR. RAFFENSPERGER: Okay. Does anyone else want to speak? Members, do you have any questions?

MS. WATSON: Angela Redding? I believe we have Angela Redding on the line in reference to this case. Ms. Redding?

MS. REDDING: Good afternoon. How are you today?

MR. RAFFENSPERGER: Good.

MS. REDDING: The city attorney covered the -- I’m sorry. The city attorney covered the information that I wanted to mention regarding this case. However, I just wanted to make it known because it states in the findings
that I, as the former city manager, authorized the pamphlet to be distributed, and that is inaccurate.

MR. WILLIAMS: Mr. Secretary, this is Mike Williams again. I would confirm that. There -- at no point did any city officials authorize this.

MR. RAFFENSPERGER: Okay. Okay. Members, any questions? What is your will?

MS. THOMAS: Oh, and we have one more person that would like to speak on this case, and it’s Robin Kemp.

MR. RAFFENSPERGER: Okay. Ms. Kemp?

MS. KEMP: Yes, sir. Can you hear me?

MR. RAFFENSPERGER: Yes. Go ahead.

MS. KEMP: Good afternoon, Mr. Raffensperger and Board. My name is Robin Kemp. I am here in my capacity as a resident and voter in Forest Park. It is also the case that at the time I was a reporter for Blake News Daily covering the City of Forest Park. I just want to put that all on the table.

MR. RAFFENSPERGER: Okay.

MS. KEMP: I walked into the polling place at the recreation center, gym, whatever, the address you guys have, and I was handed this flier by the young man whose name I -- I don’t know but you found. I asked him are you supposed to be giving these out in here because I don’t think this is legal? And he said he didn’t know. He was
just told to give them to everybody. There was another flier up, like, taped up on the wall to the left as you enter, and then as you walk straight in, you’re supposed to go and sign in so they can process and check your ID. When I finished voting, I contacted the Secretary of State’s Office to inquire as to whether or not this was legal, and I thought it was not, and hence, we’re here today. I also did cover this somewhat extensively for the News Daily. I have links to those stories, excerpts, and if you would like them -- you may have them in whatever packet or information you have already, I don’t know.

But I just wanted to make it very clear that this flier had also been presented the night before at City Council, and while the language does not exactly come right out and say you should vote for this, the implication is pretty clear. My problem with this is that it does not also inform residents and voters of what the negative or downside would be of voting for a free port exemption. Now, I know that there is an article in the Barney [ph.], which although it’s a UK publication, it does basically explain free ports can defer to the point where taxes are paid but the tax break is going to mean a loss of revenue for, in this case, the City, and that free ports can risk -- can risk facilitating money laundering and tax evasions as those are not easily subject to checks
that are standard [sic] held there. And you know, that
information was not provided to voters in this information
pamphlet, and it seemed that the City was distributing a
very one-sided piece inside the polling place.

MR. RAFFENSPERGER: Okay. Thank you. Members, do
you have any questions? What is your will?

MR. MASHBURN: This is Matt Mashburn. I move that
this case be referred to the Attorney General.

MR. RAFFENSPERGER: Do we have a second?


MR. RAFFENSPERGER: Any further comments? All those
in favor of the motion as presented for 2019-042, signify
by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Can we do one more case before we take a break? We can do
the last of the 2019’s. So next case.

MS. WATSON: Yes. The 2019-043 case was continued.

MR. RAFFENSPERGER: Oh, that’s right. Okay. Can we
take a -- come back at 3:00, a ten minute break.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Okay. Next case?

MS. WATSON: The next -- next case is 2020-002, Floyd
County. On February 5th, 2020, we received a complaint
regarding the late publication of qualifying fees in Floyd County. This was a self-reported violation. Former Elections Supervisor Robert Brady reported the violation. Due to a communication error, the qualification fees were not posted prior to the February 1st, 2020 deadline. The publication was published on February the 5th of 2020. We recommend that the following be issued a letter of instruction for 21-2-131(a)(1): Floyd County Board of Commissioners, Floyd County Board of Elections and Registration, and Former Chief Clerk of Elections Robert Brady, and the violation of 21-2-273 be dismissed.

MR. RAFFENSPERGER: Okay. Does anyone from Floyd County want to speak on this matter?

MS. THOMAS: Mr. Brady is on the line.

MS. WATSON: I believe Mr. -- I believe Mr. Brady is on the line if he wishes to speak.

MR. RAFFENSPERGER: Mr. Brady?

MR. BRADY: Good afternoon again. No, sir. I don’t have anything to add to this. Thank you for your time.

MR. RAFFENSPERGER: Thank you. Members?

MS. THOMAS: One more person. Virginia Harman is on the line as well. Ms. Harman?

MS. HARMAN: Yes, thank you. This is Virginia Harman. I’m a Floyd County attorney. I also represent the Floyd County BOER. Thank you for your time. I was
ready to present arguments, but if the recommendation is a
letter of instruction, I think we’re -- we’re perfectly
happy with that. We feel like we -- this was a one-off.
We have not ever had this happen before. Mr. Brady was
new to the job at that time, and it was just a
miscommunication and was fixed quickly, and we’ve taken
all necessary steps to make sure it doesn’t happen again.
So thank you very much.

MR. RAFFENSPERGER: Thank you. Members, what would
you like to do with this?

MR. MASHBURN: This is Matt Mashburn. I move that we
issue a letter of intent on the first one --

MR. RAFFENSPERGER: Instruction?

MR. MASHBURN: -- a letter of instruction on the
first count and dismiss the second.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Any further discussion? All
those in favor of the motion, please do so by signifying
aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: 2020-008, City of Milan, city council
vacancies. The complainant Jerry Lowery [ph.] alleged the
City of Milan is not following the city charter and state law concerning the filling of two vacancies on city council. The investigation shows the city charter states provided that if any vacancy shall occur within six months next proceeding the regular election, no special election shall be called to fill said vacancy. Councilman Bruce Hanson [ph.] resigned on May 6th, 2019, and he still had more than six months remaining on city council. Councilman Keith Holtz [ph.] passed away on February 9th, 2020, and he still had more than six months remaining on city council. However, no election was held. Our recommendation is for City of Milan Mayor Jimmy Kirkland [ph.] and City of Milan City Council be referred to the AG’s Office for two counts of violation of 21-2-504(a) and 21-2-540(d). No one is on the phone to speak.

MR. RAFFENSPERGER: Okay. Members, what is your depo -- disposition towards this case?

MR. MASHBURN: This is Matt Mashburn. I move that we accept the recommendation, and we forward it to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion as presented for 2020-008, please do so by signifying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2020-015, Stephens County, absentee ballot box rules violation. Stephens County has an absentee ballot box that does not have the signage posted as outlined in the SEB rules. During an inspection of absentee ballot drop box, it was found that the drop box did not have the required signage posted. It was also found that the location of the drop box had not been posted to the website per the SEB rules. Our recommendation is for Stephens County Board of Elections and Registration and former Stephens County Chief Registrar Eureka Gober be issued a letter of instruction for the violation of SEB rule 183-1-14-0.6-.14(3)(9).

MR. RAFFENSPERGER: Are there any of the Respondents on the call that would like to speak?

MS. WATSON: A Rebeckah Bennett is on the line.

MS. BENNETT: Yes, there are.

MR. RAFFENSPERGER: Ms. Bennett?

MS. BENNETT: Can you hear me?

MR. RAFFENSPERGER: Yes. Go ahead.

MS. BENNETT: Can you hear -- so in this particular case, it was -- hello?

MR. RAFFENSPERGER: Yeah. Go ahead.
MS. BENNETT: In this particular case, it was noted on multiple occasions that that particular box was outside of the guidelines where the SEB rule (sound cuts out) seemed concerned to make any of those corrections even after it had been duly noted where the complaint (sound cuts out)

MR. RAFFENSPERGER: Okay? Members.

MS. BENNETT: -- is finally (sound cuts out) the works in this particular case because it wasn’t just the Registrar that was aware and outside of that compliance, and it needs to be further noted that that office is still outside of compliance to OCGA and SEB rules.

MR. RAFFENSPERGER: Okay. Members, what is your disposition towards this case?

MS. BENNETT: You’re breaking up. I’m sorry. I missed some of that.

MR. MASHBURN: This is Matt Mashburn. I move that we issue a letter of instruction.

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

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. David Worley. Any further comments?

MS. SULLIVAN: This is -- this is Rebecca Sullivan. Ms. Watson, do we know whether or not Stephens County has brought that box into compliance with the SEB rules at
this point?

    MS. WATSON: We would have to do another inspection
to verify.

    MS. BENNETT: Can I ask a point of clarity?

    MR. RAFFENSPERGER: Yes.

    MS. BENNETT: Exactly who are you sending a letter
to?

    MR. RAFFENSPERGER: To Stephens County Board of
Elections and Registration and the former Registrar Eureka
Gober. I know she’s no longer there, but we would send a
letter to her as well.

    MS. BENNETT: So essentially, it’s okay for them to
function outside of code after being told again and again
and again? I mean, I guess that’s my thing. You’re
basically telling them something they’ve been told
multiple times and chose not to adhere to.

    MR. MASHBURN: This is -- this is Matt Mashburn. The
intent of my motion is that we’re going to -- we’re going
to -- we’re going to tell them this time, and that’s a
letter of instruction.

    MR. RAFFENSPERGER: All those in favor of the motion
as presented, signify by saying aye.

    MR. WORLEY: Mr. Secretary?

    MR. RAFFENSPERGER: Yes?

    MR. WORLEY: David Worley here. I’d like to withdraw
MR. RAFFENSPERGER: Okay. Okay. We do not have a second. Is there a second?

MS. LE: This is Anh Le. Ms. Watson, given that there is an allegation that this is a continuing violation, would there -- how quick would it be for you to verify that they’re in compliance or not?

MS. WATSON: We can have someone there tomorrow.

MS. LE: So by -- maybe can we table this to week, if that would work for your timeline? I mean, excuse me, next Wednesday’s meeting. Okay. I move to table this to next Wednesday’s hearing, if that’s okay?

MR. RAFFENSPERGER: Yeah. Tables trump motions, so motion to table. Do we have a second?

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: All those in favor of tabling until next week, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: We’ll pull it off the table until next week. Motion carries. Next?

MS. WATSON: Next case is 2020-018, Hancock County, absentee ballot drop box. On Wednesday, May 20th, Investigator Monroe conducted an absentee ballot drop box inspection at the Hancock County Board of Elections Office for the upcoming June 9th, 2020 general primary election.
The only problem was that the drop box was a cardboard file box that wasn’t taped or locked shut and was sitting unsecured on a table in the lobby. Hancock County Elections Supervisor Gerald McCown told the investigator that the box would be replaced with a metal drop box that was locked as soon as possible. Recommendation is for Hancock County Board of Elections and Registration and Gerald McCown, Hancock County Elections Supervisor, be referred to the AG’s Office for violation of State Election Board rule 183-1-14-0.6-.14(6)(7). I believe there’s two people on the phone to speak, Andrea Grant, the attorney, and Nancy Stephens.

MR. RAFFENSPERGER: Okay. Who wants to go first?

MS. GRANT: This is Andrea Grant. I’ll go ahead. I had hoped to have the Supervisor on line, and I was wondering do you all have a copy of his statement form that he provided to the investigator in your -- in your packets?

MS. WATSON: They have a report of that, not the exhibits.

MS. GRANT: I’m sorry?

MS. WATSON: They have the report but not the individual exhibits.

MS. GRANT: The statement form that he signed? Are you calling that the exhibit?
MS. WATSON: Yes, ma’am.

MS. GRANT: I’m sorry. I don’t -- I’m just trying -- I know it’s really hard for us to do this like that. A couple things that I would like to say on behalf of the -- the Board of Elections and Registration. As -- as you all know that there’s constant turnover in the staff and we’ve had several Board members die in the past year or so, plus the real difficulty was the emerg -- this was actually an emergency room -- rule that was being implemented kind of at the eleventh hour, and I understand completely why the need for it, but I think all those things in combination is what culminated in he -- Mr. McCown does not dispute that he was not in compliance for a time period. I don’t have the exact time period that he was not in compliance, and I -- I did ask him some questions so if you have any questions for me about the compliance for the drop box in the lobby, I’ll be glad to answer it.

There are two things in the investigative report that are not really crucial but kind of crucial. One thing it says is that Gerald McCown Reed completed her [sic] election certification training on 4/9/2010, and I know that -- bless their hearts, the investigators have been going nuts trying to get all this, and it’s probably a cut and paste, but Gerald McCown has not completed his certification. And then I noticed under the potential
violations, and I apologize -- under the violations, it says that they violated 183-1-14-0.6-.14, and I’m wondering if it should be 183-1-14-.08-.14. Do we care? I don’t know. I’m assuming -- I mean, there’s only one drop box rule, so I have no -- no dispute about that, but it just may be an incorrectly stated rule. And I’ll be happy to answer any questions, especially after the other speaker speaks.

MR. RAFFENSPERGER: Okay. We have another --

MS. WATSON: Ms. Stephens? Ms. Stephens?

MS. STEPHENS: Yes. Can you hear me all right?

MS. WATSON: Yes, ma’am.

MS. STEPHENS: I have been a member of the Hancock County Board of Elections and Registration since it was created on July 1st, 2011. It has been extremely difficult to try to bring Hancock County into compliance with everything we should be doing. I feel that some of our Board members have the opinion that laws are only a suggestion and that you aren’t breaking the law if you don’t get caught.

This case is about an absentee ballot box that was placed in our office in May of 2020. It was an empty copy paper box with a slit cut in the top and ballot box written on the box. When I went into our office and saw the box, I asked our Elections Supervisor, Gerald McCown,
if he had read the SEB rule and if that box met the
requirements. He said of course he had read it, and I
needed to stop asking him things like that. I went home,
read the requirements, and immediately called our
supervisor back and told him the box needed to be removed,
and he needed to read the SEB rule. I also texted our
Board Chair and sent an email to all the Board members
about the box.

The box remained there for several days. I went by
the office a day or so later. The box was still there. I
again said that it needed to be removed and emailed Board
members. A few days later, the box was gone, and I was
told by our supervisor that he had removed the box before
the Secretary of State investigator had come into the
office. He had not. In a sworn statement form from our
supervisor dated July 15th, 2020, our supervisor states
the cardboard box was there for a day and a half. This is
not true. The supervisor also states that there had
previously been a metal box in place, but it had gotten
full, and he had put the cardboard box there temporarily.
This is not true. The first ballot box used in the office
was the cardboard box.

I tried to get our Board members to call a meeting to
discuss this situation along with several other items
where we were not in compliance. They would not. This
was not discussed in a meeting until around July or August, when our Elections Supervisor gave us a copy of the sworn statement form. I questioned the information that our super had -- supervisor had provided to Investigator Monroe. I told the Board that our supervisor -- what he had said was not true and that he had stated this in a sworn statement to the Secretary of State investigator. They did not care. There was no action taken. I also informed Investigator Monroe about the incorrect statements on the sworn statement form.

In the past, Hancock County has been fined by the State Election Board. These fines are then paid by the County, so it really has no effect on the Board of Elections and Registration or the employees. I would like to suggest that the SEB -- to the SEB that perhaps fines could be issued against the individual, especially in this instance, when false information was provided to the investigator. Hancock County has a good many cases that have been transferred to the Attorney General’s Office, some as old as 2011 that are still unresolved. Until we make the individuals accountable, I do not know that we will be able to improve elections and compliance in Hancock County. Thank you for your time.

MR. RAFFENSPERGER: Okay. Any members have any questions for any of the Respondents or for our
investigator? What is the will of the Board?

    MS. WORLEY: This is David Worley. I make a motion
    that we refer this matter to the Attorney General.

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

    MR. MASHBURN: Matt Mashburn, second.

    MR. RAFFENSPERGER: Any further comment? All those
    in favor of the motion as presented for 2020-018, signify
    by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

    MS. WATSON: Next case is 2020-024, Glynn County,
deceased voter. Election Supervisor Christopher Channell
reported they received an absentee ballot that was
postmarked a day or two before the voter Richard Graham
McKenna, Senior passed [ph.] away. Mr. Channell stated
the signature for Richard Graham McKenna, Senior did not
match his voter registration card. Mr. Channell advised
the signature was a close match to the voter’s son’s
signature on the oath envelope. Richard Graham McKenna,
Junior signed the oath that he assisted his father to vote
his absentee ballot. Investigation revealed Mr. McKenna
advised he thought it was okay for him to sign his
father’s name as his father was not able to sign himself.
Mr. McKenna did sign as assisting on the oath envelope.
Mr. McKenna states his father told him who he wanted to vote for, and he marked the ballot, as his father was in pain and unable to do so himself. We recommend Richard Graham McKenna, Junior be bound over to the AG’s Office for 21-2-562.

MR. RAFFENSPERGER: Is Mr. Mc -- is Mr. McKenna or his attorney --

MS. WATSON: No. He is not.

MR. RAFFENSPERGER: What is the will of the Committee?

MR. WORLEY: Mr. Secretary, this is David Worley. I just had a question for Ms. Watson. So the issue here is that rather than letting his father make an x and signing that he had assisted, he signed both his father’s name and his name as assisting? Is that it?

MS. WATSON: Correct.

MR. WORLEY: I -- I don’t see this as a violation, and I would make a motion that we dismiss it.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, I second.

MR. RAFFENSPERGER: Okay. Any further comment? All those in favor of dismissing the case as presented by the motion, please do so by voting aye for 2020-024.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.
Okay. Next case?

MS. WATSON: Next case is 2020-076, Gwinnett County.

On August 11th, 2020, James Shay [ph.] observed a vehicle parked in the parking lot of the Gwinnett County poll location at Winters Chapel United Methodist Church, located at 5105 Winters Chapel Road. He advised the vehicle had a Turn Georgia Blue 2018 sign posted in the rear driver’s side window.

Investigation showed the car was determined to belong to a poll worker at the precinct. The car was found to be approximately 83 feet from the edge of the building. The poll manager advised the sticker was an old sticker and did not have a candidate’s name on it and believed it was further than a hundred and fifty feet. The poll worker, Betsy Shaver [ph.] was interviewed and advised the car was outside a hundred and fifty feet, and she had the sign since 2018, and it was not campaigning. We recommend Gwinnett County Board of Registration and Election, Elections Supervisor Kristi Royston, poll manager Kimberly Rowland [ph.], and Betsy Shaver be referred to the AG’s Office for 21-2-414(a)(1)(a).

MR. RAFFENSPERGER: Okay. And there’s someone on the call from —

MS. WILSON: Good afternoon — good afternoon, Chairman Raffensperger and members of the Board. My name
is Melanie Wilson. I’m the senior assistant county attorney with the Gwinnett County Law Department, representing the Board of Registration and Elections and Ms. Royston, the Elections Supervisor, who I believe is on the call. And so certainly, there has to be -- it has to be acknowledged that the -- the old elections -- the old campaign sign on a vehicle belonging to a poll manager is certainly conduct attributable to that poll manager, and it would have been better, most definitely, if when the issue was brought to their attention, the vehicle had simply been moved to a location beyond the hundred and fifty square feet, the area within which campaigning is restricted.

The response given to the investigator by the poll workers who were questioned indicates a need for training, and I can assure you -- and if you want to hear from Ms. Royston, she will say the same thing -- but the subject matter of what’s permissible conduct in terms of campaigning, that is the subject of training for all Gwinnett County poll workers. It will continue to be the subject matter for training for Gwinnett County poll workers. And so this -- this incident kind of presents a good example of the kind of matter that poll workers have to be aware of. Yes, it was a 2018 sticker. Yes, it was not specific to a particular candidate or a particular
party, but the color was associated with one political party, and that was the message in the sticker, and that was clearly the message that the person, the complainant, understood.

This was a runoff election held back on August 20th. There was -- there was one partisan race on the ballot, but there were six -- there was one nonpartisan race on the ballot, I beg your pardon, but there were six partisan races, and so there’s not going to be an assertion by the Board of Registration and Elections that this -- that this sticker was not problematic or that perhaps it wasn’t a close violation of the rule, but having said all of that, I want to restate again that this -- to attribute this failure by a poll worker who may or may not have been aware that she still had the sticker on her car -- to attribute that failure to the Board of Registration and Elections, I -- I’d ask the Board not to do so and certainly ask the Board not to attribute this failure to the Elections Supervisor. So that would be my first request that at a minimum, both the Board of Registration and Elections and Ms. Royston be -- be dismissed, but in the alternative, members of the Board, as an alternative to a referral to the Attorney General, I would request that the Board consider issuing a letter of instruction to the Board, to Ms. Royston, and to the -- and to the two
poll workers, the owner of the vehicle, Ms. Betsy Shaver, and also the poll manager, Ms. Kimberly Rowland.

I do think that the training that we provide doesn’t skirt this issue, doesn’t ignore this issue. It emphasizes the importance of this issue. I think this recent example is a good example for us to include in our training material that, you know, whether it’s someone wearing an old t-shirt, something that we heard earlier today of coming out of Fulton County, or a vehicle with an old sticker as is the case with the pending matter, these issues are ones that can be adequately and fully addressed in training, and I would like to offer the Board our assurance on behalf of the Board of Registration and Elections that this is the kind of thing that we can -- we can do a better job of. We will do a better job of. We will take -- continue to take steps to ensure that our training makes it crystal clear that a matter like this needs to be appro -- approached seriously. And so with that, I would ask once again that the Board issue a letter of instruction and not refer this matter to the Attorney General.

MR. WORLEY: Mr. Secretary, this is David Worley. I just had a point to make which is that usually, when we hold county election officials responsible for something that a poll worker or poll manager has done, it’s because
they were -- they, the poll manager or worker, were
carrying out some official duties and acting in an
official capacity in some way. In this case, I don’t -- I
don’t see that happening because at least as to Ms.
Shaver’s -- I mean, that was -- she wasn’t doing anything
to administer the election. She was just parking her
vehicle too close to the poll, so I don’t -- I don’t see
any liability for Gwinnett County here.

MR. RAFFENSPERGER: Okay. So what is the will of the
Board then?

MR. MASHBURN: This is Matt Mashburn. I agree that
the County’s liability is tenuous on this at best. I move
to dismiss the County and issue a letter of instruction to
Betsy Shaver.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: I would second that.

MR. RAFFENSPERGER: Okay. Any further discussion?
Hearing none, all those in favor of the motion, signify by
saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next?

MS. WATSON: Next case is 2020–081, DeKalb County.
In August 2020, we received three complaints regarding the
issuance of absentee ballots during the DeKalb County 2020
primary runoff election and one complaint regarding voter fraud over several years in DeKalb County. Mark Clorack [ph.] advised he requested his absentee ballot for the 2020 primary runoff election and did not receive the absentee ballot. It was confirmed that the ballot was processed on 7/6/2020. Journey Taylor [ph.] submitted an absentee ballot request, and it was processed on August the 5th, 2020. Taylor’s application could not be located by DeKalb County, so the date received could not be confirmed.

There were numerous complaints regarding Brittany Bohn, B-o-h-n, posting on social media that she was voting in Georgia when she was living and working in New York. Records indicate she has been living at various addresses in New York since 2013, and she is registered to vote in New York but has not voted in New York. Brittany advised she did fill out a voter registration in New York but did not receive anything to confirm she was registered and was unaware that she was registered. The address listed for her Georgia registration is a property owned by her parents at 2733 Brake Wood Road, Atlanta, Georgia. Brittany maintains a Georgia driver’s license. The neighbors claim Brittany moved several years ago but visits from time to time.

Brittany confirmed that she leased an apartment and
lived in New York from September 2018 through October of 2020. Brittany advised she decided to return to Georgia in October of 2020 because the theater industry in New York was shut down. She is now back in New York. It was confirmed that she voted in the DeKalb County 2018 general election, and she attempted to vote absentee by requesting absentee ballot during the DeKalb County 2020 presidential preference primary election. Brittany and her father contacted me after notices were -- were sent out for this meeting to reiterate that Brittany is in the theater industry, and her location of residence is fluid. Brittany states she considers Georgia her residence. Brittany stated she did contact the Georgia Secretary of State’s Office and stated she was wanting to vote and was told as long as her voter registration was active, and she had a Georgia driver’s license that she could vote.

Based on the information provided by Brittany and her father, I recommend voter Brittany Bohn be issued a letter of instruction for 21-2-573 and DeKalb County Board of Voter Registration and Elections Office be issued a letter of instruction for violation of 21-2-273, when the DeKalb County was unable to find a 2020 primary runoff application for absentee ballot for a particular voter, and I believe Ms. Bohn is on the line.

MS. BOHN: Yes, hi. I think you covered that well,
and thank you for adding the extra information. I just
want to write -- or read what I wrote, and it may
reiterate, but it’s something that’s important to me that
I wanted to make sure was stated, and thank you for
allowing me to speak on my behalf. Like was said,
allegation four is stating that I am not a legal resident
of Georgia, but to my understanding, I have always been a
legal resident of Georgia and therefore still have my
Georgia ID, and I’ve never voted anywhere else. Like
stated, I’m a traveling performing artist. I tour around
the country due to my work, and it’s made most sense for
me to maintain my Georgia home as my permanent address.
Like said, just recently, I felt stable enough to get an
apartment in New York and looked into registering to vote
there. Then, the pandemic happened, which shut down my
entire arts industry until further notice. Therefore, I
decided to go home to Georgia for a while until I figured
out my next move.

For this past election, I went out of my way to call
the Georgia Secretary of State as stated to make sure that
I could vote in Georgia legally. I spoke to a woman about
my situation that I looked into, but never heard -- oh,
that I looked into registering in New York but never heard
anything back from them, no paperwork, emails,
confirmation that they had received my registration. They
said correct. My Georgia voting status was in good standing, and as long as I had my ID from Georgia, I wouldn’t have any issues. I appreciate all the work that’s gone into this. If it’s no longer the case that I’m eligible to vote in Georgia, I completely understand, and ultimately, I just wanted my voice to be heard in this important election, and that’s what I was told legally that I could do. So thank you.

MR. RAFFENSPERGER: Thank you, Ms. Bohn. Do we have someone from DeKalb County?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Members?

MS. LE: Mr. Secre -- Mr. Secretary, this is Anh Le. I will recuse from this case.

MR. RAFFENSPERGER: Okay. Fair enough. And members, now would be the appropriate time to make a motion if you’re so inclined.

MR. WORLEY: Mr. Secretary, David Worley here. Given that Ms. Bohn did inquire of the Secretary of State’s Office and was told that it would be all right for her to vote in Georgia because she hadn’t heard whether her registration -- attempted registration in New York was valid, I would make a motion to dismiss the charge against her and to send a letter of instruction to DeKalb County.

MR. RAFFENSPERGER: Okay. Do we have a second?
MR. MASHBURN: This is -- this is Matt Mashburn. I will second it. Simply, the thing that persuades me on that is that I understand from reading the file that she’s never voted in New York, not a single time. Correct?

MS. WATSON: That is correct.

MR. MASHBURN: Yeah. Then I second it.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2020-094. A Christina Peterson [ph.] reported to the Georgia Secretary of State that Crystal Moore [ph.] was using a post office box as her voter registration address. The investigator was able to determine by speaking with Crystal Moore that she is using 570 Piedmont Avenue NE, Unit 55012 as her voter registration residence and mailing address. That address is a US Post Office. Ms. Moore advised her voter registration address -- with her current circumstances, she does not have a permanent address. She advised she looked up the rules before she did it to see if it was acceptable, and she advised she does not have any other address to live. The investigator was not able to
determine if Ms. Moore was living outside of her voting
district when she voted in the June 6th, 2020 and August
11, 2020 elections. Our recommendation is for Crystal
Moore to receive a letter of instruction regarding 21-2-
217(a)(1). Is she on the line? Ms. Moore was on the
line, but she had to leave at approximately 1 o’clock for
another engagement.

MR. RAFFENSPERGER: Members, do you have any
questions? What is your disposition on this case?

MS. LE: I move that we accept the recommendation of
issuing a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. MASHBURN: Second, Matt Mashburn.

MR. RAFFENSPERGER: Any further discussion? All those
in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next?

MS. WATSON: The next case is 2020-096. On September
the 14th, 2020, Shauna Dozier with Clayton County
Elections notified our office that a resident in the City
of Riverdale at 403 Valley Hill Road may have a ballot box
and provided photos of the box. It was determined that
Doris Woods [ph.], the resident at 403 Valley Hill Road
Southwest, Unit 403, did have a box or container labeled ballots set on a table outside of her door. It was determined from speaking from Ms. Woods that she was trying to get her neighbors engaged in the voting process and was handing out absentee ballot applications that could be completed and placed in the container to be picked up and delivered to the Elections Office. Once Ms. Woods was contacted, she removed the box. We’re recommending Doris Ann Woods be issued a letter of instruction regarding SEB rule 183-1-14-0.6-14.

MR. RAFFENSBERGER: Is Ms. Woods on the phone?
MS. WATSON: She is not.
MR. RAFFENSBERGER: Okay. What is the Board’s position on this?

MR. WORLEY: Mr. Secretary, David Worley here. I’m somewhat at a loss as to how to handle this case because the -- the rule that we passed relates to drop boxes, and I -- I don’t know that there’s any part of it that applies to an individual. Essentially, we allow counties to do this. I don’t think there’s a prohibition anywhere in the statute about somebody putting together a piece of cardboard and, you know, soliciting voter registration applications that they can then turn into the county. So I -- I’m not saying that what she did was right or that it should be encouraged or anything like that. I’m just
saying we need some specific statutory or regulatory
authorization to do something about it, and I -- I’m
having trouble finding where that would be. I would ask
Ms. McGowan if that -- you know, if she could direct us to
something.

MR. RAFFENSPERGER: Can I ask a question also to that
point? It says ballots here. Were ballots -- were
absentee ballot applications put into this box, or were
actual absentee ballots -- because then it’s ballot
harvesting and that’s covered in House Bill 316, which is
illegal.

MS. WATSON: There is no information pertaining to
any ballots that were put into the box. She was handing
out absentee ballot applications for people to complete
and leave in the box, for her neighbors.

MR. RAFFENSPERGER: So to the Attorney General’s
Office?

MS. MCGOWAN: Mr. Secretary, without the opportunity
to review the file further, I don’t think I can provide a
legal opinion in this case. It’s up to the Board to look
at the facts presented and the violations alleged and
determine whether or not there’s probably cause.

MR. MASHBURN: This is -- this is Matt Mashburn. I --
I would like Ms. Watson to go back and find out from Ms.
Woods if she ever -- what exactly -- if anything she ever
collected in the box and if so were any ballots ever in
that box.

MS. WATSON: Yes. She only collected absentee ballot
applications in it.

MR. MASHBURN: And what did she -- what did she do
with them?

MS. WATSON: A candidate came by and picked them up
to take them to turn them in.

MR. RAFFENSPERGER: I believe that’s currently
lawful, and I think there will be discussions in the
General Assembly this session, but where she was at that
point -- and Mr. Germany, I believe, is still tied up in a
meeting, correct, so --

MS. SULLIVAN: This is Rebecca Sullivan. If the
Board would agree, I do see Mr. Worley’s point regarding
the specific rule violation alleged here today, but I
think we need to explore a little bit better if there is
another rule that may have been violated in this case, so
I would make a motion to table it until next week until we
can look at that a little bit closer.

MR. WORLEY: This is Mr. Worley. I would second
that.

MR. RAFFENSPERGER: Okay. Any further discussion?

MS. LE: And this is Anh Le. Ms. McGowan, would you
be able to give us some insight on -- you said you didn’t
have a chance to look at this. Would next week be okay, next Wednesday’s meeting?

MS. MCGOWAN: I can take a look at it between now and next week’s meeting.

MS. LE: Okay. Thank you.

MR. RAFFENSPERGER: All those in favor of tabling this, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: It’s tabled. Next case?

MS. WATSON: Next case is 2020-112, Henry County. On October 14th, 2020, the Investigations Division opened an investigation concerning a complaint that a candidate in Henry County was supplying voters in line at a polling location with snacks and water. The candidate was identified as Kelly Rose Alsiver [ph.], a candidate for State Senate District 17. On October 14th, 2020, it was reported by a witness that Kelly Rose Alsiver came to the front of the line of voters with a wagon full of bottles of water, oranges, and urged people to help themselves. She introduced herself to voters in line as Kelly Rose running for Senate. Kelly Rose states that she went to the poll on two occasions to pass out water and snacks to those in line. She states she was not wearing any campaign clothing. On social media, she states that everyone knows her by her hair. Kelly -- our
recommendation is for Kelly Rose Alsiver, candidate for Georgia State Senate District 17, be referred to the AG’s Office for violation of 21-2-414(a)(3) and 21-2-570. And I believe that she’s represented by a Gary Spencer.

MR. SPENCER: It’s not a Gary Spencer. It’s just Gary Spencer. So we have -- we’d like to ask you all to consider tabling this for the following reasons. If you look at the complaint and the findings, there’s a couple of things that are missing that -- that appear to be inculpatory to Ms. Rose that are just not true. For example, there is a video which she allegedly livestreamed. We have that video that I think it would be helpful for you all to see that in fact, she does not appear to be at the location where the impression is created that as though she is doing something wrong.

As it relates to the violations, if we go to 5720 first, the investigator says there is evidence to suggest that Ms. Rose offered gifts in the form of water and -- while waiting in line. Well, that allegation does not even meet the statutory requirement in that it doesn’t say she did it for voting. But even though, we have affidavits from people who were present and said it didn’t happen. So instead of sending this to the AG because we have evidence -- and this is not a question of law. We have evidence that she did not do what she’s accused of.
We’d ask you all to allow us to present this evidence to the investigator. She, my client, just received the certified letter on the 7th and so we’d like -- we’d like to be able to present this evidence to the investigator because this is not a case where there’s an interpretation of the law. This is a case where she did not do anything wrong, and so we’d like to present that evidence before having it go to the Attorney -- the Attorney General.

MR. MASHBURN: This is Matt Mashburn. Just so I understand you correctly, counselor, you’re going to -- you’re going to disprove that she was within a hundred and fifty feet of the polling place?

MR. SPENCER: I’m going to disprove that she was not campaigning while she was within a hundred and fifty feet of the polling place. That’s what I’m saying. Yes.

MR. MASHBURN: What was she doing within a hundred and fifty feet of the polling place?

MR. SPENCER: She was giving out water because several people had passed out already that day because of the long lines and the heat.

MR. WORLEY: (very distorted sound) Mr. Secretary, David Worley. I make a motion that we table this until the next meeting.

MR. SPENCER: I’m sorry. I couldn’t hear you, Mr. Worley.
MR. RAFFENSPERGER: You’re breaking up, Mr. Worley, but I think you said you would make a motion to table this until the next meeting?

MR. WORLEY: (very distorted sound) Yes. I would like to table this because had Ms. Spencer asked for a continuance --

MR. RAFFENSPERGER: Your connection has -- is that -- is that the gist of what I heard to table until next week?

MR. WORLEY: (very distorted sound) Yes, sir.

MR. RAFFENSPERGER: Okay. Great. Do we have a second to table until next week?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. All those in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Okay. Next case?

MS. WATSON: Next case is 2020-138, Pickens County. We’ve received three complaints that alleged Pickens County advance voting site did not have the basic accessibility features needed for persons with disabilities and that the advance voting site was not equipped with poll workers who were trained to assist the disabled. Poll workers were interrogating voters to determine the nature of their disability.
MR. SPENCER: Okay. So I’m going to log out.

MS. WATSON: Investigation revealed the location was visited and evaluated as to the space requirements for those with handicapped access. It was found that areas within the location were not in compliance with the space needed and required by the Americans with Disabilities Act space allowance and reach range standards. It was noted that there were electrical cords that could hamper the ability of a person in a wheelchair or that may have sight issues. Our recommendation is for Pickens County Board of Registration and Elections and Pickens County Election Supervisor Julianne Roberts be referred to the AG’s Office for a violation of 21-2-265(b).

MR. RAFFENSPERGER: Okay. Is anyone here from Pickens County?

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. What is the will of the Board?

MS. LE: I move -- this is Anh Le. I move to accept the recommendation and send this to the AG’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of sending this to the Attorney General’s Office for case 2020-138, signify by saying aye.
THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you. Next case?

MS. WATSON: Next case is 2020-161, Banks County. On November 3rd, 2020, an investigator with our office observed campaigning while conducting a site inspection on Banks County polling precinct during the 2020 general election. The investigator observed a campaign hat bearing the name of a candidate on the ballot resting on the dashboard of a vehicle parked near the entrance of the polling precinct. The hat was in plain view to voters entering the polling precinct.

Investigation revealed that the investigator observed a vehicle parked in the handicapped space with a hat displaying Trump 2020 displayed on the dash. The vehicle was within approximately 15 feet of the edge of the building. The person identified as associated with the hat was a Patrick Cayson [ph.]. Mr. Cayson left the hat in the car and was not aware that he was in violation of the no campaigning law. Recommendation is to issue a letter of instruction to Patrick Cayson. Mr. Cayson did not call and reports that this did occur, and he was unaware of the violation but is now aware of the violation and will be careful in the future as to where he leaves any material with campaign literature on it at a polling
location. There is no one on the call.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: This is Matt Mashburn. I agree a letter of instruction is proper, and so I move that we issue a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le, I’ll second that.

MR. RAFFENSPERGER: Any further discussion? All those in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2020–212, Douglas County. The Secretary of State’s Office opened this investigation following an allegation that the Douglas County Board of Elections and Registration failed to ensure and verify that all votes on memory cards were uploaded into the elections management tabulation system. Investigations revealed Douglas County Director Milton Kidd reported to our office that he had identified a memory card containing votes that had not been included in the initial certification as the memory card was not uploaded. This was discovered as a result of the state-wide audit when Douglas County realized they had more ballots on hand than the count submitted for certifications.
A Tiana Harvey [ph.] with the Dominion Voting System advised she may not have checked all the tabulation -- tabulators, resulting in missing this memory card. She also stated that at the time, she was not aware there was a process to verify the data had successfully uploaded. The number of votes on the memory card was 293. The results were corrected and recertified on November 17th, 2020. We recommend that Milton Kidd, the Douglas County Elections Director, be bound over to the AG’s Office for State Election Board rule 183-1-12-.12(b), consolidation of results.

MR. RAFFENSPERGER: Okay. Anyone here from Douglas County?


MR. LINKOUS: Yes, and Bill Linkous on behalf of Douglas County Board of Election is here. Can you hear me?

MR. RAFFENSPERGER: Yes. Go ahead.

MR. LINKOUS: Okay. Thank you, and good afternoon, Mr. Secretary and Board members. My name is Bill Linkous. I’m here representing the Douglas County Board of Elections and Milton Kidd, the Director, who I believe is also on the call. We are going to be asking and requesting of the Board either dismissal or a letter of instruction as to this issue, and the reason is that the
facts here are pretty simple. They show a simple, self-reported computer issue that really was no one’s fault. It was immediately corrected and which has not occurred since.

The November 2020 election was only the second time that Douglas County had used the current election system from an IT standpoint. Although they had requested additional training earlier in the year, the training received by Douglas County as to this issue amounted only to a general overview of the new system. They were told to lean heavily on the Dominion county technician that was provided, and they did so. The problem occurred when the technician, who was mentioned in the report, was loading the memory cards into the system. There was no intent to do anything wrong here. It was all something that was according to the process, but what happened was the technician was handling the uploading of the memory cards and as to one card, she believed that the card had uploaded, but it did not upload. No one is sure why the memory card did not upload, but all of the other memory cards uploaded correctly in the -- during the process.

So the problem with the memory card was discovered during the risk-limiting audits/hand recount process. When the technician discovered during the recount that the CF card did not upload successfully, Douglas County
immediately reported it to the State. The technician also immediately called both her regional manager and the Dominion trainer to prevent this CF card issue from happened in the future. The regional manager had not been trained on how to double check CF card upload. The Dominion trainer knew how to do it and tried to walk the technician through the process of double-checking CF card upload, but it was not a simple task that could be easily explained over the phone. The bottom line is that neither the technician nor her regional manager had the training to respond to this IT issue through the CF card result verification process.

However, they were able to correct the issue, and Douglas County recertified the election without any problems. It has since instituted full correctives measures and conducted the January 2021 runoff election with no issues or problems either of this sort or any other. There was never a problem with an envelope or a container being misplaced or improperly opened or even overlooked as the report indicates. To the extent that the report indicates that, it’s simply not correct. Therefore, we would contend that there is no violation of the OCGA section or the State Board regulations that are cited. Simply, the process was going on and simply a card just didn’t take as the process was going on properly and
according to the law. So because there was no violation of any law or rule and because this is a technical issue over which Douglas County’s election system had basically no control, we would respectfully request that the Board either dismiss the case or issue a letter of instruction instructing the folks at the County to continue to use the current corrective reconciliation methods that they have put in place since this issue was discovered.

And in summary, we believe that there wouldn’t really be any purpose in sending this issue to the AG’s Office because it essentially was something we could not have spotted beforehand and was done -- everything possible was done to correct it the second that it was discovered nor was there any intent to break any rules or regulations. And so we would respectfully -- respectfully again request that it either be dismissed or a letter of instruction be issued. Thank you.

MR. RAFFENSPERGER: Thank you. Anyone else want to speak on this case? Members of the Board, what is your position towards this case?

MR. WORLEY: (very distorted sound) Mr. Secretary, David Worley. I find the lawyer’s argument very persuasive, and I move to --

MR. MASHBURN: David Worley, we couldn’t hear you.

MR. RAFFENSPERGER: Yeah, you’re all breaking up.
You sound like you’re -- we can’t understand you.

MR. MASHBURN: I have a question while David is working on his technical difficulties to the attorney. How did it -- how did it come to be that in the original count in the initial election certification results it didn’t show up that there were 293 more voters than votes?

MR. LINKOUS: I can’t answer with specifics on that except to say that because the process was changed, they -- they were unfamiliar with the process to request the voter list, and the new process that was put in place took longer, and it was never laid out fully in training. So that -- that’s the best that I can determine for why it didn’t turn up. Obviously, that issue, if there is one, has definitely been corrected. They have fully instructed themselves on how to double check the vote process during the initial certification process.

MR. MASHBURN: Thank you.

MR. RAFFENSPERGER: Okay. What is the will of the Committee?

MS. LE: This is Anh Le. I’m sorry, David Worley, if I don’t know your motion, and I don’t -- if it’s to send to the AG, I would second that. If it’s not, I would move -- well, is there a motion? Sorry. Is there a motion from David Worley?

MR. RAFFENSPERGER: Couldn’t hear it, so Ms. Le, you
can make the motion.

    MS. LE: Okay. Thank you. I would make the motion
to send this case to the Attorney General’s Office.

    MR. RAFFENSPERGER: Do we have a second?

    MR. MASHBURN: Matt Mashburn, second.

    MR. RAFFENSPERGER: Okay. Any further comment? All
those in favor of sending this to the Attorney General’s
Office, signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Hearing none,
motion carries. Last case.

    MS. WATSON: Last case is 2020-235, Paulding County.
The Secretary of State’s Office opened this investigation
following a complaint alleging that a William Bell Price
an attorney from Panama City, Florida publicly shared his
brother’s Georgia address while giving a speech at the
local Republican Party headquarters on November 7th, 2020
and encouraged fellow GOP supporters to use his brother’s
address to illegally vote in Georgia’s upcoming election,
which was determined to be the January 5th, 2021 general
election runoff and the January 5th, 2021 special election
runoff, a potential violation of Georgia election code.

    The preliminary investigation by the Secretary of
State’s Office uncovered that the Respondent knowingly and
intentionally completed an online application to register
to vote in Georgia using his brother’s address in Paulding County, Georgia. Investigation revealed William Price did submit a voter registration application online on November 8th, 2020 through the online voter registration portal. He was placed in a pending status until additional documentation was provided. The voter registration number issued was 2199454. The address used was his brother’s address in Paulding County. The IP address that submitted the voter registration returns to Panama City, Florida.

The video that was posted online shows Mr. Price telling his audience that he is moving to his brother’s house in Hiram, Georgia to register to vote and invited 2 million Floridians to join him in using his brother’s address to vote in Georgia and detailed his plan on how he was going to execute his plan to vote in January 2021. He went on to describe how he arranged mail and configured the set-up for utility bills to vote in Georgia. Mr. Price’s brother, Frederick Price [ph.] was contacted and stated he knew nothing of his brother’s plan or scheme.

In an article, Mr. William Price denied registering to vote in Georgia and then acknowledged that he submitted the registration to expose the Democrats he alleged were trying to vote illegally. We recommend William Bell Bandon Price be referred to the Attorney General’s Office for 21-2-561, 21-2-562, and 21-2-571, and 21-2-603.
MR. RAFFENSPERGER: Okay. Is there anyone?

MS. WATSON: There is not.

MR. RAFFENSPERGER: Okay. Board?

MR. MASHBURN: Matt Mashburn. I agree with the
recommendation and move that we accept it.

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

MR. WORLEY: I second it.

MR. RAFFENSPERGER: Okay. All those in favor of --
any comments, conversation? Hearing none, all those in
favor of the motion for case 2020-235, signify by saying
yes, aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. Well, members, I’m very grateful. We had a lot of
cases today. Plus, we had nearly an hour with Carter
Jones about his observation as our Fulton County monitor
during the election. I understand that next week will be
a busy week also. Plus, we’ll have cases that we’ve
tabled. We’ll have additional information for your
consideration at that time. If anyone does have any
comments that they would like to add, I would entertain a
motion for adjournment right now.

MR. WORLEY: So moved.

MR. MASHBURN: Matt Mashburn, I move to adjourn.

MR. RAFFENSPERGER: Okay. Second?
MS. SULLIVAN: Second.

MR. RAFFENSPERGER: All those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Meeting is adjourned. Thank you very much.

(Meeting adjourned 4PM)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 232 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 15th day of March, 2021.

Kaitlin Walsh, CCR, CVR
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February 17, 2021
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In The Matter Of:

SECRETARY OF STATE

STATE ELECTION BOARD

February 24, 2021

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 24th, 2021
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

John Poulos
Ryan Germany
Frances Watson
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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MR. RAFFENSPERGER: Well, good morning, everyone. I’d like to call this meeting to order of the State Election Board for February 24th, 2021. Since this is a remote meeting with Zoom, I would like to have -- call out attendance so we can record that for the recording. Ms. Rebecca Sullivan?

MS. SULLIVAN: Present.

MR. RAFFENSPERGER: Mr. David Worley?

MR. WORLEY: Present.

MR. RAFFENSPERGER: Ms. Anh Le?

MS. LE: Present.

MR. RAFFENSPERGER: Mr. Matt Mashburn?

MR. MASHBURN: Present.

MR. RAFFENSPERGER: Okay. We have a full contingent. I would like to first off, before we get started with the invocation and the pledge, I would like to give a very strong and positive shout out to our investigators and Ms. Frances Watson. Today, we have on the docket about 75 cases. The week before, we had 65, in that range, and the week before, we also had 65. We -- about nine months ago or so, we ended up with a full contingent of State Election Board members when Mr. Mashburn joined us, and we also though came to a very busy election cycle, and our investigators have been working on current investigations,
so the first two State Election Board meetings, we were
cleaning up some of the backlog that predated most of us
even being on the State Election Board, and they’ve been
working hard, our investigators, to get us up to speed.
So today, we’ll be looking at 2018, ’19, and 2020 cases.
I just want to really let you know how much we appreciate
that. Also, Jasmine, Bre, and our team, everyone else
that’s involved that helps put this together, thank you
very much, and thank you, Board members.

We’ve had three busy meetings. Today is going to be
a long schedule also, so in anticipation of that or -- I
want to thank you up front. Thank you for volunteering
for this and your diligence. You’re bringing a lot of
wisdom, careful consideration, for the people of Georgia.
So thank you very much. With that, I’d like to open up
with an invocation.

(Invocation)

(Pledge of Allegiance)

MR. RAFFENSPERGER: This morning, we requested
Dominion voting systems to come in and speak to us. That
would be John Poulos, the CEO. I don’t know if he’s on
yet. Are we ready? Jasmine?

MS. SHANNON: Yes, he’s here.

MR. POULOS: Yes. Can you hear -- can you hear me,
Secretary? This is John, John Poulos from Dominion.
MR. RAFFENSPERGER: Great. Well, Mr. Poulos, thank you for joining us today. Obviously, the folks on our side, on the Secretary of State’s side, we’re very familiar with Dominion Voting Systems. We went through a very rigorous process of selecting your firm. We went through an im -- implementation which was the fastest and the largest state-wide implementation we’ve ever had before. The last time that something of this size has been done was in 2002 with Secretary of State Cathy Cox. We had to have ours ready for the presidential primary, and then two weeks into that, COVID hit and required us to take a lot of applications in a pandemic environment. But many of the people in Georgia wouldn’t have the detailed knowledge that we do, and we thought it would be best if we could have you come in and share that with folks, and then also our State Election Board members, I’m sure, have questions that they would like to ask you. So thank you for agreeing to participate today, and the floor is yours, sir.

MR. POULOS: Well, thank you very much, Mr. Secretary. What I thought I’d do is I’d start with a little bit of background on Dominion Voting. I’ve certainly been asked a lot of questions over the last four months, and I have a good idea of what your Committee might be interested in hearing and then allow enough time
for any questions that I could answer for the Committee. So first off, Dominion Voting Systems started in 2003, roughly 18 years ago, really with just a very simple mandate of helping blind people vote on paper privately and independently and with dignity. That mission quickly expanded to include helping election officials count paper ballots accurately and transparently, and since then, our mission has largely remained unchanged. That’s what we do. Our success really ties back to our commitment to paper ballots, and our first very large implementation was in the year 2008 across the State of New York, where we partnered with 52 election officials across that state in implementing a -- a certified paper-based voting system in time for the 2008 presidential election.

Since then, we have expanded across the United States and currently serve in jurisdictions represented in 28 states with several separate jurisdictions within those 28 states. Our contract, as you very well know, with the State of Georgia was awarded in the summer of 2019. Pretty much immediately, we began implementing a very large-scale rollout of paper-based systems in time for the first pilot elections of that fall -- I believe it was November and December timeframe of 2019 -- and working actively with the 159 counties whose accountability, of course, it is to run the elections in time for the March
primary. As we now know, the March primary was delayed
due to the effects of COVID into the summer, into June and
worked together with the 159 counties in deploying the
full system for the November 2020 general election.

I find it important these days to specifically talk
about what we do as a company and what we don’t do as a
company. So first off, we help -- we provide technology
that helps election officials run and count, accurately
count, paper ballots. We don’t run elections. We don’t
have the authority. We don’t have the accountability.
It’s -- in the State of Georgia, it is the 159 counties
that have that accountability and authority to run
elections. Our job is limited to our founding mission,
which is helping voters create paper ballots privately and
independently and helping election officials through our
technology, allowing them to accurately count those paper
ballots. As we now know, the -- the roughly 5 million
ballots from the November 2020 election were counted three
times in the State of Georgia. Each time reaffirmed the
results, as well as a robust audit from the runoff in
January for the -- for the Senate races.

In terms of some of the disinformation that has been
spread regarding our company and the election in general --
certainly, it has affected the State of Georgia as we
all know -- our systems are certified, meaning a number of
things. We submit complete systems, including source
code, to federal accredited test labs who spend an
inordinate amount of time and proper diligence going
through each line of code and testing for a range of
parameters that is very carefully detailed in the VBSG
standards at the EAC level. In addition to that, many
states require additional certification at the state
level, where this process is not only repeated
independently, but in many cases greatly expanded upon to
include penetration testing. Above and beyond that, we as
a company also submit our systems to penetration testing
to independent test labs, and we -- in conjunction with
our customers, we also submit our source code to
independent testers, when it makes sense for our
customers. The first -- the first such time that we did
that was in the State of New York, along with the New York
State Board of Elections, in the year 2008.

So I think I’ll leave it at that and certainly ask
any -- answer any questions regarding our -- our company
and the election process is general, what we do, what we
don’t do, and with that, I’ll -- I’ll open the floor.

MR. RAFFENSPERGER: Thank you, Mr. Poulos. Board
members, I guess, do you have any questions for Mr.
Poulos? If so, Ms. Sullivan as Vice Chair, you can go
first if you’d like that honor?
MS. SULLIVAN: I do not. Thank you.

MR. RAFFENSPERGER: Mr. Worley?

MR. WORLEY: Yes, Mr. Secretary. I do have a question or two for Mr. Poulos, and Mr. Poulos, thank you for appearing today and thank you for what I think can only be described as a very competent rollout of Georgia’s new election system in 2019 and 2020. I think the results speak for themselves in terms of how well the system works statewide. You mentioned that just there’s a lot of disinformation out about Dominion, and that disinformation has affected the State of Georgia. I know that Dominion has recently filed defamation lawsuits against Rudy Giuliani, against Sidney Powell, against Mike Lindell for statements that they have made about Dominion.

Unfortunately, the disinformation campaign is pretty widespread, and it has had an impact here in the State of Georgia in that members of the General Assembly are taking that disinformation and using it as their reason to engage in what is -- what really can only be described as a systematic effort to suppress voters now that the results of the last election are known, and they didn’t like the results of the election. Under these circumstances, has anyone from any of the legislative committees of the Georgia General Assembly that are con -- considering election changes contacted you or anyone from Dominion and
ask them to appear and testify about this disinformation?

    MR. POULOS: Well, thank you for the question, Mr. Worley. I am aware that we have had various conversations with members of the Assembly, not just in the State of Georgia but in other states as well, and unfortunately, I don’t have the specifics. I have not personally had the conversations with anyone.

    Our view, in terms of participating in these hearings, is -- is as follows. First off, it’s important for everybody to understand what our accountability is, what -- what we do and what we don’t do, which I referenced at the beginning. The fact that we do not run elections is very clear. Your counties run elections, and it has -- it is the election officials who have the authority to make decisions and to actually execute and run the business of elections. They are the ones accountable and best suited to be able to answer questions specifically regarding that process however, in any, you know, in any -- any manner of the election.

    To say that there is an abundance of evidence supporting the fact that there is a -- there was an accurate tally of ballots is an understatement. The fact that the State of Georgia has counted 5 million ballots three times -- one of those three times was done by hand, distributed across 159 counties, with thousands of people
involved in that process, is -- is -- frankly, you don’t need to go much further than that to understand that the ballots were counted properly. Some of the actors that -- some of the actors that are promoting the disinformation have certainly made allegations that the hand count did not, in fact, happen, but I know that this -- this Committee obviously knows that’s not -- that is not true. So there are references to -- there are so many different examples of research that has been done to -- against the allegations that have been made by -- by unreliable sources that refuse to provide any evidence.

We find that these people are quick to say that they have evidence, quick to say that they have hundred percent proof, but yet they don’t provide any of their evidence. If you look at the most recent release from the -- the MITRE report that was released the other day that took a deep look into the statistical release of the results across various states including Georgia, you can see that this group that actually does do research for national-level governments has released all of its findings including their assumptions and all of their underlying data to the public to look at. In the case of Maricopa County in Arizona, they actually hired two EAC accredited independent test labs to run audits. But of course, as this Committee knows, this was also done in the State of
Georgia as well.

MR. WORLEY: Well, I appreciate your answer, Mr. Poulos, and I certainly agree with you that there’s an abundance of evidence that elections here in Georgia were conducted properly. I seem to take from your answer that you have not been officially contacted by any of the committees that are considering legislation on Georgia voting this year, and I think that’s a shame because I think that you do have important information that should be presented to those committees as they consider this legislation. I think, unfortunately, they probably don’t want to hear from you. But I would encourage you to take every opportunity to make your views known to those committees. Thank you.

MR. POULOS: We certainly will. Thank you.

MR. RAFFENSPERGER: Ms. Anh Le or Mr. Mashburn, do either one of you have any questions for Mr. Poulos?

MS. LE: This is Anh. I want to thank Mr. Poulos for being here today and joining us for this meeting. I don’t have any major questions. I guess the only question I would like to ask is from this past experience with Georgia elections, this being our first election on the Dominion machines, did you observe any, I guess, notes or lessons learned, if you will, for improvements with fut -- future iterations of this machine, or did you see anything
that you could suggest or observe that could be
implemented in future elections?

    MR. POULOS: Well, in terms of the actual system
itself, we’ve, frankly, been having a very active dialogue
with the Secretary of State’s Office as well as various
counties, and we really bifurcate that into two different
ways. One is on the election process itself, which is the
account -- accountability of election officials in each of
the 159 counties and how they might take the data that
they obtain through the 2020 election cycle and how they
might be able to more effectively deploy the technology to
reduce everything from line-ups to voter flow. And in
regards to the actual ballot tabulation system itself, we
have been having an active dialogue with the Secretary of
State’s Office, letting them know the various initiatives
that are being undertaken around the county on how better
to -- on how to increase transparency and educate
constituents on how the election actually works and the
facts of how paper ballots are actually created and how
they are counted and allowing that awareness campaign to
effectively disseminate across the entire state in the
hopes to avoid some of the -- the disinformation that has
been propagated.

    MS. LE: Thank you. Thank you for that answer, and
again, thank you for being here today.
MR. RAFFENSPERGER: Mr. Mashburn, do you have any questions for Mr. Poulos?

MR. MASHBURN: Yes. Thank you for the opportunity. Thank you for appearing today, and thank you for the opportunity to ask questions, Mr. Secretary. The questions that I have are questions that I’ve heard from people over and over, so I’m just going to go straight -- straight into it. Is Dominion an American company or not?

MR. POULOS: We are, sir. We started off -- I started the company in Canada as a Canadian company, and in 2018, we sold the company, so there is a lot of information that is incorrect on -- online and in various places about us not being an American company, so let me be very -- very clear. Our owners are a private equity company with US investors based in New York, and that is the parent company. We don’t have an Amer -- American subsidiary. It’s -- the company is American and American-owned. We have roughly 300 employees, most of whom are distributed across the United States. Our head office is in Denver, Colorado. We have smaller regional offices in the states of New York and California, now in Georgia as well, in Texas, and in Florida. And really, our employees are distributed close to where our customers are.

I -- I feel obliged to also clarify we are not Venezuelan. We have never run elections in Venezuela, and
we understand that there are two US companies that have
run elections in Venezuela in the past. I can tell you
with certainty that Dominion is not one of them, and with
specific regards to allegations made that we, along with
every other voting system vendor in the United States,
uses software created by Smartmatic. That is not true.
Smartmatic is a separate company. We are competitors.
They do their own thing. We compete vigorously with them.
It’s my understanding that they service Los Angeles County
in the United States. But we have -- we are in no way
using their source code or are tied to their ownership or
their board structure or any of -- any of that.

MR. MASHBURN: Thank you for -- thank you for that
detailed explanation. That raises the next question. Is
-- I think you said you were in business since 2003. Has
anybody anywhere in any case in any court or any contest
or any recount ever shown that a Dominion machine, even a
single one, has ever flipped a vote from one candidate to
another in a lawful election?

MR. POULOS: No, sir. No, sir. And I’ll expand on
that one, if you’ll allow me. The -- let me be very clear
on the source of the disinformation. On November 19th,
Sidney Powell and Rudy Giuliani took to a national stage
at the RNC offices in Washington in front of the national
press corps and alleged a number of different things.
They alleged an old conspiracy theory that, really, from what we see started in other elections in other states with companies that had nothing to do with Dominion, and that old conspiracy theory had several components to it. One was that we were founded in Venezuela which is a hundred percent false. It also alleged that we were tied to a Venezuelan group which is a hundred percent false.

And then, that theory expands to include a version of an elections system which is -- which could not be more false. The theory contends that your counties have very little to do with your election, that somehow their official databases and their -- their secure stores of paper ballots are not somehow the official record of the election and the official ballot count, but somehow, some national level database, which is -- which is -- which sits in Frankfurt, Germany on Amazon web services’ servers, controlled by a company called Sydell with source code from Smartmatic. This is a hundred percent false, and this is exactly the core of the disinformation and the root of it.

And so specifically, there are som -- there are a lot of different companies that provide vote tabulation services, and Dominion is one of those companies in the United States. Our key competitors, as well as us, all undergo a very strict and rigorous federal certification
process and state certification process. To the claim that we all use the same source code, it is ridiculous. It’s one hundred percent false, and any of the authorities at the federal or state levels or any of the labs that all have our source code through our voluntary -- our voluntary penetration testing can attest to that.

Moreover, our critics and the actors in this disinformation campaign, while they take to national media and they so -- they so confidently assert that they have, quote, evidence, no one -- no one talks about the fact that there are paper ballots, and when asked about it, they -- they really brush it to the side. They don’t reference the fact that there are five million ballots in the State of Georgia, paper ballots, that are in the secure possession of 159 counties with -- with all of their staff. We -- there are no private companies that have access to it, nor should they. So the idea going back to this theory that somehow results get fed out from the county level to the state level and then to some national level server that is housed in Frankfurt where bad actors from different countries can somehow change the vote is ludicrous and does not explain that you have one paper ballot for every eligible voter, for every valid voter that has voted in your election.

And that is what you hand counted. You did a hand
recount, a hundred percent recount -- sorry, a hundred percent hand audit plus an additional one hundred percent machine recount. Sorry for the long answer, but I felt compelled to clarify that.

MR. MASHBURN: No. That was helpful. And I just have one last question, and I’ve heard -- I’ve heard -- people have come up to me and said that it’s possible to remotely hack into the machines and make updates or that -- or that Dominion actually itself goes into the machines remotely and makes updates. Is that possible or not possible?

MR. POULOS: No. That is not possible, but you shouldn’t take my word for it. You should ask your election officials, who actually have possession of those machines. Those machines haven’t been in our possession since we delivered them to the state and to the county when possession changed hands as part of that implementation process. There has been some reports in the media that are a hundred percent false. Unfortunately, one of them still is on the -- on the web, and the story refers to a remote update on the election system, which has been proven not to have happened. It’s impossible, and it’s -- it’s basically the same as -- I won’t even make an analogy because it’s so ridiculous.

The machines are in the possession of the county, not
of any private company, and they are not -- they are
designed to be air gapped, and in the State of Georgia,
the tabulators in the polling locations do not have
modems, and the systems -- and the back-end systems are
air gapped with the results -- the official results
database are air gapped from the system that each county
uses to upload their results to the public. But again,
that is a process that is best described and verified by
the people have accountability to run the elections and
who have the physical custody of all of this system, which
is your poll officials, your election officials.

MR. MASHBURN: Thank you for that. I said I only
have one more, but I’ve got one more. And that is
something real quick. It can even be yes or no, but y’all
just -- your company only deals with counting the votes.
It has absolutely nothing to do with registration or -- or
poll pads or anything like that. It’s just straight
counting, right?

MR. POULOS: That’s correct. Our systems do two
things. We help people with disabilities vote privately
and independently on a paper ballot, and we help election
officials count those paper ballots. What we don’t do: we
do not do any voter registration systems. We do not do
any electronic poll books. We do not get involved in vote
by mail services. We do not print ballots. We do not
mail ballots. We do not determine who is eligible to
receive a ballot. All of that is done separately and
coodinated through your election officials.

MR. MASHBURN: And just -- and you can expand on this
if you want to, but I just wanted to kind of emphasize for
the record that when we in Georgia recounted the paper
ballots by hand, that was humans reading human readable
text and not humans trying to read QR codes, but that was
humans looking at human readable text, and just if you
have anything to add to that, please feel free.

MR. POULOS: Yeah, I sure do. So as -- as -- the
ballot-marking device is meant to help voters ca -- create
a paper ballot. The ballot-marking device does not
tabulate or count any paper ballots. That is done by a
separate machine whose sole function is to scan and
tabulate paper ballots. We -- our system is capable of
running -- of printing those paper ballots in a variety of
formats, and one of them which has been used in the State
of Georgia has a one sheet -- one 8 and a half by 11 sheet
of paper, and it has human readable text. There is also a
QR code. The advantage of the QR code is that it allows
for a single 8 and a half by 11 sheet of paper to -- to
have all of the selections that a voter makes.

There -- there are critics of this type of a system,
and whether the critics have pointed to the fact that the
2D barcode is not readily human readable, which is a -- again, from the standpoint of my company, we take -- we are very agnostic when it comes to this. Our system is capable of doing, frankly, anything that your law allows for, and the critics argue that is what is looked at on the screen of the ballot-marking device may or may not be the same as what is printed on that ballot.

Now, the flip side to that argument is that a voter has an opportunity when they are holding their printed piece of paper, that is their ballot. They have not cast that ballot yet, but they are looking at that ballot, and they can review their choices, which makes for a, quote, voter-verified paper ballot. If -- if you contend that voters will not look at that text, then obviously, that’s -- that’s a discussion that’s up for the people that have accountability to decide how elections should be run in any given jurisdiction.

Our system has the ability to do anything, frankly, that you need it to do. So what was unique about the one hundred percent hand audit is that what that definitely showed was that the text that the voters verified was the same as the QR code. Now, whether or not that is something that can be done on an economic basis for every future election, whether that’s something that is done randomly through audits of risk-limiting audits -- that is
now quickly becoming the norm across the country, and it is a very good thing in everyone’s opinion as it increases transparency and confidence -- that is -- that went to definitely show that your -- that the text on every ballot of the 5 million ballots was, in fact, accurate and the same as what the machines reported.

MR. MASHBURN: Thank you very much, and thank you for your appearance today, and thank you to the Secretary for letting me take a lot of time asking questions, but these are all questions that I have been asked, so since we have access to you today, I figured I’d go ahead and do all the ones that I’ve heard.

MR. POULOS: Well, thank you, sir.

MR. RAFFENSPERGER: Well, if there are no more questions from any of our Board members, Mr. Poulos, thank you for your time. I know you’re a busy man, and we are today, also. We have about 75 cases to go, to plunge through, so with that, I’ll let you go, and we’ll get onto some other business of this Board. Thank you so much.

MR. POULOS: Thank you for the opportunity. Have a great day.

MR. RAFFENSPERGER: Thank you. So the next item on our agenda are the investigation reports. We have a group of consent cases from tab 1 to 12. What is the will of the Board? Do you want to pull any of those out, or would
you like to make a motion all -- for all consent cases?

MR. WORLEY: Mr. Secretary, this is David Worley. First of all, I just wanted to note for the record that I have to leave at 11 o’clock or shortly before 11 o’clock to appear in a hearing in Fulton Superior Court.

MR. RAFFENSPERGER: Thank you.

MR. WORLEY: I should be able to return in about a half an hour after that. I would like to pull out and discuss three of the consent cases, case number 2020-176, case number 2020-227, and case number 2020-229.

MR. RAFFENSPERGER: Okay.

MS. LE: Mr. Secretary, this is Anh Le.

MR. RAFFENSPERGER: Yes?

MS. LE: I need to recuse from case number 2018-115 and 2020-252, please.

MR. RAFFENSPERGER: I understand. Okay. Are there any other cases any members would like to pull out, or need to recuse themselves?

MS. WATSON: Mr. Secretary, this is Frances Watson, and we did receive a call from a complainant in 2020-113 that wished it to be presented and the ability to speak to that case.

MR. RAFFENSPERGER: Okay. We’ll do that also. So that leaves us 2018-028, 2018-072, 2018-105, 2019 -- excuse me -- 036, 2020-038, 2020-079. I believe that’s
it. Those ones, I believe, if we wanted to make a motion, we could make a motion in batch, and then we could make the ones where Ms. Le has to recuse herself, we could do those for all the other members also in the next motion.

So --

MR. WORLEY: Mr. Secretary, I would make a motion that we consent to the cases on the consent calendar other than the ones that have been identified by Ms. Le and the other members of the Board and move to dismiss those cases.

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

MS. SULLIVAN: Rebecca Sullivan, second.

MR. RAFFENSPERGER: Do we have any further discussion? All those in favor, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MR. WORLEY: Okay. Mr. Secretary, I would then make a motion that we dismiss the two cases, the DeKalb County cases on the consent cases list, case numbers 2018-115 and 2020-252.

MR. RAFFENSPERGER: Okay. And Ms. Anh Le’s recusal is noted. All those -- do we have a second? Great.

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any discussion? Hearing none,
all those in favor of the motion as presented, aye?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. I guess the next one -- we’ll start at the top of the order, 2020-113, Fulton County, disability issue.

They’re here to discuss that, so Ms. Watson, if you want to present that for us, that would be wonderful, and the floor is yours.

MS. WATSON: Yes, sir. Thank you. A complainant reported that he is visually impaired and after not receiving an absentee ballot, he chose to vote early in person at the Buckhead Library. He alleges that he was not provided with a device that would read a printed copy to him and had to use a poll worker to read it to him.

The investigation revealed it was verified that Fulton County did process and mail the requested absentee ballot. There was no code or rule which governed a state or county to provide the device that a visually impaired voter can use to read their printed ballot back to them for verification that we could find. There is also no rule or code that prevents a visually impaired voter from using their own such device at the polls, and our recommendation was to dismiss the case with no violation noted.

MR. RAFFENSPERGER: Okay. Is there someone here to -- from the --
MS. WATSON: Yes. Yes. There -- there -- I believe that we have someone that is on the line, and she is going to be responding via captioning that will be -- her response will be read by Ms. Thomas.

MR. RAFFENSPERGER: Okay. Thank you. Please proceed.

MS. KEGLEY: Good morning. Can you hear me?

MR. RAFFENSPERGER: Yes.

MS. KEGLEY: Hi. My name is Julie Kegley. I’m with the Georgia Advocacy Office. I am looking for the captioning at the bottom, and I think I’ve gotten it, so thank you for that. I appreciate Secretary Raffensperger allowing me to speak on this case. At the Georgia Advocacy Office, we protect and advocate on behalf of people with disability, and one of the ways that we do that is making sure that people with disabilities have the right to cast an independent and a private ballot anticipated by federal law.

And the complainant in this case was a person with visual impairment, and he was not able to cast his ballot independently. The poll machine did not allow him to progress through the selection independently. He had to get a poll worker to come help him, which meant that the poll worker knew how he was voting. Then, when the paper ballot came out, he could not independently read the paper
ballot in order to verify his selection. So again, that
meant that he was not able to cast an independent, private
ballot. So to the extent that this happened in Fulton
County, to the extent that the Fulton County Board of
Elections and the Secretary of State’s Office can
implement measures to make sure that this doesn’t happen
again to anybody else, it would be most appreciated.
Thank you for your time.

MR. RAFFENSPERGER: Thank you. Is there anyone else
that wants to speak on this case? Board members, do you
have any comments?

MR. WORLEY: Mr. Secretary, David Worley. I had a
question for Ms. Kegley if I might. Does she have any
suggestions of measures that Fulton County or the
Secretary of State’s Office or the General Assembly could
implement to ensure that voters who are disabled have the
opportunity to vote independently so that this particular
situation might not arise again?

MS. WATSON: Do we need to send her that in writing?
One second, we need to type that question to her so she --
she can have it.

MS. KEGLEY: Hi, this is Julie Kegley. I am not sure
if you were speaking to me because the closed captioning
is not working. If there is a way for you to contact me
best via email, that would be great, but I apologize. The
captioning is just not working.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: Okay. Thank you.

MR. RAFFENSPERGER: What I would suggest if we could have our office contact Ms. Kegley and then ask for her recommendations, and then we’ll transmit that to the General Assembly. They’re currently in session. We also can look at is there something we can do from the standpoint of the equipment that we have right now. What does that look like? But give input, particularly if there is a budget, a dollar cost associated with that, so that the General Assembly could consider that. I believe that would be the appropriate action. Do you -- do you concur, Mr. Worley?

MR. WORLEY: Yes. I appreciate the Secretary’s doing that.

MR. RAFFENSPERGER: Okay. Is there any other comment that any Board members have on this case then? If not, I think now would be the appropriate time for a motion.

MS. LE: Mr. Secretary, --

MR. WORLEY: I -- I’m sorry. Go ahead. I --

MS. LE: Sorry. Please. I was just -- sorry. I was just going to make a motion to accept the consent order. This is Anh.

MR. RAFFENSPERGER: Do we have a second?
MS. THOMAS: Ms. Kegley just wrote in the chat a response to your question, Mr. Worley. She says that yes, to make sure that the voting machine audio is correctly working so that a person with a visual impairment can put on headphones and have the audio guide them through the process.

MR. RAFFENSPERGER: Okay. That will be something that we can discuss and get that information out. We’ll discuss that internally with the Elections Division and then get that information out to our counties. Do we have a second then?

MR. WORLEY: I would second the motion.

MR. RAFFENSPERGER: Okay. Is there any further discussion? Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case we pulled out, 2020-176, 227, and 229, so we’ll start with 176, tab 9.

MS. WATSON: Yes. The complainant Jean Schuman [ph.] reported her daughter, who is not a registered voter in Georgia and lives out of state, received seven absentee ballots from Henry County and two absentee ballots from Lamar County that were sent to the mother’s address in Georgia. Our investigation revealed that this were
actually absentee ballot requests, and they were not
actual ballots, and we’re recommending that the case be
dismissed.

MR. RAFFENSPERGER: Do any of the members of the
Board have questions?

MR. WORLEY: I did have a question, Mr. Secretary.
Ms. Watson, I just wanted to be absolutely clear about
this because there have been a lot of allegations after
the election that absentee ballots were mailed out to
people who were not registered to vote. The evidence that
you found was that, if I’m correct, was that these were
absentee ballot applications that were sent out and not
actual absentee ballots; is that correct?

MS. WATSON: That is correct. We received many, many
complaints of this nature, and I would ask each -- each of
these to send me a copy or photo of the envelope that they
received in order to verify if it was an application or a
ballot. There -- there were a lot of individuals that
mistook the en -- what they received in the mail as
official ballots because it was -- the envelope would say
official ballot request, and so they were reporting that
they received multiple ballots, and when we would check,
it would actually be the applications. There were a
couple -- you know, there were some that actually received
two -- two ballots in the mail, which when we would track
those down, it would be a time when the county was
switching over from the state sending the ballot and then
the county picking up. There’s maybe a little crossover
where some of those did actually get two, but there were
very few of those also.

MR. WORLEY: Thank you. Mr. Secretary, I would make
a motion that we accept the recommendation to dismiss this
case.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further -- any further --

MR. MASHBURN: Yeah, Matt Mashburn. I would like to
add my personal experience on this as well in that I’ve
had well over 50 -- 50 calls from people alleging multiple
-- that they had received multiple ballots, and it
involved, you know, in the hundreds of ballots being
alleged, and all of them, every single one of them, I
tracked down the person and asked them to send me what
they got, and every single time it was an absentee ballot
application. So this is, you know, something that has
been widely alleged, but just every time I tracked it down
involving hundreds of allegations of ballots, none of them
panned out.

MR. RAFFENSPERGER: Okay. Do we have a second -- or
any further comments? Hearing none, all those in favor of
the motion to dismiss, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2020-227, Cobb County, absentee ballot application process. The complainant alleged that during the May 11th presidential preference primary election, she was working in a group processing absentee ballot applications. She advised that when she brought one or more unclear applications with signature mismatches, she was advised by the male supervisor to process them anyway. Investigation revealed the procedures were reviewed in Cobb County. The supervisor in question was interviewed, and he -- he’s provided a sworn notarized statement, and he advised that he did not approve or instruct anyone to process a signature mismatch. He stated that he then explained his instructions, the process that he followed. He also advised that it is possible that he advised someone that the voter’s signature will be checked again when the ballot is returned.

An audit of the process was conducted in Cobb County, which also substantiated that Cobb County was following the correct procedures in conducting the signature verification process. We did observe the individuals that
were -- were conducting this process and the stacks that they would put them in for further review, and we're recommending that the case be closed as unfounded.

MR. RAFFENSPERGER: Okay. Board members?

MR. WORLEY: Mr. Secretary, I had a question for Ms. Watson. So am I correct, Ms. Watson, that this allegation which the supervisor indicated was not correct was the basis for the audit of some 15,000 signatures in Cobb County to verify that they were, in fact, correct?

MS. WATSON: I believe that due to this complaint that they -- that Cobb County was the county that was chosen for the audit to be conducted at.

MR. WORLEY: Okay. And can -- could you just tell us again what the results of that audit were? And this was an audit by the GBI, correct?

MS. WATSON: It was conducted jointly between -- with our office and the GBI and in -- out of the, as you said, 15,000 plus that we conducted there were a few that had to be individually contacted, and out of all of the ones that we conducted, we found absolutely no indications of fraud. There was one individual that signed her husband’s name.

MR. WORLEY: Okay.

MR. RAFFENSPERGER: Any other questions from the members or comments? Hearing none, do we have a motion?

MR. WORLEY: Mr. Secretary, David Worley here. I
would make a motion that we dismiss this case.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Rebecca Sullivan, second.

MR. MASHBURN: Matt Mash --

MR. RAFFENSPERGER: Okay. Any further comment?

Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case, 2020–229: in November of 2020, we received two complaints with accompanying affidavits on behalf of Alice O’Lenick and Anthony O’Lenick. The affidavit by Alice O’Lenick alleged she observed there were more absentee ballots than envelopes, indicating the ballots that were counted were not properly verified as a potential violation of Georgia election code. The affidavit by Anthony O’Lenick alleged that the Gwinnett Elections Office experienced clogged computers that slowed the tabulation process down, but what was concerning to him was the elections staff, to include the Election Supervisor, was asked to leave election central, which was the secure room designated to store and scan ballots, while an unknown individual believed to be a technician from Dominion Voting Systems remained in the
room who was acting frantic and appeared to be freaking out, a potential violation of election code. Anthony O’Lenick also reported based on questionable guidance received from Gwinnett County’s attorney Melanie Wilson the ballot review panel erred on the side of striking ballots down depending on which candidate could get more.

The investigation revealed the complaint submitted by Alice O’Lenick was retracted. She advised that she under -- understood that there were -- was two paper ballots in Gwinnett County that would make the stack of papers be larger than the envelopes and retracted that complaint. The complaint alleged by Mr. O’Lenick was not substantiated, as there was no evidence to support a violation of election code occurred. We recommend the case be dismissed as unfounded.

MR. RAFFENSPERGER: Members, do you have any questions?

MR. WORLEY: Yes, Mr. Secretary, this is David Worley. I had a question, Ms. Watson. There was some part of the report that indicated because of Ms. O’Lenick’s complaint -- and I understand Ms. O’Lenick is a member of the Gwinnett Election Board -- that 129,000 or so ballots had to be recounted?

MS. WATSON: We -- we were scheduled to recount the oath envelopes to verify the number, and that process was
due to start the following day when we were able to verify with Ms. O’Lenick that she was withdrawing her complaint and that she under -- understood that that was not an accurate depiction of what her complaint was.

MR. WORLEY: So that -- that was not done?

MS. WATSON: No. It was -- the oath envelopes were not counted. It was scheduled to -- to be conducted, and it was not -- it did not occur.

MR. WORLEY: All right. I don’t have any further questions, and I obviously defer to the other Board members, but if they do not have questions, I’d make a motion that we dismiss this case.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le, second.

MR. MASHBURN: Matt Mashburn -- go ahead. Yeah. And for further discussion, I have a question of Charlene and the Attorney General’s Office or a request. Can -- can they look through the lawsuits that they defended and see if this retracted affidavit was attached to an exhibit of any of the lawsuits, and if so, can we pass unanimous consent that the record be left open so that the affidavit might be contained within the record and be marked as having been retracted?

MS. MCGOWAN: This is Charlene. I can go back through our dockets and see if that affidavit was relied
on in any of the cases. Most of them have been closed, so I don’t know if there’s an opportunity to make that note in the record of the cases, but I can certainly go back and take a look at that.

MR. RAFFENSPERGER: Thank you.

MR. MASHBURN: Thank you.

MR. RAFFENSPERGER: Any other discussion? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Okay. Letter cases plus some continued cases, I believe, from last week. I guess we’ll do tab number 13 first, 2017 --

MS. LE: Mr. Secretary?

MR. RAFFENSPERGER: Yes?

MS. LE: This is Anh Le. I must recuse myself from this case and the -- which is 2018-009 and 2018-093, please. Excuse me. I apologize. I do not have to recuse myself from the 2018-093. I apologize. So I will only recuse from 2018-009. My apologies.

MR. RAFFENSPERGER: No problem. Okay. Do we want to do the letter cases first? The ones that are identified as new cases, they’re actually on the table, so we’ll need a motion to bring those off the table. We can do that now
or just wait until we get to them and start with case 2017-064.

MS. WATSON: Okay. Are we doing -- Mr. Secretary, do you wish to vote en bloc for the letter of instruction cases?

MR. RAFFENSPERGER: Yes. Right. 064 through 274, that would be the easiest that way.

MR. WORLEY: Mr. Secretary, I will make a motion that for the cases on the letter cases section of our agenda, the seven cases that are currently there, that we accept the recommendation of the investigators and send a letter of instruction to the Respondents in those cases.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of accepting the motion as is, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries. Okay. I guess there’s all these new cases, but these are the ones that are on the table, correct? SEB case 2018-009 through 2020-112, is that correct, Ms. Watson?

MS. WATSON: Yes, sir. That is correct, and we also have a request from -- in reference to 2018-093 due to a conflict if we could present that case at the end of the
agenda.

MR. RAFFENSPERGER: Okay. Let’s all -- let’s bring them all off the table now then, and then we’ll just hold 2018-093 until the end of the day. Do we have a motion to bring it off the table?

MS. SULLIVAN: So move, Rebecca Sullivan.

MR. MASHBURN: Matt --

MR. WORLEY: Second, David Worley.

MR. RAFFENSPERGER: Okay. Hearing no objection, motion carries. They’re off the table. Next case, case 2018-009. We had some questions last week.

MS. WATSON: Yes, sir. I believe that this was continued until this meeting from last calendar. This case: on May 15th, 2018, it was reported by DeKalb County that the elector when making applications for an absentee ballot mailed a copy of a voted absentee ballot along with their absentee ballot application. The investigation revealed that the elector identified as Ahhae Niles, A-h-a-e N-i-l-e-s, was not familiar with the absentee voting process and was reported to have received a copy of the absentee ballot from a friend as a sample to assist her. She submitted the marked copy of the absentee ballot with her application for an absentee ballot to DeKalb County, not being familiar with the processing and having a -- some language barrier. We’re recommending that Ahhae
Niles be issued a letter of instruction concerning 21-2-575(a), as there does not appear to be any intent on her part to violate the code. She was a new voter and was not familiar with the process. Is there someone here to speak? And we do have someone on the line for this case.

MR. RAFFENSPERGER: Okay. If she was like to speak?

MR. SELLS: Mr. Secretary, this is Bryan Sells on behalf of Ms. Niles. I’m here to ans -- answer any questions that the Board might have. I think Ms. Watson stated the case accurately and succinctly. My client is a limited proficient new voter and did not understand the application process.

MR. RAFFENSPERGER: Thank you, Mr. Sells. Okay. Members, do you have any questions concerning this case?

MR. WORLEY: Mr. Secretary, -- go ahead. I’m sorry.

MR. MASHBURN: Matt Mashburn, I -- go ahead, David.

MR. WORLEY: I don’t have a question, but I just -- I do have a comment. I just don’t think that this kind of violation is -- you know, whatever actually happened here, whatever her intent was really just doesn’t meet the intent of the statute prohibiting counterfeit ballots, and so I -- I would make a motion to dismiss this case.

MR. RAFFENSPERGER: Mr. Worley, you had a -- I guess the motion is there, so do we have a second?

MR. MASHBURN: Second.
MR. RAFFENSPERGER: Okay. Any further discussion?

Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Next case has been held over, so it would be 2020-015.

MS. WATSON: Yes, sir. This is Stephens County. This was an absentee ballot drop -- drop box case that was initiated by our office after an inspection of the absentee ballot drop box. The investigation revealed that the drop box was not in compliance with the signage that was required in the code, and we also -- it was not posted on the website per the SEB rules. We did go back to -- to Stephens County to verify that the signage was put in place. However, it was found that the signage was not put in place until the day after the February 17th meeting. However, it was posted on the website in May after our inspection, and it was reported to -- to the County. With that information, I would make the recommendation that it be bound over to the AG’s Office for violation of State Election Board rule 183-1-14-.06-.14(3)(9).

MR. RAFFENSPERGER: Do we have anyone that wants to speak to the case, or do any members have any questions or comments?
MR. MASHBURN: Matt Mashburn, I move we accept the recommendation.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Rebecca Sullivan, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case.

MS. WATSON: Yes, sir. The next case was presented. It was 2020-096, and this was the case that was reported by Clayton County that there was a box outside of 403 Valley Hill Road that was labeled as a ballot box, and investigation determined that it was the resident at that location that was handing out absentee ballot applications, and the box labeled ballot box was actually for the applications to be inserted in. There was no evidence that any actual ballots were placed into that box. We were to review the code for any other possible violations of any other code that would be applicable. The -- the closest code would be 21-2-574, which would be unlawful possession of ballots, but there’s no evidence that there was an actual ballot that was placed in the box. My recommendation would be to dismiss this case and
to send a letter to the resident, Doris Woods [ph.], just making her aware of the -- the code 21-2-574 in relation to having such a box outside the location.

MR. RAFFENSBERGER: Okay. Members, do you have any questions, comments, motion?

MR. MASHBURN: Matt Mashburn. I make a motion that the recommendation be accepted.

MR. RAFFENSBERGER: Do we have a second?

MS. LE: Anh Le. I’d second that motion with a request that the letter be strongly worded because situations like this can create confusion for the public, and that doesn’t help anybody during a hectic election cycle. But I second that.

MR. RAFFENSBERGER: So noted. Any further input or comments?

MR. WORLEY: Mr. Secretary, it’s David Worley. I don’t have an objection to the Secretary’s Office sending a letter to the Respondent, but I don’t think we can add the imprimatur of the State Election Board to that because there’s no statute that this person violated, and so we don’t have any jurisdiction over this particular complaint because there’s no statutory violation, so I -- I can’t accept the motion, although, as I said, I don’t have an objection to the Secretary sending a letter. But I don’t think it should say in any way that the State Election
Board, you know, participated in that action.

MR. RAFFENSPERGER: Well, I guess, it’s almost a question of point of order, but General Counsel or the Attorney General’s Office, could you provide legal guidance on that question?

MS. MCGOWAN: Is the issue whether or not the State Election Board would send a letter or the Secretary’s Office?

MR. RAFFENSPERGER: Correct. Would it be appropriate for the Secretary of State’s Office in lieu of the State Election Board to send that letter per Mr. Worley’s comment?

MR. GERMANY: This is Ryan Germany. I mean, I think if the State Election Board determines it’s worthy of a letter from the State Election Board, then it should come from the State Election Board. And that’s -- that’s up to you. That’s kind of what’s in front of you and Mr. Worley. I think Mr. Worley would not agree with that, but we can see what the position of the Board is. Whether or not it was a -- I think the relevant question, the relevant issue, is the drop box, the sign put out said put your ballots here. Fortunately, no one put their ballots there, but it certainly seems that it was if not successful unlawful possession, it was attempted unlawful possession, and that’s something that I think the State
Election Board can -- can determine what they want to do with that set of facts.

MR. MASHBURN: Yes, this is Matt Mashburn. I’m in support of Anh Le’s motion and language and will vote in favor of it because I -- and Mr. Germany just made the point is I think the only reason that she’s not up on a charge of possession of -- illegal possession of ballots is just luck. So I support Anh Le’s motion and language.

MR. RAFFENSPERGER: Any other discussion? Hearing none, all those in favor of the motion as presented with strong wording in that letter, signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Any opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Motion carries. Next case?

MS. WATSON: Next case is 2020-112. On -- this was previously presented. On October the 14th, 2020, we opened an investigation concerning a complaint that a candidate in Henry County was supplying voters in line at a polling location with snacks and water. Since the previous meeting, I believe each of the members should have been emailed a copy of affidavits and a video from the attorney for Ms. Kelly Rose Alsiver [ph.]. The candidate was identified as Ms. Alsiver, a candidate for State Senate District 17.
On October 14th, 2020, it was reported by a witness that Kelly Rose Alsiver came to the front of the line of voters with a wagon full of water bottles, oranges and urged people to help themselves. A statement provided on October 25th, 2020 reports that while voting at 40 Atlanta Street, McDonough, Georgia at approximately 3:30PM, she observed Kelly Rose come into the parking lot of the polls greeting people and handing out clementines, oranges, and bottles of water along with her husband. She was pulling a wagon as well as her husband carrying water. She reports she was within a hundred and fifty feet of the poll. Kelly Rose states that she went to the poll on two occasions to pass out water and snacks to those in line. She states she was not wearing any campaign clothing, and on social media posts regarding, she states that everyone knows her by her hair.

There was a new affidavit provided by Kelly Rose, an affidavit from her husband, and an affidavit from Michael Burns [ph.] that have been emailed to the Board members. Kelly Rose states that she did not mention to anyone that she was a candidate. While at the polling location on October the 12th, Kelly reports that someone asked her her name, and she responded Kelly. Mr. Alsiver reports the same information in his affidavit with the addition that when they arrived on both dates, the 12th and the 14th,
employees of the Election Board advised them they could
pass out the items as long as they were not campaigning.

Michael Burns, the Chairman of Henry County
Democratic Party, provided an affidavit also emailed to
the Board members. He advised that he assisted Ms. Rose
and her husband in handing out water and snacks on October
the 12th to those standing in line at 40 Atlanta Street,
McDonough, Georgia. Mr. Burns reports that he was working
with election officials regarding the long lines and met
with Ms. Rose around 12PM on October the 12th, 2020. Mr.
Burns reports that it was very hot, and the lines were
very long. Mr. Burns further states that Ms. Rose did not
introduce herself as a candidate nor mention the election
and was not wearing any campaign clothing that identified
her as the candidate. There was also a screenshot from
Facebook thanking the person that brought out water as
they waited six hours in line. Our recommendation was
Kelly Rose Alsiver, candidate for Georgia State Senate
District 17, be referred to the Attorney General’s Office
for violation of 21-2-414(a)(3) and 21-2-570. And Mr.
Spencer, the attorney for Ms. Kelly Rose, is also on the
line.

MR. RAFFENSPERGER: Okay. Mr. Spencer, would you
like to --

MR. SPENCER: I would. I would suggest that this
case should be dismissed. Ms. Rose has presented evidence that, in fact, she did not do what the claim was, and what’s interesting is that in the affidavit -- or if it’s an affidavit, the statement from the witness does not allege that she was campaigning. What it alleges is that she passed out water, which is not illegal, but even if it is -- is illegal, we have presented credible evidence that, in fact, she did not do that, and we would submit that this is the kind of case that should not be submitted to the Attorney General. If this goes to the Attorney General, every allegation will go to the Attorney General, and we don’t think that’s the intent of this Board. We don’t think that’s the intent of this -- this statutory regimen, so we would ask -- I was about to say the Court, but I would say we would ask the Board to go ahead and dismiss this matter because we have shown that she did not do what she’s accused of, and she should not have to go before the Attorney General or the State should not have to spend its resources going through this -- this particular case. So that’s where we are.

MR. RAFFENSPERGER: Thank you, sir. Do any of the members of the Board have any questions for either side?

MR. MASHBURN: This is -- this is Matt Mashburn. I don’t have any questions. I thank the counselor for his statements, but I’m going to move that we accept the
recommendation and refer this to the Attorney General.

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

MS. LE: Anh Le, I second.

MS. SULLIVAN: Rebecca Sullivan, I second.

MR. RAFFENSPERGER: We have a second by...?

MS. LE: Ms. Sullivan.

MR. RAFFENSPERGER: Ms. Sullivan, okay. Do we have any additional comment from any Board members?

MR. WORLEY: Mr. Secretary, it’s David Worley here. I know that the Secretary has made statements prior to the last election about the handing out of water at voting locations, but my view is that those kinds of activities are not a violation of the law, and if it seems that most people on the Board want this to go to the Attorney General’s Office, I hope that the Attorney General will look at that issue and come back to us with its interpretation, and I believe the correct interpretation will be that this kind of activity does not violate the law. So there may be some use in sending this to the Attorney General, but I do not believe that the activity to which Ms. Rose admitted is illegal and/or a violation of the two statutes that the investigators relied on in this case. So I’m going to oppose that motion. Thank you.

MR. RAFFENSPERGER: You’re welcome. Thank you, Mr.
Worley. Any other comments? Hearing none, all those in
favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Okay. Motion carries. Okay.

Before we have the next case, let’s -- I see the time has
gotten on. If we could get back for a short break, say,
five minutes, we’ll resume at that time. Thank you.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: We can, I guess, start. I think
everyone should be back by now.

MS. WATSON: Okay. The next case is 2017-073.

MR. RAFFENSPERGER: Okay. Please proceed.

MS. WATSON: On November the 8th, 2017, we received
multiple complaints in reference to the November 7th, 2017
City of Griffin general municipal election: absentee
ballots being rejected and possibly manipulated, some
voters did not know their polling precinct had been
closed, and they did not know where to vote. Tamar Harris
[ph.] filled out a new voter registration card on October
3rd, 2017 to move her voter registration. Mr. Lemons
reported the Elections Office failed to move Tamar Harris’
voter registration prior to the November 7th, 2017 general
municipal election. He believed his name was left off some of the ballots during the November 7th, 2017 general municipal election, and an article in the Sunday, January 14th, 2018 edition of the Griffin Daily News reported the Spalding County Board of Election and Registration had determined that 38 city electors may have been assigned to incorrect city districts. This was confirmed during an audit along with 408 electors in the county that were in the incorrect district. In 2019, a second audit was conducted that found 131 voters in the incorrect precinct, and 77 voters assigned to the incorrect House district. Elector Susan Sledge [ph.], Leander Sledge [ph.], Stephen Cole Braswell, and Amy Braswell received the wrong ballot styles when they voted.

Investigation revealed allegation one, two, and three were not substantiated. Allegation four, it was confirmed one person received the incorrect ballot. In allegation five, it was confirmed that 38 electors in the City of Griffin were in the incorrect district. It was also confirmed that 408 county electors were not in the correct district. In 2019, a second audit conducted found 131 voters in the incorrect precinct and 77 in the incorrect House district. We recommend Spalding County Board of Elections and Registration and the former Elections Supervisor, Terry Colling, be bound over to the Attorney
General’s Office for a violation of 21-2-216(b) and
Spalding County Board of Elections and Registration and
Marcia Ridley, Elections Supervisor, be referred to the
General -- Attorney General’s Office for SEB rule 183-1-12-.02(4)(b) and SEB rule 183-1-12-.06(11)(a) and SEB rule 183-1-12-.02(4)(d).

MS. THOMAS: And Stephanie Windham is on the phone to speak on behalf of Spalding County.

MR. RAFFENSPERGER: Okay. Ms. Windham?

MS. WINDHAM: Yes, sir. Spalding County would ask that these charges be dismissed, Mr. Secretary. The remedial measures have been taken regarding the -- the improper districts. Several audits have been conducted by the current Elections Supervisor, Marcia Ridley, and all the issues that were found have been corrected, and the -- the -- as far as those voters who received the incorrect ballot and voted the incorrect ballot at the time and then later determined that they had gotten the wrong ballot but they had already voted and did not make any comments to the poll workers or the poll manager at the time that they had the wrong ballot, so our concern is we just need some direction on how to rectify a sti -- situation like that where the voter accepts the ballot, votes it, and then after they get home, they decide that they voted the wrong ballot.
Also, as far as the -- the accusation that Ms. Ridley, regarding the Jordans’ ballots, that she allowed them to vote a provisional ballot but failed to do an inquiry prior to approving the provisional ballot, that is actually untrue. She did contact the poll manager. The poll manager indicated that the Jordans had not voted while they were there. Then, she allowed -- Ms. Ridley allowed the provisional ballots. Afterwards when the votes were counted and it was determined that the Jordans had voted twice, the poll manager was counseled and also reprimanded. And that’s all I have, sir.

MR. RAFFENSPERGER: Thank you. Members of the Board, do you have any questions?

MR. WORLEY: I don’t have a question, Mr. Secretary, but I do have a comment. I appreciate that this situation has been corrected, but given the large number of voters that were placed in the wrong district, I -- I don’t think we can just either dismiss or deal with it in some way other than referring it to the Attorney General’s Office. And in addition, I think it’s incumbent on the county or the city, as the case may be, to make sure that people are in the right districts, and I don’t think the burden should be on the voters to question every time they receive a ballot. There has to be some basic assumption that the ballot that you’re getting at the polling place
is the correct ballot for your district, and I think the
voters are entitled to rely on that to some degree, so Ms.
Windham’s suggestion that somehow the voters here are at
fault -- I know that’s probably not what she intended, but
that’s the impression that was conveyed to me at least --
is just not one I can agree with, so I make a motion that
we refer this case to the Attorney General.

MR. RAFFENSPERGER: Thank you. Do you have a -- do
we have a second?

MS. SULLIVAN: Rebecca Sullivan, I’ll second it.

MR. RAFFENSPERGER: Ms. Sullivan seconds. Any
further comment?

MS. LE: This is Anh Le. I do have a thought to the
question of what guidance or what could they do more that
I think Ms. Windham asked earlier. I suggest going
through training again. Maybe put your people through
training again because with this large number, especially
in city elections as you know, the needle moves with just
a few votes sometimes, and so it does have a big impact
for the down ballot races or the local races. So -- and I
would agree with Mr. Worley completely in the sense that,
you know, voters don’t go home and then decide to have the
wrong ballot. They assume sometimes that they have the
right ballot, so it is incumbent on the county to get it
right the first time, so I agree with the motion as well.
MR. RAFFENSPERGER: Thank you. Any other comment?

Hearing none, all those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none, motion carries. Next case?

MS. WATSON: Next case is 2017-074. In November 2017, a complainant reported that Council Member Joyce Shepherd was sitting directly outside the voting room at the Metropolitan Library. The complainant advised that Council Member Shepherd was saying to each voter as they entered the polling location. Several other electors alleged that Shepherd and her supporters were campaigning within the hundred and fifty foot boundary of the polling location.

Investigation determined that Shepherd did go to the precinct to vote on November 7th, 2017. She remained at the location to assist her mother to vote. The complainant confirmed that the -- Council Member Shepherd was in the hall with her mother. Elector reported Shepherd transported dozens of surrogates to actively campaign on the library property within 60 feet of the building, and they were obstructing the entry. One elector reported Council Member Shepherd was distributing water and snacks and introducing herself to those in line.
Her niece was also at the location and went home to retrieve some documents necessary for Shepherd’s mother to vote. Shepherd remained at the poll location directly across the hall from the polling entrance, approximately twenty feet away, while her niece went home to retrieve the documents. We recommend that Joyce M. Shepherd be referred to the Attorney General for a violation of 21-2-414(a)(1) and (d).

MS. THOMAS: And David Lowman with Fulton County is on the line.

MS. WATSON: I believe David Lowman with Fulton County is on the line.

MR. RAFFENSPERGER: Okay.

MR. LOWMAN: I have no additional information to add at this time. Thank you.

MR. RAFFENSPERGER: Do any members of the Board require additional information or have any questions?

MR. MASHBURN: Matt Mashburn. I make a motion that we accept the recommendation.

MR. RAFFENSPERGER: Do we have a second?

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. Any comments, input? Hearing none, all those in favor of the motion as presented, signify by saying aye.

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

Next case.

MS. WATSON: Next case is 2017-075. In 2017, we received numerous allegations of violations of the election code and Board rules during the Forest Park November 7th, 2017 municipal election. The allegations were an elector receiving wrong ballot during early advanced voting, registered voters that were over a hundred years old, excessive absentee voting described as vote harvesting, electors failing to receive their requested absentee ballots, candidates offering alcohol for votes, candidates campaigning within a hundred and fifty feet of the poll, early advance voting: elector being misinformed as to a requested absentee by mail ballot, and candidate intimidating an elector for a vote.

Investigation revealed only two allegations were substantiated. It was confirmed that candidate Dabouze Antoine campaigned within a hundred and fifty feet of the polling place on November 7th, 2017. It was also confirmed that candidate Councilwoman Kimberly James completed six absentee ballot applications, two for family members and four for others. She submitted the applications, failing to properly sign the applications as assisting. During the investigation, it was also determined that the former City of Forest Park Elections
Superintendent Lois Wright failed to properly redact voter registration information including date of birth from absentee ballot applications when preparing an open records request, resulting in 587 absentee ballot applications with personal voter registration information being provided to the public in violation of 21-2-225(b).

Our recommendation is for Dabouze Antoine be referred to the Attorney General’s Office for 21-2-414(a)(1), for Kimberly James to be referred to the Attorney General’s Office for 21-2-381(c)(e)(f), and City of Forest Park and Lois Wright, Elections -- former Elections Superintendent, be referred to the Attorney General for violation of 21-2-225(b).

MR. RAFFENSPERGER: Okay. Do we have any --

MS. THOMAS: Yes. We have two people on the line. One of them is Trudy Smith, and one of them is Michael Williams. Ms. Trudy Smith has a speech impairment, so she has written -- wrote a statement that I’m going to read for her.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: So Ms. Trudy’s statement begins I would like to address this body today as a confirmed citizen that has personally observed what has been going on in Forest Park for approximately 10 years. The increasing corruption in our city is completely a persistent issue.
The bad actors are consistent. If you will look back to last week’s hearing, you will see there is a reoccurring theme. As an example, we had a fully functioning URA board. Once the current administration gained majority control, they maligned the makeup of the Board, which had committed no wrongdoing. Then, they ran a kangaroo court and voted to dismiss all of the sitting Board members except for one. You guessed it, Lois Wright, Election Superintendent.

Ms. Wright was the named the deployment -- I’m sorry, the development authority, downtown development authority, and the newly formed urban redevelopment authority. Is this a coincidence? I think not. She was instrumental in getting this council in place. They have made sure she was taken care of at every turn. Ask yourselves this question: why would anyone go through such lengths for an unpaid volunteer position? I call upon your common sense along with the evidence presented by the Secretary of State investigators as to the claims that have been lodged by the concerned citizens of Forest Park. As a diverse group of individuals, there can be no claim of racial bias. We just want to have people of integrity representing us and doing the city’s business. We have lived this travesty of governmental abuse of power for far too long.
Ms. Wright, Ms. James, and Mr. Antoine have been defying the rules in their oaths of office with wanton disregard. It is evident in the facts that Ms. James has already been fined by the Secretary of State’s Office for campaign reporting violations, Ms. Wright was referred to the Attorney General’s Office in last week’s hearing, and Mr. Antoine was brought up on ethics violations charges within the first year of his first term in office.

Allowing this self-serving individuals to continue to serve unleashed has caused our city great harm, resulting in a total lack of trust on behalf of the citizens. All of this has been stressed -- I’m sorry. All of this has been stated to stress the falsus in uno, falseness -- falsus in omnibus. False in one thing, false in everything, legal principle. Please make a statement that this behavior will no longer be tolerated in the great State of Georgia, and Ms. Trudy is here for any questions from the Board. And then we also have Michael Williams, who’s here to speak in response to the case.

MR. RAFFENSPERGER: Okay.

MR. WILLIAMS: Good morning. This is Mike Williams, the city attorney for the City of Forest Park. I’m only here speaking on behalf of the third potential violation, which was identified regarding the failure to redact voter registration information, and it indicates that dates of
birth were -- is the item that was not redacted. As the investigator reported, Ms. Wright is no longer the Elections Superintendent, and I would acknowledge that these happened in 2017. The City has long since implemented a series of reforms, if you will, within the City Clerk’s office regarding open records requests. We have a new City Clerk who as recently as this year has implemented new software, new training, and pledges to have city-wide cross-training for all staff to make sure that open records requests are properly handled, that there’s good customer service in terms of responding to those requesting the information, and that the quality control is maintained so that mistakes like this don’t happen again. So the City would request either that this be dismissed or a letter of instruction, as reforms have already taken place to correct this problem. That’s all I have.

MR. RAFFENSPERGER: Thank you, Mr. Williams.

MS. THOMAS: And then we also have one more person, an attorney for Kimberly James in the case is here, Bruce Maloy.

MR. MALOY: Good afternoon. My name is Bruce Maloy. I represent Kimberly James. First, I would like to thank the investigator that did this investigation for making an extremely thorough report and inquiry on a really
scattered collection of allegations in this election. Ms. James is participating in this hearing, but I am going to speak on her behalf. She’s accused of submitting six requests for absentee ballots without signing that she was assisting in the requests. Two of those requests are for her own adult children who are college students and legal voters and residents but were away at college at the time.

I would simply like to emphasize that these were requests for absentee ballots and not ballots where there was an impropriety, and also, that there’s been no allegation that any of these voters have since disavowed that this was them -- that they were the person that was making the request. So it’s purely technical violations and failing to countersign the absentee ballot requests by Ms. James. She was very candid with your investigator when contacted, in fact, went to the investigator’s office and met with the investigator and sat down with the investigator and acknowledged it. I would just say on her behalf that I think a more appropriate resolution for these allegations is a letter of admonition and not a referral to the Attorney General’s Office or the Clayton County District Attorney’s Office.

One other point, -- and I’ll make this very quickly -- I filed an open records act request for the investigative file and witness summaries in this case, and
that was summarily denied because this is -- the
contention is that this is an open criminal investigation.
I would just point out the inconsistency that when it’s to
the benefit of the Secretary of State’s Office and the
Election Board, this very same investigative report was
provided as an not undersealed, not under confidentiality
order exhibit in the Fair Fight vs. Raffensperger
litigation. And so when the State wants to use it to its
benefit, they do, and when an open records act request is
presented, it’s denied. And I don’t mean to cloud the
issue that’s before you. I would just ask that the Board
in its discretion realize that this is a kind of technical
violation that should be winnowed out and should be the
subject of either a dismissal or an admonition but not a
referral to the Attorney General’s Office. Thank you.

MR. GERMANY: This is Ryan Germany. I would just add
to his last point that the Secretary of State’s Office has
different obligations under the Georgia Open Records Act
and in discovery in a federal lawsuit, and we certainly
attempt to comply with each of those as best we can, but
it puts different obligations on us.

MR. RAFFENSPERGER: Members of the Board, does anyone
have any questions? Hearing none, now would be an
appropriate time for a motion if you’re so --

MR. WORLEY: Well, Mr. Secretary, I would make a
motion that we send Kimberly James a letter of
instruction.

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

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further comment on this? All
those in favor of that motion, please do so by signifying
aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries. On
the other two, violation potential?

MS. LE: This is Anh Le. I’d make a motion to send
the other two matters in this case to the Attorney
General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. WORLEY: Second.

MR. RAFFENSPERGER: Okay. Any further discussion?

Hearing none, all those in favor of the motion, signify by
saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none,
motion carries. Okay. Next case?

MS. WATSON: Next case is 2017-077. On November 9th,
2017, Ms. Nicole Griffin advised that while voting at the
Elkins Pointe Middle School polling location, she noticed
that the handicapped parking spot did not comply with the American Disabilities Act as it relates to distance and accessibility. Investigation revealed a visit to the location confirmed that the distance from the handicapped parking spaces was 368 feet from the door that allowed access for voters with added school activities of loading and unloading of students in the path between the handicapped parking space and the access for voters to enter. Our recommendation is that Fulton County Board of Elections and Registration and Director Richard Barron be referred to the Attorney General’s Office for 21-2-265(c) and also SEB rule 183-1-6.04. And Ms. Griffin is also on the line.

MR. RAFFENSPERGER: Ms. Griffin?

MS. GRIFFIN: Hello. Can you hear me?

MR. RAFFENSPERGER: Yes, ma’am.

MS. GRIFFIN: Okay. Yeah. I just -- I’m not sure what I’m supposed to say other then as the woman so politely explained that my voting location, it’s not easily accessible to enter nor park for disabled voters. I witnessed to voters being scolded for literally just where they were standing, one in a walker, one not even standing, one in a wheelchair, as they were waiting for their driver to pull up because the handicapped parking is the -- the handicapped parking spaces are the farthest
distance from the voting door that they could be, and it’s
a violation of the ADA laws and that taking into
consideration there are current discussions about changing
absentee ballot requirements, I would urge lawmakers to
think of my complaint before making absentee -- making any
changes to absentee voting and making absentee voting
harder. Until we can ensure all voting locations are one
hundred percent compliant with ADA rules and regulations
for disabled voters to be able to vote just like any other
person, I would just ask you all to have the powers that
be take a look at this.

MR. RAFFENSPERGER: Thank you.

MS. THOMAS: And David Lowman is on the line for
Fulton County.

MR. RAFFENSPERGER: Mr. Lowman?

MR. LOWMAN: Good morning. David Lowman, Fulton
County attorney’s office. I would just like to point out
the fact that this middle school being used as a polling
place has the appropriate handicapped access as required
by Georgia and federal law, and Fulton County using [sic]
it as a polling place trying to serve the people of that
area. Unfortunately, the only place that is large enough
for the voting to take place is the gymnasium, and the
handicapped parking spaces are farther than I guess would
be ideal from the gymnasium. However, I don’t feel like
binding this over to the Attorney General would serve any
other purpose other than to -- I don’t know. The
handicapped access is provided at the middle school.
Voting is taking place at the middle school, and
unfortunately for everybody involved, I guess, somebody
scold -- was scolding or inappropriately --

MS. GRIFFIN: It was literally the school police
officer, and he was trying to write them a ticket.

MR. RAFFENSPERGER: Ma’am? Ma’am?

MS. GRIFFIN: I’m sorry.

MR. RAFFENSPERGER: It’s his turn to speak. Thank
you.

MR. LOWMAN: Even if it was the school police
officer, that is not any personnel, and that is not anyone
affiliated with Fulton County and the Fulton County Board
of Registration and Elections, so I ask with respect to
Fulton County Board of Registration and Elections, this
case will either be dismissed or a letter of instruction
be given. Thank you.

MR. RAFFENSPERGER: Board members, do you have any
questions or require any additional information?

MS. WATSON: I have one -- this is Frances Watson. I
have one other comment, and I believe a solution would be
to -- that we’ve seen in other polling locations is a
temporary sign that can be placed in front of parking
spaces that are closer to the entrance to the gymnasium during election days so that the handicapped have a closer access to that point of entrance.

MR. LOWMAN: Ms. Watson, if I may, this is David Lowman. I just received confirmation from my client that a temporary handicapped space will be created closer to the entrance of the gymnasium going forward.

MR. RAFFENSPERGER: Thank you, Mr. Lowman. Members of the Board?

MS. LE: This is Anh Le. Given that the school -- I’m assuming from what counselor has said that it’s been determined to be compliant with ADA requirements. It’s unfortunate that our voter had that experience, but I -- I would suggest that we issue a letter of instruction to Fulton County on this matter with the gentle reminder that you now have a complaint of a terrible experience of a voter and that going forward to the extent you can mitigate those terrible experiences, especially maybe have a talk with the school about how to handle voters or maybe to defer voters to the poll manager. I think that’s warranted given that you have knowledge that your voters did not have a good experience at this location.

MR. RAFFENSPERGER: Is that a motion then?

MS. LE: Yes, sir. I move to issue a letter of instruction.
MR. RAFFENSPERGER: Okay. Second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further comment? All those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MR. WORLEY: Mr. Secretary, before you go on, I am going to have to drop off the call for about half an hour to make a court appearance, and I will dial back in probably around 11:30. Thank you.

MR. RAFFENSPERGER: Thank you, Mr. Worley. Next case then.

MS. WATSON: Next case is 2017-081, City of Sparta.

On November 29th, 2017, the complainant reported alleged problems with Aretha Hill in the November 7th, 2017 Sparta municipal general election. The complainant made the following allegations that Maxine Evans [ph.] assisted 13 people with absentee ballot applications for early advance voting when she could only assist 10, approximately 9 people voted who were not on electors lists, numerous problems were found with the absentee ballot applications but the person voted anyway, no identification of the voter was checked, no time received was written on
absentee ballot envelopes that were turned in, oaths were
not completed, post office boxes were used as residence
for Evans’ family members who have been bound over to the
AG’s Office previously.

The investigation revealed two and -- allegations two
and three were not substantiated. As to allegation one,
it was found that at least 13 electors were assisted by
Maxine Evans. The election was not a federal election,
and she should have only assisted up to 10. Allegation
four, two absentee ballot applications were approved for
advance in person voting with no listed identification
listed on the application. Allegation five, there were 16
absentee ballot oath envelopes with no time received
indicated, nine oath envelopes with a person that signed
as assisting but failed to list the relationship to the
voter. One had no residential address or date of birth on
the oath envelope.

Allegation seven, it was verified that the Evans
family members did have voter registration that listed a
physical residential address. Brenda Linda Evans [ph.]
did not have a hard copy voter registration on file at the
office. During the investigation, it was verified that at
least 25 voter certificates were processed by poll workers
that failed to enter the required information, such as
nine failed to sign or initial as receiving the voter
certificate, eight failed to indicate the identification of the elector was checked, seven did not have either a poll worker’s initials or a voter ID listed as being checked, one had no address for the elector and no ID listed, and one voter application was approved without a voter registration on file to compare the signature to. It was also discovered that Mark Mathias [ph.] was allowed to vote a provisional ballot while he was a felon under sentence. The ballot was properly rejected and not counted.

Our recommendation is for Mark Mathias to be referred to the Attorney General’s Office for violation of 21-2-216(b) and Aretha Hill, City of Sparta Municipal Election Supervisor, and the City of Sparta be referred to the Attorney General’s Office for a violation of 21-2-381(a)(1)(c), 18 counts, 21-2-381(b)(1), 21-2-386(a)(1)(b), 26 counts, and 21-2-418(d), provisional ballots, 5 counts, and 21-2-431(a), execution of voter certificates, 25 counts, and Aretha Hill, City of Sparta Municipal Election Supervisor, and City of Sparta, and Maxine Evans be referred to the Attorney General’s Office for 21-2-409(a), assisting electors. And there is no one on the line.

MR. RAFFENSPERGER: Okay. Members of the Board, do you have any questions?
MR. MASHBURN: This is Matt Mashburn. I don’t have a question, but I move that we accept the recommendation.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion as presented, signify --

MR. GERMANY: Mr. Secretary? Mr. Secretary, this is Ryan Germany. Can I -- can I add something before the vote?

MR. RAFFENSPERGER: Yes, sir.

MR. GERMANY: Sorry. The -- the law about limiting assistance to ten voters, it was the law in 2017 when that happened. That law has been changed. It was changed in 2019. I just wanted to point out that that limitation was probably inconsistent with federal law regarding assistance to voters, so it might be -- and Charlene can weigh in, but it might, I think, be difficult to, you know, include that in the referral to the AG’s Office.

MR. RAFFENSPERGER: Okay. Does the AG’s Office have a position on that right now?

MS. MCGOWAN: Yes. If it was a violation of the law at the time, it is still in violation, but if there’s an issue with the law being contrary to federal law, it could be something else, so you can either refer the whole case
to us, and I can just take a look at it, decide whether or
not that should be -- that particular allegation should be
dismissed or not, or you can decide as a Board not to
refer that particular complaint to our office.

MR. RAFFENSPERGER: Well, you are the department of
laws, and so you would make the final determination, so --

MS. MCGOWAN: Yes. We can make our recommendation at
a later date that that particular complaint be dismissed.

MR. RAFFENSPERGER: Okay. So we have a motion, and
it’s been seconded. All those in favor of the motion as
presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Okay. Attorney
General, it’s your case. Okay. Next?

MS. WATSON: Next case is 2017-085. In December of
2017, it was reported that the public was not allowed to
view tabulation at the North Fulton Annex during the
December 5th, 2017 runoff election. Investigation
revealed there was evidence to support a violation of 21-
2-40(3)(b). The North Fulton Annex was a precinct and
check in center for surrounding polls to drop off end of
election documents, which included memory cards. The
group should have been allowed access to view the
procedures being conducted at the precinct. There was
confusion as officials at the annex believed their jobs
did not involve tabulation, and the main tabulation was to
take place at the English Street location. Both officials
and the group became agitated with one another as the
officials were not prepared for the public being present
to view the proceedings, and the group had not been
cooperative with the officials. We’re recommending that
Fulton County Board of Election and Registration and
Fulton County Director Richard Barron be referred to the
Attorney General’s Office for violation of 21-2-40(3)(b).

MS. THOMAS: Richard Barron and David Lowman are on
the line.

MR. RAFFENSPERGER: Okay. Mr. Lowman?

MR. LOWMAN: Mr. Barron can speak to this issue.

MR. RAFFENSPERGER: Okay. Mr. Barron?

MR. BARRON: Hi, good morning, Board. My memory of
this -- that I received a call from the check in center,
and that’s where we used to do modem -- we would modem
results at that check in center in addition to having poll
workers check in -- is that a group of individuals came to
the check in center with cameras and were walking in the
aisles where that -- where the tabulation of the Board was
being conducted. They were putting cameras in people’s
faces, standing over their shoulders, and generally
getting in the walkways of where poll workers were
delivering materials, and so it became very disruptive. I
-- my memory is that I instructed the deputy over the
phone to either put them into a public viewing area in
some way where they could view it or to remove them that
they weren’t -- if they weren’t going to be compliant with
that, and I think the result was after some -- a deputy
ended up asking them to leave, but that was, I think,
about three years ago so that’s all I can remember of the
incident.

MR. RAFFENSPERGER: Okay. Members, do you have any
questions for Ms. Watson or Mr. Barron? Hearing none, now
would be the appropriate time for a motion.

MR. MASHBURN: This is Matt Mashburn. Having spent a
lot of time watching tabulations, I’m sympathetic to those
who want to observe tabulations because that’s me. I have
been that for most of my adult life, but at the same time,
I’ve never been asked to leave a tabulation center or a
precinct for that matter ever, so here, I’m persuaded with
Fulton County’s explanation of it, and I move that this --
wait, what?

MS. WATSON: We do have another speaker.

MR. MASHBURN: Okay. I’m sorry. We can do that.

MS. THOMAS: Yeah. Marilyn Marks is here to speak on
this case.

MS. MARKS: Yes. Can you hear me now?

MR. RAFFENSPERGER: Yes.
MS. MARKS: Yes, I’m Marilyn Marks, and thank you for allowing me to speak. I, now, really want to, after hearing Mr. Barron, want to change the comments I was prepared to make, and while Coalition for Good Governance was observing what was happened there, there were numerous groups of people, and I don’t think they should all be classified as to one group. However, I think the big problem is that we’re working with different sets of facts here. I think what Mr. Barron is remembering is -- is not what this complaint was about that I had understood from Ms. Watson, and as I understood from Ms. Watson, this happened to be the DRE transmission of results, which actually was happening in a room in the back hallway, and there was not a group of people around there.

I was there, and so what I would like to do, given that there is some confusion on the facts, I would ask that the Committee -- or excuse me, that the Board defer this and let us get on the same page with the facts, rather than us talking about multiple different instances where we have not -- that it is unclear, and I just want to say that while this complaint was originally filed with the Fulton Board, we did not know it was going forward with the State Election Board. Therefore, we have not gotten on the same page with the facts. But I would also say that in our years of working in the Fulton polling
places, Fulton’s transparency has improved significantly, and I would think that also in that light, it would really justify a deferral until -- until the facts and the exact location of what’s being talked about here can be better understood. Thank you.

MR. RAFFENSPERGER: Okay. Mr. Mashburn, you had a motion. Did you want to amend it, or is that your motion?

MR. MASHBURN: No. I -- yeah. I think the investigators have done a very thorough job investigating it, and so I -- I’m satisfied with the job they’ve done, so I’m ready to move forward, and I move that this be dismissed.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le seconds.

MR. RAFFENSPERGER: Okay. Any further discussion?

All those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2017-088. On December 21st, 2017, we received a complaint concerning an elector having voted twice in the December 5th, 2017 general election runoff in Fulton County. The allegation was confirmed that election Jones McKennon [ph.] was allowed
to vote twice in the same election for the December 5th, 2017 runoff. It was confirmed that she was listed in the system as having voted during early voting when she went to the poll on Election Day and was allowed to proceed and vote a second time. The voter acknowledged that she voted twice, and it was due to confusion on her part in thinking that she should be eligible to vote in the City of Atlanta election. She does not reside in the City of Atlanta.

Our recommendation is for Jones McKennon to be referred to the Attorney General’s Office for 21–2–562 and 21–2–572 and Fulton County Board of Election and Registration and Director of Elections Richard Barron be referred for 21–2–431(a) and SEB rule 183–1–.12–.02(4)(b).

MS. THOMAS: And David Lowman is on the line with Fulton County.

MR. RAFFENSPERGER: Mr. Lowman?

MR. LOWMAN: Yes. I would just like to point out that in the past three weeks, Ms. Watson and her staff have done a herculean effort with getting all these cases before you, and I do remember distinctly in the last two weeks several cases where a voter voted twice, and I think if I remember correctly each time either the County was not named as a Respondent or was dismissed or maybe might have gotten a letter of instruction because the voter -- the onus is on the voter, as this Board has stated a
couple of times, to not vote twice, and so I would ask just for fair and equal treatment in respect to Fulton County in a case such as this and ask that the most that be given is a letter of instruction, and it not be bound over to the Attorney General’s Office. Thank you.

MR. RAFFENSPERGER: Okay. Is anyone else here to speak? Members of the Board, do you have any comments, questions, or a motion?

MR. MASHBURN: This is -- this is Matt Mashburn. I accept Fulton County’s explanation and move that a letter of instruction be issued.

MR. RAFFENSPERGER: And do we have a second for that motion?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion? Hearing non, all those in favor of issuing Fulton County a letter of instruction, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Now, as to the voter who voted twice, what is your disposition on that?

MS. SULLIVAN: I make a motion that that matter be referred to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? Hearing
none, all those in favor of the motion as presented to send that to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries. Thank you. Next one?

MS. WATSON: Next case is 2017-089. In December of 2017, it was reported that a voter was turned away from voting in the December 5th, 2017 general election runoff at the Morningside Baptist Church precinct. Jennifer Gorley [ph.] reported that she presented at the Morningside Baptist Church precinct to vote. Ms. Gorley reported that she had changed her driver’s license and requested to update her voter registration, and she had completed a national change of address at the time she moved. E-net shows a national change of address notice that was sent to Ms. Gorley dated 11/8/2016 that the voter did not respond to. She showed her driver’s license to the poll worker confirming her address but was still not allowed to vote on the DRE or issued or provisional ballot or a voter registration to change the address. She was directed to her previous precinct associated at her previous address. The voter did not have time to go to the previous precinct and did not vote in the election.

Our recommendation is Fulton County Board of Election and
Registration, Fulton County Director of Elections Richard Barron be referred to the Attorney General’s Office for 21-2-418(a), provisional ballots, SEB rule 183-1-12-.06(4)(a) and SEB rule 183-1-12-.06(4)(b).

MR. RAFFENSPERGER: Okay. Do we have anyone that wants to speak from Fulton County on this case?

MR. LOWMAN: This is -- this is David Lowman. I do not have any further information on this case.

MR. RAFFENSPERGER: Okay. Members of the Board, do you have any questions or a motion?

MS. LE: This is Anh Le. I move that we send this to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Rebecca Sullivan, second.

MR. RAFFENSPERGER: I hear a second. Any additional comments? All those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-002, Irwin County. On February 6th, 2018, the Secretary of State’s Office received complaints from Lowndes County Elections Supervisor Deb Cox, interim Irwin County Elections Supervisor Ken Collins, and elector Samuel Cob [ph.] about
irregularities in Irwin County. It was reported that 10 or 20 of the DREs did not work because they probably needed new batteries, that the Elections Office did not conduct quarterly maintenance and inspections of the DRE touchscreens, that the hallway outside the room where the GenServer was housed had experienced some water coming inside the building when there was large amounts of rain, that the voter ID machine did not work, that there were stacks of confirmation and precinct cards inside the office dated from August 2017 that had not been mailed out yet, that some of the older express polls were not accounted for, that the older express polls were stored in an area in the basement of the Irwin County courthouse that was not secured. Mr. Cob reported he was improperly placed in District 4 of the Irwin County School Board District. Mr. Cob reported he should be in District 5.

Investigation revealed there was no evidence to support evidence of allegations of violations of all but allegation one and seven. In reference to allegation one, it was determined that Irwin County was issued 34 DRE units. When Mr. Collins took over as interim Elections Supervisor on February 6th, 2018, it was found that 15 of the DRE units were charged and functioned properly, but 12 needed new batteries and 7 needed to be repaired. In reference to allegation number seven, it was revealed that
the older express poll units, 12 units were stored in an area behind a small door in the basement of the courthouse. The door had a lock on it, but it was not locked. Former Elections Supervisor Cindi Dunlap reported she was instructed to store the units there when they purchased new express polls. Ms. Dunlap stated the door was locked when the older express polls were stored there.

Our recommendation is for Irwin County Board of Election and Registration, Cindi Dunlap, the former Elections Supervisor, be bound over to the AG’s Office for Election Board rule 183-1-12-.02(2)(f), security of DRE units, and Election Board rule 183-1-12-.02(2)(d), maintenance of DRE units.

MS. THOMAS: And Nicholas Kinsley is here to represent Irwin County. Cindi Dunlap, Ken Collins, and Deb Cox are also on the line to answer any questions.

MR. RAFFENSBERGER: Okay. Let’s go ahead then.

MR. KINSLEY: Yes, thank you. I’m Nick Kinsley. I’m speaking on behalf of Cindi Dunlap only. She is a former Elections Supervisor for Irwin County. I won’t address the six allegations that — that there was no evidence of. I don’t think those are at issue here, so as far as allegation one, we have 12 that needed new batteries. I’ve spoken with Ms. Dunlap, and she resigned from Irwin County and no longer worked there at the end of January,
so there’s about a two-week period where -- a gap between this -- this report and Ms. Dunlap’s resignation, so to hold her responsible for allowing the batteries to die when she did not work there does not seem correct. She -- she also explained to me that all machines had maintenance logs and were charged when she left, and so this should be easy to confirm. She does agree that the seven machines needed repair. You know, Irwin County did not have the money at the time to repair these, and the machines were out of warranty, so she told the Board. She did what she could, but she could not repair them personally. She checked and examined them quarterly, and so she did all that she could do as far as responsibility as an Election Supervisor. She is in charge of funding and budget, and so she couldn’t repair those or pay to have those repaired.

As far as allegation seven, we admit that older express polls were stored in the area behind a small door in the basement of the courthouse, and so generally, we agree with the findings. Ms. Dunlap herself was instructed by the Chairman of her own county, so the head person of Irwin County, to store those there. She did request new places, and that request was not fulfilled. These were older express polls, so no harm was done. No voters were prevented from voting or improper voters were
allowed to vote, and Ms. Dunlap, before her stint at Irwin County, she was the Ben Hill County Elections Supervisor, and after her stint with Irwin County, she’s now the Ben Hill County Elections Supervisor. In her first time with Ben Hill County, she had an office that complied with the storage regulations. Again, after she has a new office, it also complies with the storage regulations, so this shows to me that she’s aware of the regulations. She has complied when she has the resources and the money available to her, so as far as Ms. Dunlap specifically, we request a letter of instruction, and I believe she’s on the line, and I can answer any questions you have as well.

MR. RAFFENSPERGER: Thank you, sir. Members, do you have any questions?

MR. MASHBURN: This -- this is Matt Mashburn. I accept the counselor’s argument and explanation and move that Cindi Dunlap -- I don’t see any purpose in prolonging her in this matter, so I’d accept the counselor’s recommendation of issuing her a letter of instruction and make a motion that that be the case. On the other hand with regard to Irwin County, I do believe there is some administrative jurisdiction or issues left that might be appropriate to -- that will be appropriate to send to the Attorney General, so I move that we accept the recommendation regarding Irwin County and send those to
the Attorney General.

MR. RAFFENSPERGER: Do we have a second? Oh, you’ve got more. Okay.

MR. MASHBURN: And there were allegations that were not supported: two, three, four, five, six, and eight, and I move that those be dismissed.

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

MS. LE: Anh Le. I second.

MR. RAFFENSPERGER: Okay. Any further discussion? All those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MS. WATSON: Next case is 2018-004. On March 22nd, 2018, we became aware of an allegation of potential vote buying during the City of Blythe municipal special election held on March 20th, 2018. The allegation was Daniel Martin purchased alcohol and cigarettes for an under -- underage elector named Jacob Odom [ph.] for his voting for Phillip Stewart in the mayor’s race.

The Blythe PD received a tip concerning Jacob Odom. When they located Jacob Odom, he was in a vehicle driven by John Daniel Martin. When the police were interviewing Mr. Odom, they received a call from assistant manager Judy Cordova at the AM/PM Travel Center and stated that Martin
and Odom had been there, and something did not seem right, and it looked like Martin was buying alcohol for Mr. Odom. Judy Cordova was a candidate for the City Council, and Mr. Martin was her opponent. While the officers were interviewing Mr. Odom, he advised that Mr. Martin had offered to buy him a six-pack of Mike’s Hard Lemonade and a pack of cigarettes if he cast a vote for Phillip Stewart. Mr. Odom agreed, and Mr. Martin drove him to the poll. After voting, Mr. Martin drove him to the AM/PM Travel Center where Mr. Martin purchased the Mike’s Hard Lemonade and a pack of cigarettes.

The incident was reported to the district attorney. The case was presented to the Richmond County Grand Jury on March 27th, 2018, and Mr. Martin was indicted for 21-2-570 and 3-3-23(a)(1). As of January 24th of 2021, that case has not gone to trial and is still pending. We recommend that John Daniel Martin be referred to the Attorney General’s Office for a violation of 21-2-570, and I also was advised that Mr. Daniel would not be in attendance for this meeting as he had pending criminal matters.

MS. THOMAS: There is a representative on the line for him, Rachel Ray.

MR. RAFFENSPERGER: Okay.

MS. WATSON: I believe a Rachel Ray is on the line to
speak for Mr. Daniel.

MR. RAFFENSPERGER: Go ahead, Ms. Ray.

MS. RAY: Good morning, everyone. Can you hear me?

MR. RAFFENSPERGER: Yes.

MS. RAY: As --

MR. RAFFENSPERGER: You could speak up a little bit. That would be better.

MS. RAY: As was just noted, Mr. Daniel was charged with a criminal offense, and that has been pending, and he has denied the claims. The entire situation surrounding these allegations is suspicious. The complaining party, Ms. Cordova was running -- [sound cuts out]

MR. RAFFENSPERGER: Okay. Is there anyone else that wants to speak on this?

MS. RAY: Hello? Can you hear me?

MR. RAFFENSPERGER: Yes.

MS. RAY: I’m sorry. Can I continue?

MR. RAFFENSPERGER: Yeah.

MS. RAY: All right. She testified that she didn’t hear anything between the two parties at all, and her reason for contacting the police was because she was suspicious that Mr. Odom had never purchased alcohol previously. Ms. Cordova then texted Officer Stroud [ph.] but conveniently fails to tell anybody during the depositions until she is confronted at trial that she and
Officer Stroud are in a romantic relationship. Now, Mr. Odom’s given several different statements. To the police, he’s given two statements. He’s given a statement to an attorney and then a statement -- or testimony at trial, and they continue to change. His testimony has not remained consistent at all about when he was with Mr. Martin, when he claims he was offered something, whether he was offered something or not. It is just an amalgamation of different testimony.

As there is already a pending charge against Mr. Martin, I’m not sure what else can be done. We believe that that is still pending because the -- the evidence as I’ve described it is so weak and lacking.

MR. RAFFENSPERGER: Thank you, ma’am. Members, do you have any questions?

MR. MASHBURN: This is Matt Mashburn. I don’t have any questions. I move that we accept the recommendation and bind this over to the Attorney General.

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

MR. WORLEY: Mr. Secretary, this is David Worley. I just wanted to let you know that I’m back for the record.

MR. RAFFENSPERGER: Thank you, Mr. Worley.

MR. WORLEY: I’m not going to vote on this case because I haven’t heard all of it. Thank you.

MR. RAFFENSPERGER: Thank you. Do we have a second
then?

MS. SULLIVAN: Rebecca Sullivan will second.

MR. RAFFENSPERGER: Okay. Any further? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Thank you. Motion carries. Next case?

MS. WATSON: Next case is 2018-008, Peach County.

The following complaints were submitted regarding the Peach County May 22nd, 2018 general primary election. On April 23rd, 2018, Edwin Humphreys [ph.] claimed that Shanita Bryant, a candidate for Peach County Commission Post 2, was not eligible to run for office because she wasn’t a resident of Peach County for the required 12 months. Mr. Humphreys went on to state that the Peach Board of Elections and Registration improperly qualified her to be a candidate. This allegation was not substantiated.

On May 3rd, 2018, complainant Walter Smith alleged that Shanita Bryant was not a Peach County resident as her residence -- her address was not listed on the Secretary of State website per Georgia election code. Mr. Smith is the incumbent candidate in the Peach County Commission Post 2 for the May 22nd, 2018 general primary election.
It was not substantiated.

On May 5th, 2018, a complaint from Shanita Bryant with five allegations related to the May 22nd, 2018 election -- she reported they voted during advance voting on Monday, April 30th, 2018 at the Peach County Courthouse inside the voter registration office. While checking ID, a poll worker stated five or six voters were turned away because we weren’t done setting up yet. The poll worker’s name was unknown. It was determined that there were issues at poll opening, and voters were offered provisional while they worked to resolve the issue. They could wait or come back. No one was turned away.

In the next allegation, Ms. Bryant stated that on Wednesday, May 22nd, 2018, a voter stated that he had just voted for a candidate but had to use a paper ballot. The voter stated all the voting machines were down. The issue was that a poll worker had closed the polls. They had to issue 35 provisional ballots until the issue could be resolved.

When Ms. Bryant went to vote on April 30th, 2018, she said she also turned in three absentee ballot applications for Sean Wilkerson [ph.], Justin Harold Bryant [ph.], and Vince Howell [ph.]. All of the applications have the same home address listed as the address where the absentee ballot should be mailed. Mr. Wilkerson’s absentee ballot
arrived on Tuesday, May 1, 2018, but the others did not. The next day Justin Bryant received a voter registration application via mail rather than the absentee ballot. Nothing came for Vince Howell. To this day, no absentee ballot has been received for Justin Bryant or Vince Howell. This was not substantiated. One voter was registered in Fulton, not Peach, and two were processed and mailed to the voters.

Alle -- the next allegation, shortly after qualifying on March 9th, 2018, Ms. Bryant’s residency was challenged by her opponent, Walter Smith. The Peach County Board of Elections set a hearing for the complainant to answer this allegation. During the hearing, Mr. Smith, the incumbent, said he was challenging res -- residency because the address was not listed on the Secretary of State’s website while qualifying. No violation was substantiated.

Prior to qualifying, Ms. Bryant went to the Elections Office and inquired about whether Al Sanders was a registered voter in Peach County. Per Mrs. Ray and her assistant Heather, they did not see him anywhere on the rolls. However, it was later learned that Al Sanders was registered to vote the same day that he submitted qualifying paperwork. According to Al Sanders, Adrienne Ray told him that it would be 24 hours for his registration to be changed from Houston County to Peach
County, so she would enter his qualifying paperwork the next day. On the day of the complainant’s challenge of residency hearing, the complainant went into the Elections Office and spoke with elections assistant Heather, and she verified that Al Sanders registered the day before the -- the day he qualified for the Secretary of State’s website. On May 22nd, 2018, the Fort Valley voting precinct, also known as the Old Milton School, did not open until approximately 7:10, but there were no voters waiting to vote at that location.

Investigation revealed as to the notice of candidacy, residency, and candidate qualification, it was determined that the Board of Elections held a hearing and made a determination that the candidate, Shanita Bryant, was qualified. During the investigation, it was determined that Peach County Elections Supervisor accepted the qualification paperwork of candidate Al Sanders after she changed his voter registration from Houston County to Peach County and did no -- not further question his statement that he had been a Peach County resident for 13 consecutive years when he voted in Houston County in 2016. It was also determined that the Elections Supervisor failed to make a copy of the driver’s license of candidate Shanita Bryant during qualification. It was confirmed that the poll location Fort Valley precinct did not open
until 7:10 on May 22nd, 2018.

We recommend Peach County Board of Elections and
Registration, Adrienne Ray be referred to the Attorney
General’s Office for violation of 21-2-6(c) and Peach
County Board of Elections and Registration and Adrienne
Ray and Al Sanders be referred to the Attorney General’s
Office for 21-2-132(f)(5) and a letter of instruction be
issued for Peach County Board of Elections and
Registration, Adrienne Ray for 21-2-403 for time of
opening and closing of polls and SEB rule 183-1-12(4)(d).

MS. THOMAS: And Shanita Bryant is on the line, as
well as John Walker who is representing Peach County.

MR. RAFFENSPERGER: Okay. Mr. Walker, I guess, will
go first.

MR. WALKER: Yes, sir. Mr. Secretary and members of
the Board, thank y’all for having us this morning. It’s a
privilege to be before you, and we appreciate the
opportunity to be heard. I do represent Adrienne Ray in
her capacity as the Peach County Board of Elections
Supervisor, and I’ll keep this brief. I know y’all’ve got
a lot to get to still. I’ll say that at the time of the
alleged malfeasance on Ms. Ray’s part, she was a
relatively new supervisor. She has certainly learned a
lot since then. She continues to strive every day to do
better at her job, and, you know, she would welcome any
advice that the Board may have for her.

I do want to address the complaints that resulted in potential violations. At the end of the investigative summary, there’s a list of potential violations. As to the qualification of Al Sanders, it seems like the primary complaint would be that Ms. Ray violated 21-2-6 subsection c in determining that he was qualified. I would argue that she really did not violate that statute. She did make a determination that was based, at least in part, on an affidavit supplied by Mr. Sanders attesting that he was qualified, and, you know, he was later challenged on that. He withdrew his candidacy, and I would say the system worked as to Mr. Sanders. I would say that just generally, you should err on the, you know, on the part of the Elections Supervisor, probably err on the side of qualifying somebody as opposed to not letting somebody that’s qualified to run run, and again, he attested that he was qualified, and he later withdrew his candidacy after that was challenged.

With regard to Ms. Bryant, and I think there was a point out that Ms. Ray failed to copy her driver’s license, which I’m not aware of any requirement, frankly, that a license be copied per any statute that we saw, but like I said, she wants to do better going forward, and that’s something she probably does now as part of her
normal practice. As to the poll station being open late on May 22nd, according to Ms. Ray, it actually opened at 7:03 that morning and not 7:10, and it was a situation where the person with the key arrived late that morning, but that situation has been addressed. Ms. Ray has a key now, and that’s not going to happen again, and like I said, she -- she intends to do better and always wants to do better in her job. But with regard to this hearing, we’re asking for leniency. I would ask that the case as to Ms. Ray be dismissed or perhaps that a letter of instruction be issued. I certainly would ask that this not be referred to the Attorney General as to Ms. Ray. So thank you very much -- and Ms. Ray is here and available to answer any questions y’all might have. Thank you.

MR. RAFFENSPERGER: Okay. Do we have another speaker?

MR. SMITH: Yes, Walter Smith.

MR. RAFFENSPERGER: Mr. Smith, go ahead.

MR. SMITH: Yes. I asked to speak. I knew Ms. Ray -- -- I was the incumbent at the time, and the former -- before Ms. Ray came on, she was not giving us what we wanted, and so that’s why we decided to get a new Elections Supervisor in, and everything that has been said is this. First of all, you can own property in any county, but the -- home -- home owner’s thing say [sic]
that is your primary residence, then you can’t come over in Peach County. Peach County and Houston County is [sic] right next door to one another, so you can’t come to say, well, I own property here. You living [sic] with your wife over in Houston, but you own your mother’s house that stays in Peach. Okay. You’re not going to split up and say okay, well, I’m over here, but my wife over here. That don’t work like that. But that’s where the Al Sanders thing -- and I told him. I said, you know, you’re wrong. That’s not right. I didn’t mind no one voting against me because the chair is not mine. It’s anyone that wins.

But my challenge was that you, Shanita, lived in Houston County also. She did not have -- at the deadline, it said 12 o’clock PM, everything -- all your qualifications and papers should be in order, and she did not have the proper ID, which disqualified her automatically. I shouldn’t have had no [sic] opponent, but I -- so it was a mark came against me, and then we had Ms. Ray and the Board, the local Board, all agree that oh, yes, she can. She’s got a child that goes to Peach County High, so yeah. But they found out later all that was all wrong. Anything just to go against me.

Ms. Ray was up against a lot of people because the lady that we got rid of, she had friends in the office,
and this whole thing allowed Shanita to come in with the wrong ID because they was all loyal to Ms. -- the past Superintendent. So she, Ms. Ray, really, we did throw her into the lions’ den, but so she had her mistake. I didn’t know -- I did file in the Superior Court of Peach County, and it said OCGA 21-2-523 requires a time period of five days when to file an election contest, and I had to get the Secretary of State book. You know, I didn’t know that at the time that I had -- as quick as I was supposed to -- we was supposed to have a meeting within three days. Ms. Ray and I, we had to learn all of this at a moment’s time, and that was just one on our side, and so, sure. I allow -- I said well, okay, I was hoping that since I was the incumbent 19 years, 20 years, that I didn’t have a problem, and so evidently, it was a lot of wrongdoing.

They had people there at the polls, poll watchers telling people who to vote for, and people came back to me and said well, they told me to vote for her and not you. My next-door neighbor that grew up with me, he was handicapped, and he couldn’t see, and the young lady took and told him to check her name. Now, he has always been our closest family friend, and he always voted, and he told me -- he said well, they told me to vote for her. I didn’t see your name, and I just couldn’t say a word. So that’s my point.
I hope that -- Mr. Raffensperger, you’re doing an outstanding job. I appreciate everything you’re doing. I just hope it’s clear, some of this stuff I’m saying, and make it -- clear it up. You know, the Board, I just want y’all to clear up all this little things because it’s technical, very technical, and to make residency a big part of it and showing the proper ID. So that’s where all that -- so Ms. Ray really didn’t do anything wrong. She was just brand new to the job, and you’re going to make mistakes when you’re brand new to something that you’re not used to doing on a daily basis. And that’s -- that’s it.

MR. RAFFENSPERGER: Thank you, sir.

MR. SMITH: You’re welcome.

MS. THOMAS: And then we also have Ms. Shanita Bryant as well on the line.

MR. RAFFENSPERGER: Okay. Ms. Bryant?

MS. BRYANT: Yes, good morning. I actually want -- I actually just finished my whole thing I wanted to say because I was able to hear what the attorney said and what Mr. Smith said as well. So let me back up a little bit.

I was never challenging anyone’s right to run, regardless of what I knew or heard. The reason I asked Heather for the Al Sanders qualifying was because I was there, actually, checking on my own situation, and while I
was in the hallway of the courthouse, I had a few people pull me aside and say some things, and the thing is, you know, I do know that Al Sanders has dual residency. I do know that. How long he spends at each, I don’t know and could never testify to, but Ms. Ray also knows about Al Sanders’ residency in Houston County because she lives very close to him, and they wave at each other as they’re coming to Fort Valley, so, you know, whether she knew he was there or not, I don’t know. I can’t speak on it, but she did know that if he wasn’t registered there, that she shouldn’t qualify him. She knew that. That has nothing to do with her being new to the job. That is written in plain English in the code book, and she knew that.

Regarding my license, my license was actually provided to the people who were qualifying me, and it wasn’t just Heather it was qualifying me, it was also Adrienne Ray. They worked together on my qualification packet. I provided my license. I’m not sure why they didn’t have it. At the time, my license did have Houston County, Warner Robbins, but I did live in Peach County. I just never changed it when I moved. I moved back to Fort Valley in January of 2017. When I moved to Fort Valley, the first thing I did was change my address at the post office. That’s in the postal records, which I provided at the time of my hearing, and you can also look into. I
also moved here so that my son could go to school in Peach County, so I registered him for school.

    I also -- get this -- registered to vote in January of 2017, and when I moved to Peach County, I literally had no -- I had no intentions of running for anything. I’m from Fort Valley. I care about Fort Valley and Peach County, but I had no intentions of running for anything. I moved here so that my son could go to Peach County High School and play football for the Peach County Trojans. My son graduated in 2019. When I moved here, my plan was to leave Fort Valley again and not look back. I actually got here and got involved, and I saw so many things that needed fixing that I didn’t feel like were getting the proper attention, and I was on a small committee of people looking for someone to run, and they all kept saying why don’t you do it? I had no intentions of doing this. So I qualified, actually, at the very last minute simply because I was still trying to make sure other people didn’t want to run, but we didn’t want it to be an unopposed run, so that’s why I ran.

    When I went to -- wait a minute. I -- oh, also, the information that I provided when I defended myself at that residency hearing was my son’s registration at school. I also provided the change of address that I had, but the biggest thing was this. I’m the primary caretaker of my
father, and he also receives home healthcare. We have aides who come in and assists, so that it is not all on me. The aides were there to testify, and I also submitted notarized statements of when that change occurred, when they stopped coming to visit my father in Warner Robbins and when they started to come in Fort Valley to help take care of him, and she testified -- and you know, we had the notarized letters -- that that started in January of 2017, and January of 2017 is actually more than enough time. That’s more than 12 months prior to qualifying. I did meet qualifications because I did live here in Fort Valley. I wouldn’t have lied about that.

Regarding Heather Allen and the former Elections Superintendent, at the time that I qualified to run, I did know the former Elections Superintendent, and we were friends at that time. We are no longer friends because I understand exactly why the County got rid of her and stuff. You know, she was a problem. I get it. But Heather Allen did not know me, and Heather Allen did not know the former Elections Superintendent when she started working there. She did not meet either of -- she met me when I qualified. She met the former Elections Superintendent down the road actually when all of these allegations started, so there was no -- no type of conspiracy or conspiring against anyone, the incumbent or
otherwise.

But I heard the attorney ask for leniency and saying that, you know, Adrienne Ray is just trying to do her job, and she wants to do her job better and all this stuff. I currently sit on the Board of Commissioners in Peach County in Post 2, and I’m here to tell you that I do not believe that is true. There is a lot of incompetency in the office, and when we try to talk to -- well, when I say we, I mean the community. When we try to talk to Adrienne Ray about some of the things, she is very haughty in spirit regarding these things, and she refuses to acknowledge when she is wrong about something. Quite frankly, her attorney acknowledging wrongdoing is the first time I’ve ever heard her acknowledge a mistake. She likes to cast off the things that she’s done onto someone else. She likes to pass the buck. She’s presented wrong information publicly to people regarding voter registration and things and, you know, she is really incompetent at this -- at this job. She’s absolutely incompetent, and she has not shown me that she’s interested in trying to change anything to be better.

She’s a very pleasant person, but pleasant doesn’t equate competency, and pleasant also does not trump you doing your job when it’s written right there -- I mean, clear as day -- in the code. There is an election code in
Georgia, and these things are written plainly. She sees these things, but she does -- I don’t know if she does what she wants to do or what. And I heard that, you know, someone put the card in when -- as far as the complaint that I had, they put the card in and closed the election down early. When we were asking about that, she wouldn’t even admit to that.

MR. RAFFENSPERGER: Okay. Ma’am?

MS. BRYANT: So she was saying that it was a statewide problem.

MR. RAFFENSPERGER: Ma’am? Okay.

MS. BRYANT: She was saying that it was a statewide problem, and the thing is I understand that these voting machines -- that’s a --

MR. RAFFENSPERGER: Thank you. Okay. Board members, do we have any questions for either the presenter or any of the people that were responding to this case? If not, --

MS. BRYANT: May I say one more thing, please?

MR. RAFFENSPERGER: Ma’am, I think we are ready to take a motion from the Board.

MS. BRYANT: Okay.

MR. RAFFENSPERGER: Do any Board members have any questions, a motion?

MR. WORLEY: Mr. Secretary, David Worley here. I
will make a motion that we refer all of the charges in this case to the Attorney General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further comments? All those in favor of the motion as presented to send it all to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-014. In May 2018, Sharon Bethamel [ph.] reported that she requested a Republican ballot but was issued a nonpartisan ballot on May 15th, 2018. The error in ballots was not determined by the voter until she had already cast the ballot, which was too late to make a correction. Our recommendation is for Gwinnett County Board of Election and Registration and poll officer Susan Owens [ph.] be issued a letter of instruction for SEB rule 183-1-12-.02(4).

MS. THOMAS: And Susan Owens is on the line.

MS. WILSON: Hello, my name is Melanie Wilson. I’m the senior assistant county attorney in Gwinnett, representing the Board of Registration and Elections and Ms. Owens. I would like to thank the investigation -- the investigators for their work on this matter, and more
importantly, also thank them for their proposed recommendation for a letter of instruction. My initial request would have been -- and I’ll make it anyway -- for this matter to be dismissed and then closed, or the Board -- or in the alternative, for a letter of instruction because this really was a regrettable case of human error. Ms. Owens was working as an issuing clerk at the Elections Office in Lawrenceville, the main office, during advance voting, and she does recall that this incident happened towards the end of the day, and she was mortified when it was brought to her attention.

Ideally, this could have been -- this could have been -- the last opportunity to fix this would have been if the voter had had the opportunity and noticed that she didn’t have the Republican candidates she expected to see, but certainly, it’s an error that should not have occurred. Certainly, it’s exactly the kind of issue that poll workers receive training on. I do want to also add that Ms. Owens is not known to be an error-prone or poor performer, quite the contrary. She has continued to serve the Board of Registration and Elections as a poll worker, and there haven’t been any subsequent situations involving her with a matter of this kind or any other issue in the performance of her job for that matter, so I do, again, appreciate the recommendation here. Thank you.
MR. RAFFENSPERGER: Thank you, ma’am. Okay. What is the will of the Board?

MR. WORLEY: This is David Worley. I will make a motion that we send a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-015. In 2018, it was alleged that the Gwinnett County Board of Election and Registration notified voters that a candidate had withdrawn his candidacy in House District 107 when, in fact, the candidate had not officially withdrawn. Investigation showed that there was [sic] notices posted that candidate Ken Montano had withdrawn as a candidate in the House District 107 race when, in fact, the candidate had not withdrawn or filed a notarized affidavit of withdrawal. The notices were reported to have been removed from the polling locations during early voting. However, on Election Day, two polling locations still had the notices posted. Our recommendation is for former
Election Supervisor Lynn Ledford and Gwinnett County Board of Election and Registration be referred to the Attorney General’s Office for violation of 21-2-134(a)(1)(2).

MS. THOMAS: And Ms. Wilson, the Gwinnett County attorney, is on the line.

MR. RAFFENSPERGER: Okay. Ma’am, the floor is yours.

MS. WILSON: Good morning. Thank you again for the opportunity to address this Board. This is -- this was a really unfortunate situation, but it has an interesting background, and I think it will be helpful if I could with your indulgence lay out some of the facts that gave rise to this happening. It didn’t -- it didn’t simply happen in a vacuum. It didn’t simply occur with Ms. Ledford waking up one day and deciding to post a sign indicating that Ms. Ken Montano had withdrawn. This is a situation where on April 19th, Ms. Ledford, who was the Elections Supervisor at the time, received a phone call from the Secretary of State’s Office indicating that Mr. Montano, who was one of two -- was one of two candidates for the Democratic primary for House District seat 107, that he intended to withdraw.

And so what followed on the days April 19th and 20th were a num -- were several email exchanges between Ms. Ledford and a staffer whose name I won’t mention with the Secretary of State via email, as they worked to develop
language for the withdrawal notice to be posted in advance of the voting locations. Many of you may be aware that Gwinnett County is one -- in fact, the only jurisdiction in the State of Georgia that is subject to a mandate under section 203 of the Voting Rights Act, and it’s required to post all of its notices in Spanish, and so there was -- there was an email exchange between this employee at the Secretary of State’s Office and Ms. Ledford regarding the content of the notice, communicating around the need for it to be advertised -- sorry, for it to be posted, and translated and posted. And so there’s a number of emails beginning on the, as I said, on the 19th.

I guess I could read them, but so it starts off, the question -- this is an email to the State -- the Secretary of State’s Office employee saying it’s a state race, I know, but I need to get this translated. Is the attached acceptable? And the full text of the notice was transmitted to the employee attached to an email dated April 19th, 2018. The subject line of the email read withdrawn candidate. So that was an email sent at 4:54 on April 19th, 2018. It was followed up by a response from the Secretary of State’s Office, an email dated Friday, April 20th at 8:23AM, and it said the following: the same subject line, regarding withdrawn candidate. It said as I was driving home last night, I was thinking about this.
As an afterthought, maybe the race should be written how it is on the ballot to help the voter understand the race involved. And then Lynn replies later that day on April 20th, agreed. And then later that day on Friday, April 20th at 3:13PM, another email from the Secretary of State’s Office with the same subject line, withdrawn candidate. Lynn, just as a follow-up, attached is a withdrawal notice sent out this morning to the affected counties. Hope you have a good weekend. We are closed on Monday, but I will have my phone with me. If anyone needs anything, call me or email, and I will get back as soon as I can.

So there was -- and a foll -- then in response to that email, later in the day on Friday, April 20th at 3:19PM, Lynn replied again, the same subject line reference to withdrawn candidate. Hey, the name of the employee, I think because of the Spanish translations we’ll go with the wording as it’s actually listed on the ballot. I think that may be less confusing. So I’ve recited to the Board a one -- one, two, three, four, five email exchange over a two-day period that -- communication from Ms. Ledford to the Secretary of State’s employee about the withdrawing of this candidate.

Now, of course, I’ll acknowledge that state law makes it clear that when a candidate is withdrawing, and in
particular, a state candidate as Mr. Montano was, they are required to submit an affidavit and that affidavit is then filed with the Secretary of State’s Office and in turn would be transmitted to the relevant county election office. In this case, it would have been Gwinnett because District 107 is entirely within Gwinnett County. It’s true that Ms. Ledford never received such affidavit because, in fact, it hadn’t been filed, but the background -- I think it’s important for me to share the background to explain why she acted like she did. It was on the strength of a communication first via phone call, subsequently by email that she had with the Secretary of State’s Office, and I know from corres -- correspondence dated May 31st, 2018 that all of the emails were shared with an investigator from the Secretary of State’s Office. Certainly, someone called Jay Howard [ph.] received all of the attached emails by way of explanation.

Ms. -- Ms. Ledford was mortified when this happened because clearly, when she eventually discovered that, in fact, Mr. Montano had not withdrawn his candidacy, it became crucial to as quickly as possible remove any notification in any of the precincts regarding his candidacy -- regarding this alleged withdrawal of candidacy. Ultimately, another candidate prevailed, and I won’t go into the details about the ballot count because
the fact that -- the results of the election aren’t essentially relevant to the complaint -- complaint here, suffice to say that Mr. Montano did not prevail.

After this situation occurred, it became evident to the Board of Registration and Elections that some immediate prompt action needed to be taken to make sure that this never happ -- happened again, and so on June 1st, the Board of Registration and Elections adopted a written policy at its -- at its public meeting, and it explicitly set out a series of detailed guidance, directions regarding the circumstances in which a notice of withdrawal should be posted, the circumstances in which the Elections Supervisor and/or staff should take any steps to notify the public regarding a withdrawn candidacy. And so we are confident that this situation is never going to happen again. As I said, it didn’t happen in a vacuum. I only -- I wanted to provide that background to have the Board understand why it was, how it was that this situation came to be, and in light of the factual background that I have set out and in light of the specific policy that now address this issue that the Board of Registration did adopt, I respectfully request that if this matter is not dismissed, then it should be -- then it should be closed with a letter of instruction.

MR. RAFFENSPERGER: Thank you. Members of the Board,
do you have any questions?

    MR. WORLEY: Mr. Secretary, this is David Worley. I did have a question for Ms. Wilson. Ms. Wilson, who -- how did Ms. Ledford first become aware that Mr. Montano was, I guess, considering withdrawing?

    MS. WILSON: She received a phone call. She received a phone call from the Secretary of State’s Office on April 19th.

    MR. WORLEY: Okay. That was the first communication?

    MS. WILSON: That was the first communication, and the subsequent communication began on April 19th at 4:54PM with an email that read as follows, just to clarify -- just to say it again. Hey, the name of --

    MR. WORLEY: You don’t need to -- you don’t need to say it again.

    MS. WILSON: Okay. Okay.

    MR. RAFFENSPERGER: What is the will of the Board on this matter?

    MS. LE: With respect to -- this is Anh Le. The potential violations are being cited against Lynn Ledford and Gwinnett County, and based on the facts, I would move to issue a letter of instruction, in light of the communications that they had.

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

    MR. WORLEY: I’ll second that. David Worley.
MR. RAFFENSPERGER: Do we have any additional comment? Hearing none, all those in favor of the motion as presented, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-016, Treutlen County. In May 2018, it was reported that a candidate’s name was incorrectly listed on the ballot for the District 2 County Commission race in Treutlen County for the 2018 general primary election. Candidate Homer Rivers listed his name as he wished it to appear on the ballot as Homer Rivers. He has run previously and listed it the same way and had no issue with it appearing correctly. The error was reported to the probate judge, T.J. Hudson, and he stated that he did not catch the error during proofing the ballot. Homer Rivers was listed as B. Rivers on the ballot. Judge Hudson posted a sign at each voting machine listing the correction. The early voters and absentee by mail voters would not have seen the notice. Our recommendation is for Judge T.J. Hudson, Election Supervisor, be issued a letter of instruction for violation of SEB rule 183-1-12-.02(3)(a)(3).

MR. RAFFENSPERGER: Okay. Is there anyone here to speak from Treutlen County?
MS. WATSON: No. There is not.

MR. RAFFENSPERGER: What is the will of the Board?

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

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

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Any comment? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Douglas County, next case.

MS. WATSON: In May -- in May 2018, it was reported by Douglas County Elections that a UOCAVA ballot may have been issued to a voter not entitled to a UOCAVA ballot for the May 22nd, 2018 election. Investigation revealed a Renata Hobson [ph.] sent a fax to Douglas County that only contained the sender’s information and no absentee ballot information. The temporary absentee ballot clerk Lori Marquez [ph.] contacted the sender and requested absentee ballot application, which was then faxed on May 18th, 2018. Lori Marquez thought that in order to get the ballot to the voter, she needed to send an electronic ballot and proceeded to do so. According to the elector, she received the ballot, printed it out, voted it, and returned it, but did not know if it was counted. There is
no credit for voting in the election that was given. The Election Director advised that he realized the seriousness of the situation and reviewed the absentee and UOCAVA ballot processes with all employees and was implementing new policies and procedures. Our recommendation is Douglas County Board of Election and Registration, Douglas County Board of Election and Registration Elections Director Milton Kidd, absentee ballot clerk Lori Marquez be issued a letter of instruction for 21-2-381(a)(1)(g) and 21-2-384(a)(2).

MS. THOMAS: And Milton Kidd is on the line.

MR. RAFFENSPERGER: Okay.

MR. KIDD: Yes, sir. Good afternoon. Good afternoon, Board. In this particular case, we agree with the findings of the investigator. The voter did receive the ballot in this case, and the voter, after contact with the voter, indicated that they did not return the absentee ballot. That’s why no credit for voting was given in this case. We -- like the investigator stated, we -- we have reviewed our processes for issuing absentee ballots and the abovementioned absentee ballot clerk no longer works for the office or even lives in the county at this point.

MR. RAFFENSPERGER: Board members, do you have any questions, or do you have a motion?

MR. WORLEY: I would make a motion that we accept the
recommendation of the investigative department and issue a
letter of instruction to Douglas County.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. MASHBURN: Matt -- Rebecca.

MR. RAFFENSPERGER: Okay. Any further comment?

Hearing none, all those in favor of issuing a letter of
instruction for case 2018-017, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next -- next case.

MS. WATSON: Next case is 2018-019, Chatham County.

On May 22nd, 2018, Ms. Nakari [ph.] reported that the poll
workers didn’t attempt to set up until after 7AM. At
7:07AM, approximately 35 to 40 voters were turned away
after being told they would not be able to vote this
morning as they didn’t possess the proper cable for the
computers. There are many voters who would be unable to
vote due to their shifts at work. It was also reported to
our office that voters asked for provisional ballots and
were told to leave and come back later, and they left
about 7:15AM.

The poll manager of the Salvation Army polling
precinct at 3000 Bee Road, Savannah, Georgia advised that
they got started late, approximately 7:16AM, and 10 to 15
people were there and left, but all came back to vote later. The direct recording electronic units were running on battery power, and a technician was there working on the machines. They were missing all of the power cords. The manager said she did not know how to operate the express poll due to lack of training.

Investigation revealed on May 22nd, 2018, our office received complaints and dispatched an inspector to the polling location. It was confirmed that the location was not opened until 7:16AM. The complainant states while waiting while the machines were not working, she was not offered a provisional ballot. 10 voters had left and came back to vote. The poll manager reported that the staff that she had are untrained and did not know what to do.

There were problems with the express polls that may be related to poll worker training. There was no provisional ballots station or box set up with applicable materials. There was no sample ballots posted. The magnified ballot posters were not displayed. The technician that arrived found that all three express polls were unplugged, and none of the barcode readers were plugged in. Once he connected the devices, he was able to get them synchronized. Our recommendation is for Chatham County Board of Elections, Elections Supervisor Russell Bridges, and Sandra Murphy, the poll manager of the Salvation Army
precinct be referred to the Attorney General’s Office for
the listed violations.

MR. RAFFENSPERGER: Is anyone there -- here from
Chatham County Board of Elections or Mr. Bridges or Sandra
Murphy?

MS. WATSON: There is not.

MR. RAFFENSPERGER: Okay. What is the will of the --
MR. MASHBURN: Matt Mashburn -- Matt Mashburn, I move
that this be referred to the Attorney General and accept
the recommendation.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second. Second, Rebecca.

MR. RAFFENSPERGER: Any furt --

MR. WORLEY: Mr. Secretary, on my Zoom, it says that
Russell Bridges raised his hand, so...

MR. RAFFENSPERGER: Mr. Bridges, he’s on there?

MS. WATSON: One second, we’re checking.

MR. BRIDGES: Hello?

MR. RAFFENSPERGER: Hi, Mr. Bridges.

MR. BRIDGES: Afternoon -- or is it still -- yes. It
is afternoon. Yes. Good afternoon.

MR. RAFFENSPERGER: Yes.

MR. BRIDGES: I am Russell Bridges. I am the
supervisor of elections for Chatham County actually for, I
think, two more days. I’m retiring at the end of this
week, but in the meantime, we have this matter of the 2018 case. I can acknowledge that this polling place did open at 7:16AM. There -- there is no denying that. However, there are some circumstances to go along with this.

This was the first election in over a year for these poll workers. Second, the poll manager, Ms. Murphy, has actually served as a poll manager for us since 2006. She had served as a manager from 2006 to 2015 in 24 different elections. She did not work in 2016. She did come back to us as a poll manager for the elections in 2018. She managed this poll for the actual -- for the balance of 2018 with no recurrence of the same issues she had at that location.

We did not learn of the problem until we got a call from the State about the issue. The poll did not report to us about the issue. So by the time we learned about it, they were open and operating. We did learn the identity of the -- the voter who complained did reach out, and she had actually returned and voted. Our investigation said that she actually was the only voter that left of those that were in line, that everybody else that was in line stayed there and voted with -- with no problems. We did supply sample ballots. We have sample ballots printed to go on the wall where the back and the front are showing the same side. You know, we distribute
those to every poll, a minimum of two as per the election code.

The biggest issue here is the manager was transferred from another poll that she had been assigned to operate for this election about a week ahead of the election. She also did attend training in April, on April the 6th of that year. And I believe the only other thing that happened with personnel is two of her poll workers didn’t show up that morning, so she was -- she was operating with only five people where she was originally assigned seven. But as far as the provisional ballot booth, it was provided. The provisional ballots were there. She did file a provisional ballot recap which showed that those ballots were there. She never did issue any that day.

So, you know, I think there’s several things that occurred in this particular precinct on that day, all of which were corrected that day, and none of which reoccurred following that. Ms. Murphy actually has been managing for us since that time without a reoccurrence. So basically, I, you know -- given the distance of time since this occurred and now and not having reoccurrence at this location or really any systemic failure of this, I don’t believe that we need to be referred to the Attorney General’s Office for this because, you know, this was an isolated issue to that polling location and not a systemic
failure of -- of our operation. Thank you.

MR. RAFFENSPERGER: Okay. Thank you, Mr. Bridges.

MS. WATSON: And Ms. Murphy is on the line as well.

MR. RAFFENSPERGER: Well, we have a motion right now and a second.

MS. THOMAS: Mr. Secretary?

MR. RAFFENSPERGER: Mr. Mashburn, --

MS. THOMAS: Ms. Murphy is on the line as well, Mr. Secretary.

MR. RAFFENSPERGER: Uh huh. Mr. Mashburn, I’m just curious before we have the other lady. Did you want to amend your motion, or would you like to hear from Mrs. Murphy before you do anything else?

MR. MASHBURN: Yeah. I’ll -- I’ll withdraw the motion.

MR. RAFFENSPERGER: Okay. Motion is withdrawn. Mrs. Murphy?

MS. MURPHY: Yes?

MR. RAFFENSPERGER: Go ahead.

MS. MURPHY: I just wanted to say I agree with everything that Mr. Russell said. The lady that called in and said that we didn’t attempt to set up until after 7 o’clock is very much untrue. I arrived at the poll as always. I’m dedicated to my job, and I was there by 5:45. But because of the shortness of staff and the staff that I
did have stating that they didn’t quite know how to do the job, I was the only one working, so to the best of my ability, I did all I could to have the polls open on time. MR. RAFFENSPERGER: Okay. Thank you, ma’am.

MS. MURPHY: Thank you.

MR. RAFFENSPERGER: Board members, Mr. Mashburn has withdrawn his motion, so it’s back for your will and your disposition.

MR. WORLEY: Mr. Secretary, it’s David Worley. I did have a question for Mr. Bridges if he’s still available.

MR. RAFFENSPERGER: Mr. Bridges?

MR. WORLEY: I’m interested to know what kind of procedures you have in place for poll managers to notify you if they have problems opening the polls or if they don’t open on time. Did you institute any procedures regarding that?

MS. THOMAS: Mr. Bridges, you can unmute yourself.

MR. BRIDGES: My apologies. I didn’t realize I was muted. Our normal procedure it for them to contact us telephonically, which can — as anybody in this business knows — can be problematic on Election Day. We also — we have technicians assigned on the street on Election Day, and the poll managers have their contact information, and I believe that in this particular instance, I think Ms. Murphy contacted her technician, was able to contact
her technician, and he was on site working -- working with her to resolve the issues that she had because his report back to me -- and I believe -- I believe that he filed a report in response to this case. I don’t have a copy of it, but I -- I believe he had filed a report also so that’s our normal -- this is an area that we’ve continued over time to try to find better and better ways for the managers to get in touch because with 90 something polling places in our -- in our county, it’s -- it can be problematic at 6 or 7 o’clock in the morning for them to get through to our office even though we have, like, 10 or 12 people answering telephones.

It’s just -- it’s just difficult, but again, I do know that by the time that we were made aware of the problem -- and I believe it was a contact from Mr. Harvey which brought to our attention that there was a problem. So it’s an area that always needs improvement as far as communication goes, but that has historically been what we’ve had.

MR. WORLEY: Thank you.

MR. RAFFENSPERGER: Thank you. Members of the Board, what is your disposition on this?

MR. WORLEY: This is David Worley. I’d make a motion that we send a letter of instruction to Chatham County.

MR. RAFFENSPERGER: Do we have a second?
MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of sending a letter of instruction for 2018-019, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries. Okay. I think now would be a great time to take a lunch break. It is 12:18. If we could all be back by 12:45, if that works for everyone, we can reconvene at 12:45. Thank you.

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Okay. It’s 12:45. I think everyone’s back. So if we could have the next case then.

MS. WATSON: Okay. Case number 2018-021, Stewart County. First allegation, an elector from Stewart County reported that he received the wrong absentee ballot in the mail. He originally requested a Republican ballot but received a Democratic ballot instead. It was also for outside of his voting district, County Commission District 4 instead of District 2. The elector stated when he complained to Stewart County Board of Elections and Registration Office, he was instructed to go and vote in person at his assigned voting precinct, which was the Richland precinct.
The same complainant in allegation one stated he went to the Richland precinct, which was Richland Public Library, in Stewart County on May 22nd, 2018 general primary Election Day to vote, but the precinct was not open for voters at 7AM, and he was told to come back at a later time. The elector stated that he was not offered a provisional ballot and left to go to work and was not able to come back and vote before the polls closed that night.

Allegation three, during the May 22nd, 2018 general primary election monitoring at the Louvale Vote Center, it was determined that the power was out, and all of the machines were operating on batteries. There was no violation substantiated with that allegation. During the May 22nd, 2018 primary election monitoring at the Richland precinct in Stewart County, the precinct had their handicapped accessories connected, no voting rights card posted, no card of instructions posted, and couldn’t get their scanner to work. The voter with disabilities device was not at the precinct as well.

Investigation revealed elector Edward Holloway, Junior [ph.] applied for an absentee ballot from Stewart County. The ballot was issued with the incorrect ballot style and district. Mr. Holloway went to vote at Richland voting precinct, and it was not open for voting. He was not offered a provisional. He had to leave for work and
was not able to cast a ballot in the election. He left
the precinct at 8 o’clock AM. The issue holding up voting
was printing the zero tape. The printer lid was not
closed all the way. It was confirmed that the Richland
precinct did not open at 7AM or have a card of
instructions poster -- voting rights posters and did not
have the voter with disability device available.

Our recommendation is for Stewart County Board of
Election and Registration, Alfreda Hudson, interim Stewart
County Elections Supervisor be referred to the Attorney
General’s Office for the listed violations.

MR. RAFFENSPERGER: Okay. Is anyone here from
Stewart County?

MS. THOMAS: No.

MR. RAFFENSPERGER: Okay. Board members, you have the
information in front of you.

MS. SULLIVAN: This is Rebecca Sullivan.

MR. MASHBURN: Matt Mashburn.

MS. SULLIVAN: I’ll make a motion that we accept the
recommendation and bind this over to the Attorney
General’s Office.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Do we have any discussion?

Hearing none, all those in favor of the motion, do so by
signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-022. On May 23rd, 2018, the Office of the Secretary of State Investigations Division opened an investigation to determine if the Floyd County Board of Elections and Registration violated 21-2-226 (b), as it was alleged voters voted out of district during the May 22, 2018 general primary election. The Floyd County Elections Office worked with the Office of the Secretary of State to build a ballot for the May 22nd, 2018 general primary election. The data derived to create the ballot came from E-net data entered by the Floyd County Elections Office. The final ballot product was proofed and signed off on by Floyd County Elections Supervisor at the time Willie Green.

Early voting began with the ballot being distributed by mail and on DRE for advance voting in person. Within a couple of days, a poll manager at the Garden Lake Baptist Church voting precinct discovered the City of Rome voters who have their own Board of Education were voting in a Floyd County Board of Education race. Mr. Green found that his office had failed to catch the ballot error when proofing the ballots for the election. The ballot error
allowed Republican voters in the sixth City of Rome voting precinct to vote in the County Board of Education election, in which the city voters were not entitled to vote. The error was limited to Republican ballots in a race where the candidate ran unopposed. The ballot error had no adverse effect on the outcome of the election.

The Board of Election and Registration decided to go forward with the current database. Signs were posted in the city precincts informing voters that any votes cast on Republican ballots for the County School Board race would not be counted. Floyd County Board of Elections and Registration has acknowledged there had been a ballot proofing error but have not acknowledged the improper districting of City of Rome voters.

Our recommendation is for Floyd County Board of Elections and Registration be bound over to the AG’s Office for 21-2-226(b), due to the County Board in determining eligibility of voters, as Floyd County Board of Elections and Registration improperly districted 17,682 City of Rome electors into a County Board of Education district, resulting in 2,254 city electors voting out of district in a Floyd County Board of Education race during the May 22nd, 2018 general primary and SEB rule 183-1-12-.02(3), pre -- preparation for elections. I also have listed Willie Green for the same violations.
MR. RAFFENSPERGER: Okay. Do we have any --

MS. THOMAS: Virginia Harmon, the Floyd County attorney, is on the line.

MR. RAFFENSPERGER: Okay.

MS. HARMON: Yes. Thank you, Mr. Secretary and members of the Board and to your staff, who’ve been very helpful with this case. I came on as Floyd County attorney last summer. At that time, we had -- two of our three member Board of Elections were new for the 2020 elections, and since then, our third member has been replaced, so right now, when I began to look into this, I really did not have any Board member available to me to talk to. In addition, Mr. Green, who was then our Chief Elections Clerk -- I have not been able to locate.

But Ms. Vanessa Waddell, who’s acting as our interim chief right now, was on staff at the time of this occurrence, and she was able to locate actually a recording of an interview that Mr. Green had made at the time of the investigation of this case, and it’s pretty clear from that recording that what happened in 2018 was that it was one of Mr. Green’s first ballots to put together as the Chief Elections Clerk for Floyd County.

We do have two separate school boards, one for the county and one for the city, which are distinct boards. However, the primary, Republican primary, for the County Board of
Elections was designated as an at-large election, and Mr. Green believed at the time that at-large in that case meant the same thing as for the Floyd County Commission in which voters both in the city and the county vote for the county commission.

So he actually -- it was a mistake on his part, but he believed he was acting correctly at the time to allow all voters to vote for the Floyd County Board of Elections. Apparently, the mistake was caught the second day of early voting, and it was immediately reported to the Secretary of State’s Office, and the plan, as Ms. Watson has indicated, was to -- to address the matter because that particular race -- the Board of Elections Republican candidate was running unopposed to just post the notices. The votes were zeroed out. There -- there was no wrongful vote counted in the election.

This particular problem has never happened before. It’s never happened since. It was a one-off. It has been corrected in terms of the internal review processes of my Board of Elections. We currently have a fantastic Board that has come on who are very proactive. We are, of course, looking for a new Chief Elections Clerk, and we are also relocating and getting new space for our whole Elections Office, so we’re doing good things in Floyd County. I would ask that you consider on behalf of my
Board of Elections a letter of instruction addressing this matter rather than referring it to the AG’s Office, as we’ve already taken corrective action. It was a mistake made on the part of the chief clerk, and again, we put in procedures which have worked. It has never happened again. So I’d appreciate your consideration in addressing this through a letter of instruction.

MR. RAFFENSPERGER: Thank you. Okay. Members of the Board, it’s before you now. Do you have any questions? What is your will?

MR. WORLEY: Mr. Secretary, this is David Worley. I -- I appreciate Ms. Harmon’s argument very much actually, but given the large number of voters that were affected by this, I think it should be referred to the Attorney General’s Office, and I so move.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Okay. Any further discussion? Hearing none, all those in favor of the motion to refer to the State Attorney General, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you. Next case.

MS. WATSON: Next case is 2018-025, Habersham County.

Habersham County Elections had placed voters in an
incorrect state house district. Voters in House District 28 had been districted to House District 10. Voters who were in House District 10 had been districted in House District 28. Between the years of 2013 and 2015, Habersham County experienced three separate changes to voting precinct boundaries. Originally, the then county manager arranged for the number of precinct to be reduced to two. After conducting one election cycle with two precincts, the decision was made to increase to five. Ultimately, seven precincts were established.

During the time these changes were being made in the GVRS system by Habersham County Elections Supervisor, approximately 402 voters were placed in the wrong state house district. The number of voters who should have been placed in House District 10 but were incorrectly districted in House District 28 was 214. The number of voters who should have been placed in House District 28 but were incorrectly districted in House District 10 was 188. Our recommendation is for Habersham County Board of Elections and Registration, Election Supervisor Laurel Ellison be bound over to the Attorney General’s Office for violation of 21–2–226(b).

MR. RAFFENSPERGER: Okay. Is there anyone here from Habersham County? So Board members, this is before you. I believe that there’s enough said. What is the will of
the Board?

    MS. SULLIVAN: This is Rebecca Sullivan. I’ll make a motion that we accept the recommendation and bind this matter over to the Attorney General’s Office.

    MR. RAFFENSPERGER: Do we have a --

    MR. WORLEY: I’ll second that. David Worley.

    MR. RAFFENSPERGER: Any further comments, discussion? Hearing none, all those in favor of binding to the Attorney General’s Office, signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you. Next case?

    MS. WATSON: Next case is 20 -- 2018-027. On June 4th, 2018, it was alleged the Jackson County Board of Election and Registration failed to arrange in alphabetical order under the title of office on the ballots the last names of the candidates in the Board of Education Post 5 race and alleged the Jackson County Board of Election and Registration failed to properly proof the ballot for the May 22nd, 2018 general primary election. Investigation revealed Jennifer Logan was the acting Elections Supervisor for Jackson County Board of Elections and Registration. This being the first election conducted by Ms. Logan, she used the ballot proofing checklist provided to her by our office, making sure all candidates’
names were spelled correctly, races appeared on the correct ballot for the correct precinct, and the incumbents were marked properly.

During the proofing process, some errors were found and corrected before the ballot was approved. In doing all that was required in the proofing process, she missed that the names of the candidates in the Board of Education Post 5 race were not in alphabetical order by last name. Candidate for Jackson County Board of Education Post 5, candidate Steven Lee Bryant, filed a challenge in the Superior Court of Jackson County, Georgia. The challenge filed May 29, 2018 alleges that Jackson Board of Election and Registration failed to his name, Steven Lee Bryant, first on the ballot, as he was the incumbent, and his last name should have been first alphabetically.

On August 7th, 2018, the report investigator received a judgment regarding the challenge filed by Steven Lee Bryant. The petition was dismissed as insufficient, and recommendation is for Jackson County Board of Election and Registration and Elections Supervisor Jennifer Logan be bound over to the Attorney General’s Office for 21-2-285(c) and SEB rule 183-1-12-.02(3).

MS. THOMAS: And Virginia -- I’m sorry, Jennifer Logan is on the line from Jackson County.

MR. RAFFENSPERGER: Okay. Ms. Logan?
MS. LOGAN: Yes. I just wanted to thank the Board for giving me the opportunity to speak to this case. It’s the very first ballot that I had ever proofed, and I was actually the elections coordinator at the time and not the director. She was about to leave office, and I carefully followed everything that the State had given me, but I did make the mistake. I acknowledge that the two candidates in the Board of Education race for the District 5 were not in alphabetical order, and I did not catch that during the proofing process. It was the third week of early voting when the error was brought to my attention by the candidate in that race. I immediately contacted my liaison at the Secretary of State’s Office and let them know about our -- of my mistake, and also, I placed notices immediately at all of the polling locations and early voting sites where those ballots were. And since then, as part of our best practices for ballot proofing, we’ve created a checklist so to make sure that it doesn’t happen again, that every error -- every part of the ballot including alphabetical is checked off and made sure that it is correct on our ballots, and since this case, nothing has ever happened again as far as our ballot proofing mistakes, and we also have multiple staff members that will review those ballots as well.

MR. RAFFENSPERGER: Great.
MS. LOGAN: I’d ask the Board if they would recommend a letter instead of binding us over to the AG.

MR. RAFFENSPERGER: Thank you, Ms. Logan. Okay. Board members, do you have any questions? Do you wish to make a motion?

MS. SULLIVAN: This is Rebecca Sullivan. Thank you, Ms. Logan, for being here and for your explanation and remedial measures. I would make a motion that we issue a letter of instruction in this case.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Motion has been seconded. Do we have any other comments, discussion? Hearing none, all those in favor of issuing a letter of instruction, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case.

MS. WATSON: Next case is 2018-031. On June 4, 2018, the Secretary of State’s Office was informed that a number of provisional ballots had not been counted at the Gwinnett County Elections Office and that the mistake was not discovered until after certification. Following certification of the May 22nd general primary, it was discovered by Gwinnett County elections personnel that 7
provisional ballots had remained in a bin during tabulation. Lynn Ledford also stated that it is impossible to know who may have committed the error due to the fact that she employs so many part-time and temporary personnel during a major election event. Letters were sent telling the voters that their provisional ballots were accepted. Letters were sent back out telling the voters of the error. Policy was changed by Gwinnett County to ensure this type of mistake doesn’t happen again. Our recommendation is for Gwinnett County Board of Voter Registration and Elections and Election Supervisor Lynn Ledford be referred to the Attorney General’s Office for a violation of 21-2-419(c)(1) and SEB rule 183-1-12-.06(12)(c).

MR. RAFFENSPERGER: Is anyone from Gwinnett County here?

MS. WILSON: Good -- good afternoon, Mr. Secretary, members of the Board, Melanie Wilson once again from Gwinnett County to speak on behalf of Ms. Ledford and the Gwinnett County Board of Registration and Elections. So I think I want to start by saying that this -- this circumstance clearly arose from human error. It was a failure to clear bins and to remove the seven ballots that had been voted by -- by voters in Gwinnett County, and it’s certainly true, as Ms. Watson’s described, that steps
have been taken since then to ensure that a process of that kind -- there are checklists, first of all, and secondly, that pairs of people are involved in going back to remove ballots when they’ve been placed on a shelf, so there’s a check -- a built-in check and balance to eliminate the reoccurrence of this isolated situation.

Members of the Board may be familiar with Ms. Ledford. She’s worked as an election professional for decades. She is no longer the Election Supervisor in Gwinnett County, but at the time that this happened, she immediately took steps to bring it to the attention of the voters. They were communicated with when it was realized that their ballots had not been counted.

Election administration involves what I would best describe as continuous process improvement. There’s always opportunities to improve. There’s always opportunities to take preventative action, and I can assure the Board that this isolated incident has not reoccurred since, that it’s been a teaching lesson, a learning tool, and so I would respectfully ask that in the light of the fact that this was an isolated situation, that it hasn’t occurred again, that, you know, that this Board not refer the matter to the Attorney General but rather issue a letter of instruction.

MR. RAFFENSPERGER: Thank you for your input. Well,
I do know that many of us always talk of the priceless franchise to vote, and so with that, members of the Board, what comments do you have? What is your disposition towards this case?

MS. LE: This is Anh Le. Ms. Wilson, thank you for again presenting. I think because there’s seven ballots, and if I read it correctly, they were not counted, so because of that, I would move to have this sent to the AG’s Office.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion?

MR. WORLEY: Mr. Secretary, this is David Worley. Ms. Wilson’s point is well-taken, and I am generally reluctant -- I would be reluctant to bind this over, given that Ms. Ledford has had an outstanding record as an election administrator, but I’m very troubled that seven legitimately cast votes were not counted because of this, and so I’m going to join in the vote to refer it to the AG.

MR. RAFFENSPERGER: Any further discussion? All those in favor of sending this case over to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.
Thanks. Next case.

Ms. Watson: Next case is 2018-032. In June 2018, Ms. Rosenthal [ph.] reported that State Senate District 41 candidate Sabrina Mckenzie had failed to pay her DeKalb County property taxes since 2015 but swore on her notice of candidacy affidavit that she was not a defaulter on any forms of taxes. Investigation revealed it was verified that Sabrina Mckenzie did owe back taxes in DeKalb County and did not have a payment plan in place at the time she signed a notice of candidacy affidavit. Sabrina Mckenzie was contacted and has failed to provide any doc -- documentation. We recommend Sabrina Mckenzie be bound over to the AG’s Office for the listed violation of 21-2-565.

Mr. Raffenesperger: Is anyone here from -- the candidate?

Ms. Watson: No. She -- she is not on the line.

Mr. Raffenesperger: Okay. Board members, do you have any discussion? What is your desire?

Ms. Le: It’s Anh Le. I move to accept the recommendation and bind this over to the Attorney General’s Office.

Mr. Raffenesperger: Do we have a second?

Ms. Sullivan: Second, Rebecca Sullivan.

Mr. Raffenesperger: Any discussion?
MR. WORLEY: Mr. Secretary, I’m going to recuse myself from this case.

MR. RAFFENSPERGER: Okay. All those in favor of remanding this to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? And one recusal.

Thank you very much. Motion carries. Next case.

MS. WATSON: Next case is 2018-034. On June 13th, 2018, Elections Supervisor Deb Cox contacted our office about an elector named Miguel Gusto Vicente [ph.], who Cox reported it was learned that Mr. Vicente voted twice during the May 22nd, 2018 general primary. Mr. Vicente presented himself at precinct 3, which was not his assigned polling place, and he voted a provisional ballot. Ms. Cox states Mr. Vicente then presented himself at his assigned precinct, and he voted on a touchscreen. Both ballots were counted.

Investigation revealed during the May 22nd, 2018 general primary that Mr. Vicente did vote more than once. Mr. Vicente cast his provisional ballot at the first location and then in person at the second. He -- Mr. Vicente was contacted and reported he did not realize that he voted twice on Election Day. He stated they did not explain things very well, and they sent him to the place
where he was supposed to vote. Mr. Vicente has a language
barrier. He advised he did not understand that he had
voted when he completed the paperwork at the first
location. He advised that it was unintentional, and he
would make sure that it never happened again. Our
recommendation is for Mr. Vicente to be bound over to the
AG’s Office for 21-2-572.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: And he is not on the call, but Deb Cox
with Lowndes County is on the call for any questions if
needed.

MR. RAFFENSPERGER: Members of the Board, do you have
any questions? Now would be the appropriate time for a
motion if you’re so inclined.

MR. MASHBURN: This is Matt Mashburn. I move that
this be referred to the DA.

MR. RAFFENSPERGER: Okay. Do we have a second? Do
we have a second? Hearing none, motion dies for lack of a
second.

MR. MASHBURN: This is Matt Mashburn. I move that
this be referred to the Attorney General.

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Do we have any further
discussion? Hearing none --

MR. WORLEY: Mr. Secretary, I’m sorry. Mr.
Secretary, it’s David Worley. This case seems not altogether clear for -- to me. It seems that the voter was -- was really following the county’s instructions and also had language issues, so I -- I will vote to refer it to the Attorney General, but I would ask the Attorney General’s Office to look at it carefully and see what -- what the facts really are.

MR. RAFFENSPERGER: We’ll note that for the record.

Thank you. All those in favor of the presented as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-037. On July 2nd, 2018, Cherokee County Elections Supervisor Kim Stancil contacted the Elections Division of our office to report that one of her poll managers, Darlene Clements [ph.], had allowed an elector to vote twice during the general primary of May 22nd, 2018. Ms. Stancil further stated that after realizing her numbers would not reconcile, Ms. Clements submitted a voter certificate in her own name and submitted it with her elections documents.

During the general primary of May 22nd, poll manager Darlene Clements allowed elector Judy Chanell [ph.] to vote twice. This occurred following poll worker Rose
Carter [ph.] having erroneously issued Ms. Chanell a
nonpartisan ballot instead of a Republican ballot as
requested by Ms. Chanell on her voter certificate. Ms.
Chanell had already depressed the cast ballot button for
the original ballot, so poll manager Clements backed her
out of the express poll and reissued Ms. Chanell a yellow
card on which to vote a Republican ballot. When she
realized the second vote would cause her logs to reflect
one more ballot cast than voters processed, poll manager
Clements completed and submitted a voter certificate on
herself but did not vote. Submitting this false document
caused the poll logs to reconcile as to the ballots versus
voters. Assistant poll manager Nancy Cornett [ph.] aided
poll manager Clements by placing her initials in two
places on the false voter certificate.

Approximately thirty-six hours following the close of
polls, poll manager Clements telephoned Cherokee County
Elections Supervisor Kim Stancil to report to her what she
had done. Following her admission to Ms. Stancil, Ms.
Clements resigned from her duties as a Cherokee County
poll worker. Our recommendation is for Cherokee County
Board of Elections and Voter Registration, Cherokee County
Elections Supervisor Kim Stancil, Cherokee County poll
manager Darlene Clements, and poll manager Nancy Cornett
be bound over to the Attorney General’s Office for
Official Code of Georgia 21-2-590 and 21-2-587(7) and for Judy Chanell to be referred to the Attorney General’s Office for 21-2-572 and for Cherokee County poll manager Darlene Clements and manager Nancy Cornett to be bound over for 21-2-603 and for Cherokee County Board of Elections and Voter Registration and Supervisor Kim Stancil, poll worker Rose Carter be issued a letter of instruction for violation of SEB rule 183-1-12-.02(4)(b), when Ms. Carter provided an elector with an incorrect ballot style following the elector’s proper request for a specific ballot style on the voter certificate.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: And we have one representative from Cherokee County on the line.

MR. RAFFENSPERGER: Okay. And who would that be?

MS. BRUMBAUGH: Hi, this is Ann Brumbaugh. I’m the attorney for the Cherokee County Board of Elections and Registration, and I just wanted to give y’all a little background. Hopefully, you’ll feel more comfortable about the Board’s behavior once they found this out and not refer them to the AG’s Office. So the facts as -- as have been related are -- you know, we agree with them. Kim Stancil immediately reported this as soon as she found out. She had nothing to do with, you know, Darlene Clements’ decision. Not only did Darlene Clements resign
but the assistant poll manager, Nancy Cornett, and the
poll worker, Rose Carter, also no longer work for the
Cherokee Board, so all three of these people have been --
are no longer involved in elections in Cherokee County.

Additionally, as per Cherokee County’s -- this is the
way they always do things is once this problem was
discovered, there was training. There was hey, you don’t
give someone another primary ballot, and you certainly
don’t fake a voter certificate, so given that the Board
and Kim Stancil did everything they could and they should
and everything that you all would have expected them to do
once they discovered this problem, we would ask that you
actually not refer them to the AG’s Office.

MR. RAFFENSPERGER: Thank you. Okay. Board members,
do you have any questions or discussion?

MR. WORLEY: Mr. Secretary, this is David Worley. I
-- I don’t have any questions of Ms. Brumbaugh, but I
would like to say that I -- I find this case very
troubling, and this, in many ways, was the most disturbing
case on our agenda today because you have a poll manager
who didn’t just forge a voter certificate, she forged her
own voter certificate, claiming to have voted, for the
sole purpose of making the numbers reconcile and covering
up the mistake that had been made in her precinct, and I
just -- I just find it very, very troubling. I accept
what Ms. Brumbaugh says about Cherokee County and many of
the other people involved, Ms. Stancil, I believe they did
exactly what they should have done when they learned, and
so I -- I would not refer them to the AG. But Ms.
Clements and Ms. Cornett, who actively participated in
this fraud, I would refer not only to the Attorney General
but also to the local DA, and I, first of all, would make
a motion that Ms. Clements and Ms. Cornett be referred to
the Attorney General and to the DA in Cherokee County.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Do we have any further discussion
on this motion? Hearing none, all those in favor of the
motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Now, to the other points.

MR. WORLEY: Mr. Secretary, I would make a motion
that the other Respondents be issued a letter -- letter of
instruction.

MR. RAFFENSPERGER: Does that include the lady, Ms.
Judy Chanell, also?

MR. WORLEY: Yes, everybody else.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.
MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.


MS. WATSON: The next case is 2018-039, and we did receive a request from a DeKalb County attorney for this case to be continued.

MR. RAFFENSPERGER: Okay. Next case?

MS. WATSON: Next case is 2018-047. Roman Figirelli [ph.] attempted to vote on July 24th, 2018 at Centennial High School but was told he was not in the system, returned later in the day and was able to cast his vote. Mr. Figirelli found the situation to be suspicious. Barbara Heard [ph.] attempted to vote on July 24th, 2018 at C.H. Gullatt Elementary School but was told she was not in the system. She was advised that she would have to vote on a provisional ballot. Regina Ovington [ph.] stated she went to Cat -- Cathedral of St. Philip to vote on July 24th, 2018. She thought this was her polling location but was told she was at the wrong precinct. She arrived at 6:40PM. An unknown poll worker advised her she could vote provisional. At 6:59PM, the poll manager Isaiah King [ph.] advised her that she was not on file to
vote a provisional.

    Investigation revealed Roman Figarelli and Barbara
Heard were asked to vote a provisional ballot even though
they had not changed their residence. Mr. Figarelli was
able to vote on a DRE, and Ms. Heard was allowed to vote a
provisional ballot. Election Net indicates both electors
were -- voted were counted. Both of these electors had
recently renewed their driver’s license, and it was
treated as a change of address when the fact was they had
never moved.

    Regina Ovington went to the wrong polling location
twenty minutes before the polls closed. Election Net
indicates her polling location as Sutton Middle School,
not the Cathedral of St. Philip where she went. Ms.
Ovington stated she was advised by an unknown poll worker
that she could vote a provisional ballot. Poll manager
Isaiah King told her one minute before polls closed that
she could not vote a provisional ballot. Election Net
indicates Ms. Ovington did not vote on July 24th, 2018.

    Our recommendation is Fulton County Board of Election
and Registration and Election Director Richard Barron,
poll manager Isaiah King be bound over to the AG’s Office
for SEB rule 183-1-12-.06(4)(c) for provisional ballots,
when poll manager Isaiah King did not provide Regina
Ovington the opportunity to vote a provisional ballot.
There was insufficient time for Ms. Ovington to make it from the Cathedral of St. Phillip to Sutton Middle School before the polls closed.

MS. THOMAS: And David Lowman with Fulton County is on the line.

MR. LOWMAN: Good afternoon. I would ask that in light of the fact that the polling manager Mr. Isaiah King had clearly been instructed and trained on providing provisional ballots and failed to do so and because, as a result of this violation, he was terminated, I would ask that a letter of instruction be provided to Fulton County in this matter. Thank you.

MR. RAFFENSPERGER: Thank you. Does the Board have any questions or discussion on this matter, or do they have a motion?

MR. WORLEY: Mr. Secretary, David Worley. I would make a motion that Fulton County be given a letter of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.
Thank you. Next case.

MS. WATSON: Next case is 2018-049. On July 24th, 2018, we received a case where five separate voters alleged they received an incorrect ballot on the day of the July 24th, 2018 general primary and nonpartisan general election runoff in Bibb County. Investigation revealed seven complaints -- complainants who experienced similar issues while voting during the July 24th, 2018 runoff election. When interviewed, all complainants reported they voted a Republican ballot in the May 22nd, 2018 general primary election.

The issue arose when the complainants tried to vote Republican in the runoff election and express poll indicated they couldn’t due to voting a different party in the earlier general primary. 3 of the voters were able to bring the issue to the attention of a poll worker and resolve the ballot style prior to casting the ballot. Unfortunately, voters James Garland [ph.], Tiffany Harvey [ph.], Burnett Sole [ph.], and Brenda Merritt [ph.] cast their ballots before bringing the incorrect ballot issue to the attention of the poll worker. They were allowed to vote a provisional ballot. However, none were counted due to the original cast ballot.

Investigations revealed election documentation which confirmed the complainants all selected Republican on
either their voter certificate or absentee ballot
application for the May 22nd, 2018 general primary
election. Our recommendation is for Macon-Bibb County
Board of Elections and Registration, Jeanetta Watson,
Elections Supervisor, Janice David [ph.], poll manager,
Michael O’Neill [ph.], poll manager, and Tina Dockery
[ph.], poll manager be bound over to the Attorney
General’s Office for SEB rule 183-1-12-.02(4)(b).

MS. THOMAS: And William Nolan is on the line to
represent Macon-Bibb County.

MR. RAFFENSPERGER: Okay.

MR. NOLAN: Thank you. I represent Macon-Bibb County
Board of Elections and all the Respondents in this matter.
We don’t dispute the findings of the investigator. We
find the investigation was thorough and professional, and
we cooperated in that. Once the issue was discovered, all
the poll managers, not just these three but all poll
managers, were contacted, made aware of the issue and what
had happened, and reminded of the care that must be taken
in processing voters. The issue was also made a focal
point of poll worker training and poll manager training
going forward. To our knowledge, it has not repeated
itself. We would respectfully request that this case not
be referred to the AG and that a letter of instruction be
issued. Thank you.
MR. RAFFENSPERGER: Okay. Members of the Board, do you have any discussion, questions, or a motion?

MS. LE: This is Anh Le. Our earlier cases today in which voters were issued the wrong ballot but had an opportunity to vote, albeit the wrong ballot style or the wrong ballot that they -- or the wrong party they asked for, we did issue letters of instruction, I think in part because they had an opportunity to vote, although it was the wrong ballot. I think as a matter of consistency, I would make a motion that we issue a letter of instruction in this case.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion as stated, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

MS. WATSON: Next case is 2018-050. On July 24th, 2018, we received a case where four separate voters alleged they received an incorrect ballot on the day of the July 27th, 2018 general primary and nonpartisan general election runoff. In addition, one of the voters alleged they were allowed to vote a second time after already casting a ballot. When interviewed, all
complainants reported they voted a Republican ballot in the May 22nd, 2018 general primary election. The issue arose when the complainants tried to vote Republican in the runoff election and express poll indicated they couldn’t, due to the records showing they voted a different party in the earlier general primary.

Voter Robert Mitchell [ph.] was able to resolve the issue and voted his selected Republican ballot.

Unfortunately, voters Kathy Hammond [ph.], Catherine Smith [ph.], and Joseph Shirley [ph.] were all issued voter access cards containing an incorrect ballot and cast their ballots before bringing the issue to the attention of a poll worker.

Investigations reviewed election documentation which showed the complainants all selected Republican on their July 24th, 2018 voter certificate. The documentation also includes Catherine Smith’s May 22nd, 2018 voter certificate and Robert Mitchell’s absentee ballot application which shows they both requested Republican ballots.

A second issue arose at the Pace Creek polling location when Ms. Hammond reported she was allowed to vote a second time after already casting a ballot. This issue was reported to have occurred after poll manager Wade Rates [ph.] directed a poll worker to cancel Ms. Hammond’s
original ballot. The voter, Ms. Hammond, admitted to casting her original ballot after only voting for a single state court judgeship race.

Henry County Elections Supervisor Tina Lunsford stated she became aware of Ms. Hammond’s allegation after speaking with Election Liaison Amika Pitts [ph.]. Mrs. Lunsford stated that she contacted Wade Rates who first stated at the time of the incident, he was unaware the voter had already cast her ballot. Mrs. Lunsford stated afterwards Mr. Rates changed his response and advised he was aware the first ballot had been cast. Mrs. Lunsford stated it was her understanding Mr. Rates got a little confused due to voters repeatedly changing their minds between parties, which resulted in having to change ballot styles.

Mrs. Lunsford stated Henry County responded by apologizing to Ms. Hammond and ultimately terminating Mr. Wade Rates. Mrs. Lunsford stated all the poll workers are instructed during training if the voter has cast their ballot, there is absolutely nothing else that can be done. Mrs. Lunsford identified three other individuals who were present at the polling precinct when the incident occurred. Mr. Rates thought by canceling or altering the voter’s original voting status in the express polls, it would somehow remove or cancel the original ballot and/or
vote. Mr. Rates stated at the time of the incident with everything going on, he felt that he was making the correct decision based upon his time and experience and having done these things many times before. Mr. Rates did acknowledge once again he knew from this point on that once someone has cast their ballot, they can’t vote again.

Our recommendation is for Henry County Board of Election and Registration, Tina Lunsford, Elections Supervisor, and Wade Rates, poll manager for Pace Creek polling precinct be bound over to the Attorney General’s Office for SEB rule 183-1-12-.02(4)(b) and also 21-2-592.

MR. RAFFENSPERGER: Is anyone here from Henry County?

MS. THOMAS: No. No one’s on the line.

MS. WATSON: No, sir.

MR. RAFFENSPERGER: Okay. Any discussion from the Board? Motion? What is your will?

MS. LE: This is Anh Le. I would move to accept the recommendation and bind this over -- excuse me -- bind this over to the Attorney General’s Office for the elections officials facilitating a second vote incorrectly.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Do we have any further discussion? Hearing none, all those in favor of the
motion, please signify by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-051. Five complainants advised that while voting in the July 24th, 2018 general election, they were given the wrong ballot after giving the poll workers their voter’s certificates. All five complainants failed to notify poll workers of any problems until after their vote was cast. Darla Johnson, Senior [ph.] intended to check Republican on his voter’s certificate. It appears he mistakenly checked nonpartisan. He received and cast his vote on a nonpartisan ballot without bringing it to the attention of the poll manager. Kelly Rebecca Brown checked Republican on her voter certificate. She was given a nonpartisan ballot and cast her vote before bringing it to the attention of the poll manager. Henry Fogwell [ph.] checked Republican on his voter certificate. He was given the wrong ballot and cast his vote on a nonpartisan ballot before bringing it to the attention of the poll manager. Mary Jo Spence [ph.] checked Democratic on her voter certificate. She was given a nonpartisan ballot and cast her vote before bringing it to the attention of the poll manager. Larry
Malcolm [ph.] filed a complaint that he requested nonpartisan ballot but records -- but received a Democratic ballot. The voter certificate indicates the Democrat ballot selected is a no-violation. Our recommendation is Fulton County Board of Registration and Elections and Elections Superintendent Richard Barron and poll manager Marietta Freeman [ph.] who was listed in the violation be dismissed as they are now deceased, poll manager Larry Boone [ph.], poll worker Carla King [ph.], and poll manager Kita Alston [ph.] be bound over to the Attorney General’s Office for the listed violations.

MS. THOMAS: And David Lowman is on the line for Fulton County.

MR. RAFFENSPERGER: Mr. Lowman?

MR. LOWMAN: Yes. I would just ask that a letter of instruction be issued in this case. As the Board previously stated, I believe in the Bibb County case or all the other cases where people have been given the wrong ballot by mistake, there have been letters of instruction issued, and we would ask for the same treatment here.

Thank you.

MR. RAFFENSPERGER: Any discussion from the Board? Motion? What is the will of the Board?

MS. LE: This is Anh Le. I make the motion that we issue a letter of instruction for all these cases.
MR. RAFFENSPERGER: Okay. Do we have a second?

MR. WORLEY: David Worley. I’ll second that.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Hearing none, motion carries. Next case?

MS. WATSON: Next case is 2018-053. Bartow County Elections Supervisor Joseph Kirk reported to our office that two individuals cast multiple ballots in the July 24th, 2018 Republican primary election runoff. One was cast during advance voting, and the other was cast on Election Day. On July 6th, 2018, Anne Edmundson [ph.] cast a Republican ballot in person at the voter registration office. On July 19th, 2018, Ms. Edmundson was allowed to cast a ballot again at the same location. Mr. Kirk states the polling worker Cory Ray [ph.] was likely suffering from a medical impairment at the time. He also advised that Ms. Edmundson is elderly, and in all likelihood was simply confused about which election she was voting in. The poll manager Gendra Millsap [ph.] reported Ms. Ray seemed a little confused due to a medical issue and was placed on supervisor duty. Ms. Millsap was called away for a brief period and during that time, Ms.
Ray made the error. The error was caught during a routine audit.

On July 24th, 2018 at 2:20PM, Gerry Orton [ph.] was issued a Republican ballot at the Pine Log polling place located at 189 Olive Vine Church Road. Poll worker Wanda Chapman [ph.] noticed that Mr. Orton was having problems voting. The voting machine apparently would not accept his voter access card. Not having seen him vote yet, Ms. Chapman followed her training and tried to assist the voter by putting the card into the voting machine for him. When it did not work, she believed that he had not voted and reissued the voter access card to him. Immediately after Mr. Orton left, they did a routine audit and discovered there was an extra vote on the voting machine.

Our recommendation is for Bartow County Board of Elections and Voter Registration, Election Supervisor Joseph Kirk, poll manager Gendra Millsap, poll worker Cory Ray, and poll manager Christine Woodsythe [ph.], and poll worker Wanda Chapman be bound over to the Attorney General’s Office for State Election Board rule 183-1-12-.02(4)(j) and for Anne J. Edmundson be issued a letter of instruction or dismissed. I believe there is an attorney that is to speak to her case. And also Jerry Orton be issued a letter of instruction as he was doing as instructed by poll workers.
MS. THOMAS: I think we have Jayson Philips, who is
the Bartow County attorney, and Joseph Kirk, who is the
Elections Supervisor, on the line.

MR. RAFFENSPERGER: Okay.

MR. PHILLIPS: Mr. Secretary, thank you. This is
Jayson Phillips, representing the Bartow County Board of
Elections. In this case, I think that the fair
characterization of these two -- two allowances to vote
twice is they were mistakenly allowed, and I think it’s
important to look at each -- each incident separately
because there are fundamentally distinct facts.

In the case with Anne J. Edmundson, this is a matter
where I would ask that the Board exercise some grace
toward the poll worker in that case, Cory Ray. At the
time, she was about 70 days out of a two-car accident.
When the accident had occurred, she was not taken
immediately for medical treatment, but the following day,
she reported to the hospital concerned that she might have
been suffering from whiplash. The whiplash actually
evolved into severe -- severe recurring migraines, and I
think she was ultimately diagnosed with some swelling on
the brain. Fortunately, she received -- had some great
medical care, and now, three years later, she’s got her
migraines under control. She is currently on a migraine
prescription, and she continues to work with the Bartow
County Board of Elections effectively and without any further incident like this. As to her part of the case, the Anne J. Edmundson case, we would ask that the Board not refer this component to the Attorney General’s Office but instead issue a letter of instruction.

As to the other voter, Mr. Orton, this is a case where we had a problem apparently with the access card with the DRE machines back in 2018. As was shown in the incident report, the card quote-on-quote kept popping out. Here we are now three years later, the State is no longer using the system. Therefore, this error, it’s not going to repeat itself. What we have is an operator error from about three years ago on a voting system that’s no longer being used. I would submit to you that the issue is moot as to Mr. Orton’s situation, and I’d ask that you dismiss the case in regard -- in regard to the Board for Mr. Orton. I believe that’s all I have, and a letter of instruction is what we would request on the Edmundson matter and dismissal on the other. Thank you.

MR. RAFFENSPERGER: Thank you. Members, do you have any discussion, questions, or a motion?

MR. WORLEY: Mr. Secretary, this is David Worley. I would move that we send a letter of instruction on both charges in this case.

MR. RAFFENSPERGER: Okay. Do we have a second?
MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Okay. Any further discussion? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case.

MS. WATSON: Next case is 2018-055. In October of 2018, Marvin Sloan [ph.] reported that a fraudulent voter registration application had been submitted to Barrow County Elections with information relating to his wife, Annette Cobb Sloan [ph.], with an address of 1535 Dillard Heights Drive, Bethlehem, Georgia, had been registered to vote in Georgia since at least 1992. The new voter registration application in the name of Sloan Cobb with the same address and date of birth as Annette Cobb Sloan, the last four of the Social Security Number were not the same. There is no such person at the listed address, and Annette Cobb Sloan did not submit the application. The voter registration application for Cobb Sloan was submitted via the mail. The person submitting the fraudulent voter registration application has not been identified. We’re recommending the case be dismissed with no further leads to follow at this time.

MS. THOMAS: And Ken Jarrad and Karen Petuta [ph.]
are on the line.

MR. RAFFENSPERGER: Yeah. Let’s see if that’s necessary.

MR. JARRAD: Mr. Secretary and members of the Board, this is Ken Jarrad. Thank you. I am here for the Forsyth County matter, which I do not think that case presentation was that case.

MS. WATSON: No. That should have been 18-053. Sorry. The -- this is Barrow County.

MR. RAFFENSPERGER: But as it relates to Barrow County, since we’re on it.

MS. THOMAS: Barrow County? There’s Bartow County?

MR. RAFFENSPERGER: Ms. Watson, you have the Barrow — you have the Barrow County case in front of you, correct? Do any of the other members have that in front of them right now? Mr. Worley, Ms. Sullivan, Ms. Le?

MR. WORLEY: No. I don’t have any Barrow County case on my agenda. I have a Bartow County case which we just did.

MR. RAFFENSPERGER: Yes. So let’s do the Forsyth County case. I don’t know what happened there.

MS. WATSON: Okay. 18-053 is actually Barrow County, not Bartow. That appears to be a typo.

MR. MASHBURN: We just did Bartow.

MS. WATSON: Okay.
MR. RAFFENSPERGER: Yes, we just did Bartow. So 2018-055 is Forsyth County, provisional ballots.

MS. WATSON: Correct. Okay. So we’re moving to Forsyth County, 18-055?

MR. RAFFENSPERGER: Yeah. Did you have one between Bartow and Forsyth, the Barrow County?

MS. WATSON: I do, but I see that’s going to be an error.

MR. RAFFENSPERGER: Okay. So just do Forsyth, and then we can always circle back at the end if we have time.

MS. WATSON: Okay. The complaint in this case is on August 6th, 2018, we received a complaint to open an investigation concerning a complaint that provisional ballots had been rejected by Forsyth County Board of Registration and Elections. Our investigation revealed in regards to provisional ballots being cast in Forsyth County, Georgia on July 24th, 2018 and ultimately being rejected by the County Board of Registration and Elections. Give me one second. Sarah Garcia [ph.] had been registered to vote in Forsyth County and assigned to the Coal Mountain polling station precinct since August 24th, 2007. She was on the electors list for that polling station. On July 20 -- July 7th -- I’m sorry. July 24th, 2018, Vesta Smith [ph.] had been registered to vote in Forsyth County and assigned to the Atwell polling station
since July 6th, 2016. She was on the electors list for
that polling station.

The poll manager, Bob Speck [ph.], stated that a
provisional ballot was given to Sarah Garcia at the Coal
Mountain polling station on July 24th because she did not
wish to use the direct recording electronic voting
machines that were present and operational. The poll
manager, Janice Davis [ph.], stated that a provisional
ballot was given to Vesta Smith at the Atwell polling
station precinct on July 24th, 2018 because she did not
wish to use the direct recording electronic machines that
were present and operational. The Forsyth County Board of
Registration and Elections voted unanimously on 7/30/2018
to reject the provisional ballots of Sarah Garcia and
Vesta Smith on the grounds that they did not meet the
qualifications to cast a provisional ballot at the time
the ballots were cast.

In these particular instances, both electors were
registered to vote in the election and at their assigned
polling locations where they appeared and requested
provisional ballots. The poll manager would have been
justified in denying a provisional ballot at that time and
requiring the electors to vote on a DRE machine. After a
provisional ballot had been issued to the voter, 21-2-
419(b) only authorizes the Board of Registrars to make a
good faith effort to determine whether the person casting
the provisional ballot was entitled to vote in the primary
election. Our recommendation is for Forsyth County Board
of Registration and Elections, Bob Speck, poll manager,
and Janice Davis, poll manager, be bound over to the
Attorney General’s Office for a violation of 21-2-418(a)
and Barbara Luth, the retired Director Forsyth County
Board of Elections and Registration, be bound over for 21-
2-419(c).

MR. RAFFENSPERGER: Okay. Is anyone here from
Forsyth County?

MS. WATSON: Yes.

MS. THOMAS: Yes.

MR. JARRAD: Mr. Secretary and Board members, thank
you very much. My name is Ken Jarrad. I am the Forsyth
County attorney, and again, it’s a pleasure to be in front
of you this afternoon. I wanted to state for the record
that in the room with me right now is actually the Chair,
the Forsyth County Chair of the Board of Elections, Barb
Luth. I’ve got the Elections Director Mandy Smith, as
well as the two poll managers that were implicated in this
case, Bob Speck and Janice Davis, and so they are here to
answer any questions should the Board have any.

First of all, I just want to say at the outset that
we appreciate the investigation’s findings. We do not
necessarily disagree, of course, with those findings but want to add just a little bit of additional context to them. This is a case where all of the individuals involved, be it the poll managers or the Board of Elections, were trying to do what they believed to be the right thing given the circumstances and situations that they found themselves in. Mr. Speck, who was the Coal Mountain poll manager, was in fact confronted with an individual that was insisting that they would not vote on the machines that were provided, as was Ms. Davis, who was at the Atwell precinct. So both of them were faced with electors that were registered and at the correct polling location but were adamant that they would not vote unless they were provided an option other than the electronic machines that were made available, and at that time in 2018, their training was to a) deescalate and b) if they were going to commit an error, commit an error on the side of allowing the individual to exercise the franchise.

They did, in fact, contact the central Board of Elections Office and spoke with staff before they gave those individuals a provisional ballot, and they were advised that they could do so, and that is what they did, thereby, in their mind, fulfilling their obligation of deescalating and exercising the right to the voter to be able to -- that was the appropriate thing to do. Once
again, a situation that was unfortunate, and it was a
situation that now, based upon the training that is
provided to our poll managers and workers is that if there
is a technology available and an individual comes that is
registered to vote at the precinct location, they will be
given a choice of either taking advantage of the
technology that exists or they will be unable to vote.
But they made the right call based upon context and what
they believed was management, if you will, and believed
they did the right thing, and they have now been trained,
and all of us are being trained that there’s a right way
to handle it.

Which then regrettably, of course, the flipside with
respect to the Board of Elections is they were, in fact, I
believe doing what the Election Board and the investigator
would have preferred and that is I think the Elections
Board -- because this appeared in front of them at a
subsequent meeting to look at these provisional ballots --
looked at rule 183-1-12, which states that primaries and
elections shall be conducted at the polls through the use
of direct recording electronic voting units, the DRE
units, and given what they then knew, that the individuals
did not qualify for a provisional ballot, took the
opposite approach, which was, I think, the very approach
the investigator here would take is that that was not the
correct way to allow those electors to vote. So it’s --
all I can say in sort of summation is is it was two
distinct individuals and groups of people trying to do
what they thought was right and consistent with the laws
and regulations that control, but it unfortunately
resulted in a bad outcome, and we don’t dispute that,
which is why we have taken steps to ensure that will never
happen again, and our individuals are trained differently
than that.

So Mr. Secretary and Board members, we are asking in
this case for, with respect to the poll managers, for
those cases to be dismissed. They did, in fact, check
with the central office and did what they were instructed
to do. And then with respect to the Board of Elections
itself, we would respectfully request either a dismissal
or a letter of instruction. So Mr. Secretary and Board
members, thank you for hearing me out.

MR. RAFFENSPERGER: Okay. Thank you, sir. Do we
have any questions, comments from any of our Board
members?

MR. WORLEY: Mr. Secretary, this is David Worley.
First of all, I want to thank Mr. Jarrad for his
explanation which was very clear, and I certainly
understand his points. But I’m going to make a motion to
refer this to the Attorney General and let me explain why.
I appreciate that everyone involved in this case was
trying to do the best they could and what they understood,
you know, was correct. But generally speaking, when
somebody comes and asks for a provisional ballot, they are
to be given a provisional ballot as a consequence of the
federal Help America Vote Act. They have a right to
demand a provisional ballot for whatever reason that --
that they have. In this case, it was because they did not
want to vote on a machine.

So generally speaking, people have a right to that
provisional ballot. If they have a right to demand and
get a provisional ballot, I don’t think the County is
correct in not counting that ballot, unless they don’t
live in the county or in limited circumstances, if they
don’t live in a particular precinct, and those races in
that precinct wouldn’t be counted. So -- so I think the
end result here was -- was wrong, but I think it would be
very useful to have the Attorney General look at these
issues and give some guidance to the Board that we could
give to counties around the state because I think -- I’m
troubled now that the policy now in the county is that if
someone comes and does not want to vote on the machine and
wants to vote a paper ballot provisionally instead, they
are refused that provisional ballot. I do not think that
that is the right outcome, but I think it would be very
helpful for the Attorney General to weigh in on this. So while in other circumstances it might be appropriate to dismiss this case or to issue a letter of instruction, in neither of those cases we will get an opinion from the Attorney General as to what the proper interpretation of the law is and because I think it’s important that we get that, I make a motion to refer it to the Attorney General.

MR. RAFFENSPERGER: Thank you, Mr. Worley. Do we have a second?

MR. MASHBURN: Matt Mashburn, I second it. I would like an opinion of the Attorney General on that topic.

MR. RAFFENSPERGER: Okay. Do we have any additional comments? Hearing none, all those in favor of the motion as presented, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case.

MS. WATSON: Next case is 2018-061. Two overseas voters sent complaints that Fulton County had not sent them their ballot for the November 6th, 2018 election. Fulton County received federal postcard applications from Claire Broughton [ph.] on September 7th, 2018 and from a Reuban Broughton [ph.] on September 4th, 2018. Claire Broughton advised that she emailed Fulton County Elections
her federal postcard application on September 6th.  
Election Net shows the registration date as September 7th,  
2018. After not hearing back from Fulton County, Claire  
sent an email on September 20th, 2018 asking about the  
status of her application. Claire received an email from  
Fulton County saying I am unable to verify your  
registration. Claire emailed Fulton County back the same  
day asking for an explanation.  
Claire states that after several days of not  
receiving a reply, her mother emailed the Secretary of  
State’s Office on behalf of her daughter. Our office  
emailed Mrs. Broughton back and was able to resolve the  
problem after speaking with Fulton County. On September  
27th, 2018, Mrs. Marshall [ph.] emailed Claire apologizing  
and stating that Claire’s application had been processed.  
Application was entered and her ballot mailed out on  
September 26th, 2018.  
Reuban Broughton’s Election Net report shows that his  
federal postcard application was entered by Fulton County  
on September 4th, 2018. On September 7th, he received a  
document from Pamela Cobin [ph.] with Fulton County. The  
document states we cannot identify you as a registered  
voter. Reuban Broughton’s federal postcard application  
was rejected because he was not registered by the clerk  
Malerie Magwood [ph.] instead of using the Fulton --
federal postcard application as a registration document
and an absentee ballot request. It was only after a call
to our office that these individuals’ ballots were sent.
The ballot were mailed out 41 days before the election
instead of the 49 to 45 days prior to the election.
Election Net reports indicate that both voters were --
votes were counted for the November 6th, 2018 election.
Recommendation is Fulton County Board of Registration and
Elections be bound over to the Attorney General’s Office
for violation of 21-2-384(a)(2) and for Election Director
Richard Barron to be dismissed as a Respondent as the
violation should have been listed as Ralph Jones, the
Chief Registrar.

MS. THOMAS: And we have Ralph Jones and David Lowman
on the phone for Fulton County.

MR. RAFFENSPERGER: Okay. Mr. Lowman?

MR. LOWMAN: Yes. We -- we don’t have any additional
information to add on this other than to point out for the
Board’s edification that new procedures have been put in
place in Fulton County for this type of situation and, in
fact, a UOCAVA absentee specialist has been brought on to
handle all these requests, so other than that, there’s no
additional information we have on this.

MR. RAFFENSPERGER: Okay. Thank you. Members,
you’ve heard everything. What is your will? What is your
disposition on this?

MR. WORLEY: Mr. Secretary, I believe that in this case it’s more appropriate to send a letter of instruction than to send it to the Attorney General’s Office, so I would make a motion that we do that, and that that letter of instruction not include Rick Barron as he is apparently not a proper Respondent.

MR. RAFFENSPERGER: So noted. Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Before we jump onto another case, we’ve been going for a fair bit. How about if we take about eight minutes and come back at 2:10? Does that work for everyone?

(Meeting break)

(Meeting resumes)

MR. RAFFENSPERGER: Okay. Well, we’ll start back a little earlier then. Next case?

MS. WATSON: The next case is 2018-062. On October the 12th, 2018, the Investigations Division was notified that the City of South Fulton Solicitor LaDawn Jones was offering a monetary reward in exchange for individuals who
had registered to vote. Investigation revealed a tweet from the City of South Fulton LaDawn Jones stating well, we registered voters in South -- City of South Fulton today. Everyone got $50 off their citation if they registered or confirmed their registration. LaDawn Jones was contacted and was asked if they were in fact offering $50 reduction in citations for registering to vote or confirming voter registration. LaDawn Jones stated that they were originally doing this, but had suspended the offer, although she did not agree with the interpretation that it was a violation of the code. She stated that she saw that it had become a distraction and was not worth continuing the effort. We’re recommending LaDawn Jones be bound over to the Attorney General’s Office for 21-2-570.

MS. THOMAS: And Mr. Lowman and Ralph Jones are on the line if you have any questions for them.

MR. RAFFENSPERGER: Okay. Members of the Board, did you have any questions?

MR. MASHBURN: Matt -- I don’t have any questions. Matt Mashburn. I move that we accept the recommendation and refer it to the AG.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MS. LE: Anh Le.

MR. RAFFENSPERGER: Okay. Any further discussion?
Hearing none, all those in favor of referring this to the Attorney General’s Office, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one.

MS. WATSON: Next case is 2018-068. A complainant alleges the City of Woodland was holding a special election separate from the Talbot County November general election. The complainant alleged the City advertised they would begin advance voting at 9am on Monday, October 15th, 2018, but the polling place was not ready for voters, and voters were turned away. Complainant went back a few hours later and voted. After leaving the voting place, complainant was called back to fill out a form that was supposed to be completed before voting. The complainant also stated the ballot box was not secured.

On Election Day, the same complainant went to the polling place to observe ballot tabulation after 7PM but was told to leave without any explanation. While standing outside, the complainant said another candidate was allowed to walk inside the polling place to watch tabulation.

Investigation revealed that on the first day of early voting on October 15th, 2018, the polling location at the Woodland City Hall did not open on time for voters at 9am. Mr. Yaholla [ph.] claimed that the ballot boxes were not
locked on the first day of early voting. It was verified by Cynthia Powell [ph] and the other poll workers. Ms. Powell taped the boxes shut until she could purchase locks for the boxes.

Investigation could not verify with certainty that Mr. Yaholla was turned away from watching tabulation because of conflicting statements of the witnesses. Ms. Powell and the other poll workers stated Mr. Yaholla came in before the polls closed, and she told him to come back after the polls closed for tabulation. Mr. Yaholla stated he and Stevana Lewis [ph.] came to the polling location after the polls closed, and they were told to leave without any explanation. Investigator also confirmed the complaint that Tacoma Yaholla came back and voted later that same day and left, only to be called back because he did not complete the absentee ballot application before voting, which he should have done.

Our recommendation is City of Woodland and Cynthia Powell, the interim City Clerk Elections Supervisor, be bound over for 21-2-385, 21-2-430, and 21-2-431(a). Do we have anybody? There is no one on the line.

MR. RAFFENSPERGER: Okay. Members, what is your discussion or decision on this?

MR. MASHBURN: Matt Mashburn. I move that we accept the recommendation.
MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Do we have any discussion? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case.

MS. WATSON: Next case was reported -- it’s 2018-073. It was reported that Effingham County failed to issue a UOCAVA ballot to Emily Van Heusen [ph.] by the September 22nd, 2018 deadline for the November 6th, 2018 general election. The voter registration and requested UOCAVA request for a ballot was received by the Effingham County Elections Office on September 21, 2018. They began the verification process for the deadline on Saturday, September 22nd to have UOCAVAs issued. The Elections Office delayed sending the UOCAVA to Emily Van Heusen as she was still in the pending status. The pending status changed on Saturday the 22nd when the Effingham County Elections Office was closed. The ballot was issued on September the 25th, 2018. Our recommendation is for Effingham Board of Elections and Registrations and Elections Supervisor Olivia Morgan and election assistant Laurel Bassett be issued a letter of instruction for the
processing of voter registration prior to issuing the
requested UOCAVA ballot, 21-2-384(a)(2).

MS. THOMAS: And Brian Griffin is on the line to
represent Effingham County.

MR. GRIFFIN: Thank you. Brian Griffin here from the
law firm of Oliver Maner representing the Effing --
Effingham County Board of Elections. I just want to
acknowledge that this violation occurred, and I thank the
Board for the recommendation that we receive a letter of
instruction. It's a -- you know, this is just a
regrettable incident of human error, and, you know, we --
my clients did not know that this ballot was going to
process on Saturday, which also happened to be the
deadline. If they had, then we'd have gone in and issued
the ballot. I also want to note that they had no missed
deadlines before this incident and no missed deadlines in
the 2020 election cycle, so I, you know, agree with the
Board with the letter of instruction. Thank you.

MR. RAFFENSPERGER: Thank you. Members, do you have
any questions or a motion?

MR. WORLEY: I have a question, Mr. Secretary. Ms.
Watson, her registration was in pending status. Would it
have been possible for Effingham County to issue a ballot
while her registration was still in pending status
physically? I mean, could they -- could they have done
that?

MS. WATSON: I believe that that would be a better question for Chris Harvey to -- to answer if that would be possible, if he’s on the line.

MR. HARVEY: Mr. Worley, this is Chris Harvey. It -- it would be if it was in pending status, they could be issued a provisional absentee ballot. That would be the appropriate -- appropriate step in that case.

MR. WORLEY: Okay. Even -- even to someone abroad?

MR. RAFFENSPERGER: That’s a question, Mr. Harvey.

MR. HARVEY: I’m sorry. I -- I kicked off for just a second. I missed the question.

MR. WORLEY: That’s okay. Even -- even a UOCAVA ballot, a provisional UOCAVA ballot?

MR. HARVEY: Correct. Yes, sir.

MR. WORLEY: Okay.

MR. RAFFENSPERGER: Okay. Do we have a ques -- a motion?

MR. MASHBURN: This is Matt Mashburn. I move that we accept the recommendation -- the recommendation of counsel and issue a letter of instruction.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion?

MR. WORLEY: Mr. Secretary, I -- I think since the
County is willing to accept a letter of instruction, I’ll vote for a letter of instruction, but this is the kind of case where -- where I would otherwise vote to dismiss because I really -- I don’t think the County did anything particularly wrong and -- given that they were closed on that Saturday -- and the voter voted. That is a critical fact that really hasn’t been discussed here. So -- but I’ll support the motion. Thank you.

MR. RAFFENSPERGER: Thank you. All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Hearing none, motion carries. Next case?

MS. WATSON: Next case is 2018-074. Complainant Dwight Brower from Fulton County reported an incident that occurred on Saturday, October 27th, 2018 during early voting for the November 7th, 2018 general election. It was reported that a poll manager was announcing to everyone waiting to enter the polling room at the Wolf Creek polling location that cell phones are not to be used in the polling place and advised them to silence their phones. Fulton County Board of Election and Registration member Aaron Johnson challenged the poll manager and told his wife Alanna Johnson [ph.] that she did not need to get off the phone. Mr. Johnson was shown the signage
Referring to the prohibition. However, Alanna Johnson continued to use her phone throughout the voting process. The poll manager also reported that Taquita Wilkins [ph.] also continued to use her cell phone at the polling location after being requested not to do so.

Investigation revealed attempts to speak to Taquita Wilkins through phone messages, mail request, and business cards left at the residence have been unsuccessful. Alanna Johnson was contacted, but she referred the investigators to her -- her husband. Poll manager statements report both individuals were advised as to the code and requested to stop using the device in the poll and both continued to do so. We’re recommending referring Taquita Wilkins and Alanna Johnson to the Attorney General’s Office for a violation of 21-2-413(e).

MR. WORLEY: Mr. Secretary, -- Mr. Secretary, David Worley here. I am going to recuse from this case.

MR. RAFFENSPERGER: Okay.

MS. THOMAS: And Aaron Johnson is on the line, as well as Ralph Jones and David Lowman with Fulton County.

MR. RAFFENSPERGER: Do the Board members have questions for any of the Respondents or for the County?

MR. MASHBURN: Matt Mashburn. I make a motion that the recommendation be accepted, and the two individuals be referred to the AG.
MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le, second.

MR. RAFFENSPERGER: Do we have any discussion on the matter? Hearing none, all those in --

MS. THOMAS: Mr. Secretary?

MR. RAFFENSPERGER: Yes?

MS. THOMAS: Mr. Secretary, Mr. Aaron Johnson has raised his hand to speak on this case.

MR. RAFFENSPERGER: Go ahead, Mr. Johnson.

MR. JOHNSON: I hope you can hear me.

MR. RAFFENSPERGER: Yep.

MR. JOHNSON: I just wanted to make a couple of things clear about this case. The first thing is -- and I just want to make sure that there are a few facts straight in this. Yes, there was a text message that came while we were inside the facility. My wife did pick up her phone, but as soon as the poll worker mentioned that she couldn’t use it, she put it away, and she did not continue to use the phone after that moment. Now, I can’t speak for the second person because there’s two different people in this case, and I don’t even recall this person being at the facility at the same time. I actually submitted my -- my experience that same day. It was on a Sunday and not a Saturday, but I submitted my experience that day because I thought the poll worker was not being very professional
with the people that were in the facility that day.

So I just want to be clear. I at no time told her that because I’m on the Board that we’re able to do whatever we want to do. That did not happen. We had a witness behind us that was on -- that agreed with what I said, and I sent this information over that day, but somehow this version of the truth showed up before mine did, and I have a timestamped email of exactly when I sent it. So I just wanted to make sure -- make it clear that we totally dispute the facts in this case.

MR. RAFFENSPERGER: Okay. Thank you. Well, we have the motion, and it’s been seconded. Any further discussion from the Board? Hearing none, all those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-077. On November 1, 2018, a J.D. McAllister [ph.] contacted our office to report that an incorrect write-in list had been posted at Clayton County early voting locations during the early voting period for the general election of November 6th, 2018. He says that the name of the candidate for U.S. House District 13, Martin Cowen, was missing from the list.
Investigation revealed Martin Cowen was a certified write-in candidate for U.S. House District 13 during the general election of November 6th, 2018. On November 1st, 2018, the complainant contacted our office to report that the write-in list which was posted at the Elections Office early voting site was incorrect in that it did not display Mr. Cowen’s name. The complainant stated he went to the Elections Office and reported the problem to an employee there. The Elections Supervisor, Shauna Dozier, stated that she was notified of the issue and investigated. She realized that a copy of the write-in list from an older election had been mistakenly posted at the Elections Office. She then made copies of the correct list and ordered them posted at all six early voting locations, including the Elections Office. Ms. Dozier further stated that once the lists were replaced, she contacted candidate Cowen to advise him of the mistake and that it had been corrected.

Our recommendation is for Clayton County Board of Elections and Registration, Elections Director Shauna Dozier be bound over to the AG’s Office for violation of 21-2-401(d).

MS. THOMAS: And Charles Reed is on the line to represent Clayton County.

MR. RAFFENSPERGER: Okay. Mr. Reed?
MR. REED: Good afternoon, Mr. Secretary, members of the Board. Again, I’m Charles Reed, the county attorney for Clayton County, and I’m here representing both the Board of Elections and Director Dozier in this matter, and I thank you for the opportunity to provide some additional information for your consideration.

First, much of what was reported we don’t have a disagreement with, in fact, -- as it relates to there being one list -- list posted incorrectly. However, what had occurred was that there were new lists -- or old lists that were incorporated with some -- some of the newer lists and apparently that old list had posted at one site. As soon as Director Dozier found that out, she immediately took corrective action to deploy an election official to go to each of the six early voting sites immediately to remove all the lists and replace them with a new list that was printed, and other than Mr. McAllister, there were no complaints concerning the write-in candidate list, and neither the Board nor Director Dozier received any information stating that a voter was unable to vote for Mr. Cowen in the election. And in fact, our investigation afterwards showed that Mr. Cowen had received votes during the early voting period, which suggests that there may have just been that one list posted incorrectly at a single site.
And since that time, Director Dozier and the Board of Elections have implemented more safeguards to make sure that this does not happen again, and those safeguards include having a two-team verification process. One team prepares a document, and the document is separately verified by two teams of two elections officials, which includes management and supervisors, prior to posting and making copies, and this proofing process involves checking the Secretary of State’s website under the list of qualified candidates section using a sample ballot as provided by the Secretary of State Election Division as another frame of reference. And I just wanted to note that since 2018 and actually prior to that point, we have never had any complaints regarding the issues with the write-in candidates list, and Mr. Cowen was a write-in candidate for the 2020 election, and there was no issue with his name appearing on that list at any of the early voting sites.

And so in closing, I just want to -- we’re thankful that this matter was brought to our attention back in 2018 to rectify the situation, and as the investigation shows within less than two hours of the complaint, the matter was completely resolved, and it does not appear that it prevented Mr. Cowen from receiving votes during the early voting period. And so we would request rather than it
being bound over to the Attorney General’s Office, that --
that Director Dozier and the Board would receive a letter
of instruction instead. And Ms. Dozier is on the line if
you have questions for her.

MR. RAFFENSPERGER: Thank you, Mr. Reed. Members, do
you have any questions, comments, or motions?

MR. WORLEY: Mr. Secretary, David Worley. I
appreciate Mr. Reed’s additional explanation. I do think
it’s important to know that the problem was almost
immediately corrected and that the County has put
procedures which sound very reasonable in place to make
sure that this does not happen again, so under those
circumstances, I would make a motion that we send a letter
of instruction.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Do we have any further
discussion? Hearing none, all those in favor of the
motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Thanks. Next case?

MS. WATSON: The next case is 2018-079. The
complainant Margot Rice [ph.] reported that Hancock County
Elections Office did not mail her son’s absentee ballot in
a timely manner. Ms. Rice reported she contacted
Elections Office and spoke to Barbara Leslie about her
son’s application. Ms. Rice advised she learned from
Barbara Leslie that her son’s application could be there,
but she was behind on the workload.

Investigation revealed the son of Margot Rice, Randy
Brooks [ph.], was interviewed and advised his mother
requested an absentee ballot for him that he did not
receive it. She took him to vote during early advance
voting. Hancock County absentee ballot applications were
reviewed, and no application was found for Mr. Brooks.
During the review, it was found that Hancock County had
failed to mail or process at least 219 absentee ballots
within the three-day business day timeframe. Deputy Chief
Registrar Barbara Leslie advised she was short of help as
the person that was helping her was in a car accident.
Due to the increase in requests for absentee ballots, they
were not able to get them all out within the three-day
business timeframe. Ms. Leslie advised that everyone that
requested an absentee ballot and found to be eligible was
issued an absentee ballot.

We recommend Hancock County Board of Elections and
Registration, Elections Supervisor John Reid, and Chief
Deputy Registrar Barbara Leslie be bound over to the
Attorney General’s Office for violation of Election Board
rule 183-1-14-.1(11).

MS. THOMAS: And we have Andrea Grant and Barbara Leslie on the line with Hancock County.

MR. RAFFENSPERGER: Okay. If one of them --

MS. GRANT: Thank you. This is -- this is Andrea Grant. I’m going to let Ms. Leslie speak first because she was the one that was processing the absentee ballot applications, so she can explain a little bit more about what was going on. Mr. Reid is no longer employed by the Hancock County Board of Elections and Registration, and then I can provide a short summary and answer questions after Ms. Leslie explains everything to you, if that’s all right.

MR. RAFFENSPERGER: That’s great. Thanks, Ms. Grant.

MS. LESLIE: Okay. Good afternoon. This is Ms. Barbara Leslie. I just want to expound on what was said from earlier. Due to unforeseen circumstances, this is why my case has came [sic] up. I usually have a clerk to work in the office, and during the November 2018 election, this clerk was in an accident, and she broke one of her legs -- broke them, so therefore, I was left without any help. I had two people which were poll workers, but they had no experience in working in the office and processing applications and ballots, so therefore, I was left with processing the applications, sending and receiving
ballots, placing them in E-net, et cetera. So my supervisor and I wasn’t [sic] expecting to be bombarded, you know, with this many applications, 600 to be exact, compared to the 157 that we received in the July 24th election. But I was able to send every ballot out to each and every one of the eligible voters. Had I had the help that I needed, I know the process would have went quicker. Thank you.

MS. GRANT: And -- and to tailgate on that, Mr. Reid is no longer and -- is no longer working for the Hancock Board of Elections and Registrations, and certainly, back-up systems should have been in place, and however, they handled it to the best of their ability with the unforeseen circumstances of having so many ballots. There should have been somebody else trained, there’s no doubt about that. However, we can’t exactly -- we can’t exactly go after Mr. Reed because he’s no longer -- the Board of Elections and Registration team -- because he’s no longer employed by us. However, I would -- as she noted, all the ballots did get out, granted not within the three days, but since 2018, they have put -- they have trained more people to assist her because we know absentee ballots and advance ballots are increasing and probably are going to continue to increase, and she has had no problem getting the -- after the applications, getting the ballots out
within three days since that particular incident.

MR. RAFFENSPERGER: Thank you.

MS. GRANT: So therefore, we ask for a letter of reprimand for the Board and for Ms. Leslie rather than being bound over to the Attorney General’s Office.

MR. RAFFENSPERGER: Okay. Okay. Members? What is the will of the Committee?

MS. LE: This is Anh. I -- I appreciate Ms. -- was it Ms. Leslie who spoke?

MS. LESLIE: Yes.

MS. LE: Yes. I appreciate your explaining the situation that you got caught in and that you singlehandedly got the applications out, so I -- I appreciate that very much. Given that you had to handle all that alone, I would make a motion to issue a letter of instruction to you, but I feel like the Board had the responsibility of making sure there was redundancy procedures in place to, you know, anticipate that an employee could get sick or in a high volume election cycle and anticipate that, and I think for that reason, I would move to have the Hancock Board of Elections be bound over to the AG’s Office and issue a letter of instruction to you, to Ms. Leslie.

MR. WORLEY: I would second that motion.

MR. MASHBURN: Matt --
MR. RAFFENSPERGER: Okay. We have a second. Any discussion? Hearing none, all those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018–082. It was reported on November 8th, 2018, Coffee County Elections Supervisor Misty Hampton reported she did not upload a card from one of her advance voting DREs for the November 6th, 2018 general election to the GenServer. Investigation shows while tallying the votes from the November 6th, 2018 election, Misty Hampton failed to upload flash drive number 4 in the GenServer. The flash drive disk was used during advance voting. The discrepancy was identified on the unofficial and incomplete summary report. The flash disk was located in the accumulator. The flash disk was uploaded and added to the totals. We recommend Coffee County Board of Elections and Registration and Elections Supervisor Misty Hampton be referred to the Attorney General’s Office for SEB rule 183–1–12.02(5)(a)(c)(9)(c).

MS. THOMAS: And Nicholas Kinsley is on the line to speak on this case.

MR. KINSLEY: Yes. I am speaking on behalf of the Respondents, Coffee County and Misty Hampton. The facts
are quite simple, and we typically -- or pretty much agree with the findings of the investigator. However, it’s important to note that the discrepancy was found the very day after the election in the unofficial and incomplete summary report. Quite simply, they forgot to remove the flash drive from the accumulator. As soon as they found out, they contacted the Elections Director Chris Harvey. They never tried to hide it. He advised Misty, the Elections Supervisor, to go ahead, upload the card in the server since they were still unofficial and incomplete, so this was done all before the certification of any election or votes.

Ms. Misty did just as Chris Harvey advised, and they’ve had no problems, so there was no harm done. You know, she’s aware of this error, so now, she knows to double check. She read out the correct numbers to the media, like I mentioned, before certification. Everything was corrected, and so this seems like one of the reasons you would have an unofficial and incomplete summary report, to catch errors like this. It’s quite simply just human error, and again, you know, she double checks, so, you know, she’s figured out ways that this won’t happen in the future. For these reasons, we think, you know, that this should be dismissed, but nothing more than a letter of instruction, and thank you for your time.
MR. RAFFENSPERGER: Thank you. Does anyone else wish to speak?

MS. THOMAS: No, sir. That’s the only person.

MR. RAFFENSPERGER: Okay. Members of the Board, what is your desire?

MS. SULLIVAN: This is Rebecca Sullivan. I’ll make a motion that a letter of instruction be issued in this case.

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

MR. WORLEY: I’ll second that.

MR. RAFFENSPERGER: Okay. Any further discussion?

Hearing none, all those in favor of the motion as presented, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next case?

MS. WATSON: Next case is 2018-083. In November 2018, it was reported that John Robert Ross [ph.] assisted numerous elderly and other would-be voters during the November 6th, 2018 general election. Mr. Johnson alleged Robert -- John Robert Ross was a campaign supporter for candidate Jenna Marcia Mashburn. Mr. Johnson alleged by doing the abovementioned Mr. Ross stole many votes intended for himself, Julius Johnson. Mr. Johnson also alleged Mr. Ross provided candidate Marcia Mashburn with
54 dubious absentee votes and was observed giving money to one of the voters prior to voting on Election Day.

Investigation revealed there were 34 electors who received assistance from John Robert Ross, Junior. 13 of the 34 electors were able to be interviewed. Three possible violations committed by Mr. Ross were identified. The violations occurred when Mr. Ross approached Andrew Dollar, Junior [ph.] within a hundred and fifty feet of the polling location, campaigning for candidate Jenna Mashburn, and also when he assisted Andrew Dollar, Junior and Tony Mobely [ph.] when they were not eligible to receive assistance.

While reviewing election documents that was identified as Mr. Ross having provided assistance, several paperwork issues were identified. Out of the 17 voter certificates, four were not initialed by a poll officer, and all 17 did not have a reason for assistance marked. Out of the five advance voting applications, three did not have a reason for assistance marked. Out of the ten absentee ballot applications, John Ross signed eight of them as a cousin requesting the ballot and the remaining two as the person preparing the application if the voter is disabled or illiterate. All ten of the absentee ballot applications were not signed by the voters. Out of the seven absentee ballot envelopes, four did not have a
reason for assistance marked.

The poll officers, Bernell Gibbons [ph.], Ruth Wagner [ph.], Kay Joiner [ph.], Mary Thompson [ph.], and Sandra Faircloth [ph.] were interviewed. All five poll officers failed to mark the reason for assistance on the voter certificates. A sixth poll worker has since passed away.

We recommend probate judge Jeffrey Jones, Elections Superintendent Bernell Gibbons, assistant manager Ruth Wagner, Kay Joiner, Mary Thompson, and Sandra Faircloth be referred to the Attorney General’s Office for violation of 21-2-431(a) and Pulaski County Board of Registrar, William Faircloth, Chief Registrar, and Linda Hendricks [ph.], registrar, be referred to the Attorney General’s Office for 21-2-381(b)(1), and John Robert Ross, Junior be referred to the Attorney General’s Office for 21-2-409(a) and 21-2-414(a)(1).

MS. THOMAS: And Judge Jeff Jones is on the phone now with Pulaski County.

MR. RAFFENSPERGER: Okay.

MR. JONES: Hey, this is Jeff Jones, Judge of Probate Court, Pulaski County. I would just appreciate the chance to explain a little bit what happened. We do think that and we acknowledge that the 17 problems with the certificates -- we do think that was error [sic] based on my poll workers getting a little too busy and too quick
and not slowing down and taking their time. As soon as we were made aware of that, we scheduled training to go over and emphasize how important it is on these certificates to cross all your T’s and dot all your I’s, and we would ask that as far as the election workers go that letters of instruction be issued. Thank you.

MR. RAFFENSPERGER: Thank you. Members, do we have any questions?

MR. MASHBURN: This is Matt Mashburn. Not a question, but just a -- a clarification for everybody, for the record. As far as I know, there’s no relation between me and the Jenna Mashburn referred to in this case.

MR. RAFFENSPERGER: Fair enough. Got it. Okay. What is the will of the Board?

MR. WORLEY: This is David Worley. I’d make a motion that we refer this to the Attorney General.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion? All those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

MS. WATSON: Next case is 2018-085. On November 9th, 2018, a complaint was filed with our office. An anonymous
complaint provided information for videos capturing poll
workers advising electors on which candidates and/or
parties to vote for. Investigation revealed Mr. John Hill
[ph.] and Mr. James Morris [ph.] were both captured on
video and audio recordings posted on YouTube in which both
men were heard soliciting and influencing voters to vote
as they recommended. Both men were working as election
officials inside a polling location for Fulton County.
There’s YouTube video and audio footage of Mr. John Hill
saying, but the thing is right now, the Democrats have the
better platform for you and for me. The video also shows
Mr. James Morris saying, well, that’s what I did. I voted
everybody that was Democrat. I voted a Democratic ticket,
but I ain’t supposed to tell you that -- to do so. Our
recommendation is for Mr. John Hill and Mr. James Morris,
Fulton County Board of Election and Registration, and
Richard Barron, Elections Director, be bound over to the
AG’s Office for a violation of 21-2-413(d) and 21-2-
414(a).

MS. THOMAS: And Mr. Lowman and Ralph Jones are on
the line for Fulton County.

MR. LOWMAN: Yes. This is David Lowman. First, I
would ask that the actions of these two poll workers not
be imputed to the Board of Registration and Elections or
Mr. Barron in this case. The evidence itself points to
the fact that it’s not a training issue, as the poll workers seemed to know that they’re not supposed to do this and decided to do it anyway, which is unfortunate, and I’m a little concerned that there was somebody videoing what was going on inside the -- the polling place as well. With all that being said, I would ask that because this was not something that was condoned nor taught or instructed on behalf of the Board of Registration and Elections or Mr. Barron, that they be dismissed or at the most receive a letter of instruction in this case. Thank you.

MR. RAFFENSPERGER: Okay. Members of the Board, what is your will in this case?

MR. WORLEY: Mr. Secretary, this is David Worley. The kind of conduct that’s alleged to be in these videos is completely inexcusable on the part of any poll worker, so I think they should be bound over to the Attorney General, but at the same time, it’s the kind of -- because the conduct is so inexcusable and out of the ordinary, I don’t see how it can be attributable to the Fulton County Election Board or Office or Mr. Barron, so I would make a motion that we bind over the two poll workers to the Attorney General’s Office and dismiss the other Respondents.

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

    MS. SULLIVAN: Rebecca Sullivan, I’ll second.

    MR. MASHBURN: Matt --

    MR. RAFFENSPERGER: Okay. Do we have any further
discussion? Hearing none, ll those in favor of the
motion, please do so by signifying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Those opposed? Motion carries.

Okay.

    MS. WATSON: Next case is 2018-116. In August 2018,
we received seven complaints of absentee balloting
irregularities and allegations of election officials
 mishandling absentee ballots in the Gwinnett County
November 6th, 2018 election. On October 31st, 2018, poll
worker Sonya Howard [ph.] mistakenly selected Barbara Ann
Harris [ph.] instead of Barbara A. Harris [ph.] in the
system and marking the incorrect voter as having voted.
When Barbara A. Harris went to vote, she was listed as
already having voted in the election which she had not.
She was given a provisional, and the provisional was
counted.

    On October 25th, 2018, poll worker Shalita Wisdom
mistakenly selected Alejandro Paz Ortega [ph.] instead of
Alejandra Ortega Perez [ph.] in the system, marking the
incorrect voter as having voted. When Alejandra Ortega
Perez went to vote, she was told records indicated that she had already voted in the election, which she had not. She was issued a provisional ballot that was counted.

On November the 7th, 2018, Merrick Ackerman [ph.] requested an absentee ballot for the December 4th, 2018 runoff. The application was marked received on November 7th, 2018. The absentee ballot was not mailed until November 27th, 2018. Mr. Ackerman did not receive the ballot in time to vote in the runoff. Mr. Jack Portman [ph.] requested an absentee ballot on August the 13th, 2018, and the request was received on August 20th, 2018. The application was rejected as the city and the mailing address did not match the address on file, and a rejection letter mailed on September the 28th, 2018. Mr. Portman submitted a second request on October 21st, 2018 that was canceled when yet a third request was submitted on October 29th, 2018. The requested absentee ballot was mailed on October 29th, 2018.

Tammy Adams [ph.] requested an absentee ballot that was received on October 20th, 2018 and mailed on October 22nd, 2018. The ballot was returned as undeliverable on November 19th. Jane Hasley [ph.] submitted an absentee ballot request that was received on October the 3rd, 2018. The request was rejected because she requested the absentee ballot be mailed to her residential address and
not the mailing address on her voter registration. As a result, she did not vote in the election. The rejection letter also erroneously stated that multiple applications was received, and the first was accepted and all others were rejected.

We recommend Gwinnett County Board of Elections and Registration, Lynn Ledford, the former Director of Gwinnett County Elections, Nancy LeBlanc [ph.], poll manager for Gwinnett County Precinct 25, and Sonya Howard, poll worker for Gwinnett County Precinct 25 be bound over to the AG for violation of OCGA 21-2-451(a) and SEB rule 183-1-12-.02(4)(b) and Gwinnett County Board of Elections and Registration, former Director Lynn Ledford, and Shalita Wisdom be bound over to the AG for 21-2-451(a) and SEB rule 183-1-12-.02(4)(b) and Gwinnett County Board of Elections and Registration and former Director Lynn Ledford be referred for 21-2-381(b)(1) and SEB rule 183-1-14-.11.

MS. THOMAS: And Shalita Wisdom is on the line, as well as Melanie Wilson, who’s the attorney for Gwinnett County.

MS. WILSON: Good afternoon, Mr. Secretary. This is Melanie -- sorry. Good afternoon once again, Mr. Secretary, members of the Board, Mela -- Melanie Wilson for Gwinnett County. So I think it -- if I could get one
point of clarification, my reading of the investigatory report was that the Respondents were
only Ms. Ledford, former Elections Supervisor, and three individual poll workers, and I believe I heard Ms. -- Ms. Watson refer to the Gwinnett Board of Registrations as being recommended to be bound over to the Attorney General’s Office, so could I get clarification on that, please?

MR. RAFFENSPERGER: Mr. Germany?

MS. WATSON: One second. Yes. In the potential violations in the violation section, the Board of Elections and Registration were listed with the -- as a Respondent.

MS. WILSON: Okay. Well, okay. So I think if the Board might take each of these seven -- each of these six allegations in turn, and at the point that I get to the -- at the point that I get to the item that involves Ms. Wisdom, I will stop, allow her to address the Board if she would like to, and then continue. Is that a suitable way to move forward? Because I think these are seven -- six separate and distinct allegations, and I think it’s important for me to address each of them in turn and also to make it clear what the specific recommendation I’m making with respect to each of the allegations.

With respect to the issuance of the -- the erroneous
issuance of a ballot to someone called Barbara Harris,
this is clearly a case where there was a failure in
performance by a poll worker. The necessary training both
-- was provided both online and in person to poll workers,
but ultimately, the system prevailed. The system worked
because Ms. Ann Harris was ultimately able to cast a
provisional ballot which was counted, so while I’ll
acknowledge that there was a failure by a poll worker,
there certainly was a successful outcome ultimately
because a provisional ballot was issued to the voter.

With respect to the ballot issued in error to
Alejandro Paz Ortega instead of the other name -- the
other individual with whom -- it appears they share a
common first and last name, Alejandro and Perez. I would
make the same comment. In particular, I want to emphasize
that this was an incident -- the situation that involved
Ms. Wisdom who I’m advised is an experienced poll worker.
She had worked polls on behalf of Gwinnett County Board of
Registration and Elections before this incident, this
situation arose and has subsequently worked at elections,
so that certainly speaks to the confidence that the
Elections Supervisor has in her ability to per -- to
perform, but recognizing that it was an error, recognizing
ultimately that the system prevailed because the vote -- a
provisional ballot was issued, and the voter was able to
cast a vote successfully.

So with respect to those two items, I would respectfully ask that if the Board is -- feels not inclined to dismiss those two matters, that the cases be closed with a letter of instruction to the respective poll workers, but I can assure you that training on this issue is provided. It was provided in per -- online, and it was provided in person. This may be an appropriate time for me to allow Ms. Wisdom to make her comments, and then I will continue to address the remaining -- the remaining allegations.

MR. RAFFENSPERGER: Ms. Wisdom, are you available?

MS. WISDOM: Yes. Yes, I am. Can you all hear me?

MR. RAFFENSPERGER: Yes, perfectly.

MS. WISDOM: Okay. Good afternoon. In this case, this happened in 2018. I cannot say -- matter of factual -- what actually took place. When I looked at the documents that was [sic] presented to me, I noticed that there is a similarity in the names, and I am -- I am a stickler for taking the fall for my team because I am -- I am and have been a poll manager for Gwinnett County, and so even though the error would have lied with me comparing the names to the Election Net and me going back to training that I received, and that was mentioned previously that it was a human error that since then has
been corrected because I have done extensive training and have become pretty much, like, the monster for my team that I oversaw in making sure that we are paying attention to the names, if there’s any discrepancy, but we are reporting in, notifying the office of what that is before we proceed with issuing voters with access cards.

MR. RAFFENSPERGER: Okay.

MS. WILSON: So continuing on, Mr. Secretary, members of the Board, the third allegation involved a Mr. Merrick Ackerman, and this was a situation where the ballot simply did not get there in time. It was mailed to an address in Illinois. The only explanation -- it’s certainly true -- it’s noted in the report that staff were not able to provide an explanation for why it took so long to arrive at the destination. When it got to Illinois, it was too late for Mr. Ackerman to return, and so clearly, he was not able to vote in the election because the ballot didn’t -- didn’t arrive timely.

But I do note that in that, there’s a time period in late October of 2018, early November when there was at least one federal lawsuit pending, and one of the issues that came up in that lawsuit was regarding signature verification. And so it’s very possible that the issuance of ballots may have become a little slower during that window of time, that the process slowed down somewhat in
an attempt to be responsive to the new -- this new
additional piece of verification that was required, and
that's -- that's the best explanation that I could offer
but certainly recognize that this was a situation where a
voter was ultimately disadvantaged by something that
occurred in our office.

   With respect to Mr. Jack Portman, this was a
   situation where, again, ultimately the decision was made
to not issue the ballot because in our -- because the
application that we received from Mr. Portman did not
include the correct mailing address, and our understanding
of State law OCGA section 21-2-381(d) requires that unless
it's a physical -- physically-disabled voter residing in
the county or for example, a voter who may be in pretrial
detention, that no absentee ballot shall be mailed to an
address other than the permanent mailing address. And so
the circumstance that we found ourselves in with regard to
the first application that was received from Mr. Portman
was that it included an address that did not match the
mailing address on the voter registration record. So that
was the reason why it wasn't initially mailed in response
to the first request.

   But I also recognize that ultimately, Mr. Portman was
unable to vote, but it wasn't for lack of effort on the
part of staff, and it certainly was -- it was a case of
staff doing the -- ensuring that they complied with the
law to make sure that the application was mailed to the
correct address, and it was ultimately mailed to an
address in Winston-Salem, North Carolina.

With respect to number five, it -- I must confess
that we had some difficulty fully appreciating what was
alleged that was adverse to -- to the Board of Elections
and Registration here and the elections staff because the
address for Mr. [sic] Tammy Adams, the address at Willow
Trail Parkway, was an address that showed up on her voter
registration record. We did mail a ballot in response to
an application, once it had been appropriately verified.
Ultimately, the ballot was returned as un --
undeliverable, and ultimately, so Ms. Adams did not vote
in that election, and that’s reflected in the
investigator’s report. So it’s -- it’s not entirely clear
to us what the failure was here. If we received the
application --

MR. MASHBURN: This is -- this is Matt Mashburn. I
apologize for interrupting, Counselor, but let me ask
Frances. Is there alleged to be a violation on that one?

MS. WATSON: No. Mr. Portman and -- Ms. Adams was
not listed as a violation in the recommendation.

MR. MASHBURN: Okay. I’m sorry to have interrupted
you, but I think --
MR. RAFFENSPERGER: Well, we can move onto the next one then.

MS. WILSON: I’m moving onto the next one. And the next -- actually, as it turns out, the last -- the last allegations for which there appears to be a recommendation and that involves Ms. Jane Hasley, and again, the reason why there was an initial delay in sending an application was that the address on the application when it first arrived, the first application, was an address that didn’t match the mailing address on file, and we, again, rely on our reading of State law OCGA section 21-2-381 that no absentee ballot shall be made -- made to an address other than the permanent mailing address, and the address that was initially received on the application was not the mailing address in the voter registration record. So looking at these allegations, we would -- I would respectfully request that any claims or allegations against the Board of Registration should be dismissed and that this matter should be closed with a letter of instruction to both the poll worker, poll manager, and former Elections Supervisor Lynn Ledford.

MR. RAFFENSPERGER: Okay. Thank you. Members of the Board, do you have any questions for anyone that has presented, either side today?

MS. LE: This is Anh. I have a question for Ms.
Wisdom. Ms. Wisdom, when you check for the names and, you know, we all know that there are lots of similar or same names out there, especially with juniors and seniors and generational names, so the question I have is do you also check for dates of birth or address, some kind of secondary verification, or is it just the name that you rely on?

MS. WISDOM: Depending on the situation and there’s a lot that goes into pulling a voter up, especially during the advance in person, we normally -- we generally scan their ID, and we don’t compare their ID to what’s in the system. We compare their application to what’s on the screen. The ID is for ID purposes only, and so the majority of the time, it’s not a manual entry, so again, like I said, if it was something I -- I’m pretty sure, for me, speaking for me, that I, if it was a manual entry, that I documented that. And I would not have proceeded without calling the office. But then again, like I said, this was in 2018, and I cannot be one hundred percent sure of what took place that particular day.

But normally and generally, we compare their application and what that voter wrote on their application. Now, we do take the other measures to see okay, well, did you move recently? Have you been, you know, recently gotten married? And we are -- have
bilingual officials in the event that we or the voter has a language barrier. So again, like I said, it -- I am unsure one hundred percent of what actually took place this particular day.

MR. RAFFENSPERGER: Okay.

MS. LE: Thank you.

MR. RAFFENSPERGER: Do we have any other members of the Board that would like to ask some questions or get more information? What is the will of the Board on this matter? Now would be the appropriate time for a motion if you’re so inclined.

MS. LE: This is Anh. I feel like, you know, on the one hand, what’s going on in my -- what I’m struggling with is on the one hand, you understand clerical errors happen. On the other hand, if someone doesn’t get to vote, I think that’s -- that’s where it takes a different turn for me, and I think in this case, we do have instances where the clerical error resulted in one or more voters not getting to vote. So if I heard Ms. Wilson correctly, I think you said that there were processes in place. I think that’s what I was asking Ms. Wilson to see, you know, what could be different so we can avoid these errors in the future, and sometimes it’s just human error, but I think in this case because there were voters who didn’t get to vote, I’m inclined to send this to the
Attorney General’s Office, and I make that motion.

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

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Do we have any discussion on this matter? Hearing none, all those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Was that the entire of that case there, Ms. Le?

MS. LE: What was that? I’m sorry.

MR. RAFFENSPERGER: Did you take -- did you address all of the potential violations in that motion?

MS. LE: Yes. I think the process could be looked at over at the Attorney General’s Office to see what could have been done differently next time.

MR. RAFFENSPERGER: Okay, including Ms. Wisdom.


MS. WATSON: Next case is 2019-012. Our office received a report of an election contest in City of Atlanta official election for Council District 3. The two grounds for the contest are that a candidate was ineligible to hold office and that some of the voters were erroneously districted in Council District 4 instead of District 3. A Jamaica Renarda Farrell [ph.] advised that she was not able to vote in the special election for
Council 3 due to her being told by election personnel that she lives in District 4. Mark Boyd [ph.] and Greg Clay [ph.] submitted into evidence the precinct cards for four registered voters. They suggest these voters were denied the right to vote in this special election. Mark Boyd and Greg Clay called into question the absentee ballot for Betsy Lee Davis [ph.]. Ms. Davis apparently obtained an absentee ballot and returned it to be counted with a postmark of March 1, 2019. It was received by the Fulton County Registration and Elections Office on March 1, 2019.

A Joseph Francis Wallace [ph.] reported to have received multiple texts from the Byron Amis campaign asking for my vote claiming I live in District 3. I do not and never have. I live in District 2.

Investigation determined that all were unsubstantiated with the excep — exception of Jamaica Renarda Farrell not allowed to vote in the District 3 special election, as they were told that they were in District 4 and were not — was not provided a provisional ballot. Our recommendation is for poll manager Eric Morgan [ph.], Fulton County Board of Registration and Elections, and Richard Barron, Director of Elections, be bound over to the Attorney General’s Office for a violation of 21-2-418(a) and SEB rule 183-1-12-.06(4)(e) for provisional ballots.
MS. THOMAS: And David Lowman and Ralph Jones are on the line with Fulton County.

MR. RAFFENSPERGER: Okay. Mr. Lowman?

MR. LOWMAN: Yes. This is -- this is David Lowman.

This was an election contest that was tried in Fulton Superior Court. All of these allegations were adjudicated by the Superior Court. This was an election contest at -- in which the election was upheld, and so we ask that because they've already been adjudicated, and the issues have already been parsed out, that a letter of instruction be given with respect to the Board of Registration and Elections and Mr. Richard Barron. Thanks.

MR. RAFFENSPERGER: Thank you. Members, do you have any other questions?

MR. MASHBURN: Yeah. This is Matt Mashburn. I just want to speak on that one point.

MR. RAFFENSPERGER: What is the will of the Committee?

MR. MASHBURN: This is Matt Mashburn. I just want to speak on that one point in that an election contest is --

MR. RAFFENSPERGER: Members?

MR. MASHBURN: -- worried about a margin plus one vote, and it's not worried about individual items within -- within that. If it's -- if it's not margin plus one vote, it doesn't really impact an election contest. So I
don’t -- I don’t view that there’s any sort of judicial estoppel or res judicata or anything with regard to individual violations, so I understood the recommendation to be that there’s one count to be referred to the Attorney General, so I make a motion that that one count, and Frances can give us the name, be referred to the Attorney General.

MS. WATSON: Poll manager Eric Morgan, Fulton County Board of Registration, and Richard Barron.

MR. RAFFENSPERGER: Do we have a second?

MR. JONES: What’s 54? I don’t have 54, do I?

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Okay. Any further comments?

Hearing none, all those in favor of the motion as presented, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

Okay.

MS. WATSON: Next case is 2020-022. In June of 2020, it was reported that a resident’s address was changed on the complainant’s voter registration card from her Sandy Springs address to a residence in Alpharetta. Mrs. McCleary [ph.] stated she did not change her residence address while renewing her driver’s license online through
the Department of Driver Services on August 5th, 2018. This investigation did not find evidence that she submitted a change of address.

Investigation did find evidence through Election Net documents that on August 28th, 2018, Fulton County Elections changed Ms. McCleary’s residence address to 510 Mill Creek Avenue, Alpharetta from 510 Heards Ferry Road, Atlanta. There is also evidence through Election Net that Mrs. McCleary voted in the November 6th, 2018 general election and the June 9th, 2020 general election while her residence address was incorrect. Due to Mrs. McCleary’s residential address being changed, she was given the wrong ballot in the November 6th, 2018 general election and June 9th, 2020 general primary. In the November 6th, 2018 general election, she was given the opportunity to vote for the City of Alpharetta Homestead Exemption Property Tax when she did not live in Alpharetta, and for the June 9th, 2020 general primary, she was not able to vote for the correct district state senator or the 52nd District state representative in District 3 Fulton County School Board member.

Our recommendation is Fulton County Board of Registrations and Elections to be referred to the Attorney General’s Office for a violation of 21-2-226(b), to dismiss Respondent Richard Barron as this was -- it should
have been listed as Ralph Jones.

MS. THOMAS: David Lowman and Ralph Jones are still on the line.

MR. RAFFENSPERGER: Okay. Mr. Lowman, are you going to talk about this one?

MR. LOWMAN: Mr. Jones can speak to this one.

MR. RAFFENSPERGER: Okay.

MR. JONES: Mr. Secretary, Board, how are you all doing today? We -- when we looked at this request, we found proof that Ms. McCleary did register to vote. We have a registration application from DDS where she went in and registered on August the 8th -- August the 6th, 2018, which put her in the City of Alpharetta. It stated in the findings that -- that she did not, and we have proof of the voter registration application and the electronic copy of the DDS report that we received in order to process her, so we feel that we did put her in the correct district as stated for her voter registration application that we received.

MR. RAFFENSPERGER: Okay. Members of the Board, do you have any questions? What -- what is your will for this case?

MS. SULLIVAN: I have a question for Ms. Watson. Ms. Watson, do you have the information that Mr. Jones is speaking about? Have you -- was that reviewed as part of
the investigation?

    MS. WATSON: We did -- we did follow up with the
Department of Driver Services, and we spoke with an
investigator, Cory Benson [ph.], and he advised that they
showed a record that DDS personnel changed, corrected, or
deleted Mrs. McCleary’s residential address on her voter
registration card or her driver’s license. This
investigator did not find evidence that DDS personnel
changed Mrs. McCleary’s residential address, so we do not
have documentation that that occurred.

    MR. RAFFENSPERGER: Okay. What is --

    MS. SULLIVAN: I’ll make a motion to bind this over
to the Attorney General’s Office, and if the evidence, you
know, indicates that there should not be a violation in
this case, then the Attorney General can address that.

    MR. RAFFENSPERGER: Very well. Okay, then. Do we
have a second?

    MR. MASHBURN: Matt Mashburn, second. Matt Mashburn,
second.

    MR. RAFFENSPERGER: Do we have any -- I heard. And
do we have any further conversation or discussion on this?
Hearing none, all those in favor of the motion, please
signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MR. RAFFENSPERGER: Those opposed. Motion carries.
Next case?

MS. WATSON: Next case is 2020-023. On June 8th, 2020, we received a complaint regarding the issuance of an incorrect ballot to a voter at the Gilmer County polling location during the 2020 primary election. Amy Starkey [ph.], complainant, was issued a ballot that did not contain all candidates. Investigation showed on June 5th, 2020, Starkey went to the Gilmer County Courthouse to vote in the 2020 primary election. She was issued a ballot, and she cast her vote. However, she did not realize that she had received the incorrect ballot. Starkey then returned to her polling precinct to discuss her ballot with the poll workers. She stated the poll workers admitted that they issued her the wrong ballot, and her vote had already been counted.

She discussed her issue with poll manager Sherry Jones [ph.], and Jones informed Starkey that she was, in fact, issued the incorrect ballot. She should have been issued the ballot that contained presidential candidates and primary candidates, as opposed to a ballot that only contained primary candidates. Jones advised Starkey that her vote had already been counted, and she could not allow her to vote for a second time. Poll worker Sandy Watson [ph.] was responsible for issuing the incorrect ballot to Starkey. Poll manager Sherry Jones stated Watson was
responsible for issuing ballots to each voter. A review of Starkey’s records in Election Net reveals her credit for in person voting was ultimately deleted by poll worker Watson by means of an absentee ballot change action. There was no credit for voting listed in the -- in the system. Our recommendation is for Gilmer County Board of Voter Registration, Tammy Watkins, County Registrar, and poll worker Sandy Watson be referred to the Attorney General’s Office for Board rule 183-1-14-.02(10) and 21-2-562.

MR. RAFFENSPERGER: Do we have any --

MR. MASHBURN: Matt Mashburn, I make a --

MR. RAFFENSPERGER: Yes?

MR. MASHBURN: Matt Mashburn, I make a m--

MR. RAFFENSPERGER: Go ahead, Matt.

MR. MASHBURN: Matt Mashburn, I make a motion that we accept the recommendation.

MR. RAFFENSPERGER: Do we have a second?

MS. LE: Anh Le, second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

MS. WATSON: Next case is 2020-044. The
investigation was initiated after the Georgia Secretary of State’s Office received approximately 26 complaints from voters regarding Election Day issues during the June 9th, 2020 primary election, such as extremely long lines, excessive wait times that had voters in line after midnight to vote, polling sites did not open on time, polling locations had operational issues such as voting machines were not up and running at the time the polls were opened, voters were denied the opportunity to cast paper ballots, poll workers appeared to be unaware of their duties and responsibilities, and polling locations failed to comply with COVID-19 social distancing guidelines. In addition, Cobb County voter Seth Goldberg filed a separate complaint alleging that he was questioning the signature on a Georgia application for official absentee ballot as he felt he did not fill out the application for the May 19th, 2020 election.

Our investigation showed as to the first allegation of polls not opening on time, we confirmed through voter complaints and polling officials’ statements that there were 20 polling locations in Cobb County that did not open on time. Failure to use paper ballots, the investigation found and confirmed through voter complaints and poll manager statements that four Cobb County polling locations, Austell 1A, Sope Creek 02, Mableton 01, and
Cheatham 02, did not offer voters the opportunity to vote by paper ballot when the polls encountered technical issues with the BMD units.

As to inadequate supplies and paperwork, the investigation substantiated through poll manager statements at Cobb County Registration and Elections at the Grace Marietta polling location did not have paper for the BMD units and Calvary Chapel, Woodstock did not have paper for the printers at the time that the polls opened. As to allegation four, COVID social distancing, it was not substantiated as a violation of Georgia Election Code or rules of the State Election Board. As to the personnel training, the poll managers at Austell 1A, Sope Creek 02, Mableton 01 reported they did not know offering an emergency ballot to voters was an option. Therefore, there is evidence to suggest that Cobb County Elections Office failed to comply with 21-2-99 to ensure poll officers and workers received adequate training in all aspects of state and federal law applicable to conducting elections.

As to absentee ballot fraud, the complainant could not state with certainty if he had signed the application for official absentee ballot or not. It could not be determined or substantiated if the application was fraudulent.
Our recommendation is for Cobb County Board of
Elections and Registration and Director of Elections
Janine Eveler be referred to the Attorney General’s Office
for 21-2-403, 20 counts, and 21-2-281, 4 counts, and 21-2-
401, 2 counts, and 21-2-99(a), 1 count.

MS. THOMAS: And Janine Eveler is on the line for
Cobb County.

MR. RAFFENSPERGER: Ms. Eveler?

MS. EVELER: Yes. Good afternoon. This is Janine
Eveler, Director of Elections for Cobb County, and I just
have a few things to say about this. The June 9th primary
was by far the most difficult election I’ve conducted in
my 15 years. Combining the March presidential primary,
which was suspended after voting had already started, and
the general primary resulted in Cobb County having over
1100 different ballot styles, and some precincts were
given up to 14 different ballot styles in their emergency
ballot supplies.

Yes. They did all have emergency ballots, but many
of the poll workers were unsure about using them. That
was basically due to the fact that we lost hundreds of
poll workers and regular staff during the -- due to their
COVID concerns during this time, and with a lot of
recruiting, we were only able to achieve about a seventy-
five percent staffing level at most of our polls, and the
last minute hires, they did not have the opportunity to go
to a regular in person training class because by that
time, we had transitioned all the poll worker training to
an online format due to, again, the pandemic. And so many
of these workers, they did not have the opportunity to
work with the voting equipment and the materials until
Election Day, so yes. There was some confusion.

Regarding delivery of supplies to the polls, we did
add two additional days to our regular four-day delivery
schedule in order to transport the many more pieces
involved with our new voting system, but we found that
even six days was not enough time for -- due to some
unforeseen circumstances. We found that many of the
polling facilities were shut down during this period, and
their staff members were either not available at the time
of delivery, or they were nervous about, again, COVID
concerns, and there was a lot of canceling and
rescheduling of deliveries during this period. And during
that time, we ended up having multiple aborted deliveries,
and so there was a lot of loading and offloading of
supplies, and obviously, that meant that some of the
materials were missed during the reloading.

To top everything off, we had -- all of our
rescheduled deliveries occurred on that Monday as a last,
you know, delivery option, and to top everything off, we
had four delivery drivers quit that day, and one of our trucks also broke down on that Monday. So we were delivering supplies up until midnight on the Monday and even early on Tuesday morning due to, again, just a perfect storm of issues that happened during that time.

In conclusion, I don’t offer these comments as any excuse for what happened. I just want the record to show the enormous challenges that we and other counties faced on June 9th with the new voting system and the pandemic. We’ve never had this number of polls that were unable to open on Election Day, and we worked an unbelievable number of hours just to do what we could for June 9th, but we understand that what happened was unacceptable. After June, we worked again very, very hard to correct these issues, and we able to conduct successful elections in August, November, and January. I do understand the seriousness of these violations and, of course, the likely outcome from this meeting, but I wanted to, you know, explain a little bit and explain the challenges that we faced at that time. So I appreciate you listening.

MR. RAFFENSPERGER: Well, thank you, Ms. Eveler. We recognize in our Elections Division that Cobb County is a very well-run election division, and we also recognize that COVID is a one in one-hundred-year event, and it was certainly challenging throughout the entire state. So
thank you for that information and with that, do we have any questions from any of our Board members? What would be the will of our Board today on this matter?

MR. WORLEY: Mr. Secretary, just a comment. I appreciate what Ms. Eveler has to say, but I’m troubled by the sheer volume of problems that are enumerated in the report.

MR. RAFFENSPERGER: I understand.

MR. WORLEY: That’s all.

MR. RAFFENSPERGER: Any discussion from any other members? Now would be the appropriate time to make a motion if someone is so inclined.

MS. LE: This is Anh Le. Given Cobb County’s exemplary history and the nature of the circumstances that came with COVID, I’m thinking if there’s a way to have a consent order with Cobb County, whether through — by sending it to the Attorney General’s Office or through a motion with the Board where — I know Ms. Eveler had articulated some changes but also articulate the — the steps that they’ve taken, you know, for emergency circumstances such as this. I know it’s once in a lifetime, but it could happen again, so we, you know — I think what I really want to know is could this happen again now that you’ve gone through this experience, and if the answer is no, what has taken place? And if that means
a motion to send to the Attorney General’s Office to come up with that, then -- then that is something that I’m open to doing. So is a consent order with the Board an option?

MS. MCGOWAN: This is Charlene McGowan. If I could make a suggestion, it would be cleaner if the Board would bind the matter over to our office, you know, with instructions on how you would like us to proceed, and we can work with Cobb County to initiate a consent order. That’s similar to what we did in the Fulton County case involving the 2020 primary.

MR. RAFFENSPERGER: I think -- I think that that’s the appropriate action. We’d need to bind that over to the Attorney General’s Office, but I think what our -- what Ms. Le was saying grace with accountability, so a carrot and a stick approach, and so I believe the Attorney General will be able to work within those parameters and have enough guidelines from us with the motion for that to be done.

MR. WORLEY: Mr. Secretary, I’ll make a motion that we refer the case to the Attorney General’s Office and ask that the Attorney General enter into a consent order with Cobb County enumerating the changes that Cobb County is taking to deal with the issues that are in the report.

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

MR. MASHBURN: Matt Mashburn, second.
MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Thank you.

MS. WATSON: Next case is 2020-054. We received 11 complaints regarding UOCAVA and voter registration issues during the June 9th, 2020 Fulton County election. These were additional complaints that were not heard at the previous meeting in -- that was for Fulton County June 9th elections. Absentee ballot issues, out of the 11 complaints, four were found to have merit. Voter Delia Williams [ph.] and her son submitted two absentee ballot applications via fax to Fulton County with no response. They eventually were issued the EBT ballot. They printed them and mailed the ballot back on May 22nd, 2020. The ballot was requested on April 6th, 2020 and not issued until May 22nd, 2020, a violation of 21-2-384(2).

Karen Schaefer [ph.] requested an absentee ballot by email on April 5th, 2020. There is no indication that Fulton County processed the request. She voted in person on May 27th, 2020. Tara Raven [ph.] and her son Joseph Butler [ph.] requested their absentee ballots on May 11th, 2020, with no ballot received. Two other family members
also requested absentee ballots on the same day, and their ballots were received. Nicky Butler [ph.] requested an electronic ballot delivery ballot. However, it was later found that the email address was incorrectly entered, and the delivery bounced back.

Our recommendation is Fulton County Board of Election and Registration and Chief Registrar Ralph Jones be referred to the Attorney General’s Office for five counts of 21-2-243(2) for failure to timely process or process absentee ballot requests of Delia Williams, Christopher Williams Redez [ph.], Karen Schaefer, Tara Raymond, and Joseph Butler.

MS. THOMAS: And David Lowman and Ralph Jones are on the line for Fulton County.

MR. LOWMAN: Yes. Mr. Jones can speak to this issue.

MR. JONES: Mr. Secretary and Board, this is Ralph Jones, Registration Chief. For allegation number 1, we accept the facts. We entered it in a little later than normal for the person to get their ballot. For allegation number 2, for Ms. Karen Schaefer, we accept the facts on that report. The application did come in, and we did not -- we failed to process that application. On allegation number 3, Ms. Raymond, we did process their applications, and they did receive it. She alleged that she sent in four. I don’t know the other two applications that were
sent in, so I can’t defend whether we did anything on
those two extra applications that were sent in. And the
final one, with Edward Fierman [ph.], there was a typo.
We accept the findings on that also. Thank you so much.

MR. RAFFENSPERGER: Thank you, Mr. Jones. Okay. I
do note that Fulton County was under consent decree with
us because of what happened during the June primary, and
this would be in addition to that. Do the Board members
have any questions or a motion?

MR. WORLEY: Mr. Secretary, I’d make a motion to bind
this case over to the Attorney General.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further discussion? Hearing
none, all those in favor of binding this to the Attorney
General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Okay, motion carries. Thank you.

Next case?

MS. WATSON: Next case is 2020–088. On August 27th,
2020, Robin Webb of Hart County Board of Election and
Registration self-reported that her office identified five
voters who attempted to vote twice during the 2020 primary
runoff election. According to the complaint, these
individuals voted by mail absentee ballot and during in
person early voting. Investigation showed each person voted by mail absentee ballot and by in person absentee voting. The Hart County Board of Election and Registration Office was able to identify and cancel four out of the five mail absentee ballots on the dates the voters appeared for early in person absentee voting.

However, one of the voters’ mail absentee ballot and their in person absentee ballot were counted during the election because the mail ballot was processed before the voter was identified as a double voter.

Investigations was able to contact and interview four out of the five double voters. They each indicated they were unaware that they voted twice in the same election. They all referenced confusion during the election process and denied any malicious intent. Investigations made multiple attempts in person and by telephone to call and speak with Joel Johnson [ph.] without success. The Hart County Elections Office failed to update the electronic poll book to accurately mark persons who have been issued or cast ballots in the election prior to delivering them to the polling locations. As a result, they identified and self-reported five instances of double voting.

Our recommendation is for Hart County Elections Coordinator Robin Webb be bound over to the Attorney General’s Office for violation of Board rule 183-1-12-
.1(9)(8) and also 21-2-572, repeat voting for Gail Hume [ph.], Joel Johnson, Margaret Arnowin [ph.], James Griswold [ph.], Diane Griswold [ph.]

MS. THOMAS: And Walter Gordon is on the line to represent Hart County.

MR. RAFFENSPERGER: Mr. Gordon?

MS. THOMAS: You may unmute yourself, Mr. Gordon.

MR. GORDON: Am I there now?

MR. RAFFENSPERGER: Yes, sir.

MS. THOMAS: Yes.

MR. GORDON: Mr. Secretary, I thank you and your staff and the staff -- and the Board and its staff for accuracy in elections in the State of Georgia. You know, the -- we’ve all heard that humorous saying vote early and vote often. Well, I can tell you that in Hart County, we haven’t done that. We’ve not done that in a long, long time. I’m not going to say it never happened, but it probably -- you’ve have to go back to the Eugene Talmadge days before you’d find anything like that.

We take issue with the facts as presented by the staff. There was one repeat voting, one incident of that. Five ballots were examined. Five absentee ballots were examined, and four of them were cancelled. One, however, was not. One was not on the list, and it perhaps should have been, but there are reasons for that. When Hart
County first -- when this problem was approached, Hart County had extensive training of its poll workers in February, and then when the election was postponed, they were -- they were retrained in June, and anticipating the issues that would arise in the election, the changes, et cetera, our staff -- we actually doubled the number of poll workers in Hart County, and we had some good ones.

Apparently, while one of our checkers was on a break or maybe at a shift change, a person who was not that familiar with this area of the process took over, and that’s when this one vote occurred, the one repeat vote. And I want to emphasize there was certainly not five votes. There were five absentee ballots that were presented by people who showed up to vote, and four of them were cancelled. That left one person voting twice, and in that election, one of the results was absolutely overwhelming, something like three to one, and even in the smallest races in our County, the margins were in the hundreds, so there couldn’t have been any difference.

There couldn’t have been any impact of this one person who voted twice. Now, I wish we could have stopped it, but the envelopes had been -- or her envelope had been opened to prepare for processing those early votes, so we could not go back and locate it to take it out.

I would just ask that -- and I might point out too
that the -- the absentee and early voting jumped up five
hundred percent in Hart County, and I know it did probably
in similar numbers everywhere else. There was such a
great interest in this election. But given that we had
one vote that was repeated, I would ask that the case be
dismissed or respectfully ask that a letter of instruction
be delivered if that should be warranted. I’m happy to
answer any questions.

MR. RAFFENSPERGER: So the one person that voted
twice is which person?

MR. GORDON: It’s Mrs. Griswold. We had sent a list
to the staff and outlined exactly who was involved: Joel
Milton Johnson, his vote, he only had one vote, and then
there were -- of the four others, only Mrs. Griswold voted
twice.

MR. RAFFENSPERGER: Okay. Members, do you have any
questions?

MR. MASHBURN: This is Matt Mashburn.

MR. RAFFENSPERGER: Yes, Matt?

MR. MASHBURN: This is Matt Mashburn. I don’t have a
question, but I’d go ahead and have a motion that all five
individuals be referred to the Attorney General and that a
letter of instruction be issued to Hart County for one
count.

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

MR. WORLEY: This is David Worley. I’ll second that.

MR. RAFFENSPERGER: Okay. Do we have any further
discussion on that matter? Hearing none, all those in
favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Those opposed? Motion carries.

MS. WATSON: Next case is 2020-106, Cobb County,
residency issue. On October 6th, 2020, it was reported in
a social media article regarding the residency status of a
Cobb County candidate in the 2020 general election.
According to the article, candidate for Georgia State
Representative Priscilla Smith filed candidacy documents
with the state and listed a Cobb County home address.
However, she may be considered a DeKalb County resident
based on her homestead tax exemptions in the county. It
was also reported Smith’s voting record in DeKalb County
provided additional proof of residency in DeKalb County.

Investigation revealed a review of Smith’s candidacy
documents showed that she filed her declaration of
candidacy and affidavit with our office on March 2nd,
2020. She listed her home address as 1530 Gilbert Avenue,
Kennesaw, Georgia, 30512 and indicated she has been a
legal resident of Cobb County for four consecutive years.
According to a proprietary database search for Smith, a
residential history for the past four years reflects 1530 Gilbert Avenue, Kennesaw, Cobb County and 218 Floral Avenue, Atlanta, Georgia, 30307, DeKalb County. She is currently the registered owner of a vehicle with a registration address of 1530 Gilbert Avenue, Kennesaw, Georgia. The registration effective date was March 27th of 2020. Prior to this, she was the registered owner of a vehicle between January 25th, 2016 to January 22nd, 2020. The registration of that vehicle was shown as 218 Floral Avenue in Atlanta, Georgia.

Although Smith and her neighbors in Cobb and DeKalb confirm she has resided in Cobb County for the past few years, the following state and public records indicate Smith has been a legal resident of DeKalb County for at least the past four years. According to Election Net, between March 2016 to December 2018, Smith voted as a DeKalb County registered voter. On January 8th, 2020, she changed her voter registration from DeKalb County to Cobb County. Between March 2020 to October 2020, Smith voted as a Cobb County registered voter. According to the Georgia Department of Driver Services, she changed the address on her driver’s license to 1530 Gilbert Avenue, Kennesaw, Georgia on February 27th, 2020. Her previous address was 218 Floral Avenue, Atlanta, Georgia. According to DeKalb County real property tax records,
Smith is the owner of 218 Floral Avenue, Atlanta, Georgia, 30307, and she has claimed homestead exemptions for at least the past three years. According to Cobb real property records, 1530 Gilbert Avenue, Kennesaw, Georgia is owned by the estate of Forest Smith [ph.]

Our recommendation is for Priscilla Smith, candidate for Georgia State Representative District 34, Cobb County, be bound over to the AG’s Office for 21-2-565 and 21-2-217(a)(14).

MR. RAFFENSPERGER: Okay. Do we have anyone here?

MS. THOMAS: Just -- just Ms. Janine with Cobb County, but I don’t believe she wants to speak on this case.

MR. RAFFENSPERGER: No. So Ms. Smith is not here? Okay. Members of the Board, --

MR. WORLEY: Mr. Secretary, David Worley. I had a question for Ms. Watson.

MS. WATSON: Okay.

MR. WORLEY: Was this candidate’s residency challenged after they qualified? I mean, did anyone bring any proceeding in front of the Secretary of State to challenge her qualifications at that time?

MS. WATSON: We received a complaint. I’m checking to see if there was any -- any challenge that was filed. I do not see a challenge that was filed other than just
the complaint to our office.

MR. WORLEY: Okay. I -- there’s a -- I mean, there is a difference between whether someone is qualified to run and all the different factors that go into that, some of which are reflected in -- in your report and others that are not. So I -- so I’m not altogether sure that this person was not qualified to run, but I do think the Attorney General’s Office can sort out the law in this issue and advise us on it, so -- so I would make a motion to bind it over to the Attorney General.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Any further discussion? Hearing none, all those in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next one.

MS. WATSON: Next case is 2020-116, Haralson County, absentee ballot drop box. An inspection of the absentee ballot drop box in Haralson County found that there was a box just inside the door, and the deputy was stationed at the door. There was no video surveillance on the box, and the box was not fastened to the ground or immovable fixture. We recommend Haralson County Elections and Voter
Registration and Haralson County Chief Registrar Peppar

Head be referred to the AG’s Office for violation of SEB
rule 183-1-14-.06-.14(6)(7) and (9).

MS. THOMAS: And no one is on the call from Haralson.

MR. RAFFENSPERGER: Okay.

MR. MASHBURN: This is Matt Mashburn. I move that we
accept the recommendation and refer it to the AG.

MR. RAFFENSPERGER: Do we --

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. RAFFENSPERGER: Any further comment? Hearing
none, all those in favor of the motion, please do so by
signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Any opposed? Motion carries.

Next?

MS. WATSON: The next case was 2020-175. We received
a continuance request from a DeKalb County attorney for
this --

MR. RAFFENSPERGER: Okay.

MS. WATSON: So it will be placed on the next
meeting.

MR. RAFFENSPERGER: Okay. Next case?

MS. WATSON: The next case is 2020-207, Chattooga
County, deceased voter. On November 19, 2020, we received
a complaint regarding the delivery of a deceased voter’s
Absentee ballot to the Chattooga County Registrar Office. According to the complaint, voter Donald Cook [ph.] died several months prior to the delivery of his ballot to the Elections Office. Investigation revealed the wife of the deceased advised that she and her daughter dropped off the absentee ballot for Donald Cook, that he had signed it before he had died. Absentee ballots for the general election were not to be mailed out until September the 15th, 2020. Mr. Cook passed away on August the 2nd, 2020, making it impossible for him to have completed or signed the absentee ballot. We’re recommending Sherry Cook [ph.] be referred to the Attorney General for the following violation: 21-2-562(a)(1) and 16-9-1(b).

MR. RAFFENSPERGER: Okay. Anyone -- any Respondents here to speak for themselves?

MS. THOMAS: No one on the call.

MS. WATSON: No. There is no one on the call.

MR. RAFFENSPERGER: Board, what would you like to do with the case?

MR. MASHBURN: Matt -- Matt Mashburn. I move that we accept the recommendation and refer it over to the AG.

MR. RAFFENSPERGER: Second, anyone?

MR. WORLEY: David Worley, I second it.

MR. RAFFENSPERGER: Okay. Any further discussion? Hearing none, all those in favor of the motion, please
signify by saying aye.

    THE BOARD MEMBERS:   Aye.

    MR. RAFFENSPERGER:  Any opposed? Motion carries.

    MS. WATSON:  Next case is 2020-267, Fulton County.

On December the 17th, 2020, Investigations Division opened an investigation concerning complaints that a box truck was driving on Moreland Avenue and -- in the Atlanta area advertising that one would get $1200 for voting Democrat in the upcoming Senate runoff election. Investigation shows that Colorado-based Relations Pact owned and operated by Jonathan Jones hired two LED billboard trucks to drive around Atlanta from December the 15th through December the 18th advertising to vote Democrat and get $1200. Mr. Jones states that his intent was referencing the stimulus check that was being negotiated in Congress at the time and not that individual voters would be paid $1200 by him or his organization. Our recommendation is that Jonathan Jones, owner-operator of Relation Pact, be referred to the AG’s Office for 21-2-570.

    MS. THOMAS:  And we have David Lowman and Ralph Jones on the call for Fulton County.

    MR. RAFFENSPERGER:  Well, it’s not a Fulton County issue so much as -- is Jonathan Jones -- he’s on the phone?

    MS. WATSON:  No, sir.
MR. RAFFENSPERGER: No Respondent. Okay.

MR. MASHBURN: Matt Mashburn, I move that we accept the recommendation and refer it to the AG’s Office.

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

MS. SULLIVAN: Second, Rebecca Sullivan.

MR. WORLEY: Mr. Secretary?

MR. RAFFENSPERGER: Yes?

MR. WORLEY: This is David Worley. I am opposed to sending this to the Attorney General’s Office. This is somebody advertising essentially a political argument for why the two Democratic Senate candidates should be elected. They both favored the stimulus plan that would provide direct payments to taxpayers and citizens. I think that’s very clear from the timing of the billboard. I mean, the fact that there was, you know, no place to call and get your $1200 for buying your vote. I -- I think it’s kind of -- to be honest, I think it’s kind of ludicrous to claim that this is a violation of the statute against vote buying, and I am quite sure that if this is referred to the Attorney General’s Office, they will come back to us and tell us exactly what I just said that people have a First Amendment right to make an argument like this in the context of the election as it was going on. So I’m -- I’m going to vote against the motion and I would encourage the proponent and the seconder to withdraw
it in order to save the Attorney General’s Office the
effort of telling us what we really should know already.

MR. RAFFENSPERGER: Is there any additional comment?

Hearing none, all those in favor of the motion as
presented, please do so by signifying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MR. RAFFENSPERGER: Those opposed?

MR. WORLEY: No.

MR. RAFFENSPERGER: Okay. The Attorney General

Report? We have three consent cases.

MS. WATSON: No. Mr. Secretary, could we go back to
finish the one that was tabled?

MR. RAFFENSPERGER: I’m sorry. That’s right. I’ve
got to go back a sheet.

MS. WATSON: Yes. The case is 2018-093.

MR. RAFFENSPERGER: Okay.

MR. WORLEY: Is this the DeKalb County case, Ms.

Watson?

MS. WATSON: Yes, sir. Yes.

MR. WORLEY: I need to -- I’m going to recuse on this

case.

MR. RAFFENSPERGER: Okay.

MS. WATSON: Okay. Two separate complaints were
reported that House District 80 candidate Matthew Wilson

was passing out pizza to the voters standing in line. The
polling location was Cross Keys High School. Pictures of him handing out pizza were uploaded to his Facebook account. Matthew Wilson and Amanda Lee entered the Cross Keys polling location, and Mrs. Lee began taking photographs with her phone. The photographs show voters standing in line and standing in the library where the voting machines are located.

Investigation shows Matthew Wilson, a candidate for House District 80, advised that when he arrived, the lines were long, and he went to get pizza. Photographs of Wilson passing out pizza at the polling location were posted on Facebook. Wilson advised the poll manager gave him permission to pass out the food. The poll manager Yvonne Max [ph.] does not recall giving the permission. Amanda Lee also took photographs at the poll without seeking approval from the poll manager. Our recommendation is that Representative Matthew Wilson be referred to the AG’s Office for a violation of 21-2-414(d) and 21-2-570 and Amanda Lee be issued a letter of instruction for 21-2-413(e).

MS. THOMAS: And we have Amanda Lee on the line and also Jeremy Berry, who is representing --

MS. WATSON: Matthew Wilson.

MS. THOMAS: Mr. Matthew Wilson.

MR. RAFFENSPERGER: Okay. Who would like to go
first?

MR. BERRY: Hi. This is Jeremy Berry. I’m happy to
let Ms. Lee go first.

MS. LEE: Can you hear me?

MR. RAFFENSPERGER: Yes.

MS. LEE: Hi. I’m sorry. I just -- I don’t have
much to say. I just am sorry that this happened, and I
didn’t mean to take pictures.

MR. RAFFENSPERGER: Okay. The other gentleman, can I
get your name again?

MR. BERRY: Sure. Hi. This is Jeremy Berry, B-e-r-
r-y.

MR. RAFFENSPERGER: Okay.

MR. BERRY: Representing Matthew Wilson. May I
proceed?

MR. RAFFENSPERGER: Yes. Please proceed.

MR. BERRY: Okay. Thank you, Mr. Secretary, members
of the State Election Board. Again, my name is Jeremy
Berry, representing Matthew Wilson, who was running for
State House for the first time in 2018. Mr. Wilson was a
first-time candidate trying to do the right thing and
comply with the laws. Mr. Wilson regrets that any of this
occurred, and we request that either this matter be
dismissed, or a letter of instruction be issued.

On Election Night 2018, it was getting a little late
in the evening, and Mr. Wilson wanted to bring pizza to some people who were in line to vote. They ordered the pizza, kept the pizza in the car -- I believe it was a total of four pizzas -- kept the pizza in the car. Mr. Wilson went inside of Cross Keys High School, which is his polling precinct, went inside to speak with the poll manager, Yvonne Max, and specifically asked for permission to serve the pizza. Ms. Max gave the permission to Mr. Wilson and said -- said it was okay for him to do so. He then walked out of the building, brought in four pizzas into the building, and handed out four pizzas, which probably he distributed in a matter of about two minutes.

Mr. Wilson was not wearing anything that would identify him as a candidate. He didn’t hand out any campaign materials, did not ask people who they were voting for, did not ask them whether they were Republican or Democrat or anything else, and did not offer to give pizza in exchange for any votes. He doesn’t even know if the recipients of the pizza even voted or whether they stayed in line or left or voted for him at all.

There are two alleged violations in the file, and the first is an alleged violation of OCGA 21-2-414(d) as in David, and just, I do want to -- I think it’s a minor point but correct the record. Mr. Wilson did not upload -- or Ms. Lee did not upload any pictures to his own
Facebook. Mr. Wilson did put it on his Twitter account and then deleted it shortly thereafter. Not a major point, but we did want to make sure the record was correct.

OCGA 21-2-414(d) has two prohibitions in the statute, and if I may, I’d like to actually read those to the Board. The statute states in the relevant part that a person who’s a candidate shall not quote enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for that primary, election, special primary, or special election. That’s the first prohibition, and the second one is after casting his or her ballot, the candidate shall not return to such polling place until after the poll has closed and voted has ceased or other then to transact business with the Board of Registrars -- and this is the important point -- so long as the person does not violate any other provision of this code section. So there has to be an underlying predicate act for this statute to even apply.

Polling place is defined elsewhere in the -- in the election code to mean the room provided in each precinct for voting in a primary or election. The polling place is not the building, but it’s where the voting actually occurs. In this instance, it’s not clear whether Mr. Wilson was, in fact, handing out pizza where the machines
were, where the voting actually occurs. Even if Mr.
Wilson was in the library, I believe where the voting
occurs at Cross Keys High School, the precinct at question
-- in question, he was nowhere near any of the voting
machines where they were placed.

Thankfully, there is good Georgia Supreme Court
precedent on this very issue, which we in our minds
believe -- leads us to the conclusion that this matter
should be dismissed. The Georgia Supreme Court looked at
a similar situation and held that it’s not a violation of
the election -- election code for incidentally entering a
polling place. In the 1998 case of Hendry versus Smith, --
-- that’s H-e-n-d-r-y versus Smith, that’s 270 Georgia 17 --
-- the mayor of the City of Hampton, Georgia was up for
reelection. The polling place was the city council
chambers. The mayoral candidate parked his car outside,
went inside to his office. Then after voting, he twice --
not just once but twice -- went into the city council
chambers which was the polling place while the polls were
open to talk with the poll manager regarding two residency
challenges. After leaving city council chambers, the
mayor, who was on the ballot, spoke with two voters, a
city police officer, and two other people. The Supreme
Court did exactly what you would expect them to do, and
they held that this conduct did not violate the election
code.

And I’m going to read from that case, if I may, it says there was no evidence that while the candidate was inside the polling place to cast his vote, while in his office away from public view, or later when he was inside the polling place or outside speaking with acquaintances, he engaged in any action that constitutes soliciting votes or any other activity prohibited under the election code. Although it would have been wiser for Smith, the candidate, to address the voter challenges before Election Day or communicate with the poll manager through an intermediary, the Court did not error -- the trial court did not error in finding that the candidate committed no misconduct. Mere presence at the polling place without more does not violate the election code.

Here, there’s no showing that Mr. Wilson committed any misconduct or did anything improper. The Smith case that I just cited for you shows that mere presence is not enough. There has to be an intent to solicit votes or an intent to do something improper. Here, it’s the exact opposite. Mr. Wilson asked for permission, received the permission, walked back out to his car after receiving the permission from the poll manager, and then delivered four pizzas that were handed out in a matter of minutes. As I said before, he didn’t wear anything that in any way
identified himself as a candidate, give out any campaign
literature, ask the person if they’re going to vote, how
they were going to vote, or anything else. Therefore, we
believe there’s -- there’s no violation of OCGA 21-2-
414(d). Again, from the Hendry versus Smith case, mere
presence in the polling place, if that’s in fact where Mr.
Wilson was, is not a violation. Again, in that Hendry
versus Smith case, the mayor went in two different times
to the poll -- polling place, and the Supreme Court held
that that was not enough.

The second alleged violation is under OCGA 21-2-570.
I’m sure that Mr. Secretary and the Election Board are
quite familiar with the code section, but I think that
it’s important that we focus on a couple words here, and
that’s for the purpose of. The statute requires an
intent. The statute says -- it prohibits any person who
gives or receives, offers to give or receive, or
participates in the giving or receiving of money or gifts
for the purpose of registering as a voter, voting, or
voting for a particular candidate in any primary or
election shall be guilty of a felony. So there’s an
intent requirement there.

But the violation occurs in one of three situations:
registering a person to vote, giving something in exchange
for actually voting, or for voting for a specific
candidate, and none of those are present in this case.
Mr. Wilson didn’t give pizza in exchange for anyone
registering to vote, didn’t do it in exchange for anyone,
in fact, voting, or voting for a specific candidate. In
fact, Mr. Wilson has zero idea, and this Elections Board
has no idea if anyone who received pizza, in fact, voted.
They could have left and gone home. They could have voted
for a different candidate or not voted at all. So intent
is incredibly important.

I think if this matter goes forward, it would be the
State’s position that reads out the phrase for the purpose
of. It requires an exchange, some sort of quid pro quo,
and I think we actually heard about a prior case earlier
today with the solicitor of South Fulton, I believe it was
reducing fines if people registered to vote. That’s an
entirely different situation than Mr. Wilson, who merely
offered pizza to some people who were hungry, and Mr.
Wilson has no idea if, in fact, any of them left. He
never discussed that he was a candidate, and they didn’t
know who he was. You know, he had no discussions with
them about whether they were voting, whether they intended
to stay in line or leave, who they were voting for,
whether they were voting for him, whether they were voting
Republican or Democrat.

All he did was hand out pizza, nothing more, nothing
less. The statute requires intent, and there’s no showing of any intent, much less an improper intent, here, and that’s what the phrase for the purpose of actually means in this statute. This can’t be a per se violation or a per se statute. If that’s the case, if someone wanted to go promote, you know, a youth baseball league in the area, and they just handed out registration forms, if the State Election Board and the Attorney General believe that this matter was, you know, violated 21-2-570, then merely handing out promotional literature about a youth baseball league to some folks who were in line would be a violation as well.

Thank you for the opportunity to present today. Again, we respectfully request that the State Election Board dismiss this -- you know, dismiss these charges or provide a letter of instruction. We don’t think that this is anything that needs to go to the Attorney General. Thank you for your consideration.

MR. RAFFENSPERGER: Thank you. Do any Board members have any questions?

MR. MASHBURN: This is -- this is Matt Mashburn. I just have two questions. That was a very good explanation, and I appreciate it very much. I know it took a lot of time, and you put a lot of effort into it. I just have two questions. This precinct is in the area
sought to be represented by the Respondent, correct?

MR. BERRY: I’m sorry. I didn’t hear the first part of your question.

MR. MASHBURN: This precinct is within the area or within the jurisdiction of the -- of the post that he was seeking election for, correct?

MR. BERRY: Thank you. Yes. This is, in fact, his actual precinct where he votes and represents now.

MR. MASHBURN: And this was the only precinct that he delivered pizzas to?

MR. BERRY: That’s my understanding. I believe so. Yes. As far as I know, that is the case. I mean, there’s been no other evidence come out, but I -- I’m ninety-nine percent sure this is the only precinct where he delivered pizza.

MS. LEE: This is Amanda Lee again. Yes. That’s true. This is the only precinct we delivered pizza to. It was close to where we were staying during Election Day, so we picked up pizza and went there.

MR. MASHBURN: So this is Matt Mashburn again. Again, counselor, I thought your presentation was terrific. I thought you did a really good job with it, but I’m going to move that we refer -- that we accept the recommendation and refer this to the AG.

MR. RAFFENSPERGER: Do we have a second?
MS. SULLIVAN: Second. This is Rebecca Sullivan. I think it would be helpful if the AG issued some advice in this area. I believe we had a very similar case that we referred this morning -- to give us some clarity as to the law where a candidate does not identify themselves but may distribute food or water while people are in line.

MR. RAFFENSPERGER: Do we have any further comments or discussion?

MS. LE: This is Anh Le. I’m going to support the motion and the second as well because I’ve not had the opportunity to look at the Supreme Court case that counsel had presented and its precedence and the application it may or may not have to this case, so I would appreciate the AG’s help with that, but also, you know, sort of just as Mr. Mashburn and Ms. Sullivan said with the facts because it’s curious that he went back to the same polling place that he voted in. He’s recognized and known to be -- possibly recognized by the -- the people there, so, you know, why that polling place and not just any other polling place as well? So I would support the motion for those reasons.

MR. RAFFENSPERGER: Being there no other discussion, all those in favor of the motion so stated, please let me know by saying aye.

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

Okay. The Attorney General’s report?

MS. MCGOWAN: Thank you, Mr. Secretary. For our report today, the Attorney General’s Office has three consent orders that were negotiated with the Respondents. Those are case number 2014-020 with the Banks County Board of Elections and Registration, case number 2016-086 with the Polk County Board of Elections and Registration, and case number 2016-117 with the Webster County Board of Elections and Registration. The Board members have those materials. I’m happy to answer any questions that you may have about any of the cases, but our recommendation is that the Board accept the consent orders.

MR. WORLEY: Mr. Secretary, this is David Worley. I would make a motion that we accept the recommendation of the Attorney General and authorize the Secretary to enter into the consent orders that the Attorney General has presented in these three cases.

MR. RAFFENSPERGER: Do we have a second?

MR. MASHBURN: Matt Mashburn, second.

MR. RAFFENSPERGER: Okay. Do we have any other discussion on these matters? Hearing none, all those in favor of the motion, please do so by signifying aye.

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: No one opposed? Motion carries.
Looking at the agenda, I believe that’s all we have for today. We’ve had a long, busy day. Does anyone have any other actions or information they would like to bring before the Board before I entertain a motion to adjourn?

MR. WORLEY: Mr. Secretary, it’s David Worley. I would just want to say one thing. I think I -- it’s been a long day here. We’ve been here for seven hours. And I think in my discussion of the Fulton County vote buying case 2020-267, I think I was probably a little more outspoken in my comments than maybe I should have been. I -- I’m not saying that I’m -- that I wasn’t correct in my point, but I think I probably could have said it in a more collegial way, so I apologize to my fellow Board members to the extent that I did, and I look forward to seeing you all hopefully in person before too long but at the next Board meeting.

MR. RAFFENSPERGER: Well, to that point, Mr. Worley, I think that we all come to our positions honestly. Your position -- we know that’s where you come from, and I don’t believe that anyone took offense to it, but very grateful. I think that one of the things that we need in America is more respectful conversations when we don’t agree on issues, and so, you know, thank you very much for that because we won’t fall on the same point all the time obviously. Hearing no other agenda items, I will
entertain a motion to adjourn right now.

MR. MASHBURN: So move.

MR. RAFFENSPERGER: Do we have a second?

MS. SULLIVAN: Second.

MR. RAFFENSPERGER: Those in favor?

THE BOARD MEMBERS: Aye.

MR. RAFFENSPERGER: Motion carries. Meeting is adjourned. Thank you very much.

(Meeting adjourned 4:14PM)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 261 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 29th day of March, 2021.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256
SECRETARY OF STATE  
STATE ELECTION BOARD  
February 24, 2021

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**February 24, 2021**

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In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

April 28, 2021

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

April 28th, 2021
9:00 A.M.

PRESIDING OFFICER: REBECCA SULLIVAN
VICE CHAIR, STATE ELECTION BOARD

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia
APPEARANCE OF THE PANEL

Rebecca Sullivan, vice chair
Anh Le
David Worley
Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany
Frances Watson
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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PROCEEDINGS

MS. SULLIVAN: It appears that we have a quorum, so I will go ahead and call this meeting to order. For purposes of the record, I’ll go ahead and call roll. Mr. Mashburn?

MR. MASHBURN: Present.

MS. SULLIVAN: Mr. Worley?

MR. WORLEY: Present.

MS. SULLIVAN: Ms. Le?

MS. LE: Present.

MS. SULLIVAN: This is Rebecca Sullivan, and I am also here. Again, good morning. I currently serve as Vice Chair of the State Election Board. Due to the vacancy in the position of Chair of the State Election Board created by SB202, which was passed into sign -- and signed into law last month, I will serve as acting Chair for today’s meeting. On behalf of the Board, I would like to thank Secretary Raffensperger for his service and leadership as the Chair of the State Election Board for the past almost two and a half years.

On behalf of the Board, I would also like to thank the Secretary of State’s staff, who provide a significant amount of support to this Board. The countless hours of work they do on behalf of the Secretary and to support this Board and their efforts to ensure fair and uniform
elections in the State often is underappreciated and often
goes unrecognized. I think that I speak for the Board
when I say that we appreciate you very much and look
forward to a continued strong working relationship with
the Secretary and SOS staff as we continue our work to
fulfill our statutory responsibilities. The first item on
our agenda today is the invocation and Pledge of
Allegiance, and I would like to ask Mr. Mashburn if he
would lead us.

(Invocation)

(Pledge of Allegiance)

MS. SULLIVAN: Moving on, we have the February 10th
and February 17th Board meeting minutes from those
hearings, and at this time, I would entertain a motion to
approve those minutes.

MR. WORLEY: Ms. Sullivan, this is Mr. Worley. I
would make a motion.

MS. SULLIVAN: Thank you.

MR. MASHBURN: Second.

MS. SULLIVAN: Is there any discussion? All in
favor, please prove by saying aye.

THE BOARD MEMBERS: Aye.

MR. WORLEY: Ms. Sullivan?

MS. SULLIVAN: Motion passes. Yes?

MR. WORLEY: If I could, my video function is not
working. It says because the host has stopped it. Could we get that fixed?

MS. THOMAS: You’re a co-host now. You should have that option.

MR. WORLEY: Okay. And if I might be recognized, Ms. Sullivan?

MS. SULLIVAN: For what purposes?

MR. WORLEY: To comment on your comments about the Secretary.

MS. SULLIVAN: You may be recognized.

MR. WORLEY: Thank you. I would certainly join in Ms. Sullivan’s comments thanking the Secretary for his service. This is the first Board meeting that we have had since the passage of SB202, and I think it’s incumbent upon us as Board members to let the public know of our views on that legislation.

First of all, it is always, always bad public policy to base legislation on a lie. Unfortunately, that is what happened with the passage of SB202. We know, as members of this Board, better than anyone in this state, that there was no fraud in Georgia’s elections in 2020. Everyone on the Board knows it, the Secretary of State knows it, the Lieutenant Governor Duncan knows it, and Governor Kemp knows it. Unfortunately, the problem is that the Republicans in the General Assembly did not like
the results of the elections, and they pandered to those who have been convinced by the former President of a lie that there was fraud in Georgia’s elections. The members of the General Assembly lack the moral courage to simply tell their constituents the truth, and Governor Kemp, unfortunately, lacked the moral courage to veto the legislation. The result is a mess.

There are lots of bad parts of SB202 that cumulatively make it harder for Georgians to vote, but I wanted to focus on the parts that affect the State Election Board. Secretary of State Raffensperger made the choice last year to send out 7 million absentee ballot applications for Georgians in the pandemic. People got used to voting absentee, and by November, 1.3 million Georgians used absentee ballots to vote. As a result, the Secretary was stripped of his membership on this Board by the General Assembly, and frankly, that was done by members of the General Assembly who were completely ignorant about the operations of the State Election Board.

The State Election Board has no budget. We are unpaid volunteers. The State Election Board has no staff. The State Election Board is dependent on the Secretary of State to conduct the hundreds of investigations it does each year, and we are dependent on the Elections Division to let us know what issues require changes and amendments
to our rules. The Secretary of State’s Office will still set the agenda for this Board and will still assist in drafting rules and regulations, and the basic functions of the Secretary of State’s Office will not be changed. The Secretary of State’s Office will still -- will still certify the State’s elections. It will still oversee the operations of local election boards through the Elections Division, which itself, thankfully, has been nonpartisan.

Finally, SB202 stripped the Secretary of State of his membership on this Board and gave the General Assembly control of a majority of seats on this Board and gave us the power to displace local boards of elections. I have been a member of the State Election Board for 17 years, and I have seen many issues and problems with local election boards, but I have never seen anything that would justify the State Election Board displacing members of local election boards or local superintendents. We already have the power of ruling on cases and passing regulations to ensure that local boards follow the rules and work effectively, and we do that at every meeting.

I, for one, will never use the power that the General Assembly has given us to displace local boards of elections, and frankly, I do not believe other current members of this Board will either. Having worked with them over the last several years, they are honest, good
people who will not trade their integrity under this statute, but should the House of Representatives decide to replace Ms. Le, should the State Senate decide to replace Mr. Mashburn, or should the Republican Party decide to replace Ms. Sullivan, we will all know what is about to happen, so I would urge the citizens of this state to keep a careful eye on the membership of this Board and watch carefully what happens next. Thank you, Ms. Sullivan, for the opportunity to speak out.

MS. SULLIVAN: Moving on, on the agenda, the next item is an update on potential rule-making. We all know that there is a lot of work that must be done by the Secretary of State’s Office, as well as this Board, to implement Senate Bill 202, and I’d like to ask Ryan Germany, who is General Counsel of the Secretary of State’s Office, to provide us an overview.

MR. GERMANY: Thank you, Madam Chair. This is Ryan Germany, and I just wanted to give a quick update to the Board on some of the things that our office is doing to implement State Bill -- Senate Bill 202, as well as -- as well as, I think, some of the things that are on the horizon for the State Election Board.

One of the -- the first things that we’re working on from the Secretary of State’s Office is the changes to absentee balloting, especially the change going to
requiring a driver’s license number verification or another form of ID, so we’re going to require a new absentee ballot application form. It’s also going to require a new absentee ballot envelope, so we’re looking at -- we’re looking at different states to get ideas for envelopes that contain that kind of information, how we can ensure that that is transmitted securely through the mail. So that’s what our office is doing first. We’re also looking at the instructions that we have to provide with absentee ballots. Of course, I think, you know, the best scenario would be to work cooperatively with the Board on this, and we’ll certainly keep the Board in the loop on those changes.

The next thing that I think is really more in the -- in the court of the State Election Board is the law changes I think will require some new rules and probably some updates to our existing rules as well. What I would propose if it -- if it meets the approval of the Board is that we continue -- and I think this was always the idea from last year -- is that we continue our Rules Working Group that we used -- that we did last year when we redid the rules based on House Bill 316 and the update to the new voting system. That working group consisted of myself, Mr. Harvey, we have a new attorney now in our Elections Division whose name is Sarah Beck [ph.], and
then Mr. Mashburn and Mr. Worley from the State Election Board. I have also asked Ms. Lynn Bailey, the Elections Superintendent from Richmond County, if she would continue serving as the county liaison to that Board where we would share drafts and she would share -- she would then in turn share those with other counties to get counties’ feedback on rules.

The types of things that I think are going to be -- where new rules are going to be needed are, of course, some of the changes in absentee balloting. There are rules about the process to suspend election superintendents, create performance reviews for local -- local election officials, logic and accuracy testing, and then -- let’s see -- absentee ballot applications, the new runoff -- the new blank choice runoff provision, and, of course, the early scanning provision. Some of these rules, I think, will look a lot like some of the rules that we put in place on an emergency basis last year because the legislature adopted some of those ideas in code, so we’ll have a starting point for that, but I just wanted to update the Board on that.

The new law is effective, of course, July 1st. We do have some municipal elections this November, so I think the goal should be to have those in place, have new rules in place at least from a beginning standpoint. Of course,
like we did last year, we sometimes have to amend a new rule we make, and I expect that to happen here as well, but I think the goal should be to have those in place prior to November, which really gives us the summer to work on -- to work on rules and then post them in -- in early -- late summer of this year, and I’m happy to take any questions from the Board on that process.

MS. SULLIVAN: Thank you, Mr. Germany. Do any of the Board members have any questions for Mr. Germany? We appreciate your update, and I think that the Rules Working Committee worked well last year to help us accomplish our work, so I think that’s an excellent idea, and we will plan to proceed unless any of the Board members object.

Moving onto the next item on the agenda is the consent cases investigation reports. It is our general practice to vote on these cases in a bloc unless there are any members of the public or members of the Board who would like to pull out individual cases for discussion. I would like to pull out two cases that I think merit some discussion this morning. One is SEB case number 2020-257, Cobb County, and the second is case number 2020-289, Cobb County. Those are items number 26 and number 33 on the agenda. Is there anyone else who would like to pull any cases off for individual discussion?

MR. WORLEY: Madam Chair, this is Mr. Worley. I
would also to pull those same two cases, but in addition,
I would also like to pull off --

MS. SULLIVAN: I’m sorry. You went out on me a
little bit there. You wanted to pull those two cases and
additionally what cases?

MR. WORLEY: And two additional cases, case number
2020-220 from Cobb County and case number 2020-283 from
Newton County.

MS. SULLIVAN: Mr. Mashburn, is there any cases you
would like to pull off?

MR. MASHBURN: No.

MS. SULLIVAN: Ms. Le?

MS. LE: Madam Chair, I -- when we do discuss -- I do
not want to pull this case out, but when it’s up for
discussion or voting, I would like to recuse from case
2020-105, please.

MS. SULLIVAN: Are there any members of the public
who have indicated in the chat box they’d like to speak to
any of these consent cases? Well, if there are any
members of the public who would like to speak to any of
these consent cases, please enter your information on the
chat, but we’ll go ahead -- while you’re doing that, we’ll
go ahead and get started discussing the individual cases
that have been pulled off the agenda, starting with case
number 2020-220, Cobb County. Ms. Watson, if you wouldn’t
mind presenting that to the Board?

MS. WATSON: Okay. This case is 2020-220. The first allegation is the complainant advised that a friend who lives in Canada may be attempting to commit voter fraud by sending her ballot to a friend in Marietta, Georgia. The second allegation was the complainant alleged that Sumeet Bahl is a resident of Cobb County and now lives permanently in New York City and has no intention to move back to Georgia. He requested an absentee ballot and voted in the Georgia November 3rd, 2020 election. The third allegation is the complainant alleged that Christine King [ph.] may be a Canadian citizen and voted in Georgia elections.

The investigation revealed the initial complaint alleging that the respondent, Ms. Lapore [ph.] sent her ballot to an unknown individual. This was due to a social media post by the Respondent which shows her holding up what appears to be an envelope with official absentee ballot printed on it. The name and address printed on the envelope were discovered to be that of the Cobb County registration manager and the address of the Cobb election office. An investigator contacted the complainant who advised the Respondent may be a citizen of Canada and has not lived at her listed voter address in Marietta for many years. Investigator contacted the Respondent who
indicated that she is a permanent resident of Canada but retains her US citizenship. She additionally advised that she is unsure of her attempts to return to the United States and stated that it was possible. Investigator contacted Cobb County Elections Office and made them aware of Ms. Lapore’s status so that they could properly update their records from a temporary to a permanent resident of Canada.

The second allegation, the investigator contacted the Respondent, Mr. Bahl, who advised that he retains his permanent residency in Georgia and is living in New York for medical training. He advised that he intends to come back to Georgia at some point. Voter records show that Mr. Bahl is registered to vote in Georgia and has not registered to vote in New York.

Third allegation, the investigator contacted the Respondent, who indicated that she is a permanent resident of Canada but remains a United States citizen. We did not find any election code violation in these instances. We’re -- the Canadian-United States citizens were eligible to vote in the elections.

MS. THOMAS: We have someone who would like to speak on the case. The person listed as Zoom user, you are allowed to speak. You can unmute yourself, you can state your name, and then go ahead and speak to the case.
MS. SULLIVAN: Is there a member of the public who would like to speak regarding this matter? I believe you’ve identified yourself -- you’re not identified in the system. You’re identified as Zoom user. Mr. Worley, do you have any questions regarding this case?

MR. WORLEY: I -- I did have questions. Who were the people making complaints in this case, and what -- what evidence did they bring to your attention?

MS. WATSON: The com -- right. The complainant observed it on social media. That’s the one from the first allegation.

MR. WORLEY: I understand that, but the other two? How did they make these cases?

MS. WATSON: Right. The second allegation was a resident in Roswell and again, this was information that was known to the Respondent.

MR. WORLEY: So these are just random people making these accusations?

MS. WATSON: Yes. We received -- we received many allegations during the -- November/January based on social media posts where people showed their -- their I voted sticker or their absentee ballot envelopes on social media, but then it lists them as being in another state, so they would make the -- make the complaints to us that they were possibly ineligible.
MR. WORLEY: So these people had no personal knowledge of who these people were, they just saw something on social media and made an allegation?

MS. WATSON: Correct.

MR. BAHL: Hello. If I may speak, this is Sumeet Bahl, one of the -- allegation number 2.

MS. SULLIVAN: Yes, you may speak.

MR. BAHL: Okay. Great. Thank you for giving us the opportunity. So as Ms. Watson had said that I’m a resident of Cobb County and permanently live in New York City, and then I was given a phone call -- which is correct, someone did call me -- and they wanted to know what my situation is, so that’s -- that’s absolutely correct. I am a physician, medical doctor in New York City. I’ve been here a couple of years, and this is because my medical training was all done here. My permanent address is in Cobb County in Georgia. That is where I vote. It’s where I’ve got my driver’s license.

I have no intention of staying in New York. It’s way too cold here. I don’t like this space. I just want to move back. So basically, I’ve been asked before how come you haven’t changed your driver’s license, anything like that? I said there’s no reason to because Georgia is my home. It’s where my family is, and that’s where I’m going to move back ultimately, so this is why none of this was
formally changed to anything in New York. I don’t vote in
New York, never have, don’t plan to. Georgia has been my
home, always will be, once all of this -- this long
medical path is done. That’s all I’ve got to say about
that.

MS. SULLIVAN: Thank you.

MR. WORLEY: Madam Chair, based on the investigative
report, I would make a motion that we dismiss case number
2020-220.

MS. SULLIVAN: Thank you. Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is
there any further discussion? All in favor of the motion,
please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are no opposed. That motion
passes. The next case is SEB case number 2020-257, Cobb
County, and that is tab number 26. Ms. Watson?

MS. WATSON: Yes. 2020-257, on Monday, December
14th, 2020, Georgia Secretary of State Brad Raffensperger
announced that a signature audit of absentee by mail
ballot oath envelopes would be conducted in Cobb County.
The Secretary of State’s Office partnered with the Georgia
Bureau of Investigation to review a statistically
significant sample of signatures on oath envelopes from
the November 3rd, 2020 general election. Signatures and other identifying information on the absentee by mail ballot oath envelopes would be compared to records in both Cobb County Elections and Voter Registration department database and the State of Georgia’s Voter Registration system. The audit would be performed by law enforcement investigators with the Secretary of State’s Office and the GBI’s special agents.

15,118 absentee by mail ballot oath envelopes were evaluated by the inspection teams. The inspection teams submitted 396 oath envelopes to the investigation team for comparison with additional documents for follow-up with electors. After evaluation by the inspection team, envelopes -- 386 were accepted as valid. The remaining 10 envelopes were referred for contact with the electors for the following reasons: eight elector signatures identifying information did not appear to be consistent with documents on record, one contained no signature or mark, one contained a signature that was not the signature of the elector. All 10 electors were located, positively identified, and interviewed.

Those interviews found all eight electors whose signatures were deemed valid by Cobb County Elections Department staff but not consistent by law enforcement officers conducting the audit acknowledged completing and
signing the absentee ballot by mail ballot oath envelope in question, verifying that the initial Cobb County Elections Department initial determination’s was -- validity was correct. The elector whose envelope contained no signature or mark acknowledged submitted the absentee by mail ballot oath envelope in question but reported signing the front of the envelope only. The final envelope in question was found to be mistakenly signed by the elector’s spouse. The elector confirmed that he filled out the absentee ballot himself.

Of the 15,118 envelopes sampled, two of the ten previously identified absentee ballot by mail ballot oath envelopes should have been identified by Cobb County Elections Department as requiring an opportunity for the voter to cure the ballot prior to acceptance. However, there was no fraudulent absentee ballots that were identified during the audit. We’re recommending the case to be dismissed.

MS. SULLIVAN: Thank you. Do any members of the Board have any questions for Ms. Watson? Then, I believe the recommendation in this case is to dismiss. Is there a motion?

MR. WORLEY: Madam Chair, I make a motion that we dismiss this case.

MS. SULLIVAN: Thank you. Do we have a second?
MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion?

MR. MASHBURN: This is Matt Mashburn. By way of further discussion, I just want to point out and highlight that this -- if I’m not mistaken, this was the largest mobilization in the history of the GBI with regard to examining signatures, so this was very expensive for the State and very time-consuming for the State, but the results showed that there was no massive, widespread signature fraud in Cobb County, and the largest mobilization in the history of the GBI was necessary to tamp that down. So as we hear a lot about people want to restore confidence in the system, I just want to highlight that this is one of those confidence-building moments is that this allegation was made, a formal complaint was filed that there was massive wrongdoing in Cobb County, and so the State engaged in the largest mobilization in its history of this nature and proved there was nothing to it.

So I just wanted to -- to bring that to people’s attention who are out there on the Internet complaining that there was no audits or nobody was examining this is that -- is that we did undertake the largest examination of its nature in Georgia history at great expense, and
there was nothing to it in the final analysis.

MS. SULLIVAN: Is there any further discussion? We
have a motion and a second. All in favor of the motion,
please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That
motion passes. The next case we would like to pull off is
case number 2020-283. Ms. Watson, if you would present
that case?

MS. WATSON: Yes. In 2020-283, the first allegation
that was received was Matthew Douglas [ph.] of Conyers,
Georgia complained via letter that the Newton County
Facebook page had both countings [sic] scheduled at 1113
Usher Street for Sunday, November 15th, 2020 at 8:30 A.M.
to 1 P.M. Douglas, his wife, and daughter arrived at the
location at 10:30 and both front doors were locked. On
November the 16th, Douglas called the Newton County Board
of Elections Office and spoke to someone named Pearl who
informed Douglas that the counting had ended midnight,
Saturday, November 14th, 2020. When Douglas asked Pearl
if any election ballot processing was occurring today, he
was told that absentee ballots were being signature
matched.

James Siblewski [ph.] of Oxford, Georgia complained
via email that approximately a week prior to the 2020
general election he witnessed ballot harvesting.

Siblowski stated that an individual delivered 20 to 30 absentee ballots, that the incident occurred in Newton County at the courthouse, and that the deputy on duty was helping.

Investigation showed according to the former Newton County Elections Director Angela Mantle, the risk-limiting audit was conducted during the hours advertised with the exception of Sunday, November 15th, 2020, in which no count was conducted because they completed the initial process by Saturday, November the 14th, 2020. They did return on Monday, November 16th to recheck totals due to a discrepancy in totals. This also occurred within the hours posted, and individuals from both parties were notified of this by the Chairman of the Board of Elections. Also, there was no signature verifications on absentee ballots taking place during the audits. Signatures on absentee ballot oath envelopes were compared with voter files prior to the absentee ballots being accepted.

Upon review of the security footage of the drop box James Siblowski observed, election workers were moving ballots from the box, placing them in a white mail bin sitting on top of the drop box, and taking them inside the election office. No election code violations were
substantiated. We recommend that the case be dismissed.

MS. SULLIVAN: Mr. Worley, I believe you pulled this off. Do you have any questions for Ms. Watson?

MR. WORLEY: I just want to be clear, Ms. Watson.

The -- essentially, someone thought that they had observed something improper, but it turned out to only be the election officials taking the ballots out of the drop box at that point in time.

MS. WATSON: Yes, that’s correct. Yes, that’s correct.

MR. WORLEY: Thank you. That’s the only question that I had.

MS. SULLIVAN: Are there any other questions from members of the Board? If not, I will entertain a motion.

MR. WORLEY: I would make a motion that we dismiss this case.

MS. SULLIVAN: Do we have a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed, and that motion passes. The next case is SEB case number 2020-289, Cobb County, destruction of ballots. Ms. Watson, would
you please present the case?

MS. WATSON: Yes. The first allegation, complaints alleged that on 11/20/2020 at 11:10 A.M., Cobb County hired a document shredding truck to destroy ballots at Jim R. Miller Park in Cobb County. There was a video uploaded to YouTube which gained popularity and showed bins of opened absentee ballot security envelopes being destroyed. Janine Eveler, the Election Supervisor in Cobb County, had already responded to the allegation. A preliminary investigation had already been conducted, and a new complaint was forward to the Secretary of State by the Georgia Bureau of Investigations regarding the issue.

The second allegation, on January 5th, 2020 [sic], the Federal Bureau of Investigation along with the Federal Homeland Security Agency were conducting an investigation regarding a shred truck which allegedly held shredded ballots from Dominion Voting Systems in Cobb County and requested the assistance of the Secretary of State’s Office. The investigation showed that Gordon Lacoste [ph.], after an interview with investigators, stated that he had no firsthand information. He just observed the information on YouTube and thus made a complaint. We made contact with Salleigh Grubbs who advised that she had already been interviewed by the Secretary of State’s Office and was not interested in being interviewed again
unless the investigator could guarantee that he would not waste her time.

Investigations received a notarized declaration and affidavit from a third complainant, Susan Knox. In it, she advised that she observed shred trucks destroying what she believed were ballots at Jim R. Miller Park where election certification was taking place. Cobb Election Director Janine Eveler advised that the shredding was routine and what Ms. Knox saw photographed and placed on the Internet were the privacy envelopes which had no evidentiary value and were being shredded along with other non-relevant materials.

In the second allegation, investigators responded at the request of the FBI and Federal DHS to Marietta Police Department regarding an alleged shred truck which contained shredded ballots. An investigator went with the DHS to their headquarters and obtained some intact documents that DHS had originally pulled from the vehicle. These documents were inspected, and while most were unrelated, financial, or shipping documents, there were several training manuals from Dominion Voting Systems, as well as paper taped printouts from a Dominion machine. After observing the tape, it was obviously a training testing tape from 2019. Tom Feehan with Dominion was interviewed and advised they were shutting down the rented
space here in Georgia and were shredding documents such as training materials and test training ballots such as what is your favorite ice cream. There is no actual election documents that were observed in that material. We’re recommending that this case be dismissed as no violation of election code has been substantiated.

MS. THOMAS: And Salleigh Grubbs and Susan Knox are here to speak on the case.

MS. SULLIVAN: Ms. Grubbs, you may speak.

MS. GRUBBS: Yeah, it’s unbelievable to me that there’s been no thorough investigation. I had that one encounter and said I am certainly happy to talk to any investigators. I -- Ms. Watson -- had conversations with you, and there was no substantive information requested or given. We’ve not -- we had not been advised that there was any FBI investigation. There was evidence that was destroyed. There’s pictures of it that says, you know, the ballot envelopes -- we don’t know what was in the envelopes, and this is a travesty of justice. This is a failure to redress our grievances, and Georgia is in deep trouble with you all just acting like cavalier cowboys doing whatever it is you want and shoving it down our throats.

We know there was fraud, and it is an insult to every citizen of Georgia that you carry on this way, and we
demand a full investigation, and we demand further that
you show the evidence. I asked you about that, and you
said that I could do an Open Records Request. I’ve done
numerous Open Records Requests to the Secretary of State’s
Office and not once have I gotten one bit of information.

MS. SULLIVAN: Thank you, Ms. Grubbs. Ms. Watson,
would you like to respond regarding the thoroughness of
the investigation?

MS. WATSON: The information that was available and
that was given to our office and that was posted only
shows these secrecy ballots, and that is --

MS. GRUBBS: Why is that okay? Evidence --

MS. SULLIVAN: Thank you, Ms. Grubbs, for your
comments. We have -- we have heard your comments. I
believe that Ms. Knox would also like to speak?

MS. KNOX: Yes, that’s correct.

MS. SULLIVAN: You may speak.

MS. KNOX: Yes. So I have got pictures. Can we
share this screen because I would like to show you what I
have and then have you tell me what you think these are
that did get shredded, that I watched get shredded?

MS. SULLIVAN: I do not -- I do not believe that we
have the ability to allow you to share your screen, and I
would encourage you to submit any evidence that you
believe you have to the Secretary of the State’s Office to
Ms. Watson for her review.

MS. KNOX: Do you know what? Doing that is like the fox watching the henhouse. You all are a disgrace. I cannot believe --

MS. SULLIVAN: Thank you for your comments. I would like for us to maintain a level of decorum on this call that is appropriate for this state-wide Board, so if you would please keep your comments professional, I would appreciate it. Thank you. Do any members of the Board have any questions for Ms. Watson?

MS. LE: Ms. Watson, this is Anh Le. Have -- to Ms. Knox’s question, has she submitted those pictures, or do we know what those pictures are?

MS. WATSON: The pictures that were presented at the Senate hearing, we do have those, and we have reviewed those, and again, we do not have any evidence of any actual ballots being destroyed, and I don’t know if Janine is also on the line from Cobb County, but they do have to and are allowed to destroy election documents that are beyond the 24 month retention schedule.

MR. MASHBURN: Yeah. I --

MS. SULLIVAN: This is Matt Mashburn.

MR. MASHBURN: This is Matt Mashburn. To either of the speakers, are the pictures that you want to show us now the same pictures that you showed to the Senate
hearing, or are they additional, different pictures?

MS. KNOX: They’re additional. They’re additional. I have some of the same and some additional, and I have quite a few.

MR. MASHBURN: Okay. I’ve -- I’ve seen all of your pictures that you submitted to the Senate hearing. I’m -- I’m satisfied with the investigation so far. There’s a theory that lawyers are very familiar with. It’s called without prejudice, and so if something is dismissed without prejudice, that means that there may be additional information or new information that hadn’t been looked at, so I’m going to make a motion based on the record today and what’s in the record today to dismiss this case, based on the pictures that I saw from the Senate hearing.

I was the chief tabulation lawyer for the Georgia Republican Party for almost 25 years, so I’m very familiar with the tabulation process and how the tabulation process goes and what is used in every aspect of tabulation, and the pictures that I saw introduced to the Senate hearing were the white envelopes that do have the word “ballot” on them. That is absolutely true. They do have that, but it says ballot is enclosed, so the envelope itself is nothing. It’s not a ballot. It’s -- and so when I saw that picture, you know, it took me 3 seconds to recognize well, that’s not a ballot at all. That’s the envelope
that the ballots come in. So I -- that’s, you know, that’s something -- that’s just the way it is.

Now, if you -- if you have a picture that you want to submit and make a -- make a new allegation, my motion today is not to preclude you from adding any new information or making a new complaint, but based on the record and based on my experience of -- of tabulation over many, many years, I’m going to make a motion to dismiss this case, and I also want to add -- there was a question about well, why -- why is that okay to shred documents? Well, people with no history on this Board and no history in election law don’t know that counties have been brought up on charges because they did not shred evidence. There was a -- there was a case a while back where a county just discarded an old desk and was selling it for junk for $50. Well, inside the desk was all kinds of voter information with Social Security numbers and date of birth and anything you needed to get a credit in that person’s name, and that county was brought up on charges.

So it is not unusual for counties to shred information, and in fact, it is desirable and preferable that they do that. So there is no presumption of fraud or illegality or improper behavior that a shredding truck was shredding things that needed to be shredded, so I’ve got no problem with that at all with all the years of
experience that I spent advising the Party on tabulation. So I’m going to make a motion that this case be dismissed, but if you have new pictures that nobody has seen before, you’re certainly welcome to make a new complaint.

MS. SULLIVAN: Thank you, Mr. Mashburn. We have a motion on the table. Is there a second?

MS. LE: This is Anh Le. I’ll second that.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion among the members of the Board? If there is not, please all in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. That is the last case that we have pulled for individual discussion on the consent cases. Let’s go ahead, and I’ll entertain a motion on SEB case number 2020-105, DeKalb County. That is the case that Ms. Le has recused from so that we have a separate vote for the record. If there’s a motion to dismiss that case as recommended, I would entertain that now.

MR. WORLEY: I would make that motion.

MS. SULLIVAN: Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All in favor, please say aye.
THE BOARD MEMBERS:  Aye.

MS. SULLIVAN:  Any opposed?  And let the record reflect that Ms. Le did not vote on that motion, which passes.  At this time, it’s appropriate to vote on the remaining cases on the agenda.  On consent cases, the recommendation is to dismiss the remaining cases that we have not pulled out for individual discussion.  Is there a motion?

MR. WORLEY:  Ms. Sullivan, this is Mr. Worley.  I make a motion that we dismiss the remaining cases.

MS. SULLIVAN:  Thank you.  We have a motion.  Is there a second?

MR. MASHBURN:  Second.

MS. SULLIVAN:  Any further discussion?  All in favor, please say aye.

THE BOARD MEMBERS:  Aye.

MS. SULLIVAN:  And there are none opposed.  That motion passes.  Moving on to the letter cases, are there any cases on this list that one of the Board members would like to pull off for individual discussion?

MR. WORLEY:  Ms. Sullivan, this is David Worley.  I would like to pull off case number 2021-010, Houston County, photographing ballots.

MS. SULLIVAN:  Okay.  Anything else?

MR. MASHBURN:  None for me.
MS. SULLIVAN: All right. Ms. Watson, if you wouldn’t mind presenting case number 2021-010, Houston County? That is tab number 53.

MS. WATSON: A complainant reported a Gordon Wayne Lynch [ph.] had insisted on getting a copy of his ballot after voting for the Senate runoff election on January 5th, 2021. The poll manager, Mary Singleton [ph.], informed Mr. Lynch that the ballot could not be copied or recreated. Mr. Lynch opted to photograph his ballot with his cell phone before leaving. Ms. Singleton warned Mr. Lynch not to photograph the ballot. The incident was reported to law enforcement. The voter was adamant that he wanted a copy of his ballot to take with him, which the poll workers denied. Mr. Gordon then wanted to take the ballot outside so he could photograph the ballot. He was informed not to take a photo of the ballot and that taking the ballot outside would invalidate the ballot. Two witnesses state they observed the voter Gordon Lynch take the photo anyway. Mr. Gordon was contacted by an investigator and denied that he took the photo. Mr. Lynch was very emotional in providing his statement. Our recommendation is that we recommend Mr. Lynch be issued a letter of instruction regarding violation of 21-2-413(e).

MS. SULLIVAN: Mr. Worley, do you have any questions regarding this case?
MR. WORLEY: No. I -- I think the report is very clear. The reason that I asked that it be pulled out is that this is not the normal case of photographing a ballot in which we send a letter of instruction. That is usually the case where someone is excited about voting. They might have a child with them at the polling place. They take a picture of their ballot, and they have no idea that photography in the polling place is not allowed. In this case, the Respondent was told what the law was, knew what the law was, chose to violate the law, so I don’t think it’s appropriate that we have a letter of instruction, and I would instead make a motion that we refer this case to the Attorney General’s Office.

MS. SULLIVAN: Okay. We have a motion on the table to refer this case to the Attorney General’s Office. Is there a second for that motion?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion?

MR. MASHBURN: Yeah. With regard to discussion, I’d like to add something in on that, and that is a lot of people don’t understand why this rule is in place, and one of the reasons this rule is in place is to protect voters from intimidation and harassment, and what would happen in the old days is people would be paid to vote, and the
people who were doing the bribing for votes had no way to verify that the person voted the way they were paid to vote. And so there’s always been an attempt to create a system whereby the person making the bribe can verify that the person voted in the manner in which they were paid to vote, and so this prohibition has a very important tool that the ubiquitous nature of cell phones now has made it such that you take a picture of everything, but there’s a really important reason why this rule is in place, and so what it is is to protect the integrity -- again, we’re talking about we want to restore integrity and trust in the system. This photography ban is a very important tool in that because it prohibits the person casting the vote from being able to prove to the person that bribed them that they voted in the manner in which they were paid. So this is a -- this is a very protective -- protection of the voter, protection of the integrity of the system -- rule, and a violation of it is a very serious matter, so I agree with David Worley’s sentiment on this, and that’s why I seconed his motion and will vote for -- in favor of it.

MS. SULLIVAN: Is there any further discussion? We have a motion to refer this matter, case 2021-010, to the Attorney General’s Office, motion and a second. All in favor, please vote by saying aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? And there are none opposed, so that motion passes. There are no more letter cases pulled off the agenda to discuss individually, so at this time it would be appropriate for a motion to issue a letter of instruction in the remaining cases on the agenda in this section.

MR. WORLEY: I would make that motion, Madam Chair.

MS. SULLIVAN: We have a motion. Do we have a second?

MR. MASHBURN: Second.

MS. SULLIVAN: Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? No. That motion passes. At this point, we will move on to the investigation cases, starting at -- is there a list of people that are here to speak on behalf of these cases? Okay. Thank you. We’ll start with SEB case number 2016-110. This is Long County.

MS. WATSON: This case was previously presented during the February 10th SEB meeting. The portion of the case pertaining to the remaining Respondent is that 18 absentee ballots were being mailed to a post office box which was not the registered address for the individuals.
The post office box belonged to Harriet Smith, the complainant’s opponent’s mother.

Investigation revealed that Harriet Smith, the mother of the candidate, did list her post office box in the space for out of county address on the listed absentee ballot applications so she could make sure --

MR. MARCZ: Can you hear it? Oh. I’ve got one.

MS. WATSON: -- stated that she had stated that --

MR. MARCZ: They hear it and then they just, like, dismiss everything.

MS. SULLIVAN: Just a moment. There’s someone who we can hear on the line, if you would please mute yourself.

MS. THOMAS: You’ll be allowed to speak when the case is done.

MR. MARCZ: Yeah, well, maybe if you could hear people talk and stop muting them because they’re not nice enough. Maybe you should actually hear the people talk when they’re on cases. It would be nice not to mute peop --

MS. SULLIVAN: We -- at the appropriate time, we will recognize individuals here to speak on this matter. If you would please let Ms. Watson continue presenting this case to the Board. You may proceed, Ms. Watson. I’m sorry. You may need to -- I know you were overlapping there.
MS. WATSON: That’s all right. So Harriet stated that she had received complaints from voters not receiving their absentee ballots so the post office box was used, and when the absentee ballots would arrive, volunteers would then take the absentee ballots to the voters. She states they never opened or handled the ballots. Harriet stated that one of the absentee ballots was for her daughter and three were previous residents of the group home she ran. Harriet denied paying any of the volunteers to get the absentee ballots delivered. When asked if she listed the post office box on the applications, she stated that she was sure she did some of them but not all of them. There were a total of twenty absentee ballots mailed to the listed mailbox and 15 were documented as returned to the elections office as voted. We’re recommending Harriet Smith be bound over to the Attorney General’s Office for 21-2-381(a)(1)(d), 17 counts, and 21-2-562, 17 counts, and I believe that an attorney, Mr. Evans, is available for Harriet Smith.

MS. SULLIVAN: Mr. Evans, now would be the appropriate time to speak. Thank you.

MR. EVANS: Can you guys hear me okay?

MS. SULLIVAN: We can hear you.

MR. EVANS: Okay. Good. And for the record, that was not me speaking earlier. I just want to make that
clear. Maybe someone else was let in, but that was not me speaking, so I just want --

MS. SULLIVAN: Thank you. Duly noted.

MR. EVANS: But I appreciate Ms. Frances and her working with us through the process and good morning to the Election Board members. I appreciate all of you guys’ hard work. I know it is a thankless job, and it’s not a paid job, and it’s a lot of work, so I want to appreciate you guys. As Ms. Frances said, my name is Jake Evans. I represent Ms. Harriet Smith, and I wanted to just briefly talk and provide a little bit of context and what I regard as a misinterpretation of the law, and I would respectfully request a dismissal or at most a letter of instruction.

And so briefly, just the context, and the context is -- and I represented Ms. Harriet Smith’s son, Mr. Bobby Smith, who is the probate judge of Long County, in an election contest case, and I’ll tell you this was a very, very contentious case. It was contentious back in 2016, and so there is hostility between the two, and I think a lot of that explains the complaints that were filed, and there were six of them: some of them related to pizzas being purchased and exchanged, some of them related to allegedly someone’s stairs being fixed, and all that proved to be insufficient evidence. And so I think a lot
of these complaints were filed not necessarily because they’re meritorious, but because there is some disliking between the two.

So next, I’ll talk a little about -- bit about Ms. Smith, so Ms. Smith lives in Long County, Georgia, and she has a group home, and the address, the P.O. Box, is actually the group home. Ms. Smith has had this group home for over 30 years, and this group home helps either teenage girls who don’t have parents or teenage girls who are going through a difficult time get on track and move their life in a very productive way, to assist them in moving closer to adulthood. Over the past thirty years, Ms. Smith is regarded by many in the community as a mom. She’s not their maternal mother, but she is someone that helped raise a lot of these -- these young women, and through that, she has generated a lot of close relationships, and she’s kind of, I would say, a stature in the community. So over the years, Ms. Smith has helped people in many, many different ways from helping their funeral, from helping them get through school, and as a part of the civic training at the group home, Ms. Smith also helps these people learn how to vote and register to vote.

So with that background, what happened in this context was there was a number of young teenage girls who
was [sic] having trouble either getting their absentee ballot, having trouble voting, and Ms. Smith assisted these people. A couple of them were older. One was physically disabled. Another one was illiterate. Another one had just recently had surgery, and so she assisted. She did not think in any way anything she did was wrong, and all that she did was the absentee ballot request -- she put the address for it to go to was the group home. It wasn’t her personal home. She also lives at the group home, but it’s primarily her group home, and so with that context, it’s nothing malicious here. There is -- it was a simple mistake about trying to help many, many people who she regards as her daughters and she helps in the community vote, and so she thought by putting that in there that she was going to assist them in the process. There was nothing malicious about it.

Now, next, I will go to the two statutes that are referenced. One is 21-2-381 and section D is the one that Ms. Smith is alleged to have violated, and section D says except in the case of physically disabled electors residing in the county or municipality of electors in custody. So effectively, except if you’re physically disabled, no absentee ballots shall be mailed to an address other than the permanent mailing address of the elector as recorded in the electors’ voter registration or
a temporary out of county or out of municipality address. 
So what this provision clearly shows is it’s on the 
election worker to look at an absentee ballot application 
which has an address which is not the address of the 
elector, that applicant -- that ballot should not be 
mailed, and that is a clear obligation that is not 
impacted on Ms. Smith or anyone requesting a ballot. It’s 
a clear obligation which is put on the local election 
official that -- okay, here’s this application. It 
doesn’t have an address that matches the registration. 
Therefore, we don’t issue an absentee ballot. 

So the next provision Ms. Smith is alleged to have 
violated is 21-2-562, and this one says inserts or permits 
to be inserted any fictitious name, false figure, false 
statement or other fraudulent entry on or in any 
registration card and effectively any document. Ms. Smith 
didn’t put a fraudulent piece of information. She didn’t 
put a fake name, a fake number, a fake birthday. All she 
did was put an address which was her group home in order 
to assist these young ladies in getting their ballots 
because they were having trouble getting them and then 
allowing them to then vote them the way that they voted 
them. 

So with these two statutes, even assuming the facts 
as alleged, there’s no violation on behalf of Ms. Smith.
Ms. Smith was merely trying to help in the community. A frivolous, retaliatory complaint was made against her. She’s taken this very, very seriously, but in no way does the law, the clear letter of the law, state that Ms. Smith violated the election code, and she’s with me today, and Ms. Smith, do you want to make a quick statement or anything?

MS. SMITH: Good morning. I’m Harriet Smith. I have been the director and operator of a home for over thirty years.

MS. SULLIVAN: Ms. Smith, if you could speak up a little bit, we’re having a little bit of trouble hearing you.

MS. SMITH: Yes, ma’am. I’m Harriet Smith. I am 69 years old. I will — I’ve had the privilege of helping young ladies for over thirty years. I feel like I’m just helping hands in the community wherever help is needed, and by no means did I know that I had done anything wrong, and thank you so much.

MR. EVANS: Okay, so, thank you, Ms. Smith. So given that background, we would respectfully submit to the Board that there was no violation of the clear letter of OCGA 21-2-381 and OCGA 21-2-562. It was an innocent mistake. Ms. Harriet obviously takes this very seriously, but we would request a dismissal or at the most a letter of
instruction, so thank you for the Board’s consideration.

MS. SULLIVAN: Thank you, Mr. Evans. Do any of the
Board members have any questions?

MR. WORLEY: Just -- just to be clear, Mr. Evans, Ms.
Smith is the mother of the candidate who was running in
the election?

MR. EVANS: That’s correct. She is.

MR. WORLEY: Thank you.

MS. SULLIVAN: Any more questions by any other
members of the Board? At this time, I would think it
appropriate to entertain a motion.

MR. WORLEY: This is Mr. Worley. I disagree with Mr.
Evans’ interpretation of the statute, and I would make a
motion that we [sound cuts out].

MS. SULLIVAN: I’m sorry. We lost you after you said
that you disagreed with Mr. Evans.

MR. WORLEY: I make a motion that we refer this case
to the Attorney General’s Office.

MS. SULLIVAN: We have a motion --

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second by Mr.
Mashburn. Is there any further discussion?

MR. MASHBURN: By way of discussion, Ms. Smith, your
attorney has made an excellent presentation today and has
a good command of the facts and probably more command of
the facts of this particular case and this particular
election of anybody in Georgia, so this is more on the
state of a probable cause type hearing and not the -- not
the end of the case, but I agree that this a -- that a
prima facie case has been made, and there’s enough
evidence here to refer this over to the Attorney General’s
Office, and so that’s why I seconded the motion and will
vote for it.

MS. SULLIVAN: Thank you. We have a motion and a
second. Is there any further discussion? All in favor of
the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Is there any opposed? That motion
passes. Moving on, the next case on the agenda is SEB
number 2017-070, and that is the City of Sylvester. Ms.
Watson?

MS. WATSON: On November 7th, 2017, it was reported
that Henry Hall Woodard Center, a precinct in the City of
Sylvester, experienced computer issues and subsequently
delayed opening of poll until 8:15 to 8:30. In response
to the report, we sent an investigator to the poll
location. We met with the poll manager and the Board of
Elections Vice Chair. It was found that the voter access
cards would not load. Provisional ballots were offered
until the issue could be corrected with 11 voters voting
provisionally during that time. There were three voters that chose to leave and come back later, with two of those returning to vote on the machine. The issue was resolved with new memory cards by approximately 8:15 to 8:30. Our recommendation is for a letter of instruction be issued to Worth County Board of Election and Registration and Cherie Olson [ph.], Election Supervisor, for SEB rule 183-1-12-.07(7).

MS. THOMAS: And Brandy Harris is on the line for Worth County.

MS. SULLIVAN: Mr. Harris, you may speak.

MS. THOMAS: It’s Ms.

MS. SULLIVAN: I’m sorry, Ms. Harris.

MS. HARRIS: Good morning. Thank you for hearing me. I’m the supervisor. I’ve been here for about three years, and as you know, the express polls are no longer used, and Cherie is no longer with us, but steps that I’ve taken in order to prevent any issues: I usually have two people in place, you know, for example, one person reading the instructions and one person completing the task at hand. I’ve also spoke with the county attorney, Judge Powell, about contacting the superior court judge in order to extend times if we need to. Thank you for hearing me.

MS. SULLIVAN: Thank you very much. Does anybody have any questions for her from the Board? Does anybody
have questions for Ms. Watson? Okay. Now would be the appropriate time for a motion.

MR. MASHBURN: The recommendation has been for a letter of instruction?

MS. WATSON: Yes.

MR. MASHBURN: Okay. I move that a letter of instruct -- of instruction be issued.

MS. SULLIVAN: Mr. Mash -- Mashburn has moved that a letter of instruction be issued in this matter. Is there a second?

MS. LE: Anh Le, I’ll second that.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? The motion passes. The next case is SEB case number 2018-007. This is City of Atlanta runoff election December of 2017. Ms. Watson?

MS. WATSON: Following the December 2017 runoff election in the City of Atlanta, we received the following reported allegations: first, that Judith Richards [ph.] copied 500 to 600 absentee ballots for the December 5th, 2017 City of Atlanta runoff, that her supervisor Mark Henderson [ph.] advised her to make the copies. It was determined through interviews with Ms. Richards and Mr.
Henderson that these were sample ballots that were used to pass out at campaign events and they had wording grade out diagonally across the ballot. Hundreds of voters were cast in the -- votes were cast in the runoff election by voters that did not reside in the City of Atlanta. This included individuals who resided in areas of Fulton County that were not validly annexed into the City of Atlanta. This allegation was not substantiated.

That votes were cast by individuals using private mailbox similar to a post office box or virtual mailbox address to claim residency in the city and vote: in regards to this allegation, it was confirmed that there were registered voters who utilized the post office box to register and listed this as a residential address. Of those that were listed, there were 55 that voted in the November 7th, 2017 and December runoff elections with 38 voting in November and 46 voting in the runoff. Research conducted to determine if these voters had a residential address within the City of Atlanta confirmed those that voted did have a City of Atlanta residential address associated to them at the time.

Some voters that no longer resided in the city continued to vote in city elections. There was no list of -- provided to us to follow up on to verify. This was unsubstantiated. Some voter used a business address or
abandoned property address to claim residency in the City of Atlanta for voting. There was no list provided by the complainant. Some inactive voters were turned away from the polls by poll workers. Again, no list was provided by the complainants or complaints reported. Some voters who should have been on the automatic absentee list did not have their ballots mailed until December 2nd, 2017.

The rate at which absentee ballots were returned in the runoff election was significantly lower than the rate of return in the general election, that Fulton County had cited chronic problems with Atlanta -- Atlanta Post Office which could cause delays in receiving absentee ballots.
It appeared approximately 168 ballots were rejected for being returned late and that nearly 700 ballots in the City of Atlanta remained outstanding. There was no list of voters’ names that were provided that state they did not receive their ballot in a timely fashion.

We received an allegation in talking with voters that voted the week before December 5th. It was their understanding an identification was generally required, yet the database field ID required in the spreadsheet indicated no. This was a misinterpretation of the spreadsheet. The indication in that field indicates the voter has already provided identification to the registrar, not that the poll worker did not have to check
the voter’s ID.

Many voters were told that if they did not vote in the November 7th election that they were not eligible to vote in the December 5th runoff. There was no names provided for voters that were told that they could not vote, and we received no other complaints of that allegation.

That 615 voters voting in the O2J were not given credit for voting: the investigation found the voters were given credit, but the report for the municipal election provided to the complainant did not have precinct O2J selected to be included in the report. When selected, the information populated in the report. The votes were included in the tabulation totals all along.

Some voters had been bused by Marta to the north end of Fulton County to affect the vote in the runoff. The complainant never consented to an interview or provided any proof or documentation to the allegation. The voter list provided to Justin Whetamin [ph.] in August of 2017 did not match the list of voters for the December 2017 runoff. The changes are regularly made to the list of registrations, and this is normal. Some poll workers voted in place of actual voters during periods of heavy rain and that some voter certificates had been forged.

There was no evidence provided or located during review of
the voter certificates to substantiate this allegation. We did review all of the voter certificates and the voter list to verify that information.

Chief Registrar Ralph Jones transported absentee ballots in his personal car to mail out for delivery without an additional elections official with him. This — this was found that there was occasions of -- that Mr. Jones did take the ballots that were being mailed out to the post office without a second person, and that was not listed as a violation of the code as it was written.

Some of the DRE voting machine recap sheets had incorrect information on them or the poll officer failed to record voting information on the forms. We did receive and evaluate all of the DRE recap forms. In regards to this allegation, it was determined that election personnel failed to record or reported incorrect information on 120 DRE recap forms after the December 7th, 2017 election. For example, precinct 03T, 04J: votes cast at DRE tape were listed as 82 but were incorrectly recorded on the recap sheet as 182, causing the total to be off by a hundred. In precincts 06I, 07E, 07J, 07N listed totals for one DRE as zero, but the tape indicates there were 75 votes on that DRE, so the total was off by 75 on the recap sheet as compared to the tapes. Other omissions on the recap sheet included the time the last voter voted, the
number of registered voters in the precinct, after the
polls closed seal numbers, after the polls closed count
numbers, and some not signed in triplicate.

The City of Hapeville may have voted in the City of
Atlanta mayoral race. The ballot in Hapeville was
reviewed, and no ballot included the city mayoral race.
That 14 oath envelopes were missing from the December 5th,
2017 runoff: a review of all of the oath envelopes shows
that they were all accounted for. The Chairperson of the
Board of Elections and Registration could not sign the
consolidated municipal certification that returned from
the December 5th, 2017 runoff, that the Superintendent
must sign the document. This was found as not a
violation.

Candidate Keisha Lance Bottoms‘ campaign paperwork
and $3,600 to R.J. Mays Consulting whose registered agent
is Ralph Jones, Sr.: Ralph Jones, Sr. is the Chief
Registrar for Fulton County Board of Registration and
Elections. Both Ralph Jones, Sr. and Ralph Jones, Jr.
were interviewed in the Fulton County internal
investigation conducted by an independent company
regarding the allegation, and it was reviewed. It appears
that Ralph Jones, Sr. was not aware of his name and
address listed on the company filing prior to the
allegation. Our investigation did not find a violation of
the election code.

The Fulton County internal investigation does list
that with Jones, Sr. being listed as a registered agent
for a consulting business being paid by a mayoral
candidate’s campaign during Jones’ service as the Chief
Registrar gives rise to at least the appearance of a
conflict of interest between his private interests and his
public responsibilities. The report does state that there
did not appear to be any involvement by Mr. Jones, Sr. in
the day-to-day activities of the company nor to have
profited from the company or to have knowledge of his
status as a registered agent. The company was
administratively dissolved.

During their investigation, it was learned that 16
electors were issued absentee ballots even though they
failed to sign their signature on their absentee ballot
application. Our recommendation is for Fulton County
Board of Election and Registration, Fulton County Election
Supervisor Richard Barron be referred to the Attorney
General’s Office for 21-2-589(2), willful admission by
poll officers when election personnel failed to record or
recorded incorrect information on 120 DRE machine recap
forms and Fulton County Board of Registration and Election
and Elections Supervisor Richard Jones [sic], Fulton
County Chief Registrar Ralph Jones be referred to the AG
for 21-2-381(4)(b)(1), determination of eligibility by ballot clerks when elections personnel found 16 electors eligible to receive absentee ballots even though they failed to sign their signature and make the mark on application for official absentee ballot.

MS. THOMAS: And Cheryl Ringer, the Fulton County attorney, and Ralph Jones are on the line.

MS. SULLIVAN: Ms. Ringer, you may speak. Thank you for being here.

MS. RINGER: Yes, ma’am, and thank you, Board, for letting us speak. I wanted to point out some things particularly with regards to the allegations that were sustained. As you can see, there were several allegations on this matter. But with regards to the incorrect and erroneous information or lack of information that was included on the recap sheets, so the evidence shows that there was an error or, you know, a failure to complete the forms, but there’s no evidence of intentional or deliberate action. The actual code section at 21-2-589 speaks to willful action by the poll workers. That’s not what we had here. I mean, we had information, and Ms. -- the investigator, Frances, just stated that, you know, in some instances it was solely an error. Instead of 182, they wrote 82, instead of -- you know, they failed to sign some of the documents in triplicate. That is not evidence
of willful omissions that any sort of penalty should be
levied on the county.

You know, we are the most numerous county. For that
reason, we have more registered voters, and that requires
us to have more polling places and more workers. Workers
are human. They make mistakes. Yes, you know, there are
some things that we have to, you know, try and do to make
sure that mistakes are limited, but, you know, they do
happen. This code section, OCGA 21-2-589, is not meant to
penalize errors but rather intentional and deliberate
conduct, willful conduct, and so for that reason, we would
ask that any allegations with respect to -- I believe that
was maybe allegation number 3 -- would be dismissed, at
the very least a letter of instruction with regard to poll
worker training.

And let me think. I’m sorry. Let me just see about
the other allegations. We’d also ask for a letter of
instruction with regards to 21-2-381(4)(b)(1). This
appears also to be a matter of training and not willful
conduct. That’s all that I had. I’m not sure if Mr.
Jones wanted to add anything.

MR. JONES: Yes. For allegation number 20, --

MS. SULLIVAN: If you could speak up, please.

MR. JONES: Okay. Can you hear me now?

MS. SULLIVAN: Yes. Just if you can speak up just a
little bit louder, I’m sorry.

MR. JONES: Okay.

MS. SULLIVAN: That’s perfect. Thank you.

MR. JONES: For allegation number 20, we just wanted
to touch bases to say that our procedures have changed
since then, and now we are actually looking at the
signature verification of the process of absentee. We
didn’t in the past mainly because anyone could request an
absentee application on behalf of another person, and what
we always have always done was to validate the ballot upon
return with the voter registration application, so just
wanted to interject that. On allegation number 20,
procedures have been updated to validate the request also,
so...

MS. SULLIVAN: Thank you. Do any members of the
Board have any questions for Ms. Ringer, Mr. Jones? If
not, any questions for Ms. Watson?

MR. WORLEY: I had a question, Ms. Sullivan.

MS. SULLIVAN: Go ahead.

MR. WORLEY: Is -- or who is the complainant in this
case?

MS. WATSON: The complainants in this case were Mary
Norwood [ph.] and Vincent Russo [ph.] and Justin Whetamin.

MR. WORLEY: Okay. And Mr. Russo was Ms. Norwood’s
lawyer in this matter?
MS. WATSON: I believe that is correct.

MR. WORLEY: Okay. And how many total allegations were made?

MS. WATSON: I show twenty.

MR. WORLEY: And how many did you find evidence to sustain?

MS. WATSON: Three.

MR. WORLEY: And those were the minor allegations. The major allegations of voter fraud were all unsubstantiated, correct?

MS. WATSON: Yes, sir.

MR. WORLEY: And is Ms. Norwood or Mr. Russo here to present their case today?

MS. SULLIVAN: They are not. They have not signed in.

MR. WORLEY: Those are the only questions that I had.

MS. SULLIVAN: Would you like to make a motion, Mr. Worley?

MR. WORLEY: I would -- if Ms. Watson could repeat for us the allegations that were substantiated, the number of those allegations in the report?

MS. WATSON: One second, it’s at the end of the report. Allegation 3, allegation 15, and allegation 20 were the ones that were substantiated.

MR. WORLEY: I would make a motion that we dismiss
all of the allegations except for numbers 3, 15, and 20 as being unsubstantiated.

MR. MASHBURN: And this is Matt Mashburn. Would you consider a friendly amendment that we send those three to the AG?

MR. WORLEY: Well, no. I would just like to save that for another motion -- for another motion.

MS. SULLIVAN: So the motion is to dismiss all of the allegations except for those three. Is there a second?

MR. MASHBURN: Yeah. I’d just like to do them all together in one motion, David, if I could --

MR. WORLEY: Well, I’d like to vote separately on them, so I don’t accept your amendment. I appreciate the spirit in which it was offered, but I would like separate votes on these.

MS. SULLIVAN: So there is not a -- at this time, we do not have a second for Mr. Worley’s motion. Is there a second? The motion --

MS. LE: This is Anh --

MS. SULLIVAN: I’m sorry. Go ahead, Ms. Le.

MS. LE: I was just trying to understand, get clarification. So Mr. Worley, is it your motion that you want to dismiss all allegations but 3, 15, and 20, and is it Mr. --

MR. WORLEY: That’s correct.
MS. LE: And Mr. Mashburn, you’re in agreement with dismissing those, except you want to move forward with a motion on 3, 15, and 20 as well; is that correct?

MR. MASHBURN: Correct. I think we should handle it all as one case, and we should dismiss all but the three, and the three that you’ve mentioned should go to the AG, so if -- if David’s motion does not go forward for lack of a second, I will follow that up with a motion to dismiss as David has indicated plus send the three to the AG.

MS. LE: I would second that motion, if that’s a motion, Mr. Mashburn.

MS. SULLIVAN: Well, at this time, we still have a motion on the table from Mr. Worley. It sounds like there is not a second, so that motion will fail for a lack of a second. At this time, I can entertain a second motion.

MR. MASHBURN: I -- this is Matt Mashburn. I move that the cases -- the allegations -- what were they again?

MS. SULLIVAN: 3, 15, and 20.

MR. MASHBURN: 3, 15, and 20 be referred to the Attorney General’s Office and that all other allegations be dismissed, which I believe is the recommendation of the investigator, so I move that we adopt the recommendation of the investigator.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: This is Anh Le. Mr. Worley, it seems that
we’re in agreement that we should dismiss those
allegations in Mr. Mashburn’s motion, so -- and it looks
like we’re adopting the recommendations to send to the
Attorney General’s Office. I’m not sure if there’s a
discussion as to your reservation for that, but if there
isn’t, I would like to go ahead and second this motion.

MS. SULLIVAN: Thank you for your second. Now would
be the time for any further discussion.

MR. WORLEY: I’ll support that motion as it now
stands.

MS. SULLIVAN: Thank you. Is there any further
discussion? We have a motion and a second on the table.
All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that
motion passes. At this time, we’re going to take a 10-
minute break. We will be back at 10:45. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: This is Rebecca Sullivan. Let’s go
ahead. It’s 10:45. We’ll call this meeting back to
order. The next item on the agenda is SEB case 2018-039,
tab number 60. Ms. Watson?

MS. WATSON: Yes. 2018-039, a council member Koontz
stated when she was voting on May 22nd, 2018, she realized
something was wrong when the house representative she
wanted to vote for was not on her ballot. She then went
to the DeKalb County voter registration office and spoke
with an unknown person who advised her it was a mistake,
and she had been placed in the wrong district. Georgia
Representative Scott Holcomb, who represents House
District 81, reported scores of voters were moved out of
his district into House District 79 incorrectly.

Investigation revealed the DeKalb County
redistricting supervisor advised that in 2012 while
redrawing the district map in Doraville, she made a
mistake and overlooked moving 864 voters that were in
House District 79 into House District 81. The error was
not corrected until July 31st, 2018. There was 122 voters
that voted in the wrong district. The error did not
impact the election results. Our recommendation is for
DeKalb County Board of Election and Registration, Glenda
Woods, redistricting supervisor, be referred to the AG’s
Office for 21-2-226 and also to dismiss the violation for
former Elections Supervisor Maxine Daniels.

MS. THOMAS: And on the line we have Irene Vander Els
and also Melanie Wilson.

MS. LE: Ms. Sullivan, this is Anh Le. Before we
proceed further, I’d like to recuse myself from this case,
please.
MS. SULLIVAN: Noted, thank you.

MS. VANDER ELS: Good morning. This is Irene Vander Els. I’m here on behalf of DeKalb County, and I just wanted to provide some information regarding our current processes with regard to redistricting. First, as soon as the matter was brought to the attention of the Board, an extensive review was conducted to ensure that House District 81 was the only area affected by this redistricting issue. The districts were corrected immediately upon the completion of an ongoing election at the time, which was not affected by those issues. The process now includes internal buffer deadlines to ensure the staff has adequate time to review all districting changes before they’re finally implemented. The redistricting will be made in teams of at least two people to ensure that the changes are made correctly and reviewed by management before they are finalized. And finally, our current Elections Director Erica Hamilton as well as our former Director Maxine Daniels and Ms. Glenda Woods are all on the line if there are any questions.

MS. SULLIVAN: Was there anyone else who would like to speak on this case?

MS. THOMAS: No, thank you.

MS. SULLIVAN: Do any of the Board members have any questions? If not, now would be an appropriate time for a
motion. Ms. Watson, could you repeat the recommendation, please?

MS. WATSON: Yes. The recommendation is to refer to the Attorney General’s Office DeKalb County Board of Elections and Registration and Glenda Woods, redistricting supervisor, for violation of 21-2-226 and dismiss violation for Maxine Daniels, former Elections Supervisor.

MR. MASHBURN: Matt Mashburn, I move that we accept the recommendation of the investigators.

MR. WORLEY: This is David Worley. I second that motion.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? No. Let the record reflect that Ms. Le recused herself from that case, and the motion passes. Next is SEB case 2018-048, Sumter County. Ms. Watson?

MS. WATSON: The complainant went to vote at the Plains precinct at approximately 7:05 A.M. and left at 7:36 A.M. and still had not voted. The express polls would not issue voter access cards. The complainant asked for a provisional ballot. The poll manager called the Elections Office to ask about issuing them and started
passing them out. She was asked about the provisional envelopes, and the complainant reported the poll worker did not have a clue. The manager looked in the supplies and then called the elections office to ask about the issue. There were no envelopes, and she then told them that the Election Supervisor preferred that the voters wait for him to get there to fix the express polls. In addition, there were only six provisional ballots, and the voters who were waiting would have used all of them. Four of the voters left without voting.

It was determined that two express polls had gotten placed back in the incorrect precinct case and was delivered to the wrong precinct. Once they were switched out, the express polls, voting was able to start as normal. The precincts were on opposite ends of the county and took until approximately 9:30 A.M. to complete the change of polls for both precincts. The poll manager for the Plains voting precinct advised that this was their first election as the poll manager, and she recalls that one express poll was working, and the other was not. She stated that she could not recall if she could not locate the provisional envelopes or if they did not have any. She stated she issued only one provisional ballot. The poll manager for the Plains precinct stated it took approximately 45 minutes to resolve the issue and that she
did not feel that the one-hour training that she received was adequate training for a poll manager.

Voter Mr. Duhall [ph.] reported that he completed what he believed to be a paper ballot, and the poll manager reported issuing a provisional ballot, but there is no record of a provisional ballot being counted. Our recommendation is for Sumter County Board of Elections and former Elections Supervisor Robert Brady be referred to the Attorney General’s Office for violation of SEB rule 183-1-12-.02(4)(d), OCGA 21-2-403, 21-2-328(a), and 21-2-418(a)(8).

MS. THOMAS: And Hayden Hooks is on the line to speak on behalf of Sumter County.

MS. HOOKS: Can y’all hear me well?

MS. SULLIVAN: We can. Go ahead.

MS. HOOKS: Okay. Good morning. I’m Hayden Hooks, and I’m the attorney for Sumter County Board of Elections, and the Board and I just join the others who have thanked y’all for your volunteer efforts this morning, and while the Board does not dispute the majority of the facts that Ms. Watson presented, we would ask that instead of a recommendation for referral to the Attorney General that the Board would issue either a letter of instruction or dismiss this case.

Since this is from 2018, this complaint involves the
old voting machines, and I think, as Ms. Watson mentioned, it is also the actions of the Board’s former supervisor of elections. When the Board was preparing for the primary runoffs in July of 2018, the express poll cards were placed into boxes -- into the wrong labeled boxes and that meant that the poll cards for one precinct went to the wrong -- the two precincts were switched, and so -- and the poll manager involved in this complaint was a new employee. The regular poll manager for the precinct was not able to work the runoff, and so she -- she was new that day and so that may speak to her lack of training, but since then, both the former supervisor and the current supervisor have trained employees on the importance of tracking equipment and ensuring that the correct equipment arrives at each precinct, and it is my understanding that no employee of the Board has committed a similar error since this election. While I have not contacted the voters identified directly, the former supervisor did, and it’s his understanding that rather than the four individuals who could not vote, there was only one individual who was unable to vote due to these errors.

I spoke to Ms. Watson last week, and she explained that her recommendation for a referral to the Attorney General’s Office rather than a letter of instruction was based on an error in the January -- a similar error in the
January 2021 runoff election. In that election, a representative of Dominion who was assigned to assist the Board distributed the poll pads to two precincts incorrectly, and so -- and when she was doing that, the representative relied on the number that had been assigned to each precinct rather than the name of the precinct, and so to avoid that problem happening again, the supervisor has labeled the new poll pads with the precinct name rather than number and that led to a successful use last election in March with no problems with equipment.

And again, because this complaint involves the old voting equipment and the actions of a former employee and because these remedial measures and training have been implemented, I ask that the Board would honor the Sumter County Board of Elections’ request for a lesser sanction than a referral to the Attorney General. And we’re available for any questions. I think Mr. Brady was trying to participate as well, but I’m sure if he’s still on the line.

MS. SULLIVAN: Okay. Thank you. Mr. Brady?

MR. BRADY: Yes, ma’am.

MS. THOMAS: Mr. Brady, you’re unmuted. You can speak if you’d like to.

MR. BRADY: No, ma’am. I really don’t have anything to offer to this. This was something that was a one-off
error and a combination of errors. There wasn’t any intent to do anything incorrectly, and I really don’t have anything to comment beyond that. Thank you for the opportunity.

MS. SULLIVAN: Do any Board members have any questions?

MR. MASHBURN: This is Matt Mashburn. I don’t have any questions, but I think the attorney made a very good presentation, excellent presentation, with the case, and I’m sympathetic with the hardworking people who try to do their very best to put on the elections. The only -- the problem is -- is that they’re the two worst things that could possibly happen is the voter that presents themselves at the poll to vote doesn’t get to vote, and the second equally worse thing is that somebody who shouldn’t be voting is allowed to vote. So you’ve got one of the two here and so I don’t think it’s appropriate to handle this with a letter of instruction. I think just because of the gravity of the -- of sending a voter away who presented themselves, and -- and not to respond to public opinion but to reflect that this -- this potential is treated very seriously by the Board, I think that we should refer this to the Attorney General and make a motion that we do so.

MS, SULLIVAN: Right. We have a motion on the table
to refer this matter to the Attorney General. Do we have a second?

MR. WORLEY: I will second that motion for the same reasons Mr. Mashburn expressed.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? If not, all in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? The motion passes. The next case on our agenda is SEB case 2018-088, Bulloch County.

MS. WATSON: In November of 2018, we received a complaint alleging Bulloch County Election Supervisor Patricia Jones failed to comply with the court order injunction filed on October 25th, 2018. The court order concerned absentee ballot applications and absentee ballots where there was a rejection solely due to a signature mismatch. Investigation revealed 30 voters were identified that would be subject to the federal court order filed during the November 6th, 2018 general election. Four of those were identified as having voted in person, leaving 26 voters. The remaining 26 had no records of voting during the November 6th, 2018 election. Out of the 13 that could be contacted, only 3 remembered receiving a rejection letter, and two remembered receiving
an absentee ballot.

The Election Supervisor Patricia Jones advised she could not recall if any additional letters or ballots were sent to those voters who were rejected based on signature mismatch. Patricia Jones stated that when they receive an absentee ballot request with issues, they call or send letters and do everything in their power to make sure every vote counts. The county attorneys stated the county’s practice was to send out letters and do so prior to the court order being filed. The election documentation was reviewed, and no rejection letters were located for three voters with rejected absentee ballot applications. The rejection letters on file were all dated prior to the date of the federal court order. Our recommendation is for Patricia Jones, the Elections Supervisor, and Bulloch County Board of Elections and Registration be referred to the AG’s Office for 21-2-381 (b)(3), for failing to promptly notify three voters in writing that their application for absentee ballot had been rejected due to a signature mismatch issue.

MS. SULLIVAN: We have no one on the line to speak regarding this matter. Do any of the Board members have any questions for Ms. Watson?

MR. MASHBURN: This is Matt Mashburn. I don’t have any questions, but I move that we ad -- adopt the
recommendation of the investigators and proceed accordingly.

MS. SULLIVAN: Is there a second?

MR. WORLEY: I would --

MS. LE: Anh Le, second.

MS. SULLIVAN: Ms. Le has seconded the motion. Is there any further discussion?

MR. WORLEY: Only that I found this a very disturbing report in that the Superintendent seemed to be willfully — acting willfully, so I would concur in referring it.

MS. SULLIVAN: Thank you. We have a motion and a second. All those in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Is there any opposed? Motion passes. Next case on the agenda is SEB case number 2018-109, and this is Fulton County.

MS. WATSON: On November 6th, 2018, Nan Harmon [ph.] advised that while voting at the Hopewell Baptist Church, she filled out the initial form, and her information was entered into the computer. She was asked if she had also requested an absentee ballot. She stated that she had not requested one. In researching the circumstances, it was found that an absentee ballot application was submitted in the complainant’s name dated October 15th, 2018. The signature appeared to be that of the complainant. The
complainant was shown the signature and acknowledged that
the signature is hers. The complainant voted via absentee
and then again in person during the November 6th, 2018
election. Our recommendation is for Nan Caroline Harmon
to be referred to the AG’s Office for violation of 21–2–
572 and for Fulton County Board of Registration and
Elections, Elections Superintendent Richard Barron, and
Kenneth Sanford [ph.], the poll -- poll manager, be
referred for violation of SEB rule 183–1–14–.09 and also
for 21–2–590.

MS. SULLIVAN: There is no one here to speak on
behalf of this matter. Does any Board member have any
questions for Ms. Watson? If not, now would be the
appropriate time for a motion.

MS. LE: This is Anh Le. I move to adopt the
recommendation and send this to the Attorney General’s
Office.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion by Ms. Le and a
second by Mr. Mashburn. Is there any further discussion?
All those in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there is none opposed. That
motion passes. The next case is case number 2019–048,
City of Waynesboro.
MS. WATSON: In this case, the complainants were candidates during the November 5th, 2019 municipal general election in the City of Waynesboro. They alleged there were 148 unaccounted absentee ballots. They believed some absentee ballots were intentionally mailed late. They alleged the number of voters on Election Day were fewer than the number reported.

Investigators revealed the absentee ballot documentation did not substantiate the specific listed allegations. It was verified that many voters were mailed absentee ballots, but they were never returned. The list provided by the complainant of voters that she had concerns about were investigated. 58 were mailed an absentee ballot, and it was not returned, 9 were rejected, and 5 voted. It was verified that 22 absentee ballot requests were not processed and mailed within 3 business days of receiving the applications.

The complainant also stated that the number listed as voting on Election Day was not accurate. The number was much less than what was listed. The investigator reviewed the voter certificates from Election Day, and the number was confirmed as reported as 487. Our recommendation is for Burton County Board of Election and Registration and Supervisor Laverne Sellow be referred to the Attorney General’s Office for SEB rule 183-1-14-.11, failing an
issuance of ballots, in that they failed to make a
determination and mail or issue absentee ballots to
eligible applicants with 3 days -- business days after
receiving the absentee ballot application, 22 counts.

MS. SULLIVAN: Thank you, Ms. Watson. No one has
signed up to speak regarding this case. Do any of the
Board members have any questions for Ms. Watson regarding
her recommendation or the investigation?

MR. MASHBURN: No questions, but I move that we adopt
the recommendation.

MR. WORLEY: Second.

MS. SULLIVAN: We have -- we have a motion and a
second by Mr. Worley. Any further discussion? All in
favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. The
motion passes. Moving on, the next case is 2019-049, City
of Palmetto.

MS. WATSON: On November the 12th, 2019, we opened an
investigation concerning a complaint that the City of
Palmetto changed its municipal polling location without
notice. The investigation showed the assigned polling
location for Coweta -- Coweta County residents who reside
in the City of Palmetto is the Palmetto City Hall. The
assigned polling location for the City of Palmetto
residents that are in Fulton County is the Palmetto Library, which is the same as their county’s polling location. The municipal elections are always held at City Hall in Palmetto. The Election Net system was checked to verify who made the change for Fulton County residents in the City of Palmetto from the City Hall location to the library location.

It was determined that Fulton County Elections employee W. Moss [ph.] had made the change in Election Net on March 11th, 2016. Ralph Jones with Fulton County responded that they would have made the change in the system if the Fulton County Board of Elections and Registration approved it. Mr. Jones further stated that no municipality has a different location in their municipality than we have for the county. Mr. Jones further stated that the municipalities were told that if they have a different poll location than what they had for other elections, they run the risk of disenfranchising voters by confusing them as voters go to another location for municipal elections. Mr. Jones further stated that Wandrea Moss would have made the change at his direction.

The City of Palmetto wishes to keep the City Hall location for listed municipal elections. The voter registration cards issued to the City of Palmetto residents that live in Fulton County list the incorrect
poll location, creating confusion among voters in the City of Palmetto during the November 5th, 2019 election. Our recommendation is to refer to the Attorney General’s Office Fulton County Board of Registration, Richard Barron, Director of Fulton County Registration and Elections, Ralph Jones, Chief Registrar, and Wandrea Moss for 21-2-226, duties of county boards in the duty to place in proper precinct.

MS. THOMAS: And Cheryl Ringer and Ralph Jones are on the line.

MS. SULLIVAN: Ms. Ringer, go ahead.

MS. RINGER: Yes, Madam Vice Chair. We did not receive the investigative report for case number 2019-049 or the previous matter that was discussed for Fulton County. I just was slow to the queue. And so we would ask that this matter would be continued until the next SEB meeting date such that we could receive the information and be prepared to respond. Mr. Jones, did you have anything you want to say?

MR. JONES: No, thank you.

MS. SULLIVAN: Is there a motion to postpone this case to the next meeting pursuant to the request?

MR. WORLEY: I’ll make that motion.

MS. SULLIVAN: Is there a second?

MS. LE: Anh Le, I’ll second it.
MS. SULLIVAN: Okay. We’ve got a motion and a second to postpone 2019-049 until the next meeting. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? Then, that motion passes, and we will continue that case. Next on the agenda is case 2020-031, DeKalb County.

MS. WATSON: Yes --

MS. LE: This is Anh.

MS. WATSON: June 10th, 2020 --

MS. SULLIVAN: Just a second. Yes, Ms. Le? Ms. Le, did you have something?

MS. LE: Yes. I’m sorry. I would like to recuse from this case, please.

MS. SULLIVAN: Okay. We’ll note it for the record. Please go ahead, Ms. Watson.

MS. WATSON: Okay. On June 10th, 2020, a DeKalb County poll manager reported an incident that occurred during the 2020 primary election. It was alleged that a voter at the First Baptist Church precinct in Clarkston had arrived after 7 P.M., but the voter, James Emerson [ph.], became irate that he was offered a provisional. He then asked to use a table where a poll worker was assisting another voter and was asked to wait. He then kicked over the table and began cussing at the poll
worker. The voter completed the process and left while the poll worker attempted to contact the Elections Office for advice. The voter was contacted and stated that he did kick over the table out of frustration. The voter alleges that the poll worker told him to stay back and pushed him as he attempted to use the table. The poll worker was contacted for further detail and a response as to the voter’s account. She advised she was no longer interested in participating in the investigation.

Other poll worker statements support the report that Mr. Emerson kicked over the table and was cussing at the poll worker. Our recommendation is for James Emerson to be referred to the Attorney General’s Office for a violation of 21-2-566.

MS. THOMAS: And Trina Lipscomb is on the line to speak on this case.

MS. SULLIVAN: Ms. Lipscomb, go ahead.

MS. THOMAS: Ms. Lipscomb, you may unmute yourself. Ms. Lipscomb, you can unmute yourself using your toolbar.

MS. SULLIVAN: Does anyone have any questions regarding this matter for Ms. Watson?

MR. MASHBURN: I don’t have any questions. This is Matt Mashburn. I don’t have any questions, but so many times on so much of these is us doing -- and taking care of matters accused -- of poll workers doing something
wrong. I think this is an important case for us to let
the poll workers know and everybody out there that the
Election Board thanks them for their service, and there’s
been a lot of stories about this recent election of people
being intimidated and threatened and death threats and
having their pictures put on the Internet, doxed, so I
think my motion will be to refer this to the Attorney
General’s Office but also to make a comment at the time of
doing so that we want to make sure that the poll workers
who are doing this, a lot of them, out of the goodness of
their hearts -- that we have their back. So I move that
we refer this to the Attorney General as recommended.

MS. SULLIVAN: Thank you, Mr. Mashburn. I second
your motion as stated. Is there any further discussion?

MR. WORLEY: I would agree with Mr. Mashburn’s
comments, and I -- I found this case to be very
disturbing. We don’t often get reports like this from the
polls, and I think the Attorney General’s Office, if
they’re able to enter into a consent order with the
Respondent, should only do so if they have a -- along with
the imposition of a strong fine.

MS. SULLIVAN: Thank you. Ms. Lipscomb, it looks
like you were able to unmute yourself. Would you like to
speak at this time?

MS. THOMAS: You’re unmuted. You can go ahead and
start speaking.

MS. SULLIVAN: Okay. The motion on the table is to refer this matter to the Attorney General’s Office. We have a second, and if there’s no further discussion, all in favor please vote by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Were there any opposed? None. And Ms. Le recused herself regarding that matter, and the motion passes. The next case is 2020-032, Greene County.

MS. WATSON: Yes. Kathleen Mayers, the Election Supervisor of Greene County Board of Elections and Registration, reported that voter Lester Smith became enraged, got loud and disruptive after he was informed he had to cast a vote by provisional ballot due to a voter registration issue during the June 2020 general primary election. It was reported that Lester Smith and his wife entered the poll to vote. Mr. Smith was informed that his voter registration was in Franklin County. They offered to register him in Greene, and he could vote by provisional. Mr. Smith became outraged and began shouting that he was registered in Greene County, had voted at that location previously.

The voter’s outburst created a situation in which the poll manager stopped what she was doing and explained his options which included returning to Franklin County to
vote. This made matters worse, and Mr. Smith advised he had already voted, and he was not voting provisional, made insults to the poll workers, and accused them of wrecking the election. The poll manager went to call the sheriff’s office at which time Mr. Smith left the poll location. A review of the voter history for Mr. Smith reveals his last vote was in 2018 in Franklin County, Georgia. Going back to 1996, there was no voter history for Mr. Smith in Greene County. There was no history of a voter registration being submitted for Mr. Smith in Greene County.

Mr. Smith contacted me after receiving the notice for this hearing, and after speaking with Mr. Smith, it would appear he became defensive because he perceived the poll worker called him a liar when he said he voted previously in Greene County. He was at the voting location with his wife that had some mobility and stability issues, and when the poll worker told him to leave, he was adamant that he was not leaving until his wife was through voting, and he could escort her out. He did tell the poll worker that if she wanted to call the police to go ahead. Having spoke to the Respondent, I would recommend a letter of instruction be issued to Lester Smith for 21-2-566(2), as there appeared to be a conflict between him and the poll manager, and he does realize that this was not the
appropriate response at that particular time but was adamant that he was not going to leave without his wife.

MS. THOMAS: And Mr. Smith is on the line.

MS. SULLIVAN: You may speak, Mr. Smith.

MR. SMITH: Yes. Can you hear me?

MS. SULLIVAN: Yes. We can hear you. Please go ahead.

MR. SMITH: Can you hear me?

MS. SULLIVAN: Yes. We can hear you. Can you hear us?

MR. SMITH: Can you hear me?

MS. SULLIVAN: Yes. We can hear you.

MR. SMITH: Hello.

MR. MASHBURN: Can you hear us, Mr. Smith?

MS. SULLIVAN: Mr. Smith, we can hear you.

MR. SMITH: I am speaking.

MS. THOMAS: Go ahead. You can go ahead, Mr. Smith.

MS. SULLIVAN: He can’t hear us.

MS. THOMAS: I’ll write him and tell him that we can hear him.

MR. SMITH: Can you hear me?

MS. SULLIVAN: Yes. We can hear you, but we believe that you’re unable to hear us.

MR. SMITH: Can you hear me?

MS. SULLIVAN: I’m sorry. You know what we’ll do is
we’ll go ahead and move on to the next case on the agenda, if someone could let him know and try to work out that problem. I’ll like him to have the opportunity to speak on his be -- behalf in response to this case, so we will --

MS. THOMAS: He said all sound went away.

MS. SULLIVAN: Okay. So while we work out that -- that technical difficulty for that Respondent, we’re going to move back to SEB case number 2018-088, Bulloch County. It’s my understanding that there are two mem -- two people that signed up to speak on that case that did not get an opportunity to speak, and I would like to recognize them now to do so.

MS. THOMAS: Pat -- Pat Jones is not on. Kathy Anderson? No Kathy.

MS. SULLIVAN: Okay. While we look for -- try to resolve those technical difficulties, we can go ahead and move on to Floyd County, case 2020-041, and we will come back to case 088, 2018-088 and 2020-032 later on in the meeting. Ms. Watson, could you present 2020-041, Floyd County?

MS. THOMAS: Is she under a phone number?

MS. WATSON: In May of 2020, Katie Dempsey and her husband Frank Dempsey [ph.] reported that they received multiple unsolicited applications for absentee ballots in
the mail. These applications reflected incorrect voter registration numbers. After conducting research of their voting records, Katie Dempsey made the following allegations: Frank Lynn Dempsey has two voter registration numbers, Katie Dempsey may have two voter registration numbers, Katie and Frank Dempsey voted in the 2020 presidential primary in March and the presidential primary selection also appeared on their 2020 primary election ballot, Katie and Frank Dempsey requested absentee ballots for the 2020 primary election, and their ballots were mailed to Mrs. Dempsey’s business address instead of their home address as requested.

As to Frank Dempsey having two voter registration numbers, it was found that the duplicate was created when he completed a Department of Driver Services process and listed his name as F. Lynn Dempsey, which was different than Frank Lynn Dempsey, which generated a separate voter registration number. Katie Dempsey was only found to have one voter registration number in the system. As to Mrs. Dempsey voting in the March presidential primary and then receiving the presidential preference selections on their June ballot as well, it appears that the credit for early voting was not listed in Election Net for Mrs. Dempsey for the March presidential primary until June 23rd, 2020, after the June elections. This would have be listed as
eligible voters in the system for the March presidential primary, allowing her to vote twice in the presidential preference primary. As to Mr. Dempsey having the March presidential preference primary listed again on the June ballot, it was determined this occurred as a result of the duplicate voter registration which allowed him to vote twice in the March PPP.

The former Elections Supervisor Robert Brady advised he recalled working with Mrs. Dempsey and locating and entering the credit for voting for her for the March presidential preference but could not recall any specific details. The 2020 PPP in person applications for absentee ballots for the Dempseys could not be located by Floyd County elections staff. Our recommendation is for Floyd County Board of Election and Registration and former Floyd County Chief Clerk of Elections Robert Brady be referred to the AG’s Office for Board rule 183-1-12-.19, when his office failed to enter 2020 presidential preference primary election data into Election Net in a timely manner, and 21-2-73, preparation of primary election results when the County was unable to find two 2020 presidential preference applications for in person absentee ballots and two 2020 primary election applications for absentee ballots.

MS. THOMAS: And Virginia -- Virginia Harman is on
the line for Floyd County.

MS. SULLIVAN: Ms. Harman, go ahead.

MS. HARMAN: Yes, thank you. I am the Floyd County attorney. I only came into this position in July, so my personal knowledge about what happened at the time is based on my conversations with our interim Elections Chief Clerk, Ms. Vanessa Wadell, who’s also on the line, and our current Chair of our Board of Elections and Registration, Dr. Melanie Conrad, who’s also participating.

It does appear that Mr. Dempsey’s duplicate registrations had their genesis in his getting a new driver’s license. As we all know, the requirements for those licenses changed, and as we began to use a consistent name, Mr. Dempsey, who is a friend of mine and who’s a longtime friend, has gone by Lynn Dempsey for most of his life, and so I think his initial registration used his first initial, F, and then his name, Lynn, that he goes by, Dempsey. And when he got his new driver’s license, it was changed, of course, to Franklin Lynn Dempsey, which is his full name.

I -- I don’t know why that wasn’t caught earlier. I do know as soon as it came to the attention of our current interim Chief Elections Clerk, Vanessa Wadell, she corrected those records, and I think -- believe she has located the complete records that Investigator Watson was
just speaking of. I have not -- I did not receive a copy
of any recommendation from the investigator’s office, so I
would like the opportunity to supplement the record, if
need be, to -- to add those records to the investigative
file. I believe that my Board and my current Elections
Chief have done everything that they could to address
these issues. I would ask on their behalf that if you
choose to go forward that a letter of instruction be
provided.

No intentional wrongdoing has been -- I don’t know if
Mr. Brady is still on the line. He is our former Chief
Elections Clerk. I don’t know what happened with the PPP
record of voting that’s been address, but I do know that
our current Board and our current interim Elections Chief
Clerk are addressing any and all issues that have occurred
in regards to this matter, and perhaps, Vanessa, if you’re
on, you might want to supplement that as well.

MS. SULLIVAN: Thank you, Ms. Harman. Is there
anyone else on the line that is asking to speak?

MS. THOMAS: No one is asking to speak, but Mr. --

MS. HARMAN: Dr. Melanie Conrad, I know is on the
line.

MS. SULLIVAN: She has not asked to speak. Do any of
the Board members have any questions for Ms. Harman?

MR. MASHBURN: I don’t -- this is Matt Mashburn. I
don’t have any questions. I’m -- I’m persuaded by the attorney’s argument here. I think it was an excellent argument and would be inclined to accept their request for a letter of instruction or their suggestion of a letter of instruction, so I move that we adopt and issue a letter of instruction in this case. Also, Katie Dempsey is a state representative and was the one who brought the matter to the Board’s attention, and so I just want to just state for the record clearly that she is in no way being accused of having done anything wrong in any way other than to have reported this issue, so I just wanted to be very clear on the record with that. She’s served in the General Assembly in an exemplary fashion, so with that, I move that we issue a letter of instruction as requested by the county’s attorney.

MS. SULLIVAN: Mr. Mashburn has made a motion that a letter of instruction be issued in this case. Is there a second?

MS. LE: This is Anh Le.

MR. WORLEY: I will -- I’m sorry, Anh.

MS. LE: Sorry. Go ahead, Mr. Worley.

MR. WORLEY: I -- I would second that.

MS. SULLIVAN: Okay. Mr. Worley has seconded Mr. Mashburn’s motion. Is there any further discussion?

MS. LE: This is Anh Le. I --
MS. SULLIVAN: Go ahead.

MS. LE: I was just going to make the comment that given that the mistakes resulted in double voting, I’m just more inclined to send this to the Attorney General’s Office with a request that, you know, any agreement or consent that they come to with the county election officials, that it includes training and clear evidence of it, only because the error resulted in double voting of electors. I do appreciate the attorney’s presentation today to articulate the changes that have been made, but I do want to understand that they’ve put sufficient training in place and evidence of it with the AG’s Office.

MR. WORLEY: I -- I will withdraw my second and make a motion that we send it to the Attorney General’s Office, based on Ms. Le’s argument.

MS. SULLIVAN: Okay. The motion -- the second’s been withdrawn. The motion fails for lack of a second, and at this point, I will make a -- entertain a second motion, Mr. Worley.

MR. WORLEY: So moved to refer to the Attorney General’s Office because of double voting.

MS. SULLIVAN: Do we have a second?

MS. LE: This is Anh Le. I’ll second that motion.

MS. SULLIVAN: Okay. We have a motion and a second to refer the matter to the Attorney General’s Office. Is
there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.


MS. THOMAS: We’re going to go back to Bulloch County, 2018-088.

MS. SULLIVAN: I understand that we’re ready to go back to the Bulloch County matter, which is 2018-088. I believe we have two people on the line to speak, and I apologize that you did not get the opportunity to speak earlier. We would like to recognize you now.

MS. ANDERSON: Hello, this is Kathy Anderson, and I apologize as well. I think that the technology failure was also on our side. I do appreciate the opportunity to come back to this case. I would like to say that here with me personally are Patricia Lanier Jones, Election Supervisor for Bulloch County. We also have Hadley Campbell, Chair of Bulloch County Board of Elections and Registration, and Jeff Akins, who is also a Bulloch County attorney and whose name is how we’re signed into this meeting, and we sincerely appreciate you coming back to this case. We would respectfully request that the Board reconsider referring this matter to the AG’s Office. We
couldn’t speak, but we could hear that the concern was the appearance of willfulness as far as this violation goes, and I’m going to respectfully submit that there was nothing willful about these errors.

We are requesting a letter of instruction for the following reasons, and I will be brief. We have no evidence to offer the Board disputing the claims that we failed to send rejection letters to certain voters or to — or that we failed to comply with the court order regarding sending provisional ballots and notices of the right to cure. We’re not going to dispute that because we don’t have evidence to present that would do so, but we will say that the failure, any failure, to send such material — materials or in the alternative, the failure to document that such materials were sent was absolutely int -- unintentional. It was a result of the County’s election staff being stretched to its absolute limit.

Mrs. Jones, the Supervisor, had to oversee a remote polling location at Georgia Southern University for three days and was thus unable to be physically present in her office for that period of time. Compounding the pressure was the fact that the Secretary’s directive regarding Judge Mays’ order was handed down less than two weeks before the election and after early voting had already started, and then on top of that, we had a staffer quit
just before the order came down, which stretched the office’s already strained capacity. I also want to say on a personal note that Ms. Lanier Jones was dealing with some personal issues as far as her mother having been diagnosed with stage 4 cancer and the death of a sister that lived in -- in Atlanta. And in addition to Georgia 7, we also had a satellite polling location known as the Honey Polling, you know, that had to be staffed.

I will say that we did attempt to adjust and adapt when the court order came down, but it appears we neglected to adjust our procedure retroactively, meaning that it looks like we did not go back and see the required notices to pursuance with ballots rejected prior to the date of the court order. None of this is an excuse. I want to be clear on that. It is solely intended to show that the failure here was not deliberate or willful, but the result of human beings doing their best under difficult circumstances and falling short. This isn’t an offer to justify the error but to explain it, and we will do better, and we have done better.

This is the first complaint that Bulloch County has had since the primary election in 2010, and we want to do all that we can to make sure it never happens again. We believe that procedures have been put in to accomplish that purpose. Training -- staff has been trained to deal
with all of the absentee ballot applications and the -- and the ballots. To the best of our knowledge, there were no issues of the sort that we had in 2018 for any cycle of elections since then, so for that reason, we submit that a letter of instruction is appropriate.

And in closing, I would just like to add that Mrs. Jones has, in various capacities, run or helped to run Bulloch County elections for three and a half decades. She is resigning from her position as Elections Supervisor as of June 30th to pursue other interests. She is a valued public servant. We are sorry to see her go and wish her well. We appreciate any and all guidance and assistance the Board wishes to provide, but for all of these reasons, we respectfully request that the Board reconsider and issue a letter of instruction. Thank you.

MS. SULLIVAN: Thank you, Ms. Anderson, for your comments. Unless there is any member of the Board that would like to make a motion for reconsideration, we have made -- voted to refer this matter to the Attorney General’s Office, but we appreciate you being able to state your position for the record. Thank you very much. We now will move on to SEB case number 2020-045. Ms. Watson?

MS. LE: Madam Vice Chair, this is Anh Le. I just want to recuse from this -- want to state for the record
that I’ll recuse from this case as well, please.

MS. SULLIVAN: Okay. Thank you.

MS. WATSON: Between May and June of 2020, we received 15 complaints regarding the processing of absentee ballots during the DeKalb County 2020 primary -- presidential preference and primary election. According to the complainants, voters did not receive their absentee ballots in the mail, they received the incorrect ballot, or they returned their absentee ballot to the DeKalb County Board of Voter Registration and Elections Office and they were not counted. The majority of the complaints were not substantiated.

However, three individuals submitted their absentee ballot applications via email and provided documentation of the submission. The email address they emailed was not the main or official absentee ballot address for DeKalb County, but the voter registration submission email. The email is actively monitored, and those absentee ballot requests found submitted to the incorrect email were forwarded when discovered. DeKalb County could not locate the absentee ballot requests for the three individuals.

It was also determined that a voter, Max Markovitch [ph.], submitted an absentee ballot request for the June election and requested the ballot be mailed to a temporary out-of-state address. The request was submitted on May
27th, 2020. The absentee ballot was mailed to his Atlanta address. The absentee ballot application was located and confirmed the address on the application for mailing was the out-of-state address. The application was not dated or time-stamped by the County. Our recommendation is for DeKalb County Board of Voter Registration and Elections Office and Erica Hamilton, the Director of Elections and Registration, be referred to the Attorney General’s Office for a violation of 21-2-381(4)(b)(2), when the Elections Office failed to issue absentee ballots to four eligible voters during the 2020 primary election.

MS. THOMAS: And Irene Vander Els is on the line for DeKalb County.

MS. VANDER ELS: Thank you, and good morning again. With respect to the absentee ballot process for the primary last year, DeKalb County received over a hundred thousand applications for the June primary and due to the pandemic conditions at the time had fewer in person staff at the office as well as space constraints at the time, which impacted their ability to process applications, but did so successfully with regard to the vast majority of applications received. They have worked with a non-profit absentee voting consultant throughout the rest of the 2020 election cycle to improve their procedures, including having designated staff monitoring these email accounts
and implementing procedures to ensure that all email
applications are processed to prevent any issues like this
in the future and also will implement a procedure to
ensure that any ballots that are to be sent to an address
other than the permanent address of the voter are
segregated out to ensure an additional look over or review
so that those ballots are sent to the correct address.
And for these reasons and given the volume of applications
processed and that two of the voters were able to cast
votes, we’d ask that a letter of instruction be issued
with regard to this case.

MS. SULLIVAN: Thank you. Do any of the Board
members have any questions for Mr. Van -- Ms. Vander Els?
Any questions for Ms. Watson? If not, now would be the
appropriate time for a motion. Ms. Watson, if you could
remind us of your recommendation.

MS. WATSON: Yes. The recommendation is to refer
DeKalb County Board of Voter Registration and Elections
and Erica Hamilton, the Director of Elections and
Registration, for a violation of 21-2-381(4)(b)(2).

MR. MASHBURN: We’re going to refer allegations 2, 3,
8, and 10 and dismiss the others. Is that the
recommendation?

MS. WATSON: I don’t have them separated according to
the -- the specific ones listed -- the ones for Karen

MR. MASHBURN: Matt Mashburn and I will move that we accept the recommendation of the inspector and proceed accordingly and refer that to the Secretary -- to the Attorney General.

MS. SULLIVAN: We have a motion to accept the recommendation. I’ll second that motion, and is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. Let the record reflect that Ms. Le recused herself from that matter. The next case on our agenda is 2020-068, Harris County.

MS. WATSON: Harris County failed to start advance voting on Monday, July 20th, 2020 for the August 11th, 2020 general primary runoff election for the Republican County Commission District 4 seat. Two candidates, a Richie Grantham and Bobby Irions, who were running for County Commission District 4 Republican runoff election. The Elections Supervisor was contacted and confirmed that they did not start on time as she did not realize that since they did not have a federal candidate on the ballot that they needed to start on July 20th, 2020 for the
August 11th, 2020 general primary runoff. The advance voting started the next day on July 21, 2020. I believe there was a total of 138 votes cast in that entire election, and there were only three votes that were cast on the second day of early voting. We are recommending Harris County Board of Election and Registration and Sherrail Jarrett, the Election Supervisor, be referred to the AG’s Office for violation of 21-2-385(b)(1)(b).

MS. THOMAS: And Sherrail Jarrett is on the line for Harris County. Ms. Jarrett.

MS. SULLIVAN: Ms. Jarrett, please go ahead.

MS. JARRETT: Yes. Our county attorney was supposed to be on here as well, but yeah, it is true. We did not start. I got that code section mixed up with the other part where after a general election, that it’s as soon as possible, so I -- because it was just a local race, Commission District 4, we -- I had planned on doing just two weeks of early voting, but as soon as Robin Carr [ph.], our liaison, contacted me, we -- I got in touch with both of the candidates, got in touch with the local paper, and put it on our website that we would start the following day, and like Ms. Watson said, we only had three people show up the second day. No one called. No one came in the first day to ask if we were voting, and so as far as, you know, last year, of course, as everybody
knows, was just a crazy year. I had some personal issues going on as well, which doesn’t excuse me, but, you know, we had — I have now made sure that I go back on each of the code sections that it refers to for everything and double check instead of just going by memory and would like to have the case dismissed or at least just a letter of instruction. Thank you.

MS. THOMAS: And Mr. Russell Britt is on the line as well.

MS. SULLIVAN: Mr. Britt, go ahead.

MS. JARRETT: Mr. Britt, thank you for —

MR. BRITT: Yes.

MS. SULLIVAN: Go ahead, Mr. Britt.

MR. BRITT: Yes, thank you. Can y’all hear me?

MS. SULLIVAN: We can.

MR. BRITT: Great. Thank you, Madam Vice Chair and members of the Board. I am the county attorney for Harris County, and I appreciate being here today. I will just reiterate beyond what Ms. Jarrett indicated. There is no evidence that anybody who wanted to voted — or who wanted to vote couldn’t because of the one-day delay in early voting, and Ms. Jarrett, as soon as she recognized the error, immediately corrected it, and as she indicated, she is now moving forward with corrective measures, so because of that, because one, most importantly, there was no harm
caused by this error, and two, because Ms. Jarrett immediately accepted responsibility and corrected the error, and three, because she’s taken steps to ensure it won’t happen again, we respectfully request that the Board dismiss this case or in the alternative, issue a letter of instruction.

MS. SULLIVAN: Do any of the Board members have any questions for Ms. Jarrett or Mr. Britt?

MS. LE: Ms. Jarrett or Mr. Britt, thank you for being here today. This is Anh Le. Can you please clarify what corrective actions have been put in place?

MS. JARRETT: Yes. In -- in the future, I will -- I have planned to go back and check each code section referring to the particular election going on at the time, like this one being a primary, we’ll go back and double check the regulations on when you’ll be starting advance voting and make sure that it is done accurately and by the code section.

MS. LE: Thank you for the clarification.

MS. JARRETT: Thank you.

MR. MASHBURN: This is Matt Mashburn. I think there’s evidence here that there was a violation, but I’m persuaded by the attorney’s presentation and the County’s presentation, so I move that we accept the County’s suggested letter of rec -- letter of instruction.
MS. SULLIVAN: Mr. Mash -- Mashburn has made a motion to issue a letter of instruction in this matter. I will second that motion. Is there any further discussion? All in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. Thank you. Case number 2020-077 has been continued, so we will move on to case 2020-111, Douglas County.

MS. WATSON: In this case, Roger Bruce, a candidate in District 61, was handing out snacks at the door of the courthouse wearing his political shirt. Emails were sent to the Secretary of State’s Office with several pictures of Roger Bruce giving out snacks and talking to voters while in line at the courthouse. The District 3 Commissioner Tarenia Carthan was handing out snacks to persons waiting in line to vote. The photographs were reviewed and depict Roger Bruce in a shirt with Roger Bruce, State Representative in big letters on the upper left quadrant of the front of the shirt. The photographs depict Representative Bruce and District 3 Commissioner Tarenia Carthan carrying a tray containing various snacks on the tray, offering them to those standing in line to vote. Representative Bruce advised that nothing on his clothing stated to vote for me and that he was unopposed
on the ballot.

The measurements were documented as to the location of Representative Bruce and the photographs in relation to the poll. The distances were all within a hundred and fifty feet of the no campaigning area. Representative Bruce violated the statute at the Douglas County Courthouse, the Wolf Creek Library, and the Southwest Arts Center. Representative Bruce stated that they took the photos and did not believe they were violating the code and were only trying to help those waiting in line. He states he had been told by a voter that they had to wait 7 hours in line, and when his wife left to get them something to eat, she had lost her parking space.

An investigator did find evidence that Commissioner Tarenia Carthan violated 21-2-570, when she assisted Representative Roger Bruce in passing out snacks to voters in line at the Douglas County Courthouse. Our recommendation is for Roger Bruce and Tarenia Carthan to be bound over to the AG’s Office for violation of 21-2-570 and for Roger Bruce for violation of 21-2-414(a)(1)(3), 3 counts, for handing out snacks wearing campaign attire at the Douglas County Courthouse, Wolf Creek Library, and the Southwest Arts Center.

MS. SULLIVAN: No one is on the line to speak regarding this matter. Do any members of the Board have
any questions for Ms. Watson?

MR. MASHBURN: This is Matt Mashburn. I have no questions, but I move that we refer this to the Attorney General.

MS. SULLIVAN: We have a motion. Do we have a second?

MS. LE: Anh Le, I’ll second it.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All those in favor of the motion, please sig — signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and the motion passes. Now, we’re moving on to case number 2020-126, Houston County.

MS. WATSON: In October 2020, a concerned citizen reported Liz’s Restaurant, located at 1746 Watson Boulevard in Warner Robins, Georgia was offering a chance to win a free gift basket for those who registered to vote. The concerned citizen reported there were people sitting by the table filling out paperwork where the gift baskets were displayed. The complainant requested anonymity. Complainant reports seeing three gift baskets on a table at Liz’s Restaurant being offered as incentive to register to vote. If you completed the voter registration or requested an absentee ballot, you would be
entered to have a chance to win one of the baskets.

The owner, Liz Hall [ph.] stated she was encouraging voting registration to customers and her employees but denied offering the gift baskets. An investigator observed displayed on one of the tables a sign that said elections are coming soon November 2nd, 2020, and it’s time to complete your census form. Houston County, let’s make history together, and a poster that stated get your absentee ballot here. The complainant stated she saw the offer of the gift baskets twice when picking up food. The owner denied the offer of the gift baskets to begin with but later advised that she did, in fact, offer the drawing for the gift baskets to those who registered to vote or applied for an absentee ballot. Our recommendation is for Lizzie M. Hall to be referred to the Attorney General’s Office for violation of 21-2-570.

MS. SULLIVAN: We have no one on the line who has signed up to speak in this -- for this case. Are there any questions by any of the Board members?

MR. MASHBURN: This is Matt Mashburn. I have no questions, but I move that we adopt the recommendation and refer this to the Attorney General.

MS. SULLIVAN: We have a motion to refer this to the Attorney General by Mr. Mashburn. Is there a second?

MR. WORLEY: This is Mr. Worley. I’ll second that.
MS. SULLIVAN: Motion and a second. Is there any further discussion? All in favor, please vote by signing signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? And none opposed, and that motion passes. The next case is 2020-131, Bacon County.

MS. WATSON: On October 21, 2020 during early voting, a voter wearing a Trump Train hat came into the polling place. The Elections Supervisor caught it at the scanner. When the voter was asked to remove it and the law was explained, the voter refused, using profanity. He said there was nothing posted when there were several signs on the front door. The voter was told the Elections Office would be contacting the State for failure to comply. The voter refused to remove the hat, scanned his ballot, and then left.

Investigation -- investigators interviewed Bacon County Elections Supervisor Ann Russell and Respondent Kenneth King [ph.] and determined that Mr. King went to vote during early voting on October 21st, 2020 wearing a hat that had Trump Train on it. Ms. Russ -- Russell said it was not discovered until Mr. Russell [sic] was about to put his ballot into the scanner. She asked him to take the hat off, but Mr. King refused to do so, scanned the
ballot, and then left the polling place. Ms. Russell
wrote a report of what happened and then reported it to --
to our office. Mr. King told the investigator that he did
not see any signs posted in the polling place that stated
he could not wear his hat, and he wore the hat because it
is a free county.

After notices of the hearing were mailed out, I
received a statement from Mr. King that stated he was
unaware of the law and had not worn the hat intentionally
but just grabbed the hat as he went out the door that day.
Mr. King states that he decided to early vote while he was
out and did not consider which hat he was wearing. He
states he had gone through the check-in process at the
polling location, and no one had mentioned the hat until
he was about to scan his ballot. Mr. King reports that
the poll worker did not come over to him and ask him to
remove the hat but yelled across the room at him, which he
thought was rude and embarrassing. Mr. King did call the
commissioner’s office to complain about the rudeness after
leaving the poll.

Our recommendation is for a letter of instruction be
issued to -- to Mr. King, as he now states that now that
he is aware of the code that he will make sure that he
complies with it in the future.

MS. SULLIVAN: There is no one here signed up to
speak regarding this matter. Are there any questions by
any Board members? If not, now would be a -- go ahead,
Mr. Worley.

MR. WORLEY: I don’t have any questions, but based on
the past precedents that this Board has established and
the fact that the Respondent was asked to remove his hat
and did not do so, I don’t think we have any choice but to
refer this to the Attorney General’s Office and so move.

MS. SULLIVAN: We have a motion. Is there a second?

MR. MASHBURN: David, -- David, this is Matt
Mashburn. I -- I think on our previous case where we had
the MAGA hat, we issued a letter of instruction in that
case. Is that -- is that your recollection or not?

MR. WORLEY: That is not my recollection, but even if
that were the case, I don’t believe in that case the
person had refused to follow the poll worker’s
instructions.

MR. MASHBURN: Yeah, that is true. In that case, the
person was compliant and did -- did as they were told, and
I -- I got to say I am very disturbed by this trend of
just outright belligerence at the -- at the polls, so I’m
going to join -- I’m going to join you on this one and not
because, necessarily, because of the hat, but because, you
know, the poll workers are -- are doing the best they can
and should be treated with dignity and respect, and when
they give an instruction, that -- that should be complied
with, so I’ll -- I’ll join you in this.

    MS. SULLIVAN: Is that a second?

    MR. MASHBURN: Second. Sorry.

    MS. SULLIVAN: We have a motion and a second. Are
there -- is there any further discussion? All those in
favor, please signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MS. SULLIVAN: And there’s none opposed. That motion
passes. The next case is 2020–141 against Cobb County
[sic - case 2020–137].

    MS. WATSON: Janine Eveler received a complaint that
Mr. Louis Hunter who lives in Pickens County voted in
three elections in Cobb County. Ms. Eveler also received
an additional complaint that a voter received a precinct
card along with election-related flyers addressed to a
Lucinda Bleichner [ph.], but no such person resides at
that address. Investigation revealed Mr. Hunter stated he
did use an address that he no longer lives at on his Cobb
election application for early [sound distortion] dated
October 19th, 2020. The address he used is 3034 Andora
Drive Southwest, Marietta. Mr. Hunter stated he sold his
house on June 1st, 2020. Mr. Hunter stated he chose not
to fill out a change of address when he voted. Mr. Hunter
voted in the August 11th, 2020 general primary runoff and
the November 3rd, 2020 general election.

Mr. Hunter advised the investigator that he receives his mail at 239 Heathersett Drive, Marietta, Georgia, but does not stay there every night. Mr. Hunter advised that he is a Cobb resident and has never tried to defraud anyone in a voting situation. Mr. Hunter advised that his daughter and grandson also reside at the Heathersett Drive address. Hunter advised he resides between two locations, the Heathersett Drive location and 442 Cutthroat Ridge in Jasper, Georgia. Mr. Hunter advised when he completed the absentee ballot application on October 19th, 2020 that he had not yet been able to change his driver’s license due to COVID-19 but does not have a good excuse. The voter registration address was changed to the Heathersett Drive address on October 26th, 2020. Mr. Hunter is the owner of the condo located at Heathersett Drive and paid the taxes in 2019 and 2020.

Mr. Hunter works in Cobb County and states he considers Cobb his county of residence even though he owns other property in Bent Tree. One property was purchased in June of 2020, and Mr. Hunter stated he is spending time at that location to fix it up, and then will decide if he will rent it or keep it.

Lucinda Bleichner fraudulently used an address that she has never resided at on her voter registration
card dated September the 8th, 2020 and September 17th, 2020, and she also voted in the November 3rd, 2020 general election using that address. Attempts to contact Ms. Bleichner have been unsuccessful.

Our recommendation is for Louis Hunter -- Hunter be bound over to the Attorney General’s Office for a violation of 21-2-562(a)(1) and 21-2-218 and for Lucinda Bleichner be referred to the Attorney General’s Office for a violation of 21-2-562(a)(1).

MS. THOMAS: And Mr. Hunter and his attorney, Nathan Wade, are on the line.

MS. SULLIVAN: You may go ahead.

MR. WADE: Good morning. Can you all hear me?

MS. SULLIVAN: We can.

MR. WADE: Thank you for your time and considering Mr. Hunter’s situation, and even thank you for the recommendation. However, I would just ask that the Board take the time to consider the situation in its entirety. Mr. Hunter did indeed -- or had, in fact, sold the property at the 3034 address a month or so prior to the election. What he hadn’t done is changed over his voter registration or corrected the address on his driver’s license or anything of the sort. Now, he also hadn’t re-registered to vote in any other jurisdiction. We’re just asking that because there was no malicious intent behind
Mr. Hunter’s action -- he only voted one time. He never attempted to vote more than once, and he never attempted to even gain voter status in any other jurisdictions.

We’re asking that the -- the recommendation be reconsidered and that Mr. Hunter be allowed to receive a letter, as opposed to the case being bound over to the AG for further consideration.

Also, I think it’s important to note that the complainant in the action, there have been a lot of prior difficulties between that complainant and the agency in which Mr. Hunter was employed at the time, that being the Cobb County Sheriff’s Department. So with that, Mr. Hunter, do you have anything you want to add?

MR. HUNTER: Well, I’d just like to say that this was a mistake on my part, but there was absolutely no intent to defraud the state or the county in any way. At one time, I had -- I was in possession of an absentee ballot and chose to vote in person. I took that to the polling place and turned it in and watched while they got a supervisor to come over and cancel out that ballot, and as my attorney said, records will show that I never voted more than one time in any election, and it was an oversight on my part, which I’m very sorry, and I take it very seriously, so seriously that I didn’t vote in the January 5th election in order to be sure that all of this
is cleared up and handled in a manner that -- that’s
proper. It was never my intent to in any way defraud in
this situation.

MS. SULLIVAN: Thank you for being here. Is there
anyone else on the line to speak to this matter? Do any
of the Board members have any questions?

MR. MASHBURN: This is Matt Mashburn. I don’t have a
question, but I move that we issue a letter of instruction
to Mr. Jordan...

MS. SULLIVAN: Hunter, Mr. Hunter.

MR. MASHBURN: Mr. Hunter and that we refer Ms.
Bleichner to the Attorney General.

MS. SULLIVAN: Mr. Mashburn has made a motion. Is
there a second?

MS. LE: This is Anh Le. I’ll second that.

MS. SULLIVAN: We have a motion and a second. Is
there any further discussion?

MR. WORLEY: I’m going to vote against the motion
because I think both cases should be referred.

MS. SULLIVAN: Okay. All those in favor of the
motion, please signify by saying aye.

THE BOARD MEMBERS (except Mr. Worley): Aye.

MS. SULLIVAN: Are there any opposed?

MR. WORLEY: No.

MS. SULLIVAN: Motion passes. We’re going to go
ahead and take a break for lunch right now. We’re also, during this time, going to enter into executive session for the purposes of discussing pending litigation. I think we will take about a 40-minute break, but we will be back here at 12:45. Is there a motion to enter into executive session?

MR. MASHBURN: So move.

MR. WORLEY: So move.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. All in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, we will exit into executive session, and we will return at 12:45. Thank you so much.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: I’m going to go ahead and call this meeting back to order. The Board did meet in executive session during lunch time. No action was taken by the Board. At this time, I would request a motion to exit executive session.

MR. WORLEY: So move.

MR. MASHBURN: So move. Second.

MS. SULLIVAN: We’ve got a motion and a second. All
in favor, say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None. Okay. We are out of executive session. We’re going to go ahead and go back to case number 2020-032, Greene County. We had -- Mr. Smith was having difficulty being heard by the Board and also Ms. Mayers would like to speak on this case, so let’s try it one more time. Mr. -- this case has already been presented. Mr. Smith, can you hear us?

MS. WATSON: Is he on?

MS. SULLIVAN: Ms. Mayers, can you hear us?

MS. THOMAS: Ms. Mayers, you can unmute yourself.

Yeah, Mr. Lester has logged off. Yeah, he’s logged off.

MS. SULLIVAN: Okay. We will come back to this case later since we are unable to speak to the Respondents. We will now pick up with case number 2020-141, Cobb County, tab number 76.

MS. WATSON: In October of 2020, we received a complaint regarding vote buying in Cobb County. According to the complaint, Adventure Outdoors offered the chance to win a free rifle to anyone who presented their I Voted sticker for the 2020 general election. According to the complaint, they posted an online ad offering the chance to win to anyone who presented the I Voted sticker.

A view of the online ad showed the business
encouraged citizens to vote and offered a chance to win a free M&P 15 Sport 2 rifle after presented the I Voted sticker at their Smyrna, Georgia location. A follow-up at the business location revealed the online ad was a marketing tool to bring customers to the store. There was a message posted on the front door of the business stating voting was not required to enter the raffle for the free rifle and anyone of legal age and able to pass a background check may enter the raffle for the free rifle. Our recommendation is for Jay Wallace [ph.] be bound over to the Attorney General’s Office for a violation of 21-2-570, and I did receive a request from someone to be able to speak.

MS. THOMAS: Bob Barr?

MR. BARR: Yes, ma’am.

MS. SULLIVAN: Please go ahead.

MR. BARR: Okay. Thank you so much. This is Bob Barr. I represent Adventure Outdoors including Jay Wallace, who is the proprietor. We would ask for a dismissal of the case with a letter of instruction. As the findings by the investigator make clear in the final sentence of the second paragraph there was a message on the door of the business stating that there was no requirement to have voted, that anybody with a -- who was of legal age and able to pass a background check could
enter the raffle.

While the establishment has had similar raffles in the past, we recognize certainly that in today’s environment, balloting and voting come under legitimately increased scrutiny, and I’ve already spoken with Mr. Wallace, and in the future if they do, in fact, use a similar method of encouraging people to come into the store, they need to be a lot more careful and explicit in any online representations so that there is, in fact, no confusion that the -- you know, that there’s no requirement that you vote in order to enter the raffle. Even though the notice on the board -- or on the door made that clear, we feel that it is incumbent on us and would comply with a letter of instruction to make that even clearer and include it in the online representations that there is, in fact, no requirement that the person vote or have voted in order to enter the raffle. We would respectfully make that request of this Board.

MS. SULLIVAN: Thank you for your comments. Do any Board members have any questions?

MR. WORLEY: I had a question. Well, a couple of questions. You say that this had been done in the past. Do you mean that they had offered prizes for people registering to vote or voting in the past?

MR. BARR: No. That they had -- that they had made a
similar representation that -- similar to this one, but
there was never in any prior year or in 2020 any language
that they used that required the person to have voted.
It’s -- it’s simply a matter, Mr. Worley, that they have
done this in the past. There’s been no problem, but
certainly, you know, last year and moving forward in the
environment where, you know, there is greater scrutiny on
all aspects of voting, they recognize that they need to be
more careful, and if the Board elects to submit a letter
of instruction to that regard, they certainly will do
that, and they have already instructed me to say that they
are making those adjustments if there is any, you know, if
they do that in the future.

MR. WORLEY: One more question. You seem to
distinguish between what they posted online and what was
on the door of the establishment?

MR. BARR: No. There’s -- oh, I’m sorry.

MR. WORLEY: What was online?

MR. BARR: Online was -- as I -- and I do not have it
in front of me. I asked Mr. Wallace to go back and try
and retrieve what was online. They were unable to. Mr.
Worley, by the way, it’s very good to be with you again,
but they indicated that the same thing was online that was
on the door. On the door, they posted it simply to make
clear that anyone coming into the store for the purposes
of entering the raffle that there was no requirement to do so other than being of legal age and passing a background check.

MR. WORLEY: Thank you.

MR. BARR: Yes, sir.

MS. LE: This is Anh Le. I may have missed this, but did you say how many rifles ended up being given out or none?

MR. BARR: I’m not sure whether that -- whether -- I don’t know the answer to that, Ms. Le. I can certainly find out, but I don’t -- I don’t have that information. I just inquired of Mr. Wallace what were the specifics of the online posting and to confirm with him that the notice as found by the investigator was, in fact, posted on the door.

MS. SULLIVAN: What’s the pleasure of the Board?

MR. WORLEY: Well, I -- I think there appears to be from the investigative report probable cause that a violation occurs, so I would refer this to the Attorney General’s Office.

MS. SULLIVAN: I’m sorry. You faded out there towards the end. Your motion is to refer to the AG’s Office; is that correct?

MR. WORLEY: Yes. That is correct.

MS. SULLIVAN: Is there a second?
MS. LE: This is Anh Le. I’m teetering on, you know, the decision because this is the -- an enterprise that has articulated that they’ve -- I’ve not sure how many guns actually ended up being -- or rifles ended up being given, but it seems like they’ve articulated that they’ve learned their lesson, will not be doing this again. I’m wondering what would be the benefit of sending it to the Attorney General’s Office, you know, other than to come to some consent order to never do it again in a formal written consent agreement, but --

MR. WORLEY: And that’s why I want it sent to the Attorney General’s Office [sound distortion] in order to formalize this agreement which seems somewhat vague at this point.

MS. LE: So your motion is to send it to the Attorney General’s Office not for prosecution but for a consent order to refrain from making any other violations?

MR. WORLEY: Well, I -- I wouldn’t be opposed to the Attorney General’s Office considering an appropriate fine, but I would just like the formality of a consent order.

MS. LE: I -- I think -- I’m sorry, Mr. Worley, do you mind saying the last sentence again? I think it went out. I didn’t hear it.

MR. WORLEY: I’m sorry. I would not be opposed to the Attorney General’s Office considering a fine, but at
the very least, I would like a consent order so that the company formally recognizes that this would not happen again.

MS. SULLIVAN: So we have a motion. Do we have a -- Ms. Le, would you like to second that motion?

MS. LE: I would second that motion if the Attorney General’s Office could consider a consent order formalizing the, you know, formalizing the entity’s agreement to comply with election law in the future and refrain from making these violations again.

MS. WATSON: I think we have a motion and a second to refer to the Attorney General’s Office with some additional commentary there which can be considered by the AG’s Office. Is there any discussion regarding this matter? Any further discussion? All right. We have a motion and a second. All those in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? There are none opposed, and that motion passes. Thank you so much. And moving on to the next case has -- on the agenda has been continued, which is 2020-148, so we will move on to 2020-156, Stephens County. Ms. Watson?

MS. WATSON: Yes. Between November 2020 and January 2021, we received multiple complaints regarding the
administration of election duties by the Stephens County Elections Office. The allegations include Stephens County Chief Registrar Eureka Gober self-reported that her office had not been able to complete entering all of the 2020 general election early voter data into Election Net prior to the deadline. It was reported that Stephens County Election Office did not process two applications for absentee ballots for the 2020 primary and general election. A Stephens County voter did not receive credit for voting during the 2020 general election. Stephens County Elections Office failed to register three voters in a timely manner, which resulted in one voter not being able to cast a ballot in the 2020 general election. It was alleged that Stephens County election staff violated ballot handling, collection, and transportation codes. It was reported that Stephens County Elections Office did not report the accurate number of mailed electronic absentee ballots for the Georgia GOP during the 2020 general runoff election. Stephens County Elections Office failed to respond to open records requests in a timely manner. It was reported that Rebeckah Bennet photographed her ballot during the 2020 general runoff election at the polls.

Investigation reveals records indicate that Stephens County did not meet the deadline in entering credit for voting in E-net by the deadline of October 30th, 2020.
The former Elections Supervisor Eureka Gober contacted our office to report the issue, and data continued to be entered after the deadline but as of 11/04/2020, there was still approximately 800 voters that had not been given credit in the system for early voting. After the election, the County worked with the liaison in their office to get the credit for voting entered.

Michael Wacash [ph.] and his wife Mary reported that they did not receive their absentee ballots from Stephens County. They went to vote in person. As a result, it was determined that Mr. Wacash and his wife were on the rollover list and had not received their absentee ballots. Eureka Gober, the Elections Supervisor, could not provide an explanation.

As to failing to process voter registrations, it was determined that Billy Stephens and his wife Sherry Stephens [ph.] registered to vote at the Elections Office in Stephens County on November 5th, 2020 with Eureka Gober assisting them. On December 6th, 2020, Mr. Stephens checked the status of his voter registration on the MyVoter page online and found that he was still registered in White County, Georgia. On December 7th, 2020, Mr. Stephens went to the Elections Office and met with Nora Waters [ph.] who advised that he still was registered in White County with an absentee ballot issued to him for the
January 5th, 2021 runoff. Mr. Waters contacted the White County Elections Office, requested the absentee ballot be canceled, then the voter registrations were completed on December 7th, 2020, allowing them to vote in the January runoff election in Stephens County.

Brenda Dimetrick [ph.] advised that Stephens County failed to register her son Jeffrey Dimetrick [ph.]. She had brought her son to the Elections Office on September the 30th, 2020 to register. On November 30th -- 3rd, 2020, when Jeffrey attempted to vote, a poll worker advised that he was not registered. He was offered a provisional ballot, which he voted. On January 13th, 2020, Eureka Gober advised Jeffrey in an email that his registration was completed and his provisional would be counted. Election Net records show Jeffrey being entered as registered on November 23rd, 2020.

Rebeckah Bennett reported observing an absentee ballot on the desk of Eureka Gober on November 4th, 2020. She inquired as to why the ballot was on her desk and whether it had been counted. Eureka advised she did not know why it was there and that it had not been counted. The ballot was then processed and included in the totals. Rebeckah requested to review the absentee ballot drop box footage and noticed that on August the 10th, 2020, Eureka Gober collects absentee ballots by herself from the box at
70 North Alexander Street in Toccoa [ph.] .

The drop box collection logs were requested by the investigator for the August 2020 runoff, the November general elections, and the January runoff elections. No logs were located for the August primary runoff election. It was found that the drop box collection logs provided were incomplete, with the section intended for the registrar designee being not completed. It was noted that Michael Nesbit [ph.] and James Odom [ph.] are listed as part of the collection team but are not election employees. Neither took an oath or signed an oath. The January 2021 general runoff election collection logs were completed in full and all collection teams were sworn poll workers.

Eureka Gober states that she did collect the absentee ballots on one day by herself because they were short staffed, but it only happened once. As to the storage of absentee ballots, Eureka advised that she stores absentee ballots in her office from June 2019 through November 2020, with the door being locked at night, and she states she was the only one with the key. They began using the vault to store the absentee ballots again after the county commissioners moved out of the building in November of 2020.

The Stephens County returns indicates 2,108 votes on
Election Day with Election Net showing 2,111 votes. This discrepancy could not be explained by elections staff. Rebeckah Stephens [ph.] filed a complaint that Stephens County was not responding to open records in a timely manner. It was determined that two requests had not been completed and were not to have been provided to that acting supervisor. Once notified, the acting supervisor stated she would provide the information.

It was reported to our office that Rebeckah Bennett had posted on Facebook that she took a photograph of her and her mother’s ballots at the polls. Rebeckah advised she did take the photographs to ensure that her vote was not changed or altered. She was aware of the code but still because the media was allowed to photograph and film the election process that she believed that to be a double standard.

Our recommendation is for Stephens County Board of Elections, Eureka Gober, the former Elections Supervisor, be referred to the Attorney General’s Office for violation of 21-2-381(4)(b)(2)(a), when the Elections Office failed to issue absentee ballots to eligible voters during the June 2020 primary and general election, Election Board rule 183-1-6-.01, when the Elections Office failed to a qualified voter during the 2020 general election, 21-2-386, safe-keeping of absentee ballots when elections staff
failed to properly secure an absentee ballot which was
left on a desk and open to the public during the 2020
general runoff election, Election Board rule 183-1-14-.06-
.14, when the absentee ballot collection team did not
consist of two sworn poll officers during the 2020 primary
runoff and the 2020 general election, 21-2-73, when the
Elections Office failed to maintain absentee ballot drop
box logs for the 2020 primary runoff election and the
ballot recap sheet for the 2020 general runoff election,
21-2-72, when the Elections Office failed to reply to two
open records requests during the 2020 general runoff
election, and SEB rule 183-1-12-.1(9)(3), when the office
failed to enter 2020 general election early voter data
into Election Net by the October 30th, 2020 deadline, 21-
2-500, when she failed to deliver the 2020 election cycle
records to the Stephens County Superior Court for storage,
and GOP member Rebeckah Bennet being referred to the AG
for 21-2-413(e), when she photographed her ballot during
the 2020 general runoff election.

MS. THOMAS: And Bill Stephens and Rebeckah Bennet
are on the line to speak on this case.

MS. SULLIVAN: Mr. Stephens, go ahead.

MR. STEPHENS: Can you hear me?

MS. SULLIVAN: Yes, we can hear you. Mr. Stephens,
you can go ahead.
MR. STEPHENS: Good evening, Board members. My name is Bill Stephens. Billy Stephens is my legal name. My wife is Sherry Stephens. We moved to Stephens County in October of 2020. On November the 5th, I contacted the Elections Registrar, Eureka Gober, asking what we needed to do to register in Stephens County. She said come up and fill out the registration form. We went up. We had a little dog in our truck, so I went in first, left my wife in the truck, and I filled out the registration form and let her make a copy of my license, sitting in her office in front of her desk, which her office looked like the county dump. Anyway, while she’s making a copy of my license -- ma’am, my wife’s in the truck with the little dog. I’ll go out. Let her come in. You can just give her my license. My wife went in, filled out the registration form in front of Ms. Gober and made a copy of her license and gave her my license. My wife came out and remarked as she came out my God, that office was awful. She said no organization. I said, yeah, there’s stuff on the floor stacked knee-high.

Anyway, on December the 6th, a commercial came on TV saying that deadline to register to vote in the January 5th runoff would be December the 7th at 12 midnight. My wife looked at me, sitting in the living room, and said you think everything’s okay? I said, honey, it should be.
We went and registered. I logged on the Secretary of State voter site, put in my information. It showed I was still registered in White County. I done the same thing with my wife. It showed White County.

Next morning, Monday morning, this is where Ms. Watson is not correct on some things. I did not go to the Election Office on Monday morning, December the 7th. I called the Election Office. Nora Waters answered. I -- I told her that it was saying I was registered in White County. She looked and she said we don’t have your registration. I said you do because I’ve come up there and done it. She said you’re going to have to vote in White County. I said, ma’am, I can’t. We’re residents of Stephens County. We done changed our driver’s license. Everything was changed before we come registered up here with y’all. Well, we don’t have no records of you registering. I said, ma’am, do you remember me coming in telling you at the front window before I went in Ms. Gober’s office that my dog was in the truck. I would register first, and then -- oh, yeah. I remember that now. But she couldn’t find those paperworks [sic].

I contacted the GOP Chair with Stephens County. She was in a meeting at the sheriff’s office. An hour later, she went to the Registrar’s office. They contacted me on a three-way call, could not find my registration papers
nowhere, and my wife’s neither. We got hit with identity fraud back 15 years ago. It took us a year and a half to straighten that mess out with law enforcement, Social Security, credit bureaus. That -- when you register, your registration and driver’s license should be protected and secure in an election office. We should have faith and confidence in that.

Therefore, while we’re on the phone, Ms. Waters and Ms. Bennett contacted White County. They took me off the voter roll. Then, Ms. Waters worked to get us on the voter roll. I don’t know. It was after lunch on December the 7th before we finally got registered to vote in the January 5th runoff.

MS. SULLIVAN: Mr. Stephens, sorry. This is Ms. Sullivan. So you did register and you were able to vote?

MR. STEPHENS: Yes. On December the 7th, she intentionally tried to disenfranchise us.

MS. SULLIVAN: I just wanted to make sure and confirm that you were able to vote.

MR. STEPHENS: Finally, yeah. Okay. Then, I contacted the county commissioners. I learned that there had been a lot of issues since December 2018 in Stephens County Elections Office. I contacted the county commissioners on deaf ears. I started talking to them. It was deaf ears with them. They didn’t want to do
nothing to correct none of this.

I learned about Jeffrey Dimetrick. Here’s a young man. I know when I turned 16, I looked forward to getting my driver’s license. When I turned 18, I looked forward to voting. Jeffrey, I found out about Jeffrey Dimetrick. I contacted him and his mother. An 18-year-old who turned 18 in July of 2020, registered on September the 30th of 2020, went to vote on November 3rd of 2020, he was told he wasn’t registered. They let him vote a provisional ballot, promising him that his vote would count. Well, that night, at the Election Registrar’s office, the Election Board threw his -- threw his ballot out because they said he wasn’t registered.

Then, we all got together and started doing an investigation to pull up open records. We met with the district attorney, Mr. George Christian. We’ve had two meetings with him and many, many phone calls. He is waiting on y’all’s decisions today before he takes action. While we’re sitting in the district attorney’s office on December -- they still hadn’t found our paperwork. Finally, on December the 17th, Eureka Gober finds mine and my wife’s paperwork. It was upstairs above her office where the voting machines was, laying on the scanner, unprotected. Then, they found -- on December 23rd, they found Jeffrey’s paperwork where he had registered back on
September the 3rd -- 30th. He had to go back then on
November the 23rd and register again for the January 5th
runoff.

Then, we’re sitting in the district attorney’s
office, the four of us, in a meeting with the district
attorney because he is familiar with all these illegal
activities, and we’re sitting in his office in January. I
don’t remember the exact date. I think it was January the
12th. Yeah, January the 12th. While we’re talking to Mr.
Christian, the district attorney, Jeffrey, sitting there
too, gets an email on his iPhone from Eureka Gober saying
that his vote did count in the November 3rd election when
it did not count, Board members.

Then, we had a second meeting with the district
attorney. We’ve had, like I said, numerous phone calls.
It is a federal crime in a federal election to --

MR. MASHBURN: Mr. Stephens, this is Matt Mashburn
with the Board.

MS. SULLIVAN: Mr. Stephens, --

MR. STEPHENS: Yes?

MS. SULLIVAN: Thank you for your comments. One of
the Board members has a question for you, Mr. Mashburn.

MR. STEPHENS: Sure.

MR. MASHBURN: What I understand you’re saying is
that you -- you feel that there’s a lot of evidence
available for this Board to recommend this case over to
the Attorney General’s Office; correct?

MR. STEPHENS: I am asking, sir, that this -- all
these cases because there’s more wrongdoing that went on
in this office that ain’t been investigated. I’m asking
that all of this be turned over -- all about me and -- me
and my wife and Jeffrey Dimetrick and, like, on the
January -- when they opened the ballots, Mr. Mashburn, on
absentee ballots, the first time they started opening them
for the January 5th election, I went up there and watched
and observed, and she had it listed that they had 1200 --
I’m sorry. Yeah, that they had 1297 ballots, absentee
ballots, but there was only 1100. That’s another issue.
I was sitting there observing that.

MS. SULLIVAN: All right. Thank you, Mr. Stephens.
For the sake of time, we need to --

MR. STEPHENS: Let me -- let me say one thing to Mr.
Mashburn. Mr. Mashburn, I’m asking you Board members to
refer it to the Attorney General and the local district
attorney here where he can take actions. He’s aware of
this. He’s been working with us on my and my wife’s case
and on Jeffrey Dimetrick’s case. Please, sir.

MR. MASHBURN: Okay. Well, now, I appreciate your
comments, and I’m going to take them into my consideration
of making a motion in just a minute, but there might be
other people on this case that we need to hear from.

MR. STEPHENS: Yes, sir.

MS. SULLIVAN: I believe we have someone else. Thank you, Mr. Stephens. Who else do we have?

MR. STEPHENS: All right. Thank you.

MS. THOMAS: Rebeckah Bennett.

MS. SULLIVAN: Ms. Bennett, you may speak now.

MS. BENNETT: I am just here as additional support for Mr. Stephens if he was to need something from you guys in regards to how I interfaced when the voters called me. I think I have supplied a ton of data and have been very compliant with the SOS’s Office as to the disarray and the continued issues that actually started in our county back during qualifying of February 2020 before COVID hit, so the office itself has had massive complaints in handling from qualification of a sheriff all the way through to the last election with protocol and processes.

MR. MASHBURN: This is Matt Mashburn. So I hear you saying ditto -- ditto to Mr. Stephens; right?

MS. BENNETT: Correct.

MR. MASHBURN: Okay.

MS. SULLIVAN: Thank you. Is there anyone from Stephens County here to speak?

MS. THOMAS: There’s -- there’s two people that have their hands raised right now, Eric Wallace and Brenda
Newton. If you are wanting to speak on this case, please write that in the Q&A box. I’m not sure by raising your hand, so if you need -- if there’s a case that you’re here to speak on, please write it in the Q&A box.

MS. SULLIVAN: I don’t believe there are any more people here to speak on behalf of this case.

MR. MASHBURN: And Ms. Bennett. Sorry to interrupt, Rebecca.

MS. BENNETT: It’s fine.

MR. MASHBURN: Ms. Bennett, do you want to say anything about this photographing the ballot? Was that you?

MS. BENNETT: It is.

MR. MASHBURN: Okay. Do you want to speak on that?

MS. BENNETT: I do. While I posted on Facebook that I did, again, when Parish [ph.] asked me to actually send him said photograph, I obviously don’t have said photograph and did not send to him. My issues and concerns are every time the county voters -- and every time they contacted me would send me screenshots of their MyVoter page, none of the dates were matching up. In fact, I even went and looked to see when I went and voted. My mother is handicapped, so we both -- I have to take her to the polls. Mine showed 10/18, and hers showed 10/27, and we voted literally within a minute and a half of each
other.

MR. MASHBURN: So did you take --

MS. BENNETT: Wait just a minute.

MR. MASHBURN: I’m sorry to interrupt.

MS. BENNETT: Okay.

MR. MASHBURN: I’m sorry to interrupt, but did you take this picture at the poll in the precinct?

MS. BENNETT: No. I did not -- I did not actually take a picture.

MR. MASHBURN: Oh. Oh.

MS. BENNETT: I said that I did, but I did not actually -- obviously, I couldn’t -- Parish asked me to send him a picture. I don’t have a picture to send him. Sorry.

MR. MASHBURN: Okay. So your -- your statement is that you didn’t take a picture at all. You just said that you did, right?

MS. BENNETT: I said that I took a picture, but I do not have a picture to send.

MR. WORLEY: This is Mr. Worley. I’m confused here. Why did you say that you took a picture?

MS. BENNETT: Because it had been an issue within the -- during the RLA and then during part of the voting process where the media had been allowed to come in and continually film and be intrusive, and the voters were
consistently coming to me, saying they felt like there was not the correct privacy or booth-type materials within Stephens County to allow them to vote in privacy and had many issues with the poll workers who were standing over their shoulders or looking or this, that, and the other, and so I was really more or less looking for somebody to come back and say something on my feet about one way or the other about things that they had experienced there at the polls based on the massive complaints that I was having to handle. So not proper wordage per se, but --

MR. WORLEY: Well, --

MS. BENNETT: -- definitely just fielding issues that were just continual and in a grievous manner all the way through the 2020 process in Stephens County.

MR. WORLEY: I -- I just want -- I just want to be absolutely clear. You’re charged with a violation of the election code. You’re saying that -- I mean, who did you tell that you took the picture? You just posted it online or you actually told an investigator.

MS. BENNETT: He asked me did I -- he asked me did I take a picture. I said I took a picture, and he said can you send it to me? I said I don’t have a picture to send you. I don’t know what more to tell you. I mean, I don’t have a picture to actually send you, which is what he asked me to do.
MR. WORLEY: Well, I’m just interested in whether you
told the truth to the investigator.

MS. BENNETT: That was what he asked me. Did I say I
took a picture --

MR. WORLEY: Well, is the answer yes -- I’m sorry.

Is the answer yes or no? Did you tell the truth the
investigator?

MS. BENNETT: He asked me did I take a pic -- did I
say I took a picture. I said yes. I posted that I took a
picture. He says can you send that to me. I don’t have a
picture to send him. I don’t know how -- how differently
to state that. I mean, he asked me to send him something
that I don’t have.

MR. WORLEY: Well, all I’m -- all I’m asking is
whether you actually told the truth to the investigator.

MS. BENNETT: He did ask me did I -- did I say that I
had taken a picture, and I said yes because I did post on
Facebook that I took a picture, but I do not have a
picture.

MR. WORLEY: Okay. Thank you. You’ve answered the
question.

MR. MASHBURN: So I think -- I think where David’s
going is you might be able to say I don’t have a picture
because I’ve deleted it, or I don’t have a picture because
I never took one, and I wasn’t telling the truth when I
said I took a picture of it, so that’s just what we’re just trying to get to.

MS. BENNETT: Okay. Sorry. Yes. I lied on Facebook and said I took a picture. I do not have a picture.

MR. WORLEY: But you did not lie to the investigator?

MS. BENNETT: He -- I mean, I don’t know what you’re -- he asked me did I say that, and I said yes I did post that, so I mean, it’s not online --

MR. WORLEY: So -- according to you, you’re answering the question truthfully. You answered his question truthfully.

MS. BENNETT: Based on what he asked me, yes.

MR. WORLEY: Okay.

MR. MASHBURN: Yeah. And here -- and here’s why it’s important is because I wish it were, but it’s not illegal or against the election code to lie on Facebook, and if it were, there would be a lot of people in a lot of trouble, so that’s why it -- that’s why it makes a difference. It is illegal to lie to the investigator, so that’s why -- we’re not just picking at small details for no reason, it’s that the essential matter of whether you committed a violation or not, so do you see -- do you see what we’re asking?

MS. BENNETT: No. I mean, I agree. I mean, I guess I’m trying to say I don’t know how you -- I mean, he asked
-- Investigator Parish did ask me did you state you had
taken a picture of your ballot, and I can’t say that I
didn’t because there’s a post on Facebook that says that I
did.

MR. MASHBURN: But you didn’t post a ballot --

MS. BENNETT: So am I not telling him the truth?

MR. MASHBURN: You didn’t post the ballot with that --
-- with that statement, right?

MS. BENNETT: No. I don’t have a ballot to actually
post.

MR. MASHBURN: Okay. But you never took a picture of
a ballot?

MS. LE: Ms. Bennett, --

MS. BENNETT: I have sample ballots that I posted,
but I do not have my ballot that I posted.

MR. MASHBURN: But your statement is that you never
took a picture of a ballot, correct?

MS. BENNETT: Correct.

MR. WORLEY: Ms. -- Ms. Bennett, this is Mr. Worley
again. Am I correct in understanding that you’re a member
of the Stephens County Election Board?

MS. BENNETT: No, I am not.

MR. WORLEY: Okay. All right.

MS. SULLIVAN: Okay. Thank you. I think we probably
need to move on. There is no one else here to speak
regarding this matter, correct? And please remind me of the recommendation, Ms. Watson.

MS. WATSON: To refer to the Attorney General the listed violations.

MS. SULLIVAN: Now would be an appropriate time for a motion if one of the members would like to make one. I will move that we accept the recommendation of the investigator -- of the investigator.

MR. WORLEY: I will second that.

MS. SULLIVAN: We have a second from Mr. Worley. So we have a motion and a second. Is there any further discussion regarding this matter? All right. Well, all in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Is anyone opposed? All right. The motion passes. The next case on our agenda is case 2020-158.

MS. WATSON: Yes. Danny Housley [ph.] reported there was no controller -- this was on 11/03/2020 -- for the machines so people with physical and visual disabilities could not access the ballot at the Peachtree Hills Recreation Center polling location. Four additional polling locations were discovered by Secretary of State investigators to be deficient of equipment for voters with visual and physical disabilities.
Investigation revealed Mr. Housley advised he arrived at Peachtree Hills Recreation Center at 9:15 A.M., and the controller could not be located to allow him to vote. It was determined that there was not one at the location. A request was made for one in about 45 minutes. He was advised it could be as long as two hours or more to wait before one was delivered. He waited and after two and a half hours, he was able to vote.

On November 3rd, 2020, there was no ATI located at the Wolf Creek Library polling location. The poll manager had requested one at 7 A.M. and again at 11:43 A.M., which was documented in the notes for the precinct request was for scanner keys, ATI control headset, and provisional numbers list. On November 3rd, it was found that the American Legion, JC Environmental Campus, and Northeast Rural Oaks Library polling locations did not have an ATI device present at the opening of polls. Devices were requested by poll managers.

Derek Gilstrap [ph.] with Fulton County advised that during the November election, every precinct had an ATI. He states headphones were missing at two or three of the precincts, but no ATI. This is contradictory to the poll managers’ statements, requests, and investigator observations at these locations during site inspections on November 3rd. We’re recommending Fulton County Board of
Registration and Elections, Fulton County Elections

Director, Richard Barron, be referred to the AG’s Office for violation of 21-2-379(7)(b)(4) for five counts.

MS. THOMAS: And on the line we have David Lowman with Nadine Williams and Ralph Jones on the line.

MS. SULLIVAN: Mr. Lowman, you can go ahead.

MR. LOWMAN: Yes. I would like Ms. Williams, who is the Chief of Elections, to speak to this issue.

MS. SULLIVAN: Sure, go ahead.

MS. WILLIAMS: Good morning. Oh. Good afternoon, Board. All precincts in the November 2020 election were equipped with ATIs as required. Some of the precincts were given two dual unit carriers. However, only one of the carriers was equipped with an ATI. We believe that some of the poll managers -- managers or poll workers mistakenly thought that each dual unit was supposed to have an ATI installed, which was not the case. In the future though, we will ensure that each of our two-unit carriers has ATI to avoid poll manager confusion, but we believe that all the equipment -- all the equipment was -- all sites had ATIs. They were just looking in the -- in the wrong carrier.

MS. THOMAS: Mr. Lowman, did you want to say anything?

MR. LOWMAN: Yes. I will say that because we believe
that the correct ATI equipment was provided at each precinct, we would ask that this case be dismissed or in the alternative receive letters of instruction specifically guided towards the poll workers and poll managers so that they understand where the equipment would be located. I think Ms. Williams has indicated that that might not even be necessary since the ATIs will be provided with both carriers from now on. Thank you.

MS. SULLIVAN: Are there any questions from any other members of the Board?

MR. WORLEY: I’m -- I’m a little unclear here. Are you saying that the equipment was at all the poll but not all the poll workers were properly instructed on the equipment?

MS. WILLIAMS: They were instructed on the equipment and how to use the equipment. What they did not realize is that they had more than one two-unit carrier, so that it was in a -- in a different carrier. So we will ensure that it’s in every single carrier so actually the polls end up having more than one ATI in the future, if they have dual units -- more than one dual unit carrier.

MR. WORLEY: Okay. And just to be clear, could you explain what you mean by dual unit carrier?

MS. WILLIAMS: I’m sorry. Our BMDs, because our county is so big that if we have tabletop BMDs, it would
take up a lot of room inside of each of the polling places, so we have purchased carriers. Some of them house four BMDs, and the others are made to house two BMDs, which has the one that is handicap accessible. Inside that two-unit carrier, it holds two so that it’s made to where the handicap accessible units would be in that carrier. Some of the precincts have more than one two-unit carrier, so when they looked into -- unless they looked into the one with the two-unit carrier with two BMDs in it, you didn’t see the ATI so you reported you had no ATI, but if you looked -- would have looked in the other two-unit carrier, they would have found it.

MR. WORLEY: Okay. And have -- have -- has poll worker training been changed to make sure that poll workers are now aware of this?

MS. WILLIAMS: Yes. We will ensure that the poll workers en -- know where all their equipment is located. We will ensure that the techs that are on site also are knowledgeable of that, and just to avoid that altogether, we’re just going to have an ATI in every two-unit carrier, so they’ll just have additional ATI. If you have a two-unit carrier, you’ll just have two handicapped units at your location.

MS. LE: And this is Anh. Just for a clarification, did you -- were there -- how many voters were affected?
MS. WILLIAMS: I do not see where the number of voters that were affected -- I see on the report there was 4 locations, but I think it was one voter on the report that I see that we were given.

MS. SULLIVAN: Was that voter able to vote?

MS. WATSON: Yes.

MS. WILLIAMS: Yes.

MS. SULLIVAN: Are there any further questions? The recommendation is to refer this matter to the Attorney General’s Office; is that correct?

MS. WATSON: That is correct.

MR. WORLEY: Madam Chair, this is David Worley. I -- given that problem appears to be fixed and the County is undertaking training of the poll workers on where the equipment actually is and that, in fact, the equipment was present --

MS. SULLIVAN: Mr. Worley, you keep fading out. If you could repeat yourself. I’m sorry.

MR. WORLEY: I’m sorry. I would make a motion that a letter of instruction be sent because Fulton County has corrected the problem, and I don’t really see what else would be gained by referring it to the Attorney General’s office.

MR. MASHBURN: David, this is Matt Mashburn. I agree. Would you be amenable to a -- an amendment to add
a $250 fine just for the inconvenience of the voter to show that the Board takes his inconvenience seriously? Would you accept that?

MR. WORLEY: Well, I would accept -- I would accept that penalty, but I -- if we’re going to consider a penalty, I would refer it to the Attorney General’s Office because I think it’s important that the Attorney General’s Office compare the penalty in this case to similar penalties in other cases so that we can ensure --

MR. MASHBURN: I’ll second your motion as stated, as you stated it. I’ll second it.

MS. SULLIVAN: So the motion on the table is to issue a letter of instruction; is that correct? And it was seconded by Mr. Mashburn.

MR. MASHBURN: Correct.

MS. SULLIVAN: Okay. Is there any further discussion? All in favor, signify by saying aye, please.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There is no one opposed. That motion passes. The next case is 2020-174.

MS. WATSON: Yes. Election Supervisor Lisa Garrison [ph.] for the City of Sale, Georgia reported their city held an election on November 3rd, 2020. Lisa Garrison advised they had a voter who was allowed to vote twice, once during early voting and again on Election Day. The
investigation revealed that during the November 3rd, 2020
special election held in Sale City that Joseph Sessions,
Senior [ph.] voted twice in the same election. Joseph
Sessions, Senior voted during early voting on October the
19th, 2020, and he was a repeat voter on Election Day on
November 3rd, 2020. Joseph Sessions, Senior did not
remember voting two times in the special election. Our
recommendation is for Lisa Garrison, City Elections
Superintendent, Lynn Eckeridge [ph.] the poll manager be
referred to the AG’s Office for 21-2-431 and Joseph
Sessions, Senior be referred to the AG’s Office for 21-2-
572.

MS. SULLIVAN: There is no one here to speak
regarding this case. Does anybody have any questions?

MR. MASHBURN: I don’t have any questions, and I move
that we accept the recommendation.

MS. SULLIVAN: I’ll second that motion. We have a
motion and second to refer this to the Attorney General’s
Office. Is there any further discussion? All in favor,
please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: None opposed. That motion passes.

The next case is 2020-175, DeKalb County.

MS. WATSON: Yes. This investigation was opened
after Sandy Romps [ph.] who alleged her -- a deceased
voter fraud perpetuated against her father-in-law John
Romps [ph.], who passed away on September the 19th, and
Louis Trammel [ph.], who passed away on April 30th, 2020.
According to the complainant, her father-in-law’s Georgia
voter registration status was changed from deceased to
active after his date of death, and the address of record
was changed from Paulding County to a DeKalb County
address. The complainant also learned that another
deceased voter registration status was changed from
deceased to active and that the deceased voter’s address
was changed to the same fraudulent address that was listed
for her father-in-law.

The investigation confirmed that deceased voters John
Romps and Louis Trammel were victims of identity theft and
that fraudulent Georgia driver’s licenses were issued in
their names online. Because Georgia has automatic
registration through the Georgia DDS, an application for
voter registration was automatically generated and sent to
the queue for the rep -- reportedly new county of
residence. The investigation did not uncover any evidence
as to whether there was any election fraud and a query of
the Georgia voter registration system revealed that none
of the deceased individuals had votes cast under the
registration number after their date of death. The
investigation identified several criminal violations that
fell under the purview of the Georgia Department of Driver Services, which were being investigated by the Department of Driver Services.

However, it appears the DeKalb County Board of Elections and Registration failed to perform its due diligence when it did not conduct further inquiry on voter registration numbers for the registration status as noted in the Georgia voter registration system as deceased. Had due diligence been performed, DeKalb County Board of Elections and Registration could have challenged the application or could have contacted the former county for clarification. We’re recommending DeKalb County Board of Elections and Registration be bound over to the Attorney General’s Office for two counts of 21-2-217(b).

MS. THOMAS: And Irene Vander Els is on the line.

MS. LE: Ms. -- Ms. Sullivan, this is Anh Le. I’d like to recuse myself from this case, please.


MS. VANDER ELS: Thank you, Board members. With respect to our voter registration process, our permanent and long-term temporary staff will be retrained and refreshed on this registration process and will be instructed to elevate to election supervisors any applications that come through for a voter whose
registration has previously been canceled so that additional research can be conducted at the supervisor’s level to ensure that issues like this don’t occur in the future, and our Elections Director Erica Hamilton is also on the line, I believe, if you have any questions. And because of these new procedures, we’d ask that a letter of instruction be issued in this case rather than a referral to the Attorney General.

MS. SULLIVAN: Do any Board members have any questions? Are these new processes -- did you say that are in place or will be in place?

MS. VANDER ELS: Well, these -- I believe these are in place now, but they are going to do an updated training, I think, in conjunction with the new law that will ensure that these new procedures are -- that everyone is made aware of them with respect to registration going forward.

MR. MASHBURN: I don’t have -- this is Matt Mashburn. I don’t have any questions. I would move that it be referred over to the Attorney General’s Office.

MS. SULLIVAN: We have a motion to refer this matter to the Attorney General’s Office. Is there a second?

MR. WORLEY: I will second that.

MS. SULLIVAN: We have a motion and a second. If there’s no further discussion, everyone who would like to
vote -- vote in favor of that motion, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. Ms. Le recused herself from that vote. That motion passes.
Okay. We are going to go back to 2020-141. This is the Cobb County case which we have referred this to the Attorney General’s Office, but the complainant was not able to speak and would like an opportunity to address the Board, so we will do that now. Mr. Wallace, you have the opportunity to speak.

MR. WALLACE: Okay. Can everybody hear me now?

MR. WORLEY: Yes.

MR. WALLACE: Okay. Thank you. We were having technical difficulties, but I wanted to hopefully answer any questions that possibly the Board had and hope for some type of reconsideration, but I just wanted to say that we’ve -- we’ve done -- had promoted this marketing plan for the past 20 years, and we’ve done it the same way and never had a problem before, and we’ve made it very clear in all of our advertising that this was -- that this was available or anyone was eligible if they could pass a background check for this sweepstakes or raffle. We’ve -- we’ve never stated that someone was required to vote or not vote to be a part of this raffle. We had about twenty people come in the store to register. There was one rifle
that was given away to -- to someone. We don’t know if
they voted or didn’t vote.

And in our marketing, we often use current events to
attract attention to try to get new customers, and this is
just something that we were doing at the time. But -- and
it was very -- the actual complaint is a little -- is
misleading and really untrue because we never said that
someone has to vote to be eligible, and the print that was
on the sign on the front door that the investigator came
out, and I spoke with him personally, and he took a
picture of it. It said that you are not required to vote.
You are not required to not vote and for an issue or not
for an issue and that anyone is -- anyone is eligible of
legal age and that could pass a background check, and
there was one rifle given away.

MS. SULLIVAN: Mr. -- Mr. Wallace, this is Rebecca
Sullivan. I believe that the investigation materials
state that the online ad did say that you had to register
to vote or vote --

MS. WATSON: Show the I Voted sticker.

MS. SULLIVAN: -- show the I voted sticker in order
to enter the rifle, but it was at the store where you
advertised that no one was required to vote.

MR. WALLACE: Well --

MS. SULLIVAN: Is that a correct statement of the
facts?

MR. WALLACE: No, not totally. Because the online ads, it was very general and generate where it just said vote, win a rifle. See store for details, which we had that on the ad. It did reference bring in a Georgia voter sticker, but in no way did it say that they were required to vote or not vote, and then we made that very -- it said on the online ad see store for details because in our marketing and advertising, we’re not able to put all of the -- of the rules of the marketing campaign, so that’s why we put it, you know, in print on the front door, where it says see store for details.

MS. SULLIVAN: Thank you, Mr. Wallace.

MR. MASHBURN: This is -- this is Matt Mashburn. Mr. Wallace, in retrospect looking back, you can now see how vote, win a rifle is problematic, can’t you?

MR. WALLACE: Well, in nature. I mean, we were using that as a current event to, of course, you know, we try to market to our customers out there possibly, but we often use current events as part of our advertising, and this was a current event at the time. Sometimes it could be, you know, considered controversial, but that’s what, you know, gets attention, and we’re just trying to get out there and promote to, you know, new customers. Our real intent was to get new customers in the door, collecting
addresses, and they fill out a, you know, a form with
their name and -- name and email address, and they have a
chance to, you know, win a rifle.

MR. MASHBURN: I appreciate your explanation. Thank
you.

MR. WALLACE: Yes, sir.

MS. SULLIVAN: Do any other Board members have any
questions? Thank you, Mr. Wallace, for being here. The
next case on our agenda is SEB case number 2020-181, Bell
Hi -- Ben Hill County.

MS. WATSON: In November of 2020, it was reported to
the investigations division that Ben Hill County failed to
hold a runoff following the June 9th, 2020 primary
election for the Board of Education race. Investigation
substantiated that there were three candidates in the race
for the Ben Hill County Board Education District 6 race.

There was no candidate that received a majority of the
vote. The Ben Hill Elections Supervisor advised that she
believed that the School Board race was decided by
plurality and not majority. The Elections Supervisor
Cindi Dunlap contacted the county attorney and the current
Board of Education to verify if the race was decided by
majority or plurality and was advised it was plurality.

Later, Cindi Dunlap received documents for the runoff
election from the Secretary of State and Center for
Elections on multiple times, at least one email on June 17th, 2020, at which time she responded that Ben Hill did not have a runoff election. On August 5th, 2020, Cindi Dunlap was informed that a runoff was required. A court order was sought by Ben Hill to determine the date to hold the runoff. Candidates were notified of the hearing and the runoff. The court determined the runoff would be held on December the 1st, 2020. Our recommendation is to issue a letter of instruction for Cindi Dunlap, the Elections Supervisor for Ben Hill County, and the Ben Hill County Board of Elections and Registration for violation of 21-2-501(a), as Cindi Dunlap did seek advice from the county attorney and the Board of Education in reference to whether a runoff was required.

MS. THOMAS: And we have four people here to speak on this case. First is Cindi Dunlap and Tom Sawyer [sic].

MS. SULLIVAN: Ms. Dunlap, go ahead. Go ahead, Ms. Dunlap. Can you hear us?

MS. THOMAS: You’re unmuted. You can go ahead and speak. Mr. Sawyer?

MS. SAWYER: Hi, can you hear me?

MS. SULLIVAN: Yes, we can hear you now.

MS. SAWYER: Actually, it’s Ms. This is Toni Sawyer. How are you doing?

MS. SULLIVAN: Okay. Ms. Sawyer?
MS. SAWYER: Yes, ma’am.

MS. SULLIVAN: Yes, thank you.

MS. SAWYER: Well, I represent the Ben Hill County School District, and first and foremost what we would like to express is that the school district nor the Board of Education has any involvement in any election, you know. Not only is it our charter that we are elected under the Georgia election law, but there’s nothing in the election law that provides that the school district gets involved in these elections. Our Board members qualify with the Board of Elections. The Board of Elections holds these elections for us, and actually, under Title 20 and Title — Title 20, which is the education law, and Title 21, which is, of course, the election law, states that the Board of Elections and Registration is the entity in Ben Hill County that will hold the election and certify the results locally and to the Elections Board — I meant to the State Board of Elections.

So with that being said, I would like to first advise that there’s been some misinformation. Unfortunately, Ms. Dunlap did not contact the Board of Education as it relates to how our members are elected. We were not notified of anything until August 5th when Ms. Dunlap actually contacted me after a conversation or a telephone call that was made to her by Mr. Chris Harvey advising her
that she was supposed to have a runoff the next week. That was the first contact that was made about this runoff and how members are elected. Now, it has been said by Ms. Dunlap that three of our Board members were asked, and our Board members in the petition to hold the election -- to hold the missed election -- provided affidavits stating that that never occurred.

So, you know, I’m -- the State Board of Elections, you know, it’s up to you as to what you want to do, but we just wanted to make it clear on behalf of the Board of Education that one, we have no involvement in the elections. Two, we were never contacted and never asked until August 5th. My understanding is that the county attorney was not contacted until much later, after the August 5th communication with Mr. Harvey, and, you know --

MS. SULLIVAN: Thank you. The Board of Education is not a Respondent in this case, correct?

MS. SAWYER: Correct. Correct. We just --

MS. SULLIVAN: Okay.

MS. SAWYER: -- wanted to clarify misinformation that was provided.

MS. SULLIVAN: Thank you. Thank you. Is Ms. Dunlap able to speak? Ms. Dunlap?

MS. DUNLAP: Can you hear me?

MS. SULLIVAN: We can hear you now, yes.
MS. DUNLAP: Okay. Actually, Nick Kinsley, our county attorney, is on to speak for Ben Hill County.

MS. SULLIVAN: Okay.

MS. DUNLAP: Which, I mean, I’ll answer any questions if anybody has any for me.

MS. SULLIVAN: Sure. He’s unmuted and give him the go ahead.

MR. KINSLEY: Thank you. And we received the letter and so the factual findings that I had were a little briefer than the ones that were discussed at the hearing, and -- but I think I typically agree with it. You know, we’re happy to answer any questions, but if it’s the Board’s desire to issue a letter of instruction, you know, we don’t object to that. Thank you.

MS. THOMAS: All right. And then we also have Kenneth Palmer on the line as well.

MS. SULLIVAN: Mr. Palmer, you may go ahead.

MS. THOMAS: You can unmute yourself using the toolbar.

MR. PALMER: Yeah. On the night of the election when I arrived, I guess after the election was over, I was informed that, you know, I had won the election, so I asked for a copy of the results, and it was effectively -- I had to discover myself that, in fact, that I had not won the election that night. And so it -- there was banter
about, you know, I guess, people just trying to appease me. Okay. Well, it ended up in a plurality. Is there a runoff? Or -- or, you know, what’s supposed to take place now? Because, you know, I arrived and was greeted and congratulated that hey, I had won this election, only to have to, you know, get the election results myself and then go back and inform them that hey, you know, if my math is correct, you know, the incumbent had ten more votes than I had, and it was, like, okay, well, okay.

Well, there was a brief pause and a separation. Then, I was informed that okay, yeah, they had -- they had had votes, I guess, that came in, absentee ballots must have come in. And, you know, then, I guess -- in an effort, I guess to -- you know, I wasn’t -- I wasn’t upset, you know. I was willing to accept the results of whatever -- for whatever they were, but at the time, I guess, you know, there was still uncertainty of if this was a plurality or if there were -- if there was supposed to be a runoff when you have more than -- if you don’t have fifty percent of the vote, and -- and that never occurred.

I didn’t hear anything about a runoff until someone contacted me about a local tele -- television station, I guess, announcing, I guess, the runoff the next day. And actually, you know, it was -- it was me having to contact
the Elections Office to find out, and then later, we go
to, you know, a trial, hearing, so forth and so on. It’s
just that at that time, I guess, if there was uncertainty,
I mean, it should have been investigated, you know, then
to avoid, I guess, the confusion, I guess, it may have
caused later down the line. Thank you.

MS. SULLIVAN: Thank you, Mr. Palmer. When you say
they informed you that you won, who are you -- who told
you that you won the election at this point?

MR. PALMER: Well, when I walked in, I think I
remember the sheriff. I guess he was there, I guess, to,
you know, as security, you know, congratulated by him, and
there were, I think -- there were -- maybe I can’t
remember the lady’s name that was leaving as I came in. I
think she had -- I think she was in the other district,
and she had got her results.

MS. SULLIVAN: So that would just be members of the
public, not the actual County telling you that?

MR. PALMER: I think, you know, there were
congratulations from -- I think -- I don’t know what their
name is. Maybe Heather, I think, or just the whole -- the
whole -- just the whole, you know, everybody that was
there, I guess, you know, for the most part, you know, was
in turn, you know, issuing congratulations and like I say,
I was set to walk out, but I asked for a copy of the
actual results to see the numbers, and when I get, you
know, to the door looking at the numbers and, you know, I
was ten votes, you know, behind the incumbent, and I’m
like, okay, hey, I’m not a math major, but, you know, if
he has ten more votes than me, then, you know, somewhere
there’s a mistake. And I think somebody, you know, went
back and I guess got with the -- I guess whoever was
counting the votes, and they came back and said, you know,
I guess there was a mistake, and it must have been some
absentee -- absentee ballots came in, and then, you know,
just I don’t know who or what -- how it was said, you
know, but I guess, you know, --

MS. SULLIVAN: I think we have sufficient -- we have
sufficient information regarding that. Thank you, Mr.
Palmer. Does any Board member have any questions for any
of our speakers or Ms. Watson?

MR. WORLEY: I have a question, Ms. Sullivan. I have
a question for Ms. Dunlap. Why was a runoff not held?

MS. DUNLAP: Okay. Well, it -- it kind of goes back
to what Ms. Sawyer said. This is going to get into a he
said, she said. I did ask a couple of the Board members
that night. One -- well, one particular that was in the
runoff if it was majority or plurality. I had left the
County and came back. I didn’t know if there had been any
changes. There was a few contacts. They say we did not
contact them. You know, it’s really not a matter of getting he said or she said. Ultimately, it comes down to me. I did take that word of plurality, contacted a few others. I did contact the State through email, my liaison, twice between the actual election and June 17th, and numerous times -- or those two times through email stated that we did not have one, and we didn’t have one through plurality.

I also had conversations with Dominion and No, Inc. When they contacted me for information, I told them we did not have one. It was -- nothing was, you know, ever said or done. And then, it came about later on that it was supposed to be done. It was by majority, and we immediately petitioned the court to get a date.

Now, nobody in my -- affiliated with my office congratulated Mr. Palmer. We actually didn’t -- we don’t know the final results. We’re so busy. There’s only three of us in the actual office to do the end of the night stuff. We’re so busy. We actually don’t physically sit down and look at everything until the day after. He was correct. It was, I think, the sheriff, and there were some other people that came in to get results. I make sure all candidates get results. I hand them off to other people to give to them. If Mr. Palmer didn’t get one, I -- you know, I do apologize for that. We also give our
media Election Night results as well and also statements
of votes cast if they request them.

MR. MASHBURN: This is Matt Mashburn. I’m sorry to
interrupt you. This is Matt Mashburn. So there’s a court
-- there was a court suit, a lawsuit, that happened,
right?

MS. DUNLAP: No, sir. There was no lawsuit.

MR. KINSLEY: This is Nick Kinsley. May I explain
that?

MR. MASHBURN: Okay. I thought you were saying there
was a suit.

MR. KINSLEY: This is Nick Kinsley. May I explain
that?

MS. SULLIVAN: You may.

MR. KINSLEY: So -- so what happened was immediately
after Mr. Harvey called Ms. Dunlap, and she had spoken
with the liaison and whatnot, she called my office, and we
determined that, you know, there should have been a
runoff. We actually spoke with Ms. Harvey -- Mr. Harvey
with the county attorney office and, you know, decided the
best option was to -- to petition the court for another
date for a runoff, so we did that, and the -- Mr.
Herlovitch [ph.] and Mr. Palmer were both served and
attended the hearing, and at the hearing, we presented all
the information. There was no real arguments. We
suggested the November election just to save money and just so -- since we were already holding another election it would be easy. They preferred December, so we had no problem with that. We did not object, and so the court issued an order that a December election was held. So at the December election, we didn’t receive any complaints. The -- the winner was Mr. Palmer, and he was able to take his seat with the Board of Elections [sic - Education] so the only, you know, difference was there was a delay from let’s say August to December. There was no actual harm, and there were no complaints, and so, you know, in our opinion, you know, remedial steps were taken.

MR. MASHBURN: Instead of a runoff, y’all just had a new election, right?

MR. KINSLEY: Say that again. I was talking over you. I apologize.

MR. MASHBURN: In place of the missed runoff, you just had a new election?

MR. KINSLEY: That’s correct. We -- we held it in December instead of August. Correct.

MR. MASHBURN: Okay. Thank you.

MR. KINSLEY: You’re welcome.

MS. SULLIVAN: What is the pleasure of the Board?

MR. WORLEY: Ms. Sullivan, this is David Worley. I -- I cannot accept the investigator’s recommendation of a
letter of instruction. This is -- this is the most basic thing that election officials do which is to have an election when you’re supposed to have an election, and, you know, this idea that well, we’ll take a letter. It’s fine. No problem. No harm, no foul. That’s -- that’s not how it works, in my opinion, so I would make a motion that we refer this to the Attorney General’s Office.

MS. SULLIVAN: I’ll second your motion. Is there any further discussion? All in favor of the motion to refer this matter to the Attorney General’s Office, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: No opposition. That motion passes. The next case -- thank you all for being here. The next case on the agenda is 2020-191, Forsyth County.

MS. WATSON: [sound distortion] the Secretary of State received multiple complaints regarding the processing of absentee ballots and possible voter registration fraud during the Forsyth County 2020 primary, general, and general runoff election. The first allegation was Forsyth County Voter Registration Office did not process an absentee ballot that was placed inside an absentee ballot drop box during the 2020 general election. There was insufficient evidence to substantiate that allegation.
The Forsyth County Voter Registration Office did not process UOCAVA absentee ballot requests in a timely manner during the 2020 general election. This was also unsubstantiated. Elena Roderick [ph.] is a dental student in Augusta living in -- just over the line in South Carolina. She’s registered to vote in Forsyth County, and she requested an absentee ballot for the 2020 general election. Danice Wang is a resident of Utah. She’s registered to vote in Forsyth County, and she regist -- requested an absentee ballot for the 2020 general runoff election. Someone filed a fraudulent application for absentee ballots for Robin and Robert Cookson for the 2020 primary election.

Investigation shows in allegation 3, the homeowner at 4650 Alistair Drive, Cumming, Georgia, reported that Elena Roderick [sound distortion] resident. It was reported that Elena Roderick is a student in dental school in August, Georgia but resides in South Carolina. The voter registration date at this address was October 16th, 2020. An absentee ballot application was submitted for the 2020 general election and was issued to the South Carolina address but was not voted or returned. Records indicate Elena to have resided in South Carolina for the past two years. Elena stated she has been living in South Carolina for the last two years while attending dental school and
that her husband's family -- I believe it was her fiancé's family owned a house in Forsyth prior to her moving which was two years prior and not at the time that she registered at that address.

As to allegation 4, Danice Wang, it was verified that Wang moved from Forsyth to Utah in 2018 after graduating college. Wang voted in the 2020 general election in Utah and then requested an absentee ballot for the 2020 general election runoff in Georgia. The ballot was not voted or returned. Records indicate she is a resident at 3854 Sage Meadow Drive, South Jordan, Utah and owns a vehicle that is also registered at this address in Utah, and she has a voter registration and voted in Utah in 2020. On December 15th, 2020, [sound distortion] her Georgia voter registration.

As to allegation 5, Robert and Robin Cookson stated that they believe someone had fraudulently submitted an absentee ballot application in their name for the 2020 primary election. The application for the absentee ballot listed the address for the Cooksons in North Carolina with the street number being off by one number. Applications for the Cooksons was obtained, and they verified the applications were not submitted by them. Further investigation determined the Cooksons had been associated with a North Carolina address since 2014 and have vehicles
registered in North Carolina and registered to vote in North Carolina in 2016 and voted [sound cuts out] electors.

MS. THOMAS: And we have four people here to speak. First is Bryan Sells on behalf of Elena Roderick.

MS. SULLIVAN: Mr. Sells, go ahead.

MR. SELLS: Thank you. Good afternoon, Madam Vice Chair and members of the State Election Board. I’m Bryan Sells. I represent Elena Roderick, one of the Respondents in case number 2020-191. The complaint against Ms. Roderick should be dismissed because she is not a resident of South Carolina, and she certainly did not know that she is a resident of South Carolina when she registered to vote and requested an absentee ballot in 2020. Staff alleges that Ms. Roderick violated section 21-2-561, relating to voter registration, and in 21-2-573, relating to absentee voting, by registering to vote and requesting an absentee ballot in the 2020 election while she was a resident of South Carolina. Both statutes require a knowing violation. In other words, Ms. Roderick must have known that she was a resident of South Carolina when she registered to vote and requested an absentee ballot, but Ms. Roderick is not a resident of South Carolina. She is a resident of Georgia, and she has been since she was four years old.
Since 2018, Ms. Roderick has been a full-time student at the Dental College of Georgia, which is part of Augusta University in Augusta, Georgia. Prior to her matriculation at the Dental College of Georgia, Ms. Roderick and her husband lived with her husband’s parents in Forsyth County. She intends to return to Forsyth County following her graduation from the Dental College of Georgia next year, and she’s already begun looking to purchase a piece of land to build a home in Forsyth County, and she’s been looking for an existing dental practice to purchase in Forsyth County. Georgia law provides that quote no person shall be deemed to have gained or lost a residence by reasons of such person’s presence or absence while enrolled as a student at any college, university, or other institution of learning in this state. That’s, of course, Title 21-2-217, subsection (a)(8), the residency statute.

Ms. Roderick would be a Georgia resident in any event because she has never left Georgia without an intention to return, just like the physician from New York, Sumeet Bahl, that the State Election Board considered this morning --

MS. SULLIVAN: I think we’ve lost you. Mr. Sells, we cannot hear you.

MR. SELLS: You can’t -- what was the last -- can you
hear me now?

    MR. WORLEY: I can hear Mr. Sells.

    MS. SULLIVAN: We cannot hear you. We only see you
    on the closed captioning, though.

    MR. SELLS: I -- my microphone is working according
    to my Zoom.

    MS. SULLIVAN: He says his microphone’s working. Is
    there a problem with the phone?

    MR. WORLEY: Ms. Sullivan, this is David Worley. I
    can hear Mr. Sells just fine. Can you hear me?

    MS. SULLIVAN: We are checking things are our end.
    We cannot hear you.

    MR. SELLS: I -- my words are showing up in the live
    transcript.

    MS. THOMAS: Mr. Worley, can you say something really
    quickly?

    MR. WORLEY: Sure. I can hear Mr. Sells, but I
    cannot -- I can hear Mr. Sells.

    MS. SULLIVAN: Okay. So it does appear to be on our
    end.

    MR. SELLS: Okay. Just let me know when I can
    resume.

    MS. SULLIVAN: Thank you. We’ll take a ten-minute
    break while we try to figure out the issue, the technical
    issue. We’ll be back in -- we’ll be back by 2:20.
(Meeting break)

(Meeting resumes)

MS. SULLIVAN: This is Rebecca Sullivan. I believe we’ve resolved our technical difficulties. Mr. Sells, I apologize that that occurred in the middle of your statement. If you’re able to -- ready to resume, we are — should be able to hear you.

MR. SELLS: Madam Vice Chair, I am ready to resume. Can you hear me?

MS. SULLIVAN: We can. Thank you, and I, again, apologize for that.

MR. SELLS: Great. So I think there’s a little bit of uncertainty about when I may have dropped off, so I’m going to recap a little bit, and I apologize if you’re heard it before.

MS. SULLIVAN: That’s fine. Go ahead.

MR. SELLS: But my main point here is that Ms. Roderick is not a resident of South Carolina. She’s a resident of Georgia, grew up in Cobb County, and has been a Georgia resident for almost all of her life. Since 2018, she’s been a full-time student at the Dental College of Georgia in Augusta. Before her matriculation there, she lived with her husband’s parents in Forsyth County, and she intends to return to Forsyth County after her graduation from the Dental College of Georgia next year.
She’s already looking to purchase a practice in Forsyth County and is actively looking to buy a piece of land on which to build a house in Forsyth -- Forsyth County.

Now, Georgia law provides that no person shall be deemed to have gained or lost a residence by reason of such person’s presence or absence while enrolled as a student at any college, university, or other institution of learning in this state. That’s 21-2-217, subsection (a)(8), the residency statute. Ms. Roderick would be a Georgia resident in any event because she has never left Georgia without an intention to return, just like the physician from New York, Mr. Sumeet Bahl, that the State Election Board considered this morning, a long time ago now, in case 2020-220. But Ms. Roderick also clearly comes under the protection of the residency statute because she has been enrolled at the Dental College of Georgia since 2018. She cannot have lost her residency by going away to school in Georgia, and she certainly could not have had the level of knowledge required by the statutes that Ms. Roderick is accused of violating.

The undisputed facts in this case simply do not add up to a prima facie violation of either statute, and so we respectfully ask the Board to dismiss this case as to Ms. Roderick, and I’m happy to answer any questions that the Board may have.
MR. WORLEY: Ms. Sullivan, I have some questions.

MS. SULLIVAN: Please go ahead.

MR. WORLEY: Mr. Sells, I appreciate what you’re saying, and I certainly agree with you as to Ms. Roderick being a resident of Georgia, and I get your arguments about the two statutes that she’s been charged with. But I had a question for you. The investigative report seemed to indicate that Ms. Roderick registered to vote at an address that had previously been owned by her parents; is that correct?

MR. SELLS: Mr. Worley, it was previously owned by her in-laws. That’s correct.

MR. WORLEY: Okay.

MR. SELLS: And that’s the address that was on her driver’s license at the time.

MR. WORLEY: Okay. But she was not a resident of that location at the time she registered to vote; is that correct?

MR. SELLS: Well, the history of her registration is -- is quite convoluted. She, on September 6th, tried to register in Cobb County, which is where her father lived and still lives and where Ms. Roderick lived before moving in with her in-laws and at the time fiancé. But after they got -- but that registration did not, apparently, go through in time under -- with the online voter
registration system, and she kept getting error messages, and so she registered with the address that’s on her driver’s license, and that went through.

MR. WORLEY: Which was no longer her in-law’s address?

MR. SELLS: At that time, no. They had sold that and moved away.

MR. WORLEY: Okay. All right. There’s a statute, 21-2-562, which says that any person who willfully inserts or permits to be inserted any fictitious name, false figure, false statement, or other fraudulent entry on any registration card violates the law, so she may not have been guilty of the two statutes in the report, but it seems to me that she’s certainly guilty of 21 -- of a violation of 21-2-562, and I would make a motion that that be referred to the Attorney General’s Office.

MR. SELLS: May I respond to that?

MS. SULLIVAN: We have a motion on the table, and we actually have a second.

MR. WORLEY: Ms. Sullivan, we do have a motion on the table, but I think we should certainly let Mr. Sells respond. I would hope the Board would let Mr. Sells respond.

MS. SULLIVAN: Okay. So we have a motion and a second. Right now, go ahead and -- you can go ahead and
MR. SELLS: Thank you. I’d like to make two points. Number one, of course, is that we didn’t have any notice of that particular violation, and I would ask that if the Board is inclined to move forward on that, that it continue any discussion of that particular charge until a future meeting so that I have time to prepare for that particular charge.

But I also, Mr. Worley, I’m not sure that your -- that I agree with your interpretation of that statute. And the reason for that is because it, in a way, conflicts with the residency statute, and I think a fair reading of the residency statute is such that, you know, if you’re someone in Ms. Roderick’s position, and you go away to school, and through no fault of your own, your -- your parents sell the house, what are you to do? Are you to register at the place or register at some other place? At the very least, the law isn’t clear on that, and I think as a result of that there would be no clear violation of -- of the statute that you referred to -- I think it was 562 -- in any event.

This is not an uncommon problem, I would suggest to you, where kids go away to college, and their parents move, and yet, they don’t change their -- their driver’s licenses because they’re away. They’re not using them.
They don’t come back. Arguably, Ms. Roderick should have not tried to register in Forsyth County. She is currently registered in Cobb County, but at the time that that happened, it’s not necessarily clear that what she did was improper in my view.

MR. WORLEY: Well, yeah, I just happen to disagree. I think it is improper. She shouldn’t register at an address that she no longer lives at or that no family members live at. It would be a different situation if her family still lived at that address, so I think this case would benefit from an interpretation of these two possibly conflicting laws from the Attorney General’s Office, but I appreciate the fact that you did not have an opportunity to prepare for this particular issue, so I would withdraw my motion to refer it to the Attorney General’s Office and instead ask that it be -- the case be sent back to the investigative division for an analysis of whether a potential violation of 21-2-562 [sound cuts out].

MS. SULLIVAN: All right. So you are withdrawing your motion at this point in order to -- for it to be reviewed again and for Mr. -- for Respondent to be placed on notice of this new -- potentially this different charge than she was originally placed on notice of; is that correct?

MR. WORLEY: Correct. Yes.
MS. LE:  Mr. Worley, is your motion just with respect to Elena Roderick or is it the entire case?

MR. WORLEY:  Yes. It’s only with -- no. Only with respect to Ms. Roderick.

MS. LE:  Okay.

MS. SULLIVAN:  So that is a motion to continue -- continue the case against Ms. Roderick as I understand it.

MR. WORLEY:  Correct.

MS. SULLIVAN:  Do we have a second of that motion?

MR. MASHBURN:  Second.

MS. SULLIVAN:  Seconded by Matt Mashburn. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS:  Aye.

MS. SULLIVAN:  And that’s none opposed, so that matter regarding Ms. Roderick will be continued until the next meeting.

MS. THOMAS:  Next, we have -- next, we have Danice Wang.

MS. SULLIVAN:  Ms. Wang, you may go ahead and speak.

MS. WANG:  Okay. Thank you. Hello. I requested the absentee ballot in error. This is because I thought that the runoffs were a different election from the general election and because my Georgia registration was still active, I thought that I could legally vote, so my mom called the Secretary of State to clarify and told me this
is not true. Upon learning this, I corrected this by cancelling my registration and by not returning the ballot. I did not intentionally try to commit voter registration fraud or anything like that, and I would respectfully like to ask the Board to dismiss the case.

MS. SULLIVAN: Thank you, Ms. Wang, for being here. So you did not actually return the ballot, correct?

MS. WANG: Correct.

MS. SULLIVAN: And did you receive that information from the Secretary of State’s Office clarifying the information?

MS. WANG: Yes. Correct.

MR. MASHBURN: This is Matt Mashburn. And you admit you’re a resident of Utah, correct?

MS. WANG: Yes. But I thought, like, because my registration in Georgia was valid that I could also vote for a different election.

MR. WORLEY: How -- why would you think your registration in Georgia would be valid if you already voted in November in Utah?

MS. WANG: Oh, the website said it was still active.

MR. WORLEY: Well, I’m -- I’m sure that that’s what the website said that it’s active, but as an actual fact, when you register in one state, you’re -- you’re no longer considered registered in the first state that you were
registered in, so just for your information.

MS. WANG: Okay. Thank you for the information.

MS. SULLIVAN: Has your registration in Georgia been cancelled at this point?

MS. WANG: Yes, it has been.

MS. SULLIVAN: Thank you.

MR. MASHBURN: This is Matt Mashburn. I move that this be referred to the Attorney General.

MS. SULLIVAN: We have a motion. Is there a second?

MR. WORLEY: I would second that.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And none opposed. That motion passes. Do we have another -- go ahead.

MS. THOMAS: And then on the last part we have Robin and Bob Cookson.

MS. SULLIVAN: Mr. and Ms. Cookson, you may speak.

MS. COOKSON: Okay. Thank you very much. I am Robin Cookson. I am a 73-year-old grandmother with three daughters and five biological grandchildren. I worked with the Air Force, and I worked in the Forsyth County Schools Special Ed Department from 2004 to 2013. I’m a member of the Georgia Teachers’ Retirement System, and I
have had a 40-year career as a special educator. My husband Bob is with me. I am speaking for him. If you need him to say -- to give me permission to speak for him, he’s coming to the mic right now.

MS. SULLIVAN: That’s fine. You --

MS. COOKSON: Okay. You want to say your name?

MR. COOKSON: Yes. Robert Cookson. I am right here.

MS. SULLIVAN: Hi, Mr. Cookson.

MS. COOKSON: Give me permission.

MR. COOKSON: I give Robin permission because she keeps up with the dates, and she can tell you better the dates than I can. I’m 87-years-old, and I’m a little hard of hearing.

MS. COOKSON: And having -- and very fragile medically.

MS. SULLIVAN: Well, thank you for -- thank you for being on the call. Ms. Cookson, you may proceed.

MS. COOKSON: Thank you. Bob is an 87-year-old grandfather with two sons and four biological grandchildren. He is a Navy veteran and worked for Gilette from 1965 to 1996, when he retired in Georgia, as a regional sales manager. His two sons and two of his four grandchildren graduated from Georgia Tech. His two sons currently live in North Metro Atlanta. Robin and Bob moved to -- got married and moved to Cumming -- or Bob
moved to Cumming in 1988 from Roswell, and Robin moved in in 2002 when they got married, and they’ve lived since then -- their residency since then has been at 6248 Library Way in Cumming, Georgia.

In February of 2013, Robin’s father, the late Major General Albert John Boli [ph.], U.S. Air Force, passed away, and she inherited -- or I inherited their home in North Carolina, which was just a summer home. It wasn’t winterized. Both Robin and Bob are strong patriots and would never knowingly break the law. They are shocked after their patriotic effort to prevent voter fraud to end up -- causing them to be accused of voter fraud. The accusations are extremely detrimental to Bob’s health, which I hope the Committee will take under consideration and will understand better as I continue to discuss this case.

Bob and Robin have always paid their taxes in Georgia, since 2002 joint files. Bob and Robin both have their drivers’ licenses in Georgia. Bob has congestive heart failure and has had severe blockage of his bladder from his prostate. Since December of 2019, Bob has had to recover from two surgeries on his prostrate, one -- one which led him to sepsis and caused him to be hospitalized in Watauga Medical Center in North Carolina for a month and at the Foley Center in Boone. In 2020, in additional
to spending January in the Foley Center, he had stretched
due to swelling problems. He was admitted to the Watauga
Medical Center for depression and suicidal ideation and
worsening congestive heart failure, causing extreme
swelling. After -- after four days in the Watauga Medical
Center, he was transferred to [sound cuts out]

MS. SULLIVAN: Ms. Cookson, we are not able to hear
out.

MS. THOMAS: She stopped talking.

MS. COOKSON: You can’t hear me?

MS. SULLIVAN: Now we can hear you.

MS. COOKSON: In December he was released from
hospice and given a pacemaker defibrillator. In October,
he had two clamps implanted in -- on his mitrobowel to
stop it from leaking. That was done at the Sanger Clinic
in Charlotte. In December, he had another new pacemaker
defibrillator implemented in Watauga Medical Center. In
February of 2021, he had a Watchman FLX implanted into
his heart and appendage and afterwards started cardio
rehab at Sea Coast Hospital in North Myrtle Beach which is
where we are now.

Throughout this time, Robin and Bob have been --
Robin has been Bob’s primary 24/7 caretaker and is
constantly driving him between Watauga Medical Center in
Boone, Sanger Clinic in Charlotte, and Sea Coast Hospital
in North Myrtle Beach. All of the medical procedures -- these medical procedures and COVID have prevented us from returning to our residency in Georgia, but we never thought -- never thought that it would -- it would make our residency invalid. Robin has had fibromyalgia since childhood, has irritable bowel syndrome and dyslexia. She was hospitalized with small intestine blockage and dep -- depression caused by the stress of being Bob’s 24/7 caretaker. She --

MR. MASHBURN: Hey, Ms. Cookson? This is Matt Mashburn on the Board. I’m sorry to interrupt you, but if you could answer a question for me, I’d appreciate it. Is it correct that y’all both registered to vote in North Carolina in 2016?

MS. COOKSON: That is true. I’m getting to that point right in just a second.

MR. MASHBURN: Okay. If you could jump -- if you could jump ahead to that point, it’d be great.

MS. COOKSON: Okay.

MR. MASHBURN: Because that’s what I’m really -- I’m really interested in what happened to your Georgia registration when you registered in North Carolina.

MS. COOKSON: Okay. When -- in 2013 -- in 2016, Bob and I had planned -- let me just get my -- find my right -- we’re jumping ahead, so I have to find my place. In
2016, Robin and Bob had planned to sell their house in
Georgia that summer and retire up into the mountains, and
on May 25th, she and -- the two of us decided to register
to vote in North Carolina, and we were putting our --
planning to put our house on the market in July with --
with Norman -- with Norman Realty, Harry Norman Realty,
and so that summer -- that summer, when we were getting
the house ready and doing everything, I learned that I had
to have my hip replaced, and that I would not be [sound
cuts out]

MS. THOMAS: Ms. Cookson, we can no longer hear you.

MS. COOKSON: -- North Carolina in the spring. We
went ahead and registered and figured it would sell. In
October, we were going to sell, but we learned we could
not sell and that we -- because I was going to have
surgery on November 7th, and so I couldn’t -- I couldn’t
make it down to Georgia, and I didn’t know what was going
on with the residency so we just voted there, and I did
not know until now, today, listening once you register in
one state, you don’t register -- you’re not registered in
the other state. I didn’t know that. So we went -- so we
went ahead and -- and voted in that next election in
Georgia because we did not know that we couldn’t. At that
time, --

MR. MASHBURN: This is Matt Mashburn again. Sorry to
interrupt, but it was your understanding, or it didn’t occur to you that when you registered in North Carolina, you should cancel your Georgia registration?

MS. COOKSON: Well, we were planning on doing that but we -- everything got thrown up in the air with all the medical problems we were dealing with, and to be very honest with you, I just didn’t even remember that we had done that by the time 2020 came around or 2018. I mean, I just -- it -- my -- I have to tell you that my brain at 73 isn’t what it used to be, and I have been overwhelmed taking care of my husband 24/7, so it did happen, but it was not done intentionally. It was done without my memory of knowing what I was even to do.

MR. MASHBURN: So what -- this is Matt Mashburn. Sorry to interrupt you again, but I’m just trying to focus in on -- on this particular issue, and that is when is the last time you remember voting in North Carolina.

MS. COOKSON: I just did that one time in 2016. Oh. No, yeah, in North Carolina. It was 2016. That was --

MR. MASHBURN: Okay. So you registered -- you registered in North Carolina, and then you voted once.

MS. COOKSON: Yes. And we decided to go ahead and vote there because we didn’t think that we could be back down to Georgia where we thought we were also registered and get me able to -- with my hip being replaced getting
me to be able to vote, so we just said well, we’re
registered here. We’re going to -- we’re going to sell
our house. We’re going to be up there. We might as well
just vote there, and we really expected to sell our house
the following year, so we were not really thinking about
it. But the following year, in 2017, went -- things went
from bad to worse, and let me just get my notes here
because I don’t want to lose track of this. It’s a lot of
time to think. I put a calendar together. I spent a week
putting a calendar together to try and remind myself of
where we were when, and so in 2017 --

MR. MASHBURN: And so you -- I’m going to interrupt
you. I’ll let you look, but I’ll interrupt and see if you
can multi-task and do this one for me, but so you lived
part of the year in Newland, North Carolina, right?

MS. COOKSON: We spend what’s called summer camp
there to get away from the heat. We do not spend winters
there. We spend winters in -- in either Florida or North
-- South Carolina on vacation. We -- so we spend about
four months every year on vacation there, and then we
spend a lot of time travelling to Charlotte and even me to
Australia because I have a daughter that lived over there
until 2018.

MR. MASHBURN: So -- so who has more -- I’m sorry to
interrupt. Who has more impact on your life right now?
The Mayor of Newland, North Carolina or the Forsyth County Board of Commissioners?

MS. COOKSON: The Forsyth County Board of Commissioners in our mind because we consider ourselves member -- we have Georgia licenses. We pay Georgia taxes. We care about Georgia. We have not at this point got any ability to move or sell a house because we’re -- our health is still deteriorating, and so, you know, our dreams back in 2016 just didn’t come to fruition. So we -- we’re -- right now, we have no intention of doing -- we’d like to, if we were healthy, to sell our house, but we -- we can’t, and we have no intention of doing so. We plan to as soon as we can return. Now, I will tell you that in 2020, we ended up with -- being in North Myrtle Beach for the first four months vacationing, and then, let’s see. Then, Bob ended up in the hospital with two surgeries and five weeks in the hospital. I was in the hospital for one week.

All of this -- we went -- and in May, we had to decide where to go from here -- from Myrtle Beach, and we knew that up in Avery County there was no COVID, and we were very much at risk. We knew that there was a lot more COVID in the Atlanta area and in Cumming, so we decided we would go up there for a little while and see what would happen with COVID, so that we were sort of hiding up
there. And then, Bob’s medical problems became overwhelming. He ended up, as I said, in hospice, palliative care. He was -- he had five -- four surgeries. He had -- he was four weeks in Sanger Clinic in Charlotte.

It was -- he was not movable, and neither was I, but we thought that it was okay to vote because we were still residents of Georgia. We had our Georgia licenses, and we were registered, we thought, to vote in Georgia, so we requested our Georgia absentee ballots. We didn’t know -- I mean, I’m assuming you’re -- when you’re in lockdown and you’re sick and you can’t move, that doesn’t negate your residency. I guess that was what we thought. And -- and so --

MS. SULLIVAN: Thank you.

MS. COOKSON: -- what happened --

MS. SULLIVAN: Thank you. Thank you, Ms. Cookson. I think we understand your position on this matter, and I’m sorry for all the health problems you and your husband have suffered.

MR. WORLEY: Ms. -- Ms. Sullivan, I would make a motion that we send a letter of instruction to the Cooksons.

MS. SULLIVAN: Is there a second? Mr. Worley has made a motion to send a letter of instruction in this matter. I think that I will second that motion. Is there
any further discussion? All in favor of the motion, signify by saying aye.

THE BOARD MEMBERS (except Mr. Mashburn): Aye.

MS. SULLIVAN: And all opposed?

MR. MASHBURN: No.

MS. SULLIVAN: Okay. So motion is 3 to 1 and does pass. Is there anyone else to speak regarding this matter? Okay. Is that the end of the allegations in this case?

MS. WATSON: Yes.

MS. SULLIVAN: Okay. Thank you. The next matter in this case -- the next matter on our agenda is 2020-199, Walton County.

MS. WATSON: Walton County discovered a memory card that was not uploaded with additional votes, official certified totals being different by eight votes, and an absentee ballot invalid signature letter was received too late. Investigation confirmed that the Walton County Board of Elections and Registration failed to verify that all memory card votes were uploaded into the election management system. During the hand audit, it was found that they were over in the total number of ballots compared to the total uploaded. It was determined that the number of ballots from the Between precincts did not match, and a second card scanner had not been uploaded.
It was verified that a rejection letter was not mailed to
Clarence Batty [ph.], in violation of 21-2-386(c).

Our recommendation is for Jennifer Felts [ph.],
Director of Walton County Board of Election and
Registration, and Walton County Elections be referred over
to the Attorney General’s Office for violation of SEB rule
183-1-12-.12(6), for failure to verify and upload all
memory cards in the election management system for
official tabulation and consolidation, and to dismiss the
violation that was listed in the report as 21-2-379.11(g),
as that procedure for tabulation of votes refers to the
DRE results, although the procedure outlined is the same,
and also for 21-2-38 -- 386(c), for failure to send a
rejection letter to elector Batty.

MS. THOMAS: And we do have Lori Wood on the line on
this case.

MS. SULLIVAN: Ms. Wood, please proceed.

MS. THOMAS: You may unmute yourself. Ms. Lori Wood,
the floor is open for you to speak on this case.

MS. WOOD: Okay. Thank you. Can you hear me?

MS. THOMAS: Yes, we can.

MS. WOOD: Okay. Sorry. We do acknowledge that one
of the Between cards did not get uploaded. We have -- we
put corrective measures in place for the January runoff.

We created a chain of custody log so at this point we
would have three signatures on each -- you know, returned by, accepted by, uploaded by to ensure that each memory card was uploaded. And I -- I just -- I do want to add that, you know, we -- we did miss the card. The Dominion tech missed the card. And our old system, you know, it would -- it wasn’t let us submit anything until all the cards were in, so I just wanted -- I just wanted that to be -- to be heard.

Consider -- you know, talking about this absentee ballot, we did call Mr. Batty, and we did send a letter. He said he didn’t receive it. He said he didn’t receive it, but, you know, we received -- we received his ballot on the 3rd. We called and we sent a letter on the 3rd, so we had until that Friday to get that back in, and we -- we didn’t receive, you know, the cured affidavit back by then, so we did -- we feel like we did our due diligence on that part.

MS. SULLIVAN: Do any members of the Board have any questions? Is there anyone else to speak on this case? Ms. Watson, could you restate the recommendation?

MS. WATSON: Yes. The recommendation was to refer to the AG’s Office for SEB rule 183-1-12-.12(6), for failure to verify and upload all memory cards, and dismiss 21-2-379.11(g), and refer over 21-2-386(c), for failure to send rejection letter to elector Batty.
MS. SULLIVAN: What is the pleasure of the Board?

MR. MASHBURN: I move to accept the recommendation.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: Anh Le, second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MR. MASHBURN: Did we lose David?

MS. SULLIVAN: Is there anyone opposed?

MS. THOMAS: No, he’s there. He switched devices.

MS. SULLIVAN: I just heard two votes, so Ms. Le, did --

MS. LE: That’s an aye.

MS. SULLIVAN: Yes, and did Mr. Worley vote in favor of that motion?

MS. THOMAS: Mr. Worley, are you able to unmute yourself?

MS. SULLIVAN: Well, we will move on. We did have three votes, so that motion did pass, and we’ll move onto the next case. Hopefully, we can work out whatever issue is going on. The next matter is case number 2020-216.

Ms. Watson?

MS. WATSON: Yes. In Fayette County, 5 UOCAVA ballots were not sent out by the deadline of 11/21/2020,
and allegation two, in Gwinnett County, 34 UOCAVA ballots were not sent out by the deadline of 11/21/2020. The Fayette County Registrar advised they missed the deadline for 5 UOCAVA voters but did issue them on 11/23, two days after the deadline to the voters, with three of the five voting and returning them. Gwinnett County advised they pulled the list for the 2020 election system and not the 2021 election cycle. That resulted in missing the 34 UOCAVA requests. All were issued on November 23, which was two days after the deadline with 7 being returned, 4 of the voters voting in person, and 23 not returned. Our recommendation is to refer Fayette County Board of Elections and Voter Registration, Joy Jones [ph.], Agnes Bridges [ph.] for 21-2-384(a)(2) and Gwinnett County Board of Voter Registration and Kristi Royston, the former Elections Supervisor for 21-2-384(a)(2).

MS. THOMAS: And we have Melanie Wilson and Patrick Stough on the line. Ms. Wilson, you can go first.

MS. WILSON: Thank you. Good afternoon, members of the Board, Madam Chair. I do appreciate Ms. Watson’s description of the facts in this matter. We do not dispute the facts, but we are requesting a letter of instruction in this case. I wanted to emphasize that this simply -- well, simply isn’t the right word. This was an error. There was an official Election Board bulletin that
was sent out advising boards of registration and election that they had to make -- in order to issue ballots, UOCAVA ballots, in November for the January 2020 runoff, they would have to select 20 -- the 2021 election cycle from a drop down menu, and that didn’t happen in this case. As soon as the matter was brought to our attention, the staff immediately ensured that the 34 ballots were issued.

Ms. Watson has directly -- correctly described that 11 people ultimately voted, and 23 people chose not to vote. It seems to me that it’s more likely than not that the fact that they didn’t vote is a function of their choice as opposed to the delay, the two-day delay, resulted in them being unable to vote, so I do think it’s important to emphasize because I know that the Board is always concerned in ensuring that no one is disenfranchised, and I respectfully submit that no one was disenfranchised here. It was an error, and we would respectfully ask that the Board issue a letter of instruction.

MS. THOMAS: Okay. And then we also have Patrick Stough on the line. You may speak now.

MR. STOUGH: Yes. Can you hear me?

MS. THOMAS: Yes.

MR. STOUGH: Okay. Patrick Stough with the Fayette County attorney’s office. Again, I echo what the previous
speaker spoke -- mentioned as far as this being an error. I don’t know the -- the actual facts of the error. The employees that were involved are no longer employed with the Fayette County Board of Elections. I do know that three of the five ballots were eventually returned and were counted, and we would respectfully request a letter of instruction as well.

MS. SULLIVAN: Any of the Board members have any questions for Ms. Wilson or Mr. Stough?

MR. MASHBURN: I -- I have a totally unfair question for Gwinnett County, and it will catch you by surprise, and I’m sorry, and I don’t know what is the proper and acceptable answer, but do you have a number of the total absentee ballots in the county that were not returned?

MS. WILSON: Mr. Mashburn, I regret that I do not have that information at my fingertips.

MR. MASHBURN: I’d be amazed if you did.

MS. WILSON: I will say that our county has approximately 590,000 active registered voters. As you well know, this is one of the largest counties in the Metro area. We did have an exceptional turnout both at the general and the runoff election. During the period in November, I think that was a time around when the audit was being conducted and/or the recount. This is not -- we take pride in how we provide election services to our
citizens, and so this was certainly not up to our usual standard, but we’re confident this is not something that’s going to happen again. It’s more than a teachable moment for us because as I said, we do take great pride in the service we provide, but it’s critical for us to -- it’s critical that some recognition be made of the fact that -- the fact that the 23 people who did not vote, that should not be attributed to the late mailing, respectfully.

MR. MASHBURN: So in your experience, in the County’s experience, it’s not that uncommon for a ballot to be unreturned.

MS. WILSON: Oh, certainly. It’s always the voter’s right, having requested the ballot, to decide not to vote. I mean, certainly amongst the list of people to whom the ballots were issued on the 23rd, there were several people who decided to vote in person, as is always their choice.

MR. MASHBURN: Thank you.

MS. WILSON: Thank you, sir.

MS. SULLIVAN: The recommendation is place was to -- I’m sorry, Ms. Le. Did you have something you wanted to say?

MS. LE: Yes, I’m sorry. Can you refresh my memory on how late it was sent out? I’m looking here, and I --

MS. WILSON: Two days.

MS. LE: Two days?
MS. WILSON: Two days. It should have been -- it should have been sent on the 21st, and it was sent on the 23rd.

MR. STOUGH: And that’s -- sorry.

MS. LE: And what was it -- what was it that caused the miss in the first place and what has been done since?

MS. WILSON: So there’s -- there’s -- in generating the UOCAVA report, they go into Election Net, and they have to make a selection, and on the scr -- you can either select for the -- in 2020 -- in November 2020, they should have selected 2021 because the runoff was being held in 2021. As you appreciate, a runoff being held -- the federal runoff was an unusual runoff, and typically, runoffs would be held in the same year so it’s almost a -- muscle memory kind of prompted the selection of 2020 because we were in the 2020 election cycle, but they should have, in fact, selected 2021 because the federal runoff was held in 2021.

MS. LE: So what has been done since? Because I do appreciate muscle memory and how that could lead you to an error, but I would hope that on major elections such as these that there -- and even smaller ones because all of them are important -- but that there will be checks and reviews. What do you have in place to correct this and catch this in the future?
MS. WILSON: There certainly will be -- so with respect to review, we think that the review of the election -- of the official election ballot by multiple individuals and then before the ballot -- before the report is actually done kind of pairing up with another individual so that everyone is clear what has to be pulled, so I think it’s two things to make sure that the appropriate management staff are aware of the contents of official election bulletins as they are received and that prior to something as important as the UOCAVA, running of the UOCAVA ballots, that there be a pairing up to have that work accomplished.

MS. SULLIVAN: What about -- has Fayette taken actions as well?

MR. STOUGH: When this occurred in November of last year, it was two days after our Director was placed on administrative leave. The -- the Registrar at that time was then thrust into the position of being the acting Director, so I assume that any errors that occurred occurred due to the workload that she was presented with at that time. I don’t know if any steps have been put in place to prevent this in the future. We only found out about this -- we being the Board of Elections itself -- only found out about this violation a few weeks ago when we received the notice from the Secretary of State’s
Office. But we certainly will look at putting in place
certain -- the steps necessary to prevent it from
happening again.

MS. SULLIVAN: Thank you. What’s the pleasure of the
Board?

MS. LE: I recommend that -- this is Anh Le. I
recommend that we turn this over to the Attorney General’s
Office for some review and consent order to the effect of
taking a closer look at the processes that get put in
place to make sure that -- that the counties would avoid
these errors in the future. I think that -- to Fayette
County’s point, they have to take a look at this. We
don’t have any procedures in place, so I would move to
refer this to the Attorney General’s Office for a closer
look and a consent order.

MS. THOMAS: We do have Kristi Royston on that wants
to speak for Gwinnett about this case.

MS. SULLIVAN: Okay. So we do have a motion.

MR. MASHBURN: Second.

MS. SULLIVAN: And a second. We have one more person
who would like to speak, so we’ll go ahead and take that
now. Who is that?

MS. THOMAS: Kristi Royston, you may speak now.

MS. SULLIVAN: Go ahead, Ms. Royston.

MS. ROYSTON: Thank you very much. I am Kristi
Royston, the former Elections Supervisor in Gwinnett County. The only thing that I wanted to add to what Ms. Wilson stated and what Ms. Le asked about was why the 2020 date was entered instead of the 2021 date. The January election, even though held in 2021, is part of the 2020 election cycle, and so staff members pulled that. That contributed to the error that was made in that, but again, the OEB was received and just not followed, but I did want to just comment that in addition to muscle memory, it’s because that election falls in the 2020 cycle. Thank you.

MS. SULLIVAN: Thank you, Ms. Royston. We have a motion and a second. Any further discussion? All those in favor, please say aye.

THE BOARD MEMBERS: Aye.


MS. THOMAS: He doesn’t have the audio option. He says he has the option to do video.

MS. SULLIVAN: Okay. Moving on to the next case is SEB case number 2020-218, Pike County.

MS. WATSON: On November 23rd, we received a complaint alleging Pike County Registrar’s Office failed to mail out one UOCAVA ballot by the deadline. The Respondent, Election Supervisor Lynn Vickers, failed to
mail out a UOCAVA ballot by the November 21st, 2020
deadline. The ballot was mailed on the 23rd of November
and was received by the voter and returned voted. Our
recommendation is for Pike County Board of Election and
Registration and Lynn Vickers, Pike County Elections
Supervisor, be referred to the Attorney General’s Office
for one count of 21-2-384(a)(2).

MS. THOMAS: And Ms. Vickers is on the line.

MS. SULLIVAN: Ms. Vickers, you may go ahead. Ms.
Vickers, would you like to speak?

MS. THOMAS: Ms. Vickers, you’re unmuted. You can go
ahead and speak. Ms. Vickers, you’re unmuted right now.
You can go ahead and speak. She wants to speak. Yeah.

MS. SULLIVAN: We’re trying to get in touch with Ms.
Vickers. She says her microphone will not unmute.

MS. THOMAS: I’m going to call her. Yeah. We’re
calling her. Hi, Ms. Vickers. We have you on speaker, so
you can go ahead.

MS. VICKERS: Okay. I’m so sorry.

MS. THOMAS: You’ll need to turn your computer volume
down.

MS. VICKERS: Gotcha. Okay. Yes. I was aware that
the UOCAVA did not get mailed when the State notified me,
my liaison notified me. I diligently worked that Friday
thinking I had gotten everybody, but I’ve only been in the
Election Supervisor position -- which is not an excuse -- but I’ve only been in that position for two and a half years, and I pretty much just did not know or did not think about doing an E-net report. I had all my UOCAVAs, I thought, in a folder, and I thought I had got them all out, but I did -- once I sent that ballot on the Monday after the deadline, I did call the voter once I knew there had been a delay, and she had received her ballot, and she did return -- in fact, when I talked with her, she had already returned it, and we received her ballot on December the 18th, and it was counted, so in the future, I know that I need to pull an E-net report to ensure that all UOCAVA ballots are sent by the deadline.

So that’s -- that’s all I really have to say, but I do appreciate the opportunity to speak in [sic] my behalf, and just know that I’m listening to other people today and during the Fayette County one, it just occurred to me, I think I want to come up with some sort of a checklist so that we can all know, you know, what our deadlines are even though we have the calendars in place and all. If we physically check off our list, hopefully that will prevent us all from doing it in the future. Thank you.

MS. SULLIVAN: Thank you, Ms. Vickers. Does anyone have any questions?

MS. THOMAS: Thank you, Ms. Vickers.
MS. VICKERS: Okay. Thank you.

MS. SULLIVAN: What is the pleasure of the Board?

MS. LE: This is Anh Le. I move to send this to the Attorney General’s Office for the same reason as our last case, and perhaps the counties could share best practices with one another through this process.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? Motion passes.

The next case is 2020-254, Hancock County.

MS. WATSON: On December 7th, 2020, 20 ballots were recovered inside a scanner from the November 3rd, 2020 general election. On December the 7th, Hancock Board of Elections and Registration was conducting logic and accuracy testing for the 2021 January 5th runoff. During the process, 20 ballots cast in the November 3rd, 2020 election were recovered from scanners. The affiliated precincts and respective numbers collected are as follows: Mayfield precinct 7, Power of God 7, St. Mark’s 5, and Warren Chapel. Gerald McCown, Election Supervisor, submitted a sworn statement and explained Hancock County Board of Election and Registration Board Member Nancy
Stephens and a Dominion technician discovered the total of 20 ballots inside of 10 scanners used in the November 3rd, 2020 election. Mr. McCown stated this was an inexcusable and preventable error and has since conducted remedial training with poll workers and hopes to prevent reoccurrence.

Also, it was determined that Mr. McCown has not completed the required elections certification training required by the Secretary of State, and he did not request a waiver. Our recommendation is for Hancock County Board of Elections and Gerald McCown -- McCown, Hancock County Election Supervisor, be bound over to the Attorney General’s Office for 21-2-500(a), 21-2-101(a), and 21-2-101(c)(1).

MS. THOMAS: And Mr. McCown and Adam Nelson are on the line to speak for Hancock County.

MS. SULLIVAN: Please go ahead.

MR. NELSON: Good afternoon. This is Adam Nelson, and thank you to the Board for the opportunity to speak. On behalf of the Hancock County Board of Elections, we essentially agree with the recitation of the facts. I do want to point out a little bit of context though and respectfully request that in lieu of our matter being sent to the Attorney General’s Office, a letter of instruction be issued instead. Gerald Lawson [sic] is the recently
appointed -- I’m sorry. Gerald McCown is the recently appointed Elections Superintendent for Hancock County. We also have a new Board Chairman for that committee. Both Mr. McCown -- upon learning that we did not have his certification correct, the Board directed and he has complied and completed training for his certification in county elections, so we have undertaken that to -- to avoid that problem in the future.

We have also, with respect to the machines and the ballots that were find, as was pointed out, we have gone through remedial training with our staff, with our volunteers, to ensure that this doesn’t happen in the future. I will point out that these are newer machines. My assumption is that as volunteers and staff become more familiar with these machines, these issues won’t come up in the future, and what I would really implore to the Board is that Mr. McCown and the Board of Elections and Registration are accepting responsibility, and they’re accepting accountability in this case. I believe that they have fixed these problems. They’re ready to move forward with avoiding these in the future.

I’ll also note that Hancock County is not a stranger both to this body and the AG’s Office. I think it’s important to note that the Board Chairman and, frankly, the Board of Commissioners is prepared to wipe the slate
clean and to get away from the ongoing problems and start focusing on us conducting elections and not having to deal with reporting to you guys for issues in the future, so I do believe you will see a renewed sense from all the elected officials in Hancock County in an attempt to avoid to have to find ourselves here again. Thank you. And also Mr. McCown is on the call and can address the Board or answer any questions the Board may have.

MS. SULLIVAN: Thank you. Does anyone have any questions? Are we able to get Mr. Worley on the phone? Can you hear us, Mr. Worley? Can you speak?

MS. THOMAS: Yeah, he’s unmuted.

MS. SULLIVAN: We’re going to go ahead and take a five-minute break. We’ll be back in -- right around 3:20. Thank you so much.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: This is Rebecca Sullivan. I will call the meeting back to order. We are at the point of a motion in the Hancock County case. Ms. Watson, the recommendation in that case is to refer the matter to the Attorney General’s Office.

MS. WATSON: That’s correct.

MR. MASHBURN: This is Matt Mashburn. I move that we accept the recommendation.
MS. SULLIVAN: Is there a second?

MS. LE: Anh Le, second.

MS. SULLIVAN: Any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Ms. Le, did you vote on that?

MS. LE: Yes, I’m sorry. My mute button accidentally came on. Yes. That was an aye.

MS. SULLIVAN: Thank you. Anyone opposed? Motion passes. The next case is 2021-001, Forsyth County.

MS. WATSON: Yes. On January 4th, 2021, it was reported that Edward Brine [ph.] posted on Facebook that his company would provide a free termite inspection for anybody who showed him that they voted for the two Republican Senate candidates in the January 5th, 2021 election. The posting was verified. Attempts to contact Mr. Brine by telephone, in person, email, and certified mail have gone unanswered. Our recommendation is to refer David Brine to the Attorney General’s Office for 21-2-570.

MS. SULLIVAN: There’s no one here signed up to speak on this matter. What is the will of the Board?

MR. MASHBURN: I move that we accept the recommendation.

MS. SULLIVAN: We have a motion to accept the recommendation and refer this to the Attorney General’s
Office. I’ll second that motion. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None opposed, and that motion passes. Case number 2021-027, which is Cobb County.

MS. WATSON: Okay. On December 26th, 2020, SOS investigators responded to 4400 Lower Roswell Road, Marietta, Georgia, where a voting precinct that is located inside the building had an unsecured door leading to the voting area. Cobb County police responded to check the location and Georgia Secretary of State investigators also responded. Officer Dehose [ph.] with the Cobb County police department stated that when he arrived, he discovered the doors to the polling station were unlocked at which time he checked the rooms and discovered that no others were inside the rooms. The investigator observed the scanners, BMDs, and poll pads to all be secured in the room with security seals in place.

The building is a governmental building that contains a Cobb County police precinct with surveillance cameras in place. It was originally reported that the door to the room containing the polls were left unlocked for the cleaning crew and that the poll workers did not have a key. This was later reported to not be accurate and
documentation was provided indicating the door was, in fact, locked and had been reported to have an issue with the locking mechanism on December the 11th. That was reported to have been corrected. After reviewing the additional documentation provided, I would recommend a letter of instruction as reasonable steps were taken to secure the doors, and it appears to be a locking mechanism failure that could not have been foreseen by the poll officials. The doors were secured with a cable and a lock until the locking mechanisms could be corrected. I’m recommending a letter of instruction for Bo Gunn, Chief Registrar Janine Eveler, Director of Cobb County Board of Election and Registration.

MS. SULLIVAN: I believe Ms. Eveler has submitted a written statement, but there is no one signed up to speak.

MS. THOMAS: She’s on the call.

MS. SULLIVAN: No one has asked to speak regarding this matter. The recommendation is a letter of instruction be issued in this case. Do any Board members have questions for Ms. Watson?

MR. MASHBURN: I don’t have any questions, but I’ll move that we accept the recommendation.

MS. SULLIVAN: And I will second that motion. Any further discussion? All in favor, say aye, please.

THE BOARD MEMBERS: Aye.
MS. SULLIVAN: Any opposed? That motion passes. The next case is 2021-033, Crawford County.

MS. WATSON: Crawford County Elections Supervisor

Mrs. Brenda Peacock reported on January 4th, 2021 that elector Jenncy P. West [ph.] had voted twice, once on December 15th, 2020 and on December 31st, 2020 in the January 5th, 2021 runoff election. Investigation revealed the elector is 80-years-old. When the voter Jenncy P. West went in the second time to vote, the poll worker missed or misread the notice when checking in the voter that indicated she had already voted in the election. She had the voter complete a cancellation for an absentee ballot, believe the voter had only requested an absentee ballot and not -- had not voted it. The voter did not question the process and did as requested and was issued a voter access card and allowed to vote.

It was also observed when reviewing the voter certificates completed by Ms. West on December 15th and December 31st that the poll worker’s name listed on the form as the registrar clerk certifying the form was Mrs. Paige Thomas [ph.]. However, Paige Thomas was not working at the Crawford County Elections Office at all during the January 5th, 2021 runoff election. Mrs. Peacock, the Elections Supervisor, advised this was an oversight by her office, and the name was automatically listed on the form
and should not have been. The recommendation is to refer to the Attorney General’s Office the Crawford County Board of Elections and Registration, Elections Supervisor and Registrar Brenda Peacock, and poll manager Tia Young [ph.] for 21-2-381(b)(1) and 21-2-431(a) and elector Jennyc Pearl Webb be issued a letter of instruction for 21-2-572, as the poll workers allowed her to -- to vote a second time.

MS. WATSON: There is no one who has asked to speak regarding this matter, so unless there are any questions, I will entertain a motion.

MR. MASHBURN: I have no questions, but I move that we accept the recommendation.

MS. SULLIVAN: Do we have a second?

MS. LE: Anh Le, second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? That motion passes.

SEB case number 2021-056, Stephens County.

MS. WATSON: Yes. On January 4th, 2021, Stephens County Chief Registrar Eureka Gober self-reported to the Georgia Office of the Secretary of State that she identified three double voters during the 2020 general runoff election. On January 4th, former Stephens County
Chief Registrar Eureka Gober self-reported interviews with election staff. Two of voters in question in a review of election records confirmed the allegations of double voting during early voting period. Voter Steve Bennett [ph.] could not recall the instance of double voting due to a medical issue that affects his memory. Voter Harry Henry [ph.] admitted to voting twice via absentee ballot and in person voting because he was under the impression that his absentee ballot was not counted when he received an additional application for an absentee ballot in the mail. Voter Frances Merritt [ph.] was unresponsive to telephone calls and in person attempts to interview her. However, her signatures on her oath envelope and application for in person absentee ballot were consistent with her signatures on file in Election Net. The recommendation is to bind over to the AG’s Office former Elections Supervisor Eureka Gober for 21-2-273 and voter Steve Bennett, voter Frances Merritt, and voter Harry Henry for 21-2-572.

MS. SULLIVAN: There is no one signed up with a request to speak regarding this case. So unless anyone has any questions, now is the appropriate time for a motion.

MR. MASHBURN: I have no questions. This is Matt Mashburn, but I move that we accept the recommendation.
MS. SULLIVAN: I’ll second that. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Is there anyone opposed? That motion passes. The last investigation case on our agenda today is 2021-066, Morgan County.

MS. WATSON: In February 2021, the Elections Supervisor of Morgan County noticed that Brent Spear [ph.] submitted a voter registration and voted while under sentence as a felon during the January 2021 runoff. Investigation determined that Brent Bernard Spear did submit a voter registration that was postmarked December 7th, 2020, received it on December 28th, 2020, and the application was processed. He became an active voter on December 29th. On December 30th, Mr. Spear early voted.

On December 31st, Mr. Spear’s name appeared on the Morgan County Elections dashboard as a felon, and he was entered into the challenge status. A felon letter was mailed to Mr. Spear that went unanswered, so he was cancelled on February 10th, 2021. The conviction was confirmed, and the probation active until 2030. Mr. Spear advised that he did vote and did not respond to the letter from the office as he did not believe that the person he voted for won anyway. Mr. Spear advised he would not be responding to the investigator with a statement as he
believed this was voter suppression. Our recommendation is for Brent Bernard Spear, Senior to be referred to the AG’s Office for 21-2-216 and 21-2-573.

MS. SULLIVAN: And there is no one here -- signed up to speak regarding this case.

MR. MASHBURN: Matt Mashburn. I move that we accept the recommendation.

MR. WORLEY: David Worley. I move that we second. I second it.

MS. SULLIVAN: I believe that David Worley seconded that motion. We have a motion to accept the recommendation to refer it to the AG’s Office and a second by Mr. Worley. Any -- by Mr. Worley. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Anyone opposed? And that motion passes. And we’re going to go back one more time to case 2020-032, Greene County. We had two individuals who wanted to speak regarding that case, and I’ll give them one more opportunity. Mr. Smith or Ms. Mayers or any of these -- if either of you are still on the call and would like to speak.

MS. THOMAS: Ms. Mayers, you can go ahead.

MS. MAYERS: Yes. This is Kathleen Mayers from Greene County. This particular situation, I was at the
poll when an individual, Mr. Smith, was speaking to one of
our poll workers, and she motioned me over because he was
agitated. He was on the poll pad screen, and the
gentleman’s registration was in another county from Greene
County, and she asked him if he’d been previously
registered in another county. He said yes. Are you
registered in Greene? He told her he’d voted in the 2019
election [sound distorted] there was no translation. I
stepped in and I told him what his options were. [sound
distorted] Basically, he was to vote on the BMD. [sound
distorted] I explained to him that since he wasn’t on our
roll, he couldn’t vote. I gave him the two options. He
could go back to -- I believe it was Franklin County -- to
vote, or he could take a provisional ballot.

He became agitated. He asked -- I was calling him a
liar, and I had told him no. I was not calling him a
liar, but that the information that we had did not
indicate that he had been registered in Greene, and
therefore, he wasn’t going to be able to vote on the
machine. He was extremely verbal and physically
confrontational. It’s a small poll. He created quite the
scene. I explained to him that if he wasn’t going to vote
provisional that he was going to have to leave the poll,
and he adamantly refused, and he said that his wife was
voting, that she had some sort of issue, and he was going
to wait until she was finished. However, she had not declared that she needed any assistance. She was at the machines voting, and I finally -- I went outside because he challenged -- he just started challenging, and I went outside. When I went outside to call the sheriff, she had finished voting, the wife, and the gentleman decided to leave the facility.

It’s my understanding that approximately a month after this election, he went online and registered to vote in Greene County, but there was zero record of his registration in Greene County, and he had never voted previously voted in Greene County. This was June of 2020, and he had last voted in 2018 in Franklin.

MS. SULLIVAN: Thank you, Ms. Mayer. Mr. Smith, are you here? Are you able to speak? I do not believe he’s on the call. Do any Board members have any questions for Ms. Mayers? What is the pleasure of the Board? The recommendation in this case --

MS. WATSON: My recommendation was for a letter of instruction for Lester Smith for 21-2-563.

MR. MASHBURN: We haven’t already acted on this one, and we’re considering --

MS. SULLIVAN: We haven’t.

MR. MASHBURN: Okay. I find this belligerence at the polls -- the polling place...
MS. LE: I move that we send this to the Attorney General’s Office for further review. This is Anh Le.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None. Okay. That motion passes. That brings us to the Attorney General report, and it is our custom to vote on these cases as a bloc unless there are any particular cases a Board member would like to pull out.

MS. THOMAS: There’s someone here to speak.

MS. SULLIVAN: And we do have someone to speak on -- okay. The Fayette County case, number 098, so we will pull 098 off for separate discussion. Are there other cases a Board member would like to pull off? Okay. So we are going to pull off SEB case number 2016-079 and 2016-155 to discuss separately. Do I have a motion with regard to the remaining cases of the consent orders?

MR. WORLEY: This is Mr. Worley. I move that we adopt the remaining consent orders.

MS. SULLIVAN: We have a motion to adopt the remaining consent orders. Do we have a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any
further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None. That motion passes. So with regards to SEB case number 2016-079 --

MS. THOMAS: He’s just available for questions.

MS. SULLIVAN: Oh, okay. Apparently, the person who identified said they’re available for questions and does not need to speak to the consent orders, so I will entertain a motion to accept the consent orders.

MR. MASHBURN: So moved.

MR. WORLEY: Second.

MS. SULLIVAN: We have a motion and a second. This is to accept the consent orders in 2016-079 and 2016-155. A motion and a second, any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? That motion passes. And finally, unless there are -- is any new business that any member would like to bring up, I will entertain a motion to adjourn today’s meeting.

MR. MASHBURN: Move to adjourn.

MR. WORLEY: Second.

MS. SULLIVAN: We have a motion and a second. I’m assuming there is no discussion. All in favor, please say aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Thank you very much for those who attended today. It was a lengthy agenda, and thank you, fellow Board members. We’ll see you next time.

(Meeting adjourned 4PM)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 220 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 25th day of May, 2021.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256
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In The Matter Of:
SECRETARY OF STATE
STATE ELECTION BOARD

August 18, 2021

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

August 18th, 2021
9:00 A.M.

PRESIDING OFFICER: REBECCA SULLIVAN
VICE CHAIR, STATE ELECTION BOARD

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia
APPEARANCE OF THE PANEL

Rebecca Sullivan, vice chair
Anh Le
David Worley
Matthew Mashburn
Sara Tindall Ghazal

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany
Frances Watson
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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PROCEDINGS

MS. SULLIVAN: Good morning, Board members and members of the public and parties who have cases before us. We’re going to go ahead and call this meeting to order. My name is Rebecca Sullivan, and I am the acting Chair of the State Election Board, and we will start with an invocation and Pledge of Allegiance, which I have asked Mr. Mashburn to lead us in.

(Invocation)

(Pledge of Allegiance)

MS. SULLIVAN: For purposes of the record, I’d like to go ahead and take roll and establish a quorum. Ms. Le, please acknowledge your presence.

MS. LE: Present.

MS. SULLIVAN: Mr. Mashburn?

MR. MASHBURN: Present.

MS. SULLIVAN: Ms. Ghazal?

MS. GHAZAL: Present.

MS. SULLIVAN: Thank you. The first item on our agenda today is the introduction of a new Board member. At this time, I would like to introduce Ms. Sara Tindall Ghazal. Ms. Ghazal was appointed to the State Election Board to fill the vacancy created by the resignation of David Worley. I am not aware whether Mr. Worley is online today, but I would like to take this opportunity to thank
him for his 17 years of public service on the State Election Board. I have enjoyed serving alongside Mr. Worley for eight of those years, and on behalf of the Board, I would like to publicly commend him for his thoughtful, dedicated, and honorable service to the State of Georgia. I would also like to welcome Ms. Ghazal. She is an attorney and comes to us with much experience in elections, having worked for the Carter Center and the Democratic Party of Georgia, as well having been a candidate for public office. Welcome to the State Election Board, Ms. Ghazal. On behalf of the Board, I thank you for accepting your party’s nomination, and we look forward to working with you. If you’d like --

MS. GHAZAL: Thank you so much, Chair Sullivan. And yes, just very briefly, I just wanted to reiterate your thanks to my predecessor, David Worley. He served a tremendous service for the voters of Georgia, and I have very big shoes to fill, and I look forward to working with all of you in the coming months and years.

MS. SULLIVAN: Thank you so much. The next item on the agenda is approval of the Board meeting minutes. We have minutes for the February 24th, 2021 Board meeting and hearing as well as the April 28th, 2021 Board meeting and hearing. Those minutes have been distributed among the Board members, and we’ve all had an opportunity to review.
At this time, it would be appropriate for a motion to approve those minutes.

MR. MASHBURN: So move.

MS. LE: Second.

MS. SULLIVAN: We have a motion and a second. Is there any discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None, and that motion carries. We’re going to jump right on in to the consideration of rules to post for public comment. At this time, the Board will consider a number of amendments to the State Election Board rules to post for public comment based on the passage of Senate Bill 202. I anticipate that the Board will consider the amendment of several rules and/or new rules in our upcoming meetings. The set of rules we will consider today is only the first batch for consideration based upon the necessity of implementation of SB 202 for the upcoming municipal elections. While the Board members have received a review of the rules we will consider -- that we will consider today in advance, I will ask Mr. Germany at this time to give a brief overview of the rules. If any of the Board members have questions or would like to engage in discussion about the rules, please feel free to pose them
during his presentation. Mr. Germany?

MR. GERMANY: Thank you, Madam Chair. This is Ryan Germany. I’m the General Counsel of the Secretary of State’s Office. As Ms. Sullivan said, what we’re doing today or what will be in front of the Board is voting to post rules for public comment, so if -- if the Board approves that, these draft rules will be posted for public comment. The Board will then come back in about 30 days and vote on whether or not to adopt the rules, and I think Ms. Sullivan also said the rules that we’re looking at today are the ones that we felt needed to be in place prior to November’s municipal elections. I think there’s -- there’s certainly additional rules based on SB 202 that need to be done and that we’re still working on, so I envision that -- that we will have a lot of these types of things in our -- in our future meetings up through next year.

So I’ll go into the rules that -- that I’m proposing the Board post for public comment. I’m going to start with the document that’s revisions to subject 183-1-12, and the -- the first one is amendment to the logic and accuracy testing. The amendments are on page 3 of the packet that was submitted to the Board, and all this does -- this is changes to 183-1-12-.08, logic and accuracy testing. SB 202 put in new rules about notification of
when logic and accuracy testing is happening, and so this proposed change just puts that change into rule.

The next change is on page 6 of the -- the packets in front of you, and it also deals with logic and accuracy testing. There was a couple of counties in November that is -- poll pad issues, and then one county did a good job going to what we call manual ballot activation, how you can bring up a ballot using a code on the touch screen. The other county did not do as good of a job, so what we put in place here is a requirement in logic and accuracy testing to test the ballot activation part of the procedure as well, so that’s on page 6.

The next change is in -- is on page 17 of the packets in front of you, and it is a change to rule 183-1-12-.11, which is conducting elections, and this deals with polling place wait times recordings. SB 202 put in the requirement that any polling place that has a wait time of more than an hour at any point in the day has to take certain actions to -- to basically relieve that burden prior to the next election, and so this rule puts in place how the county is to measure that or when they’re going to measure it, and then how it’s to be -- how that information is going to be submitted to the Secretary of State’s Office.

The next change is on page 25 of the packet, 183-1-
12-.12, tabulating results. These changes go to the part of SB 202 that requires counties to submit the total number of votes they received no later than 10PM the night of the election. On page 25, the change just said as soon -- as soon as possible after the poll is closed. The poll manager shall advise the election superintendent of the total number of ballots scanned in the ballot scanner, the total number of provisional ballots issued, and the total number being cast but unscanned ballots in a scanner emergency bin. That’s just going to getting -- getting the total number of ballots cast at each precinct.

The next change is on page 27. This deals with the part of SB 202 that says counting shall basically continue without ceasing until pro -- all properly cast ballots are processed, and we felt that we needed to define shall not cease that it allowed for reasonable and limited breaks so long as ballots continue, and it also states that if -- if there’s a technical or mechanical issue or emergency circumstance that basically doesn’t allow counting to continue, then the superintendent can basically declare those circumstances exist and do a report in writing to the Secretary of State, and then resume when -- when accurate and reliable counting can resume after the emergency or technical issue has been -- has been dealt with. I think the point we want to get there is yes, it
needs to be done as quickly as possible, but if there’s some circumstance that doesn’t allow for accurate and reliable counting, then obviously, that needs to be precedence towards absolving that.

On page 28 of the packet in front of you, publicly posting total number of ballots cast after the polls, again, that deals with the part of SB 202 that requires publicly posting the total number of ballots cast. What we’re trying to think about is the best way for counties to post those numbers and then also make them available to the public, so it says that maybe they’ve got to post them on their website if they have one. If they do not have a website, they have to post them on the door of their headquarters, and at the same time they’re posted, they have to provide those numbers to the Secretary of State’s Office so that the Secretary of State can make them public in a more aggregated fashion.

The final proposed edit to -- to this rule, .11, is a reconciliation report on page 29 of the packet in front of you. It says no later than 30 days following the election, the superintendent shall turn into the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct, and any discrepancies between the ballots cast and number -- and voters who received credit shall be investigated and
reported to the Secretary of State.

The next change is a change to rule 183-1-12-.13, storage of returns. It’s on page 26 of your packet, and it goes to the part of SB 202 that makes ballot images a public record, and so this change clarifies that ballot images are subject to public disclosure, and the election superintendent shall retain copies of all ballot images prior to depositing election materials to the clerk of superior court to ensure the ability to provide public access to ballot images.

The next change is -- and I believe all the remaining changes in this chapter of the rules are in 183-1-12-.018, provisional ballots, and this is to deal with SB 202’s change to provisional balloting where ballots cast out of precinct are not going to count unless they’re -- until it’s after 5 o’clock, and the voter submits something that says they cannot get to their precinct in time. So this changes the instructions that poll workers give -- give voters to make sure that that’s clear, and those changes are on page 39, 40, 41, 42, and 43. Those are the changes to chapter -- under subject 183-1-12.

The other rules that we’re going to propose for posting today are revisions to subject 183-1-14, which is absentee voting, and there’s two changes to that. One is a change to 183-1-14-.12, eligibility of application for
absentee ballot. This is to deal with the changes in SB 202 that change how an absentee voter is verified going from the signature verification to the driver’s license or other ID-based verification, so it just clarifies on page 3 of the packet that the next -- the next packet of 183-1-14 that would have to be submitted on the application with elector’s name, date of birth, address, the address where the elector wishes their ballot to mailed, the number of his or her driver’s license number or other allowable identification, and the signature of the applicant.

We also clarify in this rule that web-based tools or applications that allow people to basically submit their information online and then fill out the form that way -- so basically, if you put -- if a tool lets you submit your information, and it fills out the form for you, you would then still have to print out the form, sign it, and submit it, but it just clarifies that that is allowed. However, confidential votes -- those type of tools and applications are allowed, but confidential voter information entered into these web-based tools or applications shall not be stored, sold, distributed by any entity or person nor used for any commercial purposes. If a person gives express written consent, non-confidential voter information that is entered into those tools can be stored but shall not be sold or used by any entity or person for any commercial
purposes. What we tried to do here was to basically mirror the provisions for third-party voter registration drivers where, you know, basically, certain material information on the registration forms can be -- can be kept when given the consent of the voter, but confidential information, of course, cannot be kept under any circumstance.

This -- this rule also talks about the disclaimer that now has to be on absentee ballot applications that are -- that are sent around by third parties, and it has the disclaimer that’s in SB 202, and it clarifies -- essentially copying some of the regulations from the Federal Election Commission about disclaimers on election or other political mail. That disclaimer shall be sufficient font size and be clearly readable -- the 12-point type satisfies that size requirement -- be contained in a printed box set apart from the other content communications, and be printed with a reasonable degree of color contrast between the background and printed disclaimer. The regulation clarifies that the color contrast requirement is satisfied if it is printed in white text on a back -- on a black background or if the degree of contrast between the background color and the disclaimer text color is as least as great as the degree of contrast between the background color and the color of
the largest text in the communication. And again, I believe that’s -- that’s essentially copying kind of disclaimer regulations that are from the Federal Election Commission and that you would normally see on political mailings.

The final rule that we’re proposing for posting today is a new rule, 183-1-14-.12. Sorry, 183-1-14-.14, and this deals with early absentee ballot processing. This largely mirrors the emergency rule that was put in place last year, and then SEB 202 put in early ballot processing into Georgia code, and so this rule puts in place the -- the regulations for observation, for reconciliation, for making sure that basically kind of voter privacy is kept during this time, and that -- and it puts in regulations including oaths of anybody who is participating in that -- in this process to ensure that no results are -- are, of course, received or even kind of guessed or estimated by anybody talking about this process.

So those are the changes we’re posting today, as Chair Sullivan said -- or I’m proposing that the Board post for public comment today. As Chair Sullivan said, there are additional rules that we are working on that we believe will need -- will need to be posted to deal with the changes from SB 202. We’re also getting -- getting questions and comments from counties, other people, to
help deal with -- to help us see kind of what rules might be needed, and I’m happy to -- to take any questions from any Board members.

MS. SULLIVAN: Do any Board members have any questions for Mr. Germany? Thank you, Mr. Germany. I know that this represents a lot of staff work on the part of the Secretary of State’s Office, as well as the Rules Working Group, and we appreciate your efforts in this regard. As stated before, all that is required of the Board at this point is a vote to post these rules for public comment. Unless any Board member objects, I will entertain a motion to post them as a bloc instead of voting on each rule individually at this time. Are there any objections to considering these rules as a bloc?

MR. MASHBURN: No objection.

MS. SULLIVAN: Do we have a motion to post these rules for public comment? I’ll go ahead and restate the rules: 183-1-12-.08, 183-1-12-.11, 183-1-12-.12, 183-1-12-.13, 183-1-12-.18, 183-1-14-.12, and 183-1-14-.14.

MR. MASHBURN: I move that the rules be posted as presented for public comment.

MS. SULLIVAN: We have a motion to post the rules for public comment. Do we have a second?

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Is
there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None, and these rules will be posted for public comment. The next item on our agenda is appointment of a performance review panel. OCGA section 21-2-106 requires that upon the request of at least two members of the Georgia House of Representatives and two members of the Georgia Senate who represent a county that is represented in the General Assembly by more than three members of both the House and the Senate, the State Election Board shall appoint an independent performance review board within 30 days after receiving a request that a performance review of a local election official be conducted. That code section requires that the State Election Board appoint three competent persons to serve of members of the performance review board, one of whom shall be an employee of the Elections Division of the Secretary of State and two of whom shall be local election officials, provided that no such appointee shall be a local election official for the county or municipality of the applicable under review.

The law further provides that it shall be the duty of a performance review board to make a thorough and complete investigation of the local election official with respect
to all actions of the local election official regarding
the technical competency and the maintenance and operation
of election equipment, proper administration and oversight
of registration and elections, and compliance with state
law and regulations. The performance review board is
required by law to issue a written report of its findings
to the Secretary of State, the State Election Board, and
the local governing authority, which shall include such
evaluations, judgements, and recommendations it deems
appropriate.

The State Election Board has received requests from a
requisite number of members of the Georgia Senate and the
Georgia House of Representatives that a performance review
of Fulton County local elected officials be conducted
pursuant to OCGA 21-2-106. Accordingly, this Board is
required by law to appoint three persons to serve on a
performance review board of Fulton County local elected
officials. We have before us a bipartisan slate of
candidates to consider for appointment for this purpose.
The slate for consideration before us today is Stephen
Day, who is a member of the Gwinnett County Board of
Elections, Ricky Kittle, who currently serves as the Chair
of the Catoosa County Board of Elections, and Ryan
Germany, who is the General Counsel for the Sec -- Georgia
Secretary of State.
At this time, I will entertain a motion to appoint this slate of individuals to serve on a performance review board of Fulton County local elected officials.

MR. MASHBURN: I move that the slate be adopted and accepted as presented.

MS. SULLIVAN: We have a motion. Do we have a second?

MS. LE: I second it.

MS. SULLIVAN: At this time, it would be the appropriate time for any discussion by the Board members regarding this motion.

MS. GHAZAL: Chair Sullivan?

MS. SULLIVAN: Yes, please go ahead.

MS. GHAZAL: First, I’d like to reiterate as you stated that the State Election Board has no discretion with regards to this appointment, so we are mandated by law to -- to make this appointment. It is both my hope and expectation that the members of the review board who have been nominated today will take their jobs very seriously and will engage in the review with the singular goal in mind how best Fulton County’s Election Board and staff can serve the voters of Fulton County. Any election office has two goals: to ensure that every eligible voter can access their ballot and cast it by the method of their choosing and that those ballots are counted accurately and
transparently in such a way that it assures the public
that they can have trust in the outcome.

I also understand that the performance review board
is going to be under tremendous political pressure on both
sides to come to preordained conclusions, but I -- knowing
the members of this Board, I trust that they’ll resist the
pressure and approach their task with an open mind. The
narrative driving this pressure has been influenced by
disinformation surrounding the November 2020 election, but
the fact remains that Fulton County voters have reported
numerous problems for far longer than November 2020,
particularly surrounding registration and absentee
ballots, so I -- I urge Fulton County to review this
performance review board as an opportunity to have fresh
eyes on their systems and their procedures and identify
areas of improvement. I understand that the County is in
the process of hiring external consultants to review the
County’s operations. I hope that the review board will be
able to work together with these consultants to ensure
that eligible voters of Fulton County receive the service
and the elections that they deserve.

MS. SULLIVAN: Thank you, Ms. Ghazal. Mr. Mashburn,
would you like to make any comments?

MR. MASHBURN: Just a few observations about the
slate of candidates, that I think the slate of candidates
does a very good job of balancing large metropolitan areas and counties with a more rural area, balances bipartisanship, has a Republican and a Democrat, and, of course, has Ryan Germany, whose skill as a lawyer, knowledge of election law, and demeanor as a person are -- are unmatched, so I think, you know, we’ve got a great slate of candidates here that have been carefully balanced to reflect all -- all interests so that the accusations that we’ve heard in the past that this is just a Republican hatchet job against Fulton County is just not -- just not reflected by this slate of candidates. I just wanted to also compliment these individuals for their willingness to serve. They’re all very experienced in this, so they know that this is a -- a largely thankless task except for the voters who are benefited on Election Day when these problems are resolved.

And I would -- I would join in Sara’s comment that this is an invitation to Fulton that it would be very nice for the Board to able to report when their report comes out that -- that this was a problem but in the meantime, we’ve -- we’ve seen this be cured and this be fixed, so that would -- that would be a great part of the report. So I encourage Fulton to just -- to keep trying to improve and not just throw up their hands and say well, it’s all in the hands of the Board now.
MS. SULLIVAN: Thank you, Mr. Mashburn. Any additional comments? Would any of the Board members like to make a motion to appoint this slate of individuals to serve on a performance review board of Fulton County elected officials at this time?

MR. MASHBURN: I think it’s made, with a second.

MS. SULLIVAN: Oh, we did. That’s right. Thank you, Mr. Mashburn. That was a little while ago. We have a -- we have a motion and a second. All in favor, please vote -- signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? Then that motion passes. Thank you. We’re going to move onto the investigation report, so first block of cases on our agenda are the consent cases. There are two cases on the agenda that have been continued. That is SEB case number 2020-148, Greene County and SEB case number 2020-256, Fulton County. Are there any cases on this list that any of the Board members would like to pull off for separate discussion?

MR. MASHBURN: I do not have any that I would like to have pulled out.

MS. SULLIVAN: It looks like we -- none of the Board members want to pull off any of these cases. Do we have any complainants or Respondents that are on this call that would like to speak to any of these individual cases?
MS. THOMAS: No. We do not have any for these ones.

MS. SULLIVAN: Okay. At this time, I will entertain a motion.

MS. THOMAS: We had someone raise their hand.

MS. SULLIVAN: Oh. Just a moment.

MS. THOMAS: All right. Denise Muehr? You may --

MS. MUEHR: Yes.

MS. THOMAS: -- speak now.

MS. MUEHR: Yes.

MS. THOMAS: Just wondering which case you’re here for?

MS. MUEHR: It’s 2020-000157, but I’m not seeing it on this slate of numbers. Will it be coming up at a later time?

MS. THOMAS: Yes. We’re just discussing these consent cases right now.

MS. MUEHR: Okay. I apologize. I will stand back.

MS. SULLIVAN: Not a problem.

MS. MUEHR: Thank you.

MS. THOMAS: Jamida Orange? You may unmute yourself.

MS. ORANGE: Jamida, I’m just here to listen.

MS. SULLIVAN: Okay. Thank you. Okay. We will go ahead and vote to dismiss the consent cases as a bloc, pulling out, of course, those two cases that were continued. Now would be the appropriate time for a
MR. MASHBURN: I move that those cases be processed in accordance with the matters that have been presented.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: I second.

MS. SULLIVAN: Any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and those cases will be dismissed. The next cases are -- set of cases are letter cases. Do any of the Board members want to pull off any of these cases for separate discussion or consideration?

MR. MASHBURN: I do not, Matt Mashburn.

MS. SULLIVAN: Okay. Do we have any individuals on the call who would like to speak to one of these cases, either a complainant or a Respondent?

MS. THOMAS: We do have Ezek -- Ezell Brown and Sergeant Victoria Hammond and Attorney William Craig, and Mr. Ezell Brown is the Sheriff of Newton County. They are on the call to speak towards this case.

MS. SULLIVAN: That’s case 2020-114?

MS. THOMAS: Yes. 2020-114 for Newton County. Mr. Ezell, I did see you when you signed up, but I don’t see your name now. If you could raise your hand, so I could
see which account you’re logged under. All right. You may unmute yourself now.

MS. SULLIVAN: Well, let’s -- are there any other cases right now that we have members to speak to -- individuals to speak to?

MR. TOLLEY: Okay. Can you hear me, Chairman Sullivan?

MS. SULLIVAN: Yes, we can hear you.

MR. TOLLEY: All right. My name is Edward Tolley. I’m a lawyer in Athens, Georgia, and I represent Sheriff Ezell Brown in this complaint of illegal campaigning, which he --

MS. SULLIVAN: Okay. Just a moment, Mr. Tolley. I think I’ll ask Ms. Watson to go ahead and give us an overview of this case if we’re pulling it off for discussion and then give you an opportunity to speak.

MR. TOLLEY: All right, ma’am.

MS. SULLIVAN: Thank you. This is SEB case number 2020-114?

MS. WATSON: Yes. A complaint regarding illegal campaigning during the Newton County 2020 general election was reported. According to the complaint, Sheriff Ezell Brown was campaigning outside the Newton County administrative building, which served as a polling precinct during the early voting period. He was seen
speaking with voters in line in a mobile campaign

billboard endorsing Brown circling the voting precinct.

Investigation revealed the complainant provided pictures
and videos of the mobile billboard. A follow-up interview
revealed that Newton County Coroner Tommy Davis was also
seen campaigning outside the precinct.

Investigators interviewed Sheriff Brown, and he
stated he was present outside the Newton County
administrative building, but he denied he was campaigning.

He stated he was there to assess the situation of long
lines and to respond to a medical emergency. However,
there were several sheriff deputies assigned to the
polling precinct, and there were no dispatch calls for
service at the administrative building on that date. The
election supervisor informed Sheriff Brown that he could
not be present at the polling precinct, and he agreed to
leave. However, he returned to the precinct a few days
later to provide the election supervisor with a copy of
OCGA 15-16-10, which he believed authorized him to be
present at any polling precinct. He was in uniform when
he entered the polling precinct. There were voters
present, and he was not there to cast his ballot.

Regarding the mobile billboard, Sheriff Brown stated
the mobile billboard was donated to his campaign, and he
did not instruct the driver of any particular route.
Investigators interviewed the driver of the mobile billboard, David Allen [ph.]. He confirmed he drove the mobile billboard past the polling precinct, stated he was not familiar with the area, and he was not aware that he could not drive past the polling precinct and stated he was not instructed by anyone to drive a particular route.

Investigators interviewed Newton County Coroner Tommy Davis. He admitted to driving past the polling precinct in his personal vehicle that had had a campaign sign mounted on it. However, he stated he was just on his way to get breakfast and driving past the administrative building was the most direct route to the restaurant.

Our recommendation is for all Respondents to be issued a letter of instruction and any future violations to be referred to the Attorney General.

MS. SULLIVAN: Thank you, Ms. Watson. Go ahead, Mr. Tolley.

MR. TOLLEY: Yes, ma’am. On Friday, I prepared a motion to dismiss this allegation against Sheriff Brown. I served the counsel, Mr. Germany, to the Secretary of State. We dispute factually what’s just been said, and I’ll address that in a minute, but I want to address the motion to dismiss, which is in writing and filed with the State Election Board, first. And first of all, the dispute here in a nutshell involves whether or not Title
21-2-41(4)(b) overrules in effect Title 15-16-10(a)(3)(8), and stated very simply, if a constitutional officer, which he is -- and the brief sets out the case law that supports that -- he has a duty, which is a command statement, to attend on any election precincts. It’s not an option for him to not attend. He can attend by appointing people, but he himself must perform the duties imposed by law which appertain to his office.

This -- as we understand it, the two people who had campaign signs that drove by did not do so at the direction of the sheriff. I believe that’s a finding. And they are really -- whatever -- whatever the Board does about them, the Board just does, but in -- in terms of the sheriff being at the precinct in uniform, that is his job.

And I have gone on to argue in my brief why this should be dismissed. In a nutshell, Title 15 says -- let me get the book out. I wish I could see the Board and show the Board what I’m looking at, but Title 15-16-10, subsection 3, says it is the duty of the sheriff to attend in the same manner specified -- that same matter is upon all sessions -- both this subsection -- at the place or places of holding an election at the county site on the date of an election from the opening to the closing of the polls and to take under his charge all subordinate officers present as the police to preserve order. In
addition, paragraph 8 of that subsection says he is to perform such other duties as are or may be imposed by law. It is actually a misdemeanor for the sheriff to refuse or fail to attend the polls.

Now, I agree that there is a conflict between Title 15 and Title 21 on campaign activity, but as I’ve argued in this brief, if the legislature had intended to prevent a sheriff who is also a candidate from attending a polling location -- the legislature could have easily done so. I made a citation to a couple of Georgia cases. So you’ve got a conflict in the statutes. The sheriff is mandated to go into the polling places. If he doesn’t go, he violates his duty, and it’s actually a misdemeanor. But if he does go, according to the investigator and according to the election supervisor, then he has violated Title 21. The two cannot be reconciled.

It is not -- it is not up to -- it’s not up to the State Election Board to decide that they would apply one statute over the other because Title 15, which governs the duties of the sheriff in an election, -- Title 15 is a specific statute that I would argue, and I believe is the law, that overrules the general election statute. As I said, the legislature can change this. They could have changed it. They could have said otherwise. But I think this Board should be aware that this statute essentially
has been around since the 1800s without change. 1799 was actually the date it was enacted the first time, and it’s never been a controversy before.

Now, -- so our motion is to just simply dismiss this allegation against the sheriff. We do have three witnesses here to contest the allegations in the report if the Board wishes to go forward and hear from them, but it’s my motion right now, at this level, that this allegation against Sheriff Brown, who is a four-term Sheriff for Newton County -- he’s a gubernatorial appointee to important boards for the State of Georgia. This is very important to him, and I move that this be dismissed.

MS. SULLIVAN: Thank you, Mr. Tolley. Do any of the Board members have questions for Mr. Tolley? Mr. Mashburn?

MR. MASHBURN: Well, I think that presentation was excellent. Georgia has a unique history, and it was one of the purposes that the voter protection bubble was installed, that in the past there were many incidences where people waiting in line were pulled out of line and intimidated and beaten, and it was almost always the sheriff. Now, there’s no allegation that this sheriff has done anything other than campaign, but that’s where the voter protection bubble came from, and I’d always puzzled
myself -- or pondered myself why was it always the sheriffs that were doing it? And so I think the statute might provide the answer for that. I’ve also been a poll watcher for many, many years, and I know exactly where the hundred-and-fifty-foot barrier is, and I -- based on my personal experience, I feel that the sheriff can fulfill his duties under Chapter 15 -- Title 15 from a hundred and fifty foot away, and if anything needs to be handled closer in, he can send a deputy. The sheriff could send in a deputy. So I move that the motion to dismiss not be accepted and couple that motion with a motion that the letter of instruction be issued as presented.

MS. SULLIVAN: Okay. We have a motion on the table. Is there a second?

MS. LE: This is Anh Le. I have a comment as well before I second this motion. 21-2-4-14, section d, is universal. Aside from Mr. Mashburn’s concern, which is well taken as well, it is universal to all candidates, and it’s -- it’s intended also to create a level playing field for candidates and voters alike to have elections free of -- of intimidation or influence as voters go to cast their votes, so I stand firm with the motion on the table, but also I would also like to ask whether or not there was a deputy available to Mr. Brown on the day of, subject to 15-16-10 (2) -- (8)(2). Subsection (8)(2) says that the
sheriff or his deputies could attend, so did he have a
deputy available that day?

MR. TOLLEY: Are we unmuted? Can you hear me, Chair
Sullivan?

MS. SULLIVAN: Yes. Yes. Go ahead. Yes. Go ahead,
Mr. Tolley.

MR. TOLLEY: All right. If you please, I have three
witnesses to address the issue at hand. Obviously,
there’s no allegation -- I mean, all we have to go on is a
specific allegation against this sheriff, and the specific
allegation in the notice of hearing, which is a due
process matter, is that when he -- when he entered the
polling precinct to speak with the election supervisor
regarding the allegations against him. So that is the
notice that we received of a violation, and that’s what
we’re defending. But having said that, I do have a
sergeant here that called the sheriff due to the illness
of a -- of a person. I do have the sheriff here who
wishes to speak, and I do have the former county attorney
who has advised the sheriff and all the other sheriffs
that have ever served in this county that this -- that the
sheriff must attend, and his attendance is lawful, and
this statute does not limit the sheriff to a hundred and
fifty feet.

I understand what Mr. Mashburn was saying. I’m in
sympathy with his interpretation, but that is not in the law, and that’s all we can go on is what the statute says. So if the Chair wishes, I am prepared to put up these witnesses.

MS. SULLIVAN: If the sheriff would like to speak, the Board is happy to hear from him.

MR. TOLLEY: All right. Well, may I start then with Sergeant Victoria Hammond, who -- there were -- there were seven polling places in Newton County. Seven. This allegation only involves one polling place, and it involves the sheriff going to that polling place for a specific reason, so with your permission, I will swear in Sergeant Hammond, and then I will ask her to make a statement to the Chair. Is that all right, Chairman Sullivan?

MS. SULLIVAN: I -- I don’t -- I don’t think that is necessary at this point, Mr. Tolley. I mean, this is -- this case, the recommendation and the motion that is on the table is to dismiss this case with a letter of instruction. There is no need to have witness testimony at this point. Yes, Ms. Le, did you want to be recognized?

MS. LE: Yes. I think there is a motion on the table to accept by Mr. Mashburn. I was thinking of seconding it, but I would like to make a new motion, Mr. Mashburn,
if that would be all right with you, seeing that this is a contested issue. I would like to move that we send this to the Attorney General’s Office for review.

MS. SULLIVAN: Okay. Well, we have a motion on the table right now to issue a letter of instruction, so I don’t think we can consider a motion at this point unless Mr. Mashburn wanted to withdraw that motion.

MR. MASHBURN: I’ll withdraw my motion and allow Anh Le’s motion to take precedence over my motion and then second Anh Le’s motion.

MS. SULLIVAN: Okay. So we have a motion and a second to go ahead -- and is this to refer all three Respondents to the Attorney General’s Office or just the -- Sheriff Brown?

MR. MASHBURN: Just Sheriff Brown, right?

MS. LE: Just Sheriff Brown, please.

MS. SULLIVAN: Okay. So the motion on the table that has been seconded is to refer the allegations regarding Sheriff Brown to the Attorney General’s Office. At that point, Mr. Tolley, you will be able to swear in witnesses and continue your argument at that point before the Attorney General’s Office in the formal hearing should your client so wish. So we have a motion and a second on the table. Is there any further discussion? All in favor of the motion, please signify by saying aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, so that motion passes. We do have two additional Respondents in this case, and the recommendation is to issue a letter of instruction to those two Respondents. Do we have a motion to proceed with that?

MR. MASHBURN: I move that we proceed with a letter of instruction in both cases.

MS. SULLIVAN: Is there a second?

MS. LE: I’ll second it.

MS. SULLIVAN: Any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed so that concludes our discussion of 2020-114. We are going to pull off SEB case number 2020-139 for discussion per the request of Board Member Ghazal. Ms. Watson, would you mind giving us an overview and quick summary of that case? 139, yes. That’s DeKalb County.

MS. WATSON: Yes. A complaint alleging that Dunwoody Library advance polling location in DeKalb County had an unsecured absentee ballot drop box was reported in October of 2020. Investigation showed the complainant reported a poll worker at the poll location was able to access the inside of the ballot box which did appear to be -- did not
appear to be secured. The poll manager advised that she initially directed voters wanting to drop off absentee ballots to the official drop box located at Dunwoody City Hall. She advised after she was given direction from the director, Erica Hamilton, that she could accept absentee ballots at the polls, she began accepting the ballots, and they were placed in the box labeled ballot box that was in public view and was always being patrolled by herself or one of the other poll managers.

An investigator observed the box that was secured with a zip tie. The opening at the top was too small for the absentee ballot envelopes to fit in, so the top of the box had to be raised for the absentee envelopes to be inserted. The box was secured at night according to the manager in a location that only she had access to. The plan was to empty the box at the end of early voting and put in a transfer form and deliver the absentee ballots to the main office. After discussion, the poll manager advised she would arrange the absentee ballots that she had received to be delivered to the main office and would not accept any further absentee ballots in this method.

Investigation revealed that the poll manager of the Dunwoody Library advance voting location was properly deputized as a registrar to legally accept absentee ballots and had accepted absentee ballots only for several
days during the advance voting period. As set forth in the Georgia voting rules, the makeshift drop box at the Dunwoody library did not use the continuous reporting or motion-detected video recording device to monitor the drop box, was not constructed of material -- durable materials, and was not able to withstand elements and weather. The opening slot did not minimize the ability for looking in, and it was not securely fastened to the ground or to an immovable fixture.

They did not stop using the box immediately -- I’m sorry. They did stop using the box immediately upon notification regarding the complaint. There were -- the absentee ballots that had been collected were immediately transferred and were processed at that time. Our recommendation is for Erica Hamilton and for the DeKalb County Board of Election and Registration be issued a letter of instruction -- instruction, as the absentee ballots that were collected during the short time they utilized the box were transferred to the main office, and the box removed under Georgia State Election Board rule 183-1-14-.06-.14, 1 through 9, secure absentee ballot drop boxes.

MS. THOMAS: Irene Vander Els is on the line.

MS. SULLIVAN: Okay.

MS. LE: Ms. Sullivan, this is Anh Le. I -- just
before you continue further, I’d like to recuse myself
from this case, please.

MS. SULLIVAN: Okay. That’s -- so noted that Ms. Le
has recused herself from this case. I believe -- thank
you, Ms. Watson. I believe we have someone from DeKalb
County on the line that would like to address this case.

MS. VANDER ELS: Yes. This is Irene Vander Els. I
represent the DeKalb County Board of Registration and
Elections and our Director, Erica Hamilton, and I’d just
like to ask the Board to continue this matter because we
did not receive notice of the matter and that it would be
heard at the meeting today, and so I’d just like an
opportunity to investigate the allegations with my client
and prepare a response before the Board considers the
matter.

MS. SULLIVAN: Okay. If you did not receive notice,
we will go ahead and continue this case for the next
meeting.

MS. VANDER ELS: Thank you.

MR. MASHBURN: No objection.

MS. SULLIVAN: Is there any objection by any of the
Board members? Ms. Ghazal, do you have any objections?

MS. GHAZAL: No, I have no objection to continuing
this.

MS. SULLIVAN: Do we have any Respondents here to
speak to any of the remaining letter cases?

MS. THOMAS: Yes. For case number 2020-291, Stuart County, the Elections Supervisor Alfreda Hudson is on the line.

MS. SULLIVAN: Okay. Ms. Hudson, would you like to speak to this case?

MS. HUDSON: Yes. Can you hear me?

MS. SULLIVAN: Okay. If you’d like to speak, I’m going to have Ms. Watson to give us a summary of the case first. Go ahead, Ms. Watson.

MS. WATSON: On December 31st, 2020, investigation was forwarded a complaint alleging elector Walter Morrogh [ph.] photographed his ballot while inside the polling place. Mr. Morrogh admitted photographing his ballot and further explained he was unaware this was a violation of state election code. Investigators forwarded Mr. Morrogh OCGA 21-2-413(e) via email at his request. Recommendation is for Mr. Morrogh to be issued a letter of instruction for violation of 21-2-413(e).

MS. SULLIVAN: Go ahead, Ms. Hudson.

MS. HUDSON: Can you hear me?

MS. SULLIVAN: Yes, ma’am.

MS. HUDSON: Okay. On that date, the poll worker that was -- that allegedly saw Mr. Morrogh do that, I didn’t get that information until after he had left. I’m
not sure what I was -- you know, was told to do after that. I just wanted to report it. I haven’t had any contact with Mr. Morrogh following that alleged incident, so that’s pretty much where we are right now.

MS. SULLIVAN: Okay. Thank you. Is Mr. Murdoch on the line? Okay. So we have case number 2020-291 before us. The recommendation is to issue -- issue a letter of instruction to Mr. Morrogh. Do we have a motion?

MR. MASHBURN: So move.

MS. SULLIVAN: And a second?

MS. LE: I’ll second it.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? A letter of instruction will be issued in that case. Do we have any other cases, letter cases -- no one else to speak to any of the letter cases. So the remaining three cases where the recommendation is to issue a letter of instruction, we can go ahead and vote on en bloc. Those are SEB case number 2020-098, 2020-268, and 2020-284. The recommendation is to issue a letter of instruction in those cases. Is there a motion?

MR. MASHBURN: So move.
MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: Second.

MS. SULLIVAN: Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any -- and then that would be none opposed. Those cases, a letter of instruction would be issued. Let’s take a five-minute break before we get to the new cases. I have 2:02. We’ll back -- oops. 10:02. Let’s say we’ll be back at 10:10. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: We’re going to pick up with SEB case number 2019-002, Fulton County. Ms. Watson, if you would go ahead and give us the summary of the case.

MS. WATSON: Yes. Between November 7th, 2018 to December 21st, 2018, we received multiple complaints regarding the processing of absentee ballot applications by Fulton County Registration and Election division. According to the complaints, voters did not receive their absentee ballots in a timely manner, or they did not receive their ballots at all. Investigation revealed in seven complaints from Fulton County registered voters regarding untimely processing of absentee ballot applications, each voter either did not receive the ballot
on time, or they did not receive the ballot at all for the November 2018 general election.

Between May 2019 to June 2020 -- 2020, the Georgia Office of the Secretary of State made multiple requests for documentation to the Fulton County Registration and Election Office, the purpose of the request: to review voter absentee ballot documentation in order to investigation the allegations. Despite email, telephone, and Open Records requests, the Fulton County Registration and Election Office failed to provide the request for records. On October 22nd, 2020, Election Supervisor Richard Barron was served with a subpoena via email to provide access to the above-mentioned records. He confirmed receipt of the subpoena and indicated he would work with his staff to schedule an appointment to review the records after the 2020 general election.

On March 30th, 2021, Elections Chief Nadine Williams advised that her office lost track of the request, and the records in question were destroyed in January of 2021. As a result, the Office of the Secretary of State Investigations Division could not investigate the allegations. Our recommendation is Fulton County Board of Election and Registration be bound over to the Attorney General’s Office for violation of 21-2-562(b), neglect or refusal to deliver documents.
MS. THOMAS: And David Lowman and Shamira Marshall are on the line for Fulton County.

MS. SULLIVAN: Okay. Mr. Lowman, please go ahead.

MR. LOWMAN: Yes. This is David Lowman for the Fulton County attorney’s office. Can you hear me?

MS. SULLIVAN: Yes, we can. Please go ahead.

MR. LOWMAN: All right. Yes. With regard to the subpoena, it is unfortunate that it got passed on and then got either misplaced or somehow didn’t make it where it was supposed to. Unfortunately, as your investigative report states, this was during a COVID outbreak, and because of the amount of time that passed between the initial request and the actual follow-up, the records have been destroyed lawfully, pursuant to 21-2-386. With regard to any of the requests that came through via Open Records because that is controlled by the Open Records Act, I would ask that that be handled that way, and with respect to any of the other -- I guess it was seven applications -- I would ask for a letter of instruction in this case.

MS. SULLIVAN: Can you restate your -- with regards to -- a letter of instruction be issued with regards to...?

MR. LOWMAN: I believe it was seven allegations.

MS. SULLIVAN: All right. Do any of the Board
members have any questions for Mr. Lowman?

MR. MASHBURN: I do not.

MS. SULLIVAN: Mr. Lowman, do you have anyone else with you who would like to speak to the allegations in this case?

MR. LOWMAN: Not on this -- not on this matter, ma’am.

MS. SULLIVAN: Okay. Would any of the Board members like to make a motion?

MR. MASHBURN: This is Matt Mashburn. I make a motion that it be bound over to the Attorney General’s Office for processing as recommended, that we adopt the recommendation of the investigators.

MS. SULLIVAN: Okay. We have a motion to bind this matter over to the Attorney General’s Office. Is there a second?

MS. LE: I second it.

MS. SULLIVAN: A motion and a second. Is there any further discussion? All in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And that’s none opposed. Thank you, Mr. Lowman, for being here. The next case on the agenda is SEB case number 2019-018, Wilkes County. Is there anyone here to speak to that? Okay, good. Ms. Watson, if
you would go ahead and do your presentation.

MS. WATSON: On June 20th of 2019, a complainant reported that Wilkes County voter registration office had been closed during regular business hours at different times over the voting period. This case was previously presented and referred back to investigations as Judge Charping advised the Board that he had documentation of the former registrar not performing his duties. The original allegation presented was that Wilkes County failed to have the registrar’s office open due to staffing issues. The issue [sound distortion] from one staff member resigning and another staff member having to leave due to medical reasons. The absences resulted in approximately 76 hours in which the office was closed.

Judge Charping was contacted and provided documentation dating back to 2016 regarding the issues he reported regarding the performance of the registrar. The primary documentation related to screenshots of the county dashboard for the Department of Driver Service voter registrations and transfers. The pending list contained six to nine hundred pending applications and transfers from June through August of 2019 with many showing two months over ten months to process. A petition for removal of the chief registrar was filed in the Wilkes County Superior Court in 2019 finding failure to train, failure
to timely conduct the business of the voter registrar or
to include the processing of voter registrations and
processing ballots, and failure to effectively work with
the elections superintendent. The settlement agreement
with reached in August of 2019 with the retirement of the
chief registrar.

Our recommendation is for Wilkes County Board of
Registrars be issued a letter of instruction for the
original complaint of violation of 21-2-215(c) and that
the previous chief registrar Debbie Anderson be referred
to the AG’s Office for violation of 21-2-592.

MS. SULLIVAN: I believe that we have someone on the
line from Wilkes County to address this case.

MS. THOMAS: Yes. Gyvonne Pinkston?

MS. SULLIVAN: Ms. Pinkston?

MS. THOMAS: You may speak now.

MR. LEGETTE: Can you hear us?

MS. SULLIVAN: Yes. Go ahead.

MR. LEGETTE: Hello?

MS. THOMAS: Yes. We can hear you. We can hear you.

MR. LEGETTE: Very good. This is Charles LeGette.

[ph.]. I’m the county attorney here in Wilkes County.
I’m here on behalf of the Board of Registrars. I’ve got a
couple of Board members here with me today, but I -- I
guess if it’s appropriate, I’d like to make a statement
about where we are in the process, if I may?

MS. SULLIVAN: Please, go ahead.

MR. LEGETTE: All right. Very good. The problems
that were uncovered in your investigation have been dealt
with. With Ms. Anderson’s retirement, we brought in a new
Board. We’ve processed all the backlog. Our new Board
got us through the last election. We corrected the
problems. For example, the office being closed part time,
we have corrected that. We’ve solved those problems.
We’ve got a good functioning Board now. I guess, that’s
the bottom line from the -- I represent County government
here, and we feel like we’ve got a good Board. We’re
moving forward. The problems are corrected, and, you
know, in our view, what happened during Ms. Anderson’s
time is basically water over the dam.

I sure don’t want to have y’all romping on my present
Board, who’s doing a great job. No offense to anyone. My
present Board is doing a good job, and they’ve corrected
those problems, so we’re trying to move forward, and so,
you know, my -- I guess, my fear or my concern as the
county attorney, if y’all feel like you need to lay the
wood to our present Board, those people weren’t here
during that time by and large, with one exception, and
they’ve moved on, and they’re doing a great job. So
whatever we can do to wrap this up, we’re interested.
That’s kind of where we stand today.

MS. SULLIVAN: Thank you, Mr. LeGette. I believe that the recommendation is with regards to the Board is actually just to issue a letter of instruction.

MR. LÉGETTE: Are there any questions y’all have got of me or my present Board members?

MS. SULLIVAN: Do any of the Board members have any questions for Mr. LeGette?

MR. MASHBURN: I don’t have any questions, but just to satisfy your new Board members -- satisfy your new Board members, I will commend them for their efforts at remedial actions, and we always want to encourage that, and so you can tell them that the Board went on the record to -- to encourage them to continue to do better, and so I make a motion that we issue a letter of instruction because a past violation does appear to have occurred, and so the proper way to close it is to issue a letter of instruction, so that’s -- that’s the reason I make that motion.

MS. SULLIVAN: Thank you.

MR. MASHBURN: Oh, and to refer the former Board -- Registrar Debbie Anderson to the AG’s Office for processing.

MS. SULLIVAN: Okay. We have a motion on the table. Is there a second?
MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Before we move, I’m going to make sure there’s no one else on the call that wanted to speak regarding this case. There’s not. Okay. Any further discussion? All in favor of Mr. Mashburn’s motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there’s none opposed. Thank you, Ms. LeGette and the Board members, for being here. The next case is SEB case number 2019-037, City of Glennville.

MS. WATSON: During the City of Glennville November 5th, 2019 general election, a complainant alleged candidate Dorothy Berry entered a polling location while people were voting, transported a voter to the polls, and entered the voting area with the voter. The complainant also alleged the voter solicited money in exchange for voting. Investigation revealed Dorothy Berry transported voter Glenda Grimes [ph.] to the East Glennville precinct number 7 polling location during the advance voting period of the November 5th, 2019 general election. It also showed that Ms. Berry remained inside the polling location while Ms. Grimes completed the voting process. The complainant reported candidate Berry was hovering around the voting machine. The voter was assisted by someone other than Ms. Berry.
Ms. Berry confirmed that she did transport Ms. Grimes to the polling location and did walk her inside, but it was simply to show Ms. Grimes where to go. Ms. Berry said Ms. Grimes was confused and did not know where to go. Ms. Berry states Ms. Grimes did not solicit money in exchange for voting. Ms. Grimes says she voted on her own unassisted and did not solicit money or receive anything in exchange for voting. Ms. Grimes said Dorothy Berry remained inside and stood by the door greeting people as they entered. Investigation did not produce any evidence to show that Dorothy Berry submitted an absentee ballot for her daughter. Recommendation is for Dorothy Berry to be bound over to the Attorney General’s Office for violation of 21-2-414(d).

MS. SULLIVAN: It’s my understanding that we do not have anyone on the call who --

MS. THOMAS: Dorothy Berry just raised her hand.

MS. SULLIVAN: Oh, I’m sorry. Ms. Berry, please go ahead and address the Board if you would like to.

MS. BERRY: Hello. Good morning, everyone. I listened to the statement. I don’t know -- my statement is accurate. I did not go inside the polling booth. I showed her to the door, as I said, because Ms. Grimes had never voted before, and she didn’t know where to go vote, or she said she didn’t know where to go to vote. I found
her walking to the polls. She stopped me, asked me to

take her to the polls. I did so, which I didn’t think was

a violation, and I still don’t think unless you tell me

something different that that is a violation. I asked the

young lady at the door to take her in there, show her the

booth, and if she could not read, if she could help her,

and I left, went back outside to my car, and was speaking

with a voter that I knew that was getting ready to go in.

I asked her to help her if she saw her in there. Now, why

Ms. Grimes say I went inside and lingered around -- I

don’t believe she said that. If she did, it’s untrue.

My integrity stands. I do not violate -- I do not
tell anybody how to vote. I -- my opponent throughout the

whole process was very ugly, very dirty. They were very

visible on Facebook and everything else trying to tear my

caracter down. No. I did not do any of that, and I do

not feel like this should go any further. He won the

election unfairly. I did not fight it. I had many

complaints from many people who told me to contest it. I
did not, and because I did not want to have all that stink

and all those problems, so where they get all this from, I
don’t know. If you want to send it over to the Attorney

General, fine. There’s nothing I can do about it, but all

those statements are untrue. I just wanted to go on

record to say that I did not commit a crime.
MS. SULLIVAN: Thank you, Ms. Berry. Your comments have been noted. Do any of the Board members have any questions?

MR. MASHBURN: I just have one question for Ms. Berry. This is Matt Mashburn. Ms. Berry?

MS. BERRY: Yes?

MR. MASHBURN: How far away -- how far away from the door of the polling place do you think your car was parked? Because that --

MS. BERRY: My car was parked -- my car was parked out in the parking lot that they designated for anyone to park, and you could not park there if you had an advertisement, or you were -- but other than that, no. I did not park close to the polling place. You would have to know Glennville and the old middle school auditorium area where they held the election to know what I’m talking about. We parked on the far side of the parking lot where it was the safe distance that you could not cross the voting line to campaign.

MR. MASHBURN: I’m sorry to interrupt. So you -- you were in the part where they said don’t have any signs on your cars?

MS. BERRY: No. It didn’t have anything up there that said that. I just wouldn’t do that. I would not have had any signs or set up -- I know when we set up for
Election Day, you know, they had designated areas for us to put our tents up and everything, so that’s why I said that. But this particular day there were no signs.

MS. SULLIVAN: Thank you, Ms. Berry.

MR. MASHBURN: Thank you.

MS. BERRY: Okay.

MS. LE: Ms. Berry, this is Anh Le.

MS. BERRY: Mmm-hmm.

MS. LE: Thank you for being here today. So the citation, the code that’s being cited is 21–2–414(d) for the violation, and part of it is that as a candidate, it prohibits a candidate from going back into the polling place.

MS. BERRY: Which I did not do. No, ma’am.

MS. LE: So you did not, right?

MS. BERRY: I did not do that, ma’am. I promise you. Hand to God. I did not go back into the polling booth. I’m telling you. I had to deal with the nastiest campaign ever. Not on my behalf because I ran a decent campaign. I ran a campaign, a lawful campaign. I was told, you know, that, you know, certain things I should have reported, whatever. I said no. I just want the election over, let the people vote, vote for whom they want to, and I will bow out respectfully and move on, and that’s what I did. I had no idea that all of this was going on, no idea
that they were setting it up, and my -- this is my personal feelings. They were setting this up so that if they lost the election that they could do just this, what’s going on right now. The people knew it was wrong. They didn’t even come out to vote. People did not vote rather than go against them or whatever. They just refused to go to the polls to vote, and those who went voted one way for the mayor and didn’t vote for anything else in that ward.

MS. SULLIVAN: Thank you, Ms. Berry. Did you have any additional questions, Ms. Le?

MS. LE: No, no. Thank you.

MS. SULLIVAN: Okay. The recommendation is to bind this case over to the Attorney General’s Office. Do we have a motion to that effect?

MR. MASHBURN: Matt Mashburn, I move that we accept the recommendation.

MS. SULLIVAN: Is there a second?

MS. LE: This is Anh Le. I’ll second it. I think there’s some facts that could be ironed out. Maybe the Attorney General’s Office can help with that with respect to the violation being cited, so I second the motion.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. Thank you, Ms. Berry. The next case before us is case number 2019-045. Ms. Watson?

MS. WATSON: During the November 5th, 2019 City of Guyton general election, we received the following complaints. The complainant reports during the counting of the votes that witnesses reporting the early voting ballots were lying flat in the bottom of the box. Akira Garban [ph.] states ballots were not folded properly like the others, and she believed that signaled that they had been tampered with. The complainant believed the ballot boxes opened so someone could view the early votes.

Second allegation, the complainant provided a photograph taken of the surveillance camera that showed Election Supervisor Alison Bruton had a clear view of some voters when they cast their ballot during the early voting, that the camera was positioned so you could view a voter while they were in the voting booth.

Allegation three, it was reported that a voter named Lynn Kent [ph.] was disabled because of problems with her eyesight. The complainant states the poll worker advised Ms. Kent’s daughter she could sign her name on the ballot, but now the poll manager says Ms. Kent’s vote must be thrown out. Allegation four, the complainant reported
they don’t feel like the ballots were all counted correctly, and the second complainant states that she thinks we need a recount.

Investigation revealed there was no substantiating evidence to support violation of the election code in reference to allegations one, three, and four. The ballot box was in clear view of the surveillance camera. When done for the day during advance voting, a security seal was placed over the opening to the ballot box. For further security, voters were to fold the ballot before placing it in the box, but some voters chose not to do so. The surveillance tape was reviewed and corroborated that no one entered the ballot box and that some voters did not fold their ballots.

In reference to allegation two, the investigation revealed early voting was held in the conference room of City Hall. The conference room was equipped with a surveillance camera. The field of view of the camera shows the ballot box and one of the voting booths. The monitor for the surveillance camera was located in City Clerk Election Superintendent Alison Bruton’s office. It was learned if someone had access to the monitor, they could zoom the camera in to have a closer view of the voting booth. Election Superintendent Alison Bruton was questioned to see if she or anyone else used the camera
system to view an elector when they voted their ballot. Alison Bruton denied using the camera system to view an elector casting their ballot or knowing if anyone else had done so. There is no evidence Alison Bruton or anyone else used the camera system to view a voter’s ballot as they were marking their selections. When City Manager Daniel Hoffman learned about the field of view of the surveillance camera, he covered the camera up in the conference room. Our recommendation is for the City of Guyton and Alison Bruton be referred to the AG’s Office for violation of 21-2-267(a), polling place’s equipment arrangement in that a voting booth was located in view of a surveillance camera. The booth was not screened from observation of others if they had access to the camera system.

MS. SULLIVAN: Thank you. I do believe we have someone on the line that would like to address this case.

MS. THOMAS: Yes, Mr. Griffin.

MR. GRIFFIN: Yes. This is Brian --

MS. SULLIVAN: Mr. Griffin, please go ahead.

MR. GRIFFIN: This is Brian Griffin with the law firm of Oliver Maner, and I represent the City of Guyton. Can you hear me?

MS. SULLIVAN: Yes, we can.

MR. GRIFFIN: Good morning. So the City acknowledges
that this violation happened, but Ms. Bruton, who set up
the voting booths, just simply failed to take the camera
into account when she did so. This was clearly
inadvertent, and notably, as soon as it was brought to the
City’s attention, they covered up the camera, and there is
no evidence that Ms. Bruton or anybody else used the
camera system to actually view a voter’s ballot as they
made the selection, and it’s also worth noting that this
year’s -- this year’s advance voting will -- or any other
voting will not happen at the City Hall. So, you know,
these issues have been addressed. They were addressed
immediately as we -- you know, as it came to the City’s
attention, and there’s no evidence that, you know, the
secret ballot was -- was violated. So with that in mind,
I respectfully request that the City of Guyton be issued a
letter of instruction and that this case be dismissed.

MS. SULLIVAN: Thank you, Mr. Griffin, for being here
and, you know, providing that information. Do any of the
Board members have questions for Mr. Griffin?

MS. LE: This is Anh Le. I have one.

MS. SULLIVAN: Yes, Ms. Le. Go ahead.

MS. LE: Thank you. Is the camera recorded, sir? Is
there any recordation of this -- of any of the votes cast?

MR. GRIFFIN: Based on the findings of the
investigator that said they reviewed the surveillance
footage to, you know, ensure other things, it was seem
that there was.

MS. LE: And what have we done with that recording?

MR. GRIFFIN: To my knowledge, it has been destroyed. Well, I’m not positive on that. I believe that it’s
likely not still there, unless it’s in the hands of the
investigator.

MS. LE: Frances, do we know that -- how the
recording has been treated since...

MS. WATSON: We did not take possession of the -- of
the recordings.

MS. SULLIVAN: The Secretary of State’s Office does
not have possession of the recordings.

MR. GRIFFIN: So the --

MS. SULLIVAN: Go ahead.

MR. GRIFFIN: With that being the case, I know that
the -- the City does not keep long-term records of its --
of its surveillance footage, so I think it’s highly likely
that this -- you know, this recording no longer exists.

MS. SULLIVAN: Okay. I believe the investigator
would like to address the Board.

MR. ARCHIE: This is Investigator Archie. I did
retrieve video from the surveillance camera. It’s also
included with my case file. The recording does show some
voters as they were voting, and the majority of the times,
the voters, when they went up to the booth, their bodies would cover the process of them voting. There were a few that if you did zoom in, you could possibly see the selections they made, but the recordings are with the case files.

MS. SULLIVAN: Thank you for that clarification. The recommendation -- are there any further questions from any of the members of the Board? The recommendation is to bind this case over to the Attorney General’s Office. Is there a motion?

MR. MASHBURN: I move that we accept the recommendation.

MS. SULLIVAN: We have a motion to accept the recommendation. Is there a second?

MS. LE: Anh Le, I’ll second it.

MS. SULLIVAN: Any further discussion? All in favor of the motion, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And that’s none opposed. Thank you, Mr. Griffin, for being here. The next case that we have is case number 2019-047, Lowndes County. Ms. Watson?

MS. WATSON: During the November 5th, 2019 Lowndes County general election, the following complaints were reported. The poll manager Douglas Duvall [ph.] allowed an individual without a valid form of identification, and
Larry Rogers [ph.] reported that he received a provisional letter in the mail for an Anthony Johnson [ph.]. Mr. Rogers has resided at 3292 Country Club Drive since 1995, and he did not know a Mr. Johnson.

Investigation revealed that poll manager Doug Duvall allowed Cara Blunt [ph.] to vote without a valid picture ID. This occurred during the November 5th, 2019 general election at the Rainwater voting precinct in Valdosta, Georgia. Ms. Butler said she originally informed the voter that she would have to vote provisionally since she did not have a valid picture ID. Ms. Butler said the voter only had a nametag and checkbook. Ms. Butler said the voter was ultimately allowed to vote on one of the machines but only after the poll manager, Doug Duvall, instructed her to do.

Allegation two, the investigation did not show -- or did show that voter Anthony Johnson listed Country Club Drive, Valdosta, Georgia as his residential address when he completed the voter registration in 2019. At the time of the complaint, the address was owned by William Rogers, who had resided there since 1995. Anthony Johnson has never resided at this address. Lowndes County Election Supervisor Deb Cox provided a copy of the envelope, provisional ballot letter, and voter registration. The envelope was addressed to Anthony Johnson, and the address
listed was Country Club Drive, Valdosta, Georgia. The letter was informing Mr. Johnson that his provisional ballot for the November 5th, 2019 general election was counted. The voter registration showed Mr. Johnson listed Country Club Drive as his residential address. Our recommendation is for Doug Duvall, the poll manager, and Frances Butler, the assistant manager, be bound over to the AG’s Office for 21-2-417(b), presentation of identification, when they allowed Cara Blunt to vote on a machine without a valid picture ID and Anthony Johnson be bound over to the Attorney General’s Office for violation of 21-2-561, false registration, and 21-2-571.

MS. SULLIVAN: Okay. I believe we have two people here that would like to address the Board regarding this case.

MS. THOMAS: Yes. Frances Butler and Deb Cox with Lowndes County is on the line to answer any question.

MS. SULLIVAN: Would either one of you like to address the Board?

MS. COX: This is Deb Cox. No, I would not unless the Board has a question.

MS. SULLIVAN: Okay. Thank you for being here. Do any of the Board members have any questions for Lowndes County?

MR. MASHBURN: I don’t have any questions.
MS. SULLIVAN: Okay.

MS. THOMAS: And Frances Butler, you may speak now, if you would like to. You’re unmuted.

MS. SULLIVAN: Ms. Butler, would you like to address the Board?

MS. THOMAS: You’re unmuted. You can speak now.

MS. SULLIVAN: She may just be here to answer questions as well.

MS. THOMAS: Yes. We cannot hear you, but it does show that you’re unmuted.

MS. WATSON: Ms. Butler -- this is Frances Watson. Frances Butler did contact me yesterday or the day before and advised that she would be on the -- on the call and wanted to clarify that she did bring the voter ID issue to the poll manager’s attention and that it was his decision to proceed based on the information that was provided and that she did report it to the County afterwards, and with that information, I would not be opposed for a letter of instruction to Ms. Butler.

MS. SULLIVAN: Thank you, Ms. Watson. Ms. Butler, would you like to speak?

MS. THOMAS: She said thank you. I asked her for her comment, but she said thank you.

MS. SULLIVAN: Okay.

MR. MASHBURN: This is Matt Mashburn. Just so I’ve
got it clear, Ms. Butler was acting under the authority of Mr. Duvall, the poll manager? Okay. So the amendment to the recommendation is that we -- or that the inspectors would not oppose a letter of instruction for Ms. Butler but to refer Doug Duvall to the Attorney General?

MS. WATSON: Correct.

MR. MASHBURN: This is Matt Mashburn. I make a motion that we adopt the amended report of the investigators.

MS. SULLIVAN: Okay. We have a motion on the table. Is there a second?

MS. LE: Mr. Mashburn, so you’re recommending that we issue a letter of instruction to -- for Ms. Frances Butler and to the Attorney General, Doug Duvall, Anthony Johnson, and... them. Is that correct?

MR. MASHBURN: Yes. Thank you for clarifying that. I had left off the Anthony Johnson, so thank you very much. That’s correct.

MS. LE: Okay.

MR. MASHBURN: So we’re referring -- my motion is to refer Doug Duvall and Anthony Johnson to the Attorney General and issue Frances Butler a letter of instruction.

MS. LE: I second that.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please
signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. THOMAS: I have Ms. Butler on the line if you --

MS. SULLIVAN: We have -- okay. I believe that we have just voted. Are there any opposed? Okay. That motion passes. Does Ms. Butler want to address the Board at this point?

MS. THOMAS: Would you like to address the Board?

Yes.

MS. SULLIVAN: Go ahead, Ms. Butler.

MS. BUTLER: Okay. My name is Frances Butler.

MS. THOMAS: Ms. Butler, on your speaker on your computer, just turn your volume down because we hear an echo.

MS. BUTLER: Okay. Can you hear me now?

MS. THOMAS: Yes.

MS. BUTLER: Yes. My name is Frances Butler, and I’m just one of the assistant — well, I’m the assistant manager with Mr. Duvall. Now, when the person came up to [sound cuts out] can you hear me a little bit better?

MS. THOMAS: Yes. That’s a little better. We can still hear the echo from your computer.

MS. BUTLER: Oh, wow, okay. [sound cuts out]

MS. THOMAS: Yes.

MS. BUTLER: Okay. [sound cuts out] so what I did
was -- I told him I needed to [sound cuts out]

THE COURT REPORTER: Board members, I’m so sorry.

This is the court reporter. I can’t hear anything.

MS. THOMAS: Hello? Okay, go ahead. Can you hear her now, Kate?

THE COURT REPORTER: Yes, thank you. Now I can hear her.

MS. BUTLER: Okay. What I was saying is that I had actually -- I do not know what part I had left off, but anyway, when the -- when the lady had shown me her ID, it was a badge. I said no, ma’am. I’m sorry. We can’t take that, and then she showed me her checkbook, and I said no, ma’am. We can’t take that. So I said however, you can vote provisional, so I said let me -- let me talk to my supervisor. So I brought this up to Mr. Duvall. After that, Mr. Duvall said was she in the system? And I’m like, yes, sir. I said but, you know, she doesn’t -- well, anyway, I just told him yes, she was in the system. He said yeah, well, then let her go. I’m like, no, I don’t think so, you know. So after she’s done, I said well let me write something so I can have this documented, so after, I wrote it, and I gave it to Mr. Duvall. Mr. Duvall said oh, no. I don’t think you should do this. You’re going to get in trouble. I said no. You’re going to get in trouble, so he told me to tear it up.
Now, as a twenty-three-year United States Army retiree, I know better, but I also listen to supervision because who is over me -- these are the things that I always did in the Army. Even though I knew it was wrong, okay, it bothered me so much that night that I’m like, oh, this is wrong. So the next morning, fortunately, I think it was either Ms. Monique or Ms. Cox, but I think it was Ms. Monique that called me so that I could come in and sign some -- some other -- I guess some other documents, some other forms that I did not finish signing, and from there is when I said I can’t -- I can’t do this. So I -- I brought it up to -- I think it was Ms. Cox -- but I brought it up to them about what had happened, and so they told me to sit down and write the information because my integrity of spending all of that time, twenty-three years, in the Army and sixteen years in reserves, I knew better.

I don’t think Mr. Duvall knew who I was, so this is why I had brought all of this up, but I did check the lady. She did not have any identity. I did bring it up to Mr. Duvall. Unfortunately, that’s the way everything happened, but I was -- I was following the instructions of what I was supposed to do. Well, I actually had followed his instructions when he told me to tear up the paper that I had written because I wanted to keep a -- sort of, like,
a documentation of what had happened so if that comes up, then it would be something that I had written. But he told me no, I was going to get in trouble, and I told him no, you’re going to get in trouble, so he told me to tear it up, and as a good soldier, that’s what I did. But that, I knew that that was wrong.

MS. SULLIVAN: Thank you, Ms. Butler. Thank you for your comments. We have already voted on this case, and the other Respondents will be referred to the Attorney General’s Office, but the allegations against you will not based on that motion. So thank you very much for being here and for bringing this to our attention.

MS. THOMAS: Have a good day.

MS. SULLIVAN: The next case on the agenda is 2019-049, City of Palmetto.

MS. WATSON: In November 2019, we received numerous calls from voters in Palmetto, Fulton County, stating that their precinct cards for the municipal election listed the poll location as the library. When they arrived, they found the information was incorrect and were seeking assistance in locating the poll location. Investigation shows Fulton County Board of Registration and Elections changed the municipal polling location for Fulton County residents of the City of Palmetto to the Palmetto Library, the same location that Fulton County uses for county,
state, and federal elections. This data entry was made in Election Net on March the 11th of 2016. The City of Palmetto did not request the change in poll locations as the polls for municipal elections is and have always been at City Hall. The City wishes to continue to hold elections at City Hall. The Fulton County Board of Registration and Elections did not notify the City of Palmetto it was making the change. This change resulted in causing confusion about where to vote amongst voters.

Ralph Jones advised the change was made to bring all municipal polling stations in Fulton County in line with state and county poll locations to reduce confusion among voters. Our recommendation is for Fulton County Board of Registration and Elections, Richard Barron, Director of Fulton County Registration and Elections, and Ralph Jones, former Registrar -- Chief Registrar of Fulton County be bound over to the Attorney General’s Office for 21-2-216(b), duties of county board.

MS. THOMAS: And on the line, we have first Patrick Stough with the City of Palmetto.

MR. STOUGH: Yes.

MS. SULLIVAN: Go ahead, Mr. Stough.

MR. STOUGH: Thank you. Good morning. My name is Patrick Stough. I’m with the city attorney’s office for the City of Palmetto. I’m -- we’re not a Respondent on
this, but I did want to clarify a couple of things. First of all, the City of Palmetto conducts its own municipal elections. Fulton County does not conduct those for the City, and also, the City of -- the mayor and council for the City of Palmetto has never voted to move the polling location from City Hall to the library. That’s all I really have to say on this, unless the Board has any questions.

MS. SULLIVAN: Thank you, Mr. Stough. Does any Board member have any questions for him?

MS. GHAZAL: Yes, ma’am. This is Sara Ghazal. I -- I would like to ask him a quick question. When the County does conduct elections at the library, has there ever been consideration for the municipality to also hold its elections at the same location?

MR. STOUGH: Not -- not that I’m aware of. There may have been discussions in the past about Fulton County conducting elections for the City, but I don’t think those conversations have ever gone anywhere. We’ve always -- the City has always just conducted its own elections its own way. We’re -- the City actually sits on the border of Fulton County and Coweta County, and there’s a portion of it that’s in Coweta County, so that may cause an issue with having Fulton County do the elections, but yeah. It’s not a consideration that I’m aware has ever been
made.

MS. GHAZAL: And can you clarify what County the City Hall is located in?

MR. STOUGH: It’s in Fulton County.

MS. GHAZAL: Thank you.

MS. THOMAS: And then we also have David Lowman and Shamira Marshall with Fulton County on the line.

MS. SULLIVAN: Mr. Lowman, go ahead.

MR. LOWMAN: Yes. I will have Ms. Shamira Marshall, the registration manager, provide additional information at this time.

MS. MARSHALL: Hello, yes.

MS. SULLIVAN: Go ahead.

MS. MARSHALL: Okay. Thank you. I’m Shamira Marshall, the current registration manager, and in speaking with Mr. Jones in reference to this case, the former registration chief, he basically explained to me that there was a lack of communication between the municipality and the county. He did tell me that on March 11th, he discussed with the municipality of -- in accordance with having the one location for voters that he was going to make a change in the system in which he did it at -- he had one of the employees in the office to actually make the change, and at that time, there was one municipal location located on the municipality’s website.
and then another one on Fulton County’s website. So basically, it was just a miscommunication.

Present day, we have sent the letter or notice that will be mailed to the current voters in the City of Palmetto for the upcoming municipal election to let them know that the County election will be hosted at the library, and the municipal election will be hosted at City Hall. But I myself sent that to the current registrar, and I have not received back any input or, you know, agreeance or dis-agreeance, so just moving forward, we are trying to alleviate this problem. That’s all I have.

MS. SULLIVAN: Thank you, Ms. Marshall. Are there any questions for Ms. Marshall?

MS. THOMAS: And Rick Barron just raised his hand to speak.

MS. SULLIVAN: Go ahead, Mr. Barron.

MR. BARRON: In speaking with Mr. Jones too, what I -- I think at one point what we had done is sent out something to all of the municipalities, and we were in -- we had encouraged all of them to use the same polling places that the county -- this was the only location of which I’m aware that was different between the county location and the municipal location. I’m unsure about if there was any conversation between Mr. Jones and the City of Palmetto, but we were worried about, at the time, there
being disenfranchisement between the voters if they have
to go to two different locations as they will have to in
the fall. They’ll have to go to our location to vote on
the ESPLOST and the TSPLOST, and then they’ll have to vote
on the other -- their other issues down at City Hall. And
many times, voters don’t want to go to two places -- two
separate places to vote, so at the time, we were pushing
all the municipalities, I believe when this change was
made, to have the same municipal and county polling
locations, and that was the gist of it was voter
disenfranchisement. But other than that, I don’t have the
details or the background on it.

MS. SULLIVAN: Thank you. Any Board members have any
questions for Mr. Barron?

MR. MASHBURN: I do not.

MS. SULLIVAN: Okay. Thank y’all for being here and
for your explanations. The recommendation is for this to
be bound over to the Attorney General’s Office.

MR. MASHBURN: This is Matt Mashburn. I move that we
accept the recommendation and proceed accordingly.

MS, SULLIVAN: Do we have a second?

MS. GHAZAL: I would like to --

MS. LE: This is Anh. I’ll second. I’m sorry.

Please, Ms. Ghazal, go ahead.

MS. GHAZAL: No. I -- I would like to second this
with -- with a comment that as a matter of policy, I agree with Mr. Barron that the best policy is to co-locate municipal and county elections where possible, but obviously, in this case, it was -- more voter confusion was caused by giving incorrect information to the voters.

MS. SULLIVAN: Thank you. So we have a motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? And that motion passes. Thank you. The next case is 2019-052, Brooks County.

MS. WATSON: A complainant alleged she received an incorrect ballot when she went to vote during the Brooks County general election on November 5th, 2019. Instead of receiving a ballot for District 2 Post 4, she received a ballot for District 1 Post 2. Ms. Golden [ph.] says she received and voted a ballot with a single, unopposed candidate, Louis Mark [ph.] Louis Mark was running for City Council seat District 1 Post 2, and Mrs. Golden’s voting area during the election was District 2 Post 4. The District 2 Post 4 ballot had a single race between Mark Demane [ph.] and Christina Guys [ph.] for City Council. Brooks County Election Supervisor Charles Day confirmed that Stephanie Golden voted in the November 5th, 2019 general election. Mr. Day said Ms. Golden was
assigned to municipal voting District 2 Post 4 and should have received a ballot for the city council race between Mark Demane and Christina Guys.

Investigation interviewed all poll workers who at the Quitman Agricultural Annex poll location during the November 5th, 2019 general election but was unable to determine which poll worker issued Ms. Golden’s voter access card. None of the poll workers recalled an issue where a voter received an incorrect ballot. Our recommendation is to refer Brooks County Board of Elections and Registration and Charles Day, the Election Supervisor, and Caroline Barnes [ph.], the poll manager, for violation of SEB rule 183-1-12.02(3), conducting elections, when voter Stephanie Golden was issued an incorrect ballot to her voter access card during the November 5th general election.

MS. SULLIVAN: It is my understanding that we do not have anyone present on the line to speak regarding this case. The recommendation is to bind it over to the Attorney General’s Office.

MR. MASHBURN: Matt Mashburn, I move that we accept the recommendation.

MS. SULLIVAN: Is there a second?

MS. GHAZAL: This is Sara Ghazal. I’ve actually got a question or two for the investigating officer here.
MS. SULLIVAN: Okay. Go ahead.

MS. GHAZAL: Were you able to identify where the problem happened? Was this actually a problem at the electronic poll book, or was the voter incorrectly coded in Election Net and assigned to the wrong district?

MS. WATSON: The voter was -- one second. The voter was assigned to the correct district. She received the incorrect ballot.

MS. GHAZAL: So the problem was with the coding of the card itself?

MS. WATSON: Correct.

MS. GHAZAL: Okay. Thank you. I -- I second the motion.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All those in favor, please say aye.

THE BOARD MEMBERS: Aye.


MS. WATSON: In November of 2019, we received the following complaints regarding the City of Hogansville municipal elections: candidate Toni Striblin was in and out of the polls mingling with voters, voter being turned away due to an address issue and another voter with
similar issue allowed to vote, a separate report of candidate Striblin and her husband present inside the poll at the library.

Investigation shows candidate Toni Striblin voted by absentee ballot on October the 29th of 2019. She stated she entered the Hogansville Library on Election Day for the purpose of using the restroom on three occasions.

Kandis Strickland, sister of candidate Theresa Strickland, used a cellphone to video candidate Toni Striblin standing in the breezeway of the library outside the room where voting was taking place. Poll manager Samantha Stitcher [ph.] confronted Kandis Strickland and told her she could not video there and that she needed to zip up her jacket over the campaign t-shirt she was wearing and to delete the video. Theresa Strickland stated that the video of Toni Striblin in the library breezeway was given to her by her sister Kandis.

When interviewed, Theresa Strickland could not provide names for the voters that were reported -- reportedly turned away due to an address issue or the one allowed to vote. There was insufficient information to investigate further. Kandis Strickland stated the candidate for office was observed going into the polls and out of the polling place multiple times. The poll supervisor was seen talking with that candidate and her
husband, and the poll supervisor told Kandis that they could be there with their daughter. Kandis -- Kandis’ complaint and statement do not mention her videoing Ms. Striblin in the library breezeway.

In the video that Kandis Strickland took, candidate Toni Striblin was in the breezeway of the library and outside the enclosed space for a brief time. Striblin admits to speaking with the poll manager as to whether or not her daughter, a first-time voter, was still in the voting room. Striblin was not displaying any campaign material at this time.

Our recommendation is for Toni Striblin, candidate for Hogansville City Council, be referred to the Attorney General’s Office for 21-2-414(a)(1) and (a)(3) and Kandis Strickland be referred to the AG for 21-2-414(a)(1) and 21-2-414(a)(3).

MS. SULLIVAN: And I believe we have someone on the line to address the Board regarding this case.

MS. THOMAS: Yes. First, we’ll hear from Toni Striblin.

MS. STRIBLIN: Yes. Hello. Thank you for letting me be here. I was there, and I did go to our polling director when setting up to, you know, campaign about a hundred -- over a hundred-and-fifty-feet away from the building, and I did ask if it would be okay for any of us
to use the restroom during the time we were there from
early morning until the end of elections, and she said we
could do that as long as we displayed no -- you know,
nothing on our campaign shirts and didn’t campaign, didn’t
talk to anybody. So, I mean, that’s what I did. I did go
to the bathroom three times during the whole day that I
was there, and the last time that I went, my daughter
happened to come up to vote for the first time, and we
just pointed her in the direction to go, and we went into
the bathroom, my husband and I. When we came back out, we
didn’t know if she was out of the polling place or not, so
we just walked over there, so my husband looked to see if
she was out or not to walk her back to her truck, and
that’s all we did. I mean, I asked permission from the
person that I thought was in -- responsible there to be
sure it was okay, and I thought that -- I didn’t know that
I was doing any campaign violations. I would --

MS. THOMAS: And next, we --

MS. STRIBLIN: I would prefer to get a letter of
instruction as opposed to being sent anywhere else to the
Attorney General. Thank you.

MS. SULLIVAN: Thank you, Ms. Striblin. Do we have
someone else on the line?

MS. THOMAS: Yes. We also have Theresa Strickland
and Kandis Strickland and Olivia Godwin. Ms. Theresa
Strickland, you may go ahead and speak.

MS. STRICKLAND: Yes. I, on that particular day, was bothered by the situation because in our candidate packet, it states that we can only go into the location to vote. I knew what we had to do, so I personally got in my vehicle to go home and not enter that building because I knew it was wrong. Ms. Striblin went in that building multiple times. I can’t say whether it was to use to restroom or whatever the case was. I do know that the restroom is immediately when you enter to the right. That video, although, you know, it was against the rules. I’m sure my sister wasn’t aware of that at the time. It shows her in that polling area, that -- there’s two doors, a small one to go through to where the actual polling booths are, and she was there. Her and her husband walked her daughter in on that occasion. Three other occasions she went in alone. She went in with another candidate throughout that process.

You know, someone came up and parked their car in front of our campaign area, proceeded back to go talk to Ms. Striblin about the situation. The person left her car there, and at that time, another candidate’s niece left their area where they had been sitting all day and came by us and said that’s not right. I don’t have anything to do with that. So the behavior, in and out of that building,
was not appropriate, and going to the restroom would not
have put her anywhere near that, and prior to that, she
had also spoken with Ms. Stitcher outside the building, so
she was on that property a good bit, and I don’t think
that was right, and although --

MS. SULLIVAN: All right. Do you have any comments
regarding the other allegations?

MS. STRICKLAND: I’m sorry?

MS. SULLIVAN: Did you have any comments regarding
any of the other allegations that were discussed? There’s
also a complaint regarding Ms. Kandis Strickland.

MS. STRICKLAND: Yes. That’s what I speaking to.
Kandis Strickland, you know, didn’t know she couldn’t take
the video, but Ms. Striblin had gone in that building so
many times. I had reached out to Lisa Kelly [ph.],
couldn’t reach her, who is the supervisor over elections.
I even called the county rep to try to speak to someone
about this matter. This was about 4:30. It had been just
going on throughout the day, and so Kandy went in to see
where she was, and she --

Strickland, this is Matt Mashburn. I just have a question
for you. Sorry to interrupt you, but let me just ask you
one question. Was Kandis Strickland ever within the
hundred-and-fifty-feet of the polling location wearing
campaign materials?

MS. STRICKLAND: She was.

MR. MASHBURN: Just a yes or no question.

MS. STRICKLAND: Hello? This is Kandis Strickland.

MS. SULLIVAN: Kandis Strickland, please go ahead and address that question.

MS. STRICKLAND: Yes. This is Kandis Strickland, and I would like to address that question. Sir, I was not -- I had my campaign material on under not a zipped jacket. I had on a buttoned blue jean jacket, and that button was -- it was buttoned all the way up to the top. No one saw any campaign material. Yes, I did -- I did not know that you could not video, but I thought it was strange that she was -- Toni Striblin was standing at the door talking to the poll manager for a long period of time. It was not a brief period of time. When I walked in, she was already there over at the door where you entered to vote. I went in the restroom. When I came back out, she was still there, and I’m like, why is she here? Still there, so I videoed. Yes, I did. But I did not display material for anybody to see at the polling place.

I also want to make the comment that the investigator never talked to me. When I got home, there was a card on my table. I asked my daughter -- I said where did this card come from? She said Mom, it was in the door, so I do
not appreciate him coming to my home without speaking to me. If we had had a conversation about him coming to my home or him meeting with me, I would have been there. I don’t think that’s right for you to show up at someone’s home without making proper arrangements, and I will say again --

MR. MASHBURN: Okay. So --

MS. STRICKLAND: -- I did not --

MR. MASHBURN: This is Matt Mashburn. Let me ask you a follow-up question, if I can, please. So how did you get to where you videotaped? Were you already there, or did you come in from outside the hundred-and-fifty-feet for the sole purpose of videotaping, and then you left, or what were you doing inside the hundred-and-fifty-feet when you videotaped?

MS. STRICKLAND: I was going to the restroom, and when I came in to use the restroom, the restroom was right inside the door. I went to use the restroom. She was already there. She had already walked her daughter in. She was in there a long period of time, so when I walked in, I was like, gosh, she’s over there by the door where people go in to vote. I went on, used the restroom. When I came back out, she was still there. In this world, if it’s -- if it’s not in black and white and if it’s not videotaped, then it didn’t happen. I did not know I could
not videotape in there, and when the poll manager told me I could not have it there, I immediately put it away.

MR. MASHBURN: Okay. Thank you.

MS. STRICKLAND: What was your next question, sir?

MR. MASHBURN: That was all my questions. Thank you.

MS. STRICKLAND: You’re welcome.

MS. THOMAS: And then we also have Olivia Godwin on the line. You may unmute yourself and speak now, if you would like to.

MS. GODWIN: Yes. My name is Olivia Godwin. I’m basically just a witness. I actually saw Ms. Striblin going in and out of the poll with her campaign shirts on as well. I did not witness Ms. Strickland, Kandis Strickland, taking a video, and I think maybe the reason she did take the video was due to she witnessed her doing something that was unjustifiable or a violation to the campaign. And like I said, when Ms. Striblin went into the voting poll, she went several times, which was immediately, like, back-to-back. So if she was using the restroom -- and that’s why it was so concerning to us as, you know, people out there witnessing her doing this and nothing being done about the situation. It’s because she did it on several occasions, which was, like, back-to-back. It’s not like she went to the restroom one hour and then went back two hours later, you know. She saw her
daughter came up. She had just --

MS. SULLIVAN: Thank you.

MS. GODWIN: -- walked out of the polling. Pardon me?

MS. SULLIVAN: Thank you, Ms. Godwin.

MR. MASHBURN: This is Matt Mashburn. I just have a brief question for you, Ms. Godwin. So you’re telling us that you saw Kandis Strickland within a hundred-and-fifty-feet of the polling location, right?

MS. GODWIN: No. I did not -- I did not say that.

MR. MASHBURN: Okay. Was Kandis Strickland within a hundred-and-a-fifty-feet of the polling location?

MS. GODWIN: I’m not sure.

MR. MASHBURN: Okay. Thank you.

MS. GODWIN: Mmm-hmm.

MS. SULLIVAN: Was there an attempt -- Ms. Watson, an attempt made to interview Ms. Kandis Strickland?

MS. WATSON: That was the purpose of going and leaving the card to try to speak to her.

MS. SULLIVAN: Ms. Strickland, did you reach out to the investigator after the card was left at your house?

MS. THOMAS: You can unmute yourself now.

MS. STRICKLAND: Yes. I emailed him.

MS. SULLIVAN: Okay. Thank you. Do any of the Board members have any additional questions? Okay. The
recommendation is to refer both --

MS. THOMAS: Toni Striblin would like to say one more --

MS. SULLIVAN: Okay, Ms. Striblin. Go ahead briefly.

MS. STRIBLIN: Hi.

MS. SULLIVAN: Just briefly, please.

MS. STRIBLIN: Hey. Yes. I just wanted to follow up that I had never shown any of my campaign -- my shirt was not in view. My jacket was zipped up the entire time. I followed the instructions of the polling director, and I went in three times over the whole day, so I just wanted to clarify my statement, and if there’s anything I need to learn from this, please send me a letter of instruction.

Thank you.

MS. SULLIVAN: Okay. Thank you. Would any of the Board members like to make a motion?

MR. MASHBURN: Matt Mashburn, I move that we accept the recommendation for both allegations.

MS. SULLIVAN: We have a motion to accept the recommendation of the investigator on this matter. Do we have a second?

MS. LE: Ahh Le, I’ll second it.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please say aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And that’s none opposed, and that motion passes. Thank you all for being here. The next case is 2020–025, Liberty County.

MS. WATSON: On June 9th, 2020, the Secretary of State’s Office receiving the following complaints during the general primary election in Liberty County.

Complainant Kevin Burns [ph.] reported when he presented himself at Precinct 2 to vote, he selected to vote a Republican ballot. Mr. Burns advised a poll worker told him the only way he could vote for local officials would be if he selected a Democratic ballot. Mr. Burns stated the poll worker said I am not trying to change your mind.

Complainant Shane Patty [ph.] reported he arrived at the polling precinct at 6:30 A.M., and he was the third person in line to vote. Shane Patty stated the poll workers were having issues with the machines. Shane Patty advised people were leaving, and the machines were going down. Shane stated the poll did not open until 7:30 A.M., and he did not leave until 8:45 A.M.

Complainant Richard Austin [ph.] reported when he presented himself at Precinct 6 to vote, a poll worker repeatedly told him and others if they voted a Republican ballot, they could not vote for the local officials.

Richard Austin alleged that several poll workers had
candidate reelection shirts inside out, and you could
still see -- make out what they said.

Investigation revealed as to allegation one, Kevin
Burns, he was told he was not eligible due to an absentee
ballot being issued to him. Mr. Burns advised it took
approximately thirty minutes to work through cancelling
the absentee ballot so he could proceed to vote. The poll
worker then assisted Mr. Burns, advised the voter who had
enquired which local races were on the ballot, and she
told him that most of them were on the Democratic ballot.
There was no substantiation of the violations.

Investigation revealed in reference to allegation two
that 11 of the 13 polls in Liberty County failed to open
at 7 A.M. Liberty County attorney L. Kelly Davis states
some of the delays were due to inadequate training of
election workers regarding set-up of voting machines and
related accessories. Attorney Davis states some of the
delays were due to weather or inadequate mechanical
systems. Attorney Davis states some of the delays were
due to poll pads being delivered late to most polling
places due to human error. Attorney Davis states at
Precinct 3, three voting machines were unable to be used
due to set-up issues.

In reference to allegation 3, the poll workers for
Precinct 6 were interviewed, and they all stated they nor
any poll workers wore any shirts turned inside out or a shirt with candidate information worn on it. The poll workers all state they did not advise voters to vote one ticket or the other. Several reported that voters that requested a Republican ballot and did not see the sheriff race on the ballot would ask why it was not on the ballot, that many canceled the Republican ballot and were issued the Democratic ballot.

Our recommendation is for Liberty County Board of Election and Registration, Election Supervisor Ella Golden, retired, be bound over to the Attorney General’s Office for violation of 21-2-403, time for opening and closing of polls, in that they failed to open 11 polls at 7 A.M. on Election Day on June 9th, 2020.

MS. SULLIVAN: Is there anyone here from Liberty County?

MS. THOMAS: There is not.

MS. SULLIVAN: I’ll make a motion to accept the recommendation from the investigator to refer this matter to the Attorney General’s Office, if we have a second.

MR. MASHBURN: Second.

MS. SULLIVAN: Motion and a second, any further discussion?

MS. GHAZAL: Ms., --

MS. SULLIVAN: All in favor, please say aye. Oh, I’m
sorry. Please go ahead, Ms. Ghazal.

MS. GHAZAL: That’s okay. Yes. Ms. Watson, can you
tell me is there any evidence in the record with regard
availability of sample ballots prior to voters selecting
their ballot for the primary?

MS. WATSON: Yes. Sample ball -- sample ballots were
posted.

MS. GHAZAL: Okay. Thank you very much.

MS. SULLIVAN: Is there any further discussion?

MS. THOMAS: We have L. Kelly Davis on the line.

MS. SULLIVAN: L. Kelly Davis, would you like to
speak to this matter?

MS. THOMAS: You may speak. You’re unmuted. Kelly
Davis? You may speak now. You’re unmuted. L. Kelly
Davis, you’re unmuted. You said that you would like to
speak against this case. You can speak now.

MS. SULLIVAN: Okay. We have a motion and a second
on the table. All in favor of the motion, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Anyone opposed? Okay. That matter --
that motion passes. The next case is 2020-095. Ms.
Watson?

MS. WATSON: Yes. Sandra Russell filed a declaration
of qualification documents to run for the office of
superior court judge in Cochise County, Arizona. The
complainant challenged the residency of Sandra Russell in court partially due to Ms. Russell voting in DeKalb County. The complainant alleges that Ms. Russell gave testimony that she was a resident of Arizona for seven years prior to the hearing in 2020. Voter records indicate she voted in Georgia in May of 2016 and registered through Georgia Driver Services in May of 31st of 2018.

The investigation revealed Sandra Russell voted in Georgia during the November 4th, 2014 general election and May 24th, 2015 general primary. She also registered to vote through the Georgia Department of Driver Services on May 31st, 2018. Evidence to support that Sandra Russell did not have the qualifications to vote or register as a Georgia elector are Ms. Russell’s April 6th, 2020 declaration of qualification documents state she has resided in Cochise, Arizona for seven years before the election of November 3rd, 2020. In testimony from the Superior Court case in Arizona, Ms. Russell advised she moved to Arizona after her marriage in 2013, she considered Arizona her home, and she has the intent to remain in Arizona. Ms. Russell also advised she has been a resident of Arizona for 7.5 years. The Court found by a preponderance of the evidence that Ms. Russell was, in fact, a resident of Arizona prior to January 2016.
Ms. Russell advised if she did anything illegal, it was not intentional. She stated she has been a Georgia resident for 16 or 17 years until she moved to Arizona. Ms. Russell stated she has a law practice in Georgia and was going back and forth for cases. She advised she still has property in Georgia that she owns and pays property taxes on. She did not have a chance with all of her trials, going back and forth, having a family and everything else, she did not get around to registering to vote in Arizona. She stated she did not vote in both places. Ms. Russell advised she has voted for many years in Georgia. The main reason she voted is because she still had not obtained an Arizona driver’s license. She did not have what she needed to register to vote in Arizona. Ms. Russell stated she does not have an excuse other than it was not a priority. She was dealing with a trial and a two-year-old at the time. Our recommendation is to refer to the AG’s Office Sandra Russell for violation of the Georgia election code 21-2-561 and 21-2-571.

MS. THOMAS: And we have Mr. Rick Ryczek on the line representing Sandra Russell.

MR. RYCZEK: Good morning. This is attorney Rick Ryczek. I would -- I would respectfully the Board to either dismiss this case or we would ask for a letter --
letter of instruction to be issued. This is as close to -- if it did violate the law, it is as close to an innocent violation as you can get. She was -- and I’m sorry that we can’t be together today. I’d prefer to be able to gesture and hand you documents, but I emailed the councilmembers that I could or the Board members that I could find email addresses for just to give you an idea of the nuance of what was going on in Ms. Russell’s life at the time.

She had gotten married in August of 2013, and she -- she shared her time between Georgia and Arizona from that time period forward until about 2016/’17 where she became -- it looks like August of 2016 where her daughter began school, and she remained full-time in Arizona. She -- she spent about half her time early on -- early in that period in Georgia -- or more than half her time in Georgia. Since she owned a home, since she had her car titled in Georgia, she felt that that was her residence at that time as well, and if you look at the -- the definition of residence, and I’m reading 21-2-2, now, she wasn’t -- she wasn’t researching the law at the time that she did this, but when you look back on it, even as a lawyer looking back on it, it’s somewhat confusing. And -- and if we look at subsection 32, residence means domicile, she was domiciled in Georgia at the time that she voted. She
voted in the primary election in 2014, and she -- I’m sorry. She voted in the general election in 2014 and the primary election in 2016 at a time where she was spending at least half or more of her time in Georgia.

I’d like to -- I’d like the Board to consider very strongly that she never voted in more than one jurisdiction. There’s no intent to get some additional right that she didn’t think she otherwise had, so with -- with respect to the voting allegation, we would ask the Board to dismiss this. I can’t imagine that the Attorney General’s Office would want to prosecute somebody that is doing everything she can to comply with the law. She’s living half her time in one state and half her time in another state, and the same argument could be made if she had voted in Arizona, and we don’t want to put voters trying to do the best they can to fulfill their civic obligations in a position where they -- they feel they could be in jeopardy, and that’s what would happen if the Board were to forward this to the Attorney General’s Office for prosecution.

With respect to the 2018 registration, we’re -- we’re perplexed by that. We don’t know how she got registered. I’m -- I’m guessing it has something to do with when she renewed her driver’s license. If that is the case, I don’t know if she did it over her telephone or whether she
did it at a -- we just don’t recall having -- how -- how
she got her renewed driver’s license, but there are boxes
you have to check. Perhaps there’s something you have to
swear to, but it is our understanding, and it is her
memory that she never re-registered to vote in Georgia in
2018. We’ve submitted to the Board those emails we could
find with her written registrations to vote, and those, I
believe, were in 2013 and 2011. And I’m sorry, not
registrations to vote, renewal of her driver’s license in
2011 and 2013, and both of those, she did not ask to
register to vote. She specifically said I’m not
registering to vote, so it’s perplexing to us that she
would have done that in 2018 and to trust this argument in
support that she’s not trying to register to vote, and if
she did, it was in error, she did not, in fact, vote. She
did vote in Arizona, where she was living full-time and
had her domicile and residency in Arizona by 2018.

So based on that, we would respectfully request that
the -- the Board of Elections either dismiss this case or
issue a letter of instruction. This is a woman who is
doing her best to fulfill her civic obligations. She was
cought between living in two different places at the time
-- at the same time, and if she did make a mistake,
there’s certainly no criminal intent, was not knowing, and
she has a lot at stake. She’s a practicing attorney. She
is barred in both Georgia and in Arizona. This came up because she was running for election, and her opponent, who I’m sure is on the call, is -- was upset with -- with the campaign and is seeking prosecution, and I would -- I would add that they are seeking prosecution or pushing for prosecution in Arizona as well for Ms. Russell having registered in Georgia. How they would have jurisdiction, I don’t know, but somehow, the -- the complainant has pushed for that, and it’ll be interesting to see -- see how they intend to try to prosecute a case in Arizona for conduct that occurred in Georgia. But the conduct that, in fact, occurred in Georgia is, I think, innocent conduct, a mistake.

MS. SULLIVAN: Thank you.

MR. RYCZEK: -- wouldn’t rise to the knowing level.

Thank you.

MS. SULLIVAN: Thank you, Mr. Ryczek. Ms. Russell did file a declaration in Arizona where she declared that she had been a citizen of the State of Arizona for 7 years before her election; is that accurate?

MR. RYCEZK: It’s -- it’s my understanding she said she was a resident. She resided -- I believe she said she resided in Arizona for that relevant time, which -- which she did, and she resided in Georgia during the relevant time as well, and if you look at the definitions in
Arizona and in Georgia, it -- it appears you can. You have the -- you reside in Arizona with the intent to stay, to remain, which she did. She wanted to remain in Arizona the rest of -- the rest of her life and maintain her marriage there. She was going back and forth from Georgia. She had to -- she had to have a physical presence in Georgia due to her daughter and the custody issues with her daughter, so she did -- when she was in Georgia, she -- she was also there in Georgia -- or here in Georgia, residing in Georgia.

MS. SULLIVAN: Okay. Thank you, Mr. Ryczek. Do any of the other Board members have any questions for Mr. Ryczek? Okay. It appears that they do not. The motion is to bind Ms. Russell over to the Attorney General’s Office for the violations listed in the complaint.

MR. MASHBURN: I move that we accept the recommendation.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: This is Anh Le. I’m going to second it with a comment to the attorney’s point that the opponent is pushing for prosecution. We’re binding it over because that’s the correct thing to do under the facts, but we are -- we are not acting on behalf of or by influence of any opponent or any third party outside of the facts that were presented to us, so I second this motion.
MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed, and that motion passes. Moving on to SEB case number 2020-134.

MS. WATSON: In this case, Angela White-Davis reported two absentee ballots were returned to her office after verifying the voter was deceased. Investigators believe Mr. Robert Ranlett Shepherd [ph.] signed his oath envelope for the November 3rd, 2020 election. A comparison of his signature on the oath envelope was almost identical to the known signature of the decedent. The ballot was mailed to Mr. Shepherd on September 18th, 2020. He did not die until August 6th, 2020. The ballot was not counted in the election.

Investigator -- investigators do not believe Herman Robert Jackson [ph.] signed his oath envelope for the November 3rd, 2020 election. The ballot was requested in May of 2020 and mailed September 18th, 2020. The oath envelope signature does not appear to match the known signature on file for this decedent. Signature appears to be a match to those of Glenda Jackson [ph.], the widow of Mr. Jackson. Glenda Jackson advised she filled it out for her husband as she knew how he wished to vote. She
advised if she knew it was such a big deal, she would have
thrown it in the trash. Our recommendation is for Glenda
Jackson to be referred to the Attorney General’s Office
for violation of 21-2-562.

Who do we have that would like to speak to this case?

MS. THOMAS: Melanie Ray, you may now speak, and Ms.
Jackson is on the line.

MS. SULLIVAN: The recommendation is to bind Ms.
Jackson over to the Attorney General’s Office regarding
the allegations in this case.

MR. MASHBURN: I move that we accept the
recommendation.

MS. SULLIVAN: And I’ll second that motion. Is there
any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? And that motion passes.
The next case is 2020-157, Spalding County.

MS. WATSON: On Election Day and the days that
followed the November 3rd, 2020 election, we received many
complaints regarding Spalding County. On November 3rd,
Spalding County reported that none of the poll pads were
able to create voter access cards for voters to be able to
pull up their ballot on the ballot-marking devices. It
was erroneously reported that a system update had occurred
the night before the election. A No Inc. representative investigated and advised that the data used to write the voter card was not imported correctly or was corrupted for Spalding. It was unknown as to if the issue occurred during the initial voter file upload or during the bulk of days. In order to correct the issue, No Inc. sent staff along with a Dominion employee to the voting locations in Spalding and brought down the information to correct the issue. Checklists to complete after the voter file is updated completed has now been provided to the County to try and catch this type of issue before Election Day and was in place for the January 2021 election. This checklist requires a voter access card be created and tested during preliminaries to verify the card is functioning properly.

Regardless of the cause of the issue that made the poll pads unavailable to create voter access cards, the primary breakdown on Election Day appears to be the direct result of lack of preparation and training by the Spalding County Elections Office, specifically failure to know and train for the new rule regarding emergency situations and the use of emergency ballots, also failure to train the poll workers on how to create ballots manually on the BMDs. Instead, the County fell back on the previous instructions for the prior, previous machines to go to
provisional ballots. This created issues when it was
found that there were no emergency ballots at the poll
locations, and there were very few provisional ballots at
the polls resulting in individuals delivering unknown
numbers of provisional ballots to poll locations, the
polls not having enough envelopes to properly process the
provisionals according to code. Some precincts were --
with multiple combo codes were not verifying the voter was
being issued the correct provisional ballot style
according to the combo code they were entitled to vote.
Due to the volume of provisionals at some precincts, the
provisional containers were overflowing, resulting in
makeup containers being utilized that were not secured.

Spalding Election Board members were requested by
Marcia Ridley to go to the precincts and pick up
provisional ballots. This was done with a single person
going to the polls to pick up provisionals and transport
them alone back to the Elections Office. A container
utilized in at least one situation was an open box that
was not secured. There were not transfer forms completed
to indicate how many were picked up from the precincts or
turned over to the Elections Office. Some poll managers
expressed they could not complete the recap sheet at the
closing of polls since they had no idea how many
provisionals were delivered during the day or how many
were picked up. Marcia Ridley, the Elections Supervisor, advised she made the decision to use provisionals, mainly because she states she was not trained on emergency ballots, and the poll workers were not trained either.

Leading up to the November election, the State provided multiple training opportunities to include conference calls every Tuesday. In March of 2020, a backup procedure guideline for the voting equipment which referenced the use of emergency ballots were provided to the County. These procedures were discussed on the March 19th state-wide call and posted on Firefly, which county supervisors have access to. The backup procedures outline the system requires emergency ballots, that the precinct would use the emergency bin, and that emergency ballots are not provisional ballots. These procedures were also discussed on the August 7th state-wide call. The state-wide call report was posted on Firefly. Also, both posts -- reminders about these procedures were posted on the following dates: March 3rd, 2020, June 8th, 2020, August 7th, 2020, and October the 30th of 2020. These procedures were also discussed during the election training. PowerPoints and recordings of the webinars were posted on Firefly under webinars: March 19th, 2020, October 8th, 2020, and December 8th, 2020.

Marcia Ridley requested information pertaining to the
emergency ballot rules and the location of where to find
the new rules. This was in December, after the November
election, indicating that she had not been familiar with
the rules and procedures prior to the election.

Spalding was not the only county that had the voter
access cards that would not load on Election Day. In one
example, the elections supervisor had prepared a manual
for the poll manager for emergency procedures, and they
had completed training on the procedures in issuing
emergency ballots and utilizing a ballot-marking device to
manually load a ballot for the voter. They were able to
orderly process voters until the poll pads were reset.

Over forty complaints were submitted regarding
Spalding County. One that was reported in the news
concerned a report of ballots in the dumpster behind the
Election Office. This was found to be unfounded for
ballots. The Sheriff’s Office was notified and responded.
The Sheriff’s Office advised they collected the material
that had already been gone through by the reporting
individual. They took them back to the Sheriff’s Office
to be sorted. It was verified that documents originating
from the Elections Office were in the dumpster. The
documents contained birthdays, addresses, phone numbers,
voter registration numbers, political party affiliations,
and email addresses for some electors in Spalding County.
There were empty absentee ballot secrecy envelopes and blank empty outer envelopes. No ballots were found in the dumpster. The Sheriff’s Office checked other dumpsters at all 18 polling locations to verify if there were any ballots or election materials and did not find any in the other locations. The voter’s name, the month, the date of birth, and email addresses for registered voters would be a violation of 21-2-225(b).

Unsecured provisional containers at the senior center poll location, the poll manager advised that the provisional bag filled up, and they had to use an unsecured Rubbermaid container and a banker’s box to place provisionals in. This would be a violation of SEB rule 183-1-12-.18. It was also confirmed that the poll officer did not have elector Donald Crider sign a voter certificate prior to voting, a violation of 21-2-431(a).

Elector Selbsta [ph.] and her husband requested an absentee ballot that did not arrive. MyVoter page had the incorrect address listed with the incorrect city listed. She went to the Elections Office and filled out paperwork to correct the incorrect address and request an absentee ballot. Approximately two weeks later, she checked MyVoter page, and the address was still incorrectly listed. She went back to the office on October 14th and showed them it had not been changed, and no ballot
received. Annette Forty [ph.] at the Elections Office in Spalding reported that she changed the address on September 28th, 2020 and gave the information to another election employee, and she processed the request, and they were issued a ballot on October 28th, 2020. Election Net does not show that the ballot were -- was issued on October 28th. Failure to process the absentee ballots of Mr. and Mrs. Selbstra as requested after numerous attempts would be a violation of 21-2-431(a). As a result, the two individuals did not vote in the election.

Elec -- Elector Dunaway reported he had to vote on paper and was given the incorrect district race on his ballot. He wrote in the correct candidate of his choice on the incorrect ballot. No poll official was alerted to the incorrect district on the ballot. This would be a violation of incorrect ballot style.

Elector report -- reports that she went to vote at the First Assembly of God poll location and took her absentee ballot to surrender so she could vote in person. She reports the poll workers were confused about what to do. The elector also reports that she did not sign in and did not sign the poll pad or a voter certificate. She went to the ballot-marking device where the ballot was encoded, and she made her selections, printed the ballot, and scanned the ballot.
The poll manager reports that when the machine would not bring up the ballots from the voter access cards when they opened the poll, they were told to issue provisional ballots. She states that voters were to be first checked in on the poll pad so their identification could be verified. Later, the office advised them how to pull up the ballot on the ballot-marking devices -- pull up the ballots for Precinct 19. The poll manager was familiar with the process of having the voter surrender the absentee ballot -- by mail ballot and/or sign an affidavit prior to voting. The poll manager states that they were not able to get the absentee mark off the poll pad so they could have the elector sign the poll pad. There is no documentation of a voter certificate for this elector, in violation of 21-2-431.

As to those who went out and uploaded provisional ballots from the poll locations while voting was still taking place, Marcia Ridley advised that Spalding County Election Board member Betty Bryant stated that as the provisional ballot bag -- bag started to fill that she went to go pick up the voted provisionals -- provisionals from the precincts. She picked up from the UGA precinct. The box was not secured or locked. The poll workers took their box of provisionals and dumped them into the box in the backseat of her car. The box Betty had in the car was
provided by Marcia. Betty advised that she was alone as she collected the ballots and that a sheriff’s deputy was escorting her to the car. Betty Bryant advised that she did not countersign for the provisionals that she picked up. She then drove the box of voted provisionals to the Elections Office to turn them over to Marcia. No count was made of how many was delivered or signed by her. She obtained two more boxes and went to the Presbyterian Church precinct and the Roberts Fire Station precinct to pick up voted provisionals again. No paperwork was completed or signed for.

Ms. Bryant stated that she believed the other Board members were also picking up provisional ballots. Margaret Bentley advised she went to precincts to check on provisionals, and the container was not full, so she did not pick up. Mr. Jones [ph.] was contacted and stated he was serving as a Republican Party appointee at the Spalding Election Board and advised that he was following direction of Election Supervisor for his duties during the election but did not provide an answer to confirm or deny if he had picked up provisional ballots or not.

It was reported that poll manager Clay Davis did not have all voters to sign their names on poll pads or the voters’ certificates. The poll manager stated that every voter did sign the poll pad or signed a voter certificate.
However, records indicate 20 people did not sign a poll pad or a voter certificate before voting.

An Athens-Clarke poll manager reported that poll pads were not charged, printers had not been filled with paper, three of the six voting machines were missing seals, voter cards were not able to be encoded, insufficient supplies of salmon-colored security envelopes, line monitor not trained, office staff not trained. The poll manager advised when they ran out of the salmon-colored security envelopes for the provisionals, they were told to just write the voter’s information on the outside of the white envelopes. The poll manager advised she informed Marcia Ridley about the seal on the scanner but did not do so when it was first discovered.

When the poll opened and they discovered the voter access cards were not encoded, she was instructed to use provisionals but was only given a supply of 10 for the poll location. There was approximately 50 waiting in line. They requested additional provisionals and received them in approximately forty-five minutes but were not given enough salmon envelopes. The office instructed her to continue using the provisionals, write the voter information on the white envelope. They were supplied with approximately one thousand and then later in the day with approximately five hundred more. She received a text
message to explain how to encode the ballots straight on
the ballot-marking device from Marcia. She states the
text was not clear as to which code they were to use for
their precinct. They were able to get the process started
with the ballot-marking devices and clear the morning rush
out by 10:30. It was 4 P.M. before the poll pads were
fixed so that voter access cards could be encoded.

The poll manager also stated that the provisional
ballot clerk did not know that the paper provisionals were
combo code specific, so they were not ensuring that voters
received the proper ballot they should have issued to
them: violation of SEB rule 183-1-12-.11(2)(c) and 18
counts of all 18 precincts were not supplied with 10
percent of emergency ballots, SEB 183-1-12-.18(4)(c), when
they failed to determine what ballot style to issue to the
individual voters voting at this precinct.

An elector advised that when she went to vote at
Eagle’s Landing Church, she was told to place her ballot
in a scanner bin which was unlocked and open. It was
found that there was no poll pad signature for the elector
Denise Muehr or a voter certificate. The ballot was
brought up on the ballot-marking device, and she was
allowed to vote. Credit for voting for the elector was
entered by Spalding County on April 1st, 2021. Spalding
County advised the page containing the list of voters that
voted at the precinct contained the elector’s name, but
the page of voters was inadvertently missed when they were
entering credit for voting for the electors who signed a
voter certificate. There was 20 that were listed on the
list.

Poll manager at United Baptist Church reports voter
access cards not encoding properly, provisional ballots
delivered without any way to determine how many were
delivered to the precinct in order to complete a recount
sheet, voters not signing poll pad or voter certificate.
The voters were verified on the poll pads and their names
listed on the elector list. There were 286 that did not
sign in on the poll pad or complete a voter certificate at
that precinct.

Our recommendations are for the following to be
referred to the Attorney General’s Office: Spalding County
Board of Elections and Voter Registration and former
Elections Supervisor Marcia Ridley for violation of SEB
rule 183-1-12-.11(2)(c)(d), the elections 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-marking printers unusable, but if an
emergency situation exists that makes voting on the
electronic ballot-markers impossible or impractical, the
poll manager shall alert the elections superintendent that it’s impossible. Filing a determination of an emergency situation is in -- in the description 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. Training information, webinars, and the SEB rules were available for Spalding County Board of Elections Supervisor, former Elections Supervisor Marcia Ridley to learn the rules and proceed with using emergency ballots.

Also, Spalding County Board of Election and Voter Registration and former Elections Supervisor Marcia Ridley for 21-2-225(b), when they failed to ensure that election documents containing confidential voter information was properly disposed of, and for SEB rule 183-1-12-.18, also adding Bonnie Ann Arnett [ph.], provisional ballots was violated when the elections superintendent shall also provide a booth for voting provisionals in the enclosed space and a secure container in which the voted provisional ballot shall be placed. Spalding County Board of Election and Voter Registration, former Elections Supervisor Marcia Ridley, and Bonnie Ann Arnett for violation of 21-2-431(a) when Donald Crider reported he
did not sign his name before voting on November 3rd. This information was confirmed by Spalding County Board of Election employee Carla Rapp [ph.].

And Spalding County Board of Election and Voter Registration and former Election Supervisor Marcia Ridley for 21-2-431(a), when Triana and Richard Selbstra [ph.] made several attempts to obtain the mail-in ballot for Spalding County. Mr. and Mrs. Selbstra never received their mail-in ballots and were not able to vote. Spalding County Board of Election and Voter Registration and former Election Supervisor Marcia Ridley and Quincy Nelson [ph.] for violation of SEB rule 183-1-12-.18(3) when Abigail Locke [ph.] voted a provisional ballot in the UGA polling location and was not provided an inner or outer envelope.

Spalding County Board of Election and Voter Registration and former Elections Supervisor Marcia Ridley, poll manager Bonnie Arnett for SEB rule 183-1-12-.18(3) when Mr. Dunaway was not issued the correct ballot containing District 2 Spalding County Commissioner race but was issued a District 1 ballot instead.

Spalding County Board of Election and Voter Registration and former Election Supervisor Marcia Ridley and poll manager Susan Autry [ph.] for 21-2-431(a), that every primary and election, each elector who desires to vote shall first execute a voter certificate. Glenda
Brumley did not sign her name on a poll pad or voter certificate before voting. Spalding County Board of Election and former Election Supervisor Marcia Ridley for 21-2-215(i), when they failed to enter credit for voting in the November election for Glenda Brumley. Spalding County Board of Election and Voter Registration for 21-2-413(h), when Board members took possession of voted provisional ballots and transported them without a second election official being sworn or any transfer documentation.

Spalding County Board of Election and Voter Registration, former Election Supervisor Marcia Ridley for SEB rule 183-1-12-.11(2)(c), 18 counts, when all 18 precincts were not supplied with ten percent emergency ballots. Spalding County Board of Election and Voter Registration and former Election Supervisor Marcia Ridley and Susan Summerland [ph.] for SEB rule 183-1-12-.18(4)(c), as they failed to determine what ballot style provisional ballot to issue to the individual voters voting at the precinct on November 3rd, 2020. Spalding County Board of Election and Voter Registration and former Election Supervisor Marcia Ridley and Clay Davis for 21-2-431(a), 20 counts. At every primary and election, each elector who desires to vote shall first execute a voter certificate. And Spalding County Board of Election and
Voter Registration, former Election Supervisor Marcia Ridley, Julia Howard [ph.] for a violation of 21-2-431(a), 286 counts. At every primary and election, each elector who desires to vote shall first execute a voter certificate.

MS. SULLIVAN: Thank you for that presentation, Ms. Watson. Would Fulton County like to address -- I mean, Spalding County like to address these allegations?

MS. THOMAS: Yes. First, we have Stephanie Windham on the phone. You may speak.

MS. WINDHAM: Good morning. This is Stephanie Windham. I am the county attorney for Spalding County, and I would like to say that these measures -- these matters will be completely rectified by our next election. We have a new Election Supervisor, and we also have an entirely new Board of Elections starting in December. The December member is our oldest member, our most senior member on the Board at this time. The other four have been appointed in -- as of May and June of this year.

I certainly cannot argue that there were many, many failures at our November 3rd election. Those began with the -- the situation where none of the machines worked at 7 A.M., and this was at all precincts, all 18 precincts in Spalding County. That exacerbated everything that happened next. Our -- I’m not sure if Marcia Ridley is on
the line. I do know that I have Clay Davis and Margaret Bentley who would like to speak. There were -- we can’t deny that hundreds of voters did not sign poll pads.

Our main issue is -- was a lack of training on emergency ballots. Our Election Supervisor did not train on emergency ballots, and therefore, none of our poll managers or poll workers were trained on emergency ballots. I believe any of our poll managers would have determined that the situation they faced on the morning of November the 3rd was indeed an emergency. These poll managers have done the best they could with what they had. They made several calls throughout the day, nearly -- I’m aware of several poll managers who made several calls throughout the day to the Elections Office. Some were given conflicting information, and I -- I would ask that these poll managers be given the consideration of letters of instruction. There are many experienced poll managers that are -- are named in these allegations, and they were doing as they were told as they were trained.

The -- the chain of custody issues, those Board members who picked up those provisional ballots would tell you that they were alone and that in some cases the ballot containers were not secure. These Board members were also doing as instructed based on the fact that the entire day was chaos, and these Board members would also appreciate
letters of instruction in these matters, as they were
simply doing as they were asked to do and in an effort to
be helpful and to make sure that every person’s vote to
count on November the 3rd.

I am somewhat at a loss as to say any more other than
to reiterate that we do have a new Election Supervisor.
She started on Monday, and it is her intention and -- she
has begun already to inventory. She has been in touch
with the Secretary of State about recertifying our
machines and our election server. The new Board is fully
aware of all the issues from the November 3rd election,
and it is their primary goal to provide adequate training
for everyone involved: poll workers, Board members, the
Election Supervisor, everyone in the Elections Office in
the future. That training has already started with a
visit from our liaison Robin Carr, who spent the day with
us training on Senate Bill 202, also answering our various
questions. Robin has been a wonderful source for us, as
has Sarah Beck, and we appreciate the Secretary of State
providing those resources for us. It is the Spalding
County Board of Election’s main goal -- in fact, their own
goal is to put on a free, fair, and transparent election
in November of 2021. Thank you, and I do know that Clay
Davis is here to speak, and I believe that Margaret
Bentley is also available to speak.
MS. SULLIVAN: If he would like to speak, please go ahead.

MR. DAVIS: This is Clay Davis. Thank you for allowing me to speak considering how busy you all are. I was a poll manager at Precinct 21 and have been a poll manager for five plus years, so I think I understood the system beforehand. I’m a retired Army officer and known as a rule-follower. I believe strongly that my voting team would be classified as rule-followers as well. This is exactly why I selected them for their moral and character. The investigation found that twenty voters in my precinct did not sign either the poll pads or voter certificates. I and my team both understood how important it is to have those signatures. As it turns out, I cannot refute anything on that investigation. We were basically told when we turned in the machines that we would not be able to get back into those machines, and after the documentation was provided to me, I was once again told that I would not be able to validate any information in those machines.

Normally, I would stand before you and say that I take total responsibility. This was human error. The computer shows that there were no voter signatures on the poll pads, but that’s not exactly what I believe happened and what my team thinks happened.
If you’ll allow me a couple of minutes, I’ll try to walk through. When the system went down, one of them -- I had two poll pads. One of my poll pads would simply reboot and then reboot again and then reboot again every time it got up to where we were able to use it. The other poll pad would reboot a couple of times -- or three times an hour. We were able to validate every person who came through by using that poll pad. Sometimes, when it rebooted, we had to start that voter back through. Other times, we did not. Things like the scanner not reading the ballots at all caused us a situation that was similar.

I want to tell you that I do not have a high level of confidence that this was a human error. I believe that the poll pads, when they rebooted over the entire day, that twenty signatures were lost. I know that’s hard to believe with our reliance on technology, but with the poll pads rebooting routinely, I think that those were lost. My team feels strongly that they checked every signature to make sure that it was there. They understood how important it was. We understood when this happened that this was going to be a seriously looked at situation, so at the end of the day, after the polls closed, we hand counted every ballot. We validated that information against the poll pads and the ballot-marking devices to make sure that the numbers matched up. There was a slight
difference between a card that wasn’t read properly and
had to go back through, if you understand that whole
system. We are absolutely certain that every ballot that
was cast was cast by a registered voter in our precinct.
I want to say thank you for taking the time to listen to
one poll manager’s view of how this thing happened. Thank
you.

MS. SULLIVAN: Thank you, Mr. Davis. I believe we
have one additional person who would like to address the
Board.

MS. WINDHAM: I believe that’s --

MS. THOMAS: Yes. Is she -- is she on the line with
you?

MS. WINDHAM: She is not here with me, but she was
going to be on -- on the call.

MS. THOMAS: Okay. I do not see her listed on the
call, but we do have some other people that would like to
speak.

MS. WINDHAM: Okay.

MS. THOMAS: So Ms. Ashley Giles [ph.], you may
speak.

MS. GILES: Can you hear me?

MS. THOMAS: Yes.

MS. GILES: Hello? Okay.

MS. SULLIVAN: Yes, we can hear you.
MS. GILES: Does this have -- does this have anything to do with -- I was not there on Election Day. However, I was there on the 4th, when they were going through their provisional ballots. They had stacks and stacks where we were locked out. Does that have anything to do with that? There was a case number that was given over to --

MS. SULLIVAN: Yes. That is include -- that is included in the -- in our investigation report.

MS. GILES: Okay. Do you -- do you guys have the video of that? Because I can show you, I mean, like, how many ballots there were in these envelopes coming out. It was -- it was tons of them. I asked the Secretary of State’s investigator if he needed the videos. He said he would meet up with me to get the videos. However, that -- that never happened.

MS. SULLIVAN: Thank you. So you wanted to let us know that you have videos of --

MS. GILES: I do.

MS. SULLIVAN: Okay. Thank you. Is there anything else you wanted to say regarding those allegations at this time?

MS. GILES: I was wondering every polling place has a box, and I was just wondering if copies of the poll manager’s book is also available online, if it’s available to all of these people, you know, working -- working the
polls that day?

MS. SULLIVAN: I do not know the specifics of this matter. I can tell you that this case is going to be referred to the Attorney General’s Office, and there will be opportunity for further investigation into all the allegations that were presented.

MS. GILES: Okay. Thank you.

MS. THOMAS: And next, we have Donald Crider. You may speak now.

MR. CRIDER: Yes. Can you hear me?

MS. THOMAS: Yes.

MR. CRIDER: Okay. Yes. My name is Don Crider, and I’m just a local concerned citizen. I think the investigator did a great job summarizing the -- what I would consider multiple issues surrounding this election, and everything there would be an accurate description of what, you know, the Spalding County voter experience was. Essentially, in my opinion, everything the Election Supervisor could possibly do wrong, she did wrong, and with all due respect to Ms. Windham, I would hope -- I would hope that these issues are corrected prior to the next election, but in my opinion, there has to be full accountability for this past election. What the leadership did in this election goes beyond lack of training. It was a complete breakdown, and I fully
support this matter being referred to the Attorney General’s Office if we want voters to have confidence in Spalding County elections. And without voter certificates, I don’t even know how these election results were certified, so I fully support moving this matter to the Attorney General’s Office.

MS. SULLIVAN: Thank you for your comments. Next?

MS. THOMAS: Next, we have Christine Hallman.

MS. HALLMAN: Hello. Can you hear me?

MS. THOMAS: Yes.

MS. HALLMAN: I’m Christine Hallman. I live in Griffin, Georgia. I vote at Precinct 19. My husband and I were the second and third people in line for the presidential election at Precinct 19. We walked in. We gave them our driver’s licenses. They gave us the little yellow voting card. We went to the machines, but the machines were down. We had to wait for an hour for them to figure out what to do. They couldn’t get anybody in to fix the machines, so they finally gave us the provisional ballots to complete, but that was quite confusing. They didn’t have pens, different things, to help with that, but we did get to vote on the provisional ballot. They kept that little yellow computer card that contained our personal information. We were concerned about that. We were told that the computers did finally come back online
around 10 o’clock.

I called on 11/8/2020 to verify that our ballots were counted. Mary of the Spalding County Elections Board verified that they had not been counted, but they would be counted that day. She took my name and number and said that they would call me back with verification when it was counted. Well, I called back on 11/11 because I never received the call. Mary stated they were not allowed to give me the information, so I called Brad Raffensperger’s office to file a grievance. I’ve also called Joy Ferguson’s office as well. Raffensperger’s office stated that Spalding County was required to give me the information, and they were going to have someone to call me back from their office. I did not receive that call back.

However, Raffensperger’s office told me that MyVoter page, the verification section, was grayed out and that my husband’s was too. They stated there was no reason for that to be grayed out. I called Spalding County back and stated that I had called Raffensperger’s office and filed a grievance, and they stated that Spalding County was required to give me the information regarding my vote count. Mary had Carla give me a call. She stated that mine and my husband’s votes were counted. I asked why our screens were grayed out. She stated that when they
counted the votes, they went in and grayed them out, but
they would later update the information. However, they
never updated that information. My information on MyVoter
page only changed when I went in for the early voting for
the runoff election. Then, the information showed that I
had done the early voting for the runoff, but then later
on, that was grayed out as well a few days later.

I’m concerned that my vote didn’t count in the
presidential election or the early voting for the runoff
because I just have no confidence in this election process
as it was -- went on in Spalding County. I did receive a
call from Raffensperger’s office from an investigator that
sa -- he stated to me that my vote did count. He called a
few months back, and -- but he could not verify who I
voted for. That was my first concern.

The second concern is when we were standing there for
an hour waiting on them to figure out how to get the
machines up and working and what was going on or what they
were going to do with us, I asked the poll worker at
Precinct 19 about them being connected to the Internet.
The man stated they were not, but they had yellow ethernet
cords plugged into the machines. When we went for the
early voting of the runoff election, all the wires at that
voting precinct near the senior center, they were all
covered in black tape everywhere. You could no longer see
what color wires they were, and I found that a concern as well.

MS. SULLIVAN: Thank you. Yeah. Thank you, Ms. Hallman. We do have a -- we do have a listing of all of your allegations within this, and this matter is going to be referred to the Attorney General’s Office for further instructions, so in the interest of time, if we --

MS. HALLMAN: That was all I had.

MS. SULLIVAN: Okay. Thank you so much.

MS. HALLMAN: Uh huh. Thank you.

MS. THOMAS: We have one more person. Denise Muehr, you may speak now.

MS. MUEHR: Yes. Thank you. I also voted in Spalding, and here is my concern. Well, first, I want to say I was very impressed with at the beginning of this, you said a prayer, brought God in. You said a Pledge of Allegiance. You brought country in. I respect that, and I love that. I also respect that you have this platform where people can err their grievances or problems.

My problem with this whole thing is as this last lady, the last couple of people, stated there were a lot of things wrong with this election, and I, for one, -- my husband and I were there before 7 A.M. We never left there until 11:30 A.M., so meanwhile, what went on while we were there during that first hour, a lady came out and
told us that the machines were down because there was a 
software update the night before, and then all the 
machines were down. Now, that, to me, wasn’t right, and 
that’s what made me very suspicious, and so when we went 
into the whole thing, I was kind of questioning how this 
was going to go.

At one point, they let us inside because it was cold 
inside, and we were there for so long, and at one point, 
they said if you’re going to vote the provisional ballot, 
go in this line, but if you’re going to wait for the 
machines to be up, then go in this room. Well, we decided 
we wanted to vote no matter what, so we decided we would 
stay in the line for provisional ballots, but if the 
machines were up by the time that we got to the front, 
than we preferred the machine. By the time we got up to 
the front, there were, like, two or three rows of chairs 
where we kind of, you know, played musical chairs until we 
could get up to the lady signing us in, and my husband and 
I both, one by one, showed our license, signed in. Sharon 
Solo [ph.] was the person sitting there, signing us in, 
and then, we were not given an individual card the way we 
normally are to use in the machine.

There were only two machines working by the time we 
got up there, and they inserted the car, and my ballot 
printed out. I was never offered a provisional. My
ballot printed out of the machine. I carried it over to the scanner. The scanner wasn’t working. I was just asked to drop it in the bin. Well, that just -- all of that just didn’t seem right. Even though, you know, I knew several of the people there, and, you know, had no, you know, question to doubt, you know, the integrity of any of that, but the whole thing was just not right.

And so when I went home, I wrote an email to the Secretary of State, and I hadn’t heard back for a while, but meanwhile, there was another important election coming up, the one for the Senate, and before that election, because that was a highly important election to people, my husband and I received in the mail an official voter audit stated how we voted since 2014, that we did or did not vote, and it said on here -- well, both my husband and I -- I have the letters in front of me. Both my husband and I, it said we didn’t vote in the 2020 election. Well, we most certainly did. My husband was so upset. He went to the voter office in Griffin and talked to the people there. They told him that his vote counted, and because of the upcoming election and so on, they just didn’t have, you know, all the, you know, updated info or something.

Well, I did not go that day.

MS. SULLIVAN: Thank you.

MS. MUEHR: Well, wait. One more thing, please.
MS. SULLIVAN: Thank you.

MS. MUEHR: Then, I received a call from the investigator telling me that he didn’t understand what happened because according to the records, my husband voted, but I didn’t. Now, that’s not right. You know, he went down to complain, and all of a sudden, they switch it over that he voted, and then, I didn’t go, so they’re saying I didn’t vote. This isn’t right, and if -- if you folks want people to stop doubting what went on, you need a forensic audit. You should be pushing for that because there are many people who think all of this is wrong, and if you really care about transparency, you will push for that because there are many people who are not happy with the way all of this went. And I please beg you, please consider that. Thank you.

MS. SULLIVAN: Thank you, Ms. Muehr. I think I speak on behalf -- that’s all -- I think I can certainly speak on behalf of the Board that just the sheer volume and number of mistakes and allegations in this case is -- is simply overwhelming. Thank you, Ms. Windham, for being here, and hopefully, Spalding County is on the direct -- correct path to direct all of these -- all of these errors so that we will have a -- the next election will be a smooth one. I believe that the motion in this case is going to be refer this to the Attorney General’s Office
for consideration, and, in fact, I will make that motion.

MR. MASHBURN: Second.

MS. SULLIVAN: And there is a second. Is there any further discussion, or would any of the other Board members like to make any comments at this time? I think so my motion is to accept the recommendation of the investigator to refer all of this, all of the Respondents and matters to the Attorney General’s Office. We have a second. If there’s no further discussion, all in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, so that motion passes. It is 12:22. We’re going to go ahead and take a 35-minute break. At the same time, we are going to go into executive session for discussion of pending litigation. We will come back at 1 o’clock, if that’s all right with all the Board members. Okay.

MS. LE: Do you need a motion?

MS. SULLIVAN: Yes. We need a motion to exit in -- to go into executive session.

MR. MASHBURN: So move.

MS. LE: Second.

MS. SULLIVAN: All in favor, please say by -- saying aye.

THE BOARD MEMBERS: Aye.
MS. SULLIVAN: Thank you. We will reconvene at 1 o’clock out of executive session. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: Good afternoon. It is 1 o’clock, and we will reconvene the State Election Board. I will make a motion that we exit out of executive session.

MR. MASHBURN: Second.

MS. SULLIVAN: We’ve got a motion and a second. All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And we are back into regular session.

Next on our agenda is case number 2020-165, Greene County. Ms. Watson?

MS. WATSON: The Greene County Board of Elections and Registration received in November of 2020 ballots from Greene County voter Alyssa Shonte Miller [ph.] that was placed in the June 2020 general election primary envelope. In reviewing the voter’s account, the Elections Office found that no ballot had been sent to the voter for the November 2020 election. Respondent failed to cooperate with the investigation. It is unknown how the Respondent was able to secure an absentee ballot for the November 2020 general election. The Greene County Elections Office did not count the Respondent’s ballot in the November 2020
election due to the discrepancy. Other than the absentee
ballot sent to the Respondent at her address of record on
May 26th, 2020, no other absentee ballots in the
Respondent’s name or any name of any other voter was
mailed to the Respondent’s address for the November 2020
general election. Alyssa Miller stated that whatever came
in the mail, came in the mail. Our recommendation is to
refer Alyssa Shonte Miller to the Attorney General’s
Office for a violation of 21-2-384(c)(1).

MS. SULLIVAN: We have no one here to speak on behalf
of this case. Do any of the Board members have questions
for Ms. Watson? The recommendation is to refer the case
matter to the Attorney General’s Office.

MR. MASHBURN: I move that we accept the
recommendation.

MS. SULLIVAN: I’ll second that motion. Any further
discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. Case
number 2020-170, Bartow County?

MS. WATSON: On November the 9th, 2020, we received a
complaint regarding unsolicited mailed absentee ballots
during the Bartow County 2020 general election. According
to the complaint, a couple received multiple unsolicited
absentee ballots in the mail, and a deceased voter
received a letter in the mail thanking him for his vote. An interview with the complainant revealed the documents that he received in the mail were more than likely applications for absentee ballots and not actual issued mail ballots due to the fact that the description of what was received did not match what an absentee ballot looks like.

Regarding the deceased voter who received a letter thanking him for voting, the complainant did not provide the voter’s name. He was referring to a coworker who mentioned that they had saw it in the letter. The complainant did not provide any information pertaining to the thank you letter. Thank you letters were not mailed by the Elections Office. Our recommendation is to dismiss the cases. There was no allegation substantiated.

MS. SULLIVAN: There is no one here to speak on this case.

MR. MASHBURN: I move to accept the recommendation and dismiss the case.

MS. LE: Second.

MS. SULLIVAN: Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there’s none opposed. Case number 2020-184, Cobb County.
MS. WATSON: Allegation one, Candace Fisher [ph.] alleges that while she was a credentialed voter review panel member, she observed during the voter review panel there were times between October 28th and October 29th when no Republican representatives were present, and the room where voter review panel was being conducted was not secure. There were many boxes stacked 8 to 10 feet high adjacent to the door. There was not -- no security at the door. There was no supervisor of the boxes. An unknown adult male was seen reaching into one of the boxes.

Allegation two, complainant Bailey Bernard [ph.] advised that they requested an absentee ballot which did not arrive. They later received notice that the ballot was rejected because of a signature mismatch. They advised that they did not submit the ballot indicated by the Board.

The mother of Matthew Maloof [ph.] advised that she dropped her son’s absentee ballot into the drop box and went to the office on Friday, October the 30th. She checked online to confirm the following Wednesday and was unable to do so. She later was told that it was rejected for being delivered after the 7 P.M. deadline on Tuesday, 11/3. She additionally advised that the Georgia Voter Hotline said her son never requested an absentee ballot.

Megan Harris [ph.] alleges that Shannon Maloy lived
in Massachusetts and voted in Georgia. Salleigh Grubbs alleges food trucks were at the Cobb County Board of Elections on October 27th and were not nonpartisan. Russell White [ph.] alleges that he never received his absentee ballot. He advised that he has been getting different answers from people with Cobb elections.

Investigation revealed the list of representatives for the review panel was provided, showing adequate representation. There was also alternates available if a representative did not show up. As long as two parties were present, they continued: Republican, Democrat, and Libertarian. The building was equipped with locks, cameras, and an alarm system. Near the rear of the building, the assembled boxes and stacked the empty boxes up for use. There were election employees assigned to the doors to check in those on the voter review panel. The boxes the complainant referred to were empty boxes.

The ballot for Mr. Bernard was not cancelled due to signature mismatch. It was cancelled when it was returned as undeliverable from the Post Office in a letter sent to the requester. The ballot that was requested by Mr. Maloof was for the June election. The June election ballot was voted and deposited in the drop box for the November election. The ballot was rejected, as it was received after the election June deadline.
It was confirmed that the elector Shannon Maloy moved from Cherokee County, Georgia to Massachusetts in September of 2020. She voted in the November 2020 election, as well as the January 2021 election, in Georgia. The elector advised that she believed she had a few months to change her residency for voting.

As for the food trucks, no documentation of this violation was provided or could be located. Cobb County Elections advised to the knowledge the trucks that were at the poll locations complied with the state laws and rules. The elector did request an absentee ballot that was issued and mailed on September 18th, 2020 and then cancelled at the request of the elector on October 18th, 2020, and a second absentee ballot was issued and mailed. No absentee ballot was received back from the elector.

Our recommendation is to dismiss all allegations except allegation four. In reference to allegation four, we recommend Shannon Marie Maloy be referred to the Attorney General’s Office for violation of 21-2-571, and I believe that she has attorney Bruce Maloy that is representing her.

MS. THOMAS: Yes, and he is on the line. You may speak now.

MR. MALOY: Good afternoon. Are you able to hear me okay?
MS. SULLIVAN: Yes.

MR. MALOY: I appreciate this opportunity, and Ms. Shannon Maloy is also on the call today. This has been a misunderstanding. I’m going to walk you through the facts of the situation. I’ve sent each of you a letter that outlines what our position about this is, but Shannon Maloy was born and raised in Georgia, graduated from high school in Georgia, where she was an outstanding student, and she attended Duke University and graduated from Duke in 2019. She is a pre-med major, and her intent all along was to return to Georgia and attend the Medical College of Georgia as an in-state resident paying in-state tuition, so maintaining her residence was something that she paid attention to.

There is a factual misunderstanding in the investigator’s presentation. When she was called on the phone and asked the question when did you move to Cambridge, she said September 2020. She moved to Massachusetts in September of 2019, and the reason she moved to Massachusetts was -- believe it or not -- she didn’t feel that a degree from Duke University was enough to enable her to apply to medical school. I’m glad I went to graduate school 46 years ago. She wanted to enhance her resume, and so she did an internship at a pediatric hospital in Boston, an outstanding pediatric hospital, in
order to be able to improve her chances of getting --
getting into medical school. So she went for the purpose
of this internship, and her intention was to enroll at the
Medical College of Georgia so that she would be starting
next month in September of 2021.

So the statute says under section 5 if a person
removes to another state with the intention of remaining
there an indefinite time and making such state the
person’s place of residence, such person shall be
considered to have lost their residence, not withstanding
the person may intend to return at some indefinite future
period. Well, this was not an indefinite future period.
It had a very definite date attached to it.

But unfortunately, COVID intervened. Taking the
medical college admissions test became very logistically
difficult, and so in February of 2021, Ms. Maloy took a
job with a healthcare company in Massachusetts. After
she’d been there a couple of months and still all the
problems with COVID, she decided that she would stay
there. So in April of 2021 for the first time, she gave
up on the idea of going to medical school and decided to
stay in Massachusetts. She changed her driver’s license.
She was then automatically registered to vote in
Massachusetts as part of that process. Since then, she
has withdrawn -- she has notified the voter registrar that
she is no longer a Georgia resident. She never voted in Massachusetts. She was never registered to vote in Massachusetts. She never had a Massachusetts driver’s license, and she had every intent of coming back to the State of Georgia at a specific time for a specific reason.

So this is a circumstance, you know, this isn’t at all like the woman from Arizona that you had earlier. I mean, one, she’s a lawyer. Two, she ran for public office in Arizona. This is just a student who plans to come back here after furthering her education out of state, and the only appropriate thing for this Board to do is to dismiss this case. If you send this over to the Attorney General’s Office, I would suggest to you, you’re just really not doing your job, and you’re kicking the pan down the road. Shannon Maloy didn’t do one thing wrong, and, frankly, she deserves to be vindicated by this Board. Thank you.

MS. SULLIVAN: Thank you, Mr. Maloy. Do any of the Board members have any questions for Mr. Maloy or Ms. Watson?

MS. GHAZAL: This is Sara Ghazal here. Mr. Maloy, can you re-- go through the timeline again when Ms. Maloy accepted the internship, and how long she had initially intended to remain in Massachusetts?

MR. MALOY: Sure. She began the internship at the
hospital in Boston in September of 2019. She had graduated from Duke University earlier that year, and so her original goal was that she would have started at the Medical College of Georgia in September of 2021, next month. She took a different job in February of 2021, and it’s after having that job for a couple of months that she realized she really liked that and has at the point in time, which is around April of 2021, decided that, you know, I’m not going to go to law -- I’m not going to go to medical school. I’m going to stick with this job. Maybe I’ll go to medical school some time in the future.

MS. GHAZAL: Thank you.

MS. SULLIVAN: Ms. Watson, was the -- does the investigation reflect that the investigator was aware that Ms. Maloy was a student.

MS. WATSON: No. The report indicates that she advised that she moved to Cambridge, Massachusetts in September of 2020 and due to the closeness of the election decided to keep her Georgia residence. We were not -- I was not aware from the report that she was a student intending to return.

MS. SULLIVAN: With this information that she was a student, would that change your recommendation?

MS. WATSON: Yes. Based on that recommendation, I would recommend that we dismiss.
MR. MALOY: And just to clarify one more time, Ms. Maloy was answering the question correctly. She moved to Cambridge, Massachusetts in September 2020. If she’d been asked the question when did you move to Massachusetts, then the answer would have been September 2019.

MS. SULLIVAN: Thank you.

MR. MASHBURN: So this is Matt Mashburn. Just to recap it, she grew up in Georgia, right?

MR. MALOY: Yes, correct.

MR. MASHBURN: She went to high school in Georgia.

MR. MALOY: Yes. Honors graduate, AJC Student of the Year.

MR. MASHBURN: Has she ever voted in a state other than Georgia?

MR. MALOY: No.

MR. MASHBURN: That’s all I have.

MS. SULLIVAN: What’s the will of the Board?

MS. LE: I move to accept Ms. Frances’ recommendation as amended, that is to dismiss.

MS. SULLIVAN: I’ll second that motion. We have a motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there’s none opposed. The case is dismissed. Thank you, Mr. Maloy. The next case is 2020–
194, Floyd County.

MS. WATSON: Yes. Our office opened this investigation after the state-wide audit identified approximately 2600 ballots that the Floyd County Board of Elections and Registration failed to account for in its initial voting count certification. Investigation confirmed that the Respondent, who served as Floyd County’s Chief Elections Official, failed to verify that all memory cards with votes for the November 2020 general election were properly uploaded and reconciled in the election management system. This mishap resulted in approximately 2600 votes not being included in the initial election certification results. Mr. Robert Brady presented to the Board that all votes were accounted for and the vote count could be certified. As a result, the Board certified the vote count. However, the state-wide audit of the votes showed that Floyd County had more ballots than what was reported in the initial vote certification.

On November 17th, 2020, members of the Floyd County Board of Elections and Registration oversaw the rescanning of ballots that was completed on November 17th, 2020, and the results were finalized on November 20th, 2020. Our recommendation is for former Chief Elections Clerk Robert Brady be referred to the AG’s Office for Georgia election
code 21-2-379.11, 21-2-490(3)(b), and SEB rule 183-1-12-.12(b)(6).

MS. THOMAS: We have three people from Floyd County on the line, Ms. Virginia Harman, Ms. Vanessa Waddell, and Melanie Conrad. We’ll first start with Virginia Harman, the Floyd County attorney.

MS. HARMAN: Yes. Thank you. I -- I just wanted to be sure that I understood that the Floyd County Board of Elections and Registration was also a Respondent. Ms. Watson, is there a recommendation as to the Board?

MS. WATSON: In the -- I do see in the report that Floyd County Board of Elections and Registration would be recommended also for the same violations.

MS. HARMAN: All right. Then, -- then, if -- if the recommendation as to the Board is also to refer to the AG’s Office, I would like to -- to address that prior to the Board’s vote. I do have on the -- available today our current Chair of our BOER, Doctor Melanie Conrad, our current interim Elections Clerk -- Chief Elections Clerk, Vanessa Waddell, and I also believe Mr. John Scott Husser [ph.] who was also a member of our BOER last November is online, although he may not have -- have added himself.

But the third member of our Board of Elections and Registration, Doctor Tom Rees, together with the two individuals I just mentioned, submitted affidavits in
support of this investigation, and I just want the Board
to understand that these three individuals made up our
Board of Elections and Registration last November. There
is nothing in the report before you that indicates that
any one of them or them acting as Board failed to meet
their duties at any time last fall. They acted at all
times in keeping with their legal duties and their general
duty to act reasonably and responsibly in the conduction
of the election and in the process of the initial
certification of the results and then subsequently during
the audit when the discrepancy and the returns was
discovered. This Board, you could not ask for a harder
working, more cooperative Board than these folks have been
during all of that process, and Ms. Waddell, our current
Interim Chief, was the assistant Chief Clerk at the time,
rann the -- the January runoff election just superbly.

If you look at the affidavits that were submitted as
part of this investigation, the Board at no time prior to
or during the course of their original certification of
the election results was aware that any problem had
happened with any of our early voting scanners. In fact,
the minutes of the Board of Elections meeting in which
they voted to certify the elections indicate that Mr.
Robert Brady, who was the then Chief Elections Clerk,
reported to them that all machines had -- had performed as
they should have. They inquired of problems, were not
told of any at that time, and they certified the election
results. There was -- I mean, other than to have been on
the floor during early voting when one of the scanners
jammed because a voter had fanned herself with her ballot
-- other than personally being there, there is nothing
that this Board could have done that they didn’t do.

This -- this entire discrepancy in voting, again,
occurred when one particular scanner was jammed. That jam
could not be rectified. Mr. Brady -- later we learned,
only after the initial certification -- consulted with the
Secretary of State’s Office, and when the -- the scanner
could not be utilized again, a new scanner was brought in,
and all of the votes that had been cast up to the jammed
ballot were rescanned. For reasons that I don’t think
anybody has been able to determine to date -- despite the
fact that during the audit when the discrepancy was
uncovered, with my participation and the Board’s
participation, a complete copy with all data and meta data
of what was in our Dominion system at the time has been
turned over to the Secretary of State’s Office. No one
understands why about half of the ballots were scanned and
ultimately counted in the initial report and about half
were not. We don’t know the answer to that.

The key, I think, comes in the investigator’s report
when it appears that the kind of reconciliation that we talked about earlier today in terms of looking at gross numbers of votes for each scanner and gross votes from each polling location -- that kind of simple reconciliation, if it had been done at the time by the Chief Elections Clerk, could have at least uncovered the problem, and it could have been reported to the Board, but that did not happen, and I think that’s a key part of the investigator’s summary that’s before you. This Board did what they were supposed to do, and when the discrepancy was uncovered during the audit, they jumped in to do absolutely everything necessary to ensure that this discrepancy was immediately addresses, and they worked night and day to complete the audit in a timely manner and give good results.

So I don’t -- I do not see anything in the record before you today that indicates any violation of either the Georgia code, the Elections Board rules, or the Board’s general duty of responsible and good faith carrying out their duties as a Board, and I think it would be unfair to them to refer them over at this time. Again, the subsequent actions of the Board indicate a complete cooperation in this process.

We have a new member on the Board. We have an interim director who’s performing incredibly well. We are
in the process of trying to totally restaff and redefine
the duties of our elections folks, revamp our Elections
Office. This Board is doing an incredible job at this
time, as our staff is as well. So I would ask you to
truly consider either dismissing or simply addressing the
Board through letter form as to this particular case
before you. And again, Dr. Conrad and our Interim Chief
Elections Clerk, Ms. Waddell, are online if you’d like to
ask them any questions.

MS. SULLIVAN: Thank you, Ms. Harman.

MS. THOMAS: And we also have Tamera Gromala on the
line. You can speak now. You can unmute yourself. You
can speak now.

MS. GROMALA: I -- I -- can you hear me?

MS. THOMAS: Yes.

MS. GROMALA: Okay. I’m not the Mayor of Gromala.
I’m not sure where that came from, but I am a Georgian,
and I just have -- I really appreciate what she said.

MS. SULLIVAN: I’m so sorry. Who is this that’s
speaking?

MS. GROMALA: I’m sorry?

MS. SULLIVAN: What is your name?

MS. GROMALA: Tamera Gromala.


MS. GROMALA: I have a question. I really thought
that she presented her case well. However, regardless, in my opinion, it should never just be assumed that everything is at the up and up because we have issues, and I demand that it go further and not be dismissed.

MS. SULLIVAN: Okay. Thank you for your comments. Is there someone else?

MS. THOMAS: Meredith Carter? You may speak now.

MS. CARTER: Yes. Yes. Can you hear me?

MS. THOMAS: Yes.

MS. SULLIVAN: Yes.

MS. CARTER: Okay. I’m Meredith Carter. I represent Robert Brady, and I just want to quickly address Ms. Harman’s speech about the Board. I feel if Mr. Brady is going to the AG’s Office, the Board needs to come with us. The -- when the Board was doing their investigation, Mr. Brady was on quarantine. He never even got a chance to answer any of their questions before they started throwing him under the bus as the sole person responsible for the ballots, and they were the ones that had told us they would like a chance to talk with him but still have not communicated with him to ask him exactly what had happened so they could investigate what went wrong with the machines and with the process, with everything and that they are absolutely responsible as long as they are the Board and were supposed to be overseeing the election.
One of their Board members just submitted an article in the paper about Mr. Brady and this hearing today, and in the background, they have a picture of her and another Board member who were absolutely present at the polling location when this was happening, so I dispute that they were not around as Ms. Harman indicated. They were right there with the Dominion -- the Dominion representative in that picture. There's pictures of them there, as well as Mr. Brady.

Mr. Brady denies any -- I'm sorry -- denies any intent to jeopardize this election, and we would -- we welcome the opportunity to go to the AG's Office along with the Board, so the AG's Office can get testimony from all members involved and hear exactly from Mr. Brady's mouth exactly what happened. Thank you.

MS. THOMAS: We have one more person that raised their hand to speak. Mark Swanson, you may now speak.

MR. SWANSON: Yes. Yes. Thank you for recognizing me. I just have a couple of points I would throw in to what the previous person would comment. According to the bylaws of the Floyd County Board of Elections under Article 4, Officers, the Chairman of the Board shall be the chief executive officer of the Board and shall generally supervise, direct, and control the administration of the affairs of the Board pursuant to law
and duly adopt the resolutions of the Board. So I believe that the Board has direct oversight and has been given the authority to have oversight over the elections and that includes any negative issues that come up. They are ultimately responsible for it, and there was a comment made about the -- about the elections being run well. Subsequent to the general election and the runoff contest, there was a discrepancy of votes submitted by Floyd County of three hundred and some odd votes, and that was the single largest percentage discrepancy of votes in the entire state.

Furthermore, we’ve been doing some looking at the records, and it appears that there are outstanding violations of the ballot drop box procedures that were incurred during both elections where un-oathed individuals were picking up ballots. And I’ve also submitted a letter to our county commission that I’ll be happy to provide this body that cites another 15 possible violations of election law that have occurred during the last couple elections, and so I would also recommend that the entire Board be recommended over with Robert Brady.

MS. SULLIVAN: Mr. Swanson, any additional allegations you have regarding elections in Floyd County, you are welcome to -- and please do -- forward your complaints to the Secretary of State’s Office for
investigation, but they will not be a part of this file at this time in this case, but thank you for your comments.

MR. SWANSON: Thank you.

MS. SULLIVAN: Okay. We have two more people that would like to address the Board.

MS. THOMAS: First is Vicky Sutton. You may now speak.

MS. SUTTON: Yes. My name is Vicky Sutton, and I voted in Floyd County on October the 13th in person, and on November the 6th, I checked my voter account, and my vote was not there. So I called the Secretary of State’s Office, and they told me we’re not showing that you voted, and so I called our Elections Office, and they told me that my ballot was upstairs to be counted. Okay. This was on November the 6th in the morning, and I’m, like, okay, and she said, well, give me your phone number, and I’ll call you back when we get it in. And so I did, and at 3:30, I hadn’t heard from them, so I called the Secretary of State’s Office and was instructed to go to the local elections office to see what was going on because there was a 5 o’clock deadline. And so -- excuse me. I’ve been running. I’m sorry. I was out jogging just a minute ago.

So I went into the local elections office here in Floyd County, and I walked up to the desk, gave them my
license. They looked me up. She came back, and she said
-- and this was at 4:30 in the afternoon. She said your
ballot is upstairs to be keyed in, and I said excuse me,
but I voted in person on October 13th. This is November
the 6th. Why is my ballot just now getting keyed in? And
she said did you sign a white piece of paper when you
voted? And I said yes, ma’am, and she said, great. We’ll
going you in, and I said by 5 o’clock? And she said yes.

Well, at 9 o’clock that night, it still wasn’t there.

I contacted Brad Raffensperger --

MS. SULLIVAN: Ms. Sutton?

MS. SUTTON: Yes?

MS. SULLIVAN: I’m sorry to -- I’m sorry to interrupt
you, but the -- the -- what you’re describing right now is
not a part of this particular case. If you have a
complaint that you would like to make against Floyd
County, please submit that as a separate complaint.

MS. SUTTON: Okay.

MS. SULLIVAN: Because these allegations are not
related to the cases that are before us in part with these
allegations --

MS. SUTTON: Okay. I understand -- I completely
understand that. I just heard her say that there was no
problems, you know, reported before they found the 2700
ballots, and that’s what I was trying to tell you. I went
to their office and told them there was problems, and no one’s listening to me.

   MS. SULLIVAN: Okay.

   MS. SUTTON: So I understand that, and I will contact whoever I need to, but that’s the only reason I’m speaking up is because she said that, and I went, no, wait a minute. I went there and told them my ballot was missing, so...

   MS. SULLIVAN: Thank you. Thank you, Ms. Sutton.

   MS. SUTTON: Okay.

   MS. SULLIVAN: And please feel free -- we can open up a separate case if you forward the complaint to the Secretary of State’s Office. Thank you.

   MS. THOMAS: And then we have one more person. Ouida Sams, you may now speak.

   MS. SAMS: Yes. That’s Ouida Sams. I was writing a letter to the Board concerning my concerns about Mr. Brady being so disorganized, and so they knew about Mr. Brady then because several things had happened prior to that, and so I have to agree that they’re doing an excellent job with the new Interim Chief of Elections, but they did know about Mr. Brady and his disorganization and how he had things not in order, and I brought that to their attention on July 8th, 2020 when I sent a letter to Mr. -- to Dr. Tom Rees. During that period, I was the local president
of the local NAACP Floyd County branch, and so they were aware of the problems.

MS. SULLIVAN: Thank you, Ms. Sams. Thank you very much.

MS. SAMS: Now, is there a -- is there a --

MS. SULLIVAN: I’m sorry? Do any Board members have any questions, or are we ready to make a motion?

MR. MASHBURN: I don’t have any questions. I’m ready to make a motion, and that is regardless of anything, the inescapable fact is that but for the audit and the recount, 2600 hundred people’s votes wouldn’t have been counted, and everything in the system is built into the system to try and avoid that happening, and here it happened. So I think that we accept -- I move that we accept the recommendation of the inspectors and refer both Robert Brady and the Floyd County Board of Elections to the Attorney General’s Office.

MS. SULLIVAN: I’ll second that motion. Is there any further discussion?

MS. GHAZAL: Chair Sullivan, I would just like to ask as this -- assuming that this case does get referred to Attorney General’s Office, that there be some attention to whether or not this is a training issue and an issue that the Secretary of State should be addressing more generally, whether or not we should be adopting further
rules to avoid this from happening, or whether this was truly an individual problem that should not recur on the basis of personal changes.

MS. SULLIVAN: Thank you. I agree.

MR. MASHBURN: And it is one of the provisions of 202 that is very important that’s just been passed where the county has to -- has to report how many votes it had cast so there will be a lot of eyes able to check on how many votes have cast versus how many have been counted, and that’s an important detail that 202 has in it.

MS. SULLIVAN: And we have a motion and a second. All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None opposed, and that motion passes. The next new investigation case we have today is 2020-205, Fulton County. Ms. Watson?

MS. WATSON: Yes. In November of 2020, we received 8 complaints regarding the processing of uniform and overseas citizen absentee voting ballots during the Fulton County 2020 general election. Out of those eight, there were three that were confirmed. The first was a voter, Cory Riscek [ph.] requested but did not receive an absentee ballot. Voter Jessica Vaughan’s [ph.] absentee ballot was mailed to her address of record instead of her overseas address during the general election, and voter
Mr. Kim’s [ph.] absentee ballot was mailed to her -- Ms. Kim’s absentee ballot was mailed to her address of record instead of her overseas address during the Fulton County 2020 general election. Our recommendation is for former Fulton County Chief Registrar Ralph Jones and Fulton County Registration and Elections Division be bound over to the Attorney General’s Office for a violation of 21-2-381(a)(2), 21-2-73, preservation of primary and election records, when the Elections Office was unable to find a 2020 general election application for absentee ballot for voter Jessican Vaughan, and SEB rule 183-1-14-.11, when the Elections Office failed to issue an absentee ballot to voter Ms. Kim at her requested overseas address.

MS. THOMAS: We have David Lowman and Shamira Marshall from Fulton County on the line.

MS. SULLIVAN: Go ahead, Mr. Lowman.

MR. LOWMAN: Good afternoon. Good afternoon. With respect to the way that absentee ballots are processed in Fulton County, the department has been reorganized and new positions have been created so the process is different, will be different going forward. So with respect to the three remaining allegations, I would ask that a letter of instruction be issued, and if the Board has any specific questions, Ms. Marshall is online to answer any of those. Thanks.
MS. SULLIVAN: Thank you. Do any of the Board members have any questions?

MR. MASHBURN: No questions, Matt Mashburn. I --

MS. GHAZAL: This is Sara Ghazal.

MR. MASHBURN: -- make a motion that we accept the recommendation. I’m sorry.

MS. GHAZAL: I’m sorry. I just had a very quick question.

MR. MASHBURN: Sara, I’m sorry. I’m sorry, Sara.

MS. GHAZAL: That’s okay. It’s okay, part of the problem with doing these remotely. I -- my question is whether or not any of these voters were advised to do an emergency write-in ballot which is the -- a less optimal but at least a -- a solution that UOCAVA voters uniquely have to avoid being disenfranchised. Was that option made available to these voters?

MR. LOWMAN: This is Mr. Lowman. It’s my understanding that the second allegation that that was what happened and was completed in this case.

MS. GHAZAL: I’m glad to hear that, and I hope that that is a -- a practice that will be pursued. Hopefully, we won’t see cases like this moving forward, but on the other hand, this needs to be standard practice that they are offered to all voters who -- because overseas voters, I have been one myself, and I understand the challenges,
and this option needs to be publicized for folks who don’t
get their ballots.

MS. SULLIVAN: Thank you, Ms. Ghazal. Any further
questions? I believe, Mr. Mashburn, you were going to
make a motion.

MR. MASHBURN: I was going to make a motion that we
accept the recommendation of the investigators and refer
it to the Attorney General.

MS. SULLIVAN: We have a motion. I’ll second that.
Is there any further discussion? All in favor, please say
aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there’s none opposed. That motion
passes. The last thing on our agenda today is the
Attorney General’s report. At this point, I’ll recognize
the Attorney General’s Office to do that, their report.
Ms. Charlene McGowan, please go ahead.

MS. MCGOWAN: Thank you, Madam Chair, and good
afternoon, Board members. For the Attorney General’s
report for this meeting, I’m presenting a number of
consent orders as well as two orders of dismissal for the
cases that are laid out in the agenda. I’m happy to
answer any questions that any of the Board members may
have about individual cases, but it is our Office’s
recommendation that these consent orders and orders of
dismissal be approved by the Board.

    MS. SULLIVAN: Thank you, Ms. McGowan.

    MR. MASHBURN: Unless any Board member has a question, I move that they be accepted in bulk.

    MS. GHAZAL: I second.

    MS. SULLIVAN: We have a motion. Do we have -- we have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MS. SULLIVAN: And there are none opposed, and that motion passes. That concludes our agenda today. I will entertain a motion to adjourn at this time.

    MR. MASHBURN: Move to dismiss -- move to adjourn.

    Sorry.

    MS. LE: Second.

    MS. SULLIVAN: We have a motion and a second, and all in favor, please signify by saying aye.

    THE BOARD MEMBERS: Aye.

    MS. SULLIVAN: And the meeting is adjourned. Thank you all for attending.

    (Meeting adjourned 1:45 P.M.)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 157 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 15th day of September, 2021.

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August 18, 2021

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In The Matter Of:

STATE ELECTION BOARD HEARING

September 21, 2021

Steven Ray Green Court Reporting LLC
1579 Monroe Drive, NE
Suite F, Number 614
Atlanta, Georgia 30324
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 21st, 2021
9:00 A.M.

PRESIDING OFFICER: REBECCA SULLIVAN
VICE CHAIR, STATE ELECTION BOARD

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR, CVR

Atlanta, Georgia
APPEARANCE OF THE PANEL

Rebecca Sullivan, vice chair
Anh Le
Matthew Mashburn
Sara Tindall Ghazal

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany
Frances Watson
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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PROCEEDINGS

MS. SULLIVAN: I believe Ms. Le is on the call.

Please speak, Ms. Le.

MS. LE: Good morning, this is Anh Le. Can you hear me okay?

MS. SULLIVAN: The first -- we’re having a bit of technical difficulties. For purposes of the record, I’m going to take roll one more time. Ms. Ghazal?

MS. GHAZAL: Here.

MS. SULLIVAN: Mr. Mashburn?

MR. MASHBURN: Present.

MS. SULLIVAN: Ms. Le?

MS. LE: Here.

MS. SULLIVAN: Thank you. The first item for action by the Board is approval of the Board meeting minutes. There is -- you all have those Board meeting minutes that have been provided to you that say August 18th, 2021 Board Meeting and Hearing. We did realize that there is a typo that should be corrected on the second page. It should read that the motion passes unanimously with a vote of 4 to 0 instead of 0 to 4. Those numbers are reversed, so at this time, I’ll take a motion to approve the minutes with that change to the minutes.

MS. GHAZAL: So move.

MS. SULLIVAN: Ms. Ghazal has made a motion. Do we
have a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion or any further changes to the minutes? If not, all in favor of approving the minutes with the typo corrected, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? There are none opposed, and that motion passes. The next section on our agenda is public comment on proposed rules. We would ask that each of you limit your -- who have signed up for public comment -- you will be called on. We ask that you limit your comments to two minutes per person, and they should be limited to the posted proposed rules.

MR. NORTHEN: First up for public comment is Jeanne DuFort on rule 183-1-12-.08 and several others.

MS. SULLIVAN: Ms. DuFort, you may go ahead. Has Ms. DuFort been unmuted? You should be able to speak, Ms. DuFort.

MS. DUFORT: Sorry. Thank you. Good morning. My name is Jeanne DuFort. I’m a Morgan County voter and a member of the Coalition for Good Governance. The election cycle of 2020 offered many lessons. To me, the biggest question facing the State Election Board is this: how can the conduct of Georgia elections be improved to build
voter confidence? Nearly eighty percent of one party’s voters do not believe that Joe Biden won Georgia fair and square. That’s a problem for all of us, but especially for you.

When you proposed changes to rule 183-1-12-.08, logic and accuracy testing, why not strengthen the effectiveness of L&A by requiring every combination on every ballot style to be tested on every machine as we did on the old system? It will take time, but L&A is merely election theater with its current shortcuts. When you proposed changes for rule 183-1-12-.12, tabulating results, why wait up to 30 days before reconciling ballots cast with voters receiving credit? Shouldn’t this be done prior to certification? The hand count audit revealed that our counties lack robust canvassing procedures that ensure every vote is included and certified results every time. Reconciling the number of voters and ballots cast should be done before certification or there will be no recourse if and when discrepancies are found.

And what about your Snapchat solution for online ballot applications? Rule 183-1-14-.12, eligibility of application for absentee ballots, says confidential voter information entered into these web-based solution tools or applications shall not be stored. Georgia is already among the worst states for identity theft and substituted
PII for signature is a terrible idea, but a ballot application with no validating trail to audit is worse. Remember when the GBI was able to audit Cobb’s signatures. Election administrators across the state are counting on you to make rules that build not erode voter confidence. Thank you.

MS. SULLIVAN: Thank you, Ms. Dufort.

MR. NORTHEN: The next speaker is Liz Throop, and that was two minutes exactly. Liz will be unmuted momentarily.

MS. SULLIVAN: You may go ahead.

MS. THROOP: Thank you. I’m Liz Throop, a member of Coalition for Good Governance, and I live in DeKalb County. Thank you for your proposed clarifications of 183-1-12-.08. Logic and accuracy testing is vital to running accurate voting. Members of the public should be able to see for themselves the great lengths that workers go to to run smooth elections. The rule allows the public to be present during equipment testing, but we need enough access to make meaningful observations about whether important procedures are being followed.

In one county, when I tried to observe LAT, I was kept behind a barrier more than twenty feet away from any equipment and was too far away to see if printed ballots could be read by the scanners. In another county, I could
only observe ballot-marking devices from the end of a long hallway. Some of the testing was happening more than 50 feet away. Current proposed language that the counties shall not prevent members of the public from thoroughly observing testing could be strengthened. Please say that the superintendent shall ensure that members of the public should have visual access adequate to verify that machine inputs and outputs are accurate and that they should be able to detect discrepancies in the testing results.

I understand the fears about people disrupting equipment testing. The proposed language for 183-12-.08 already states that members of the public shall not interfere, can be asked to leave, and can be cited for interference. Election workers must be protected, and observers who are there for legitimate oversight should be given proper access. Thank you.

MS. SULLIVAN: Thank you, Ms. Throop.

MR. NORTHEN: The next speaker is Sandra Burchardt on 183-1-12-.11. Sandra will be able to speak in just one moment.

MS. SULLIVAN: You may go ahead.

MR. NORTHEN: She has not unmuted.

MS. SULLIVAN: You can unmute yourself, Ms. Burchardt.

MS. BURCHARDT: Thank you for the time to speak. My
name is Sandra Burchardt. As a law-abiding legitimate voter in Fulton County, I could not be more disappointed and concerned by the conduct of the Fulton County Commissioners. First, they negated the justified firing of Richard Barron by the Fulton Election Board and rehired him. Then, [sound cuts out] Chairman Pence validated the justification for Kathy Lillard through as Chairman of the Fulton Election Board. The entire --

MS. SULLIVAN: Ma’am, do you have any comments regarding any of the proposed rules?

MS. BURCHARDT: This is --

MS. SULLIVAN: At this time -- at this time, we are receiving public comment regarding the rules that have been posted for public comment. If you have any comments regarding the proposed rules, please go ahead.

MS. BURCHARDT: It’s concerning the conduct of the elections.

MS. SULLIVAN: I’m sorry. This public comment period is reserved to comments on the proposed rules. We’ll move on to the next speaker. Thank you.

MR. NORTHEN: Next speaker is Victoria Salvia. Victoria is allowed to speak now and may unmute herself.

MS. SULLIVAN: You may go ahead. You should be able to unmute yourself.

MS. SALVIA: Hello. Okay. Great. Hi. My name is
Victoria Salvia, and I am a resident of Fulton County. I am speaking on the proposed rule of conducting elections, and basically, for the real elephant in the room, this election process as it stands is incredibly antiquated and unnecessarily complicated. There’s no doubt in my mind that the technology exists for an efficient, streamlined, and fair election process.

To put it simply and briefly, each election can begin to use smart contracts utilizing block chain technology with each registered voter having his or her individual QR code. The results would be recorded, trackable, and not able to be duplicated. Each person would be able to submit their vote in person or online. There would be no room for -- there would be no room for confusion and discrepancies and inefficiencies that exist today. More details to come on future calls. Thank you for your time.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Thank you. Next speaker is Susan McWethy. Susan, you should be able to unmute yourself.

MS. MCWETHY: Hello? Good morning.

MS. SULLIVAN: Yes. You may go ahead. We can hear you.

MS. MCWETHY: Thank you. I’m speaking as a poll worker today about my concerns for the rules for provisional voting. Among the many jobs I’ve performed at
the polls, provisional clerk is one that I found particularly important in enabling everyone a chance to cast a ballot. We were never allowed to turn a voter away. SB 202 has severely complicated provisional voting. It restricts in-county out of precinct voters to the last two hours of the voting day or 5 o’clock P.M. to closing. In my experience, voters arrive all day long from various precincts within the county and for multiple valid reasons. Many people need to vote close to where they work. Precincts can change at the last minute, so voters turn up at the wrong place through no fault of their own. Voters with limited transportation lack flexibility to get to their assigned polling places.

In additional to the 5 o’clock P.M. or later rule, the new law forces voters who need provisional ballots earlier in the day to complete sworn statements wit -- excuse me -- witnessed by a poll official stating that they are unable to vote at their correct polling place and give a reason, as well as completing an official voter registration form and a provisional ballot voting certificate that requires information about the place, manner, and approximate date on which the person registered to vote. I don’t know about most of you, but I couldn’t tell you any details about my registering to vote after moving to Georgia almost 30 years ago. I certainly
don’t remember where I did it or the manner in which I did it. These unnecessary hoops that provisional voters must jump through are nothing less than a very devious form of voter suppression. Provisional ballots should be available in county -- to in-county out of precinct voters all day long, and those voters shouldn’t have to provide superfluous details.

MS. SULLIVAN: Ma’am, your two minutes have elapsed, if you would wrap up.

MS. MCWETHY: Okay. I understand that this is now the law, but I would like the State Election Board members and the public to be fully aware of the absurd burdens that this law places on voters. Terrible --

MS. SULLIVAN: Thank you.

MS. MCWETHY: -- it needs to be abolished. Thank you.

MR. NORTHEN: Thank you. The next speaker is Scotty Crow. Scotty, you should be able to unmute yourself.

MS. SULLIVAN: Please go ahead.

MR. CROW: Hi. Good morning, y’all. My name is Scotty Crow. Thank you for the time. I’m a voter from Fulton County. I just want to start by thanking you all on the State Election Board for drafting these proposed rules to give guidance to our counties for essential components of voting such as ballot processing,
provisional ballots, and absentee ballot applications. As a voter, however, I have to say that I feel some confusion over many changes in process from SB 202 and how the changes are going to affect upcoming ways that voting is facilitated and managed across the state, and so I just want to urge you all to make a concerted and full effort to provide thorough information, support, and direction for election administrations throughout the state so that we can retain the trust in the system that led to the record turnout we saw in this past year’s election. Part of that election -- part of that trust is the relationship that I and other voters across the state have in our local county BOEs, and I ask you to continue to support our counties and the great work they’re doing to support voters.

As a previous resident of Glenn, Bleckley, and now Fulton County, I really have carried this trust in my county BOE through different elections and urge this continued support to the counties across the state. Lastly, I’ll just say that I believe that the goal of today’s work should be to expand and continue to make our elections as accessible as possible to all eligible voters. One example of a clarification that I think is needed from today is a timeline and framework for notifying voters of ballot defects or rejected ballots, so
thank you for the time. I urge you all today to make our elections carry a sense of access to folks at every level of the process across the state. Thank you.

MS. SULLIVAN: Thank you, Mr. Crow.

MR. NORTHEN: Next speaker is George Balbona. You should be able to unmute yourself there.

MR. BALBONA: George Balbona, Cobb County. I’m going to speak about storage and L&A testing. On March 30th, 2021, I witnessed boxes of election records under seal unlawfully delivered to the Cobb BRE without the approval or even the knowledge of the Cobb County Superior Court. Janine Eveler explained, quote, the boxes are housed in our warehouse but are under the control of the court. My staff member called the warehouse and asked for them to be brought to West Park. They will be returned, and everyone has been informed that we do not have jurisdiction of those boxes, unquote.

The mere fact that a county BRE employee can order like a pizza election records which should be under the control of the superior court is utterly unacceptable. Under the current conditions, the proposal to keep security sealed numbers away from the public is untenable. Georgia currently hides election records under seal with county superior courts. While I appreciate election records being retained for 24 months, the fact that only
people with financial wherewithal to conduct a lawsuit will even be given the opportunity to seek a superior judge’s approval to view election records whose sole purpose is transparency and accountability is truly shameful.

L&A testing must be required after any changes are made to voting equipment, especially when equipment leaves the chain of custody of a county election department. Janine Eveler stated that someone took 200 poll pads off site to update their voter list files the Sunday prior to the June 9th, 2020 primary election, yet Janine has no documentation of this. Supposedly, the first duty of the SEB is to obtain uniformity in the practices and proceedings of superintendents and county election officials. Nevertheless, the SEB allows some Georgia counties to utilize Easy Vote software and others to go without. While Easy Vote CEO Ron Davis would like for us all to believe that Easy Vote software is not used for voting, clearly, he’s --

MS. SULLIVAN: Thank you, Mr. Balbona. Your time has elapsed. Thank you.

MR. BALBONA: -- Easy Vote are utilized -- no. Actually, I have a full two minutes -- 159 Georgia counties should either utilize the same Easy Vote software or none at all, and if any Easy Vote software is to be
used in Georgia, it must be certified and have L&A testing conducted.

MS. SULLIVAN: Thank you, Mr. Balbona.

MR. NORTHEM: Next speaker is Doctor Janice Johnston.

DR. JOHNSTON: Thank you for the opportunity to speak. The duty of the State Election Board is to, quote, take action consistent with law to be conducive to the fair, legal, and orderly conduct of primaries and elections. Last month, this Board took the important first step by acting to form a performance review board of Fulton County Registration and Elections. For the past 8 years, Richard Barron has been the director conducting these elections. His performance --

MS. SULLIVAN: Dr. Johnston, do you have any comments regarding the proposed rules?

DR. JOHNSTON: Yes. This is about conducting elections and Richard Barron’s poor performance. He meets the criteria --

MR. MASHBURN: What -- what rule is that, please?

DR. JOHNSTON: It is --

MR. MASHBURN: What rule is that, so I can follow along, please?

DR. JOHNSTON: 183-1-12-.11.

MS. SULLIVAN: If you would please keep your comments to the proposed rule.
DR. JOHNSTON: Georgia code states that --

MS. SULLIVAN: Just about the proposed rule.

DR. JOHNSTON: The proposed rule 183-1-12-.11,

Georgia code states that the Chair of State Board of
Elections must be nonpartisan. It’s only fair that the
same should be true for the Chair of Fulton County
Election Board. Kathy Willard’s appointment is a conflict
of interest which is too great. Willard’s bias is too
blatant. Fulton County residents will consider every vote
as partisan and suspect. Kathy Willard meets the criteria
for disqualification --

MS. SULLIVAN: Ma’am, thank you for your comments.

These are not related to the proposed rules. We’ll move
on to the next person who’s signed up for public comment
regarding one of the proposed rules.

MR. NORTHEN: Next speaker is Helen Butler. Helen,
you should be able to unmute yourself.

MS. BUTLER: Good morning, and I’m speaking on rule
183-1-14-.12. The State of Georgia requires third parties
to use the same absentee ballot application form provided
by the Secretary of State. Therefore, to require a
disclaimer that it is not an official government
application -- publication is misleading. These absentee
ballot applications are accepted by county election
officials because they are official county government
publications, so this claim -- disclaimer is likely to
discourage voters and -- because they may feel they are
not going to receive a correct ballot. If you would like
to have a disclaimer, maybe it should read it was sent by
or provided by a third party instead of saying it is not
an official government publications. And perhaps it would
be also good to promulgate a rule that the rules for
publishing these applications be on the Secretary of State
and the county’s website so that third parties will know
the requirements. Thank you so much.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Thank you. The next speaker is Saira
Draper. You should be able to speak or unmute yourself.

MS. SULLIVAN: Please go ahead.

MS. DRAPER: Yes, hello. Can you hear me?

MS. SULLIVAN: Yes.

MS. DRAPER: Okay. Hi. Good morning. My name is
Saira Draper, and I’m the Voter Protection Director at the
Democratic Party of Georgia. My comment is regarding
proposed rule 183-1-12-.18 on provisional ballots. In my
job, I spend a lot of time explaining SB 202 to voters,
and by far, the new rule regarding out of precinct
provisional ballots is one of the most complex to explain,
and it’s one of the most difficult ones for voters to
understand, and to be clear, the DPG was adamantly opposed
to the rule while SB 202 was being drafted. However, now that it is law, we want to ensure that voters are not disenfranchised simply because they do not understand these complex changes or because poll workers don’t understand these complex changes and inadvertently give bad advice.

So to that end, we have a low tech, common sense solution that we propose. If a voter is told that they are not in the correct precinct, we propose that a poll worker provide a letter to the voter explaining what would happen to the voter if they were to vote a provisional ballot, and in this way, the voters have the information they need to make an educated decision and then poll workers are always providing accurate information. I have provided the Board with an example of such a letter that could be provided to voters. I hope that you will consider adopting it and incorporating this change into 183-1-12-.18. Thank you very much.

MS. SULLIVAN: Thank you for your comments.

MR. NORTHEN: Next speaker is Aileen Nakamura.

MS. NAKAMURA: Good morning. My name is Aileen Nakamura. I’m a voter from Fulton County and a member of the Coalition for Good Governance. On June 15th and July 13th this year, I observed tabulation procedures for a special election and runoff in Cobb County. For both
elections, absentee ballot scanning and tabulation
occurred on Election Day starting at 5 P.M. When I
arrived, I had to surrender my phone at the check-in desk
before I was allowed in, and no laptops were allowed. We
were sequestered in the tabulation room until the polls
closed at 7 P.M. These procedures are vital in ensuring
that election observers and others involved in the
tabulation process such as poll workers, partisan ballot
duplication team members, partisan vote review panel
members, and partisan tabulation monitors do not have any
means of communicating to the outside world any
information pertaining to election results that they may
have gleaned from handling ballots, scanning them, and
other tabulation activities.

I’d like to remind you that prior to the pandemic,
absentee ballots were not scanned until early on Election
Day and only with these kinds of sequestration procedures
in place. COVID prompted the number of absentee ballots
to balloon, and because the public and media clamor for
election results immediately, the Secretary of State
decided to allow early absentee ballot scanning without
these types of important security measures in place. So
now that SB 202 has codified the early scanning of
absentee ballots starting two weeks before Election Day,
how will you guarantee that information about vote trends
will not get out? Poll workers, ballot duplication team members, vote review panel members, and observers certainly cannot be sequestered for two weeks, and phones and laptops will be available every time they walk out of the tabulation room. For Georgia to have truly fair and secure elections, I believe the SEB must promulgate rules that will prohibit early scanning unless sequ -- I’m sorry, sequestration of those involved is possible for the duration of the scanning. Otherwise, counties should not be scanning or tabulation absentee ballots until Election Day. Thank you.

MS. SULLIVAN: Thank you, Ms. Nakamura.

MR. NORTHEN: The next speaker is Traci George. Traci, you should be able to unmute yourself.

MS. GEORGE: Yes, good morning. My name is Traci George, and I reside in Augusta, Georgia, Richmond County. I would like to thank the SEB for drafting proposed rules that seek to provide guidance to counties on important issues such as ballot processing, provisional ballots, and absentee ballot applications. I would love to see more work to clarify these proposed rules, especially after SB 202 has changed many election processes. I hope that you guys will do the job to provide support and direction for local elections administration. For instance, the SEB should work to make sure elections are as accessible as
possible through actions like creating rules on timelines for notifying voters of ballot defects. The SEB must focus on supporting Georgia counties and Georgia voters, not on subverting the will of the people by oversee -- overseeing any takeover of any county board of elections. Thank you, guys. Good morning.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Marilyn Marks.

MS. MARKS: Good morning. Thank you, Election Board members. I’m Marilyn Marks, Executive Director of Coalition for Good Governance. We trust you received our comments yesterday on the early scanning of ballots and L&A testing. Regarding the early scanning, the proposed rule like the underlying law makes compliance by the counties impossible. The act of scanning is also the act of tabulating. They cannot be separated as the proposed rule commands. Additionally, the practice of early scanning invites election manipulation by numerous people including partisan-appointed monitors and officials who can see the voting trends as ballots are being opened and scanned. That valuable information is just too easily disclosed to interested parties. I’ve served as an election worker in a small jurisdiction and was pressured by candidates to disclose what I had observed in early scanning. The same thing will happen in Georgia, and
election workers and election monitors will be pressured by campaigns for that valuable early information.

Further, SB 202 permits this early scanning but without even an adequate provision in the law or rules that would prevent disclosure of the trends observed by the monitor or worker or press. The only prohibition is a disclosure -- upon disclosure relates to the actual results but not the early trends, so without clear prohibitions, why wouldn’t the press report on the trends they observed as ballots are being scanned in the days and weeks prior to Election Day?

The ban on tabulation prior to Election Day is inconsistent with the permission to scan ballots two weeks before Election Day. This conflict must be resolved by the General Assembly before the Board promulgates this rule to permit early scanning which conflicts with the ban on pre-Election Day tabulation. Scanning is tabulation. We urge the Board to discourage counties from early scanning until such time as the General Assembly crafts new legislation to address the impossible conflict and bad public policy underlying the early scanning concept.

Thank you.

MS. SULLIVAN: Thank you, Ms. Marks.

MR. NORTHEN: The next speaker is Lauren Waits.

MS. WAITS: Good morning. Can you hear me?
MS. SULLIVAN: We can. Yes.

MS. WAITS: All right. I really appreciate this opportunity for public comment. I’m speaking to request more clarification of the timelines and the standards to address voter errors in the new rule. I’ve lived in Fulton County for 22 years. Before that, I spent 10 years living in DeKalb County. I have voted in every election that has taken place in those places, and my experience has been -- for the most part been very, very good. I appreciate the hard work of the staff in every season. I also thank the hard work that’s gone into drafting the new rules. I have voted in person. I have voted early. I have voted same day, absentee, and by mail. My two children both registered as soon as they turned 18. I have also assisted my 84-year-old father with his mail-in ballots.

My concern is that the rules currently are not clear enough to address voter errors in the application and on ballots. I think it’s really important that we have standard timelines across the counties, turnaround times for resolving and addressing those errors with all of these important new rules. There would be no need for a takeover. We can do things just fine in Fulton County. Thank you very much.

MS. SULLIVAN: Thank you.
MR. NORTHEN: The next speaker is Patty Nathan.

MS. SULLIVAN: You may go ahead. Ms. Nathan, you should be able to unmute yourself.

MS. NATHAN: Can you hear me now?

MS. SULLIVAN: We can.

MS. NATHAN: Okay. I’m a Fulton County resident, and I’m just -- I’m talking about the county board takeover. The nation is watching. The State of Georgia --

MS. SULLIVAN: Ma’am, -- ma’am. This period of public comment is limited to the proposed rules for public comment.

MS. NATHAN: Okay. Thank you. Sorry.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker is Debra Thompson.

MS. THOMPSON: Yes, thank you. The guidelines as I see it are mostly 65 pages of waste, that voters will be denied their right to vote. What about guidelines for notifying voters of ballot defects in a timely manner or new guidelines for a faster turnaround for getting absentee ballots in the hands of voters? We can’t pretend that an absentee ballot request can be received 11 days before an election, processed, mailed back, received by a voter, completed, and returned by mail in time to be counted. Speaking from personal experience, it has taken over a month for me to receive an absentee ballot in the
past. I have exercised my right to vote in every major
election for the last 48 years. 43 of those have been
here in Georgia.

 Millions of voters like myself have been unhappy with
the outcome of many elections, but we have accepted
results and moved on. Never have the results been
questioned or flat out our denied, and there has never been
seen a need to overhaul the process.

 MS. SULLIVAN: Ma’am, do you have any comments
regarding the proposed rules?

 MS. THOMPSON: This is about the rules, and why the
rules are needed in the first place. It seems that we see
that these guidelines are offered to fix something that
isn’t broken. It is really an attempt to take over the
Fulton County Election Board, a blatant attempt by
Republicans to squash --

 MS. SULLIVAN: Thank you for your comments.

 MS. THOMPSON: At every turn, the --

 MS. SULLIVAN: Thank you for your comment.

 MR. NORTHEN: The next speaker is Laura Walker.

 MS. WALKER: Yes, hello. My name is Laura Walker, and I’m a voter in Muscogee County. I’m also a very
involved elections -- local elections office volunteer in
normal election times and during the recounts and the
audits, and so I’m here today just to encourage you to
make -- let these elections offices and these local workers feel as supported and as informed as they possibly can be. They are the ones doing the heavy lifting here during our elections, and with the changes and with SB 202 becoming law, they deserve all of your work to make sure that they have clear, you know, clear information about these changes -- excuse me -- so that they can conduct the elections competently. I want to thank you for keeping accessibility of voting at the top of mind.

And as I close, I want to encourage you also to remember that some parts of our country look at Georgia and think that we have a high level of integrity in our Secretary of State’s Office and our State Election Board, and that’s an important thing. So when you’re creating -- when you’re at this meeting today and you’re addressing each of these specific rules and how you can communicate them better or find the instructions better for your elections offices, keep in mind that your family is looking at you, and they know your integrity. Your state citizens and your legislators expect full integrity, and the country also looks to Georgia to have elections rules and elections officials that promote integrity. Thank you.

MR. NORTHEN: Thank you. The next speaker is Robert Fredrick.
MR. FREDRICK: Hi, my name is Robert Fredrick. Can you hear me?

MS. SULLIVAN: Yes, we can.

MR. FREDRICK: Yes. I’m a voter from DeKalb County, and I’d like to thank the SEB for drafting proposed rules that seek to provide guidance to counties on important issues such as ballot processing, provisional ballots, and absentee ballot applications. However, more work is needed to clarify these proposed rules, especially after SB 202 changed many election processes. I hope that the SEB will do its job to provide support and direction for local elections administration. Further, the SEB must focus on supporting Georgia counties and Georgia voters, not subverting the will of the people by overtaking -- overseeing takeover of the Fulton County Board of Elections. It is important to not politicize the voting process, especially any actions from SEB that might diminish the county election boards. Thank you.

MR. NORTHEN: The next speaker is Angie Thomas.

MS. THOMAS: Morning. Can you hear me?

MS. SULLIVAN: We can.

MS. THOMAS: Yes. Thank you so much for all of the work that you’ve done already with, obviously, the ballot processing, the provisional ballots, absentee ballots. I’m talking as a private citizen, and also, I’ve been a
volunteer for the elections. In fact, I participated in the recounts, and so any rules or things, it seems like geez, we’re going to just keep counting until we can find something wrong to -- another viewer’s point was about -- was about that. People think sometimes Georgia is idiots [sic] because we keep doing all these different things. Thank you for the things that you do to help to make it easier, the rules. It’s going to be so important how those rules are communicated, and especially looking along with the absentee voting and all the changes with SB 202 there and to make sure that indeed they are short and clear, that those rules are short and clear, and help to make it easier and more fairly and, of course, legally, the right -- right to vote.

With all the pressure that you all get from national, please pay attention to these local elections and the will of all of us, all of us Georgia voters, and not the will of the Fulton County Board of Elections. Please do everything to not get things turned over there and to indeed go by our votes. Thank you so much for your time.

MR. NORTHEN: Next speaker is Alyssa Specht. You should be able to unmute yourself.

MS. SPECHT: Yes, good morning. My name is Alyssa Gonzalez Specht. I’m the Election Integrity Counsel at the Republican National Committee. The RNC submitted a
comment with respect to the notices of the proposed rule amendments. The RNC supports the proposed rules by the Georgia State Election Board with a few exceptions. The proposed rules amendments to the rule 183-1-14-.12, eligibility of application for absentee ballots, creates safeguards and requirements for those applying to -- for absentee ballots.

However, section 2 of the AB application rule allows for voters to request an absentee ballot via web-based tool or application. The RNC has concerns regarding this amendment to the rule because it fails to state that the identifying information in section 1 is required to request an absentee ballot using the web-based tool or application. To avoid any uncertainty, we encourage the SEB to add the identifying language from section 1 or otherwise make it clear that those fields in section 1 apply to the online application process. Additionally, the rules should be amended further to require or specify that the only web-based tool or application that will accept absentee ballot applications will be provided by the Secretary of State. The SEB -- there -- therefore, as I stated in my comment, you will see that it should specify that only web-based tools or applications provided by the Secretary of State will allow otherwise voters to request an absentee ballot, et cetera.
The SEB has a critical role under Georgia law to ensure elections are conducted uniformly, accurately, efficiently, and transparently. These proposed rules amendments, new rules, and enactment of S -- SB 202 help restore this confidence in Georgia elections administration process. We urge you to consider our suggested modifications regarding the web-based tool application processes and support the rest of the proposed rulemaking. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Caroline Stover.

MS. SULLIVAN: Ms. Stover, you may go ahead. You should be able to unmute yourself.

MS. STOVER: Okay. I’m unmuted, and good morning. I actually want to be very brief because I really just want to second a lot of the things that have already been said by my fellow voters. I’m a voter and resident of DeKalb County. I’m thanking the SEB for drafting these rules to provide guidance, but I’m very concerned, as others voters seem to be, about the rules on timelines for notifying voters if there’s a problem with their ballots. Please, I’m imploring the SEB to work on that. Also, to focus on supporting the Georgia counties and Georgia voters and by not subverting the will of the voters by overseeing takeovers of county boards of elections, so that’s all,
and I thank you very much for this time for public comments.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Alan Meil.

MS. SULLIVAN: You may go ahead. You should be able to unmute yourself.

MR. NORTHEN: It looks like Alan is no longer on the call. The next speaker is Jane Crain.

MS. SULLIVAN: Ms. Crain, you may speak.

MS. CRAIN: Thank you. I am a community voter registration volunteer in DeKalb County and have been for some ten years. This ongoing issue that we seem to have with the validity and faith in absentee ballot is just astounding to me. This new absentee ballot application is an improvement over the last attempt by the Secretary of State, but the most confusing aspects of voting relate to the identification and how you provide it. The section 7 is about the same size on the form as the more threatening sections 8, 9, and 10 telling voters how they can be prosecuted and how many hundreds of thousands of dollars they’ll have to pay. I even took this to one of the election offices, and the person there said that frankly, they don’t understand why this is configured in this way and why it is so confusing when really if you have a driver’s license or a state ID, all you have to do is put
the number in the boxes. The rest of this is just not applicable at that point.

A voter ID -- if the issue of all this overhaul has been to make our election more secure, then why is it that five acceptable forms of identification are not even photo IDs? It’s very confusing on page 2 of the application to figure out what it is that you are supposed to return and how you would make it fit inside this little box. The fact remains the clerk told me oh, no, just put it on the regular sized piece of paper and --

MS. SULLIVAN: Thank you, Ms. Crain. Your time has elapsed if you want to wrap up.

MS. CRAIN: I do want to wrap up. I want to thank the State Board for taking this on with very little support, and you guys are really our lifeline for this. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Terri Wright.

Theresa Wright, you should be able to unmute yourself.

MS. WRIGHT: Yes. My concern is the -- the oversight that you have on these rules. We obviously in Floyd County have a very partisan election board, and instead of leaving that for the counties, can’t the State somehow put in a rule that we have bipartisan election boards. That way, there is oversight. There is a little more fairness
in the election, and these rules are all fine and good, but where is the oversight for these rules? That is my big concern. You guys have a done a great job. Again, my concern is there is no oversight, and we are seeing that in Floyd County.

We’ve been for three months trying to get all of our violations heard in the county, and the representatives from the State, deaf ears. It’s falling on deaf ears, so somehow, we need an alternative way to reach the State with all these violations. We have at least 120 violations that are being ignored in Floyd County right now.

MS. SULLIVAN: Thank you, Ms. Wright. Do you have any comments regarding the specific rules that were posted for public comment?

MS. WRIGHT: And -- and that was it. It was about the rules completely as a whole, that you have some type of oversight over them, and I do appreciate that maybe you could add to those rules sometimes that you have control, that there is no bi -- that there is bipartisan in the election boards. Thank you very much for your time.

MS. SULLIVAN: Thank you, Ms. Wright.

MR. NORTHEN: The next speaker is Denise Williams. Ms. Williams, you should be able to unmute yourself.

MS. WILLIAMS: Good morning. My name is Denise
Williams, and I’m a voter in Cobb County. I’m also a longtime elections volunteer. I wanted to discuss proposed rule 183-1-12-.18. I’m over 65. 2020 was my first time voting absentee. I found the process to be easy, convenient, and accessible. The SEB rules that we’re discussing today are based on SB 202, which in my opinion deny accessibility, ease of voting, and convenience. I’d like the SEB to focus its energy on increasing turnout as well as secure, safe, and convenient elections. That’s my comment for today.

MS. SULLIVAN: Thank you, Ms. Williams.

MR. NORTHEN: The next speaker is Collette Frix. Ms. Frix, you should be able to unmute yourself.

MS. FRIX: Thank you. I’m a registered voter in DeKalb County, and I have a disability. In fact, I feel quite intimidated after hearing everybody else speak so well. But thank you for holding this call today, and I hope that you would have another one at night, so that people who aren’t available during the day could participate at night.

But I’m asking you to make sure that the guidelines are understandable by disabled voters. Part of my disability is that some days, my brain thinks very well. I used to be a CPA. And other days, it does think well at all, and sometimes, disabled voters need things stated
very clearly and a little less legalistically. So if you would consider the needs of disabled voters as you’re making your guidelines, that would be very helpful, and it would also be helpful if something was sent to us directly -- to the citizens directly without us having to look for -- like, I haven’t received anything in the mail or online about this SB 202, and so it would be nice if I had beforehand.

But the main thing is just that -- oh. Another thing is that I have enough time to correct --

MS. SULLIVAN: Ms. Frix, your time has elapsed if you want to just wrap up really quickly.

MS. FRIX: Yes, ma’am. Sometimes, people with disabilities, our signatures are not always the same every time, and so if you would just consider the needs of people with disabilities as you do your guidelines, and thank you so very much for all of your hard work.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker is Ann O’Mara.

MS. SULLIVAN: You may go ahead. You should be able to unmute yourself. Ms. O’Mara? You may go ahead. Okay. We’ll move on to the next person.

MR. NORTHEN: That is it. That is it for people that have replied before the cutoff at 9:05 as stated on the screen.
MS. SULLIVAN: Okay. Thank you so much. Public comment has now closed on the proposed rules. The next item on our agenda is to consider the proposed rules that were posted for public comment. At this time, I’m going to ask Mr. Germany with the Secretary of State’s Office to address the rules that were posted. You may go ahead.

MR. GERMANY: Thank you, Madam Chair. This is Ryan Germany. I’m the General Counsel for the Secretary of State’s Office. The rules that have been posted and we just received public comment on after -- I’ll do a quick review of those rules, and then based on the public comment we received, we do have some suggested amendments to the rules. I would ask that the Board post the rules -- or adopt the rules as posted, and then we’ll -- and then I’ll go through the proposed amendments that we’ll post for public comment. The amendments are clarifying and non-substantive changes, so if the Board adopts the rules as posted, they’ll be in effect for the November municipal elections, which I think will be helpful.

But just to do a quick recap, and I’ll remind all the members we’ve had additional Rules Working Group meetings prior to this meeting, and we’re working on some additional rules that are -- that are not ready -- that are unfortunately not ready for this meeting, but the rulemaking process continues. There are additional
subjects that we’re working out rules on including some of
the subjects that were brought up in public comment, so I
appreciate all of the -- the commentors and just know that
additional rules implementing SB 202 are forthcoming.

The rules that have been posted, as a brief reminder,
are changes in SB 202 to logic and accuracy testing.
Those are changes to 183-1-12-.08, changes in 183-1-12-
.11, dealing with the tracking of wait times of lines,
183-1-12-.12 -- this implements some of 202 regarding
the posting of what I’d refer to as a denominator rule,
posting the total number of votes cast, and also defining
the shall not cease requirement, shall not cease counting
requirement in 202 to clarify that reasonable breaks are
allowed. 183-1-12-.13 deals with storage and returns and
is a rule about how ballot images are now public, and that
needs to be -- counties need to be able to provide those
in Open Records Requests. 183-1-12-.18 are the changes to
provisional ballots regarding the changes to out of
precinct voting. 183-1-14-.12 deals with eligibility of
an application for absentee ballot, talking about
basically the changes on the absentee ballot application.
Then, there’s an additional change to 183-1-14 regarding
the early scanning procedure. Those are the rules that
have been posted and that I would ask the Board to adopt
at this time, and then after that, if the Board --
depending on the will of the Chair, I can get into the
amendments to the posted rules that I would ask the Board
to adopt or to post for public comment.

MS. SULLIVAN: Thank you, Mr. Germany. We appreciate
your assistance and the assistance of the Secretary of
State’s staff in putting together these rules, as well as
the Rules Working Group that has worked so diligently on
them. At this time, would any of the Board members like
to make a motion to adopt the rules that we’ve just
discussed as posted?

MR. MASHBURN: This is Matt Mashburn. I move that
the rules be adopted as posted.

MS. SULLIVAN: Thank you. We have a motion. Is
there a second?

MS. GHAZAL: This is Sara Ghazal. I will second this
because it’s absolutely critical that counties have rules
that they need for municipal elections, but I -- with my
second, I want to comment how important it is to get these
right, so I expect that we will be seeing a lot of new
rules and hope that -- that both the members and the
public will be engaged in making sure we do get these
rules right moving forward for the entire season coming
up, which there’s going to be a tremendous amount of
pressure on the counties because so much is changing. So
we owe it to the counties to get this right and to do it
as expeditiously as possible.

MS. SULLIVAN: Thank you. We have a motion and a second. Is there any further discussion regarding this motion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And are there any opposed? Thank you. That motion passes. At this time, Mr. Germany, I would appreciate it if you would address some of the amendments to the rules that we just adopted.

MR. GERMANY: Thank you, Madam Chair. What I’m about to present are the rules -- the amendments to the rules that were just adopted that I would ask the Board to vote to post for public comment. These are based on some of the comments that we received regarding the posted rules, and like Ms. Ghazal just said, I think the rules that were just adopted are really kind of a foundation, and I expect there to be potentially even further amendments to -- to those rules, and, of course, we’re working on other rules as well, and I -- I do expect this to be a process where that will continue to be perfected for the next few months at least and probably into next year as well.

The first amendment is an amendment to rule 183-1-12-.12, tabulating results, and the amendment is to section (b)(4), and it’s based on a comment that we received from some county election officials regarding SB 202’s
requirement that counting shall not cease. I think in the
law, that -- that requirement is not meant to apply to
provisional ballots and UOCAVA ballots that come in after
the -- the regular deadline for elections. So what this
rule does is clarify the no counting can of course cease
prior to those -- those being tabulated because counties
have three days to research and then -- and then tabulate
provisional ballots that are being accessible and, of
course, UOCAVA ballots can come in if they’re postmarked
by Election Day up to three days after the election, and
so those -- those obviously can’t fall into the shall not
cease requirement. So the proposed language in there just
clarifies, I think, that requirement based on comments
from the elections officials. We appreciate those
comments.

The -- the next amendment is in section (c)(1) of
that rule, and, again, it’s trying to clarify the new
rules regarding the denominator rule, as I call it, that
the county as quickly as possible post the total number of
votes cast -- or total number of votes submitted by the
election deadline, and it just clarifies the type -- the
votes that are counted in that denominator from the
precincts, trying to tie it back to the previous section
of the rule.

Next section is to section (e) of that rule -- next
amendment is to section (e) of that rule, the reconciliation report. This is based on a comment from the counties as well. The changes to the rule is instead of no later than 30 days, it says as soon as possible but no later than 30 days upon the certification of election results, the county should -- should submit a reconciliation report. This is based on a comment from counties given the runoff schedule and how that initial 30 days from election deadline could complicate that. I want to add too that I think one of the rules that we are thinking at the Rules Working Group level is a rule about canvassing. This reconciliation report is not in lieu of canvassing, just it should occur before certification if it does occur, so I think that’s another thing, and one of the public commentors mentioned it, that leads to -- we need to make sure that that’s happening as well, and that could be a topic for us to ensure uniformity in that process across the state.

The next section where I would ask the Board to post a proposed amendment for public comment is rule 183-1-12-.13, storage and returns. This deals with the ballot images public records requests, and this is based on a comment from counties that -- the amendment is that the superintendent shall not use any media provided by the public, that the superintendent shall use their -- their
own media and may charge the actual cost of the media, and that’s just to ensure security.

The next amendments are changes to rule 183-1-12-.18, provisional ballots, and these are clarifying the new rules regarding -- or the new law regarding out of precinct voting. These amendments are just to make -- to make it clearer that -- well, there’s two things. We want to attempt to make kind of clearer structure of the rules. If a person shows up in the wrong precinct in their county, but makes a good faith belief that they should be assigned to that -- to the correct -- to the precinct where they are, that they should be offered a provisional ballot. The other thing that the amendments do is clarify that any voter in line prior to the regular closing time of the polls, if they cast a vote, that vote is cast -- deemed cast prior to the regular closing time of the polls, that that’s existing law in practice. So it’s just a clarification on that front.

The next amendment is to rule 183-1-14, eligibility of application for absentee ballot, paragraph two of that -- in that rule, based on a comment from the RNC that the absentee ballot application, that web-based tool or application should allow people to fill out the application, but if the -- they have to be the application described in paragraph one, which includes all the
identifying information. Of course, the -- SB 202 requires all absentee ballot requests to be -- to utilize that application, and so I think that works, and this is just clarifying -- clarifying that based on that comment.

The final amendment is to paragraph 3 of that rule to clarify that application sent by the -- absentee ballot applications sent by the elections or registrar at the request of the elector do not need to maintain the -- the disclaimer that the law requires, and I would mention also that I think there was -- there was a public comment about the language of the disclaimer that I think was well put, and that’s something that -- that we can discuss at the Rules Working Group. Unfortunately, the language is in the statute, and so that’s something that we’re going to try to work with the General Assembly, I think, to clarify. Those are all the amendments to the posted rules that I would ask -- or I should say to the adopted rules now that I would ask the Board to -- to post for public comment.

MS. SULLIVAN: Thank you. Do any of the Board members have any questions or comments regarding these proposed amendments? Mr. Mashburn, go ahead.

MR. MASHBURN: Thank you. I just have one question of clarification. Ryan, when you said that the storage media issue related to security, I assume that means when
someone making that request shows up and says, hey, put that on my flash drive here, and the flash drive contains a bug or a virus. We’re stopping that from happening; correct?

MR. GERMANY: Right. Yeah, apparently people -- well, probably in an attempt to be helpful -- will send in media the county can use, and this is just to clarify that no, the counties are not -- are not allowed to use that. They have to use their own -- their own media that can ensure the security of the votes.

MR. MASHBURN: Thank you.

MS. SULLIVAN: Do any of the other Board members have any questions or comments regarding these amendments?

MS. GHAZAL: My only comment is that public comment is really helpful. Early public comment is even more helpful to give all of us time to review it, so...

MS. SULLIVAN: Thank you, Ms. Ghazal.

MR. MASHBURN: I move to post the amendments for public comment.

MS. SULLIVAN: Yes. Mr. Mashburn has made a motion to post the amendments to these rules for public comment. Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor of posting
these rules -- of these amendments for public comment, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and those new amendments to the rules adopted earlier will be posted for a public comment period. At this time, we’re going to take a five-minute break. It’s 10:10. We’ll be back at 10:15. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: I will bring this meeting back to order after our brief break. The next item on our agenda is the investigations reports, and we’ll start with the consent cases. We have two cases that I know that we will pull off for discussion. That will be SEB case number 2020-130 and SEB case 2021-122. As is our custom, we will pull off any of the cases from this block that any of the Board members would like to speak to or would like to pull off for individual discussion.

MS. GHAZAL: This case was mentioned, right, Madam Chair, 2020-130? Yes.

MS. SULLIVAN: Thank you. Ms. Le, are there any cases you would like pull off the agenda for individual discussion?

MS. LE: No. Not at this time, but I did not hear
the cases -- was it Ms. Sara who pulled off some cases? I didn’t get those numbers.

MS. SULLIVAN: It’s -- it’s 2020-130, DeKalb County, ADA requirements.

MS. LE: Thank you.

MS. SULLIVAN: Do we have any individuals who have signed up to speak regarding any of the consent cases?

MR. NORTHEN: Ms. Christine Law [ph.] has signed up to speak on the Henry County 2020-296 case. However, that is -- that’s been continued.

MS. SULLIVAN: Yes. That case is -- Ms. Law, SEB 2020-296, Henry County, has been granted a continuance, and we will not be considering that case today.

MR. NORTHEN: As a reminder, folks, many of you guys are raising your hands. If you wish to speak on these cases, and you are related to the case or affiliated, please submit your name and the case number in the Q&A box, as well as your affiliation to the case. Thank you.

MS. SULLIVAN: Okay. So we’ll pull off -- we’ve pulled off SEB 2020-130 and SEB 2021-122 for further discussion. 2020-010, Lee County, and 2020-296, Henry County, have both been granted a continuance. We have a recommendation to dismiss the remaining cases on our con -- consent calendar today. Would any of the Board members like to make that motion?
MR. MASHBURN: So move.

MS. SULLIVAN: Mr. Mashburn has made a motion. Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. Ms. Watson, if we can go ahead and discuss SEB 2020-130, if you wouldn’t mind presenting that.

MS. WATSON: Okay. We received a complaint from a DeKalb County voter alleging that at the Tucker Library polling location, they did not have any protocols in place for assisting the blind. The voter alleged he requested assistance of poll workers and was told they could not assist him. He states a random person was recruited to assist him by the poll workers. Poll workers state that a female voter had overheard the conversation and volunteered to assist the gentleman, and he accepted the assistance and proceeded to -- to vote. The oath section on the disabled voter’s application requesting assistance was signed by the complainant and by the person assisting, and we found that there was insufficient evidence to support a violation of the state election code, and we’re recommending a dismissal. The voter also alleged that due
to the assistance from the person that they also did not
provide him the secrecy of the ballot.

MS. SULLIVAN: Thank you, Ms. Watson. Do any of the
Board members have any questions for Ms. Watson? Ms.
Ghazal?

MS. GHAZAL: Yes. I -- I don’t question your
findings that there was no technical violation, but I do
feel that this voter’s rights were violated, perhaps not
necessarily by the -- the poll workers, but this can’t be
the answer. Right? We’ve seen repeatedly before this
body, before committees, the legislature from
representatives of the disabled community, people who are
officially disabled, we’ve had comments today from a
disabled voter that their needs are not being met by our
policies and procedures, so that’s why I wanted to pull
this case and discuss it a little bit more in detail. It
can’t be the right answer that a voter has to rely on a
stranger in line to cast their ballot and that they lose
their right to a secret vote. Aren’t our machines set up
to allow sufficiently impaired voters to be able to cast a
ballot independently, and if they are, why weren’t they
prepared to do so at the polling station? I just -- we’ve
got a lot more work to do to make sure that our disabled
community is able to participate freely and independently
in the election process.
MS. SULLIVAN: Thank you, Ms. Ghazal.

MS. LE: Madame Chairman? This is

MS. SULLIVAN: I believe we have one person who would
like to -- oh. Go ahead, Ms. Le.

MS. LE: I just wanted to state for the record I will
recuse myself from this case, please.

MS. SULLIVAN: Okay. I believe we have one person
who has signed up to speak to -- regarding this case.

MR. NORTHEN: Irene Vanderels, you should be unmuted
and able to speak.

MS. VANDERELS: Thank you. Good morning.

MS. SULLIVAN: Go ahead.

MS. VANDERELS: Thank you. This is Irene Vanderels.

I’m the counsel for the DeKalb County Board of
Registration and Elections and just wanted to provide a
bit more detail regarding this case. It is my
understanding that the voter in question did receive
assistance in completion of the absentee application for
absentee in person voting but was assisted by the -- by
the elections staff in actually completing the vote using
the voting equipment. So there -- my understanding is
that staff deferred to the volunteer voter who assisted
completion of the application, just to the extent that is
helpful to the Board in considering this case. I just
wanted to pass that information along.
MS. SULLIVAN: Thank you. Do you have any questions, Ms. Ghazal?

MS. GHAZAL: So -- so in fact, it was the personnel -- the polling place personnel who -- do you know if they utilized the visually impaired audio capabilities of the machine, or did they cast the vote on behalf of the voter?

MS. VANDERELS: My understanding is that they assisted in using the visually impaired machine, but I can confirm that if the -- if the Board would like. I’m not a hundred percent sure, but that’s my understanding.

MS. GHAZAL: I think that would be helpful, particularly as we move forward. If we need to either formulate better rules with regard to assisting disabled voters or perhaps in informing the training component of what the Secretary of State’s Office is -- provides for counties, I think it would be very helpful to have more detail to know exactly what more is needed moving forward.

MS. VANDERELS: Sure. I’d be glad to confirm that information in -- in this particular instance with the poll manager about what equipment was used.

MS. GHAZAL: Thank you.

MS. SULLIVAN: Thank you. The recommendation is to dismiss this complaint. Would any of the Board members like to make that motion?

MR. MASHBURN: I move that we accept the
recommendation and dismiss the complaint.

    MS. SULLIVAN: We have a motion. Is there a second?

    MS. GHAZAL: Second.

    MS. SULLIVAN: A motion and a second, any further discussion? All in favor, please say aye.

    THE BOARD MEMBERS: Aye.

    MS. SULLIVAN: And any not in favor, please say no.

Please let the record reflect that Ms. Le recused herself from this case and did not vote. That motion passes.

Next is SEB case 2021-122. Ms. Watson, if you wouldn’t mind presenting this case.

    MS. WATSON: Yes. On August the 10th, 2021, we received a complaint that a Fulton County voter, Ms. Julie Blanchard [ph.], voted during the November general election in Georgia and requested an absentee by mail ballot for the January 2021 election and was residing in Texas. The investigation revealed that Julie Blanchard states she considers her residence to be in Georgia. She states her husband owns a home in Texas, that they do spend time there. She has a Georgia driver’s license and Georgia vehicle registration, owns property in Atlanta, and has utilities in her name. She has a business in Georgia and pays Georgia income taxes. Our recommendation is for the case to be dismissed with no violation.

    MS. SULLIVAN: Thank you, Ms. Watson. Do any of the
Board members have any questions regarding this case for Ms. Watson? Are there any members that want to speak on this case?

MR. NORTHEN: Counsel to Julie Blanchard is on the line if comment is necessary.

MS. SULLIVAN: Would you -- the motion -- the recommendation in this case is to dismiss the complaint. Would anyone like to make that motion?

MR. MASHBURN: I move that we accept the recommendation and dismiss the complaint.

MS. SULLIVAN: And I’ll second that motion. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. Moving on, the next item on the agenda is the letter cases. The recommendation is to issue a letter of instruction in those three matters. Would any -- we normally vote on those in a block unless any member of the Board or public would like to pull that off for individual discussion. Would any members of the Board like to pull off any of the letter cases for individual discussion at this time, and do we have any members of the public who are signed up to speak regarding one of these cases?

MR. NORTHEN: We have two members of the public. One
for SEB 2020-057 and one for 2020-266.

MS. SULLIVAN: Okay. We’ll go ahead and consider each of these cases individually then. Ms. Watson, would you mind presenting SEB case 2020-057?

MS. WATSON: Yes. We received the following complaints for Henry County. Complainant Barry Millchair [ph.] submitted an application to receive an absentee ballot for the May 19th, 2020 general primary election to the Henry County Elections and Registration Office by email. Barry Millchair did not receive an absentee ballot, and he was disenfranchised from voting in the election was the complaint. The complainant Sanjin Vorjees [ph.] reported on October the 12th, 2020 a poll watcher took a photograph at the Henry County Elections and Registration Office during advance voting. The photograph was posted on the Henry County Republican Party Facebook page. Sanjin Vorjees provided a screenshot of the photograph. The Henry County Elections and Registration Office contacted the Secretary of State’s Office about two fraudulent registration applications that were submitted to their office. The applications were submitted in the names of Natalie Harris and Christopher Parker.

Investigations into allegation one and three were not substantiated. In reference to allegation two,
investigation revealed that Nargis Halter, while acting as a poll watcher, did take a photograph of herself and another poll watcher at the Henry County Elections and Registration Office during advance voting. Halter admitted taking the photograph and placing the photograph on the Internet. Halter advised she was not aware she could not take the photograph, and we also were not able to confirm that there were any voters at the poll during — when the photo was taken. We’re asking that allegations one and three be dismissed, and Ms. Halter, Nargis Halter, the poll watcher, be issued a letter of instruction.

MS. SULLIVAN: Thank you. And who do we have here to speak on this case?

MR. NORTHEN: Ms. Halter was signed up for public comment and just dropped off the call about forty-five seconds ago.

MS. SULLIVAN: Okay. The recommendation is to issue a letter of instruction to Ms. Halter. She is no longer with us. Okay. She is no longer with us on the call. Would any of the Board members like to make a motion in this case?

MS. GHAZAL: I move that we accept the recommendation.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any
further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. SEB 2020-266.

MS. LE: Madam Chair, this is Anh Le. I’d like to recuse myself from this case too, please.

MS. SULLIVAN: Okay.

MS. WATSON: On December the 15th, 2020, we received a complaint that a voter was unable to scan and read the information contained in the QR barcode printed on his ballot. During interviews with Todd and Wyatt Thompson, they both confirmed that they scanned and photographed the QR barcodes on their ballots. They provided written statements, and Todd provided a copy of his photograph. During the course of this investigation, it was revealed that Todd Thompson did not receive credit for voting in the November 2020 general election until after he contacted the Election Office on 12/02/2020 to inquire about his voting record. It was determined that poll manager Jill Shopshire [ph.] failed to enter credit for voting information into Election Net when he early voted on October 12th, 2020. Our recommendation is for voters Todd and Wyatt Thompson be issued a letter of instruction for 21-2-413(e) and for Dekalb County Elections Director Erica Hamilton and poll manager Jill Shopshire be issued a
letter of instruction for SEB rule 183-1-12-1.19(3) for failure to enter credit for voting in the November 3rd, 2020 election prior to November 3rd.

MS. SULLIVAN: Do any Board members have any questions for Ms. Watson? And who do we have to speak on this case?

MR. NORTHEN: Todd Thompson is on the line, and he should be able to unmute himself.

MS. SULLIVAN: Mr. Thompson, if you would like to speak, you may unmute yourself and speak now.

MR. THOMPSON: Thank you. Can you hear me?

MS. SULLIVAN: Yes. We can hear you.

MR. THOMPSON: Thank you for hearing me. This is -- yeah. I was -- the reason I took a photograph of my QR code, obviously, it’s of nobody in the election precinct, but we wanted to confirm that our -- I guess it was the Dominion I had not seen before -- you know, it was going to register our vote because in the 2020 election, the poll official actually asked to see my vote and took it and said he would process it. I had never seen the Dominion election process. Previously, it had always been just the electronic cards. I received a note in the mail saying my election -- I should say my voting record was mediocre -- probably by some political campaign, and so I called the Board of Elections, and they said and confirmed
that I had not voted in the early elections, which
concerned me. So that’s why we took the -- took the
photographs of the QR code, so no malicious intent but
just concern about the integrity of our election and --
and the vote.

MS. SULLIVAN: Thank you, Mr. Thompson. Are there
any other individuals?

MR. NORTHEN: No.

MS. SULLIVAN: Thank you. Do any of the Board
members have any questions for Mr. Thompson? The
recommendation is that letters of instruction be issued in
these -- in this case. Would any Board member like to
make that motion?

MS. GHAZAL: I move that we accept the
recommendation.

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Is
there any further discussion? All in favor, please say
aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And let the record reflect that Ms. Le
recused herself, but that motion passes unanimously.
Then, SEB case 2021-029, the recommendation has been made
to issue a letter of instruction in this case. Would any
of the Board members like to discuss this case
individually? There are no members here to speak on this case. I’ll make a motion that we issue a letter of instruction in case 2021-029 as recommended.

MR. MASHBURN: Second.

MS. SULLIVAN: My motion is seconded. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed so that motion passes unanimously. Moving on to the new investigation cases, SEB 2018-104, Habersham County. Ms. Watson, if you would please present that case?

MS. WATSON: Yes. This complaint stems from the race for House District 28 runoff in December of 2018. Candidate Gasaway filed a contest to the election results asserting 21 votes had been illegally cast. The Board ruled that there was insufficient evidence of violations regarding 17 of those listed. The judge ruled that 4 listed did have sufficient evidence of possible violations for their ballots cast in Habersham County. Elector Carrie Acres [ph.] was determined by the courts to have voted in Habersham while residing in Banks County. Elector Constance Franklin [ph.] was found to have voted out of district. She did list the new address correctly on the voter certificate presented to the poll worker. The voter had moved in October of 27 [sic] and had time to
correct her voter registration prior to going to the polls.

Elector Candance Bower [ph.] was found by the Superior Court to have moved within the County of Habersham in 2017 but outside House District 28. She did complete a change of address at the polls in May of 2018. When she went to vote for the runoffs, she assumed the Elections Office had updated her voter registration and did not realize she was voting out of district. Again, at the runoffs, she notified the poll worker again that her address had changed.

It was also alleged that Michael C. Berrell [ph.] had voted twice during early advance voting. Both had similar signatures on each. Mr. Berrell was shown the first absentee ballot application when he went to vote the second time and advised the first part of the signature looked like his, but the second part did not. Mr. Berrell volunteered to provide handwriting samples to our investigators. They were submitted to the FBI for handwriting analysis. The results of the analysis was inconclusive. The dates of the votes were November 28th and November 30th.

Our recommendation is for Carrie Acres to be issued an order to cease and desist and a public reprimand for 21-2-571. She has not voted since 2018. And Constance
Franklin and Patricia Bower to be issued a cease and
desist and public reprimand for 21-2-218(c).

MS. SULLIVAN: Has anyone signed up to speak
regarding this case?

MR. NORTHEN: Mr. Gasaway is present and should be
able to unmute himself.

MS. SULLIVAN: Mr. Gasaway, you may speak now.

MR. GASAWAY: Can you hear me?

MS. SULLIVAN: Yes, sir. Go ahead.

MR. GASAWAY: I would just like to state my name is
Dan Gasaway, and I’m a resident of Banks County, Georgia.
I was the state representative from 2012 to 2018. I was
the candidate, as she’s already mentioned, who brought the
successful election challenge. In addition to the illegal
voting and corruption and criminal activity that’s already
been highlighted, there were numerous examples in this
case that we discovered after the case was over. In
addition, the Superior Court judge missed a lot of the
criminal activity in this case. I’ve not been interviewed
by anyone, and to my knowledge, my attorney has not been
interviewed by anyone about this criminal activity. Over
a year ago, I asked this Board to use their bipartisan
voice to get the Justice Department to come into Georgia
and help us because we have tremendous criminal activity
by election superintendents and election board members as
well as county commissioners impacting elections all over
Georgia. My case is just one glaring example of where
this corruption has changed the outcome of a state
legislative race.

So again, I ask you to consider this. I have heard
your plans to deal with these criminal voters. I don’t
think until we start prosecuting people, we’re going to
see improvement in the State of Georgia. I appreciate
your service to the State of Georgia, and I would be glad
to talk with any of you about this publicly or privately.
Thank you.

MS. SULLIVAN: Thank you for your comments. Do any
of the Board members have any questions?

MS. GHAZAL: Yes, yes.

MS. SULLIVAN: Ms. Ghazal, go ahead.

MS. GHAZAL: On allegation one, Carrie Acres, Ms.
Acres was in the process of -- she -- if I get this --
correct me if I get the facts wrong. She had sold one
residence and was in the process of building a second
residence, but in the meantime was temporarily staying
outside of the county with her parents; is that correct?

MS. WATSON: Yes.

MS. GHAZAL: My reading of 21-2-217 is that a person
who is temporarily residing outside of the county but does
not have an intention to remain there does not necessarily
lose their residence, and therefore, I think it is -- I’m not certain I agree with the opinion that she had actually changed residence formally outside of the county, when her stay was necessarily temporary. And I say this knowing that we have looked at other cases in which -- particularly students but also other voters who were temporarily outside of the state even for purposes of employment, they did not give up their residence. So I just want to make sure that we are treated similarly situated voters in a similar manner. This has no bearing at all on the fourth case, obviously, because, you know, the voter was doing that. Our purview is not the behavior of the voter. So I would just ask my fellow Board members to consider both our treatment of other voters and also the -- the language of 21-2-217.

And in allegation two, Ms. Franklin, can you clarify when she moved in relation to the date of the -- the primary?

MS. WATSON: She moved in October of 2017.

MS. GHAZAL: And in May of 2018, she provided her new address to the -- to the Board; is that right? When she filled out the absentee ballot application for early voting?

MS. WATSON: That’s correct.

MS. GHAZAL: Did the county update her records at
that point?

MS. WATSON:  She was not updated in the system.

MS. GHAZAL:  Right. But she affirmatively provided
her information to the county at that time?

MS. WATSON:  She did.

MS. GHAZAL:  So that -- at that moment, she did
fulfill her duty to inform them, not within thirty days,
but she filled -- she provided it prior to the November
election.

MS. WATSON:  That’s correct.

MS. GHAZAL:  Those are my only questions.

MS. SULLIVAN:  Were there any other questions by any
of the Board members?

MS. GHAZAL:  Sorry.

MS. SULLIVAN:  Go ahead.

MS. GHAZAL:  I did have one more question. In
allegation four, where there -- the voter was -- somebody
voted twice under -- under the voter’s name. Was it ever
clarified how E-net -- how -- how the county actually
allowed that to happen in E-net? If there was an
application, an absentee ballot application in the voter’s
name, and then he came in person; is that correct?

MS. WATSON:  For Mr. Berrell?

MS. GHAZAL:  Yes, for Mr. Berrell. One was an
absentee by mail and one was in person?
MS. WATSON: Yes.

MS. GHAZAL: Was the county cited in this case at all for -- because this seems to be -- seems to be an error on the part of the county as well? Perhaps not on the part of the voter but certainly on the part of the county, or not?

MS. WATSON: Right. We do not have the -- we do not have the county cited with a violation.

MS. GHAZAL: And in allegation two, I believe the county should have been cited for failure to update the voter’s information in E-net. That’s what led to the wrong ballot being issued and the wrong -- and the vote being invalid.

MS. SULLIVAN: Is there anyone here from the county to speak? They were not -- were they gi -- they were not given notice of a cite, so we can bring that -- that back with a continuance. Do you want to continue the entire case or --

MS. GHAZAL: Yes. I would say that we continue it. I move to continue this case.

MS. SULLIVAN: Ms. Ghazal has made a motion to continue SEB case 2018-104. Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: We have a motion and a second. Any further discussion? All right. All in favor, please say
aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and we will bring this case back at our next meeting. SEB case 2019-004 has been given a continuance. The next case on our agenda is 2020-025, Liberty County. Ms. Watson?

MS. WATSON: Yes. This case was previously presented at our last meeting. The attorney for Liberty County was not able to speak at that meeting due to audio issues and has requested to be able to address the Board. Would you like for me to just do a brief recap of what this case was in reference to?

MS. SULLIVAN: Yes. That would be helpful. Thank you. And as well as the disposition.

MS. WATSON: Yes. The allegations were that there were multiple poll locations that did not open on time, and our recommendation and what the Board decided was to refer the case to the Attorney General’s Office for violation of 21-2-403 for failure to open polls on time, and also the delayed time ranged from 10 minutes up to 2 hours in opening, and the reasons provided were power, poll pads, and setup issues. The setup issues refer to inadequate training of election workers in setting up the machines and related accessories, and a petition was filed by Liberty County, and the polls were extended on the date
of the election.

MS. SULLIVAN: Thank you, Ms. Watson. We have the attorney from Liberty County here to speak, and we’ll try this again. His name is...?

MS. WATSON: Kelly Davis.

MS. SULLIVAN: Kelly Davis? Kelly Davis is not here. Is there any other member of the public that’s here to speak regarding this case?

MR. NORTHEN: No one has followed instructions to submit their name and case number through the Q&A function, so if they are here to speak on this case, they will not be able to do so today.

MS. SULLIVAN: If there is anyone here to speak regarding this case, can they raise their hand?

MR. NORTHEN: Kelly Davis is calling in, I’ve just been told.

MS. SULLIVAN: Okay. We need to let Kelly Davis --

MR. NORTHEN: Yeah. Okay.

MS. SULLIVAN: And at this time, any member -- any member of the public who is here and would to speak to one of these cases, you can still go ahead and notify us in the Q&A that you’re here to speak to one of the cases that are coming up on our agenda. Please do so. Indicate the case -- your name, the case number, and your affiliation with the case.
MR. NORTHEN: Okay. Kelly Davis should be able to unmute themself now.

MS. SULLIVAN: You may go ahead, Kelly Davis. You should be able to unmute yourself and speak.

MR. NORTHEN: There is currently one phone caller. That person has been given access to speak.

MS. SULLIVAN: Ms. Davis [sic]? Kelly Davis, we believe that you have been unmuted. You should be able to speak. Yeah, all right. We’ll go ahead and come back to this case. Go ahead?

MR. NORTHEN: Ronda Walthour, who submitted the message, reminded me to allow that person to speak.

MS. SULLIVAN: We do have someone who would like to -- who is signed up to speak to this case. Ronda Walthour?

MR. NORTHEN: They sent in a message on behalf of Kelly Davis. Can we just see if they --

MS. SULLIVAN: Yes.

MR. NORTHEN: All right. Ronda, you should be able to speak.

MS. WALTHOUR: Good morning. Yes. Hi.

MS. SULLIVAN: Who is this?

MS. WALTHOUR: He’s trying to call in. Hold on just a second. Kelly, go ahead.

MR. DAVIS: Hey, can you hold your phone up so that I can speak to the Board? I still can’t unmute.
MS. WALTHOUR: Can you all hear him now?

MS. SULLIVAN: We can -- we can hear him. Please go ahead.

MS. WALTHOUR: They can hear you, Kelly.

MR. DAVIS: All right. My -- my apologies, Board members. Good morning. I appreciate the opportunity to briefly address you, and I think at your last meeting when this matter was heard I was concerned that the case presentation neglected to mention two important facts that I think are relevant to your decision. I think the first, briefly alluded to by Investigator Watson that was not at your first meeting -- and that was the remedial action that was taken on Election Day to obtain an order from the Superior Court extending the hours of all affected polling locations, and that was for a period equal to the length of interruption that was experienced at each of those locations. Additionally, extensive post-election performance audits of the election were conducted by both the Board and my office with outside assistance from a consultant and following these reviews, the Board took action to ensure that future elections were administer -- administered without any meaningful interruptions of polling place operations, and the measures implemented by the Board were entirely successful, and the administration for the November election was about as close to perfect as
we could hope to obtain.

But most importantly, and I’m sure this might have been addressed by other cases or other counties that experienced similar problems, but I think the Board should take into consideration the unprecedented historic challenges presented by the June election with which we’re all familiar. It’s obviously an understatement to say that these circumstances strained our election system, but notwithstanding these extraordinary challenges, election workers in Liberty County and around the state, I think, performed heroically and also at great personal risk. I think this should not be forgotten, and so for that reason, as well as the successful remedial measures taken, I ask that the State dismiss the case without any further action, but if you feel compelled to take action other than dismissal, I ask that a letter of instruction be issued, and I’m happy to answer any questions, and thank you for your time.

MS. SULLIVAN: Thank you, Mr. Davis. Do any of the Board members have any questions for Mr. Davis? This case has been referred to the Attorney General’s Office already, so unless any of the Board members want to make a motion for reconsideration at this time, there is no action required by the Board regarding this case.

MR. MASHBURN: I think the attorney’s presentation
was very -- very well-made, and I always appreciate counties when they -- when they go and work very hard after things happen to correct things, and I’m really pleasantly receiving the information that their last election went -- went very well and nearly flawless, but that being said, I don’t see a purpose to reopen this when it’s already over at the Secretary of State -- I mean, the Attorney General’s Office and being handled over there. But I do want to heap praise on counties that take actions to fix things, and it’s great to hear that it turned out well.

MS. SULLIVAN: Thank you, Mr. Mashburn. Thank you, Mr. Davis.

MR. DAVIS: Thank you for your time, Board members. I appreciate it.

MS. SULLIVAN: All right. We’ll move onto the next case, SEB 2020-036, Long County. Ms. Watson?

MS. WATSON: Yes. We received multiple complaints concerning the June 9th, 2020 election in Long County. All of the allegation were not substantiated with the exception of the following: in -- Mindy Register [ph.] alleged an elector named Hamilton Evans [ph.] was reported he voted twice in the election. An investigator later learned that electors Glenda Lynn Davis [ph.], Ernest Walker [ph.], Kenneth Luscolet [ph.], Diane Luscolet
[ph.], and Cornell Palmer [ph.] were also repeat voters in the election. House Representative Jeff Jones alleged Long County Elections Supervisor Tranina Harris [ph.] failed to notify the Secretary of State’s Office at least seven days prior to scanning absentee ballots prior to the Election Day on June 9th, 2020. During a review of election documents for the investigation, it was found that seven applications for a person voting did not list the type of identification provided and confirmed for the voter.

In regards to allegation 6, investigation revealed that the listed 6 electors in Long County, Hamilton Evans, Glenda Lynn Davis, Ernest Walker, Kenneth Luscolet, Diane Luscolet, Cornell Palmer, were repeat voters in the June 9th, 2020 general primary election. During an election contest hearing, it was verified that two voters -- two votes were cast by the six voters, as their absentee ballots were not properly cancelled or other curative action taken, and the court ruled that only one voter may have had nefarious intent.

Cornell Palmer and Kenneth and Diane Luscolet advised they thought it was two different elections. Diane asked the poll worker if they could verify if she had already voted, as she could not recall if she may have voted, and the poll worker advised they had no way to verify, and
Diane asked what do you want me to do? And she was advised to complete the affidavit and to vote. Ernest Walker does not recall voting twice in the same election but seemed confused when answering questions. His daughter, present during the interviews, advised her father had previously had a stroke. Glenda Lynn Davis did not recall voting twice but advised if she did, it was not intentional.

Hamilton Evans advised he went with his wife on Election Day, and when he went to the poll, they asked him for his identification, and he handed it to them, thinking they would see that he already voted during advance voting. He was issued a voter access card and proceeded to vote, knowing that he had already voted in the election. Mr. Evans then told Sheriff Nobles [ph.] what he did and that he was not trying to do anything illegal, but there was a flaw in the system that allowed him to vote twice.

In regards to allegation 17, investigation revealed that Long County Elections Supervisor Tranina Harris failed to notify the Secretary of State in writing at least seven days prior to processing the absentee ballots prior to Election Day. In regards to allegation 18, investigation revealed that seven applications for in-person absentee voting were not marked by poll workers to
indicate the type of identification provided by the elctor. All other allegations were unsubstantiated. Our recommendation is for Hamilton Evans, Glenda Lynn Davis, Ernest Walker, Kenneth Luscolet, Diane Luscolet, Cornell Palmer be referred to the AG’s Office for 21-2-572, repeat voting, and Long County Board of Elections and Registration and Tranina Harris, the Elections Supervisor, be bound over for violation of 21-2-590 and SEB rule 183-1-14-0.9-.155, processing absentee ballots prior to Election Day, and SEB rule 183-1-12-.11(2)(a), when the poll officers failed to verify the identity of the person that was voting for seven electors.

MS. SULLIVAN: Thank you. Are there any members signed up to speak -- any members of the public? No one has signed up to speak regarding this case. Do any of the Board members have any questions for Ms. Watson or any comments?

MS. GHAZAL: Yes. Ms. Watson, can you tell me if the voters had inquired as to whether or not they had previously voted? And the reason I say this is it’s really important to understand the context of this because this was the primaries in 2020 where the presidential preference primary started in March, early voting had started, and then it was halted. It was combined. It was rescheduled for May and then happened in June, so it was
an incredibly complex electoral environment even for those
of us who are fairly well versed in this, much less a
regular voter. So can you just explain for me one more
time which voters had actually asked to research whether
or not they had previously voted because they could not
remember?

MS. WATSON: Diane Luscolet asked the poll worker if
they could verify if she had already voted as she could
not recall. She may have voted already, and the poll
worker advised they had no way to verify. Diane asked
what did was she wanted to do and was advised to complete
the certificate and to vote. And Cornell Palmer, Kenneth
and Diane Luscolet advised that they thought it was two
separate elections.

MS. GHAZAL: Thank you. And is there any -- any
evidence as to how -- how the system allowed this to
happen? How it was that their votes did not appear on E-
net when they went to check in as voters?

MS. WATSON: The credit for if they voted early
absentee -- the -- it should have been uploaded to show in
the system.

MS. GHAZAL: Correct. Okay. Is the county being
cited for this?

MS. WATSON: Yes.

MS. LE: Ms. Watson, this is Anh. I have a question.
Were there sample ballots posted that Ms. Luscolet and others could have viewed to see if it was the same ballot they voted before in that same election, please?

MS. WATSON: Yes. Sample ballots were posted.

MS. LE: So the voters could have viewed and seen if it was something that had cast a vote on; correct?

MS. WATSON: They would have been able to view the sample ballots. That is correct.

MS. LE: Thank you.

MS. SULLIVAN: What is the pleasure of the Board?

MR. MASHBURN: I move that we accept the recommendation -- the recommendation made for all cases.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: This is Anh, and I’ll second it.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And any opposed? And that motion passes. We’ll move onto the next case, which is SEB 2020 --

MR. MASHBURN: I’m sorry, Madame Chair.

MS. SULLIVAN: Yes.

MR. MASHBURN: If I might have just a second, I was thinking I might want to also move that we send the one
with nefarious intent, Hamilton Evans, for referral to the DA. So I make a motion that in addition to the resolution that the Board just approved that Hamilton Evans also be referred to the DA.

MS. SULLIVAN: Okay. Is there a second to that motion?

MS. GHAZAL: Second.

MS. SULLIVAN: Motion and a second for referral to the DA. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Is there any opposed? And that motion passes. Now, we will move onto SEB 2020-077, Cobb County. Ms. Watson?

MS. WATSON: We opened this investigation following complaints from this complainant who alleged that the Cobb County Board of Elections and Registration had the police improperly remove him from a tabulation center during the August 2020 general primary runoff election while he was present as a public observer. The Turner Chapel Cathedral locked its doors during the June 2020 general primary election, preventing the public from observing closing of the poll activities. Cobb County violated official election record document processing, failed to properly post tabulated results after the polls closed, reset the
protection counter on a voting machine, and submitted incorrect documentation to hide votes, did not properly investigate and/or reconcile the total number of ballots from the June 9th, 2020 election as the number of pre-scanned ballots which was 288 did not match the ballots printed at closing which was noted on the ballot recap sheet which was 290, a discrepancy of two, and did not preserve primary and election records by failing to maintain a zero-tape reflecting voting devices were set to zero verifying no votes were present on the voting equipment.

Investigation revealed in reference to allegation 1, the complainant provided a recording of a 911 call made to the police by the security guard at the poll. He was heard telling the 911 operator that the complainant was just hanging around the poll location, and the poll worker wanted him to leave. The poll manager reported to Director Eveler that the security officer employed by the church called the police because the complainant was being disruptive to the point the elections employees became alarmed by his behavior.

Complainant Mr. Balbona advised his interaction with the poll workers began when he asked a few questions about the tabulation process. When the time came for the poll officer to announce the results, there was a discrepancy
with the numbers. Mr. Balbona openly stated that the
election code requires a discrepancy to be reconciled, and
several minutes later, he was approached by the security
guard. To refute this allegation, Mr. Balbona submitted a
second audio/video recording that captured his
interactions with the poll workers during tabulation and
police while at the poll location. The complainant stated
he was there to obtain the poll results and after speaking
with the officers, was advised he could remain to do so.

In reference to allegation 2, both the area
supervisor and poll manager at Turner Chapel Cathedral
rejected the notion that the doors were locked. The
complainant provided photographs. However, the photos do
not definitively prove the doors were locked. The
complainant spoke to the area supervisor that exited the
doors and inquired about post-election activities but did
not in -- did not inquire regarding access to the
location.

In reference to allegation 3, investigation
identified that Cobb County election officials at precinct
MR5C failed to properly document that a ballot box was
sealed because the seal number was omitted from the form
required to capture such information. They failed to
document that the ballot scanners all indicated zero
counts prior to the opening of the polls, printed 26
ballots on a ballot-marking device that was not confirmed as being zeroed-out at poll opening, and failed to ensure that all zero-tapes required to be printed from the ballot scanner at the close of the polls were signed.

In reference to allegation four, the complainant provided a video of all entrances of the polling location for Turner Chapel Cathedral after the poll had closed, and the video revealed no signs of tabulated results posted on the doors. In reference to allegation five, that Cobb County reset the protective counter on the voting machine and submitted inaccurate documentation, it was unsubstantiated. In the complaint, the complainant alleged the protective counter on their ICP scanner was reset from 428 to 384 to hide 44 missing ballots. It was determined that the protective counter on an ICP scanner cannot be reset. The investigation further revealed on June 9th, 2020 MR5C attempted to scan 288 ballots. After the 44th ballot, the scanner experienced a jam, making the scanner inoperable. MR5C added the 44 ballots back to the original batch for a total of 288 ballots. It transferred the scanner to the central office for repair and all 288 ballots were rescanned on June 15th, 2020. When the scanner was zeroed on June 15th, 2020 before the 288 ballots were scanned, the protective counter read 96. When 288 is added to 96, that gives a total of 384.
As to allegation six, that Cobb County did not properly investigate and/or reconcile the total number of ballots following the discrepancy and palpable error, Cobb County Board of Elections and Registration reported and provided a zero-tape reflecting that 288 ballots from the June 9th, 2020 election were rescanned on June 15th. However, the ballot recount sheet that accompanied the June 9th, 2020 election paperwork revealed a total of 290 ballots printed at closing. There was no notation of spoiled ballots, nor was there a spoiled ballot log on file with our office to account for the two-ballot discrepancy after the ballot recap sheet failed to note the number of ballots from the emergency bin that could not be scanned.

In reference to allegation seven, that Cobb County Election Board and Registration did not preserve primary election records being a previous zero-tape showing a voting device was set to zero verifying no votes were present on the voting equipment when the ballots were rescanned, and a new zero-tape was printed and became the official record, Cobb County contends that once the scanner was reset to zero and a new tape printed that the previous tape was no longer part of the election documentation. The complainant contends it should have been retained.
Our recommendation is for Janine Eveler, Elections Director, Cobb County Board of Elections and Registration, and Board members of the Cobb County Board of Elections and Registration be referred to the Attorney General’s Office for violation of 21-2-379.1(1)(b) for procedure of tabulation of votes and also for 21-2-450(c)(3), opening of polls, procedures and ballot labels and the certification by managers, for failing to properly document the ballot box was sealed because the seal number was omitted from the form, failed to document that the ballot scanners all indicated zero counts prior to the opening of the polls, and printed twenty-six ballots on a ballot-marking device that was not confirmed as being zeroed out at opening of the polls, and Board rule 183-1-12-.12(a), the poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it’s a true and correct copy of the tape produced by the ballot scanner, and 21-2-493(b), when they failed to properly complete the ballot recap sheet.

MS. SULLIVAN: Thank you. Do we have anyone signed up to speak regarding this case?

MR. NORTHEN: Yes, Madam Chairman. We have -- the first person speaking is Georga Balbona. He should be able to unmute himself and speak at this time.
MS. SULLIVAN: Yes. Please go ahead, Mr. Balbona.

MR. BALBONA: Can you hear me?

MS. SULLIVAN: Yes, sir.

MR. BALBONA: Okay. I’m George Balbona. I live in Cobb County. I’ll answer questions after my statement regarding SEB case number 2020-077. I’d like to thank the State Election Board for taking the time to hear my case. I also want to thank all of the Georgia county election officials and poll workers who worked so hard to handle an extremely difficult task: managing the largest voting system rollout in American history on an abbreviated schedule while conducting a primary, a runoff, and a presidential election during a deadly pandemic. That’s a very tall order. No one was expecting perfection. I know I wasn’t. I just wanted what I always want: fair, secure, and transparent elections. If any problems occurred, I expected elections officials and poll workers to be honest and forthright about them.

SOS Investigator Gilbert Humes explained the evidence was, quote, contrary to the statements that were provided by the witnesses, so you are not a Respondent, unquote. I asked so I’m not a Respondent means that the allegations were proven to not be true? He answered, that is correct. He explained, quote, there was no evidence whatsoever presented on the audio or videotape to even suggest that
you were overly aggressive or hostile, and that’s what’s documented in my report, unquote. The reason I’m starting with this allegation is because it’s a felony. If the Secretary of State’s preliminary investigation report summary is to be believed, a poll manager, an area supervisor, and a security guard all stated that I was disruptive and interfered with the August 11th, 2020 runoff election.

One of the sentences of the SOS summary caught my attention. Quote, the Marietta Police Department reported that though the complainant was erroneously asked to leave a polling location, the complainant exhibited behavior that a reasonable person could interpret as somewhat hostile, unquote. So we decided to call Major Brian Marshall [ph.] of the Marietta Police Department and ask him his thoughts about this sentence. Major Marshall stated I never made that statement. He also said I would not have classified it as hostile, and I certainly hope that they’re not drawing that conclusion from anything that we’ve said. What makes this particularly damning is that Major Marshall was the only person at the Marietta Police Department that the Secretary of State investigator spoke with.

On August 11th, 2020, four Marietta police officers unlawfully removed me from a polling location where I was
peacefully observing post-runoff election activities. The very next week, I met with the Deputy Chief of the Marietta Police Department and a major. They said that between the two of them, they had over 50 years of Georgia police experience and that they had never heard of the election code that I had cited. They admitted that they had wrongfully removed me, and then they apologized to me. More importantly, they promised that it would never happen again because they were going to properly train all Marietta police officers on relevant election code. I asked them if I could help them develop their training material, and they said yes. We developed an 18 slide PowerPoint presentation, and all Marietta police officers received proper election code training before the 2020 presidential election. I then emailed this training material to all 159 Georgia county election directors, and I asked them to please train all of their law enforcement and security guards. In short, I did the work that the SEB should be doing.

Cobb County Elections Director Janine Eveler denies any responsibility at all for this incident. She states that the security guard made the 911 call to have me removed. However, on the 911 call and in video in front of the police officers, the security guard admits that he was asked to remove me by a poll worker. Furthermore,
Kara Pringle [ph.] was the acting area supervisor for the runoff election, and she spoke with the poll manager just after I left. In a text that she sent to Janine, she states, quote, he made a scene per the manager. That is why the police asked him to leave, unquote. Now, you know that the poll manager at Turner Chapel is who asked me to be removed. Let me tell you why.

I witnessed firsthand that the number of voters checked in did not equal the total number of ballots scanned. At the next COBB County BRE meeting, I asked that the Cobb runoff results not be certified due to irregularities. I was ignored, and they were certified. What makes this particularly galling is that Janine Eveler experienced this during the primary election and knew that this was a serious issue. At 5:21 A.M. on the morning of June 19th, 2020, the morning that the primary elections were certified, Janine Eveler wrote an email to David Greenwalt [ph.], the Southeast Elections Director for No Inc., the poll pad company. She stated, quote, the numbers recorded by the poll workers on the recaps do not match the number of votes cast, and there are no paper voter certificates to compare numbers as we had before. Some are off by hundreds, and there appear to be synchronization issues, and some are off by ten to twenty and are probably caused by duplicate cards being created.
There doesn’t seem to be a way to reconcile the check-ins to the ballots cast, unquote. State Elections Director Chris Harvey was also CC-ed on this email.

Last month at the GAVREO conference, the Georgia Association of Voter Registration and Election Officials, a training presentation about checks and balances stated, quote, check-in equal voter, scanner counter equal ballot, voter equal ballot. If off, oops, unquote. Any voting system that regularly permits properly checked in voters to not have their ballots scanned and counted is unconstitutional.

In case you’re wondering about the seven allegations I made against Cobb County BRE, Investigator Humes stated, quote, probably about seven of the issues that you brought up were substantiated. I can’t go into detail, but there were some findings that will result in violations, unquote. Let’s listen to how George Smith, the Turner Chapel area supervisor, treated me before the polls opened on presidential election morning.

[audio recording] How am I being disruptive, George? You’re coming in -- I’m coming here and citing law. Okay. I’m not trying to hear your law. You’re not trying to hear my law? No. I’m not trying to hear your law. You don’t want to hear about the official code of Georgia? I know about everything that is associated with the election
that is pertinent to what we are supposed to be doing. [audio recording end]

And what was Janine Eveler’s response to me that morning? [audio recording] you want to -- if you want to sue us, that’s fine. [audio recording end] That sounds like reasonable advice considering false felony allegations were made against me.

SOS Chief Investigator Frances Watson should have supplied to you a 57-minute audio and video recording which overwhelmingly demonstrates that the charges against me were false. I believe the legal term for it is defamation of character. After having this allegation hanging over my head for six months, I just call it intimidation. Any questions? I wanted to make sure I got that out of the way.

As far as the original zero-tape, Janine Eveler made a unilateral decision to destroy and/or discard an election record, which is in violation of OCGA 21-2-73. You never destroy election records before the retention period has expired. It has a retention period of 24 months, and she didn’t know where it was after -- before, you know, like, two months, okay? I’m more than happy to talk about anything you -- you want. I -- I have to give the Secretary of State -- I have to give Frances credit for the summary. It was good. My point is not that they
could have changed it. It’s just that three days out
after the election, Janine didn’t know where the poll
tapes were or if they had even been created, and
everything seemed to have gone rogue. There was no
documentation about the emergency ballots that were just
not scanned and put into the -- put into the ballot
scanner box, and not only that, the -- it was like an open
book test.

I literally saw George Smith, the area supervisor, in
front of Turner Chapel, and he -- I asked him how’s it
going? When are you going to -- you know, we’re working
on the poll tapes is what he tells me. I said give me a
ballpark. He says about an hour. He was getting the area
supervisor guidebook out of his car, and he had -- he had
-- he had at least a poll manager and an assistant manager
there and him and all the proper procedures, and they
failed miserably. I -- this is just unacceptable.

As far as the locked doors, yeah. They didn’t like
it because all I had was the picture and an audio of me
saying the doors are locked, but it happens to be an
interesting thing is when I went back in the morning for
the presidential election, it was locked, and I have me
stating it, the security guard at Turner Chapel stating
it, and another public observer stating it. So that’s for
your consideration. So does anyone --
MS. SULLIVAN: Thank you.

MR. BALBONA: Yeah. Does anyone have any questions?

MS. SULLIVAN: Thank you, Mr. Balbona. Any questions Mr. Balbona?

MR. MASHBURN: So Mr. Balbona, your video of -- at the Turner Chapel is in the record?

MR. BALBONA: It is.

MR. MASHBURN: Okay.

MS. SULLIVAN: Thank you. I think --

MR. BALBONA: Not only -- if you -- I have not only my video. I have all the body cameras of the police officers. I have the 911 tape. I think that call was provided to you as well. I have a cornucopia of evidence, and I think you guys got two things. She did cover some of it, but it’s -- as you can tell, it’s very involved, and to really get a feel for it, you’ve got to do a little bit of reading.

MS. SULLIVAN: Thank you, Mr. Balbona. At this time, we’ll give Cobb County an opportunity to speak.

MR. NORTHEN: All right. So at this time, Ms. Eveler should be able to unmute herself and speak to the group.

MS. EVELER: Yes. Good morning. This is Janine Eveler. Can you hear me okay?

MS. SULLIVAN: Yes, ma’am. We can. Thank you.

MS. EVELER: Thank you. So I would like to just
address a few things in the investigative report rather than rebut some of the things that Mr. Balbona has said. First of all, the security guard who called 911 did not work for Cobb County Elections. He was employed by and he took direction from the church, which others have said, Turner Chapel Cathedral, where the poll is located. Cobb County obtains poll security services only from Cobb County Sheriff’s Department. The sheriff’s deputies visit polls in rotation or as needed if they’re called throughout the day, and we do not hire outside security.

So from my interview with the poll manager, Ms. Locket [ph.], it is my understanding that Mr. Balbona was asking a lot of questions and challenging what was going on while she was trying to close down the poll, and the church security guard wanted to hurry things along so he could close up the church and go home. He asked her if Mr. Balbona was making her uncomfortable, and she answered yes. However, she did not tell him to remove Mr. Balbona or to call the police. At most, she indicated that she may have said I wish he would just leave, and the actions of the church employee were not directed by the Cobb poll workers or this office.

Regarding the fact that we were doing activities that were not in public view, our training classes have always included a slide that says do not lock the doors. All
closing activities must be in public view. Our poll workers get this training every election. At one point in the evening, Mr. Balbona did call me. He has my phone number, and it was -- it was either in this election or the runoff that was subsequent to this which Mr. Balbona also mentioned were some issues. At that time, we discussed whether or not an enclosed space still exists after voting stops. At one point, he was apparently right up with the poll workers because he said there was no longer an enclosed space after voting stops. I asked that he please step back to where the space would be if the poll is open so that the workers can complete their duties. Even though it was -- he was perhaps not overtly hostile, his proximity to the workers might be considered intimidating or interfering with their closing activities, and as a side note, it would be nice to have a rule from the SEB to clarify where the observers can be once voting stops.

Regarding allegation number three, improper documentation, I do stipulate that there was improper documentation of seal numbers. However, the poll manager and both assistant managers signed a Secretary of State’s document that’s called opening the polls zero-count form, in which they attested that the ballot box was empty, that the scanner count, the poll book counts, and the BMD,
ballot-marking device, counts were all zero, and that the ballot box is secure. So although one or -- the recount, I guess, document did not have these seal numbers documented or did perhaps say that the count was not zero, other documents did. So I think there’s a discrepancy in that regard.

And lastly, I’d like to speak to allegation four, the not posting of tabulated results. The poll workers could not close the precinct scanner because as it was mentioned earlier, it jammed on the 44th ballot, and so a results tape could not be obtained from that scanner to post on the door. Because the workers were not sure what to do in this situation, they just completed the paperwork with the best of their ability, and there isn’t a final count on that -- on that paperwork. After the election, our intention was to scan the unscanned ballots as we’re required to do. However, once the precinct scanner was unjammed, and our staff broke the seal on the ballot container, we found that we could not determine which of the ballots were the 44 that have already been scanned and which were unscanned. The poll workers did not use the bags that we had provided to separate those two types of ballots. For that reason, we decided that we would zero out the scanner and rescan all 288 ballots present in the container.
Unfortunately, the paperwork which would be the recap was not revised after we did this so the final results, you know, on the paperwork did not match what we had actually completed after the fact, and the results tape and zero-tape from that action, we considered to be the final paperwork or the final record of those tabulation results. And the final results that we certified were accurate for the precinct of Marietta 5B, and that’s all I have to contribute. Thank you.

MS. SULLIVAN: Thank you very much, Ms. Eveler. Do any of the Board members have any questions for Ms. Eveler? Ms. Ghazal?

MS. GHAZAL: Yes. Thank you very much for your clarification, Ms. Eveler. Can I ask whether you believe that current regulation and law are adequate to the circumstances that you faced? Do you think that you as a supervisor or other counties need additional guidance, or poll workers need additional training? Is there anything that you think this Board should be doing moving forward in order to help avoid these circumstances in the future?

MS. EVELER: As I mentioned earlier, -- thank you, Ms. Ghazal. There does need to be some kind of a guidance about the closing activities. You know, the law says they must be in public view, but what is -- what are the boundaries around that? How much activity can go on
during that closing, and in the case of a poll monitor or a poll watcher, they can be up close with the poll workers, but what about public observers? There’s also the idea of questioning the workers. Again, a poll watcher is required to contact the superintendent if they see anything awry, and yet, an observer doesn’t have that kind of a guideline, and so they -- Mr. Balbona has peppered us with questions, and that -- that’s a disruption to the activity at the poll.

MS. SULLIVAN: Thank you, Ms. Eveler. We have made note of that request for further clarification regarding closing activities.

MS. GHAZAL: One further question, Ms. Eveler. Do you think that the current training on recap sheets and the training that we have provided to poll workers on how to set aside ballots in an emergency envelope that cannot be scanned on site is -- are the resources that you have adequate?

MS. EVELER: Going forward, of course, that was corrected -- or not corrected but emphasized more in our training, but as others have talked about on this -- in this meeting, the June election or the June primary was unusual in that it had been, you know, postponed many times, and poll workers, in our case, were only provided online training, and so they had gone to training back in
February for the March presidential primary. We had no forms at that point. They had not yet been developed by the Secretary’s Office, so by the time we got the forms, we were only doing online training, and I would say that was not adequate for them to learn those forms, so that was kind of an extenuating circumstance that’s specific just to that primary because of the difficulties that we had with training workers. But after that fact, we have not had a similar instance, where this -- for instance, the seal numbers were not recorded or any of that.

MS. GHAZAL: Thank you.

MR. MASHBURN: I do have a question for Cobb County. So do I understand that what your request is on allegations three and four that we issue a letter of instruction?

MS. EVELER: I would not presume to ask for that, but that would certainly be up to the Board.

MR. MASHBURN: Would that be agreeable to the County?

MS. EVELER: Oh, absolutely.

MR. MASHBURN: Is there any more...?

MS. SULLIVAN: No more.

MR. MASHBURN: I’d like to make a motion.

MS. SULLIVAN: Please go ahead.

MR. MASHBURN: Okay. I did watch the videotape, and I think Mr. Balbona was treated with incredible grace and
care and politeness, especially the Cobb County Police Department, so I want to take a moment to just commend them. While they didn’t -- it’s clear they didn’t know the election law, and I’m really happy y’all worked together to create some training there and get that -- get that done, so I applaud you for that, Mr. Balbona, but at the same time, I thought Cobb County has nothing to apologize for in the way that you were treated because the videotape shows that they acted at all times with extreme grace and care and concern for the public’s rights and especially the female officer who stood and waited with you when you said that you weren’t going to leave. You were correct in quoting the law, but I thought she showed exceptional grace and just stood there and waited with you and became a -- a public observer herself as well for a while.

So I’m going to move that allegation one be dismissed. I’m going to move that we accept the rec -- recommendation on allegation two, that it be dismissed as unsubstantiated. I move that we accept the county’s request of a letter of instruction on three and four. I move that five be dismissed, I move that six be dismissed, and I move that seven be dismissed, and I -- and I hope we can get the name of that female officer who stood with you to give her a public statement of a well-done -- well-done
job.

MS. SULLIVAN: Okay. We have a motion on the table. Would anyone like to second Mr. -- several -- several-part motion, like to second Mr. Mashburn’s motion?

MS. LE: Mr. Mashburn, this is Anh Le. Could you clarify again? I’m sorry. I lost track there. Dismiss all but which ones, and it was a letter of instruction? Was that number five?

MR. MASHBURN: Yeah. Yeah. Dismiss all but three and four, and issue letters of instruction on those, so we would -- we would agree with the county’s request on three and four and issue letters of instruction on three and four and dismiss the rest.

MS. LE: May -- may I make a friendly adjustment to your motion, sir?

MR. MASHBURN: Sure.

MS. LE: And that would be to include in the letter of instruction training for those individuals?

MR. MASHBURN: Yes. That’s a good mo -- that’s a good amendment to my motion, so I accept -- I accept it as a friendly -- as a friendly amendment.

MS. LE: I second that motion.

MR. MASHBURN: I restate my motion as amended.

MS. SULLIVAN: Okay. We’ve got a motion and a second. Is there any further discussion? All in favor,
please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. Moving onto SEB case 2020-124, which is DeKalb County.

MS. WATSON: Yes. We received several complaints alleging that poll workers at the Dunwoody Library and the Lynwood Recreation Center in DeKalb County, Georgia were asking voters to see their voted ballots to view the QR matrix barcode in order to direct voters to the appropriate scanner as DeKalb County was using split ballot styles. As a result, poll workers were able to see the selected candidates on the voted ballot. Investigation shows that the allegation that poll workers in DeKalb were looking at a voter’s ballot was substantiated at two polling sites through poll manager and witness statements. The poll manager at the Berean Christian Church polling precinct confirmed poll workers were asking voters to see the precinct ID on the vote -- the voted ballot in order to direct the voters to the appropriate scanner. Three separate and independent complaints were reported to the Georgia Secretary of State’s Office that alleged poll workers at the Dunwoody Library polling location were looking at voter -- voter’s ballots to direct voters to the proper scanner.
The investigation also substantiated the allegation of illegal campaigning. Three campaign signs promoting candidate Gary Wine [ph.] for State Senate were found within a hundred and fifty feet of the outer edge of the building where voting was occurring. The location where the signs were posted did not have voter surv -- video surveillance. Therefore, it could not be determined who placed the signs within the restricted boundaries. Our recommendation is for Michael Walker [ph.], poll manager at Berean Christian Church, and Sherry Method [ph.], poll manager at Dunwoody Library, and DeKalb County Board of Election and Registration be referred for SEB rule 183-1-12-.11, when poll workers looked at the precinct ID on a voter’s voted ballot to identify the appropriate scanner, and DeKalb County Board of Registration and Election be referred to the AG’s Office for 21-2-99(a), instruction of poll officers, when they failed to provide adequate training to the poll workers to ensure poll workers were not asking to view completed ballots.

MS. SULLIVAN: Is anyone signed up to speak?

MR. NORTHEN: Yes. We have Shelley Momo and Irene Vanderels. I believe that they are both separate, but this is the caller that had a disability so this might be someone assisting them with their comment.

MS. SULLIVAN: Okay.
MR. NORTHEN: So Shelley, you are able to speak.

MS. SULLIVAN: Shelley, you should be able to unmute yourself and speak.

MS. MOMO: Good morning. My name is Shelley Momo. I am actually here with my co-counsel, Irene Vanderels, who will speak to this matter if she could be able to unmute. Thank you.

MS. SULLIVAN: Sure. You should be able to unmute now.

MS. VANDERELS: Thank you. This is Irene Vanderels on behalf of the DeKalb County Board of Registration and Elections. I just wanted to provide some additional background. During the advance voting period for the November general election in 2020, DeKalb received some instructions I believe from the Center for Election Services to allocate voters at the advance voting locations to specific scanners based on the precinct name, and this was to prevent any issues with overloading the memory cards on the scanners due to the length of the ballot for the general election and the number of precincts in DeKalb County. So the voters at these locations were supposed to scan their ballots at a scanner designated either A through L or M through Z based on their precinct, and poll workers attempted to give voters verbal instructions as to how to identify their precinct.
names on the ballots, but unfortunately, some of the
voters were unable to locate the precinct name on their
ballots, and the poll workers in those instances did try
to help the voters by viewing just the precinct name above
the QR code to direct the voter to the correct scanner.

As indicated in the SEB -- I’m sorry, the
investigation report, they attempted to cover the actual
votes on the ballots using a sheet of paper, and they also
posted samples of ballots to try to indicate to voters
where the precinct name could be located. There was no
intention on the part of any of the poll workers to view
votes. They were simply trying to assist voters to
identify the right scanner to use, and it appears that
this is an issue specific to the use of the new equipment
during the general election in November, and that it would
likely not arise again, so we’d ask for a letter of
instruction to be issued with respect to this case.

MS. SULLIVAN: Thank you, Ms. Vanderels. Are there
any questions? Do Board members have any questions for
DeKalb County?

MS. LE: Madame Chair, this is Anh Le. I wanted for
the record to reflect that I’m going to recuse myself from
this case. Thank you.

MS. SULLIVAN: Thank you. It’s noted. Go ahead.

MS. GHAZAL: What -- my first question is a technical
question. Is it -- is it just physically impossible for
one scanner to accept all precinct styles in early voting
in counties such as DeKalb?

    MS. WATSON: It depends on the length of the ballot.
    MS. GHAZAL: Okay. So so there can be --
    MS. WATSON: The different -- different ballot
styles, the number.
    MS. GHAZAL: Is this, again, an area ripe for at
least guidance to provide counties a a standard method
to make sure that voters can on their own ability without
having to go through poll workers determine which ballot
scanner to use? Is there a way of making sure that voters
can be wholly independent, and they don’t have to show
their ballots?

    MS. WATSON: What -- what I saw at another county was
they provided you the precinct number on a little Post-It
note when you got your voter access card, so you had that
with you to be able to be directed to the proper scanner
without them having to view it.

    MS. GHAZAL: And I think -- correct me if I’m wrong.
I think under the new law the precinct name and code will
be printed on the ballot itself now under 202.

    MS. WATSON: I believe that’s correct.
    MS. GHAZAL: So hopefully, this won’t come up in the
future, and hopefully, we can provide -- counties can
provide signage, and it will be a lot easier. Okay.

Thank you.

MR. MASHBURN: The County has requested that we issue a letter of instruction?

MS. SULLIVAN: That is correct.

MR. MASHBURN: I move that we accept the recommendation and also the County’s request of a letter of instruction.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. Let the record reflect that Ms. Le recused herself from that case. I believe that 2020-169 has been granted a continuance, so we will move on here to case 2020-191, which I believe is being partially re-presented today.

MS. WATSON: Right. That’s -- that’s correct. The case was previously presented, and all but one Respondent was resolved. The case was referred back to re-look at the violation cited as it referred to Respondent Elena Roderick. The complaint was received that Elena Roderick had registered at an address in Forsyth County that she did not reside at. This was reported by the owner of the
residence. It was determined that Elena Roderick was, in
fact, registered at 4650 Alister Drive in Cumming with a
registration date in September of 2020. On this
registration date, the address was not one that she or
anyone she knew resided at at the time she registered.
She requested an absentee ballot from Forsyth County on
October the 16th, 2020 for the November 3rd, 2020 general
election but did not vote or return the ballot to the
Elections Office. Elena Roderick was found to be
attending dental college in Augusta and residing in South
Carolina while attending college. The voter registration
has been updated to an address in Cobb County at this
time. Our recommendation is to refer Elena Roderick to
the Attorney General’s Office for a violation of 21-2-562,
when she submitted a voter registration and absentee
ballot request in Forsyth County knowing the address was
not her residential address at the time she submitted the
request.

MS. SULLIVAN: Thank you. Is Ms. Roderick here?
MS. WATSON: I believe she has an -- has an attorney.
MR. NORTHEN: Mr. Sells is here, Bryan Sells.
MS. SULLIVAN: Mr. Sells, you can go ahead.
MR. NORTHEN: You should be able to unmute yourself,
sir.
MR. SELLS: There we go. Good morning. Can you hear
me now?

MS. SULLIVAN: We can. Go ahead.

MR. SELLS: Great. I’m Bryan Sells, and I represent Elena Roderick, who is one of the Respondents in 2020-191. The complaint against Ms. Roderick should be dismissed because her unsuccessful attempt to request an absentee ballot in the 2020 general election was not fraudulent. The facts here do not add up to a prima facie violation of the voter fraud statute, and this Board should not subject her to further jeopardy for what is a felony violation.

Ms. Roderick is a resident of Georgia, and she has been since she was 4 years old. Since 2018, Ms. Roderick has been a full-time student at the Dental College of Georgia, which is part of Augusta University, in Augusta, Georgia. Prior to her matriculation there, Ms. Roderick and her husband lived with her husband’s parents in Forsyth County. She hopes to return to Forsyth County following her graduation from dental school, and she has already begun looking to purchase an existing dental practice. She also has a job offer currently with a practice in Alpharetta following her graduation next spring.

Now, at the time of the 2020 election, she was living just across the line in Beacon, South Carolina, and her in-laws had moved from the Forsyth County address where
she had registered to vote. The staff alleges that Ms. Roderick violated section 21-2-562 of the Georgia Code when she requested an absentee ballot and registered in the 2020 election using her in-laws’ Forsyth County address as her residence. That statute requires a, quote, willful violation. Willful is a legal term of art, and it means that Ms. Roderick must have voluntarily and intentionally violated a known legal duty. In other words, Ms. Roderick must have known that the Forsyth County address was not her legal address when she requested an absentee ballot.

Under Georgia law, however, the Forsyth County address probably was her legal address at the time of the 2020 election, and that’s because Georgia law provides in section 21-2-217 that no person shall be deemed to have gained or lost their residence by reason of such person’s presence or absence while enrolled as a student at any college, university, or other institution of learning in this state. Ms. Roderick clearly comes under the protection of this residency statute because she was enrolled at the time at the Dental College of Georgia. She cannot have lost her residence by going away to school in Georgia as she did. Under the same statute, moreover, her residence probably didn’t move with her in-laws when they moved from the Forsyth County -- County address
because she was not living with them at their new address.

    Now, it’s also possible under the residency statute that her legal residence reverted back to her father’s address in Cobb County where she lived before moving in with her in-laws in Forsyth County. The Board, of course, doesn’t need to resolve that question of what was her legal residence at the time of the 2020 election, but should -- it should be clear from the ambiguity in the statute that Ms. Roderick cannot have had the requisite mens rea or bad faith that is necessary to establish a violation of 21-2-562 when she tried to register and cast her ballot. She was simply trying to in good faith participate in the 2020 election, and those undisputed facts do not add up to a prima facie violation of the code, so we respectfully ask that the Board dismiss this case as to Ms. Roderick.

    MR. MASHBURN: This is Matt Mashburn. I have a question, counselor, if I might. Clear up for me this address issue. Not with -- not residency issue, but address issue. Did she or did she not use an address that the in-laws no longer lived at as her address that she registered or filed paperwork under; correct or incorrect?

    MR. SELLS: So when she registered and requested the absentee ballot in Forsyth County, she used the address where her in-laws had previously lived, but at the time,
they did not. The forms that she signed in doing so don’t state that she was living there. It states that that’s her legal residence, and it -- it’s certainly not a bad faith belief that that address was her legal residence despite her in-laws having moved at the time.

MR. MASHBURN: So no one that she was related to lived at that place that she used as her address? Related to by blood or marriage or --

MR. SELLS: That’s correct. The situation is not at all uncommon when, for example, we’ve got military people who are registered here, stationed here, and then move away. They continue to use their Georgia addresses even though they don’t live there anymore, and someone else might actually be living in those kinds of places. It’s not -- not a particularly uncommon situation. What we have in this case is the -- the owner of the in-laws’ house, the next owner, has made a complaint, and that’s the reason why it has come to the Board’s attention here. But -- but if this Board finds that this situation amounts to a probable cause of a felony violation, it could have serious repercussions across the state and particularly for our military voters who know -- who remain registered and lawfully so in Georgia despite no longer living at the address where they are registered.

MS. GHAZAL: Mr. Sells, I have an additional
question. When was this voter registered? Did she register in 2020 at this address, or had she previously been registered at this address -- this address, and it just carried on?

MR. SELLs: Sure. I can -- I think I can answer that question. Her residence -- her voter registration residence has bounced back and forth between her father’s address in Cobb County and this Fulton -- this Forsyth County address. She registered in Forsyth County in September of last year in an effort to try to vote in the 2020 election. She registered just before the deadline, and that registration was actually an update of her previous registration.

MR. MASHBURN: This is Matt Mashburn. I have a -- I have a motion. The Respondent here has no burden of proof at all. The burden of proof is all on the State, and I believe the State has met its burden of proof to believe a violation has occurred here, and for that reason, I recommend -- I make a motion that it be referred to the Attorney General’s Office. I have no doubt that the counsellor will be able to ably represent his client there as he has done here, and I thank him for his excellent presentation.

MS. SULLIVAN: We have a motion. I’ll second that motion. Is there any further discussion? All in favor,
please signify by saying aye.


MS. SULLIVAN: Is there any opposed?

MS. GHAZAL: No.

MS. SULLIVAN: That motion -- we have one opposed, and that motion passes. We’re going to take one more case before we have a lunch case, so the next case is SEB 2020-198.

MS. WATSON: Between November 2020 and December 2020, we received three complaints regarding the residency status of Fulton County voters during the 2020 general election. Corbin Pendleton [ph.] was alleged to currently live in New York and voted in Fulton County 2020 general election. Heather and Christopher Dobbins [ph.] currently residing in Alabama and voted in the Fulton County 2020 general election, and Mary Alice Wynette [ph.], currently lives in Florida, voted in the Fulton County 2020 general election. Allegations one and three were not substantiated due to the fact that Corbin Pendleton was residing in New York for work, however still owned property in Atlanta that she has every intention to move back to. She also maintains her Georgia car registration and driver’s license. Mary Alice Wynette works for Delta and owned a home in Tampa and Hapesville. She was spending time in both locations and sold the Georgia home
in March of 2021, well after the general and runoff elections.

Allegation two was substantiated. Heather and Christopher Dobbins moved to Alabama in August of 2018. This was confirmed with the property owner of the residence they are renting in Alabama. Their motor vehicle was also registered in Alabama, and they are both employed in Alabama. Christopher Dobbins registered to vote in Alabama on 11/03/2020, according to the Alabama Secretary of State. According to the Dobbins’ Facebook account, they are married and have lived in Alabama since August of 2018. In one Facebook post, she stated I’ve never been happier I didn’t change my registration hahaha in response to another post referencing Fulton County politics. Christopher Dobbins was also a candidate for the Reece City, Alabama City Council to run for City Council. He must be a resident of Reece City. Many attempts were made by investigators to contact the Dobbins. To date, they have not made contact.

Heather Dobbins voted in Fulton County by absentee by mail for the November election and for the January runoff. Christopher Dobbins requested an absentee ballot from Forsyth County for the November 2018 general election after having moved to Alabama in August of 2018. Mr. Dobbins registered to vote in Alabama in 2019 and voted in
Alabama for the November 2020 general election. Our recommendation is for Heather and Christopher Dobbins to be referred to the Attorney General’s Office for violations of 21-2-573.

MS. SULLIVAN: Do we have anyone signed up to speak?

No one has signed up to speak.

MR. MASHBURN: I move that we accept the recommendation.

MS. GHAZAL: I’ll second.

MS. SULLIVAN: Motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. Let’s take a thirty-five-minute break for lunch. We will reconvene at 12:30. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: This is Rebecca Sullivan. It’s 12:30, and we’ll be calling this meeting back to order. The next case on the agenda is SEB 2020-206. Ms. Watson?

MS. WATSON: Yes. The allegation is that Pamela Graf changed her name and voted after being notified she could not vote due to being on probation. Betty McCann [ph.] lives in Glenn County and voted in Fulton County. Taylor Peough [ph.] lives in New Orleans and voted in Fulton
County, and Skylier Ross moved to New York two years ago and voted in Fulton County.

Investigation as to allegation one: it was verified that Pamela Graf was serving a felony sentence and was released on parole in 2016, with the parole running until March 11th, 2021. Pamela Graf stated she changed her name legally to Truth Graf, and when she was released on parole and got her driver’s license, she registered to vote. She states she was not aware that she could not do so and did not understand the terminology convicted of a felony of moral turpitude. However, both Forsyth and Fulton County had notified her in writing that she was not eligible to vote due to the felony conviction. She registered again through D -- driver services in July of 2020 in Fulton County. It was verified that she voted November 2016, November 2017, and November 2020, all while under sentence for a felony conviction.

As to allegation two, it was determined that Betty McCann had bought a second home in Glenn County but still maintained her Fulton County home until after the general election when the Fulton County home was sold and at which time she changed her driver’s license and voter registration to Glenn County. Betty McCann voted in person in Fulton County having cast and scanned her ballot. There was no violation substantiated against
Betty McCann. However, there was no credit for voting entered into the statewide system by Fulton County for her in person vote.

Allegation three, Taylor Peough advised that she was born in Georgia and has always lived in Georgia until she went to UCLA to attend college. She then moved back to Georgia after completing college in 2019. She advised she still considers Georgia her home, maintains her Georgia driver’s license, and pays taxes in Georgia. She advised that she moved to New Orleans temporarily while completing training as a research assistant at a company in New Orleans. Taylor is in the process of interviewing with colleges to pursue her PhD in neuroscience. Taylor provided copies of her driver’s license and tax documents as proof of residency.

As to allegation 4, records indicate that Skyler Ross did vote via absentee in the November 2020 election and the January 2021 runoff. Mr. Ross advised he moved to New York in 2018 with the intent to live in New York. Mr. Ross stated that you have to be a resident of New York for a year before you can qualify to register to vote. This is not an accurate statement, as the residency requirement is thirty days. Mr. Ross was asked why if he was not a resident of Georgia would he vote in Georgia. He stated that he wanted to vote and still has his Georgia ID which
allowed him to vote in Georgia. Mr. Ross claims that due
to the coronavirus he was unable to get the identification
he needed in order to vote in New York prior to the
election.

Our recommendation is to refer Truth Pamela Graf for
21-2-561 and 21-2-216(b) and Fulton County Board of
Registration and Elections, Fulton County Elections
Director Richard Barron, and Fulton County Registration
Manager Ralph Jones for 21-2-386(i), and Skylier Ross for
violation of 21-2-217, 4 counts.

MS. SULLIVAN: Do we have anyone signed up to speak
on this case?

MR. NORTHEN: Yes, ma’am. We have -- the first
person here to speak is David Lowman. He should be able
to unmute himself and speak at this time.

MR. LOWMAN: Good afternoon.

MS. SULLIVAN: Thank you. Go ahead.

MR. LOWMAN: This is David Lowman from the office of
the Fulton County attorney. With respect to the one
allegation that involves Fulton County personnel, I would
ask that a letter of instruction be issued. The statute
that is cited in the allegation is incorrect. I don’t
believe that statutory -- statutory section exists. I
think that that is just simply a misstatement of the
actual code section. However, our staff has undertaken
the investigation to try to collect the information to make sure that Ms. McCann’s information is entered, so that the credit for voting is maintained, and that is our intent going forward, to make sure that that information is entered, and because of that, I would ask that a letter of instruction be issued.

MS. SULLIVAN: Does anybody have any questions for Mr. Lowman at this time?

MR. LOWMAN: And excuse me if I may, I just got the confirmation from -- from staff that the application information has been located, and so it will be entered into the system.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Skylier Ross, who should be able to unmute themselves and speak at this time.

MR. ROSS: Hello? Can you guys hear me?

MS. SULLIVAN: We can.

MR. ROSS: Thank you, ladies and gentlemen of the Secretary of State. My -- my name is Skylier Ross, and the only reason why I did an absentee ballot was because of the pandemic. I have schizophrenia, and I -- I do take accountability for not doing my due process of doing enough research. I -- I just -- sorry. I -- I’m sorry, guys,
MS. SULLIVAN: It’s okay, sir. Take your time.

MR. ROSS: I -- I wasn’t trying to do fraud. I just wanted my voice to be counted. I called my mom and friends in Georgia, and they told me that it might be the only way to -- to get my voice counted. However, I do take account -- acco -- accountability for not doing my due pro -- process, and I’m sorry.

MS. SULLIVAN: Mr. Ross, thank you for being here today and speaking to the Board.

MR. ROSS: Thank you for even allowing me to talk.

MS. SULLIVAN: Of course. Do we have anyone else signed up?

MR. NORTHEN: We do. Truth Graf should be unmuted -- unmuted at this time and able to speak.

MS. GRAF: Hello. Can you hear me?

MS. SULLIVAN: Yes, we can. Go ahead.

MS. GRAF: Hello. From 2009 to 2016, I served the State of Georgia in prison for a drug-related charge, 7 years. A prisoner called me Truth when I first got there, and I’ve kept the name for the past 13 years. As soon as I was released, I legally changed my name to Truth Pamela Graf via judge in Forsyth County. I have the final order here dated June 25th, 2016. In the past 6 years since my release as a person with 13 years in long recovery from addiction, I worked four years of community service as a
certified peer specialist through the State of Georgia. For the past two years, I’ve worked for Fulton County Superior Court as a peer support specialist in accountability court.

During this time, I lived in four counties. Every time I would change my address, I would go to the DMV, DDS to get a new license, register to vote, and hopefully take a better picture. I would receive my voter registration card in the mail from each county: Forsyth, Cherokee, Cobb, and Fulton, and in 2016 and in 2020, I cast my vote. In 2017, I supported the first black man to run for public office in Forsyth County. My parole ended back in March, six months ago.

I don’t understand why it is my fault for each county issuing me a voter registration card to vote. If the State of Georgia whom I work for doesn’t want me to vote as even more punishment for a mistake made 13 years ago, shouldn’t there be some type of bell that dings or something in your voter registration system that prohibits me from registering to vote? I believe that every US citizen should have the right to vote, and the right to vote should never be taken away or suppressed for political gain. As a citizen of the State of Georgia for the past 16 years, I have more than paid my debt to society giving 7 years of my life in prison, giving my
fellow Georgians almost 1500 hours of community service in the fight for recovery from the disease of addiction in this opioid epidemic. Now, I am a valued employee of Fulton County Superior Court. Is the punishment I endured and the service I have given to our state not enough to make me worthy of voting? Why am I barred in my state of Georgia from having a voice in our community, our state, and our country? I respectfully ask to be issued a letter of instruction, please. I will never vote again. Thank you.

MS. SULLIVAN: Thank you, Ms. Graf. Do any of the Board members have any questions for any of the people that are here with us today?

MS. GHAZAL: This is Sara Ghazal. First, Mr. Ross, I want to add my thanks to you for being willing to come on and speak, and I’m -- I’m hopeful that the Attorney General’s Office will take into account your willingness and accountability in this issue, so thank you. I know how difficult it must been. With regards to Ms. Graf, I have a question of whether or not the felony system notified either Fulton County or any of the -- any of her counties of residence, whether her name came up or -- as a -- as a felon who was registered and therefore should have been removed from the voting list.

MS. WATSON: They did. They were notified. Both of
them did notify her in writing that she was not eligible to vote due to the felony.

MS. GRAF: Ma’am, could you please tell me when I was notified in writing, please? Because I’ve never read that. Were the letters certified?

MS. WATSON: As far as whether they are -- were certified, I do not have that information. Forsyth County sent the letter on July 9th, 2018, and Fulton County sent the letter on March 6th, 2020.

MS. GRAF: Isn’t there something about being flagged or banned if you’re -- if you’re not allowed to vote or not allowed to register? I just don’t know how it works.

MS. GHAZAL: Have either of the counties been cited as violated the [sound distortion] disenfranchisement code because they -- the registration should have been cancelled in both of these cases?

MS. GRAF: Right. But it -- it wasn’t, and I had my voter registration card. That’s what I’m asking. Please. I was allowed to vote. I received my voter registration card, but I will not vote again in the State of Georgia, and I would respectfully ask to be issued a letter of instruction, please.

MS. WATSON: To your question, the county was not cited, and I would defer to Blake as to the process for the felony conviction process and how that goes to the
county when a new voter registers.

MR. BLAKE: Yeah, I would need to look into it a little more if the county was wrong in the way that they handled this particular case.

MS. SULLIVAN: We could -- so we could vote on the rest of this case but leave that issue open to revisit.

MS. GHAZAL: I move for a continuance with regard to Ms. Graf.

MR. MASHBURN: Does that need to be seconded or are we just...

MS. SULLIVAN: We have a -- I think so.

MR. MASHBURN: I’ll second if it needs to be seconded.

MS. SULLIVAN: Okay. We have a motion and a second to -- to continue regarding the claims -- the allegations regarding Ms. Graf. Any discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. LE: I -- I have a comment. I support the motion, but I just want to make a comment to Ms. Graf’s request that we issue a letter of instruction in lieu of her never voting again. I want to just let everyone know out there including Ms. Graf that when you’re eligible to vote, we strongly encourage anyone and everyone who’s eligible to vote even after completing sentence to please
do so and take full advantage of your right to vote when you’re eligible. If it turns out that we’re issuing a letter of instruction or take other action, it will not be because of your offer that you will never vote again. That will not be the reason for any action that is taken by the Board. It is simply because it’s the right thing to do. But when you’re eligible to -- I just want to put on the record to please vote. Just vote in a manner that is prescribed by law but thank you for being here today. I really appreciate it, and I support the motion to continue.

MS. GRAF: I appreciate that. I just don’t know -- could you tell me what the extension is for? I -- I didn’t understand why you’re delaying the --

MS. SULLIVAN: Ms. Graf, the -- I’ll let Ms. Ghazal explain her motion.

MS. GRAF: Thank you.

MS. GHAZAL: We need to -- we need to investigate further why it was that the counties allowed you to remain on the registration roll because that is what led to your misunderstanding about your ability to vote, so we need to investigate why in both cases, in the case of Forsyth and Fulton County, you were not removed from the voter rolls.

MS. SULLIVAN: And we will -- you will be notified when this case is back before us, Ms. Graf.
MS. GRAF: Thank you. All right. I appreciate it, y’all.

MS. GHAZAL: And as a matter of policy, I do agree that the terminology that is used in state statute about moral turpitude is extraordinarily confusing. The way it is applied right now is just a felony full stop. There needs to be work done by our legislature on this issue to provide much clearer guidance to our voters, so they are not placed in this situation to begin with because we want to be encouraging people to vote no matter what their background is as long as they are eligible. Eligibility needs to be crystal clear.

MS. GRAF: Thank you.

MS. SULLIVAN: With regard to the remainder of this case, the cite -- I believe Mr. Lowman is correct. The citation in 21-2-386(i) appears to be incorrect. Do we have the correct citation?

STAFF MEMBER: Yes, I can get it for you. I believe it’s 21-2-215(i).

MS. GRAF: Hello?

MS. SULLIVAN: Yes, ma’am. The Board is considering the remainder of the case. Ms. Graf, your case has been continued.

MS. GRAF: Oh, okay. Okay. Thank you.

MS. SULLIVAN: Mmm-hmm. What is the pleasure of the
Board with regard to the remainder of the allegations?

MR. MASHBURN: So the recommendation is no -- no violation for Peough? I -- we’ll just have to break these down, I think. So I’ll move that we accept the recommendation for Peough of no violation.

MS. GHAZAL: Second.

MS. SULLIVAN: Motion and a second. All in favor, please -- well, any discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed.

MR. MASHBURN: And on Ross, Mr. Ross, are you still there?

MR. NORTHEN: I would have to unmute him.

MR. MASHBURN: Mr. Ross, are you still there?

MR. ROSS: Can you hear me?

MS. SULLIVAN: Yes. We can hear you.

MR. ROSS: Yeah.

MR. MASHBURN: Okay. So -- so the way I understand it is you’re -- you’re living in New York now, and no present intention to come back to Georgia, right?

MR. ROSS: No, sir.

MR. MASHBURN: Okay. And so you’re -- you’re either going to cancel your registration in Georgia, or you’ve already cancelled your registration in Georgia?
MR. ROSS: I -- I just cancelled my registration in Georgia. Yes, sir.

MR. MASHBURN: Okay. Are you going to try to register in New York?

MR. ROSS: Yes, sir. I -- I will do the right thing and register to vote in New York. Again, I apologize for even putting you guys in this situation. I just -- you know, with the pandemic and my mental illness, it got the best of me, and I wasn’t trying in any way to -- to create any type of a fraud or malintent. I just didn’t do enough research, and that’s -- that’s on me.

MR. MASHBURN: I just don’t see any benefit of sending Mr. Ross to the Attorney General. I just don’t -- I think he’s got it. I think he’s learned his lesson, and I think he’s got it.

MR. ROSS: Yes, sir.

MR. MASHBURN: So I -- I move that we issue a letter of instruction to Mr. Ross and close his case.

MS. LE: I second that motion.

MR. ROSS: Thank you. Thank you. Thank you.

MS. SULLIVAN: We have a motion and a second. All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MR. ROSS: Thank you, guys.

MS. SULLIVAN: Thank you, Mr. Ross.
MR. MASHBURN: Mr. Lowman, are you still there?

MR. LOWMAN: I am, sir.

MR. MASHBURN: I understood that you’re willing to accept a letter of instruction.

MR. LOWMAN: Yes.

MR. MASHBURN: Since we’ve -- since we’ve brought you under the wrong statute, rather than redo you, I’m inclined to just issue a letter of instruction on this one, so I’ll make a motion that we issue a letter of instruction rather than re-bring it under the right section, because I don’t -- I don’t think we can proceed under the wrong section, right?

MS. SULLIVAN: Right.

MR. MASHBURN: So if you’re willing to accept a letter of instruction, I’m willing to go along with that too and make a motion that the county accept a letter of instruction.

MR. LOWMAN: The County would accept that.

MS. SULLIVAN: I’ll second that motion. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes, and I believe that completes that case. 2020-215, DeKalb County.
MS. WATSON: Yes. On November 19th, 2020, we received a complaint that DeKalb County elections staff found approximately 60 uncounted absentee ballots in the election warehouse for the November general election. During interviews with DeKalb County Elections Director Erica Hamilton and two poll managers, it was confirmed that warehouse associate Ricky Thrower [ph.] accepted two [sound cuts out]

MR. NORTHEN: Please hold. We have audio technical difficulties. We will not continue reading the case until they are resolved.

MS. SULLIVAN: We’re going to take a five-minute break while we resolve our technical difficulties. We’ll be back at 1 o’clock. Thank you.

(Meeting break)

(Meeting resumes)

MS. SULLIVAN: Thank you for your patience. I believe we’ve resolved our technical issues, so I’ll call this meeting back to order. Ms. Watson, if you would begin again with presenting 2020-215, please.

MS. WATSON: Yes. On November 19th, 2020, we received complaints from DeKalb County election staff that they found approximately 60 unaccount -- uncounted absentee ballots in the election warehouse for the November general election. During interviews with DeKalb
County Director Erica Hamilton and two poll managers, it was confirmed that warehouse associate Ricky Thrower accepted two official red absentee ballot bags from the poll managers at Meridian and Stonecrest precincts on October 30th, 2020. Hamilton stated the bags contained 60 absentee ballots. Thrower brought the absentee ballot bags inside the election warehouse, and they were mixed in with other election materials and lost that evening. Elections staff did not discover and count the missing absentee ballots until November 17th, 2020.

On November 19th, 2020, the Elections Office recertified their election results by adding an additional 95 absentee ballots to the original total that was filed on November 12th, 2020. Investigators interviewed DeKalb County Election Supervisor Tiffany Gilbert [ph.] to discuss the number of ballots that were included in the recertification compared to the number of ballots that was reported to be discovered. Clifford Gilbert [ph.] stated the initial number reported was an approximation, and the number included in the recertification was the accurate count. Our recommendation is for Erica Hamilton, Director of Voter Registration and Elections, Ricky Thrower, DeKalb County elections warehouse associate, and DeKalb County Board of Voter Registration and Elections Office be referred to the Attorney General’s Office for a violation
of 21-2-386, safekeeping of absentee ballots.

MS. LE: Madam Chair, this is Anh Le. I’d like to recuse myself from this case, please.

MS. SULLIVAN: It’s noted. Do we have anyone signed up to speak?

MR. NORTHEN: Yes, Madam Chair. We have Shelley Momo, followed by Irene Vanderels.

MS. SULLIVAN: I believe that Irene might be presenting on behalf of the County. Yes, ma’am. Please go ahead.

MS. MOMO: Good afternoon. This is Shelley Momo on behalf of the Respondents, the Board of Registration and Elections, Erica Hamilton, and Ricky Thrower. DeKalb County, the Board acknowledges the gravity of the allegations against it and is in the midst of performing a pretty thorough investigation of these allegations to determine what happened and how it may be prevented in the future. At this time, we do not contest being referred over to the Attorney General’s Office for further discussion.

MS. SULLIVAN: Thank you. Do we have Ms. Vanderels?

MR. NORTHEN: Yes, ma’am. She should be able to speak.

MS. MOMO: Ms. Vanderels won’t be presenting on this matter.
MS. SULLIVAN: Okay. Thank you.

MR. MASHBURN: I move that we accept the County’s request to refer it to the Attorney General’s Office, as well as the recommendation.

MS. SULLIVAN: And I’ll -- yes, and I will second that motion. Is there any further discussion? All in favor, signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. We’ll note that Ms. Le recused herself from that vote. Thank you, Ms. Momo. The next case is State Election Board case 2020-219, Morgan County.

MS. WATSON: Yes. We received a complaint a John Pisello and Keith Rex had moved out of Morgan County but were continuing to vote there. Investigation revealed that John Pisello and Keith Rex moved from Morgan County to Newton County in January of 2013. Mr. Rex owns three businesses in Morgan County but resides in Newton County with John Pisello. John Pisello and Keith Rex registered to vote at an address that was not the same as where they claim a homestead exemption. John Pisello and Keith Rex each voted in eight elections in Morgan County while living in Newton County. The recommendation is for Bryan Keith Rex and John Pisello to be referred to the Attorney General’s Office for 21-2-571 and 21-2-217(a)(14).
MS. SULLIVAN: Is there anyone signed up to speak?

MR. NORTHEN: Yes, ma’am. Mr. Bryan Rex is the first speaker. He should be able to unmute himself at this time.

MS. SULLIVAN: Mr. Rex, please go ahead.

MR. REX: Can you hear me?

MS. SULLIVAN: Yes, we can.

MR. REX: Okay. Well, I had no idea that homestead exemption affected your voting any way. We have three businesses and a big, large house in Morgan County, which we had on the market for sale. We quote on quote moved to Newton County because we were trying to sell the house in Morgan County, and the realtor suggested that we -- you know, we needed to simplify and get stuff out of the house, so we kind of sort of moved, but we never took all of our stuff out of there, so it was still our residence. But we had -- neither one of us had any idea that you could not vote -- we had been registered in Morgan County since 1996. Our driver’s license is in Morgan County. Every time we voted in Morgan County, everybody at the polls, they knew us. I mean, they would be, like, oh, you got -- when are you going to get back into your house in Morgan County? I mean, we -- it burned in ’19, so people would also ask that question.

So I was even a poll watcher in Newton County because
they asked me to do that, and I told them that we had a
home in Morgan County, and that’s where I voted, and they
still let me be a poll watcher in Newton County. So no
one ever raised a red flag to them. I mean, we did not
realize that we could not vote where we owned a five
hundred-thousand-dollar house and at the time, five
businesses in Morgan County. It was in our best interest
to vote in Morgan County because of all our businesses
were there and the fact that we owned a big piece of
property there.

Mr. Pisello never changed his homestead exemption,
but he helped me buy property in Newton County, and the
mortgage person wanted his name on the deed, so I was in
Porterdell paying my taxes, and the clerk said you need to
file for homestead exemption here in Newton County because
you own five or six houses. And I said -- she said don’t
you still -- is that cottage still yours? I said, yeah,
that’s mine. She said, well, you need to register for the
homestead exemption, and I said, -- she said, you don’t
have the homestead exemption anywhere, do you? And John
and I were not married at the time. I said, no, I don’t.
So I registered for the homestead exemption in Newton
County because I was advised to.

Well, I had no idea that because John’s name was on
the deed that that was basically in a sense changing his
homestead exemption. But we never were told that. He was never told that. When y’all questioned our voting when we requested an absentee ballot, it was told to us that John had homestead exemption in Newton County, which he never changed it from Rutledge. That was my fault for listing Porterdell, where my -- my Porterdell cottage which was my house before we got married, and that’s my homestead exemption. I had no idea and neither did he that it had taken him off of the Morgan County property. So, you know, I didn’t think anything about it.

My driver’s license, you know, they check your driver’s license at every polling location, so, you know, we, you know, I -- even State Farm told us not to change our driver’s license, not to do anything because we have, like, nine cars, not to do anything until we sold the house in Morgan County and officially moved to Newton County because we still had merc -- we still had our stuff, part of our stuff in Morgan County. We never left that house one hundred percent, so like I said, we were even advised by State Farm no, you don’t change anything until you have officially moved to Newton County.

So you know, this is not like we did anything -- we had no clue that since we voted since 1996 in Morgan County, still owned all that property that me doing what the County of Newton said, put Porterdell as my homestead
exemption, it would change John’s homestead exemption or
change anything about where we voted. I had no idea the
homestead exemption made a difference where you voted. So
--

MS. SULLIVAN: Thank you, Mr. Rex.

MR. REX: -- it was all totally innocent. Yeah. We
went -- you know, we voted in front of our friends.
Everybody knew, I mean, and no one ever said anything to
us about hey, you’re not supposed to be voting here. The
question was when are y’all going to move back, and then
even in Newton County, when I told them I voted in Morgan
County, they still let me be a poll watcher, so I -- we
didn’t think we was doing anything wrong, until this was
brought to our attention, so it’s totally innocent. You
know, nobody -- I’d never known we had to go read all the
rules about voting. I just thought, you know, we own
property in Morgan County, we have businesses in Morgan
County, our driver’s licenses are in Morgan County, our
cars are registered in Morgan County. I had no idea that
because we had took [sic] a temporary residence in Newton
County that we would be violating the law. So that’s --

MS. SULLIVAN: Mr. Rex, did you -- you were residing
in Newton County; correct?

MR. REX: Well, I had a cottage in Newton County.
Yeah, I mean that was -- yeah. Since 19 -- since 2006, --
MS. SULLIVAN: Since 2006.

MR. REX: -- but it wasn’t -- yeah, and I have no idea of when the clerk in Porterdell said, hey, how come you don’t have a homestead exemption here? And I said, well, I’m not here all the time. I didn’t know you could. I said -- I just assumed since I was with John most of the time that our homestead exemption was in Newton -- I mean, Morgan County, but, you know, she said, no, if you’re not on that house in Morgan County, then you’re -- you are -- you need to have a homestead exemption. So that’s why I did that, and by doing that, that threw John under the bus because his name was on the deed where he helped me buy it.

MS. SULLIVAN: Okay. Does anybody -- any of the Board members have any more questions?

MR. MASHBURN: This is -- this Matt Mashburn. Is there any indication that he’s claiming homestead in Morgan County, a homestead exemption in Morgan County?

MS. WATSON: Not that I know of.

MR. MASHBURN: Okay.

MR. REX: No. I never had a homestead exemption in Morgan County. That was John because we were not married at the time. That was his house. I had Porterdell. We got married in 2015, and I just didn’t change anything because I didn’t think it mattered. I said, well, my
businesses are in Morgan County. We still own the house in Morgan County. We tried to sell it. We couldn’t sell it. We decided to move back in 2019. It burned, and we’re still putting that house back together from the fire in 2019, so we never really gave up Morgan County as our home. It just -- that’s just the way it was when we were trying to sell it.

MR. MASHBURN: All right. While you’re participating in the political process in Newton County, you’ve never ever a single time voted in Newton County, right?

MR. REX: No, sir. No, sir. I didn’t. Everything was always Morgan County. I’m not sure why they asked me to be a poll watcher in Newton County. Maybe the Mayor of Porterdell [sound cuts out] made a statement. I said, you know, I vote in Morgan County. She says, well, we’re so short of poll workers. We just want someone to help watch the election, so they knew. Everybody at the polls knew that I voted in Morgan County at both places. It was, like, never a secret. I mean, it wasn’t like we was [sic] trying to sneak. It was always plain as day that we had a house in Newton County. We had a house in Morgan County, and we always voted where we voted since 1996, you know, because we’ve owned property in 19 -- since 1996 in Morgan County.

MR. MASHBURN: Got it. Thank you.
MR. REX: And I think John can speak -- he’s in Hawaii if he has a connection. He’s next, I think, to speak.

MS. SULLIVAN: If John would like to speak, he may go -- he may speak now. Mr. Pisello?

MR. PISELLO: Yeah. Can you hear me?

MS. SULLIVAN: Yes. Go ahead.

MR. PISELLO: Okay. I don’t -- I don’t really have a whole lot to add to what -- what Keith just said other than again to state the fact that my homestead exemption on the property in Morgan County was sort of, you know, removed without my knowledge or consent apparently when Keith filed homestead exemption on that cottage in Porterdell, and my name was on the deed on that property in Porterdell because it was financed by a private financer, and he wanted somebody who had a full-time job to have their name on the deed, which I do. You know, Keith is self-employed, and I’m not. I mean, I’m employed by IBM, so I have a full-time job. So apart from that, yeah, I had no idea that -- well, a, I had no idea that you must vote where your homestead exemption is, but b, even beyond that, I had no idea that my homestead exemption had been changed. No one -- you know, I never got anything in the mail as far as I recall or anything from anyone saying your homestead exemption has been
moved. So yeah. I guess that’s all I wanted to -- to clarify, but I think Mr. Rex probably already mentioned that to you anyway.

MR. MASHBURN: And you -- this is Matt Mashburn again. And you’ve never ever voted in Newton County either, right?

MR. PISELLO: Not until this was brought to our attention. So we did vote in Newton County for the runoff election for the Senate in early -- January, I think it was January 2021 or maybe it was December 2020, whenever that runoff election was. At that point, we had been notified that we were not legally allowed to vote in Morgan County and so we changed our registration to Newton County for that election. So currently, we are both registered to vote in Newton County, but as soon as we move back to Rutledge, to that Rutledge house, we’re going to resume -- you know, we’re going to put our registration back to Morgan County, and we’re going to continue voting in Morgan County.

MS. GHAZAL: I would like to echo Mr. Mashburn in his previous comment in a previous case that I don’t see what further could be done. These voters did not say they voted there once. They recognized the problem. They have re-registered. They have already taken ameliorative action, so I would like to move that they be
issued a letter of instruction.

MS. SULLIVAN: I believe we have one more person who wanted to speak.

MR. NORTHEN: Yes.

MS. SULLIVAN: Okay. Well, let’s go -- we have a motion. Let’s see if there’s a second.

MR. NORTHEN: Jennifer Doran?

MS. SULLIVAN: Let’s see if there’s a second.

MR. MASHBURN: Second.

MS. SULLIVAN: Okay. We have a motion and a second, and we’ll go ahead and while that motion is pending, we’ll go ahead and hear from this next person. Who?

MS. WATSON: It’s the Elections Supervisor.

MR. NORTHEN: Jennifer Doran. You’re --

MS. SULLIVAN: Ms. Doran?

MS. DORAN: Yes. I was just here in case you had any questions. I didn’t have any comment.

MS. SULLIVAN: All right. Thank you. We have a motion and a second to issue a letter of instruction in this case to both Respondents. No further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And that would be none opposed, and the letter of instruction will be issued. Thank you, Mr. Rex and Mr. Pisello for being here. The next case, SEB
MS. WATSON: Yes. The complainant reported the Respondent Dillon Andrew Harris voted by absentee ballot in Worth County. The complainant reported Mr. Harris resides in California but continues to vote in Georgia. An associate of Mr. Harris states that he has known Mr. Harris for most of his life and knows that he resides in California but was voting in Georgia.

Investigation shows that Dillon Harris acknowledged ownership of a residence and owning 36,000 acres of land in Worth County, Georgia and paying property and automobile taxes in Worth County. On December 9th, 2020, when an investigator visited the property at 1147 Fivesh Road in Oakville, Georgia, a visitor to the property informed the investigator that the property was a hunting camp. An Open Records Request through Medicino County, California public records indicates that Dillon A. and Wendy R. Harris’ property in Medicino County, California is assessed at 705,000 dollars. The investigation revealed that while Mr. Dillon is not an active registered voter in California, he did request an absentee ballot for a 2018 election in California. This absentee ballot was never returned.

Mr. Harris stated his wife resides in California, and he has a nine-year-old daughter enrolled in school in
California. During a meeting with Mr. Harris on March 3rd, 2021, Mr. Harris expressed a desire to complete the work on the house on the property at 1147 Fiveash Road and return to Worth County, Georgia to be near his elderly parents. Our recommendation is for Dillon Andrew Harris to be referred to the AG’s Office for 21-2-216(b)(4).

MR. NORTHEN: Mr. Harris is on the line and should be able to unmute himself now.

MS. SULLIVAN: Mr. Harris, would you like to --

MR. HARRIS: Okay. Yes. Can you guys --

MS. SULLIVAN: Go ahead. We can hear you.

MR. HARRIS: Okay. Well, I don’t really know how to respond. I’ve got a kind of statement because there’s a few -- there’s a few things in the investigator’s findings that are not exactly correct and some assumptions were made. So the few --

MS. SULLIVAN: Okay. Go ahead.

MR. HARRIS: Excuse me?

MS. SULLIVAN: We’re having a hard time hearing you. It sounds like you may be moving your face away from the microphone. If you could try to speak up, that would be helpful.

MR. HARRIS: Can you hear me better now? Can you hear me?

MS. SULLIVAN: We can hear you.
MR. HARRIS: Okay. So the tree farm in Georgia that’s the 36,000 acres, that belongs to my mother, and I have hunting rights. However, the 9 acres and the house at 1147 Fiveash Road required a property trade in 2006 that put a house here. In addition to that, the [sound cuts out]

MS. SULLIVAN: We’re having -- we’re having a really hard time understanding you. Is there --

MR. HARRIS: Yeah. I don’t understand why. But anyway, the house at 1147 Fiveash Road belongs to me. The hunting camp that was referenced in the findings is 1165 Fiveash Road, and it’s further down the driveway from my residence, and the -- the man who owns it, his name is supposed to be Donald, but he’s a retired CSX conductor from Tallahassee. He and his wife Judy have been running this since 1990. What Mr. Hernandez failed to realize and did not inquire about is the fact that there’s another house with buildings further down the driveway beyond the house that have not been used at the hunting camps since the ’80s. [sound cuts out] hunting camp for their use and the legal address for the hunting camp is 1165 Fiveash Road.

The property in California was acquired via tax-free exchange in 2008 after we subdivided an old property from North Carolina. The California property was our next
venture. When we acquired the property at [sound cuts out], we then put a structure with a small house, a garage apartment and [sound cuts out]. It was designed as a guest house.

As far as the ballot I requested in California, I requested a ballot due to a desire to vote on state issues that I felt would impact my property value. However, the fact that I had requested a ballot caused me to be concerned with my homestead exemption and eligibility in Georgia. I had a house down in Savannah at the time, so I -- I mean, I -- we sold that house in Savannah, and that’s when [sound cuts out]. Now, since then place in California was brought as an investment property, and the exemption rate at the time [sound cuts out] we never -- we never even considered [sound cuts out] 1147 Fiveash Road, the homestead exemption -- in January, you know, I filed for homestead exemption at 1147 Fiveash Road. But [sound cuts out] a California resident, so I’m not sure what -- what else to say about this other than it was never my intention to be a California resident.

MS. SULLIVAN: Okay. Thank you, Mr. Harris. Do any of the Board members have any questions? Are there any other people signed up to speak on this case?

MR. MASHBURN: I move that we accept the recommendation and refer this over to the Attorney
General.

MS. SULLIVAN: I’ll second that motion. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. Thank you, Mr. Harris, for being here.

The next case is 2020-258, Fulton County.

MS. WATSON: Yes. The complainant alleges that they received information from Fulton County at their address indicating that the previous owner was using their address as their -- their voter address and has requested an absentee ballot that has been mailed to an address in Maryland. The complainant advised that he purchased and moved into the residence located in Sandy Springs, Georgia in 2018. He noted that the Respondent, Ms. Fischer [ph.], was a previous owner who he believed moved out of state. However, she used his address to request an absentee ballot and voted.

The investigation revealed that Ms. Fischer did not move out of state but to an address within the same county. The investigation found information that indicated Ms. Fischer lived in an apartment located at 28 Park Gate Drive, Atlanta, Georgia. An investigator then traveled to the apartment, attempted to contact someone
there with no success, and left a card in the door. The investigator met with apartment staff to confirm that Ms. Fischer is the owner of that apartment and has lived there for approximately 2 years. The investigation revealed that a man named Essessa -- Essessa Fischer [ph.] is the owner of the residence in Maryland where the absentee ballot was sent and that Ms. Fischer spends time there and in Atlanta. Our recommendation is that Miriam Fischer be referred to the Attorney General’s Office for 21-2-562 and 21-2-218.

MS. SULLIVAN: There is no one signed up to speak on this case. I would move that we accept the recommendation. Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: Any further discussion?

MS. GHAZAL: I had a couple of additional questions.

MS. SULLIVAN: Okay. Go ahead.

MS. GHAZAL: Can you tell me whether or not Ms. Fischer ever updated her driver’s license after she moved from the house or submitted an NCOA change of address because my understanding -- based on Google Maps, she moved two miles away?

MS. WATSON: Yes. It was -- it was to the area, but as far as the driver’s license, I don’t know that off the top of my head.
MS. GHAZAL: The reason I’m asking is because either that or the NCOA process should have actually updated her address since she was still located in Fulton County and still eligible to vote in Fulton County.

MS. WATSON: Yes. She still would be eligible to vote in Fulton County but using the wrong address on the voter certificate would be the violation -- a fraudulent entry.

MS. GHAZAL: Right, but she was -- she was still eligible, and my question is why her address was not automatically updated in the voter registration because the NCOA process is supposed to automatically update voters’ addresses when they make an in-county move, and this move was conducted two years prior to this election.

MS. WATSON: Right. I would have to check to see if an NCOA was filed and if a driver’s license was filed with a voter registration.

MS. GHAZAL: Were any of those votes between 2018 and 2020 in person?

MS. WATSON: Yes.

MS. GHAZAL: So in -- in that case, it could be that the voter certificate should have been automatically produced with -- through production of that -- that driver’s license.

MS. WATSON: If she had updated her driver’s license.
MS. GHAZAL: But you don’t have that information?

MS. WATSON: I do not.

MS. GHAZAL: We already have a motion on the table.

MS. SULLIVAN: Well, if you -- yeah. We have a motion on the table, but if you would like for us to get more information, we can table this case.

MS. GHAZAL: I -- yes. I would like that.

MS. SULLIVAN: Okay.

MR. MASHBURN: Okay. It was your motion, Rebecca.

MS. SULLIVAN: I think it was.

MR. MASHBURN: Do you want to table your motion?

MS. SULLIVAN: I will table the motion.

MR. MASHBURN: Okay. Seconded.

MS. SULLIVAN: We will bring this case back. Next is 2020-260. Go ahead, Ms. Watson.

MS. WATSON: Yes. We received a list of possible duplicate voters from the November 3rd election. The list was split between the south team and north team. The case relates to those listed in the South Georgia region. The list contained individuals in 22 counties in South Georgia with a list of a possible 129. After contacting each of the counties and reviewing documentation, 120 of the listed 129 were resolved with the counties as data entry errors -- for example, entering the incorrect code when the absentee ballot is surrendered at the poll indicating
the absentee ballot by mail was received instead of
cancelling -- leaving 9 voters, 7 from Dougherty and two
from Miller County. 3 of the 7 in Dougherty County were
shown to have only voted once, leaving four voters.

Four Dougherty County voters, Robert Kenson [ph.],
Latonia Edwards [ph.], Sandra Hobbs [ph.], and Teresa
Robinson [ph.], voted twice during the November 3rd, 2020
general election. All four voters submitted an absentee
ballot in addition to voting in person on Election Day.
Mr. Kenson identified the signature on the absentee
application in his -- as his and acknowledged he voted in
person. He did not recall voting absentee by mail when he
voted in person. Latonia Edwards has not responded to
attempts by the investigator to contact her regarding
voting twice. However, she called in response to the
notice and advised that she requested an absentee ballot
and did not receive it and requested a second one that she
completed and mailed to the county. She checked the
online status on the MyVoter page and saw that the status
indicated denied, which is most likely from the first
absentee ballot request being cancelled in order to issue
the second absentee ballot by mail request, and went to
vote in person and states that she was not asked at the
poll regarding the absentee ballot.

Sandra Hobbs advised she voted absentee because she
kept receiving notices in the mail. She states that she also voted on Election Day. She says she was not intentionally trying to break the law. Teresa Robinson, I have been notified, has since passed away and is now deceased.

Miller County voters Mar -- Barbarra McNair [ph.] and Gerald Hawkins [ph.] voted twice during the November 3rd, 2020 general election. Barbara McNair submitted an absentee ballot in addition to voting in person on Election Day. Gerald Hawkins voted advance in person on October 20th, 2020 and in addition voted in person on Election Day. Barbara McNair advised she voted in person, and the poll workers did not mention anything about an absentee ballot. She did not recall voting an absentee by mail ballot and advised she had a lot going on during this time with her mother being sick. Gerald Hawkins did not return the investigators’ attempts to contact him regarding the duplicate vote.

Our recommendation is for Robert Kenson, Latonia Edwards, Sandra Hobbs, Barbara McNair, and Gerald Hawkins to be referred to the Attorney General’s Office for 21-2-572, for Dougherty County Board of Elections and Registration and Ginger Nichelson -- Nickerson, the Election Supervisor for Dougherty County, to be referred to the AG for 21-2-590, and for Miller County Board of
Election and former Elections Supervisor Brenda McNeese [ph.] to be referred for 21-2-590.

MR. NORTHEN: We do have Ginger Nickerson here on the line who should be able to unmute themselves at this time and speak.

MS. NICKERSON: Good afternoon.


MS. NICKERSON: Thank you for allowing me to speak.

In Doughtery County, we provide training to our poll workers on every component of this election process, so the affidavit process and ballot cast selection form is something that we go over individually. It’s about a two-hour training, so in our review of our records, with -- as far as Mr. Kenson was concerned, we see that his ballot was returned on the -- September the 28th. In regards to Ms. Edwards, her initial request was fulfilled, and it was accepted. However, her second entry on her voter record shows that she had an application that was rejected because she applied more than one time. We rejected the second application, so when she went on the state system, it just showed the last entry, which would have been the rejected application. Her ballot was received the day before the election on November the 2nd, but it was entered into the state system.
In regards to Ms. Hobbs, the same. She voted. Her ballot was returned on the 19th. Now, when we train our poll workers, when they present -- when a voter presents themselves at the poll pad, they show their identification. The poll pad system would give them the symbol, which is AB, which would mean that voter had an absentee ballot. That voter would then be required -- be referred to the affidavit table to complete the absentee ballot cancellation form, and then, they would contact our office, and we would advise them on whether or not that voter could proceed.

We do not have ballot cancellation forms for Mr. Kenson, Ms. Edwards, or Ms. Hobbs, so what we did, we took it a step further, and we requested documentation from No, Inc., from the poll pad, a week ago today. We asked for a data entry log, and what this log would show us is what steps were taken. If Mr. Kenson and Ms. Edwards and Ms. Hobbs were indeed marked AB on the poll pad, the poll worker would be required to enter in a supervisory password in order to remove it and allow that voter to vote. To date, we have not received this log, this information we requested. I’ve emailed poll pad. I spoke to them for the initial request. We’ve emailed them. I’ve emailed them. I’ve left several messages. We do not have a report on what exactly the data was in the poll
pad, and that would be our concern at this point. They only have the poll pad to go by, and if there was not an AB marked by this voter, they would not have required them to complete the absentee ballot cancellation form, and there’s not an absentee ballot cancellation form for those three individual voters, and to date, we still don’t have the log to confirm exactly what was on the poll pad system from the poll pad vendor.

MS. SULLIVAN: Does anyone have any questions for Ms. Nickerson? Do we have anyone else signed up to speak on the case?

MR. MASHBURN: I move that we accept the recommendation and refer all the cases to the Attorney General.

MS. GAHAL: If I can make one amendment to that, I would like to see Teresa Robinson’s name removed from this since she has passed --

MR. MASHBURN: Oh, yes. Thank you.

MS. GHAZAL: -- and there was also a ballot cancellation form.

MR. MASHBURN: Thank you. Yes.

MS. GHAZAL: So if there was an error, it was inadvertent at best, so I would prefer not to get her name involved.

MR. MASHBURN: That’s a good -- that’s a good
amendment. I accept it.

MS. GHAZAL: Then I second it.

MR. MASHBURN: So I remove as amended. Good catch.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there’s none opposed, so that motion passes. The next case is 2021-002, Fayette County.

MS. WATSON: Yes. The complainant alleges that he dropped his absentee ballot as well as his wife’s in the Fayette County drop box located at 140 Stonewall Avenue West, Fayetteville, on October 13th, 2020 at approximately 1900 hours, which would be 7 o’clock. The complainant advised that he later checked the status of their votes and noticed that there were blanks on the website in the received and counted spaces. Investigation showed that Mr. Bosecker retrieved the video surveillance footage from Fayette County Elections via an Open Records Request and provided it to the investigator. Mr. Bosecker advised of an additional concern and showed the investigator numerous instances on the footage where the camera’s motion detector failed to pick up individuals and caught a single frame or so of them rather than the whole exchange of them walking up to the drop box. Mr. Bosecker was one of
these.

The investigator viewed these video clips and noted that the camera appeared to have trouble picking up these individuals and did not always continuously report when a person approached the box. The investigator made contact with Fayette County Elections Director Brian Hill who was not the director at the time of the incident. He advised that he is familiar with the complaint, and his office has looked for the missing ballots thoroughly and on two occasions. His office provided the investigator with a copy of the absentee box -- ballot drop box pick-up forms. The investigator interviewed Mr. Floyd Jones who was the Elections Director during the time of the incident as well as one of the two people who picked up the ballots from the absentee ballot box. He advised that he remembers several ballots throughout that election that were returned without the oath envelope and could not be identified or counted. Two such ballots were noted on the collection form for that date in particular.

The investigator interviewed Carol Cross [ph.] who was the other person who picked up the ballots on the date in question. She advised that she remembers a lot of ballots being picked up and notes that on several occasions, some were dropped into the boxes without the oath envelopes. She also advised that she did not see
anything suspicious during her time collecting from the absentee ballot boxes. The investigator went to Fayette Elections and personally conducted a search of all spoiled and cancelled ballots from the November 3rd, 2020 election and was unable to locate the complainant or his wife’s ballots. The investigator also searched the absentee ballot drop box and did not locate anything inside. Our recommendation is for Fayette County Board of Elections and Voter Registration and Floyd Jones, the Fayette County Elections Director formally, be referred to the AG’s Office in reference to elections rule 183-1-14-.08-14(4) for the requirement that the video recording device in the theater continuously record the drop box location or use motion detection that records one frame or more per minute until detection of motion triggers continuous recording.

MS. SULLIVAN: Is anyone here from Fayette County?

MR. NORTHEN: Yes, ma’am. We have three speakers currently, the first of which is Scott Bosecker.

MS. SULLIVAN: Go ahead, Mr. Bosecker. You should be able to unmute yourself.

MR. BOSECKER: Good afternoon. Can you hear me okay?

MS. SULLIVAN: We can.

MR. BOSECKER: Thank you, everybody, for inviting me to this hearing, and thank you for all the work you folks do. I’d also like to thank Secretary of State
Investigator Trent Anding [ph.] for his diligent investigation of this issue. In late May, Investigator Anding sent me an email indicating that his investigation was complete, and as he summarized in that email, quote, unfortunately, this creates an issue where we cannot prove either way what actually occurred in this instance. We know that you turned in your ballots from the drop box. We know that they were picked up, and we know that you two -- that the two you dropped off were not counted. There were no other reports of others in this similar situation to yourself, end quote. It’s that last sentence I’d like to comment on.

I note that you’ve mentioned that there are two that have no oath included, and I’m confident that that was included when I dropped my wife and I’s off. While I’m confident as I can be that my wife and I filled out our ballots correctly, and that I deposited them both in the drop box on October 13th, I am well aware that the lack of other complaints make this scenario a hard sell. Indeed, the first action I myself took upon learning that our votes hadn’t been received was to drive over to the drop box and see if it was Scott-proof. Based on that review, I believe the drop box is Scott-proof, and security on the video shows me in the vicinity of the drop box at the time I indicated our ballots were dropped off. I think it is
very important to point out that most people I have discussed this incident with had no idea that they could check the status of their vote via the Secretary of State’s website, so the lack of other voters complaining about missing ballots is a particularly meaningful piece of data.

I have spent many hours reviewing security video of the drop box in question. This video was obtained by me via Open Records Request. There is so much missing information on the security camera videos, it is difficult to state with any confidence what occurred at the drop box. If that video was complete, one could count the number of people that deposited something in the drop box and compare that to the number of ballots that were counted after the pickup on October 15th to see if those numbers somewhat matched. Obviously, like myself, some people placed more than one ballot into the drop box, but if the video was more usable, perhaps something could be determined with that comparison. If 400 people dropped something into the drop box, and only 350 ballots were recorded, that would indicate a problem no matter how many ballots each person placed in the drop box.

And I have also observed the election workers emptying the drop box and placing the contents into a vehicle, but again, the video is incomplete when recording
this event. I have no knowledge of what, if any, surveillance equipment was available to monitor the arrival of the drop box bin into the ballot counting rooms, so I cannot comment on what happened after the pickup of the ballots by election workers from the drop box on -- excuse me, on October 15th. Thank you for your time.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Darryl Hicks, who is unmuted and will be able to speak.

MR. HICKS: I believe -- thank you very much for allowing me the opportunity to speak for you today, but I believe our attorney is on the phone, and he is scheduled to speak next, so I -- I would yield to him and then answer any questions after, you know, he or she speaks.

MS. SULLIVAN: Certainly.

MR. NORTHEN: Okay. The only other person I have for this case is Allison Cox.

MS. COX: I’m here.

MS. SULLIVAN: Ms. Cox, you should be able to -- go ahead.

MS. COX: I’m counsel for the Fayette County Board of Elections, and my comment only goes to the recording itself. We are set up at that drop box for continuous recording at all times. However, there is a simultaneous
recording going on whereby one frame per minute is sent every ten minutes to offsite storage, so I believe the Open Records Request that was made in January was probably -- caused a production of that offsite recording, so it’s going to appear not to be continuous although our system is set up to be continuously recording at the site. And Mr. Darryl Hicks is here to testify to the fact that he’s actually seen that recording, but I don’t --

MR. HICKS: Yes. Let me -- let me give some backdrop here from our perspective as well. I do remember having a conversation with Mr. Bosecker about the incident, and I assured him when he brought it to my attention that -- that I would investigate the matter. I requested our IT department provide me with a recording or at least allow me to see the recording. The IT person did so. I went to his office, and I was able to view what -- what I saw was a continuous recording, and here’s the reason I say that: we located when Mr. Bosecker dropped his ballot in the drop -- his and his wife’s ballots in the box. The recording was such so that obviously we can’t see the names on what he dropped in the box, and it wasn’t positioned where we could see it. We could just see that he dropped something in the box.

I asked the IT person can you go back? Let’s go back 5 minutes before Mr. Bosecker dropped his ballot, and
let’s see what happens. So he played that footage, which was a continuous footage. I just wanted to see, you know, what others might have experienced at the time that he dropped his ballot in the box. I also asked him -- asked the IT person to -- to move forward 5 continuous minutes and let’s see what happens after that, and obviously, looking at that video, I still couldn’t tell based on anybody dropping ballots in the box whether or not we could identify anything that indicates they either dropped a ballot in the box or they dropped a piece of paper in the box. I contacted Mr. Bosecker, and I explained to him what I had discovered, and I shared with him that there’s no way that we can tell what he actually put in the box, but because we couldn’t tell, I asked staff going forward -- I suggested to them and recommended that they start to make a copy of every single ballot that they take out of the box, whether it’s a complete -- whether it’s a ballot completely intact or whether it was just part of the envelopes, you know, let’s say the election envelope as opposed to the outer envelope or the -- or the -- the oath envelope.

We started making from that point forward a copy of every single ballot that we retrieved from all of our ballot boxes just so that we could -- we could, if you will, have a double check on what we took out of the box
and then be able to go back and see what we received in
the office. Now, that’s in addition to all of the
requirements that the State mandates an election office to
perform when they’re removing ballots from the box, and
then providing that information back to the Secretary of
State, certifying what we took out of the box.

So, you know, I -- to the point of the video, I
physically saw a continuous video. I’m not sure what
video Mr. Bosecker got. He might have gotten exactly what
our attorney has stated, but I saw a continuous video. We
do have continuous recording on -- on -- we had it on all
of our boxes. We will have it on any box going forward.
Thank you very much again for allowing me the opportunity
to speak with you today, and then I’d like to just close
by saying I truly do understand Mr. Bosecker’s concern and
the fact that his ballot did not get counted. I’m not so
sure what else we could have done to make that happen
given the fact that we don’t know exactly what electors
are putting in the box until we retrieve it. Thank you
very much.

MS. SULLIVAN: Thank you.

MR. MASHBURN: Matt Mashburn, this is Matt Mashburn.
Before you go, let me just ask you a question to focus
this really tight. You had exactly, precisely two
envelopes that had no yellow outer envelope but only had a
white envelope on the exact day that the two ballots went missing, right?

MR. HICKS: Yes, sir.

MR. BOSECKER: May I say something?

MR. MASHBURN: Sure. I mean, it’s up to the Chair.

MS. SULLIVAN: Let me go ahead and ask, so the only thing that the County has been cited with is the violation for continuous recording, but the County is taking the position that they do have continuous recording. Can we rectify why we think that there wasn’t?

MR. BOSECKER: Because of my -- because --

MS. SULLIVAN: Go ahead.

MR. BOSECKER: This is Scott Bosecker. I did an Open Records Request requesting that security video. I received a -- you know, I had to pay for a 2-terabyte hard drive. I understand that and the time involved with re -- retrieving that information. I received something completely different than Mr. Hicks is referring to. I only have a single frame -- single frame of myself only because the -- whatever the recording software was doing at that time because it didn’t see any movement, it would take a single frame every minute. I happened to be in that frame. I had -- you want some sharing, I can show it to you.

MR. MASHBURN: Yeah, no. This is Matt Mashburn. I
appreciate it. What I’m going to do is I’m going to make
a motion, and lawyers have a phrase that’s very helpful.
It’s called without prejudice, and what that means is you
can bring it again, and so what I’m going to do is I’m
going to move to dismiss this without prejudice. I’m
going to move to dismiss this because the Attorney General
has plenty of capability to do things we send them, but
they also have things that they can be doing, so what I’m
going to do is move to dismiss this at the time -- at this
time, and ask that you and the County get together and
look at what they sent you because it sounds to me like
it’s possible that the error is in what the County
responded to you in the Open Records Act rather than what
the County has, so I’m going to ask that in the meantime,
while this is dismissed, that y’all get together and --
and look at what each other has, and if you need to bring
it again, you need to bring it again, okay?

MR. BOSECKER: Sure. I -- I would assume the
investigator would have shared -- I gave the entire hard
drive of the video to the investigator, so I assume he had
shared that with the local county board of elections.

MS. COX: This is Allison Cox. Can I just -- can I
just interrupt and say one thing? I think we didn’t get
the Open Records Request until January 12th, which may
explain why what was provided was less than the full
continuous recording because I think under the same rule that we’re cited under, i, we’re required to hold onto that continuous video for 30 days post-certification, which would have been December 20th, I believe.

MR. MASHBURN: I’m going to -- I’m going to move to dismiss this without prejudice, and you all -- ask that you all get together, and if you need to re-bring it, you need to re-bring it.

MS. COX: Thank you so much.

MS. SULLIVAN: Thank you. We have a motion that is on the table. Do we have a second?

MS. GHAZAL: Second.

MS. SULLIVAN: Motion and a second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed, and that motion passes. The next case on our agenda, 2021-011, Sumter County, has been ta -- has been continued to the next meeting, so we’re move onto 2021-015, Fulton County.

MS. WATSON: On January 4th, 2021, we received complaints that two unrelated deceased persons allegedly voted by absentee ballot in the November 3rd, 2020 general election in Fulton County. The first allegation is that an unknown Respondent voted an illegal absentee ballot for
Dorothy May Harper [ph.], and that allegation was unsubstantiated. The investigation found that the elector died on October the 12th, 2020. Our data indicates that the decedent indicated an absentee ballot was requested on September 23rd, 2020 and was received on November 30th, 2020. The investigation found the live-in caretaker did sign as assisting the elector on October the 8th, 2020 and did assist the elector with her absentee ballot while she was living during the early voting period for the November 3rd, 2020 general election. This was four days before her death -- of the elector.

In the second complaint, the allegation that a Respondent voted an illegal absentee ballot for Dorothy Feld Scott [ph.] was substantiated. The investigation found that the decedent died on September the 23rd, 2020. Our data indicates for the decedent an absentee ballot was requested and mailed on September 23rd, 2020. The absentee ballot was received on September 26th, 2020, three days after the death of the decedent. The investigator interviewed and received a notarized statement from the decedent’s son, Freddie Lee Scott. Mr. Scott stated he was the primary caretaker for his mother. Mr. Scott stated he took care of his mother’s final arrangements, provided a notarized statement that his mother was living when he completed the absentee ballot at
her direction. Mr. Scott advised that he assisted his mother in signing the absentee ballot envelope. The evidence suggests the absentee ballot submitted to the local county board of registration and elections may be fraudulent due to the fact it was mailed to the decedent on the day of her death. Our recommendation is Freddie Lee Scott be bound over to the Attorney General’s Office for 21-2-573.

MR. NORTHEN: We have Mr. Scott here on the line. He should be able to unmute himself here and speak.

MS. SULLIVAN: Mr. Scott, go ahead.

MR. NORTHEN: Mr. Scott, please unmute yourself, sir.

MR. SCOTT: Hello, can you all hear me?

MS. SULLIVAN: Yes, we can. Go ahead.

MR. SCOTT: Okay. Good afternoon. Good afternoon, Chairperson and the rest of the Board. I received this letter from y’all roughly on the 24th of August of 2021 for the investigation -- the field investigation’s findings, and there are several things on the letter that’s not -- not true. From reading my statement, I did not fill out my mother’s absentee ballot on her death date. That’s -- you know, that’s just kind of ludicrous for anyone. I mean, I had just -- just lost my mom on the 23rd of September, 2020, and I -- I mean, an absentee ballot was the furthest thing from my mind, you know, when
I had to go through just losing my mother. And also the statement to me said that it was received at the ballot place where it was mailed to three days later on the 26th. Her ballot was prepared and mailed off days before her death, and it should have been received at its destination long before the statement of the -- the investigation’s determination of fraud.

Now, I would say my mother was born in 1928, had been a resident of the City of Atlanta, County of Fulton until her death date at 91 years of age, and I, myself, with my level of integrity, I would never do anything criminal or fraudulent for our city, county, state, United States of America, you know -- you know, as these claims have been presented to me and to the Board. This has nothing to do with it, but I worked 42 years and 4 months for a federal organization with [sound cuts out] core values for employees, but I came to the organization with integrity. I still have integrity, and I don’t know -- some of the things in the complaint, you know, about my mother’s ballot was valid. You know, as far as my assisting her, but she was very much alive when we did the -- the absentee ballot, and it was mailed off, and like I said, she came to her demise on September 23rd, 2020, so I don’t know how -- how someone came to the conclusion that I would have taken the time or anyone on a person’s death
date with a living identity -- or their deceased identity
to do something as criminal or fraudulent as this that
I’ve been accused of.

MS. SULLIVAN: Thank you, Mr. Scott, for being here.
Ms. Watson, is there -- I assume that the ballot was
postmarked on the 23rd. Is that --

MS. WATSON: The...

MS. SULLIVAN: The outside is dated on the 23rd?
MS. WATSON: The application was dated on the 23rd
and stamped.

MR. SCOTT: The application?

MS. WATSON: They got the request on the 23rd and
mailed it on the 23rd.

MS. GHAZAL: So the application was submitted prior
to the date of death?

MS. WATSON: It’s the same date, the 23rd.

MS. GHAZAL: Okay. So it’s -- was it an electronic
application?

MS. WATSON: We -- that is what was entered by the
County, that they received it and mailed it on the 23rd.

MS. SULLIVAN: Is it possible that the County made an
error?

MR. MASHBURN: Mr. Scott?

MR. SCOTT: Yes. Can I say something?

MR. MASHBURN: This is Matt Mashburn. Do you
remember what -- around what day you were -- I’m sorry for your loss by the way. My mother-in-law just passed away, so I know it’s a tough -- it’s a tough time, so I’m sorry about that for you.

MR. SCOTT: Yeah. Thank you.

MR. MASHBURN: But do you remember -- did you help her request it? Do you remember the day that she requested it or you requested it?

MR. SCOTT: I don’t remember the exact date, but the ballot was requested on the State’s website, you know, that’s how I requested it, not through any other form of mail or anything, and after requesting it, I do remember it took more than -- well over three weeks for it to be received as requested, and also, I -- like I said, I don’t see how anybody who received it can say that it was prepared and mailed on her death date and received at the official --

MR. MASHBURN: Do you remember -- I’m sorry to interrupt. Did you help her mail it?

MR. SCOTT: Yes. Yes.

MR. MASHBURN: All right. So you’re telling us -- you’re telling us that you mailed it before she passed away, right?

MR. SCOTT: Yeah. That’s correct, and I told your investigator where I mailed it in her community at the
Lakewood post office branch, and I did not put it outside. I never put any letters in the outside mailbox. I walked it into the staff mail drop box. That’s what I did, and I told the investigatory, you know, hopefully whatever his investigation was, he could get the camera footage where I did it, but it was -- you know, I would never, on my life --

MR. MASHBURN: Were you -- were you helping her -- I’m sorry to interrupt you again. Were you helping her put it together?

MR. SCOTT: Yes, yes.

MR. MASHBURN: Okay. Did you help -- and you helped -- and you helped her put the stamp on it?

MR. SCOTT: Yes.

MR. MASHBURN: She was very much alive when you all did that, right?

MR. SCOTT: Yes, yes. She was. And when it was mailed off, you know, she was still alive, and they should have got it several days instead of, you know, saying that I mailed it on her death date. That doesn’t make -- it shouldn’t make sense to anybody that someone would do something like that when you have lost not just a relative, but that was my parent. You know, I would never do anything with her identity, living or deceased. Because I found, like I said, in the complaint, there’s
just complaint in the way it was sent to me and the way it
reads, and it said it was mailed to me, like, on August
the 20th, and I received it on August 24th, but there are
several incorrect things on here.

MR. MASHBURN: Yeah. I’m sorry. I’m sorry to
interrupt you again, but the County’s records are saying
that it was mailed to you -- to her on September --
September 23rd, which is the day that she passed away.

MR. SCOTT: No.

MR. MASHBURN: And they got it back on November 30th.
You’re saying the County’s records are not correct.

MR. SCOTT: Yeah. That’s incorrect. That is -- I
stake my life on that. That is incorrect. She -- the
ballot came several, several weeks before her passing.

Now, I don’t know if -- you know, with this particular
controversial election that somebody else is not telling
the truth, but I stake my life on this.

MS. SULLIVAN: Ms. Watson, the summary said that the
investigator could not verify the dates found. Do we know
what that means? I mean, --

MS. WATSON: That’s -- that’s what was entered into
the computer. We do not have the actual documents. They
are under court seal for November 3rd.

MR. SCOTT: This must be a typo because my statement
that -- when we met back in March, I believe it was, me
and the investigators met personally, and I -- I got to
read my statement to him, you know, and then he wanted me
to do some other things in his presence, you know, when he
took my -- my ID, you know, to confirm all of that and
everything, and we had a pretty good meeting. Like I
said, this -- it’s just not adding up, you know, that I
would do anything -- I -- I can’t -- well, I don’t know
about anybody else, all the millions and trillions of
people, but who would take time for something as trivial
as voting a ballot when you just lost your parent to fill
that out on her death date, when I had so many things to
do, and then take it to the post office branch, and then
your records say it wasn’t received at its destination
until three days after these claims of the date of her
death that this ballot was -- you know, the ballot was
completed and mailed.

Also, the way it reads is, like, the ballot was
requested on the same date, the 23rd. It was prepared on
the 23rd, it was mailed on the 23rd, and it was received
at its destination. That’s the way I’m reading this
complaint, and it just -- it doesn’t add up. It doesn’t
make sense. So it’s got to be a big miscommunication type
of error somewhere, and it wasn’t done, like, you know,
two, three days before her passing. You know, it was done
several days and mailed off, and I didn’t -- I did not
know my mother would pass. Like, I don’t know when I’m going to pass or when either of you all on this Board would be passing.

MS. SULLIVAN: Yeah, thank you, Mr. Scott. We are going to -- you know, there were several questions that were raised here today. We’re going to go ahead and continue this case and have our investigators do a little bit more investigation of this -- of the dates and of the claim, and we’ll bring it back at a later date, but thank you very much for being here.

MR. SCOTT: Okay. I appreciate it. I really wish you all would consider for this case to be dismissed because this just -- it doesn’t make any sense from the letter that I received from you all to even join this at the time I joined it about five minutes to nine this morning.

MS. SULLIVAN: Thank you. We’re going to go ahead and -- I’ll go ahead and take a vote to...

MR. MASHBURN: I’ll make a motion. I’ll make a motion to continue this case.

MS. SULLIVAN: Okay. And I second. All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed, and we’ll bring that case back before us again.
MR. MASHBURN: And -- and if they find that the charge is unfounded, it can go into the consent calendar, and we can pass it at 9:05, and he doesn’t have to wait a whole day.

MS. SULLIVAN: That is correct. Thank you. The next case is 2021-062, Walker County.

MS. WATSON: Yes. On December the 11th, we received a complaint from Walker County Elections and Registration Director, Ms. Montgomery, advising they had an absentee ballot returned when the elector who requested the absentee ballot notified the Elections office that she had not received her absentee ballot. The elector, Linda Socia [ph.], advised that she no longer had the P.O. Box the absentee ballot was mailed to. Ms. Montgomery advised the elector arrived at the Elections Office and stated the signature on the absentee ballot envelope was not hers. Ms. Montgomery advised their observations of the signature had some similarities and found some non-similarities. This occurred during the early voting period for the special federal runoff election on January 5th, 2021.

Investigation found that elector Ms. Socia did not request her former post office box to be deleted from her voter registration information until she notified the Walker County Board of Elections and Registration that she did not receive her absentee ballot for the January 5th,
2021 federal Senate runoff election. The Director had received and spoiled a fraudulent absentee ballot in the elector’s name. The Director issued the elector another absentee ballot. The elector did vote.

The spoiled ballot was collected as evidence by the Secretary of State’s investigator. The investigator submitted the unsealed, unopened, and spoiled absentee ballot to the GBI crime lab for fingerprint analysis, located inside the sealed absentee ballot envelope contained a latent fingerprint. The found fingerprint, item 1C, was compared to item 3, the known fingerprint of Respondent William Clifford Chase [ph.]. The report found item 1C matched 3, identifying William Clifford Chase’s fingerprint on the absentee ballot. Our recommendation is to refer Mr. Chase for 21-2-562, 21-2-571, 21-2-574.

MS. SULLIVAN: Is anyone signed up to speak?

MR. NORTHEN: No.

MS. SULLIVAN: No one has signed up to speak on this case. Do any of the Board members have any questions?

MR. MASHBURN: Just so -- just so I’ve got it clear in my mind, so what the allegation here is is that the Respondent got an absentee ballot in his post office box that the voter used to use, filled it out, sent it back in?

MS. WATSON: Correct.
MR. MASHBURN: Okay. I think the investigators have proven sufficiently that a violation has occurred here and move to refer this to the Secretary of State -- to the Attorney General’s Office. Twice I’ve done that.

MS. SULLIVAN: Second.

MS. GHAZAL: May I add a friendly amendment that it also get referred to the District Attorney’s Office?


MS. SULLIVAN: And I’ll re-second. Is there any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And none opposed. That motion passes.

Next is 2021-064, Hart County.

MS. WATSON: This investigation was opened after we received a complaint alleging that Hart County District 1 Commissioner Oglesby had set up a grill outside one of the businesses and was cooking and giving away food for anyone who had voted. A Georgia Secretary of State inspector was dispatched to Hart County based on the complaint alleging there were rumors the Respondent was cooking and giving away food. The complainant also indicated there were pictures of grills and cooks. The Hart County Board of Elections subsequently provided a statement that stated the Board of Elections nor its staff confirmed that any
food or meals were given to voters in violation of 21-2-570.

The investigation revealed through personal observations and photographs taken by Georgia Secretary of State personnel that the Respondent participated in an activity that publicly displayed campaign materials promoting and publicizing his reelection in the area where the grill was set up for cooking at business operated by a family member, and food was provided to the public. Additionally, the Respondent conversed with Georgia Secretary of State employees at the event at which time the Respondent stated to the employee he would have the activity shut down. The cook at the location spoke to the inspectors stating that the food was being provided to those with an I voted sticker. R.C. Oglesby, former Hart County Commissioner for District 1, is being recommended to be referred to the AG’s Office for 21-2-570.

MS. SULLIVAN: Is anyone signed up to speak? We do not have anyone.

MR. MASHBURN: I move to accept the recommendation and refer it to the Attorney General.

MS. SULLIVAN: I’ll second that motion. Is there any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And none opposed. That motion passes.
The next case is 2021-068, DeKalb County.

MS. WATSON: Yes. We received an anonymous complaint reporting a non-citizen voter in DeKalb County. Evidence supports that John Latie Olicinde [ph.] is not a United States citizen. He registered to vote on September the 6th, 2013, citing that he is a citizen of the United States. He voted as a resident of DeKalb County in the following elections where his vote was counted: in 2000, 2001, 2002, ’04, three times in 2008, in 2010, ’12, ’14, ’16, ’18, and then November 3rd, 2020. We did contact the Department of Immigration to verify his citizenship status, and it was determined that their records indicated an alien number was issued in this name in 1979, and he attempted to return to the States of the United Kingdom on February 14th of 2021. However, that was denied due to COVID restriction, and the Social Security Number that is being utilized by Mr. Olicinde is listed to another individual, and we are unable to locate any documents indicating that he is a citizen of the United States. We’re recommending that he be referred to the AG’s Office for 21-2-561 and 21-2-571(13).

MS. SULLIVAN: Is there anyone signed up to speak?

MR. NORTHEN: No, Madam Chair.

MR. MASHBURN: I move that we accept the recommendation and refer it to the Attorney General, but
I’m also puzzled why DeKalb has a noncitizen on its voter rolls.

MS. WATSON: My understanding is that he was registered prior to the verification process, and so wasn’t -- wasn’t caught when he continued to re-register.

MS. SULLIVAN: So we have a motion to accept the recommendation. Do we have a second?

MS. GHAZAL: I will second this with the observation that somebody who’s had an alien residence since 1979 may well have naturalized at some point and would be in a position to provide that -- proof of that to the Attorney General’s Office.

MS. WATSON: Yes. The -- the business that he has listed is a vacant lot. The home that he had listed has been foreclosed on, and all attempts to locate him have been unsuccessful. He has many phone numbers that have been disconnected.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. Moving onto 2021-077.

MS. WATSON: Yes. We received a complaint that alleged that absentee ballot applications being mailed to individuals from the Honest Elections Project did not meet
the SEB rule requiring the form to be substantially the same form as the application for absentee ballot form made by the Secretary of State’s Office. In this complaint, we received no other complaints from individuals or from counties indicating that there was any issues or that any -- anyone did not receive an absentee ballot that was requested through this form, and our recommendation is to dismiss this case as -- as no violation as the rule has now been changed. The code has been changed, so it’s no longer applicable.

MS. SULLIVAN: Is there anyone here to speak?

MR. NORTHEN: No.

MR. MASHBURN: The recommendation is to dismiss?

MS. WATSON: Yes.

MR. MASHBURN: Okay. I move that we accept the recommendation.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second to dismiss this case. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. 2021-079, Gwinnett County.

MS. WATSON: Yes. Tyler Alvin Williams [ph.] reported that someone illegally used his identity to cast
a vote from the November 2020 general election because when he went to the polls during the advance voting period on or about October 28th, 2020 to vote, poll officials informed him he had already voted, when in fact, he had not. The allegation that the identity of the voter was used fraudulently to vote in the November election was unsubstantiated.

However, a Gwinnett County Elections Office official failing to call the proper procedure upon qualification of elector was identified and substantiated. The investigation revealed that a Gwinnett County voter properly completed an application for advance in person voting to cast a vote in the November election. The voter also presented valid identification with his application that was accepted. However, the poll worker at the advance voting site subsequently selected the name of a different voter with a similar name, presented a barcoded label from E-net with the wrong name, affixed the incorrect label to the absentee in person voting application which ultimately created -- credited the wrong voter for voting.

When the voter whose name was used incorrectly went to vote, he was required to vote by provisional ballot. However, the provisional ballot was subsequently rejected on the grounds that he had already voted in the November
2020 general election. As a result of the error, two Gwinnett County voters were disenfranchised, as one voter was not able to properly vote for candidates in his district, and the other was unable to have their vote count in the November 2020 general election. Our recommendation is for Susan Sharp, poll worker, and Gwinnett County Board of Elections and Registration be referred to the AG’s Office for violation of 21-2-451(a).

MS. SULLIVAN: Do we have someone signed up?

MR. NORTHEN: Madam Chair, we have two folks here to speak, Melanie Wilson followed by Susan Sharp. Melanie is currently unmuted, so she is able to start.

MS. WILSON: Good afternoon, members of the Board, can you hear me?

MS. SULLIVAN: Yes, we can.

MS. WILSON: Thank you for taking the time to hear from Gwinnett County and Ms. Sharp. She is on the call. So as an initial matter, I’d like to start with saying the poll workers are committed to ensuring that the appropriate voter gets to vote, and that’s the first and foremost thing that I want the Board to appreciate, that both the Board and Ms. Sharp as a poll official are committed to ensuring that voters have the opportunity to vote. They’re fully invested in that.

Starting with Ms. Sharp as a poll official, she
worked at the polls in 2018, and she also worked the polls in 2020. In particular, this incident eventually occurred at the [sound cuts out] at one of the nine locations that the Board makes available, specifically George [sound cuts out] I will say to the Board, and Ms. Sharp will likely say the same thing herself, [sound cuts out] but she did not make a mistake here in that she operated consistent with her training and her practice, and she is somewhat at a loss to how this occurred. The allegation is that she selected the wrong name of the person that we will call Voter A, and that ultimately Voter B, Mr. Alvin Williams, was unable to vote as a consequence and that Voter A ended up voting not necessarily for everything that they were entitled to vote.

But Ms. Sharp’s actions were consistent with her training, that this was what her experience is because she doesn’t have a specific recollection of every individual voter, but her experience and her practice is -- is that she would use the scanner to scan the barcode on a driver’s license that would be produced by a voter. The vast majority of voters use their voter -- their Georgia driver’s license or their state-issued ID that bears a barcode and that she would use the barcode -- she struggles to kind of comprehend how it would have been possible for her to identify the incorrect voter, but
that, nevertheless, is the allegation that’s made in this instance. So she simply doesn’t understand how she could be culpable if she operated her practice as she consistently does as an experienced poll worker.

There are, I guess, two points I would like to make is that there’s to some extent -- I don’t know exactly what -- what documents or what information the Secretary of State’s Office was able to maintain as part of their investigation. The first thing I will say is that no one contacted Ms. Sharp or communicated with Ms. Sharp, so I don’t know quite frankly if the Secretary of State’s Office actually located the specific advanced in person application to which it is alleged that Ms. Sharp applied the incorrect sticker and consequently gave -- you know, allowed the wrong -- assigned the wrong voter -- the wrong voter to the vote so to speak. So it’s not entirely clear that the Secretary of State’s Office knows what documentation was produced to Ms. Sharp and what she relied on in identifying that voter, but as a way of -- by way of clarity, we are actively engaged in trying to identify the specific advanced in person application that may have been implicated here now that we know exactly which voting location this was.

So -- so that’s -- those are all my comments as it relates to Ms. Sharp, but she is on the call. While I
have the Board’s attention, I do want to address also the
-- I guess the alleged culpability of the Gwinnett County
Board of Registrations here. They are named as a
Respondent in this matter, and I will state one thing
about the Board’s responsibility here. In a county as
large as Gwinnett, the Board is responsible for training
hundreds if not thousands of poll workers, and I will say
that there is clear documentary evidence that Ms. Sharp
did receive training on a number of occasions prior to her
work as an advance in person poll worker. We have
identified three separate occasions where training was
provided. There were materials that were provided with
respect to how advance in person ballot applications are
to be processed, and so I can speak with confidence about
the training that was provided to Ms. Sharp and the
materials that were provided to Ms. Sharp by the Board. I
don’t have anything else to add at this point, but I can
answer some questions, and certainly Ms. Sharp is
available if she wants to add anything.

MR. MASHBURN: This is Matt Mashburn. I do have a
question if I might, and that is I see that he was offered
-- the voter was offered a provisional ballot, so that’s
terrific. That’s how it’s supposed to work, but why
didn’t the County catch this during the check down of the
provisional ballot?
MS. WILSON: Mr. Mashburn, if I had an answer to that question, I would be forthwith in volunteering that. I cannot answer that question. But it’s -- I think, there is an opportunity to make more inquiries so that this Board -- before you decide, you can expect that you’ll have a full -- a full set of the facts because I think there are some facts that you don’t have here that might -- would influence what decision you would ultimately make in this matter.

MS. SULLIVAN: Did I understand that the investigator did not speak with Ms. Sharp?

MS. WILSON: That is my understanding from Ms. Sharp, but she can confirm that. She’s on the call.

MS. SULLIVAN: I’ll make a motion to continue this case, if that would be the pleasure of the Board to get more information.

MR. MASHBURN: Second.

MS. SULLIVAN: Okay. We have a motion and a second to continue this case per the request of the County. Any further discussion? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? That motion passes. Thank you, Ms. Wilson and Ms. Sharp. The next case is 2021-089, Greene County.

MS. WATSON: Yes. On March 11th, 2020, we received a
complaint that a convicted felon still under sentence had registered to vote and voted in early voting period of January 5th, 2021 general election runoff. On December 21st, 2020, Brian Keith Porter [ph.] went to the Greene County Elections Office, completed and signed a form AFF-29 felon affidavit, and then completed an application for absentee ballot. He then was allowed to use a machine to make his selections and printed and scanned his ballot, all while being on active felony probation. The clerk noticed that he was currently under a challenged voter status for being a convicted felon. The clerk gave Mr. Porter the option to execute a felon affidavit, which he chose to do, and then was allowed to cast his ballot on a BMD machine.

DeKalb County Department of Community Supervision, Decatur states that Brian Keith Porter is currently under supervision as a convicted felon. Lacking any reputation from Porter about his challenged voter status, he was changed from felon challenged to felon and deactivation in the system. Our recommendation is for Brian Keith Porter be referred to the AG’s Office for 21-2-571 and 21-2-216(b).

MS. SULLIVAN: I believe we have someone here to speak regarding this case.

MR. NORTHEN: Yes, Madam Chair. We have Andrea Grant
here, who just unmuted herself and should be able to speak.

MS. SULLIVAN: Please go ahead.

MS. GRANT: Yes. I’m Andrea Grant, but I was going to be speaking on behalf of the Greene County allegations against it in this matter, not ag -- not on behalf of Mr. Porter.

MS. SULLIVAN: Are there any findings against -- yes. There are. Did you speak to that one yet?


MS. SULLIVAN: Go ahead.

MS. GRANT: Yes. That is I was going to speak on -- well, and Kathleen Coin Meyer has also -- has signed up to speak as well as a supervisor for Greene County Board of Elections. In the packet that I received, there was an allegation that the County violated 21-2-230(i) by letting Mr. Brian Keith Porter vote by ballot and not by provisional ballot, so if it pleases the Board, I can speak to that.

MS. SULLIVAN: Please go ahead.

MS. GRANT: Okay. And thank you for the time and the stamina. I know this is like -- talking after a long day listening to all this, that it’s very -- you must be tired. But the Greene County matter is a bit out of the...
ordinary, and respectfully, the law applied to it is not relative to the facts before the Board and should be dismissed as to its allegation of violation. You probably know that 21-2-228 gives the right of the registers to examine from time-to-time qualifications of each elector. This statute has specific procedures to follow. This one is not at issue.

Then, we have 21-2-229 that permits any elector -- and the term is elector -- to challenge qualifications of any person registering to vote. Again, they’re very distinct and highly guarded rules that have been upheld by the courts of this state regarding challenge grounds procedures, burdens, and appeal. Next, we get to the listed one of 21- -- there is a point to this -- to 21-2-230, the alleged statute violated by Greene County. Distinctively, it states once again that it refers to any elector may challenge another elector the ability to vote in an election. This statute sets forth strict mechanisms to address this specific challenge, and then the timing of the challenge depends on which method that the local board has to follow in order to protect the voter’s sanctity to vote.

And indeed, subsection (i) states if a challenged elector -- and remember, this is by another elector -- appears to vote, then a provisional ballot is to be
provided, and the described process followed. So that is -- that is the one that Greene County has been potentially charged with. I know I bored you with reiterating those laws, but this is the most important part of the evaluation. OCGA 21-2-231 is titled -- and it’s a long title, sorry -- list of persons convicted of felons, non-citizens, mentally incompetent, deceased persons provided to the Secretary of State and Council of Superior Court Clerks removal of names of list of electors obtaining information about deceased, timing, list of inactive voters, provided to Council of Superior Court Clerks. And this is a statute that applies to the County and the facts at hand. Subsection (a) of 21-2-231 provides, as you may know, before the 10th of each month that the Georgia Crime Information Center transmit to the Secretary of State and the Superior Clerk’s Court a complete list of all names of persons convicted of a felony since the preceding recording period.

The important part of that is when we move onto subsection (c)(2). It says if a person is convicted of a felony in federal court, then the names are transmitted from the SOS to the appropriate county who shall mail a notice by first-class mail that the Board has received such information such person has been convicted of a felony and will be removed from the list of electors
thirty days after the day of notice unless such person requests a hearing before the Board. This particular statute is devoid of any language regarding challenged or provisional ballots.

The advance election dates, the dates of the election, and the certification did not permit the challenged ballot felon his right to respond within thirty days of the notice that Greene County sent. According to the data -- and I’m presuming it’s from E-net. We can confirm that with Kathleen Meyer’s data from the Secretary of State. Mr. Porter registered to vote as a transferred voter on December 14th. Then, on December 12th at 7:52 A.M., the County got a notice from the Secretary of State’s Office that Mr. Porter was a challenged felon. The report does not state or it’s un -- you’re unable to tell from it whether the felony was a federal or state felony. The County properly updated the poll pad of the challenge due to the -- due to the notice.

But in subsection (c)(2) of 21-2-239, 52 USC section 20507G was triggered, and that particular federal section is specifically listed in (c)(2) of 21-2-231. The same day, at 2:56 P.M., Porter appears to cast an advance ballot. The poll worker as trained in person by the county based on a statewide webinar had Mr. Porter complete a non-felon affidavit under 21-2-231(c), stating
the voter was not currently serving a felon sentence and was eligible to vote. The affidavit, if you’re familiar with it, includes a statement from 21-2-571 that lists the punishments for false statements. The form is -- form AFF 20 states the elector may sign the form and be issued a regular ballot, not a provisional ballot, not a challenged ballot.

Literally, at the last hour, what type -- a decision had to be made on what type of ballot to be given to Mr. Porter. It had to be made. The County reached out to many sources, including the Secretary of State’s Office and other colleagues and Ms. Meyer can talk to you about those particular facts after I’ve finished, but even the other colleagues interpreted the law to provide that a regular ballot would be -- should be issued to the felon. So the County’s choice is does the County potentially violate 21-2-231(c), not giving notice and not giving a ballot, and 20507G of Title 52, or does the County permit him to vote with an affidavit by regular ballot? Now, keep in mind, Mr. Porter was not challenged by another elector or the Board itself, so 228, 229, or 230, regarding the provisional or challenged ballots, is not triggered.

In a moment, the supervisor will explain the hoops the Board jumped through to determine which type of ballot
should be used, but at this juncture, I’d like to point out to you among other things although I do not read any inconsistency between 228, 229, 230, and 231, if we look at the canons of interpretations of statutes involving general and specific law --

MR. MASHBURN: Counselor, -- counselor, this is Matt Mashburn. I’m going to interrupt you for a second if you don’t mind.

MS. GRANT: Sure.

MR. MASHBURN: What your -- your presentation is excellent by the way. You’re clearly well-prepared and have done a lot of research, and so I appreciate that, but what it boils down to is that y’all are saying that you have to be able to rely on people telling you the truth on these affidavits, right?

MS. GRANT: Yes, sir. I -- well, that’s --

MR. MASHBURN: And if somebody’s -- and if somebody’s going to lie to you on the affidavit, the law -- your understanding of the law says you have to believe them, and you don’t have a whole lot of discretion, right?

MS. GRANT: Yes, sir. You have to give them a thirty-day notice, and if they want a hearing, --

MR. MASHBURN: And once they -- and once they fill out that form, you’ve got to give them a regular ballot according to the statute, right?
MS. GRANT: Yes. Yes, sir. And because it refers to the federal law, the County, in my opinion, properly took the high road and didn’t want to suppress the right to vote without due process. Okay.

MR. MASHBURN: Okay. Thank you. Okay. Thank you. I don’t mean to interrupt you, but what I’m going to do is I’m going to move to dismiss the County, but I’m going to move to refer Brian Keith Porter to the Attorney General and the DA.

MS. GRANT: That’s exactly what we would -- at the end was going to ask to do. I’m glad you caught the gist of it before I went through the rest of it.

MS. SULLIVAN: All right. Mr. Mashburn has made a motion. Do we have a second?

MS. LE: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion? All in favor, please vote by signifying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes. The next case is 2021-094, Coffee County.

MS. WATSON: Yes. Coffee County had a drop box for absentee ballots that did not have the forms required to protect the integrity of the absentee ballots. The ballot transfer forms were not used for the November 3rd, 2020
election and the January 5th, 2021 Senate runoff elections. Investigation revealed that Missy Hampton [ph.], the former supervisor and registrar for the Coffee County Elections Office, failed to complete the transfer forms for absentee ballots from the county absentee ballot drop box for the November 3rd, 2020 election and the January 5th, 2021 Senate runoff election. Ms. Hampton advised that the box was located at the same location as the Elections Office and did not believe a transfer form was needed as she was emptying the box and not transferring the ballots from a location or a person. Our recommendation is for Coffee County Board of Elections and Registration and Missy Hampton, the former Elections Supervisor for Coffee County, be referred to the AG’s Office for SEB rule 183-1-14-0.8(9).

MS. SULLIVAN: I believe we have someone here to speak.

MR. NORTHEN: We do. We have Rebekah Ditto here to speak.

MS. DITTO: Yes.

MS. SULLIVAN: Please go ahead.

MS. DITTO: Yes. Hi. I’m Rebekah Ditto. I am here to speak on the behalf of Coffee County and the Board of Elections and Registration. We do not dispute any of the facts that were within the findings in the investigation
summary. We did take this very seriously. I wanted to let the Board know we have updated our procedures. As they mentioned, Missy Hampton is no longer the -- employed by Coffee County. We do have a new supervisor of elections, James Barnes [ph.]. We have put steps in place for there to be a two-person team actually that will be in place at the end of the day to fill out the transfer forms to go and get all of the ballots out of the box and to check the box the next day. We are very sorry for this. We feel that we’ve taken steps to remedy the situation, and with that, we are asking for a letter of instruction.

MS. SULLIVAN: Go ahead, Mr. Mashburn.

MR. MASHBURN: I have a motion. I -- I appreciate y’all’s efforts very much. This is a super important detail, so I don’t think -- I don’t agree that a letter of instruction is proper here, but I think y’all will be able to make very quick work of this with the Attorney General and enter into a consent order very quickly, so I’m going to move that it be re -- referred to the Attorney General’s Office, but I suspect that y’all will be able to work something out very quickly.

MS. SULLIVAN: I’ll second that motion. Is there any further discussion?

MS. GHAZAL: I would just like to acknowledge and thank the County for having already taken the necessary
steps to ensure that this does not happen again.

MS. SULLIVAN: Agreed. All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.


MS. WATSON: Yes. On March 16th, 2021, we opened an investigation regarding Taylor County, Georgia Board of Elections and Registration not completing and delivering their ballot transfer forms during the November 2020 general election. Taylor County Board of Elections and Registration Supervisor Ms. Mindy Bass stated that during the November 2020 general election that she does not have the staff to create a collection team, and the absentee ballot drop box is located directly outside her external office door, and she is responsible for all the absentee ballots. Because there was no transfer to another location or person, she did not complete a transfer form. Our recommendation is for Taylor County Board of Elections and Registration and Ms. Mindy Bass, Taylor County Elections Supervisor, to be bound over to the AG’S Office for violation of SEB rule 183-1-14-0.8(10).

MS. SULLIVAN: And we have someone from Taylor County?
MR. NORTHEN: We do have Ms. Mindy Bass on the line, and she should be unmuting herself momentarily so she can speak.

MS. SULLIVAN: Ms. Bass, go ahead.

MS. BASS: Basically, everything that was stated is -- is true. With having a small county and a working Board of Elections and Registration, we have three people working our office during advance voting, and if I had two people go out to collect drop box -- the contents, then I would be breaking the Georgia law by having only one person in with the voting machines, so I opted to not utilize a two-person collection team. I collected them myself as the Registrar’s responsibility. I did not fill out the form each time because I went to the post office, which is right across the street. I walked, and when I came back, I would empty the drop box and come in, so I did fill out the form marking that the drop box was completed -- completely empty at the end of each election, and I did submit that to the Secretary of State’s Office upon request, which I know -- I know SB 202 kind of negates this with, you know, moving the drop box to the inside, which I will be able to have two people and be able to track it better in the, you know, future elections.

MS. SULLIVAN: Thank you. Mr. Mashburn, do...
MR. MASHBURN: Yeah. Same as the similar case, I think a letter of instruction doesn’t -- isn’t real well-tailored to this, but I think it can go to the Attorney General’s Office and work something out real quick, so I want -- I make a motion to refer this over to the Attorney General.

MS. SULLIVAN: And I will second that motion, and thank you for being here today, Ms. Bass. Is there any further discussion? All in favor of the motion, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed, and that motion passes. And that concludes our new investigations for today. The next item on our agenda is the Attorney General report. Before us are a number of consent orders that are proposed for our -- the Board’s approval. We normally will vote on these as a block. I will entertain a motion to accept these and confirm these consent orders unless there are any that any of the Board members would like to discuss specifically, or if they have any questions for the Attorney General.

MR. MASHBURN: I move that we accept the consent orders as a block.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second to
accept the consent orders. Any further discussion? All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? There are none opposed. The motion passes. And at this time, I’ll entertain -- that concludes the business that is on our agenda today, and I will entertain a motion to adjourn this meeting.

MR. MASHBURN: Move to adjourn.

MS. GHAZAL: Second.

MS. SULLIVAN: The motion has been made and seconded. All in favor, please say aye.

THE BOARD MEMBERS: Aye.

(Meeting adjourned 2:45 P.M.)
CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 201 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 23rd day of October, 2021.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256
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THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

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

October 28, 2021
9:00 A.M.
(Via Zoom)

PRESIDING OFFICER: REBECCA SULLIVAN
VICE CHAIR, STATE ELECTION BOARD

STEVEN RAY GREEN COURT REPORTING, LLC
LaKeysha Terrell-Satterfield, CCR
Atlanta, Georgia
APPEARANCE OF THE PANEL

(Appeared via Zoom)

Rebecca Sullivan, vice chair
Matthew Mashburn
Anh Le
Sara Ghazal
Ryan Germany
Nicolas Northen (Election and Data manager)
Sarah Beck
Maggie Haisty
Frances Watson
Charlene McGowan
Blake Evans
ORDER OF MEETING

I. Invocation and Pledge of Allegiance
II. Approval of Board Meeting Minutes
III. Public Comment on Proposed Rules
IV. Consideration of Proposed Rules
V. Adjournment
1 (Prayer was recited.)
2 (Pledge of allegiance was recited.)
3 MS. SULLIVAN: For purposes of the record,
4 I'll go ahead and take role, make sure that we have a
5 quorum.
6 MS. SULLIVAN: Ms. Ghazal?
7 MS. GHAZAL: Present.
8 MS. SULLIVAN: Mr. Mashburn?
9 MR. MASHBURN: Present.
10 MS. SULLIVAN: Ms. Le?
11 MS. LE: Present.
12 And we do have a quorum. We'll start with
13 the approval of the board meeting minutes from the
14 September 21, 2021, board meeting. Those have been
15 prepared and presented to the board members. Does
16 anyone have any corrections for those minutes? If
17 not, I'll entertain a motion to approve them.
18 Mr. MASHBURN: Move to adopt.
19 MS. SULLIVAN: We have a motion. Is there a
20 second?
21 MS. GHAZAL: Second.
22 MS. SULLIVAN: Any further discussions? All
23 in favor please say aye.
24 MS. SULLIVAN: Aye.
The board meeting notes are approved.

Next we'll move on to the public comment on the proposed rule. For those who have indicated that they would like to speak, please be reminded that public comments today will be limited to two minutes per person and should be limited to the posted proposed rule. There is an avenue for those who would like to make comments on other topics to the board. They can be submitted to sedpubliccomments@sos.ga.gov.

And we'll begin with public comments.

MR. NORTHEN: Okay. The first commenter is on Rule 183-1-12-.12, it is Pamela Reardon, and she will be in in one moment. Pamela, if you unmute, you will be able to speak.

MS. REARDON: Hello. Good morning. Can you hear me now?

MS. SULLIVAN: Yes, ma'am.

MS. REARDON: Okay. I'm Pamela Reardon. I live in Cobb County, a citizen since '99 in Cobb County. Before that, Fulton County. I'm commenting on the absentee application -- eligibility of
applications for absentee ballot. In particular, the past -- the (a technical difficulty occurred.) It should be made clear that the web-based tool or application can only be supplied by the Secretary of State's website and no third party can have access. It should all be a multi-bound security just like in the investment broker or banking industry. The Secretary of State has to implement this multi-stepped online voter page because it is a prime (technical issue occurred) that can be hacked.

Biden has ordered the federal agencies to have this MFA so multi-factor authentication requirement for live voter page and for these apps should definitely be incorporated. The other issue is even on a web-based application, this needs to be saved for 22 months per the election lock. Can I also make a comment on another one or not? Or should I wait.

MS. SULLIVAN: You can go ahead.

MS. REARDON: Okay. On the provisional ballots -- I'm sorry. On tabulating, I think I'll just comment on this. I am opposed to starting tabulating so early. I would like tabulating to begin only when advanced voting is finished. Because people come in, which happened last year, and they wanted to
vote on the, you know, the machine and their ballot had already been stolen. And someone had already used it as an absentee ballot in voting. They were disenfranchised and their voter -- their vote was suppressed. So those are my two this morning. Thank you very much and for all your hard work.

MS. SULLIVAN: Thank you, Ms. Reardon.

MR. NORTHEN: Thank you. The next public comment is from Elisa Goldklang. If she unmutes herself, she'll be able to speak now.

ELISA GOLDKLANG: Hello. Am I unmuted?

MS. SULLIVAN: You are. You may go ahead.

ELISA GOLDKLANG: Okay. Thank you so much. I'm Elisa Goldklang, and I'm a Cobb County voter. And I'm talking about the Rule 183-1-12-.12 -- .12, excuse me. I don't know if the members of the public are aware, but when we have to photograph poll tapes, we have to drive around late at night and to places that are dark. And I would like -- as suggested, I would like that the poll tapes be posted very clearly that -- so that they can be read from top to bottom. And also if a county has a public accessible website, it would be so much safer and so much easier for the public to have access to the poll tapes to -- photograph of the poll tapes on that website for at
least 48 hours after the election.

And finally, I would like -- I would like to encourage you to follow all of the detailed recommendations made by the nonpartisan of Coalition for Good Governance group because -- it can't be said in two minutes. But I really appreciate all the work that you do. I'm grateful for your service. And thank you so much.

MS. SULLIVAN: Thank you.
MR. NORTHEN: Thank you.

We have no speakers coming up for the next Rule 183-1-12-.13. So we will move on to Rule 183-1-12-.18. We have Dr. Monica D. Jones. Once Dr. Jones unmutes herself, she'll be able to speak.

MS. SULLIVAN: Dr. Jones, you may speak now. You should be un-muted. You need to unmute yourself.
DR. JONES: Alright. Good morning.
MS. SULLIVAN: Good morning.
DR. JONES: Provisional ballot process, information sheet regarding the Secretary of State's availability for voters. Some of the persons may not be capable of understanding this information. What is the process if persons are not able to read or comprehend the information on the sheets? How reader friendly is the document? I noticed that some cases
here have been due to lack of training or knowledge on behalf of poll workers and staff. There are quite a few details related to these provisional ballots. So I wonder, how can the Board of Elections assure that polling officials who will be distributing this information and giving direction are well trained. And also regarding rejection of provisional ballots.

If officials cannot determined if a person is eligible to vote by close of business on the third business day, et cetera, the person's ballot will be rejected. This is rather disconcerting.

What safeguards are in place for unexpected technical failures or other unforeseen events that will make it impossible to verify a person's eligibility by this deadline? Something that is through no fault of their own. How are we protected, a citizen's right to vote once the ballot leaves their hands? Also, the rule states that voters whose ballot was rejected shall be notified. However, what's the time frame? How promptly will this notification take place? I hope in a sense of fairness and integrity that this board will keep in mind that the State of Georgia has not been found guilty of any fraudulent or unlawful elections. We have shown time and time again that most voters are honest. So let's not penalize
them for mistakes or human error that all of us can make from time to time. Thank you for this opportunity to speak.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Moving on, that was the last public comment for that Rule. Moving on to public comment for the final Rule under public comment today, 183-1-14-.12. The first person to speak will be Ilene Johnson -- Elaine Johnson. Ms. Johnson can unmute herself at any time.

MS. JOHNSON: Can you hear me?

MS. SULLIVAN: Yes, ma'am.

MS. JOHNSON: Good morning. My name is Elaine Johnson, and I'm a resident of Macon-Bibb County, and my comment is on the eligibility of applications for absentee ballots, Rule 183-1-14-.12. I think that this -- overall I think that the State Bill 202 ads are unnecessary hand signature requirement to apply for an absentee ballot just to get an application. I recently completed the process myself and have voted absentee in a local election. And I just found the requirement unduly burdensome on me and I use a computer all the time. But I can -- I know that it will be especially burdensome to people with disabilities, and it could
really be avoidable. Since last year we were all --
we were all able to apply online for an absentee
ballot. So as we could do in 2020, I think we should
still be able to do. We pay our taxes. We deposit
checks. We apply for loans. We handle all our
personal credit accounts online, and we e-sign and I
think it's just unnecessarily burdensome to require us
to download and print an application and then sign it
and upload it and scan it and mail it back just to be
able to request for an absentee ballot. It should be
a simple matter to apply because it should be simple
for us to vote. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Robin
Donaldson who should be able to unmute themselves and
speak at any time.

MS. DONALDSON: Okay. Yes. Can you hear me?

MS. SULLIVAN: We can hear you.


Thank you for having me. Good morning. My name is
Robin Donaldson, and I'm a resident of DeKalb County.
I live in Chamblee, Georgia. And today I would like
to speak on Rule 183-1-14-.12, the eligibility of
application for absentee ballots. SB 202 adds an
unnecessary hand signature requirement to apply for an
absentee ballot. This requirement is unduly burdensome on voters especially those people with disabilities and people, you know, who maybe are not as well at our modern technology. Voters should be able to apply online for absentee ballots just like we could do in 2020 and should also be able to e-sign our absentee ballot and applications.

In this modern day in 2020, 2021, we pay taxes. We deposits checks. And we applied for jobs online. So it really is unnecessary burdensome to require voters to download and print an application and then have to sign it, upload, scan, and mail it back just to be able to request an absentee ballot. So I just am encouraging the State Election Board and Secretary of State to support counties like Fulton in conducting elections and implementing the many new rules SB 202 rather than threatening to take them over.

So again, this is Robin Donaldson. Thank you for allowing me to speak and thank you for your service.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. The next person for comment is Dr. Ngina Jemmott.

DR. JEMMOTT: Good morning.
MS. SULLIVAN: Good morning.

DR. JEMMOTT: So my name is Dr. Ngina Jemmott, and I'm a resident of Fulton County. Today I'm going to speak about Rule 183-1-14-.12, eligibility of the application for absentee ballots. In this modern area, we pay taxes, deposit checks, and apply for jobs online. It's unnecessarily burdensome to require voters to print an application, to sign it and upload, scan or mail it back, just to be able to request an absentee ballot. This demand of resources, time and energy will disenfranchise potential voters and will disproportionately affect impoverished and minority voters.

Let's make choices that decrease obstacles and promote participation in our democracy. It's time to end the political power games. This board needs to start taking this Rule seriously and publish rules that support counties rather than bully them. Thank you for your time.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. Thank you so much. The next speaker is Sonia Collette Frix. And Sonia should be able to start speaking at any time.

MS. FRIX: Thank you. Are you able to hear me?
MS. SULLIVAN: Yes, ma'am.

MS. FRIX: I'm speaking about -- first, thank you for this format. I'm disabled and not able to drive and I wouldn't be able to drive to get to a public space to speak with you. I'm talking about Rule No. 183-1-14-.12, the absentee ballot applications. I'm speaking for disabled voters and people -- elderly people and people who have to take certain medications. I'm not able to drive. I have a computer, but I don't have a printer, so if were to have to print and sign an absentee ballot application, I would have to -- I couldn't print it at my house. I would have to -- because I have epilepsy and I can't drive, I would have to pay somebody to take me somewhere to get it printed off. And I live on a very fixed income, that's hard -- hard for me. And other people who take medications and elderly people who have triggers will have that same problem.

And it doesn't make sense to me that the State of Georgia will take my income tax return without my hand signature, but it won't take my request to vote without a hand signature. That seems like taxation (indiscernible) without representation.

And I'm just looking -- oh, the other thing is that I just wanted to say that it seems like we've
had our votes counted three or four times, and they've been good counts ever single time. And I don't like the notion of our elected board officials being able to be replaced, but --

MS. SULLIVAN: Thank you, ma'am. Your time is elapsed.

MS. FRIX: Thank you.

MR. NORTHEN: Next person for comments is Lindsay Wallace. Lindsay should be able to speak now.

MS. WALLACE: Thank you. Can you hear me?

MS. SULLIVAN: Yes, ma'am.

MS. WALLACE: Good morning. My name is Lindsay Wallace, and I am a Fulton County resident and voter. I would like to speak on the eligibility of application for absentee ballots. I want to echo the statements made by previous callers that the SB 202 hand signature requirement to apply for an absentee ballot is unduly burdensome on voters, especially with those with disabilities, the elderly and the poor. And the requirement is unnecessary. I have been able to pay my taxes, purchase a home, and borrow a mortgage in Fulton County solely by online and by e-signing documents. A hand signature has not been required for any of those things. To provide a hand signature, a voter must download and print an
application and sign it and scan it or mail it back. And it is an unnecessary burden to require voters to have access to a printer and/or a scanner in order to request an absentee ballot online.

Furthermore, the State Board -- State Election Board and Secretary of State should support my county, Fulton County, in conducting elections and implementing the many new rules of SB 202 rather than threatening to take them over. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Patricia Dietz. You should be able to speak now.

MS. DIETZ: Good morning. Can you hear me?

MS. SULLIVAN: Yes, ma'am. Good morning.

MS. DIETZ: Great. My name is Patricia Dietz. I am a resident of DeKalb County since 1994. I really want to thank you for this opportunity to get comments. Like the others, I am commenting on Rule 183-1-14-.12 on the eligibility application for absentee ballots. I think our previous speaker with disabilities really laid out why this is such an unnecessary burden, requiring a hand signature just to apply for absentee ballot.

As been stated, in order to do this, you have to have a printer in your home to download it. You
have to fill it out and then sign it and then you have
to scan it before putting it in an envelope, find a
stamp and mail it. I know we've all had issues with
how long the mail can take. We've also heard about
how the technology exist to do an e-signature. This
was done in 2020. And, really, the goal is to try to
make voting as easy as possible to hear from all
people who have the right to vote. I really believe
voters should be able to e-sign the request for an
absentee ballot.

I also just wanted to mention, I participated
in the recounts in 2020, and I was incredibly
impressed by the County election officials. They know
what they're doing. It was so fair. It was so
impressive, and the State Election Board and the
Secretary of State really should continue to support
counties like Fulton in conducting elections rather
than threatening to take over them. They know what
they are doing, and they can do it very well. I want
to thank you again for this time to make comments.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker is Angie Thomas.

You should be able to unmute yourself and
speak now.

MS. THOMAS: Okay. Good morning. Can you
MS SULLIVAN: Yes, ma'am. Good morning.

MS. THOMAS: Okay. Thank you. Yes. Angie Thomas, a Fulton County resident. And, yes, I'm talking about the Rule 183-1-14-.12. So first of all, thank you, yes, for what you've already done and the chance to comment today. I know that you are under a lot of pressure. You're getting a lot of opinions from a lot of people, not only from us and Fulton County and in Georgia, but throughout the whole country. So everybody is looking at us, but we depend on you. So those other people, they can have their opinions, but we depend on you. You are elected to be on this board to help represent us and to stand up for doing the right thing.

I ask you to look at sort of three things: Facts. What are the facts? What worked before? What's been proven? And some people have mentioned the online request, the recount show, the things we've done, and it just seems like people are looking for something. So look at the facts. Look at the truth. Tell the truth. And then to keep it simple. Many people have talked about how things are burdensome. Keep it simple for all disabilities, people without transportation, keep it simple to apply online. That
worked before. That is a fact.

And to think on your own. You all are our representatives. You have a lot of experience you're bringing to the table. Think on your own. Just stop, breathe, think what you think is the right thing to do, ask questions, and try to keep it simple. The communication is going to be huge with all of these changes that are in line.

So, again, I thank you. Think about the facts, the truth. Keep it simple. Keep it simple. Think on your own and try and rule out or pay attention to what you think is the right thing to do just for us all to be able to safely and efficiently, effectively be able to vote. Have the chance to vote. Let that turn out to be however it turns out without fear or control. Just do the right thing. I so appreciate everything that you do. Thank you so much.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Okay. The next speaker is Max Hess.

MR. HESS: Good morning. I'm registered to vote in Fulton County. But during COVID and because I have a work assignment, I'm spending a lot of time in Glynn County. And the application process is filled -- too complicated and error prone. I'll give
you an example with my latest application. Where I'm staying, I don't have access to a printer or a scanner. So I went to the Glynn County Board of Elections and because I know they have all that equipment and they could help me, and they have the form already printed out. So they did and I filled it out. And then they chose to use the option of faxing it to Fulton County. It doesn't work well with a fax machine because it has a front side and a back side. So they made a copy of it so that they could fax it and they did. So I went home after making that special trip and waited a while, and I figured I needed to check with Fulton County. So I called their help line, and we went to the time of day when it was faxed, and they did not receive it. And at that point, it was getting too close to the deadline, and so if I had gone back and gotten a copy and filled it out and mailed it, maybe it wouldn't get there in time.

So I called Fulton County again and I -- they -- you know, I told them I can't scan it to you. So they say said, okay, you can make a picture with your phone, which I did, and send it to us at our e-mail address, and I did that. But here's the thing, they didn't send it to my Glynn County address. They
sent the absentee ballot to my Fulton County address.
So I contacted somebody who was making a trip from Fulton County to Glynn County and I asked them to go through my mail and get it and drive it to Glynn County so I now have it. All of this could be eliminated if we had an online portal.
One other thing is when we did have an online portal, it didn't work for all Federal elections. I tried to use it for the runoff election to fill the -- the open seat of John Lewis, and it was not set up for that kind of an election. So if we do get to go back to an online portal, I would like to include all elections. Thank you.

MS. SULLIVAN: Thank you.
MR. NORTHEN: The next speaker is Sarah Holmes. Can unmute themselves and start speaking.
MS. HOLMES: Yes. Can you hear me?
MS. SULLIVAN: Yes. Good morning.
MS. HOLMES: Good morning. My name is Dr. Sarah Holmes. I'm a resident of Chatham County.
I'm a senior citizen. I'm a very reliable voter. And I also want to make a comment or two on Rule 183-1-14-.12 regarding applications for absentee ballots. A number of people have already said very clearly that -- or their opinion that I agree with
that this rule -- it really imposes some significant burdens on folks who are trying to just request an absentee ballot.

I know that in 2020 -- in 2020, it was fairly easy. In 2021, we're going to be -- we'll have to take multiple steps, download, sign, scan or mail or blah, blah, blah. That process can be onerous. I'm reasonably computer literate, but as I was reading all of that stuff, I'm thinking, oh, man, there's so many places that I can make an error on that. And as I said, I'm a very reliable voter. It's very important to me to vote. And it would be very distressing to me if because I made a mistake in a complicated process, I did not get an absentee ballot. I'm somewhat disabled. And I -- as I say, I'm older and so I now regularly vote absentee.

I also have concerns about having to provide an actual hand signature in general. My e-signature is accepted on medical records. It's accepted on affidavits, other legal documents, so I don't understand why it's not acceptable on a request for an absentee ballot, not the ballot itself but a request to receive such a ballot.

I think the Secretary of State and the State Election Board, if their duties is to support counties
in their administration of free and fair elections and
instead of, say, publishing the new rule, very clear
or providing training or doing other things to support
counties, threats are being issued against the
counties before anything has ever happened. I find
that very disturbing. I really don't understand.
There are not statewide elections this year, so I
really don't understand why the SOS and the SEB don't
do everything that can to make an implementation of SB
202 as painless as possible for counties rather than
making the jobs more difficult. Thanks.

MS. SULLIVAN: Thank you.

MR. NORTHEN: The next speaker is Judy
Sophianopoulas. You should be able to speak now.

MS. SOPHIANOPOULAS: Thank you. Can you hear
me?

MS. SULLIVAN: Yes, good morning.

MS. SOPHIANOPOULAS: Good morning. My name
is Judy Sophianopoulas. I live in DeKalb County. I
have since 1968. And I'm commenting pretty much
agreeing with a lot of the previous comments about
Rule 183-1-14-.12, eligibility of application for
absentee ballot. It seems to me that the way we did
it in 2020 was fine and convenient and easy, and I
think that's the way certainly when something that's
just an application for an absentee ballot should be
without requiring a signature. And that's about the
close of my comments. I thank you very much for the
opportunity.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. The next speaker is
Opal Baker.

MS. BAKER: Good morning. My name is Opal
Baker. I'm a resident of Fulton County, and I'm
speaking on Rule 183-1-14-.12, eligibility of
application for an absentee ballot. And I agree with
so many of the comments so far and on so many
different points.

Over the past year, I was happy to exercise
my right to vote by absentee ballot given the state of
the public health crisis in which Georgia finds
itself. The ability to continue in this fashion
remains helpful to me and so many others who have
concerns or difficulty physically getting out to cast
their vote. So now SB 202 has an unnecessary hand
signature like others have said a requirement to apply
for an absentee ballot. It's an absentee ballot.
This requirement is burdensome on voters, especially
disabled voters and completely avoidable given a lot
of technology. As I did a year ago, all voters should
be able to apply online for absentee ballots, and with
today's technology, should be able to e-sign, as many
have said, their absentee ballot application.

The State Board of Elections or the State
Election Board and the Secretary of State should be
working to make voting easier, not harder for
residents of Georgia. Instead, you are playing
politics, threatening takeovers when your job is
supposed to assist Georgia counties to run successful
elections. You dropped the ball on supporting our
counties. It's time to quit the political power
games. The Board needs to start taking their role
seriously and publish rules that support counties and
voters, not bully them.

Given that there are no statewide elections
this year, there's no excuse for the Secretary of
State not to do everything in their power to implement
this awful SB 202 as painlessly as possible. Stop
wasting time getting -- using every tool in your tool
box to make county board elections more difficult.
Our counties deserve a State Board that works to help
them make it easier to vote, not a body of partisan
hacks that are adding pressure to an already strained
election system. Thank you.

MS. SULLIVAN: Next.
MR. NORTHEN: Next speaker is Catrice Windley. You should be able to speak now.

MS. WINDLEY: Good morning. Can you hear me?

MS. SULLIVAN: Yes, ma'am. Good morning.

MS. WINDLEY: Good morning. My name is Catrice Windley, and I am a Fulton County resident. I am making a comment in reference to Rule 183-1-14-.12. Individuals who are homeless or find themselves in a transitional living situation deserve to exercise their right to vote. Prior to the passage of SB 202, signature verification was the primary means of checking voter identity for absentee ballots. Absentee ballots can be requested up until the Friday before election day.

With the passage of SB 202, voters who wish to cast their ballot must be able to provide a driver's license and their information must match their application. But people who are homeless or in transitional living situations may not have these documents with them. They also may not be able to meet that 11-day before the election day time wise in order to receive their ballots. This is a hardship. What will be done to make sure that people who find themselves without their verification documents or are not able to request an application before the 11 days?
What actions will be taken? What provisions will be made so that these individuals can exercise their right to vote? Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. The next speaker is Nicole Hartman. You should be able to unmute yourself and speak at this time.

MS. HARTMAN: Good morning.

MS. SULLIVAN: Good morning.

MS. HARTMAN: My name is Nicole Hartman. Good morning. My name is Nicole Hartman, and I am a resident of Fulton County for the last two weeks. Before that, I was a resident of Cherokee County for 14 years. I have voted in every single election since moving to the state of Georgia, even special elections. I feel that voting is really important, and actually I feel that it's required. My parents raised us to believe that you have to vote in every single election, that it is a requirement. Just like you have to, you know, register, you know, gentlemen have to register when they're 18 years old for the draft board.

I have -- I wanted to speak today on Rule No. 183-14-.12, of eligibility for application on absentee ballot. Like everyone else before me has
said, I do believe this is a cumbersome -- I currently
run a nonprofit that helps women that lose babies, and
I have to sign documents and return stuff to the
Secretary of State's office all the time, and every
single document is allowed to sign with e-sign, and so
I don't understand why you want -- I can do all of
that electronically, but I can't request an absentee
ballot without having to have a printer and a scanner.
Many people are not able to have that. That is a
burdensome cost, especially when voting is our right
and voting is something that should be required.

I also am very concerned after just moving
from Cherokee County, I never felt that my vote wasn't
counted. I always felt that even after 2020, I felt
that our state, including all of you, did a phenomenal
job proving that we have no fraud in our state and
that our state is secure. I appreciate all your hard
work for that. But now I'm really unsure moving to
Fulton County is my vote even going to be counted and
threats of taking over the election board.

MR. NORTHEN: That is your time.

MS. HARTMAN: Thank you. I appreciate your
time.

MR. NORTHEN: Next speaker is Ms. Deborah
Jackson. You should be able to unmutate themselves and
MS. JACKSON: Good morning. Can you hear me?

MS. SULLIVAN: Yes, ma'am. Good morning.

MS. JACKSON: Yes. Hi, my name is Deborah Jackson. I serve as a co-chair of the political power -- (inaudible) committee of NCNW DeKalb Section, and I'm a resident of DeKalb County. I'm commenting on Rule 183-1-14-.12, on the eligibility of applications for absentee ballots. Our national organization was founded in 1935 by Dr. Mary McCloud Bethune with a mission to lead, develop, and advocate for women of African descent, their families and their communities. As a section celebrating our 30th anniversary, we have been active participants in voter registration, voter education, and voter mobilization. We are very concerned about the signature requirement to request an absentee ballot.

As you already heard from previous speakers, this requirement is unduly burdensome on voters especially those who may not be tech savvy or have disabilities. Because voters have to include the number of their driver's license or identification card, the requirement of a signature is not necessary. We firmly believe voters should be able to e-sign their absentee ballot applications.
As you know, we can file tax returns, deposit checks and execute many legal documents online without having to put out documents or forms. To require voters to download an application, print it, sign it, and then upload, scan or mail it back, makes no practical sense and places unnecessary obstacles on access to the ballot.

Finally, we would urge the State Board of Election and the Secretary of State to support election official and counties such Fulton in conducting elections and implementing the new rules SB 202 rather than (inaudible) ways to take them over.

Thank you for the opportunity to comment.

MS. SULLIVAN: Thank you, ma'am.

MR. NORTHEN: Next speaker is Pamela Reardon.

Should be able to unmute themselves now.

BOARD MEMBER: Ms. Reardon, I believe already had spoken and used her two minutes.

MS. REARDON: Yeah, I didn't use my full two minutes, but I spoke out of line, and after hearing a lot of the comments, I just want to reiterate that all of these comments, although I disagree that everything was done properly last year, would be -- if we had a multi-level authentication to -- just like we have at our bank -- if we have an investment account to get
onto my voter page and then they can also use the same
security for these applications so then they could
accept an e-signature. The problem was --

MS. SULLIVAN: Thank you, Ms. Reardon.

MS. REARDON: Okay. The problem was that
this was --

MR. NORTHEN: The next speaker is Tara
Winston.

MS. WINSTON: Good morning. Can you hear me?

MS. SULLIVAN: Good morning. Yes, we can.

MS. WINSTON: Good morning. My name is Tara
Winston, and I'm a resident of Fulton County. I'm
also a volunteer with Protect the Vote GA. Thank you
for taking public comment this morning. And I will be
speaking on the same Rule, eligibility of application
for absentee ballots. And I'll be echoing some
similar sentiments to many who have spoken before me.

The SB 202 requirement of a hand signature to
apply for an absentee ballot is burdensome on voters
especially those with disabilities as it's been
mentioned, even by one of our community members who is
disabled. And all of this is avoidable given modern
technology. Voters should be able to apply online for
absentee ballots as they could do in 2020, and they
should be able to e-sign their absentee ballot
application.

As we talked about, we complete so much other work online without having to have hand signatures. I sign my lease online as well as many other legally binding documents. So it is unnecessary for us to put this burden on voters requiring them to download and print an application, sign it and scan it, to upload or mail it back just to be able to request an absentee ballot. Never mind actually submit their ballot, but just to request an absentee ballot.

This requirement creates needless barriers for voters, especially those who do not have access to printers and other technology needed to facilitate this. These folks would have to incur costs in order to do so, effectively requiring them to pay for requesting their absentee ballot. The State Election Board and Secretary of State should support counties like Fulton in conducting elections and implementing the many new rules of SB 202 rather than threatening to take them over. And I hope that you will keep voters at the forefront of your mind as you proceed in your important work. Thank you for your time and attention this morning.

MR. NORTHEN: Next is Warren Cannon. You should be able to unmute yourself now.
MS. SULLIVAN: Mr. Cannon, you may speak.

Mr. Cannon?

MR. CANNON: Yes. Now can you hear me?

MS. SULLIVAN: Yes. Go ahead.

MR. CANNON: Thank you. I'm not here to speak this morning -- my name is Warren Cannon. I'm a voter in Gwinnett County. And I'm here to speak on Rule 183-1-14-.12, eligibility of applications for absentee ballot. I agree with several of the people that have spoken already in regards to being able to use e-signature, e-signs to submit an absentee ballot. I have been able to do that with refinance of a mortgage with the bank, so it should be very simple to do that with the State. In fact, we've done it in 2020. So I'm not sure why we are going backwards instead of the forward. So the State Board should be looking at ways to make things easier to vote versus harder.

I had a chance to talk to one of my friends who is bedridden, 90-year-old woman bedridden, and she needs to be able to vote by absentee. She doesn't have a computer, doesn't have a printer, or a scanner to effect this kind of a change. And it would be very hard for her to do an absentee ballot which she really needs to do it. That means that we are prohibiting
her from voting, and that's not appropriate. I think our State Board should be working towards making it easier to vote for all voters in Georgia, not just certain people. So I really want the State Board -- you're my State Board, and I appreciate the work that you guys are doing, but I want you to be fair and make it easier to vote for our people versus making it harder. Thank you.

MR. NORTHEN: The Next speaker is Jane Zoellick. You should be able to unmute yourself now.

MS. ZOELICK: Good morning. This is Jane Zoellick. I'm a resident of Fulton County. Sounds like you can hear me. Thank you for this opportunity today to speak on Rule 183-1-14-.12, eligibility for application for absentee ballots. I'd like to add my voice to what others have already said. State Bill 202 adds an unnecessary hand signature requirement to apply for an absentee ballot. This requirement is unduly burdensome on voters, especially people like my mother with a disability and the elderly. Those without access to printers or scanners.

Given our modern technology and customs that several others have outlined in other aspects that governments and businesses have shown in tax collection, banking, job applications, this is really
avoidable. And it's unnecessarily burdensome to require voters to download and print the application, sign it, upload it, scan it or mail it back just to be able to request a ballot.

Voters should be able to apply online for absentee ballots like they could do in 2020. They should be able to e-sign their absentee ballot applications. The State Board of Elections and the Secretary of State should also support counties like Fulton, where I live, in conducting elections and implementing many rules that SB 202 rather than threatening to take them over. Thank you all for your service to our beloved state of Georgia and for your work to support free and fair elections and for your work to support as many eligible people as possible to participate in our democracy by voting.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. Next speaker is Anna Boze Delgado. You should be able to unmute yourself and speak at this time.

MS. DELGADO: Can you hear me now?

MS. SULLIVAN: Yes, ma'am. Thank you.

MS. DELGADO: Thanks for allowing me to make my comment. I would like to comment on the Rule for the eligibility of application for absentee ballots.
I am a resident of DeKalb County in Clarkston, Georgia. Today I would like to echo a lot of the concern that other constituents have about printing out and signing the absentee ballot application because it will affect different groups of people differently. For some people it may not be a problem at all to do that, and for others -- and I'm concerned especially about senior citizens -- sorry. Rural voters and those of -- incomes who may not have a printer at home or for whom transportation is more difficult. And even though it may not be a impossibility, those barriers are going make it harder to point that on a group level, those people may be disproportionally affected.

So, yes, thank you for considering our comments, and I look forward to hearing the conversation about the Rule. Thank you for considering and working on behalf of the constituents in the state of Georgia. Thank you so much.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker is Rhonda Martin.

You may go ahead.

MS. MARTIN: Hello. Can you hear me?

MS. SULLIVAN: Yes, ma'am.

MS. MARTIN: Okay. My name is Rhonda Martin.
I am a Fulton County voter and a board member of the Coalition for Good Governments. On October 3rd, I e-mailed suggested changes to Rules 183-1-12-.12 on tabulating results and on 183-1-12-.13 on storage of returns to the public comment e-mail address as well as to SEB members whose e-mail addresses were available on the SOS website. The suggested revisions are intended to provide additional transparency to the conduct of primaries and elections, specifically regarding, one, the discovery and reporting on inconsistencies on recap forms. Two, the effective sharing with the public of poll tapes after the close of the polls. Three, access provided to accredited poll watchers. Four, requirements for individuals involved in the tabulation and consolidation of election results. Five, requiring the election officials to complete a reconciliation report to reconcile the total number of ballots cast compared to the number of voters who received credit for voting prior to the certification of election results. Six, the preservation of memory cards. Seven, the availability of election artifacts for responding to open records requests. And finally, eight, reasonable amounts to charge the public for the processing of election related open records requests.
Members of the Coalition for Good Government has spent countless hours observing elections, posting of poll tapes, the processing of ballots, and the tabulation and consolidation of election results across the state of Georgia. Our suggested revisions are based on issues we have observed, both during the conduct of primary elections and after the fact when trying to gain access to critical election artifacts. I hope you have reviewed and carefully considered our suggested changes. If desired, we are happy to share details of our experiences and specific motivation for suggested revisions at your convenience. Thank you for your time and attention.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker, Marilyn Marks. You should be able to unmute yourself now.

MS. MARKS: Thank you. Good morning. I'm Marilyn Marks, executive director of Coalition for Good Governments. CGG is recommending strict requirements for the retention of electronic data on which election results are based. The ballot images and memory cards containing the ballot images and important configuration and system audit log files. The DOJ has recently issued a memo reminding jurisdictions that such electronic election data must
be preserved under Federal law.

In CCG's ongoing review of the November election, it appears that roughly one million ballot images have been destroyed because the electronic data was not preserved by the counties. We should note nothing we have seen indicates that any contest outcome would change, but it means that there are numerous counties that would be unable to replicate the tallies for the results that they certified.

You might think, no problem, we have their original ballots, and we can just rescan those if we need to prove the tallies. No, that's not correct. Because it appears that there are thousands of ballots that were double or triple scanned and counted in the official count. So properly re-scanning would result in a different tally than the original tally. The election was saved from incorrect outcomes by offsetting errors, but voters should not have to bet on the law of offsetting errors to do the heavy lifting when they elect the most powerful leaders in the world.

The double and triple scanning I mentioned brings me to our recommendation related to pre-certification reconciliation of voters to ballots cast and counted. Elections should never be certified
until the number of voters and electors getting credit
for voting are reconciled to the number of ballots
cast and counted. If Georgia had followed such basics
canvas procedures to require precertification
reconciliation, thousands of double counted votes
would have been detected and corrected prior to
becoming the official vote count. CGG members will
address these rulemaking comments and topics in more
detail next. Thank you.

MS. SULLIVAN: Thank you, Ms. Marks.

MR. NORTHEN: The next speaker is Jeanne
Dufort. Should be able to unmute yourself and speak
now.

MS. DUFORT: Good morning. I'm Jeanne
Dufort, Morgan County voter and member of the
Coalition for Good Governance. Those were powerful
words and information from Marilyn Marks. I urge you
to accept the modification proposed by CGG to Rule
183-1-12-.13, the storage of returns, and require the
retention of scanner memory cards. Last year, CGG
proposed a rule requiring retention of scanner memory
cards. Ryan Germany assured the scores that the
ballot imaged are securely uploaded to each county EFS
server and retained for two years, so there was no
need to retain the cards.
Mr. Mashburn moved to reject the proposed rule citing the burdensome expense to counties and this board agreed. We know better now. We know for certain that some counties have not retained all of the ballot images from the November 2020 election in violation of the law. Your decision last year means that the November 2020 official results for several counties cannot be replicated or supported.

We also know that the cost of memory cards for 4,000 scanners is minor in the scope on cost to operate the current election system. It's time to reconsider your decision.

Georgia election results are tabulated according to ballot images, not the actual ballots. The memory cards contain those ballot images and unique technical evidence invaluable to an expert examination. The election records retention is required by both Federal and State law. Retaining scanner memory cards is an easy step you can take to protect our elections. Thank you.

MR. NORTHEN: The next speaker is Aileen Nakamura. You should be able to speak at this time.

MS. NAKAMURA: Hi, can you hear me?

MS. SULLIVAN: Yes, we can hear you.

MS. NAKAMURA: Great. Good morning. I'm
Aileen Nakamura, a Fulton County voter and member of CGG. As a poll watcher and election observer, I've visited well over a hundred polling places after the polls closed on election night in both Fulton and Cobb counties. The document poll tapes and ballot recap sheets which are supposed to be posted for the public at the end of voting. Yet, I have witnessed only one recap sheet ever posted at a polling place.

To make poll tapes and recap sheets more accessible, we urge that Section A4 of Rule 183-1-12-12 also state that counties and municipalities with a public websites must post images and poll tapes and recap sheets within 48-hours of closing. In counties and municipalities without public websites, must make them accessible as public records within 48 hours of the polls closing. Ballot recaps sheets are vital. They are how poll managers reconcile the number of voters who came in with the number of votes that were cast, (indiscernible) or were provisional. Section A2 of the same rules spells out, that if the numbers recorded on the recap sheet do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency, correct the inconsistency if possible and fully document the inconsistency or problem along
with any corrective measures taken.

Please add another line stating, "If the poll manager is unable to correct the inconsistency, the poll manager shall immediately contact the election superintendent to create a contemporaneous report of the inconsistency or problem."

Lastly, Section E1 of the rule stating that counties have until 30 days after the certification of results to send in their reconciliation reports to the Secretary of State's office clearly makes no sense. It must be replaced with language stating that county reconciliation reports must be sent prior to the certification of election results.

I hope you seriously consider the many recommendations that CGG sent in to the SEB several weeks ago which will help increase transparency in Georgia's elections. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Next speaker is Joy Wasson.

MS. WASSON: Hi. I'm Joy Wasson, a DeKalb County voter and member of Coalition for Good Governance. I ask that you adopt the edits proposed by Ronnie Martin including to the rule regarding poll tapes. As an election observer, I have in recent years learned more about and been delighted with the
ability for the public to go to polling place after polls closed and see the results taped to the door. It's exciting evidence that we have a truly transparent election system.

Sadly, there have been too many times that the poll tapes are not readable at all, sometimes folded up by poll workers who haven't been trained to understand their purpose is to provide important oversight and inform campaigns in the public of election day results from each precinct.

The existing Rule 183-1-12-.12 (A)3 says, "One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place."

After affixed to the door of the polling place, please insert in such a manner as to allow it to be read top to bottom from outside the polling place. And after that sentence, we must also add these two sentences, If the county or municipality maintains a publicly accessible website, a photograph of the tapes and the provisional ballot recap form from each polling place shall also be posted on the home page of the county's publicly accessible website.
associated with elections and/or registrations within 48 hours of the polls closing.

If a county or municipality does not maintain a publicly accessible website, electronic copies of the tapes and the provisional ballot recap forms shall be available as public records within 48 hours of the polls closing. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: And the next speaker is Liz Throop.

MS. THROOP: Hi. Thank you. I'm Liz Throop, a DeKalb County voter and a member of the Coalition for Good Governance. Thank you for your proposed clarifications of 183-1-12-.12A9 regarding public observation after polls have closed. It states that accredited poll watchers and the public shall be allowed to observe the process described in this rule. However, they shall not do so in a manner -- they must do so in a manner that does not interfere with poll officials. In order to protect meaningful public observation, please add visual access provided to accredited poll watchers shall be sufficient to allow them to assist in the detection of inconsistencies than discrepancies.

Meaningful access will enable the public to
gain a better understanding of the complexity and
demands of conducting elections. Meaningful access
would allow observers for who are there for legitimate
oversight to see if important procedures were being
followed, to report irregularities, and help
corrective action to be taken. In one county where I
tried to observe tabulation, I was kept behind a
barrier more than 15 feet from the room with the
election management server. I couldn't see what
devices were being plugged into the server and
couldn't even see whether the computer was functional.
Nevertheless, the election director told me I was not
allowed to look in the direction of the server.

In another election, a fellow observer stood
behind that same barrier and was forbidden from
looking through a magnifying lens to get a view of the
screen. This is especially odd because the election
had been over for many hours and journalists had set
up cameras to shoot from that same vantage point.
Effective public observation in Georgia is in danger
of slipping away. Accredited poll watchers must be
able to not just observe the process, but be able to
engage in meaningful observation. Thank you for this
opportunity.

MS. SULLIVAN: Thank you. That is the
conclusion of our public comment period. We're going
to take a short break and reconvene at 10:10. Thank
you.

(A recess was taken.)

MS. SULLIVAN: -- item on our agenda in
consideration on the proposed rules that were posted
for public comment at our last meeting. I'll ask
Mr. Germany of the Secretary of State's office to give
us a brief overview of the rules that we are
considering for adoption today.

MR. GERMANY: Thank you, Madam Chair. This
is Ryan Germany with the Secretary of State's office.
Just as a little background, these rules are
comments -- amendments that we made to rules that were
adopted at the last SEB meeting based on public
comment received prior to that, so. And I'll go
through them quickly. I'll also note that the
Secretary of State's office and rules working group
are still working on additional rules and we hope to
have at least some of them ready to present at the
next SEB meeting, which I think we're trying to
schedule for early December. And, you know, of
course, I can include I think additional amendments to
these rules that we would be adopting today if the
rules working group or the board believes any
amendments are necessary.

The first amendment to rules today is in 183-1-12-.12, tabulating results. And just for clarification on the new requirement of SB 202 about accounting without ceasing, and to clarify that, accounting may cease prior to tabulating provisional ballots or UOCAVA ballots so long as they're done as soon as possible following their receipt and the other change in 183-1-12-.12 is about publicly posting the total number of ballots after the close of polls, another SB 202 requirement and this just clarifies that the total number of ballots cast do include the total number of ballots scanned through the ballot scanner, provisional ballots issued at the precinct and the total number of any cast but unscanned ballots in the scanner emergency bin. It also requires a reconciliation report to be submitted by election superintendents as soon as possible but no later than 30 days following the certification of election results. I should note that that's not a -- there's still an existing canvassing requirement prior to certification, and this report is not that, so. But it is a report regarding reconciliation.

The following or the next change is in 183-1-12-.13, storage of returns. This just clarifies
that ballot images are subject to public records,
another change in SB 202 and the elected
superintendent shall not use any media provided by a
request to produce ballot images and the election
superintendent may charge the request or the actual
cost of the media utilized to produce the ballot
images.

Additional provisions are in Rule 183-1-12-.18, provisional ballots. These are really
just some language changes throughout the rule to try
to better clarify some of the changes in SB 202
regarding out-of-precinct voting. Clarify that if a
person states a good-faith belief that he or she
timely registered to vote in the precinct in which he
or she is present, he or she shall be offered a
provisional ballot and the poll officials shall inform
the person any votes cast by original ballot in the
wrong precinct will only be counted if that ballot
cast is after 5:00 p.m. and the person executes a
sworn statement witnessed by the poll official stating
that he or she is unable to vote at his or her correct
polling place prior to the close of the polls. And it
clarifies that any voter in line prior to the close of
polls can still vote like we always have been able to.

The other change -- did I miss one? I might
have missed one in Rule -- which ones did I miss? The
other change that I'm looking for in my packet -- oh, here it is. Rule 183-1-14, absentee voting. That changes the eligibility of application for absentee ballots. So this rule just clarifies that a web-based tool application is allowed to help -- can be utilized to basically put in peoples' information to fill out the hard copy form that is, of course, now required by SB 202.

And it also clarifies that any application for absentee ballot sent to any voter by any person or entity and then the change we are making except applications sent by the election superintendent or registrar at the request of the elector shall display the disclaimer language required by SB 202. So those are the changes based on -- that were posted at the last meeting and that I would ask the Board to adopt at this meeting.

And, again, we continue to work on additional rules good enough for the topics that were mentioned today, and we hope to have those ready through the rules working group process at the next -- at the next SEB meeting. Happy to take any questions from the Board.

MS. SULLIVAN: Thank you, Mr. Germany. Did
any of the board members have questions for
Mr. Germany?

THE REPORTER: I'm sorry. Who was that
speaking just now?

MS. SULLIVAN: This is Rebecca Sullivan.

MS. GHAZAL: Hi. This is Sara Ghazal. I
wanted to thank you, Ryan, for putting in the work on
all of this. I also wanted to echo the comments of so
many of the members of the public that an online
portal is really an important tool both for counties
and for voters. And the requirement of a web
signature is really problematic. Now, I understand
that also in the statute if there is not a way that
this can be worked within the rule-making process,
then I think it’s really important to go back to the
legislature and ask them to revisit this question.

To that end and this is tangentially related
to the rule, but I think it's very important to
understand the impact of the law and the rule on the
voting public. I know that right now the -- most
counties are -- are completing their process before
absentee ballot applications, but I think it's going
to be important to look at how many voters are
affected and impacted by these changes. A lot of the
information is going to be in E-net, but it will be
very helpful to have it collated for the entire state, and I would like to see a report coming out of this very low-turnout election to see how many voters have had their applications rejected either for a lack of a web signature or for whatever other reason including the much earlier deadline just so we can understand the impact of these changes and the rules and the statute. And perhaps that will lead to better informed rule making, better informed legislature, and we also have a statutory obligation to provide voter education from the State Election Board under 21-2-31.

So -- and again that's -- so my overall comment.

MS. SULLIVAN: Thank you, Ms. Ghazal. Any of the other board members have any questions for Mr. Germany or any comments regarding the rules?

MR. MASHBURN: I move that the board adopt Rule 183-1-12-.12, proposed rule as published.

MS. SULLIVAN: We have a motion on the table to adopt 183-1-12-.12 as originally posted. Is there a second?

THE REPORTER: I apologize. I can't tell who's speaking.

MS. SULLIVAN: Mr. Mashburn made that motion.

This is Rebecca Sullivan.
THE REPORTER: Thank you. I'm so sorry.

MS. SULLIVAN: Do we have a second?

MS. LE: This is Anh Le. I second.

MS. SULLIVAN: -- motion second. Is there any further discussions?

All in favor please say aye.

(All members voted aye.)

MS. SULLIVAN: And there are none opposed?

(No response.)

MS. SULLIVAN: I'll entertain a motion regarding the next rule.

MR. MASHBURN: I move to adopt the Board's proposed Rule 183-1-12-.13 as published.

MS. SULLIVAN: Is there a second?

MS. GHAZAL: I second.

MS. LE: This is Ahn Le, I second.

MS. SULLIVAN: We have a second from Ms. Ghazal. Any further discussion?

(No response.)

MS. SULLIVAN: All in favor please say aye.

(All members voted aye.)

MS. SULLIVAN: There are none opposed.

Next?

MR. MASHBURN: I move that the Board adopt Rule 183-1-12-.18 as published.
MS. SULLIVAN: Is there a second?

MS. LE: This is Ahn, I'll second.

MS. SULLIVAN: Mrs. Le has seconded the motion to adopt 183-1-12-.18 as posted. Is there any further discussions? All in favor please say aye.

(All members voted aye.)

MS. SULLIVAN: There are none opposed.

MR. MASHBURN: I move that the Board adopt Rule 183-1-14-.12 as posted.

MS. SULLIVAN: Is there a second?

MS. GHAZEL: I'll second that motion, Rebecca Sullivan.

MS. SULLIVAN: Is there any further discussion?

(No response.)

MS. SULLIVAN: All in favor, please say aye.

(All members voted aye.)

MS. SULLIVAN: Are there any opposed?

(No response.)

MS. SULLIVAN: There are none opposed, then that motion passes.

The next on our agenda, I would like to request that Mr. Germany give the Board a brief overview of the activities where the Fulton County Review Panel is in their process. Mr. Germany?
MR. GERMANY: Madam Chair, this is Ryan Germany from the Secretary of State's office. I just wanted to provide the board with a brief update on the Fulton County Performance Review process. At the board's last meeting, you appointed myself, Steven Day from the Gwinnett County elections board and Ricky Kittle, chairman of the Catoosa County Elections Board to the performance review team, and we have been approaching that task and getting our hands and getting our arms around it. We have been working well with Fulton County. We've had discussions with Fulton County, with their new board chair, with their attorney, their elections director about how to best approach this, and they have been very cooperative in terms of giving us the access we need and the documents we've requested and that's ongoing.

We were also able to spend a day earlier this week in observing certain tasks at Fulton County that are ongoing including absentee ballot, processing and early voting. We're also planning to do additional observations on election day next week. So the process is proceeding. We hope to continue to do that. We hope to be able to bring back to the State Election Board a report, thorough report that has recommendations and that hopefully is helpful to the
board and also helpful to Fulton County.

You know, the review will also consist of --
we have not gotten to this part yet, but we have been
planning it, is talking to different people within
Fulton County and also outside of the Fulton County,
you know, to make sure we try to determine the extent
of any issues that happened last year in an attempt to
provide kind of better answers on any of those.

So the review's proceeding and Fulton County
and team, I believe, are working well together and --
and that's really all I can think of today. But
hopefully, we'll continue to proceed in the
cooperative fashion that it has so far.

MS. SULLIVAN: Thank you, Mr. Germany, for
that update. I know the Board appreciates your work
in this regard to accomplish this task.

There being no other business before us
today, I'll entrain a motion to adjourn.

MR. MASHBURN: Motion to adjourn.

MS. GHAZAL: Before we adjourn, I would like
to make a statement, Ms. Sarah Ghazal.

MR. MASHBURN: I withdraw my motion to
adjourn.


MS. GHAZAL: Thank you. I appreciate that.
I just want to make sure that we are looking at this review process in the broader context. This process exists because of the big lie and we can't ignore the ongoing and increasing damage that's being done to our democracy on this information. What is it about the 2020 election drove the legislature to pass this, and this information related to Fulton County is what triggered the review to begin with. And this is metastasizing and it really represents a profound threat to our democratic institutions and to the people who are running our democracy including some of the folks on this board itself; but we can't ignore this context that we find ourselves in it.

Yes, it is -- we have to conduct this review under State law. It dictates that, but I just want to make sure that we are keeping in mind what has driven this and that Fulton County voters deserve transparency in the process and support. Thank you.

MS. SULLIVAN: Do any of the other board members like to make any comments at this time? If not, I will now entertain a motion to adjourn.

MR. MASHBURN: Move to adjourn.

MS. SULLIVAN: I second that motion. All in favor, please say aye.

(All members voted aye.)
MS. GHAZAL: And there are none opposed, so this meeting is adjourned. Thank you.

(Meeting adjourned at 10:27 a.m.)
CERTIFICATE

STATE OF GEORGIA)
DEKALB COUNTY )

I hereby certify that the above and foregoing was taken down by me in stenotype, and the questions and answers thereto were reduced to computer print under my supervision, and that the foregoing represents a true and correct transcript of the deposition given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

__________________________
LaKeysha T. Satterfield,
GCCR# 6200610232205312 - Expires April 1, 2022
THE OFFICE OF SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

Zoom Audio-conference

DECEMBER 14 2021
9:00 A.M.

MARY K MCMANAN, CCR, 2757
STEVEN RAY GREEN COURT REPORTING LLC
ATLANTA, GEORGIA 30324
(404) 733-6070
APPEARANCE OF THE PANEL

Rebecca Sullivan, Acting Chair
Sara Tindall Ghazal
Ahn Le
Matthew Mashburn

ALSO PRESENT:
Ryan Germany, General Counsel
Nicholas Northen, Election System Manager
Pamela Jones, Investigator Supervisor
James Callaway, Deputy Chief Investigator
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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MS. SULLIVAN: Good morning, this is Rebecca Sullivan. We're going -- thank you all for being here. We're going to go ahead and call this meeting to -- of the State Election Board to order.

For purposes of the record, I'd like to call Ms. Le.

MS. LE: Present.

MS. SULLIVAN: Ms. Ghazal.

MS. GHAZAL: Present.

MS. SULLIVAN: And let the record reflect that Mr. Mashburn will be joining us at a later point in today's meeting.

We'll start with the invocation and Pledge of Allegiance. If you'll please join me in prayer.

(Invocation)

(Pledge of Allegiance)

MS. SULLIVAN: The next item on our agenda is to review the board meeting minutes from the October 28, 2021 meeting of the State Election Board. The board members have been provided those minutes and at this time I'll entertain a motion to approve them.
MS. LE: Move to approve.

MS. SULLIVAN: Motion by Ms. Le. Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: Motion and a second. Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: That motion passes unanimously.

And next on the agenda, Mr. Germany is going to give us an update on the Fulton County Review Panel's work.

Mr. Germany?

MR. GERMANY: Thank you, Madam Chair.

This is Ryan Germany, general counsel in the secretary of state's office. The Fulton County performance review remains ongoing. The team has conducted observation of early voting, election-day voting, and tabulation during both last November's general municipal election and the -- the runoff following that, the end of November.

The next step in our process, we'll conduct the interviews of Fulton personnel and other --
other people as well.

So it -- it remains ongoing, and then given this time of year, it has been a little difficult to schedule things. So it's proceeding a little bit slower than I think we initially were hoping. But I think it will remain on track to complete it in a reasonable time.

And as stated, so far Fulton has been very cooperative and open in trying to really make sure that the team gets information that it needs so we can provide a recommendation to you guys in short order.

That's it.

MS. SULLIVAN: Thank you, Mr. Germany. Do any of the board members have any questions for Mr. Germany?

At this point, we will move on to the investigation report. And first on our agenda are the consent cases.

I would like to add one case to the agenda that's not on this printed agenda. And that is SEB Case Number 2020-256.

We have one case that has been continued on this agenda. That's 2020-125.

And I believe that we have some people here
that would like to speak regarding a consent case. If you could let me know which ones those are.

MR. NORTHEN: So we have Nancy Stephens on case number 2020-006.

Just a moment, Ms. Stephens. You will be unmuted.

MS. SULLIVAN: At this time, we'll go ahead and present the case.

MS. JONES: Complainant self-reported to the secretary of state's office that Hancock County didn't handle qualifying properly for the May 19, 2020 general primary election in Hancock County.

The investigation revealed that Hancock County handled the qualifying of Democratic and Republican candidates for the May 19, 2020 general primary election within the time limit set out by O.C.G.A. 21-2-131. The deadline of February 1, 2020 was met when the fixing and qualifying fees was posted in the Sparta Ishmaelite newspaper. Qualifying was completed by the Democratic and Republican parties in Hancock County within the qualifying period of March 2nd through March 6th, 2020.

Our recommendation is this case be
MS. SULLIVAN: Ms. Stephens, would you like to address the board regarding this case?

MR. NORTHEN: Ms. Stephens, you'll need to unmute.

MS. SULLIVAN: Ms. Stephens, if you would like to speak, you need you to unmute yourself and you may go ahead and address the board.

MS. STEPHENS: Nancy Stephens. Can you hear me now?

MS. SULLIVAN: Yes, ma'am.

MS. STEPHENS: During the 2020 election year, I was the acting election supervisor for approximately six weeks, from mid February to the end of March. I was BOER member and was asked to fill in when our election supervisor resigned at the end of January 20, 2020 and through the presidential preference election.

Our board of commissioner chair had hired the election supervisor from McDuffie County as a liaison to help me with any assistance that I needed. None of our new equipment had been checked in, so I was trying to do that as well as stay on top of what needed to be done for the upcoming election.
When the question of qualifying came up, I asked our liaison what I needed to do. I was advised that I could either take care of the qualifying or tell the political parties they needed to handle the qualifying themselves. I should've verified the -- that information I received from the liaison was correct, but I did not.

I advised the political parties that they should handle their own qualifying. Shortly before the qualifying period ended, the county Republican party chair had some questions, and it was then that I realized that I should've handled the qualifying myself. I found that neither political party had provided the information to me about qualifying by deadline dates and it should've -- I should've handled the qualifying as well as the actual advertising.

I called Chris Harvey and told him what I had done and asked what I needed to do to fix the situation. We went over several items and determined that while I had missed key dates, there were not any candidates that were prevented from qualifying timely.

This was all reported to the secretary of
state investigators. I learned quite a few things from this. In speaking with political party chairs and advising them of what should've happened and dates that were missed, I found that the political parties were unaware of these requirements. It appeared the qualifying had not been handled correctly in Hancock County for quite a while, if ever.

I advised the political parties, the BOER, and later the new elections supervisor of the correct procedures and code sections that were to be followed in the future.

Thank you for hearing me.

**MS. SULLIVAN:** Thank you, Ms. Stephens.

And we have someone else signed up to speak regarding a consent case?

**UNIDENTIFIED FEMALE SPEAKER:** Yes.

**MR. NORTHEN:** Yeah. We have case number 2021-132.

**MS. SULLIVAN:** If you would go ahead and present that case.

**MS. JONES:** On October 22, 2020, investigations was forwarded a complaint, alleging a person in possession of an undetermined number of absentee ballots appeared
at a polling place, requesting "I voted" stickers for local electors whose ballots he had in his possession to deliver to the drop box.

The investigation revealed that during the November 3, 2020 general election, Robert L. Collins transported his wife Betty Collins and sisters-in-law Mattie (ph) Chapman and Mordi (ph) Harris -- transported their absentee ballots to the elections office for tabulation. The ballots were dropped off on Friday October 16, 2020 during early voting.

There was suspicion of Mr. Collins possibly harvesting ballots after he requested the "I voted" stickers from the elections staff. There was no evidence of a violation of said election code.

We would recommend that the case be dismissed.

MS. SULLIVAN: Thank you.

MR. NORTHEN: I have Deirdre Holden here, from Paulding County. She'll be able to speak in just a moment if she unmutes herself.

MS. SULLIVAN: Ms. Holden, you may speak.

MS. HOLDEN: Can you hear me?

MS. SULLIVAN: Yes, ma'am.
MS. HOLDEN: The -- the case that we were -- that you're talking about does not involve me. I'm on a -- a case later on down the line.

MS. SULLIVAN: Okay. Thank you.

MS. HOLDEN: You're welcome.

MS. SULLIVAN: Do we have anyone else signed up to speak regarding any of the other consent cases on our agenda today?

MR. NORTHEN: We have Vanessa Waddell from case number 2020-282.

MS. SULLIVAN: Okay. You may present that case now. That's tab number 25 in our materials.

MS. JONES: The secretary of state's office conducted an investigation after it was alleged that the Floyd County Board of Elections and Registration displayed partisanship toward one political party over another by allowing one party to retrieve absentee ballots from official drop boxes without members of the other party being able to observe the process.

The investigation revealed the allegations that the Floyd County Board of Registrars displayed partisanship toward one political party over another by allowing one party to retrieve absentee ballots from the official drop boxes...
without members of the other party being present to observe the process as unsubstantiated. No new evidence or documentation was provided to support the claim.

The investigation confirmed that Floyd County Board of Registrars complied with the Georgia State Election Board Rule 183-1-14-.06-.14(10) as the county arranged for the collection of absentee ballots from each drop box, arranged for collection of absentee ballots to be made by a team of at least two sworn volunteers, and provided the sworn oath and signed ballot transfer forms completed by the volunteers sworn in as election clerks.

The recommendation is to dismiss the case.

**MS. SULLIVAN:** Thank you.

**MR. NORTHEN:** And, Vanessa, Ms. Waddell, you should be able to unmute yourself and speak on this case.

**MS. SULLIVAN:** Please go ahead.

Ms. Waddell, you may speak.

**MS. WADDELL:** Can you hear me now?

**MS. SULLIVAN:** Yes, ma'am.

**MS. WADDELL:** Oh, okay. I was just saying that Floyd County would never have done anything
like that. And when people make false allegations like that, is it a recourse that the county could follow up on?

**MS. SULLIVAN:** I would suggest that you contact your county election officials regarding that.

**MS. WADDELL:** Okay. Thank you.

**MS. SULLIVAN:** Thank you, Ms. Waddell.

**MS. WADDELL:** Uh-huh.

**MR. NORTHEN:** We have case number 2021-032, Dodge County.

**MS. SULLIVAN:** Ms. Jones, can you go ahead and present that case. That is tab number 30.

**MR. CALLAWAY:** During early advanced voting in the general election runoff complaint, Allison Dixon (ph), Ruff -- Les Ruff (ph), and Bowli (ph) and Chan Jones reported a Black Voter Matter and Black Lives Matter were giving out food for toys and toys for votes.

The investigation revealed -- the investigation revealed no evidence to sustain the allegation of 21-2-570, giving or receiving, offering to give or receive, or participating in the giving or receiving of money or gifts for registering as a voter, for voting, or voting for
a particular candidate.

The group was identified by complainants as Black Lives Matter. They had a bus and had a Santa passing out gifts to children and adults, asked to complete a form to vote for Democrats in Black Voter Matters.

The investigator did not speak to any complainants or witnesses that provided any confirmation or proof that actual voting or proof of voting was required to participate in receiving the items.

The recommendation is to dismiss the case.

**MS. SULLIVAN:** Thank you.

**MR. NORTHEN:** And we have Chan Jones here to speak on the case.

**MS. SULLIVAN:** You may go ahead.

**MR. JONES:** Thank you, guys, for hearing me. I -- I was in contact with the sheriff and the GBI. I did leave a message with the secretary of state regarding this case. Never heard back from the investigator until I had an interaction with Gabe Sterling on social media.

I -- I just want to make sure that I'm clear because our local party members are making plans. As long as we're a block away from the polling
place and it's on days during election, we can hand out items of value and take them to the polls. Because that's what occurred here. And if there's a, quote, Fifth of Liquor for Freedom or Case of Cigarettes Caucus, all of that's acceptable to the state elections board.

**MS. SULLIVAN:** Thank you for being here today. If you have questions regarding the application of the code and how the board interprets it, we suggest that you reach out to the investigations division for further discussion.

**MR. JONES:** And that number --

**MS. SULLIVAN:** Thank you.

**MR. NORTHEN:** We have the next case, 2020-262. That is Cobb County.

**MS. SULLIVAN:** Thank you. If we can go ahead and present that case.

**MR. CALLAWAY:** Cobb County food trucks, the complainant -- we received a complaint that provided information that a food truck was at the East Cobb (indiscernible) office, a poll location located at 4400 Lower Roswell, Cobb County, Georgia.

Food truck personnel were giving out free
food items to the voters. This occurred during early voting for the special runoff election, January 5, 2021.

The investigation revealed the complainant advised that on December 14, 2020, the first day of early voting for the January 5, 2021 election, she observed a food truck parked close to the polls at 736 Whitlock Avenue. The elections director, Janine Eveler, and Cobb County elections officials were outside with a measuring tape and the truck moved to an area close to the road.

The complainant advised there was no voter campaign signs on the truck, the owner or operator on the truck was not identified. There was no documentation that any individual was offered a specific item of value in exchange for voting.

Our recommendation is there is insufficient evidence to substantiate a violation and to dismiss the case.

MS. SULLIVAN: Thank you.

MR. NORTHEN: Okay. And we have Tyler Hagenbuch here.

Tyler, you should be able to unmute yourself
and speak at this time.

**MR. HAGENBUCH:**  Good morning.

**MS. SULLIVAN:**  Please go ahead.

**MR. HAGENBUCH:**  Yes. Thank you very much.

I don't have anything to -- Tyler Hagenbuch on behalf of Vote.org, the respondent.

Nothing to add but happy to make myself available for questions should the board members have any.

**MS. SULLIVAN:**  I don't believe we have any questions. Thank you.

**MR. HAGENBUCH:**  Thank you.

**MR. NORTHEN:**  That is the extent of those (indiscernible) consent cases before 9:05 a.m. when you announced the beginning of the meeting.

**MS. SULLIVAN:**  Thank you. So at this time the board will consider the recommendations for the consent cases on our agenda, including case 2020-256.

Let the record reflect that 2020-125 has been continued.

Would any of the board members like to pull off any of the cases on the agenda for further discussion or to vote on separately?

There being none, at this time I'll
entertain a motion regarding the consent cases.

**MS. LE:** I move to approve the consent cases as a block.

**MS. SULLIVAN:** Is there a second?

**MS. GHAZAL:** Yes. I second.

**MS. SULLIVAN:** We have a motion and a second. Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed. That motion passes.

Moving on, the next item on our agenda are the letter cases. Are there any people signed up to speak regarding these cases?

**MR. NORTHEN:** No.

**MS. SULLIVAN:** Okay. We'll go ahead and present SEB Case Number 2020-188.

**MS. JONES:** This case has multiple complaints. Michelle Saylor (ph) reported that her absentee ballot was not counted. Gregory Branch reported he and his wife, Amanda Branch, mailed their absentee ballot in and they were not counted. Collette Devine (ph) reported that she and a poll watcher -- she was a poll watcher and not allowed to properly view the process. Shawn
Bach reported she voted in advanced in person and her vote was not counted. Linda Kent reported an absentee ballot was requested by someone other than her mother, Lillian Kent. Ryan Johnson reported his voting address was changed from Cherokee County to Douglas County.

The investigation revealed -- investigations were not able to determine if Michelle Saylor requested or returned an absentee ballot for the November 3, 2020 election. Investigation did not find evidence of a violation of state election law or state election board rules.

Investigations were not to determine if Gregory or Amanda Branch requested and returned an absentee ballot for the November 3, 2020 election.

There was no evidence to suggest that Ms. Devine was not provided the ability to view the processing of absentee ballots. There was no evidence to suggest there were not three election employees in the room where the absentee ballots were being process.

Shawn Bach reported: We found discrepancies between the machine count and the ballot count.

Cherokee County Assistant Elections Director
Janis Rodgers admitted the poll worker failed to save Ms. Bach's information in ElectionNet, therefore she did not receive credit for voting.

Linda Kent was unaware her mother, Lillian Kent, was (indiscernible) as a rollover voter to receive a ballot regardless if she requested one or not. There is no evidence to suggest that Cherokee County did not send Lillian Kent her absentee ballot. ElectionNet records indicate she was mailed her absentee ballot in time to vote. Investigations did not find evidence of a violation (indiscernible).

Ryan Johnson was mistakenly transferred as a voter from Cherokee County to Douglas County by a Douglas County elections employee. The mistake was caught when Mr. Johnson attempted to vote. The county elections employees were able to work through the mistake and Mr. Johnson was able to vote in Cherokee County.

The recommendation is that Anne Dover and the Cherokee County Board of Elections and Registration be issued a letter of instruction for violation of election code 21-2-215(i).

**MS. SULLIVAN:** Thank you.

And I believe we have someone signed up to
MR. NORTHEN: We have Shawn Bach.

Shawn, you should be able to unmute yourself and speak at this time.

MS. BACH: I don't have anything to add --

MS. SULLIVAN: Please go --

MS. BACH: -- to what was said. I just was wanting to find out what the results of the investigation were. And it sounds like it was a clerical error essentially. But I'm really disappointed in the system for -- for these kinds of things happening.

And it was just a coincidence that I was able to find out for myself that mine didn't vote. I'm -- I'm concerned how many other votes weren't counted in Cherokee County based on these kinds of mistakes.

That's all for me.

MS. SULLIVAN: Thank you.

Is there anyone else?

MR. NORTHEN: Not for this case.

MS. SULLIVAN: Okay.

Do any other board members have any questions?

MS. GHAZAL: Yes. This is Sara Ghazal.
I've got just a couple of comments.

Ms. Bach, thank you for joining us today. And I certainly understand your concern about making sure that your vote counts. And you're right, clerical errors do happen. And in fact, the fact that you did not receive credit in ENet for your vote doesn't mean that your vote didn't count.

I think it's really important that voters understand when they vote in person and they put that vote in through the scanner, your vote is counted then and there. And whether the system -- the voter registration system accounts for the fact that you checked in doesn't mean that your vote didn't count.

So I just wanted to make sure that you understand that your vote did count. It was counted as soon as you put it through that scanner. And that's a misunderstanding that voters sometimes have. And it's important that folks recognize that.

I also wanted to note the mistake that was made with Mr. Johnson. And that's deeply unfortunate that his voter registration was moved. But I'd like to point out there are
some -- there are some details in that that I think are important to highlight. And that is that the mistake was made because there was a voter with the same first name, same last name, and same date of birth. So it was -- there was a Ryan Johnson whose middle name is Christopher who was mistaken for Ryan Eugene Johnson with the same date of birth.

And these are -- with a state with 10 million people and millions and millions of registered voters, you are going to find that sort of thing. And that again is not an indication of any sort of fraud. It is a clerical error.

**MS. SULLIVAN:** Thank you, Ms. Ghazal.

And, Ms. Bach, the recommendation is -- in this case is to send a letter of instruction from the state election board to the Cherokee Board of Elections as well as the elections superintendent regarding the failure to enter credit for your vote.

Are there any other questions by any of the board members?

I'd like the record to reflect that Mr. Mashburn has now joined us for the meeting.
MR. MASHBURN: Hello, everyone.

MS. SULLIVAN: Good morning.

Do any of the board members have a motion regarding SEB case number 2020-188?

MS. GHAZAL: I move that we accept the recommendation of sending a letter of instruction.

MS. SULLIVAN: Do we have a second?

MS. LE: I'll second it.

MS. SULLIVAN: Motion and second. Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

That motion passes.

Next is SEB case number 2020-278, DeKalb County.

Mr. Callaway, are you presenting that case?

MR. CALLAWAY: Morning. 12/24/2020, Georgia Office of the Secretary of State's investigation division received a complaint regarding the illegal assistance to a voter.

According to the complaint, Deborah Daniel is recovering from a stroke and is nonverbal. She is currently being treated at Grace
Healthcare of Tucker which is a living assistance home in DeKalb County.

Staff at Grace Healthcare registered Deborah who was already registered in Fulton County to vote in DeKalb County and assisted her with completing her absentee ballots during the 2020 DeKalb County general election. Not knowing that Deborah had already voted in DeKalb County, her sister assisted her with her 2020 Fulton County general election absentee ballot. As a result, Deborah voted in both counties during the same election.

The investigation revealed Deborah's sister, Beverly Chandler, stated that she had a power-of-attorney for her sister Deborah and that her home address is her sister's address of record. She requested an absentee ballot for the Fulton County 2020 general election.

In mid October, her sister Robin delivered the ballot to Deborah and assisted her with completing the ballot. Deborah was automatically issued an absentee ballot for the Fulton County 2020 general election -- general runoff election.

Beverly delivered the ballot to Deborah mid December to assist her with completing the
ballot. Although Deborah could not speak, she was able to communicate to Beverly that she had already completed an absentee ballot for the runoff election. She did so by refusing to sign the ballot and answering a series of yes or no questions.

Beverly spoke with the staff at Grace Healthcare of Tucker and confirmed that the activities division registered Deborah to vote in DeKalb County under the name Deborah Daniel, although Deborah's legal name is Deborah with a different spelling, she typically signs her name as Deborah.

According to ElectionNet, Deborah has been a Fulton County registered voter since 1996. Her name is listed as Deborah; her date of birth, 9/29/53; and the last four of the social, 5964. Her address of record is 9470 Hunting Cliff Trail, Atlanta, Georgia 30350.

On 8/3/2020 Deborah requested an absentee ballot for the Fulton County 2020 general election. It was mailed to her address of record and return to the elections office on 10/31/2020 and accepted. Her ballot for the runoff election was automatically mailed out to her address of
According to ElectionNet, Deborah was registered to vote in DeKalb County on 9/29/2020. Her name is listed as Deborah; her date of birth, 9/29/53; and last four of her social was 5964. Her registration address: 2165 Idlewood Road, Tucker, GA 33384(sic).

DeKalb County elections official D. Brewer processed Deborah's mail-in voter registration application. On 10/24/2020, Deborah requested an absentee ballot for the DeKalb County general election. It was mailed to her address of record and returned to the elections office on 11/3/2020 and was accepted. Her ballot for the runoff election was automatically mailed to her address of record and returned to the election office on 12/18/2020 and accepted.

Investigations interviewed the activities division staff at Grace Healthcare of Tucker and then confirmed that they assisted Deborah with her DeKalb County voter registration and her request for absentee ballots.

They asked Deborah if she wanted to vote and she stated yes. However, they failed to ask if she was already registered in another county.
Staff simply checked to see if she was registered in DeKalb County, which she was not, and then submitted her voter registration application to the DeKalb County elections office.

My interview with DeKalb County registration technician Dionna Brewer revealed that she failed to confirm that Deborah was not registered in any other county prior to processing her DeKalb County voter registration. She also processed her registration without proof of identity, stating it was an administrative error and when she checked the wrong box in ElectionNet when she -- when asked if proof of identity was provided.

Investigations conducted an interview with Deborah by asking her a series of yes-or-no questions. We first established her cognitive skills by asking basic questions, such as name and date of birth, the current year, and the current president. She confirmed that she had always been a Fulton County registered voter and that she had never voted in DeKalb County.

Investigations asked her if any of her sisters delivered an absentee ballot to her and she stated no. She stated the only absentee
ballots that she received were delivered to her by Grace Healthcare of Tucker staff which contradicts Beverly's statement that her sister Robin delivered a ballot to Deborah on two -- 10/2020. We showed Deborah her DeKalb County application and her voter registration application for the absentee ballot. She recognized her signature but she did not recall completing the forms. Deborah Daniel inadvertently cast a ballot in DeKalb County as well as Fulton. She did not recall this due to her (indiscernible) state of mind.

I make a recommendation for Deborah Daniel to be issued a letter of instruction for O.C.G.A 21-2-572, repeat voting in the election, when she voted absentee ballots in Fulton and DeKalb County during the 2020 general election; Dionna Brewer, DeKalb County registration technician, and DeKalb County Board of Voter Registration and Elections Office be referred attorney general's office for O.C.G.A. 21-2-216(g)(1), qualifications of electors when the registration office failed to verify the identity of a voter; processing their voter registration, resulting in duplicate voter registrations, and misspelling of
a voter's legal name.

**MR. NORTHEN:** We have Beverly Chandler here to speak.

Unmute yourself and you may speak at this time.

**MS. SULLIVAN:** Ms. Chandler, you may go ahead.

**MS. CHANDLER:** Yes, I'm fine. So your final resolution will just be the letter of instruction to Deborah, no other action.

**MS. SULLIVAN:** That is the recommend --

**MS. CHANDLER:** Okay.

**MS. SULLIVAN:** That is the recommendation.

**MS. CHANDLER:** And that -- that's fine.

She -- when I told -- ask her to vote and she clearly told me she'd already voted, she clearly was not doing anything wrong. And we -- so as long as there's no record, no issue with her, that's fine.

**MS. SULLIVAN:** Thank you for being here, Ms. Chandler.

Anyone else signed up to speak?

**MR. NORTHEN:** Not for that case.

**MS. SULLIVAN:** Do any of the board members have any questions for Mr. Callaway or
Ms. Chandler?

    **MS. LE:** This is Anh Le and I'm going to recuse myself from this case, please.

    **MS. SULLIVAN:** Noted.

    **MS. CHANDLER:** I'm sorry, who would be recusing themselves?

    **MS. SULLIVAN:** Ms. Le is recusing herself from voting on this case. There are still three members of the board who will vote and who is a quorum.

    **MS. CHANDLER:** Okay.

    **MS. SULLIVAN:** Any of the board members like to make a motion?

    **MS. GHAZAL:** I move that we accept the recommendation and issue a letter of instruction.

    **MR. MASHBURN:** Second.

    **MS. SULLIVAN:** We have a motion and a second. Any further discussion?

    **THE BOARD MEMBERS:** Aye.

    **MS. SULLIVAN:** And Ms. Le has recused herself. That motion passes unanimously to issue a letter of instruction to Ms. Daniel.

    I believe that there is a further recommendation regarding DeKalb County. Is that
correct, Mr. --

  **MR. CALLAWAY:** That's correct. And that recommendation is going to be for Dionna Brewer, a DeKalb County registration technician; DeKalb County Board of Voter Registration and Elections Office be referred to the attorney general's office for O.C.G.A. 21-2-216(g)(1), qualifications of electors when the registration office failed to verify the identity of the voter prior to processing their voter registration, resulting in duplicate voter registrations; and misspellings of voter's legal name.

  **MS. SULLIVAN:** Are there any questions for the investigator?

  **MR. MASHBURN:** No. And I move that we accept the recommendation.

  **MS. SULLIVAN:** We have a motion. Is there a second?

  **MS. GHAZAL:** Second.

  **MS. SULLIVAN:** Any further discussion? All in favor, please say aye.

  **THE BOARD MEMBERS:** Aye.

  **MS. SULLIVAN:** And there are none opposed. Ms. Le has recused herself. That motion passes. Is that all of the recommendations in that
case?

MR. CALLAWAY: Yes, ma'am.

MS. SULLIVAN: Okay. Thank you.

We move on to the next case of 2021-113, Toombs County.

MS. JONES: On June 29, 2021, investigations was forwarded a complaint alleging elector Oliver Prescott photographed his ballot while inside the polling place.

The investigation revealed that the respondent in the case, Oliver Prescott, is alleged to have photographed his ballot during early voting inside the Toombs County voting precinct. Prescott admitted photographing the ballot and further explained he always had.

Our recommendation is that Oliver Prescott be issued a letter of instruction for violation of 21-2-413(e) for photographing his ballot while early voting inside the Toombs County election precinct.

MS. SULLIVAN: Thank you.

And we have someone here to speak?

MR. NORTHEN: That person has left the call.

MS. SULLIVAN: Okay. So no one else signed up to speak on this case?
MR. NORTHEN: No additional.

MS. SULLIVAN: Do any of the board members have any questions?

Is there a motion?

MR. MASHBURN: I'm sorry. Election -- what was the recommendation? I didn't see it.

MS. JONES: A letter of instruction be issued.

MR. MASHBURN: I move that we accept the recommendation and issue a letter of instruction.

MS. SULLIVAN: Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: A motion and second.

Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes.

Next we're moving on to the investigation cases, the new cases.

SEB case number 2019-44 is our first case, City of Riverdale.

MS. JONES: On November 7, 2019, the investigations division opened an investigation regarding a complaint that the City of Riverdale
had voters not in their proper district. On conducting (indiscernible) about it during the early voting period for 11/5/2019 municipal elections, the Clayton County Elections Office discovered several errors that had been made regarding placement of voters in the Riverdale city council wards.

On October 31, 2019, Clayton County Elections Office made the following changes to Riverdale city council wards: 536 through 614 Denham Street was updated to all -- all Ward 2 from Ward 4. Forty-five voters were affected. 614 Denham Street remains Ward 4 with no voters impacted. 632 Camp Street was updated to Ward 4 from Ward 2 and no voters were impacted. 1183 King Road was updated from Ward 1 to outside the City of Riverdale and two voters were impacted.

Rodney Lawrence asserts that he lost the Ward 2 election by nine votes and claims that he might have actually won the election if he had been provided an opportunity to address the 45 voters who were moved into Ward 2 on October 31, 2019. There were only three voters out of the 47 that voted in the election and only one that
voted an incorrect ballot. The remaining voters were corrected in the system.

MS. SULLIVAN: Thank you.

I think we have someone that signed up to speak.

MR. NORTHEN: Yes, we do. We have Charles Reed and Shauna Dozier.

Mr. Reed, when you unmute yourself, you should be able to speak.

MR. REED: Good morning. Can you all hear me?

MS. SULLIVAN: Yes.

MR. REED: Okay. Good morning, Madam Chair and other board members. I'm Charles Reed, representing the Clayton County Board of Elections and Registration and Ms. Dozier.

I wanted to kind of give you all a little factual background. So in 2017, the Clayton County Board of Elections had a contractual obligation to conduct the City of Riverdale's elections. And as part of that contractual obligation, the board of elections implemented redistricting changes for the City of Riverdale.

And Ms. Dozier, she worked with the then city clerk Sylvia Vaughan, along with a GIS
coordinator for the city. And in 2017, Ms. Dozier provided a step-by-step update of the
districting maps during that process and city officials were fully involved in that process.
And prior to finalizing those redistricting changes and generating the precinct cards in
ENet, Ms. Vaughan approved all of those changes that were made.

And so even though the board of elections conducted those 2017 elections, even though it was a contractual obligation, the board of elections always encourages extensive input by the municipalities in the redistricting process, basically as a best practice to make sure that the municipal experts are in the know because they are the ones who know geography of the city. And I believe that those 2017 e-mail exchanges were provided to the investigators prior to the investigation into this case.

So then fast-forwarding to -- to July 19, the board of elections sent a municipal street audit to each municipality to give them an opportunity to review and make any recommendations for changes prior to the start of early voting to ensure that all of the streets in
the district correct. And unlike in 2017 where
the board of elections had a contractual
obligation to run the city's elections, in 2019,
Ms. Vaughan was conducting the election for the
City of Riverdale.

And July 24, 2019, Ms. Vaughan signed off on
a form, a verification form, indicating that
street lists and districts in Riverdale were
correct prior to the 2019 November general
election.

In October of 2019, during early voting,
Ms. Vaughan contacted Ms. Dozier and informed her
that a voter had stated that they had voted in
the wrong district -- or they were assigned in
the wrong district. And then upon research, it
was identified that the voter was correct.

And to ensure that there were no other
voters that were impacted and despite the
assurances from the signed verification form in
July that all of the districts were correct,
Ms. Dozier on her own conducted a full voluntary
street audit of the City of Riverdale streets.
And at that time, she saw there were a few other
segments that needed correction and that
information was passed on to Ms. Vaughan along
with a list of instructions on how to code a
eballot for any voter impact.

And so the information that was read in
the -- in paragraph 2 of the findings on the
summary section were all of the streets and
everything and those changes, that information
was taken verbatim from the e-mail that was sent
from Ms. Dozier to Ms. Vaughan, alerting
Ms. Vaughan of the errors that Ms. Dozier found
in the street audit and those actions that were
taken to correct those errors.

And so in addition, Ms. Dozier also provided
Ms. Vaughan a list of the impacted voters and the
board of elections provided notifications
immediately to each voter. Ms. Vaughan was also
reminded to offer a provisional ballot to voters
when necessary. And Ms. Dozier made herself and
election staff available to assist Ms. Vaughan
during this process.

Ms. Dozier is obviously sincerely apologetic
to the voter that was impacted by the City of
Riverdale and the board of election and
registration.

Since this incident, the board of elections
and Ms. Dozier continue to send municipal audit
reports to the municipalities as well as meet with respect to the municipalities at least once a year in an annual municipal roundtable where they discuss the upcoming elections, certification requirements, along with duties and responsibilities of the county as -- as it relates to the municipalities.

And it's the desire of both Ms. Dozier and the board of elections to continue to work jointly with the City of Riverdale and any other municipality in Clayton County as at the end of the day, both the cities and the county want voters to be able to cast votes for the candidates of their choice properly.

Since this situation in 2019, the board of elections has added more audit checks and continue to revise and update processes and procedures. Furthermore, the board of elections recently hosted a redistricting training in Clayton County in conjunction with the secretary of state's election division office to assist in our upcoming redistricting preparedness.

So without diminishing the impact of this incident on the affected voter, at this time the board of elections and Ms. Dozier ask that this
board dismiss the case against them as the board and Ms. Dozier reasonably relied on a signed verification by the municipal representatives for the City of Riverdale that all information related to the streets and voter district was correct for the City of Riverdale's November 2019 general election.

In the alternative, if the board is not willing to dismiss, we're asking for a letter of instruction.

**MS. SULLIVAN:** Thank you, Mr. Reed.

And Ms. Vaughan was not cited as a respondent in this case; is that correct?

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

**MR. MASHBURN:** This is Matt Mashburn. I have a question. Counselor --

**MR. REED:** Yes.

**MR. MASHBURN:** -- were you involved in the civil -- in the civil action? Was that a contest? Was that an election contest?

**MR. REED:** No. I don't -- we were not involved. If there was any civil litigation related to this election, no, we were not involved in that.

**MR. MASHBURN:** Okay. I just -- I just see
in the report that it was dismissed with prejudice by the complainant and I was just wondering if you knew what the rationale behind that was, even if -- even if you weren't involved.

**MR. REED:** No. I -- I'm not aware of the challenge that Mr. Lawrence -- if there was a challenge that was made, I'm not aware of that. We were not involved in their election at all in 2019. Only to the extent that we provided them a street audit and made sure that what they told us was correct.

**MR. MASHBURN:** Thank you.

**MR. REED:** Now, Ms. -- Ms. Dozier is -- I think she is online. She may have additional information that I'm not aware of.

**MS. SULLIVAN:** Is Ms. Dozier unmuted?

**MR. NORTHEN:** Unmute yourself at this time.

**MS. SULLIVAN:** Ms. Dozier, if you would like to speak, you can unmute yourself.

**MS. DOZIER:** Good morning. No, I'm not -- we weren't involved in any of the -- any type of litigation.

**MS. SULLIVAN:** Thank you.

**MR. MASHBURN:** Thank you.
MS. SULLIVAN: Do any of the board members have any further questions for Mr. Reed or Ms. Dozier? Ms. Ghazal does. Go ahead.

MS. GHAZAL: I actually just -- I want to -- to thank Ms. Dozier for the ameliorative actions that she has taken because we all know that with redistricting coming up, making sure that voters are properly districted and assigned is really paramount to what's -- what's coming up. And the fact that she's put so much attention to this, moving forward, I just wanted to acknowledge and appreciate. Thank you.

MS. SULLIVAN: Thank you, Ms. Ghazal.

What's the pleasure of the board?

MS. LE: This is Anh Le. I have a question for the counsel. I guess that the ultimate question I have is in -- in your view, is it your position that the election was not impacted, the results were not impacted in terms of Mr. Lawrence's -- the outcome of the election was not impacted by this error; is that right? And can you confirm that for me?

MR. REED: From what we can determine from what's available to us, there -- I believe
there's only one vote that was affected relating
to Mr. Lawrence's election. There was a -- I
don't believe there were any -- there were not, you know, ten people or -- he said he lost by nine votes. I believe the actual official results, it may've been eight from what we can determine. But there was not enough people who were affected that would've affected his election.

The only thing that we can determine is that Tony Thomas -- and the only way we knew that this person was even affected was from what the state -- from what the investigator provided to us in this report. When the person who came to us -- this was a totally different person. When they came to us -- were referred to us from Riverdale, that correction was made and their ballot was able to be counted.

And I believe anybody else that was affected, there was -- they were able to cast their ballots provisionally and all their votes were counted.

**MS. SULLIVAN:** Thank you.

Any additional questions for Mr. Reed?

Would anyone like to make a motion?
MS. LE: I move -- this is Anh Le. I move to refer this case to the attorney general's office. I think there are two issues here. One is voters didn't get to vote, and I just want to make sure that we have a closer look at, I guess, the outcome of the election to ensure that Mr. Lawrence's candidacy was not impacted negatively by this error.

MS. SULLIVAN: We have a motion. Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: Any further discussion by the board members? All -- go ahead.

MR. MASHBURN: Just a further point on that is I appreciate ameliorative efforts. And whenever there's a problem, it's great when people try to do whatever they can to correct it and make sure it doesn't happen again.

But when people don't get to vote, then you failed in the fundamental job of -- of what you're doing. So I agree with Anh on that.

But I do want to echo Sara's comment that I appreciate them taking efforts to correct it and work on it and I'm sure the attorney general's office will be very well receptive to that as
well. And I know they'll appreciate that as well. So that's my rationale.

**MS. SULLIVAN:** Any further discussion?

All in favor of the motion, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed.

That motion passes unanimously.

The next case is 2020-35, Talbot County.

**MS. JONES:** The Talbot Elections (indiscernible) reported that four potential double voters returned absentee by mail ballots that were accepted and counted. They also went in to cast their votes. This occurred at the Flint Hill polling precinct in Talbot County on June 9, 2020, general primary election.

The investigation revealed that four Talbot County voters -- JoAnn and Robert Ellison, James Hardnett and Aundrea McDowell -- voted twice during the June 9, 2020 primary election. Each of the voters had applied for absentee ballots and completed them and sent back to the Talbot County Registrar's Office. On election day, the four voters went to the Flint Hill polling precinct, Flint Hill fire station, and 173 Flint Hill in Shiloh, Georgia, wanting to vote in
person. Each of the voters, according to the Poll Pad, had been issued an absentee ballot.

The poll manager, Mary Ann Searcy, said she tried to call the elections office to check the status of the ballots but could not get through due to the line being busy.

She then decided to allow the electors to vote. Each voter was asked to sign an affidavit stating that they did not use the ballot and they checked the box to explain why. After signing the affidavit, each voter was issued a voter access card and then was allowed to vote on the BMD units.

It was learned afterwards that all four voters' absentee ballots had already been accepted before the June -- before June 9, 2020 election day.

The recommendation is Talbot County Board of Elections and Registration; Marjorie Howard, the election supervisor; and Mary Ann Searcy, the poll manager at Flint Hill polling precinct be bound over to the A.G.'s office for violation of 21-2-388(2), cancellation of absentee ballots of electors who were present in the election precinct during primaries, in that JoAnn Ellison,
Robert Ellison, James Hardnett, and Aundrea McDowell be bound over to the A.G.'s office for violation of 21-2-572, repeat voting in a primary or election.

**MS. SULLIVAN:** Do we have anyone here to speak?

**MR. NORTHEN:** We have Marjorie Howard. I sent you a prompt to unmute yourself. You need to do that and begin speaking.

**MS. HOWARD:** Yes. Thank you very much. Are you able to --

**MS. SULLIVAN:** Go ahead.

**MS. HOWARD:** -- hear me?

**MS. SULLIVAN:** Yes, ma'am.

**MS. HOWARD:** Thank you very much for giving me an opportunity to speak.

I'd like to point out that Flint Hill is our busiest precinct within Talbot County and of which we have seven. During this time, Ms. Searcy was a brand-new poll manager. I had three of them during this particular election because our three former precinct managers who are elderly decided they did not want to risk exposing themselves in working in the election.

We had gone through extensive training with
our precinct managers and with the poll workers on how to handle situations like this. And I put it -- I put the details in our statements when we worked with Investigator Monroe regarding this because I actually reported it myself when we discovered this on June the 12th. We were in the process of certifying our election.

We discovered that these four people had been allowed to vote again on the touchscreen. And since we had never had this situation before, I contacted my liaison at the time, Robin Carr, to find out how -- what we needed to do because we wanted to report it to the secretary of state once we discovered this had been done.

The way that this happened -- and there should be a copy in our file of the statement from Ms. Searcy because we went through extensive training to explain to the precinct managers and the poll workers that if a Poll Pad showed that a person had been issued an absentee ballot or they voted an absentee ballot, our registration office should've been called.

We are a five-member combined board. On that election day, all of the board members including myself, we were assigned precincts that
we had to go to to make sure they were up and
operational. Throughout the day all of us,
except for one individual that was in our office
to man the phone, addressing any issues with any
of the precincts or polling places that may have
arisen during that time -- in this particular
instance, Flint Hill had not been able to get
through on our phone lines.

We had a lot of calls coming in that day
from both voters who were confused about what was
happening in terms of whether or not this was a
second election. The four people that voted
twice, in each instance when they filled out
their affidavits, they were under the impression
that this was a different election. I know that
Mr. Monroe did actually talk with all of these
individuals to determine why were they willing to
fill out the affidavit, saying they had not
received a ballot. And then virtually in every
case, it's my understanding, that that was their
response.

What was different about that election --
and this is part of the statement that I
submitted to both my (indiscernible) and
Mr. Monroe -- is that during that time with the
Poll Pads, the Poll Pad would allow a precinct manager to go in and to actually cancel out an absentee ballot.

After the voters were adamant that they had not voted, they had not received an absentee ballot in one case, and they didn't -- Mr. Hardnett reported he had lost his. Because Ms. Searcy has worked this location for several years before, she was familiar with the people that come in there. And because she couldn't get through on our phone lines -- she couldn't reach my cell because at that time I was on the phone with other precinct managers -- she elected to -- to go in and cancel the ballot and to allow them to vote on (indiscernible).

When I talked with Ms. Searcy to get her statement, to find out why exactly she did this, she did not remember at that time that the voters standing there in front of her, that the option she should've taken was to allow them to vote a provisional ballot even if they were adamant that they had not voted one before versus going in to cancel that ballot in Poll Pad and allow them to vote on the machine.

With the following election, that option was
taken away. In the old system, they never had that option. But I think at that point, despite all of the extensive training that we had done -- and we did several trainings before this general election, that at that point she reverted back to what they had done before. Because in this particular instance, they allowed her to make that decision. But it was fixed before the November election because of the fact that this had (indiscernible) in other counties.

So the fact -- the facts of the case are that we -- it actually happened. I counseled Ms. -- Ms. Searcy. We went back to determine what the mistake was. The mistake was not giving these voters a provisional ballot to allow us more time during that three-day time frame to investigate and determine exactly what happened, to go back to them and tell them, yes, you did vote even though you don't remember. And, no, this is not another election, it's still the same one that had been rescheduled from May.

So it was a trying situation to deal with, and I -- at that point, I think we addressed it in terms of trying to recruit people to fill our polling places. But it was just the fact of --
with her not being in that manager's position before, to make those kind of decisions in terms of telling a voter, no, we're not able to let you vote on the machine, and, yes, you do have to vote provisional even though I know in the case of the Ellisons it would've been a situation that I would've had to deal with later on.

I think in her instance, it was just a matter of trying to -- trying to address a voter's issue and try to resolve it at that time. But it was -- it was a mistake and it was a mistake that once I did discover it after the election, I couldn't go back and undo it because there was no (indiscernible) to do it at that point.

So what I'm asking at this -- with the board is to consider what the full facts of that -- of that situation, to have not had an opportunity to look at the statements that both Ms. Searcy and myself submitted, to look at them. It goes through extensive detail in terms of how we struggle to find people to put in our polling places.

When I finally convinced this young lady to be a manager at active locations versus just
working as an assistant manager or a polling assistant, she was put in one of the most difficult situations any poll manager or election official runs into when you've got voters that insist that they have not voted absentee. And I think at that point, she just did not have the experience to be able to handle it.

And we have addressed the issues with our phone systems since this particular election. Actually starting in November of 2020, not only is each board member, again, assigned a particular polling place to go to, in addition to the office numbers, they have our personal cell phone numbers. But even in that instance, there were times when they could not get through to us in November. But we just kept calling back and calling back and trying to address it as best we could under the circumstances.

So I appreciate your allowing me --

**MS. SULLIVAN:** Thank you, Ms. Howard.

**MS. HOWARD:** -- to (indiscernible) that and (indiscernible).

**MS. SULLIVAN:** Thank you, Ms. Howard, for being here and for your investigation as well as reporting this to your board and your very
thorough explanation of -- of the circumstances. Do any of the board members have any questions for Ms. Howard?

MS. GHAZAL: Yes. This is Sara Ghazal. I've got a quick question. Is there any evidence in this runoff as to when the actual absentee applications were submitted because I think we all recall that the process is very confusing to voters and to even us. So there were three different dates throughout the process. So do we know when the absentee applications were submitted initially?

MS. HOWARD: Yes.

MS. JONES: I've got --

MS. HOWARD: I'm sorry?

MS. JONES: Go ahead, I'm sorry.

MS. HOWARD: Okay. And I --

MS. SULLIVAN: Go ahead.

MS. HOWARD: I'm looking at my -- my notes here because in the case -- in the case of the Ellisons, Ms. Ellison submitted her first application -- we received it on April 9, 2020. Let's see. Just give me a moment.

Mr. Hardnett, we received his application on May the 11th. He was the voter that said that he
had lost his original application.

Looking for Mr. Ellison. Mr. Ellison's came in on the same date as Mrs. Ellison's, April the 9th.

Then I'm looking through at Ms. McDowell. Ms. McDowell's was received on May the 5th. In her situation, what she alleged is that her application was mailed to the wrong address initially, which when we -- it was one of the ones that was mailed by the secretary of state and it actually did go to an address other than what we had in our system as her mailing address.

Because I tried -- when I received the envelope back and when I pulled copies of it, I saw that it actually had been forwarded from what we showed as the mailing address to the address where it was actually received and both of them were at Flint Hill. But somehow or another in terms of them being automatically mailed, the wrong address was used.

**MS. SULLIVAN:** Thank you.

Do we have anyone else signed up to speak on this case?

**MR. NORTHEN:** Yes. Gwen Hardnett is signed up speak. I believe that they are on the line
with Kelly Monroe who is the (indiscernible) that (indiscernible) technology set up.

So either Ms. Monroe or Ms. Hardnett, you should be able to unmute yourself and speak at this time.

**MS. SULLIVAN:** Ms. Hardnett? Ms. Monroe? You should be able to speak.

Are they unmuted?

**MR. NORTHEN:** I have requested that they unmute. It has not been --

**MS. SULLIVAN:** Okay. If you unmute yourself, you should be able to speak.

**MR. NORTHEN:** Kelly Monroe?

**MS. SULLIVAN:** I believe you need to unmute yourself. Ms. Hardnett? Ms. Monroe?

Mr. Hardnett, I apologize.

**MR. NORTHEN:** If there are technical difficulties, may we suggest that they submit a comment?

**UNIDENTIFIED MALE SPEAKER:** Hello?

**MS. SULLIVAN:** Go ahead. We -- we heard you.

**UNIDENTIFIED MALE SPEAKER:** Okay. I -- I'm -- Gwen Hardnett has no technology other than a house phone to call in on. And that was --
that's the reason I sent a message in, to give her the opportunity to be able to speak. I don't have her on the line.

MR. NORTHEN: The phone number provided is not on the call right now or has not been on the call previously either.

MS. SULLIVAN: Okay. That's -- okay, understood. Sorry, I was confused there.

So she was given a number to call in and she is not on the phone?

MR. NORTHEN: And her phone number was provided to us and the home telephone does not give us their name.

We would suggest that they submit public comment via sebpubliccomment@sos.ga.gov.

MS. SULLIVAN: Okay.

Is there anyone else here who ... 

MR. NORTHEN: Not for this case.

MS. SULLIVAN: What is the pleasure of the board?

MR. MASHBURN: All right. So the way I understand it is we have four elderly voters, one of whom is infirm -- somewhat infirm -- and the investigation revealed that they just forgot that they voted.
And this is not the first time this has happened. We have had this happen at previous meetings. We've had these cases. So as the general assembly and judges look at what corrections need to be made, there is an issue that's coming up repeatedly that the voting period is so long that people are forgetting that they voted.

You have the corresponding problem that when there's an error and -- for example, back at the county, they checked off the wrong voter and you have the legitimate voter standing at the precinct. They want to cast a real ballot rather than a provisional ballot. So you have that competing interest there.

I don't see any value in sending these voters to the attorney general's office. So I think a letter of instruction to be more careful next time is the proper remedy.

So that's what I make, the motion for those four voters be issued letters of instruction. And then I'll wait to hear from others about what to do about the board of elections.

**MS. SULLIVAN:** Okay. Mr. Mashburn has made a motion to issue a letter of instruction to the
four individual voters listed as respondents.

Is there a second?

MS. GHAZAL: I second.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes unanimously.

We do have to deal with the recommendation regarding the board of elections, starting with Ms. Searcy at this time.

MS. LE: I move to send that case to the attorney general's office. And in particular, I appreciate the acknowledgment of error and corrections made. I think what we should just have also asked in any consent order that the attorney general's office may enter is some training.

As Mr. Mashburn has alluded to earlier, these rules are in place for the county's office to catch these kind of errors, especially with a population that sometimes gets confused or is infirm. That's incumbent on the election officials to carry out their job in the code.

I know there are technical challenges in
this case where they couldn't reach each other, but that's a procedural thing that the county needs to work out. So for this reason, I am recommending this -- the county be referred to the attorney general's office.

MR. MASHBURN: Second.

MS. SULLIVAN: Ms. Le has made a motion and Mr. Mashburn has seconded. Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes unanimously.

The next case listed on the agenda as 2020-43 has been continued.

So we'll move on to 2020-87, Bibb County.

MS. JONES: Complainant Cierra Hodges reported she submitted an application to receive an absentee ballot for the August 11, 2020 general primary. Ms. Hodges requested her ballot to be mailed to her temporary address in Savannah, Georgia. She advised her ballot was mailed to her address where she was registered in Macon, Georgia.

Ms. Hodges called the elections office and
they advised they had mailed her ballot to the incorrect address and she was not able to vote in the election.

The investigation revealed that when elector Cierra Hodges submitted an application to receive an absentee ballot for the August 11, 2020 general primary runoff, she requested it to be mailed to her temporary address in Savannah. However, an error was made by Bibb County elections office and the ballot was incorrectly mailed to Ms. Hodges' permanent address on file.

Recommendation is that Bibb County Board of Elections and Registration, election supervisor Jeanetta Watson, and chief registrar Veronica Seals be bound over to the attorney general's office for violation of O.C.G.A. 21-2-381(a)(1)(C), making application for absentee ballot, that they failed to mail the absentee ballot to the temporary address requested by the elector.

**MS. SULLIVAN:** Thank you, Ms. Jones.

Do we have anyone here to speak regarding this case?

**MR. NORTHEN:** We do. We have William Noland here.
Mr. Noland, you can unmute and are able to speak.

**MR. NOLAND:** Good morning.

**MS. SULLIVAN:** Please go ahead.

**MR. NOLAND:** I represent the respondents.

And I -- I first just want to say that we accept the -- the results of the investigation. The error did occur. It was unfortunate.

Ms. Thomas, the clerk who processed the ballot, understands the -- the rules, understands what her error was here. I do believe it's an isolated incident.

And I would just ask that the board consider a letter of reprimand or a letter of instruction. Thank you.

**MS. SULLIVAN:** Thank you, Mr. Noland.

Does anybody have any -- any board members have any questions for Mr. Noland?

Is there a motion?

**MS. LE:** I --

**MS. SULLIVAN:** Go ahead, Ms. Le.

**MS. LE:** Excuse me, I'm sorry. My ... Can you confirm, did Ms. Hodges enter -- did she vote?

**MR. NOLAND:** I think that -- I believe that
the investigation is -- is correct and that she did not vote. Now, whether she -- there was -- the clerk did report that she did send it to the proper address eventually. Ms. Hodges says she did not receive it. I can't -- I can't say one way of the -- or the other as to that. I do not believe she voted.

**MS. LE:** Thank you.

**MR. MASHBURN:** I move that we accept the recommendation because the voter didn't get to vote -- that we accept the recommendation and refer this to the attorney general's office.

**MS. GHAZAL:** Second.

**MS. SULLIVAN:** We have a motion and a second. Any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** There are none opposed. That motion passes.

2020-89 has been continued.

The next case on our agenda is 2020-90, Catoosa County.

**MS. JONES:** On September 9, 2020, the investigations division opened an investigation concerning a complaint that a vehicle bearing
campaign material was situated directly in front of a polling location within the 150-foot limit on campaign -- campaign activities.

The investigation revealed that on June 9, 2020, a campaign truck for Catoosa County Commissioner Stephen Henry was photographed in the parking lot of the Lakeview voting precinct within the 150-foot limit on campaign activity. The truck had been hired by Ken Brooks and was driven by Alan Ogle.

Mr. Ogle drove through the parking lot of the precinct within the 100-foot-no-campaigning limit.

The recommendation is that Alan Ogle be bound over to the A.G.'s office for violation of 20-2-414(a)(1), restrictions on campaign activities.

MS. SULLIVAN: Do we have anyone signed up to speak? Okay. No one is signed up to speak.

Do any of the board members have any questions of Ms. Jones?

MR. MASHBURN: I move that we accept the recommendation and bind it over to the attorney general's office.

MS. SULLIVAN: We have a motion. Is there a
second?

MS. LE: This is Anh Le. I second.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes.

I'm going to continue the next case, which is 2020-139, DeKalb County. It's my understanding that DeKalb County did not receive a sufficient notice for this meeting.

So we will move to case number 2020-145, Colquitt County.

MS. JONES: Chief registrar Paula McCullough reported that they received two absentee ballots from Rodney and Sybil Edwards on October 6, 2020 for the November 3rd general election.

Ms. McCullough stated that on October 28th, the Edwards came in and requested to vote in person, and they were allowed to cancel their absentee ballots. The poll worker failed to notice the voters' absentee ballots were accepted on October 6, 2020. On the day the Edwards request to cancel their absentee ballots, Colquitt County had already began processing the
absentee ballots prior to the election day. The error by the poll worker caused the Edwards to repeat vote in the same election.

The investigation revealed that Rodney and Sybil Edwards requested to vote by absentee ballot during the November 3, 2020 general election. They voted their ballots and mailed them back. The registrar's office received their absentee ballots and they were accepted on October 6, 2020.

The Edwards later received a letter in the mail informing them of the following: Final notice, public records indicates you have not yet voted in the 2020 general election. Make a plan and vote early.

The Edwards decided to go to vote during advanced voting in person.

On October 28, 2020, the Edwards presented themselves at the poll to vote. They informed the poll worker they had already voted by ballot and mailed it back, but they wanted to make sure their votes had counted.

The Edwards signed an affidavit to cancel their absentee ballots and they were allowed to vote on the machine. When the poll worker,
Deidra McClelland, reviewed the information on the Edwards' absentee ballots, she failed to see their ballots had been accepted.

Chief registrar Paula McCullough reported on October 28th the absentee ballot processing had already begun. So the ballots had been pulled from the oath envelopes on the Saturday prior and batched. McCullough stated that they had not scanned them yet and that the Edwards' ballots were in the batch. They had been removed from their oath envelopes. The error by poll worker Deidra McClelland allowed the Edwards to vote more than once in the same election.

It's recommended that Colquitt County probate judge and election supervisor Wesley Lewis, Colquitt County Board of Registrars chief registrar Paula McCullough and poll worker Deidra McClelland be bound over to the A.G.'s office for violation of State Election Board Rule 183-1-14-02(11), advanced voting when they -- when Deidra McClelland found Rodney and Sybil Edwards eligible to cancel their absentee ballots but failed to notice their ballots had been received.

**MS. SULLIVAN:** And do we have anyone signed
up to speak?

    MR. NORTHEN: No.

    MS. SULLIVAN: No one has signed up to speak regarding this case. Do any of the board members have any questions for Ms. Jones?

    Is there a motion?

    MS. LE: I move to accept the recommendation and bind this over to the A.G.'s office.

    MS. SULLIVAN: Is there a second?

    MR. MASHBURN: Second.

    MS. SULLIVAN: All in favor -- any -- all -- any further discussion?

    All in favor, please say aye.

    THE BOARD MEMBERS: Aye.

    MS. SULLIVAN: There are none opposed and that motion passes.

    2020-147 has been continued.

    We're going to take a -- a five-minute break, and we will come back at 10:40 and start with case 20-155. Thank you.

    (Break taken)

    MS. SULLIVAN: We'll call this meeting back to order.

    The next case is 2020-155, Chatham County.

    MS. JONES: Complainant Sarah Thompson
contacted the secretary of state office about a posting she found on Facebook. The posting was on E.D.B.G. Facebook page and states the following: What if I told you I would giving away free Q chicken this Sunday on M.L.K. for everybody that came up to see me with an "I voted" sticker? What if I also said there would be a free concert?

The investigation revealed that Edward Gresham, a.k.a. Eddie B.G. posted on Facebook on November 1, 2020 the following: What if I told you I would bring -- I would be giving away free Q chicken this Sunday on M.L.K. for everybody that came up with an "I voted" sticker?

He also posted: When I say today is about to be epic, today is about to be epic. We are talking free concert and free Q chicken, hash tag get out today, hash tag bring your voted -- bring your voted sticker.

The investigator was able to speak with Mr. Gresham by phone and stated he admitted that they were basically throwing a concert and providing food. He stated they invited both sides of the aisle, Republicans and Democrats. He denied that the posting was an offer of free
food for voting. However, the Facebook posting did say: Show your "I voted" sticker for free food.

An appointment was made to meet with the investigator, but Mr. Gresham later declined.

The recommendation is that Edward Gresham be bound over to the attorney general's office for violation of 21-2-570, giving or receiving -- offering to give or receive or participating in the giving or receiving of money for gifts for registering as a voter, voting, or voting for a particular candidate.

**MS. SULLIVAN:** Do we have anyone signed up to speak?

**MR. NORTHEN:** Sarah Thompson, unmute yourself and you should be able to speak at this time.

**MS. SULLIVAN:** Ms. Thompson, you may go ahead.

(no response)

**MS. SULLIVAN:** Ms. Thompson, you may speak.

**MR. NORTHEN:** Ms. Thompson, you are unmuted but it does not appear that we can hear you. Please make sure you have an audio selected on Zoom.
MS. SULLIVAN: Is there anyone else at this time to speak?

MR. NORTHEN: There is no one else.

MR. MASHBURN: One of the things the board tries exceptionally hard to do is treat similar cases similarly and different cases differently. And this one strikes me as identical to the "Show me your 'I voted' sticker and get entered into a gun raffle." And I think we bound that over to the attorney general's office.

So in the spirit of treating similar cases similarly, I think we should also bind this over to the attorney general's office because I think this is virtually the same case. So I make a motion.

MS. SULLIVAN: Okay. Is there a second?

MS. LE: This is Anh Le. I second.

MS. SULLIVAN: Is there any further discussion?

Ms. Thompson, I'll give you one more chance. If you can speak, please feel free to address the board.

(no response)

MS. SULLIVAN: Okay. All in favor of the motion, please respond by saying aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? None. And that motion passes.
Next case is 2020-160, DeKalb County.

MS. LE: This is Anh Le. I'm going to recuse myself from this case.

MS. SULLIVAN: Let the record reflect that Ms. Le has recused herself from case 2020-160.

MS. JONES: On November 3, 2020, the investigations division opened an investigation concerning extended polling location hours. The investigation revealed the Gresham Road precinct opened late due to an unspecified malfunction with the Poll Pads. By the time investigators arrived, the Poll Pads had been replaced and the precinct was functioning normally.

The Valley Brook and Shamrock precincts co-located at Valley Brook Baptist Church opened late due to the Poll Pads not being set up properly. Once the mistake was identified and corrected, the precinct functioned normally for the rest of the day.

It is recommended that DeKalb County Board of Elections and Registration; Erica Hamilton, the director of DeKalb County elections; Martha
Beasley, poll manager of Gresham Road precinct; and Bob O'Neal, poll manager of Valley Brook and Shamrock precincts be bound over to the A.G.'s office for violation of 21-2-403, time for opening and closing the polls, and also for SEB Rule 183-1-12-.10(1), before the opening of the polls.

**MS. SULLIVAN:** Do we have anyone signed up to speak?

**MR. NORTHEN:** Yes. We have several speakers. The first one is Shelley Momo, counsel for DeKalb County.

You should be able to unmute yourself at this time.

**MS. SULLIVAN:** Go ahead.

**MS. MOMO:** Good morning. Good morning. My name is Shelley Momo. I am here to represent the respondents -- DeKalb County, Erica Hamilton, Ms. Beasley, and Mr. O'Neal -- in this case.

I want to start by saying that the respondents accept the finding that the poll places didn't open by seven as they needed to. This was due to technical issues with the Poll Pads, as the investigation discovered. Some of these were outside of the county's control.
However, we are not aware of the Poll Pads being powered on late as mentioned in the investigative report, which is a violation of SEB Rule 183-1-12-.10, subsection 1.

It did result in Gresham Road polling place opening late by 45 minutes. And the Valley Brook and Shamrock polling place opening late by 40.

At Gresham Road, I know that after 45 minutes the staff began checking in with paper certificates and voting began. And ultimately the technical difficulties they had at that location required the Poll Pads to be replaced is my understanding.

And I know that there were technical difficulties at Valley Brook which they fixed after 40 minutes.

Upon learning of these delays, DeKalb and the respondents took the appropriate remedy of petitioning the superior court to have these polling places stay open longer to account for the 45 minutes at Gresham and 40 minutes at Valley Brook delay. We received a court order at 2:03 on election day and DeKalb County itself then sent out a press release shortly thereafter to alert its citizens that the polling places would remain open longer.
The county immediately acted within the code and performed that remedy to keep the polling places open longer to ensure that voters had the same amount of time as everyone else to vote and that these polling places would remain open longer.

As a result and because at least in part, some of these malfunctions were not -- were not the cause or not within the county's purview of correcting until it was replaced, we would ask this case either be dismissed or in the alternative a letter of instruction be issued.

MS. SULLIVAN: Thank you, Ms. Momo.

Do any of your clients want to address the board?

MS. MOMO: No, ma'am.

MS. SULLIVAN: Is there anyone else signed up?

MR. NORTHEN: Next speaker is Martha Beasley.

MS. MOMO: Okay. She does not want to speak.

MR. NORTHEN: Okay. Next --

MS. MOMO: Oh, I'm -- I'm sorry. Ms. -- Ms. Beasley may speak if -- if she would like.
Ms. Beasley, you may speak. I have given a general overview. Thank you.

MS. SULLIVAN: Go ahead, Ms. Beasley.

MR. NORTHEN: Ms. Beasley, you should be able to unmute yourself now.

MS. SULLIVAN: Ms. Beasley, if you'll unmute yourself, you may speak.

MS. BEASLEY: Yes. Okay, can you hear me now?

MS. SULLIVAN: Yes, ma'am.

MS. BEASLEY: Well, I just want some clarification about not opening on time. Gresham Road did open promptly at seven. And I just want clarification on that.

I know the machine -- the Poll Pads were inactive because -- but that was -- that was for the primary -- the primary election. And, yes, that was corrected, you know, within forty -- forty -- forty-five.

And we did issue paper to get the manual activation on the ICX. So that's --

You know, again I just want to know. Because the Poll Pads were not working properly, does that penalize the precinct being -- to say not open on time when it was actually opened
promptly at seven as should be.

That's a statement and a question.

MS. SULLIVAN: The investigation did
determine that the Gresham, Valley, and Shamrock
polling locations did not open properly by 7 a.m.
on the November 3rd ...

MS. BEASLEY: Okay. Now, for reference, I
mean, there should be some follow-up with the --
the command center that -- that we let it be
known to the registration office that we are
open, on that record.

When the Poll Pad first voter came in, which
was right at seven, you know, could that not be
referenced to show that we were open properly at
seven? Gresham Road has never opened late. When
I say late, after 7 p.m. -- I mean 7 a.m.

MS. SULLIVAN: Ms. Beasley, I believe the
determination is even if the building is actually
open but people are not able to vote at that
time, then the polling location has not opened on
time.

MS. BEASLEY: Okay.

MS. SULLIVAN: But your statements will
be -- your statements will be reflected in the
record.
MS. BEASLEY: Oh, okay. Well, as I said that -- that was my concern when I saw the letter, that we failed to open, okay? But we were open, but the -- the Poll Pads were not properly programmed for that location. And it happened --

MS. SULLIVAN: Thank --

MS. BEASLEY: -- during the primary and again during the general election. But during the general election, we remembered what happened during the primary, so we (indiscernible) -- you know, got our electors list and proceeded from that point. So no time was wasted on November 3rd.

MS. SULLIVAN: Thank you, Ms. Beasley.

MS. BEASLEY: Okay.

MS. SULLIVAN: Thank you.

MR. MASHBURN: Yeah, I'm -- I'm sorry to interrupt. This is Matt Mashburn. I have a -- just want to confirm with the investigators and the county that all of the voters were accounted for and nobody left and didn't come back.

I'm reading in the report that all of the voters were accounted for; is that right?
Everybody agrees on that?

**MS. MOMO:** This is Shelley Momo. That is my understanding, based on the findings and the information that I have.

**MS. SULLIVAN:** Thank you.

Is anyone else --

**MR. MASHBURN:** Well --

**MS. SULLIVAN:** I'm sorry, go ahead, Mr. Mashburn.

**MR. MASHBURN:** Yeah. In the -- I'm going to address kind of some -- a couple things that Ms. Beasley brought up. But one of the issues is when you keep polls open late, the counties are under a new requirement under the new law to report their vote totals. And so this puts a real burden on the county.

And so it concerns me that people are relying on keeping the polls open later as kind of the default now. Where it used to be extraordinarily rare, now it's kind of the default remedy.

So I would like to have the counties be more directed about doing whatever you've got to do to make sure -- and I just have my own experience in my own life. I worked at a fast food restaurant
and if we were -- we were selling chicken and if
the lights were on but the fryers hadn't been
turned on, we weren't open because we couldn't
sell chicken. And so if everything's not in
place for the voters to vote, you're not open.

So I would refer -- I would move to refer
this over to the attorney general's office. And
what I would like for them to concentrate on is
what needs to be done. What's the -- where's the
problem that people aren't checking this to make
sure everything is open and ready before the
voters get in the door?

So that's my motion.

MS. SULLIVAN: All right. I believe we have
one more person signed up to speak regarding this
case. So we'll hold that motion --

MR. MASHBURN: Okay.

MS. SULLIVAN: -- at this time.

MR. NORTHEN: The next speaker is Robert
O'Neal who may unmute himself at this time.

MS. SULLIVAN: Mr. O'Neal, you may go ahead
and address the board.

MR. O'NEAL: Yes. I hope you can hear me.
This is Robert O'Neal, precinct manager at the
Valley Brook/Shamrock precinct.
MS. SULLIVAN: Yes, sir. We can hear you.

MR. O’NEAL: Okay, very good. Just -- I -- I will be brief. This is the first time I've been involved in one of these sessions. I've been a precinct manager for ten-plus years.

I was delighted to hear the motion that's tabled right now. That is exactly what we need. At Valley Brook, we were ready to open. We were ready. Everything was in place at 6:40. It states we were not ready, but just as Ms. Beasley stated, we certainly were.

What we failed to have -- and this, to me, is a secretary of state issue, it's not a DeKalb County issue -- is some kind of process where we do a dummy vote before 7 a.m. and are assured that everything is working.

In our case, a long-term employee of mine -- he has worked the Poll Pads for many years -- he installed the encoders in our three Poll Pads in reverse. It was easy to do. It's clearly stated he shouldn't have. He was supposed to have an individual reading the instructions and he explicitly follows each step. That apparently didn't happen. We didn't know about it until at 7:00 we start processing our first voters and all
three Poll Pads would not accept them. In phone calls and other things, it took about 30 minutes to remedy it and find out our mistake, flip the units around, and then everything was fine.

But if we'd had a -- a system where you can do a -- excuse me, a dummy run in advance, this could've been avoided. We would've been ready. Also, as I'm talking about this, I've learned in this process that each county must generate their own training programs. A rich county like DeKalb, we were given a lot of training. There's a lot of resources, but nonetheless we were swamped with material.

And under the old system, before the last two years, we've had the new equipment, we had hard copies, a single page for each portion -- the check-in station, the voting station, the -- all of the different things had hard copies that clearly stated or started you through and closed out the process and also had -- excuse me -- provisions for when things were not going right.

I would love to have that come back. And I've lobbied my own county, our NE office, to institute those. But anyway, that is what I see
we need to make things good.

    I thank you for your time and those are my comments.

    **MS. SULLIVAN:** Thank you, Mr. O'Neal.

    All right. Anyone have any questions for Mr. O'Neal?

    **MS. GHAZAL:** I've got a question actually for Mrs. Beasley.

    Did I understand correctly, Mrs. Beasley, that you were able to utilize the back-up paper registration list and offered provisional ballots to voters who were in line by 7 a.m.? Is that correct?

    **MS. BEASLEY:** Yes. Those who wanted provisional were given provisional, which were very few because others wanted to wait to vote on the ICX. But when we learned about the manual ballot activation on the ICX, we used the electors list and the paper certificate to -- and the -- the number -- material to get them signed in before we gave them a card to activate manually on the ICX. Then they could vote and then submit their -- the ballot to the scanner.

    **MR. MASHBURN:** So everybody voted on cards, not provisional; right?
MS. BEASLEY:  Correct. Only a few people chose provisional. The majority of the people waited until we got the -- the Poll Pads to some fashion so they could vote on the ICX.

MS. SULLIVAN: Any additional questions?

I'll take your motion off the table.

MR. MASHBURN: I renew my motion.

MS. SULLIVAN: Okay. Mr. Mashburn's motion is renewed to accept the recommendation in this case. Is there a second?

I'll second that motion.

Is there any further discussion?

MS. GHAZAL: It seems to be from Ms. Beasley's report that in fact her poll technically opened on time. If voters were given the option to cast a ballot, starting 7 a.m., even if they chose not to use that option by a provisional ballot, voters could vote. So that poll opened on time. I'm not convinced that that -- that there was a late opening in the case.

MS. SULLIVAN: I think the attorney general's office can certainly take that into consideration as they make a recommendation for a consent order.
MR. MASHBURN: Right. And I would hope that -- not that they don't, but in this case I hope they -- and that all the parties on this case entered into a very collaborative spirit, saying this is what we want to do so this doesn't happen again and get this fixed, rather than an adversarial way.

I don't believe this is an adversarial issue but it needs to get fixed because with the new requirements, we've got to reduce the number of precincts that are staying open late.

MS. SULLIVAN: Okay. We have a motion and a second.

All in favor, please signify by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? There are none opposed and that motion passes.

Ms. Le did recuse herself from that case.

The next case is 2020-169, Clayton County.

MS. JONES: On November 6, 2020, the investigations division initiated an investigation regarding the securing of Clayton County absentee ballot drop boxes by 7 p.m. on November 3, 2020 general election.

The investigation revealed the county
maintained eight absentee ballot drop boxes. A review of drop box surveillance video revealed each of the drop boxes being secured by election staff at approximately 7 p.m. on November 3, 2020.

However, elections director Shauna Dozier was unable to produce copies of the drop box transfer forms.

Our recommendation that Shauna Dozier, Clayton County director of registration and elections in Clayton County; registration and elections office be bound over to the A.G.'s office for violation of O.C.G.A. 21-2-273, preservation of primary election records.

**MS. SULLIVAN:** I believe we have someone signed up to speak.

**MR. NORTHEN:** Yes. We have Mr. Reed.

**MS. SULLIVAN:** Mr. Reed, please go ahead.

**MR. REED:** Thank you, Madam Chair.

Again Charles Reed, representing Ms. Dozier and the Clayton County Board of Registration and Elections.

I think there may be somewhat of a slight, I guess, misunderstanding. But some of this is correct of what the investigators revealed.
There were drop boxes that were secured by election staff at 7 p.m.

What happened that particular day is that we had several techs that were out -- half of the staff was out too -- for health reason too because they -- they quit shortly before November 3rd, I think, the Thursday or Friday before. So we had several of the techs going to help do tabulation and help close precincts.

So there was no pick up of the drop boxes on November 3rd. However, on November 4th, staff went out to each of the locations, each of the eight locations, to pick up the ballots.

And we have video surveillance showing when that occurred and the approximate times of that. So I'm not sure if this -- if this report is based on the inability to show that the drop boxes were picked up on November 3rd or the ability to show that there are forms on November 4th.

That said, we have -- we have documents for November 4th. However, we were trying to see if we could get all of those documents. It seems that there are a couple or a few that we don't -- can't put our hands on. So in this sense, we
would ask if there is a recommendation to -- to bind this over to the attorney general, that at least we'd have the opportunity to provide those documents to the attorney general and perhaps have this matter dismissed.

**MS. SULLIVAN:** Thank you, Mr. Reed. You will certainly be able to provide any further documentation in the event that this case is referred to the attorney general's office.

Is there anyone else signed up to speak?

**MR. NORTHEN:** Ms. Dozier, if she would like --

**MS. SULLIVAN:** Ms. Dozier, would you like to speak?

**MS. DOZIER:** Good morning. If anyone has any questions, I'm open to answering any questions that you may have.

**MS. SULLIVAN:** Okay. Thank you for being here, Ms. Dozier.

Do any of the board members have any questions for the investigator or Mr. Reed or Ms. Dozier?

**MR. MASHBURN:** Hello. This is Matt Mashburn. They found the form now? There's not a form that's missing any longer?
MR. REED: There are -- we have forms for -- there are eight locations. We have forms right now that we could put our hands on on three of those. It appears that there are five that -- we are -- we had a second election going on at the same time to fill the unexpired term for John Lewis. So we're checking to see whether the drop box forms were located in that.

So that's why we're saying that we don't necessarily believe that there were no forms. It's just that we can't put our hands on them right now.

MR. MASHBURN: Okay. All right. So this is Matt Mashburn. I'll make a motion to refer this to the attorney general's office with the instruction that if y'all provide the form, I will (indiscernible) favorably a consent order that dismisses it when you come back.

MS. SULLIVAN: We have a motion.

I'll second. I'll second that motion.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed and that motion passes.
Earlier we were considering case 2020-155 when Ms. Thompson was not able to speak.

We're going to try this one more time, Ms. Thompson, if you would to address the board. Hopefully we can give you the opportunity now. You should be able to unmute yourself and address the board if you would like at this time.

**MR. NORTHEN:** Ms Thompson is unmuted.

**MS. SULLIVAN:** Ms. Thompson, you are unmuted. You may go ahead and speak.

It appears that we are still having technical difficulties.

Ms. Thompson, we will -- we will take a break at lunch. I certainly do want you to have an opportunity to address the board if you would like to do so. Maybe during lunchtime we can resolve any technical difficulties and address it this afternoon.

The next case on the agenda is SEB case 2020-171, Taylor County.

**MS. JONES:** Investigation division reveal -- reviewed multiple complaints regarding the November 3, 2020 general election. The allegation was -- Ms. Daniel alleged that a candidate for District 2 board of education, Mary
Bentley, turned in absentee ballots for voters. Ms. Daniel said that the information was shared by the Taylor County Elections Supervisor, Mindy Bass, that it was illegal for candidates to pick up absentee ballots while campaigning and turn them in to the registrar's office.

Allegation 2, Ms. Daniel alleged that on November 3, 2020, at 11 p.m., 13WMAZ reported candidate Mitchell Harrison had won the District 2 board of education seat. However, at 11:15, state representative Patty Bentley entered the Taylor County registrar's office and reported the election was not over and there were still 200 uncounted votes.

Ms. Daniel said candidate Mary Bentley ended up winning the District 2 board of education seat by 198 absentee ballot votes.

Allegation 3, Ms. Campbell alleged her father went in to vote during the advanced voting period and observed an elderly black female drop off approximately 30 absentee ballots. Campbell said the female left the ballots on the desk after being instructed to do so by election staff member. Ms. Campbell said the female left no names -- left and no names
were checked or questions asked about the relationship between the voters and the female.

Allegation 4, Ms. Campbell alleged multiple individuals received unsolicited absentee ballots. Campbell said the individuals were not elderly or disabled. She said she was sure the individuals received absentee ballots and not applications. She knew they were absentee ballots because she received one herself.

Allegation 5, Ms. Campbell alleged the news reported Taylor County had uncounted ballots. Ms. Campbell said she contacted Taylor County elections supervisor Mindy Bass to inquire about the uncounted ballots. Ms. Bass told her she didn't know where the ballots were but had to find them by 5 p.m. And so the count was actually 15 more ballots than had been reported by the news.

Allegation 6, Ms. Bass reported a candidate turned in upwards of 40 absentee ballot applications for voters in her district. Ms. Bass said the candidate did assist some of the voters in completing their applications.

All in all, investigation revealed that all in all witnesses and respondents were interviewed
by GBI Special Agent Lee Brooks. However, there was no evidence to support violations of Georgia election law for allegations two through six.

Agent Brooks for the GBI interviewed Taylor County Board of Education member Mary Bentley who was a candidate for the Taylor County District 2 Board of Education seat during the November 3, 2020 election.

In the interview, Ms. Bentley, through her own admission, said she assisted voters with filling out their absentee ballots. Ms. Bentley said she knew the individuals she assisted but does not mention them being family members.

Taylor County Election Supervisor Mindy Bass reviewed the absentee ballot envelopes in the presence of Agent Brooks. The only ballot located where Mary Bentley signed as having assisted was her husband Rogers Bentley.

It's our recommendation that Mary Bentley be bound over to the attorney general's office for violation of O.C.G.A. 21-2-385(b), procedure for voting by absentee ballot, which she admitted helping voters fill out their absentee ballots during the November 3, 2020 general election.

**MS. SULLIVAN:** It's my understanding
Ms. Bentley is on the line.

Ms. Bentley, you may go ahead and speak if you would like to.

**MS. BENTLEY:** Okay. Can you hear me?

**MS. SULLIVAN:** Yes, ma'am.

**MS. BENTLEY:** Okay, good. I'm Mary Bentley. And during the November 2020 election, I, Mary Bentley, assisted my husband Rogers Bentley with his ballot because he had misplaced his glasses and was unable to read the small print on the ballot. But he's actually the only person I assisted with a ballot.

**MS. SULLIVAN:** Thank you. So the only person is -- your position is that your husband was the only person you assisted with filling out an absentee ballot?

**MS. BENTLEY:** Yes.

**MR. MASHBURN:** So agent -- agent -- this is Matt Mashburn. So, Ms. Bentley, Agent Brooks reports that you said that you assisted around 10 to 15 voters with filling out their absentee ballots and placed some of the absentee ballots in a mailbox at the local post office.

**MS. BENTLEY:** I pla --

**MR. MASHBURN:** So you say that Agent Brooks
MS. BENTLEY: I placed some of the ballots in the post office for sure, but I didn't assist them with it.

MR. MASHBURN: Okay. So you touched a ballot that wasn't a family member and wasn't a family member's ballot you had in your possession; right?

MS. BENTLEY: I -- I -- in the post -- in the office, yes. I didn't assist with it.

MR. MASHBURN: Okay, thank you.

MR. NORTHEN: The next person from this case is Mindy Bass.

MS. SULLIVAN: Ms. Bass, you may go ahead.

MS. BASS: Good morning. This is Mindy Bass, the elections superintendent for Taylor County. I just wanted to kind of confirm that Ms. Bentley did not turn in any ballots to me. I had gone over with her about the rules regarding applications which I had got confirmation from former elections director Christopher Harvey about the candidates passing out absentee applications which was completely fine and getting them back to me. As long as she didn't, you know, help with the ballots, that was okay.
And that was the information that I passed on to -- to Ms. Bentley.

MS. SULLIVAN: Thank you.

Do any of the members of the board have any questions for Ms. Bass or Ms. Bentley or the investigator?

MR. MASHBURN: I have a question for Ms. Bass. With -- in our notebooks, under allegation 2, we have this report from WMAZ that there were 200 uncounted votes. And I read it -- I read it that a hundred and ninety-eight of those two hundred broke for one candidate, but I don't -- I don't think that's -- I think I misread that.

Can you share some insight on what that's all about?

MS. BASS: Absolutely. On election night, we were having a -- a big problem with our absentee ballots being read by the scanner. We were working with Dominion. We were working with the CES, trying to figure out why the scanner was not reading out ballots. And it turns out that when we printed our ballots, they were being printed too small and we did not realize that, obviously, until election night, trying to scan.
So it took us about 23 hours to get that figured out. That's why we had so many uncounted ballots at that time. We were able to get them scanned. But we actually had 470 absentee ballots that were not counted on election night due to that issue. Out of -- we had about 600 or 700 total.

We were able to read the ones that were sent out automatically by the rollover list from the -- from the printers. But the ones that we sent out, we had issues with. That was the only reason that the numbers came in so odd. And --

**MR. MASHBURN:** All right. Do you --

**MS. BASS:** -- once we were able to re --

**MR. MASHBURN:** You didn't have -- I'm sorry to interrupt you, but -- so you did not have a situation where you had 200 late-counted ballots that broke a hundred and ninety-eight to two; right?

**MS. BASS:** I -- I believe that exact -- those exact numbers were only the ballots from District 2, not the total amount of ballots that I had to count. So I think that was just the ballots that were coming in from District 2 which would have given that discrepancy. But, yes,
they were that wide of a range.

**MR. MASHBURN:** Okay. And just to confirm, you didn't tell anyone that it was legal for candidates to pick up absentee ballots while campaigning; right?

**MS. BASS:** Correct. I -- I said, you know -- and I've still got the e-mail from Chris Harvey that I -- I passed that information on that it's -- it's okay for the applications, not the ballots.

**MS. SULLIVAN:** What's the pleasure of the board?

**MR. MASHBURN:** Move that this be referred to the attorney general's office.

**MS. SULLIVAN:** We've got a motion. Is there a second?

**MS. LE:** This is Anh. I'll second.

**MS. SULLIVAN:** Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** Are there any opposed? There are none opposed. That motion passes. The next case is 2020-180.

**MS. JONES:** Investigation revision --
division received multiple complaints regarding the residency status of Fulton County voters during the 2020 general election.

Deeanna and Floyd Woodham were not residents of Fulton County when they voted in the 2020 general election.

Someone requested and returned an absentee ballot on behalf of Kyle Newman without his knowledge during the Fulton County 2020 election.

Diane Bailey requested and returned an absentee ballot for her daughter Courtney Bailey without her knowledge during the Fulton County 2020 general election.

William Shoemaker and Todd Cooper are Florida residents and they voted in the Fulton County and Walton County, Florida general election.

An absentee ballot issue to Alan Dale (ph) was delivered to a Fulton County address where he does not reside.

The investigation revealed that there was insufficient evidence to confirm a violation for allegations three and five.

Allegation 1, Deeanna Woodham sold her Fulton County home and moved to Cobb County in
June 2020. However, she cast her ballot in Fulton County.

Allegation 2, on September 15, 2020, Kyle Newman requested an absentee ballot for the Fulton County 2020 election. The ballot was mailed to his address of record, located at 1112 Kirkwood Avenue, Atlanta. The ballot was canceled on October 14, 2020 and reissued and mailed to Newman at 667 Evergreen Avenue, Brooklyn, New York. The ballot was returned to the election office and counted.

On 12/1/2020, Newman requested an absentee ballot for the Fulton County 2020 general runoff election. The ballot was mailed to Brooklyn as well. The ballot was returned to the election office and counted.

Investigations conducted an interview with Kyle Newman. He confirmed that he has lived in New York since August 2020. He said that he attended Georgia State University from 2018 to 2020 but he declined to provide exact dates of attendance and would not provide details about where he lived between August 2019 and August 2020.

He confirmed that he requested and returned
his absentee ballot in Georgia. When asked why
he voted in Georgia after moving to New York, he
said he could not obtain a New York driver's
license and therefore he could not register to
vote in New York. So he decided to vote in
Georgia.

Allegation 4, William Shoemaker and Todd
Cooper voted in Fulton County, Georgia and Walton
County, Florida general elections. According to
ElectionNet, Shoemaker and Cooper are registered
to vote in Georgia. Their address of record is
943 Peachtree Street, apartment 1914, Atlanta.

In October 2020 and December 2020, they
requested absentee ballots for the Fulton County
2020 general and runoff elections. The ballots
were mailed to their address of record. They
returned their ballots to the election office and
they were counted.

Walton County election office provided
copies of Shoemaker and Cooper's electronic
Florida voting records. According to the
records, both men registered to vote in February
of 2020 and voted in person on October 30, 2020
in Walton County, Florida. Their address of
record is 27 Sugarland Lane, Santa Rosa Beach,
Florida.

It's our recommendation that Deeanna Woodham be bound over to the A.G.'s office for 21-2-218(F), address change and correction.

Kyle Newman be bound over to the A.G.'s office for violation of 21-2-573, absentee voting by an unqualified elector, and 21-2-562, fraudulent entry.

And William Shoemaker and Todd Cooper be bound over to the A.G.'s office for violation of 21-2-573, absentee voting by an unqualified elector.

The Fulton County Board of Registration and Elections, Ralph Jones, former chief registrar, be bound over to the A.G.'s office for 21-2-73, preservation of primary and election records when the election office was unable to find the 2020 general election application or absentee ballot and signed oath envelope for Kyle Newman.

**MS. SULLIVAN:** Thank you, Ms. Jones.

**MR. NORTHEN:** We have one person here for public comment. That is David Lowman.

**MS. SULLIVAN:** Mr. Lowman, you may go ahead.

**MR. LOWMAN:** Good morning. This is David Lowman with the office of the Fulton County
attorney.

I would ask that because these -- the type of violation that Mr. Jones at the Fulton County (indiscernible) was different than the others involved in this case and because there have been procedure changes that you are well aware of, I believe, in the Fulton County Department of Registration and Elections, I would ask that his case be -- have a letter of instruction issued instead of being bound over.

And I do believe I have Ms. Mariska Bodison from Fulton County Elections on the line to answer any questions or to add additional information if need be.

**MS. SULLIVAN:** Do any of the board members have questions for Mr. Lowman?

**MR. MASHBURN:** I move that we -- I move to -- unless there's anybody else that wants to be -- that needs to be heard, I move that we accept the recommendations and bind all these cases over to the attorney general's office.

**MS. SULLIVAN:** We have a motion to accept the recommendation and bind these allegations -- cases over to the attorney general's office. Is there a second?
MS. LE: Anh Le. I'll second it.

MS. SULLIVAN: Any further discussion at this time?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there are none opposed and that motion passes.

The next case 2020-182, Baker County.

MS. JONES: On November 6, 2020, investigations was forwarded a complaint alleging that Baker County elections office intentionally sent an absentee ballot to the wrong address.

The investigation revealed that Ryan Coker, the former Baker County election superintendent mailed an absentee ballot to the wrong address. John Ansley (ph), the elector, requested an absentee be mailed to an address in Las Vegas, Nevada. And instead it was mailed to an address in Newton, Georgia.

The clerk admitted it was a mistake and it was not done with malice or intent, though the elector was unable to vote in the November 2020 general election as a result.

Our recommendations is that the Baker County Board of Elections and Ryan Coker, elections --
former elections supervisor, be bound over to the attorney general's office for violation of 21-2-381(b)(2)(A), by mailing an absentee ballot to an address other than the temporary address listed by the elector on the application.

**MS. SULLIVAN:** Thank you, Ms. Jones.

I believe we have some people here to speak regarding this case.

**MR. NORTHEN:** The first person is Carla Heard.

**MS. SUMMERLIN:** That would be Cindy Summerlin. We're both showing as Carla Heard as logged in. And I'm not sure why. I think it was because the e-mail was forwarded with the Zoom link.

But my name is Cindy Summerlin and I am the acting chair for the Baker County Board of Elections.

**MS. SULLIVAN:** Thank you. Would you like to address this board regarding this case?

**MS. SUMMERLIN:** I do. Our county attorney is present also: Mr. Russell Britt. And I believe he wanted to speak first.

**MS. SULLIVAN:** Okay. We'll unmute Mr. Britt.
MR. NORTHEN: You may unmute yourself now.

MS. SULLIVAN: Mr. Britt, you may unmute yourself.

MR. BRITT: All right. Can y'all hear me?

MS. SULLIVAN: We can.

MR. BRITT: All right. Thank you, Madam Chair and members of the board.

I'm Russell Britt and I represent Baker County as its appointed county attorney.

And as Ms. Summerlin mentioned, she is on the call today too. She's the acting chairperson for the Baker County Board of Elections and she may have a few comments following mine.

Now, as the investigator noted, this case involves a complaint that the elections office intentionally sent an absentee ballot to the wrong address for the November 3, 2020 election. However, the local board's investigation revealed that Ryan Coker, the now former elections supervisor, did not mail an absentee ballot to the wrong address. He actually entered the correct address in the vendor system operated by Runbeck.

However, the vendor mailed the ballot to the primary address instead of the requested
temporary address. This information demonstrates that Coker did not intentionally send the ballot to the wrong address and did not violate the applicable state statute per se.

And we do have those documents to show that it was entered into the system correctly. Nonetheless, the Baker County Election Board recognizes that an error may have occurred when the ballot was returned undeliverable and Coker failed to timely remedy the vendor error before the election. That, of course, assumes that such remedy was possible prior to the election.

That said, Coker's employment with the county ceased following the subject election. And the current election supervisor Ms. Carla Heard began in January of 2021 and was later certified as the supervisor in March of 2021. An error that occurred with her predecessor was reviewed with Ms. Heard to ensure that such error would not occur in the future and that she will be cross-checking any returned absentee ballots against the requested mailing address to ensure that it was sent to the correct requested mailing address.

Furthermore, Ms. Heard is being proactive in
her ongoing training as supervisor, such as calling in on state election board meetings, including this one, to learn from other cases all across the state on what not to do.

Therefore, because the local investigation revealed that the initial error was caused by a vendor and not the former elections supervisor and while the former election supervisor may have had an opportunity to remedy the vendor error, he failed to do so. But he is nonetheless no longer employed with the county.

And because the new elections supervisor has been advised of the issue, is ensuring that such a mistake will not happen in the future, and is otherwise conducting proactive, ongoing training, the board of elections and registration respectfully asks that this case instead be dismissed or in the alternative that the board receive a letter of instruction for this matter that ultimately involves a former counter -- county employee.

Thank you.

**MS. SULLIVAN:** Thank you, Mr. Britt.

Do any of the board members have any questions for Mr. Britt?
MR. BRITT: And if there are no questions for me, I would like to turn it over to Ms. Summerlin if she has any further comments.

MS. SULLIVAN: Ms. Summerlin, you may go ahead.

MS. SUMMERLIN: Okay.

MS. SULLIVAN: If you would like to.

MS. SUMMERLIN: Yes. Well, I think he covered that very well. But after the former supervisor's departure when we learned of -- of the allegation, that is -- that is when the -- the local office and the board started looking into the matter even further -- and we did find documentation that we can provide to the board that shows that Ryan did, in fact, enter the address as requested by the voter and it was Runbeck that actually sent it to the default home address.

We did have difficulty in reaching our liaison at that time. And with Ryan being new, that probably was not on the top of the stack, you know, until we did, you know, get the return call from the liaison, which I don't believe we ever did. But needless to say, he is no longer with us and we are taking many measures -- we
have a very active board and we're taking several measures and our new supervisor Carla is excited to get as much training as possible.

And I think if you look at the records for these recordings, she attends many of these to use that as a -- a learning tool, you know, to know what not to do for future.

And we do have this particular example posted, not with the person's name, of course, but with the scenario so that we know how to follow procedure should that ever happen again.

So I do request with Mr. Britt that it either be dismissed or a letter of instruction.

Thank you.

**MS. SULLIVAN:** Thank you, Ms. Summerlin.

Is there anyone else who is signed up to speak? No, there is not.

**MR. NORTHEN:** Unless Carla Heard is on the line and wishes to speak.

**MS. SULLIVAN:** Does Ms. Heard wish to speak to the board today?

**MS. SUMMERLIN:** She had not indicated, but she is on the call. So if she wants to unmute ...

**MS. SULLIVAN:** You're welcome to speak if
you would like to, Ms. Heard.

Thank you, Mr. Britt and Ms. Summerlin for being here today, Ms. Heard as well. We certainly do think it's a great idea for election officials to attend these meetings. There's always a learning opportunity presented. And we think that shows great dedication. Appreciate all the mitigating efforts that have been made in this case.

I would make a motion to refer this to the attorney general's office, but I think that all of those things will be taken into consideration as the attorney general's office works with the county to resolve this case.

So I will make that motion. If there is a second.

**MR. MASHBURN:** I'll second it. And kind of a piece of the puzzle that's missing here is whether there's recourse against the vendor. Then I would invite the county to -- and the county attorney to look into.

But I second the motion.

**MS. SULLIVAN:** Okay. Is there any further discussion?

All in favor, please say aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. So that motion passes.

And the next case is 2020-187, Fayette County.

MS. JONES: Allegation 1 is that Steve Tyrel (ph) alleged that he sent in an absentee ballot application weeks prior to the deadline. However, he received his ballot too late and his vote was not recorded.

Allegation 2 was that Stacy Goldbutch (ph) alleged that when she was working as a polling -- at a polling precinct, noticed that those that came in with an absentee ballot to turn in showed in the system as in-person voted in advance. She advised that these people told them that they only requested the ballot and had not voted. She said that they then voted on a provisional ballot. Her concern is that these provisional ballots were not counted.

Garrett Lane Peters is stationed in Germany and advised he attempted to request an absentee ballot via a postcard application, via phone, and e-mail. He noted that he e-mailed Agnes Bridges directly but never received any contact back and
did not get his absentee ballot.

The investigation revealed that allegations 1 and 2 were not substantiated.

Allegation 3, Agnes Bridges with Fayette County elections advised that the complainant's federal postcard application was not received by her office for this complaint. So no absentee ballot was sent. Complainant's voter record indicates that his voter record was transferred to Fayette County on 9/15/2020 because of the federal postcard application they received via e-mail.

Recommendation is that Fayette County Board of Elections and Voter Registration; Floyd Jones, Fayette County elections director; and Agnes Bridges, chief registrar be bound over to the A.G.'s office for violation of 21-2-381(b)(2) regarding their failure to properly process the application.

**MS. SULLIVAN:** Thank you, Ms. Jones.

**MR. NORTHEN:** First person to speak on this case is Brian Hill.

Mr. Hill, if you unmute yourself, you should be able to speak.

**MR. HILL:** Good morning, honorable --
MS. SULLIVAN: Go ahead, Mr. Hill.

MR. HILL: Hey, ma'am. Good morning, honorable elections board and chairman. I'm going to let our county attorney Patrick Stough -- he's on here. He's going to speak on this. Thank you.

MS. SULLIVAN: Thank you.

MR. NORTHEN: All right. Counselor, you should be able to unmute yourself and speak at this time.

MR. STOUGH: Good morning, honorable Board. And thank you for this opportunity to speak before you. My name is Patrick Stough. I'm the -- with the county attorney's office for Fayette County and I'm also representing the board of elections.

I don't know if she's on this call, but Agnes Bridges, our former registrar, may have some more information about these allegations.

I'm not going to speak to allegations 1 and 2 because it sounds like they were not substantiated. But I will speak to allegation number 3. It's my understanding that elections staff states that they never received the complainant's application for an absentee ballot.
The investigative report that was provided to Fayette County is unclear as to whether or not there was any evidence that such an application was received. As a result, we respectfully request that this case be dismissed as I don't know what evidence exists that there was any violation.

And I'm happy to answer any questions, or Mr. Hill or Ms. Bridges, if she is on the call, can also answer any further questions.

MS. SULLIVAN: Do any of the board members have any questions for Ms. Jones or Mr. Stough?

MS. GHAZAL: This is Sara Ghazal. I would just like to clarify with the investigation. The -- the federal postcard application is an application for an absentee ballot as well as a registration; is that -- is that not correct?

MS. JONES: Yes.

MS. GHAZAL: So there was, in fact -- and the fact that the voter's registration was transferred to the county as a result of this application is -- is to me an indication that there was, in fact, a -- an absentee ballot application on record.

MS. JONES: That's my understanding. And
also Brian Hill provided an e-mail that he was able to obtain from their -- I guess their IT department was able to obtain an e-mail that verified that she, in fact, did receive an e-mail from the complainant.

**MS. GHAZAL:** Thank you. I have no more questions.

**MS. SULLIVAN:** Are there any additional questions?

Is there a motion?

**MS. LE:** This is Anh Le. I move to send this to the attorney general's office for further review.

**MR. MASHBURN:** Second.

**MS. SULLIVAN:** A motion and a second. Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed. That motion passes.

The next case is 2020-202, City of Ray.

**MS. JONES:** The voter registration list that the complainant paid $50 for for the August 25, 2020 election listed 21 people that live on Johnson Street who do not live within the city...
limits of Ray City. The complainant found this out on October the 12th and talked with the elections supervisor of Berrien County and she would take care of it. On November 5, 2020, the complainant determined that it had not been resolved.

The investigation revealed that the investigation -- there's -- I'm sorry. The investigation revealed that there's evidence to suggest that at least 12 Berrien County voters that reside in the county had voted in error in the November 3, 2020, City of Ray city municipal election.

The Berrien County elections office was made aware of the issue by a candidate who was running for a city council seat in October of 2020. The list of voters who were in the wrong municipal precinct was given to the poll manager but could only prevent six of them from voting in the wrong district. All of the voters lived on one street, Johnson Street, which runs through both the city and the county.

Melanie Ray created a list of voters and requested the place -- that the polling locations do a manual override so the voter could get the
correct county ballot. But the number of voters had either already -- but a number of voters had either already voted by absentee ballot that was accepted, advanced in person, or voted on election day in error.

Ms. Ray stated that her office, along with Ray City City Clerk's Office has put new safeguards in place to correct the districting issue.

Recommendation is that Berrien County Board of Elections and Registration; Melanie Ray, elections supervisor; City of Ray City; and Denise Ray, city clerk be bound over to the A.G.'s office for violation of 21-2-224(e), registration deadlines and restrictions on voting in primaries, official list of electors, and 21-2-226(b), duties of the county board in determining eligibility of voters, maps of municipal boundaries, and notice of ineligibility.

**MS. SULLIVAN:** Thank you, Ms. Jones.

**MR. NORTHEN:** The first person to speak on this is Chad Corlee. Mr. Corlee does not appear to still be on the call.

Rebekah Ditto is now able to unmute
themselves and speak on this case if they'd like.

MS. DITTO: Good morning.

MS. SULLIVAN: Good morning.

MS. DITTO: We are here on behalf of the Berrien County Board of Elections. And with me I've got elections supervisor Melanie Ray. We just wanted to -- we agree with the findings and we apologize for the error. It was not brought to Ms. Ray's attention until October the 12th at which time advanced voting had already started.

Ms. Ray then looked into the matter, was able to identify additional voters than what Mr. Bennefield spoke with her about. I think --

MS. SULLIVAN: I think we may have -- go ahead. Sorry. Go ahead.

MS. DITTO: Yes. We were working with the districting maps at that time by hand. Since then, there have been steps to put in place. We do have electronic software to assist us with that process. Ms. Ray was the only Berrien County employee present in that office. She now does have an assistant to help with that.

In our diligence, looking back to see if this had occurred before, typically Ray City elections would occur on the odd-number years.
This was a special election seat.

None of these voters who were registered incorrectly as city -- Ray City voters have voted, by our records, ever in any other election. Five of the ballots were absentee ballots that received the wrong one. And we did have six individuals that voted advanced in-person voting.

And, again, we were not even made aware, did not realize the error had occurred until advanced voting had already started.

And we're available for any questions. We would respectfully request a letter of reprimand. We have voluntarily done a full audit of the streets in Ray City, corrected the area as the investigation notes. The addresses at question were already fixed. We even found additional voters -- two additional voters than what Mr. Bennefield brought to our attention. We have started going through the redistricting training. We've got the software, the staff in place to handle the upcoming redistricting.

And we are available for any questions from the board.

MS. SULLIVAN: Thank you.
Any questions for Ms. Ditto at this time?
We have one more signed up to speak.

MR. NORTHEN: It appears that Chad Corlee is on the line with Denise Ray.

Ms. Ray, your account has been unmuted. Go ahead and speak at this time.

MR. CORLEE: Okay. This is Chad Corlee, attorney for the City of Ray City. Sorry for the confusion. We have logged in under Ms. -- Ms. Ray's ID. And I am here with her.

The issues in this case, I think, as Ms. Ditto said, revolve -- you know, revolve around a misnomer of streets, and that issue has been taken care of. We're -- we're dealing with Johnson Street here and Johnson Street Extension.

In 2020, the firm did review a city street list, maintenance checklist, that included Johnson Street on it. Now, various maps of the City of Ray City and Berrien County show that Johnson Street is referred to such inside the city limits. The same maps, including such as the -- the official Georgia DOT map of Berrien County refer to -- to it as Johnson Street Extension after it leaves the city limits. And even Berrien County's tax map refers to it
instead as -- as Johnson Extension Road as it leaves the city limits and goes out in the county.

This is consistent, I think, with the way everyone in Ray City and this part of Berrien County refer to those -- both roads, both formally and informally. And we're actually dealing with less than, I think, 1.1, 1.2 miles from where Johnson Street Extension or -- or Johnson Extension Road leaves the city limits and terminates at -- at Highway 129.

The list of streets that the city clerk reviewed in 2020 do not include Johnson Street Extension on the list. But it did include a street number of 1490 which necessarily would have included some residences, incorporated from residents that were on Johnson Street Extension.

This could've been caught, should've been caught, but it was an honest -- very honest mistake. The -- the city clerk, Ms. Denise Ray, was not made aware of it during the election. She was only made aware of it after the election. So the City of Ray City had no -- had no way of dealing with it until after the election was over. But as -- but as stated by Ms. Ditto, the
mistake has been corrected and some -- some measures have been put in place to deal with that.

The results of the election were -- were not impacted. The -- the election results were an eight-vote difference and we're dealing with four -- no, we're dealing with six votes incorrectly that may have been incorrectly cast.

In light of all that, we join in (indiscernible) that the board issue a letter of reprimand (indiscernible) or something of that nature due to and in light of the honest mistake and a stop-gap measure that's been put in place and the correction of the error.

Just let us know if you have any questions.

**MS. SULLIVAN:** Thank you, Mr. Corlee.

Do any of the board members have questions for Mr. Corlee?

Did Ms. Ray want to speak?

**MR. CORLEE:** No, ma'am. I don't think so.

Not unless there's questions.

**MR. NORTHEN:** The last person for this case is Wesley Bennefield.

**MS. SULLIVAN:** All right, Mr. Bennefield, you may go ahead. Unmute. All right --
MR. NORTHEN: Mr. Bennefield, you're on.

MR. BENNEFIELD: Can you hear me now?

MS. SULLIVAN: Yes.

MR. BENNEFIELD: Okay. I've looked at a couple of these voters in the past years and Mr. Corlee is wrong about the date. This dates back to 2017 where there was -- and he's right. Absolutely it's Johnson Street. It runs from Highway 137 until you come to the -- what we call the Fourth Street Extension and there's a number of houses on there that (indiscernible).

When I pulled the list in 2020 for the election of 2021, there was -- it showed that there were 55 houses on that street, and there was actually only 35 houses on that street that was eligible to vote.

And so yes, it does. According to Mr. Kelly, there was 24 people eligible to vote outside of the city limits of Ray City. And there were 12 people that actually did vote, according to Mr. Kelly. So that makes a determination. And that race was decided by five votes. I got a hundred and sixty-eight and David Schools got a hundred and seventy-two. So that was five votes. In other words, there was 12
people that actually voted in that race extra and it will make a difference.

I'm not looking to that. What I want to do is straighten it out so this never happens again. The city clerk is supposed to verify the addresses to the superintendent of elections, and the superintendent of elections censors those street addresses. And the city clerk is supposed to verify those streets. What I would like to have done in the future, if the state would look at it, is to take that out of the hands of the city clerk and give it to the city council who would be responsible for that.

Now, those people did vote, but I go back to -- I have voters registration lists back to 2017 and it shows eight people, four on each side of the city limits, on Johnson Street, showing they were eligible to vote. And I couldn't tell you whether they voted or not in 2017, but they're eligible to vote. And could they have voted? Yes, they could have, just like anybody else did because they're on this list to vote.

And then in 2020, it came up again. That's the election I ran in for city council. And then in the 2021 vote, which we had all this
straightened out and I -- I did work with Ms. Ray
in the summer of 2021 to get this list
straightened out. And there was three people on
that Johnson Street that was on the list to be
able to vote. Whether they voted or not, I don't
know. But Ms. Ray and I did talk about that, and
I hope that that was taken care of.

But these are the things that -- that
happens within a city's elections that no one
sees. And the only reason why it was brought to
our attention is that a guy named Jack Castro
(ph) pulled these lists up by -- by street
addresses and when I counted the number of houses
on that street, I seen that it was 35 houses that
was in the city limits of Ray City and the other
20 was outside the city limits of Ray City.

But that was the only way we caught that
list because I did have the 2017 voters
registration list and those people outside the
city (indiscernible). But this is the things I
would like to correct for upcoming elections.

But if we could get that thing changed so it
doesn't put the pressure on the city clerk to
make that decision -- and I know I'm a -- I've
been in Ray City for practically all of my life
and I know where the city limits are in the city limits for Ray City.

But as far as Johnson Street being called Johnson Street Extension or whatever, that has nothing to do with it. We've got a city limit sign set up in both of those locations and it plainly shows that that's the end of the city limits there. And those people -- those other eight people that voted on the west side of Ray City, I don't know whether they knew they were actually voting in the right district or not. And I couldn't tell about the people on the east side.

But those people have been living there all their lifetime just about. It's one of these old communities that's been around for a long time. And I don't know when we actually sent out voters registration lists or voters' responsibility to the city -- to the county clerk, but at one time we were doing our own votes in Ray City which it was a bad situation then.

So if we can get this thing changed, it -- it could happen in anybody's city. It's where these city limits streets run out of the city. But there's about four or five streets in Ray
City that runs into the county. And this is the only street where we have a problem at. Because I researched all of the rest of them and there's no problems on those streets.

**MS. SULLIVAN:** Thank you so much, Mr. Bennefield.

**MR. BENNEFIELD:** Thank you.

**MS. SULLIVAN:** Do any of the board members have any questions at this point? No.

Is there a motion?

**MS. GHAZAL:** I move that we accept the recommendations and send this over to the attorney general's office.

And I just want to thank everybody involved for their diligence on this. It is so important to get these lines right. So it's important that the attorney general's office is involved to make sure this doesn't happen again.

**MS. SULLIVAN:** Thank you.

Is there a second?

**MR. MASHBURN:** Second.

**MS. SULLIVAN:** Motion and a second. Any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.
MS. SULLIVAN: And there are none opposed and that motion passes.

We're going to take a break for lunch right now. We will reconvene at 12:30. Thank you.

(Break taken)

MS. SULLIVAN: We will call this meeting back to order. We are going to try one more time to give Ms. Thompson an opportunity to speak regarding Case 2020-155.

Ms. Thompson, the board has, you know, already taken action on this case, but we will -- we'll give you a couple of minutes to address the board at this time.

MS. THOMPSON: Okay. I'm unmuted. Can you hear me?

MS. SULLIVAN: Yes, we can.

MS. THOMPSON: Okay. Fantastic. Thank you so much. I'm so sorry for the trouble. We have a tech team over here and they're trying.

So the -- the things that I wanted to highlight to you in regards to the case with Eddie Gresham -- so Eddie Gresham is a -- is -- was working for the Savannah TR as a consultant. And that Savannah TR was employed -- and I have the expenditure reports right here in front of
me -- by Shalena Cook Jones who was running for
district attorney for the Eastern Judicial
Circuit. And that's Chatham County. And she
employed Savannah TR, which was Moncello Stewart
and Eddie Gresham, all throughout her campaign,
on every expenditure report from the spring until
November.

Also there's another PR firm that was very
involved with an event on November 1st that
touted that you bring your "I voted" sticker and
then you're going to get free concert, free Q
chicken.

Also the other firm that she employed, very
involved, was MGreen Production, and also ATR
Consulting. All three employed by her.

So it's often that people, you know, are
just doing what they're told. People don't buy
thousands of dollars in free chicken for fun.

And a lot of the remarks that happened after
Eddie Gresham posted this were vetting people
to -- in a certain way to be able to discern if
they would get the free chicken. Some of the
questions were from Eddie. Eddie asked somebody,
a T Taney (ph): I then be forced to ask have you
missed two or more homecomings? Have you donated
to SSU athletics? And are you associated in any way with the hunger list?

And then people were answering: So I voted. Can I -- what if I threw my sticker away? And different questions. This is just one, asking about if they would be the -- the kind of voter to get the free chicken. And this was all on the -- featuring the November 1st event.

So I just want to highlight some of those things. And the very first time we were alerted to this scheme was in early October. And it was, we thought, a very racially charged post that said -- it was posted by MG\text{Green} Production director of marketing Ducan (ph) Oliver on October 5th. It said: Keep that same energy when it's time to vote. And it showed a lot of black citizens walking around Popeye's in line to vote.

And -- and there was so much jeering and so many comments from the community as if this was something they expected. Around election time was this kind of -- what we viewed to be a -- kind of a racist perspective on the fine people of Savannah. Being -- being thought that chicken and voting were associated was mind blowing to --
for us to see. That was our first indicator. And I believe that this might be a matter that's happened for years in Savannah.

And I'm so thankful that so many wonderful citizens noted it. And we've given the secretary -- or the investigator, Callaway, a vast amount of evidence and investigative work that many citizens have put together. And we -- we are disgusted that people would be bought in this way.

And it's also very associated with Savannah State University and the Greek system there, where they were having chicken events all through the early voting season. And I sent him some of that evidence as well.

That's all I have.

(no response)

MS. THOMPSON: Are you there? Hello?

(Audio interruption from 12:40 to 12:42 p.m.)

MR. CALLAWAY: (in progress) investigation also shows that election documents received from the Chatham County Board of Registrars Office shows that Ms. Sprauve changed her voter registration address from 104 Creekside Drive in
Pooler to Georgia -- I mean Pooler, Georgia to 280 Blue Moon Crossing in Pooler, Georgia on May 11th. But the information was not updated by the Chatham County Registrar's Office to show her new address until July 23, 2020.

Our recommendations are that the Chatham County Board of Registrar's Office; Sabrina German, chief registrar be bound over to the attorney general's office for O.C.G.A. 21-2-218(c), cancellation of registration in a former state or county, address changes and corrections when Gabrielle Sprauve submitted the change of a permanent address to the registrar's office on May 11th but the registrar's office failed to make the address changes until July 23, 2021 after being notified by the secretary of ...

(Audio interruption)

MS. SULLIVAN:  ... to speak on this case?

UNIDENTIFIED SPEAKER:  No further comment.

(Audio interruption)

MR. CALLAWAY:  (in progress) if she went to vote on election day, November 3, 2020, and she was informed that she already voted.

Ms. Soles advised that she was informed that she cast her ballot during advanced voting on
October 19, 2020. Ms. Soles was concerned that someone voted using her name. Deborah Jean Soles presented herself at the poll to vote during advanced voting. The voter presented her driver's license and application (indiscernible). The voter ...

(Audio interruption)

THE COURT REPORTER: I'm sorry. This is the court reporter. Can you hear me?

MS. SULLIVAN: We can hear you.

THE COURT REPORTER: I'm showing -- okay. I have missed most of that because the sound keeps coming on and going off and it's muting. So if y'all are on the Chatham County one, it was -- there was no sound for quite a while.

MS. SULLIVAN: If you'll just reflect that in the record.

THE COURT REPORTER: Okay.

MS. SULLIVAN: Can you hear us now?

THE COURT REPORTER: Yes, I can.

And actually, every now and then, the little microphone, showing mute, keeps coming on for you. But I can hear you now.

MS. SULLIVAN: Okay. I'm not sure why that -- I'm not sure why that's happening.
Hopefully it won't happen again.

We'll go ahead and proceed with Laurens County.

**MR. CALLAWAY:** Thank you.

The investigation revealed Deborah Soles presented herself at the poll during advanced voting. The voter presented her driver's license, an application was printed for her to sign. The voter advised the poll worker that her last name is now Wilkes and she wrote it on her application. The voter signed her name as Deborah Wilkes. The voter was issued a voter access card and then she voted.

On November 3, 2020, Deborah Soles, with a different D.O.B., 1958 instead of 1961, presented herself at the poll to vote and she was informed that she had already voted. Ms. Soles advised the poll worker she had not voted but nothing further was done. Ms. Soles was not offered to vote on a provisional ballot and she was disenfranchised from voting on the November 3, 2020 election.

There were two voters in Laurens County registered as Deborah Soles. The first one is Deborah Soles with a D.O.B. of 1958 and her
active -- her -- her status is active. The second one is Deborah Jean Soles Wilkes and her status was canceled in 2017. On October 19, 2020, when Deborah Jean Soles Wilkes presented herself to vote, her driver's license was scanned and an application was printed up for her to sign. When the voter signed the application, she failed to notice the date of birth and the address listed were not hers. The voter was issued a voter access card and she voted. The voter reported she wears glasses but failed to bring them with her when she voted and she had difficulty seeing the ballot.

The registrar's office failed to catch the discrepancies, and an ineligible voter, Deborah Jean Soles Wilkes, was allowed to vote in the election. And the eligible voter, Deborah Soles, was disenfranchised.

Our recommendations are that the probate judge, election supervisor Genola Jackson; the Laurens County Board of Registrars; chief registrar Susan Rooks; deputy registrar Ginger Boland be bound over to the attorney general's office for rules of the state election board.
MS. SULLIVAN: Thank you, Mr. Callaway.

We do have someone here to speak regarding this case.

MR. NORTHEN: Deborah Soles.

MS. SULLIVAN: Ms. Soles, you should be muted -- unmuted if you unmute yourself.

MS. SOLES: Okay. I'm here. Can you hear me?

MS. SULLIVAN: Thank you. Go ahead. Yes, ma'am. We can hear you. Can you hear us?

MS. SOLES: Yes.

MS. SULLIVAN: Would you like to address the board?

MS. SOLES: Yes. I thank y'all for hearing my case and everything. And, yes, I was really upset about the situation and if -- if I was explained I could've had a provision ballot to -- to commit, I would have done that. But I didn't understand that or even know about that.

And, you know, I was trying to let them know for at least 15, 20 minutes that I did not vote and I was waiting to vote for November 3rd. And they said: No, you voted on the 19th. And I said: No, I haven't. And they said: Did you
get mail-in ballots? And I got about seven or eight mail-in ballots that was mailed to my house and I never asked for mail-in ballots. And I explained to them I didn't mail-in the ballots nor have I voted early. And I was waiting to November the 3rd to come in in person to vote.

MS. SULLIVAN: Thank you, Ms. Soles.

MS. SOLES: Thank you.

MS. SULLIVAN: Does anyone have any questions or comments?

Is anyone else signed up to speech?

MR. NORTHEN: (indiscernible)

MS. SULLIVAN: She's not on, okay.

Does anyone have a motion?

MR. MASHBURN: Yeah. I -- I move that we accept the recommendation and bind this over to the attorney general's office and apologize to Ms. Soles that she didn't get to vote. And hopefully she can take comfort in the fact that the board takes that seriously and reacts to it seriously and moves this along.

And just additional comment for the counties that are listening in, this causes great damage when people aren't careful on the back end. And I'm not making an example of Laurens County, I'm
treating them exactly like every other county, but this creates a dangerous problem because all of these stories of people showing up at the polls, being told that they've already voted where they -- they almost always turn out to be a human error and carelessness in the back office when they get in the press -- they're now reported as a conspiracy that there's this massive fraud being undertaken of people doing absentee ballots.

So the counties have just got to trickle down on this and help with the impression of election integrity because this problem almost always is human error and not part of a conspiracy. But it sounds like a conspiracy.

So this needs to go to the attorney general and the counties have just got to trickle down on this.

**MS. SULLIVAN:** I believe that was a motion.

**MR. MASHBURN:** A motion and a speech.

(indiscernible) --

**MS. SULLIVAN:** And I will -- I will second that motion.

And thank you, Ms. Soles, for being here.

Is there any further discussion?
All in favor, please --

**MS. GHAZAL:** I just -- I've just got a very quick comment, and that is that Ms. Souls Wilkes I hope has affirmatively reregistered to vote because the facts suggest that her registration had been canceled for inactivity.

So she -- I -- if she is listening or if somebody can get a message across, folks need to double-check their registration as well.

**MS. SULLIVAN:** Thank you.

We have a motion and a second. All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed and that motion passes.

The next case on our agenda is 2020-243, Coweta County.

**MR. CALLAWAY:** On 12/4/2020, the investigation division of the office of the secretary of state opened an investigation concerning a complaint regarding possible absentee ballot fraud.

On 10/1/2020, Lindale Spear completed an absentee ballot application for his son Brian Spear and requested it to be sent to his home
address of 1143 Johnson Road in Senoia.

Lindale's written statement omits filing -- filling out the absentee ballot request and sending it to the county elections office.

The handwriting on the AB application is very similar to the handwriting of his notarized statement. Lindale further stated that when the ballot arrived at his home in Senoia on 10/19/2020, he voted the ballot, signed Brian's name to the oath envelope and returned it to the Coweta County elections office.

Lindale Spear also voted in his own name by absentee ballot on 10/20/2020 for the 11/3/2020 general election.

Our recommendations are that Lindale Spear be bound over to the attorney general's office for O.C.G.A. 21-2-562(a)(1), fraudulent entries, as well as O.C.G.A. 21-2-571, voting by giving false information, and O.C.G.A. 21-2-572, repeat voting in the same primary or election.

**MS. SULLIVAN:** It's my understanding no one has signed up.

**MR. NORTHEN:** Correct.

**MR. MASHBURN:** I move to bind this over to the attorney general's office.
MS. SULLIVAN: I'll second that motion. We have a motion and a second. Do we have any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed?

None. That motion passes.

The next case is 2020-244, Chatham County.

MR. CALLAWAY: Complainant Elizabeth Mogli (ph) reports that a former resident of Georgia, named David King, returned to Georgia to vote in the November 3, 2020 general election. Ms. Mogli states Mr. King sold his residence in Savannah, Georgia years ago and moved out of the state. David King --

The investigation revealed that David voted in Georgia during the November 3, 2020 general election. Mr. King is registered to vote in Georgia in Chatham County and his status is active. The residence address listed for Mr. King is 19 E. 56th Street in Savannah, Georgia and he sold the property on November 14, 2014. When Mr. King presented himself to vote, he signed a voter certificate that listed his address as 19 E. 56th Street, Savannah, Georgia,
but he no longer resided there. Mr. King had
been residing at 109 Clark King Road, Farmington,
Pennsylvania since 2015 and he owns the property.
He advised the residents -- he advised that his
residence is their summer home and he lives there
approximately four months out of the year.

Mr. King stated he owns a jewelry business
in Kathmandu and Nepal and he lives there
approximately four months out of the year. He
advised he resides for the remainder of the year,
four months, in Georgia by either staying in his
motor home or residing at friends' homes.

Mr. King advised that he considers the state
of Georgia his primary residence and he intends
to return. He stated he has in the proc -- been
in the process of selling the property in
Pennsylvania and he has subdivided some of the
land for sale. Mr. King advised they are then
coming back home to Georgia.

The recommendations are for David King to be
bound over to the attorney general's office for

**MS. SULLIVAN:** Thank you, Mr. Callaway.

No one has signed up to speak on this case.
Are there any questions for Mr. Callaway?
Is there a motion?

MR. MASHBURN: Move that we accept the recommendation and bind this over to the attorney general's office.

MS. SULLIVAN: Is there a second?

MS. LE: I do have a question before I make a motion or move on a motion.

Did Mr. King vote in Pennsylvania? He -- he lives -- if I understand the facts correctly, he says he lives -- he has a business in Kathmandu, he lives in Pennsylvania part of the year, and he lives in Georgia part of the year; is that right? Even though he didn't own a property, he did ...

MR. CALLAWAY: That's correct. He stayed in his motor home or he -- he stays with friends in Georgia.

MS. LE: That's his residence.

MR. CALLAWAY: That's correct.

MS. LE: And he -- has he voted in -- has he taken action in Pennsylvania that would establish his residency there in any way? He has not. I see it here, I'm sorry. Investigator conducted inquiry to see if he has registered and he has not.

MR. CALLAWAY: That is correct.
MS. LE: Mr. Mashburn, I'm just thinking out loud here that the facts indicate that Mr. King considered Georgia as his residence and he has not taken action to the contrary when it comes to voting in Pennsylvania. He is entitled to vote somewhere. And he's chosen Georgia as the place and he has connections here as the state of residence.

As a friendly amendment, I'd like to propose that I don't see a violation if that's the case and would move to dismiss the case. But if I'm missing something, I'm happy to entertain a conversation.

MS. SULLIVAN: Okay. Well, Mr. King has indicated he is available to speak. So I think it might be a good opportunity for us to hear from Mr. King.

MR. NORTHEN: Mr. King, you should be able to unmute yourself.

MS. SULLIVAN: Mr. King --

MR. ALTMAN: Hello, anybody --

MS. SULLIVAN: -- can you hear us?

MR. ALTMAN: Yeah. Can you hear us?

MS. SULLIVAN: Yes. Yes. We can hear you.

MR. ALTMAN: This is -- this is -- I think
your system's trying to call us back. I apologize for the noise.

This is not Mr. King. This is Gary Altman. I'm his attorney here in Pennsylvania that handled the estate issues. Mr. King is here.

**MR. KING:** Hi. I'm David King.

**MR. ALTMAN:** Yeah. I wanted to explain that what Mr. King put in his report -- the investigative report that we received is correct. Georgia is his domicile and I think the lady who just talked is correct. He had -- he was forced to sell his Savannah house because he could not maintain both houses after his brother, who fell and actually kind of died unexpectedly, had the summer place up here that this family's had for a number of years.

There's been no intent to do anything incorrect here. He has not double-voted. Georgia is his domicile. He just does not stay in Georgia more than a few months a year and he has no fixed address in Georgia per se.

He was using his old house as a mail address. The people kindly agreed to do that so -- with a forward on and so forth so he didn't miss out on any communications. But this is
simply a case here of domicile's correct, but he
doesn't -- he doesn't actually have a fixed, per
se, address in -- in Georgia, except Chatham
County where he used to live, which is where he
tends to come back. He does have vehicles
registered there. In fact, his spouse just
registered another vehicle there. He has
property still in Georgia, personal property --

MS. SULLIVAN: Okay. Mr. King. Mr. King,
I'm sorry to interrupt you. We have not been
able to hear you. We are having technical
difficulty. If you just give us five minutes,
we'll try to reconnect the phone and recognize
you again. I apologize for that.

MR. ALTMAN: Thank you.

When you tried to dial in, it overrode what
they were doing. And that's why that was trying
to call you back.

MR. KING: That was Laurel Ridge calling.

MR. ALTMAN: Oh, that was Laurel Ridge.
Okay. Well, then I don't know what they did --
what happened here.

MS. SULLIVAN: Okay. We are back. We are
back. I apologize for the technical difficulty.

Mr. King, we did not -- the phone cut out
about the time you started speaking. So if you
would not mind starting over, that would be
great. Can you hear me?

MR. KING: Hi. Hi. This is David King. Can you hear me?

MS. SULLIVAN: Yes, we can. Please go ahead.

MR. KING: May I let my advisor, Gary Altman, address your questions, please?

MS. SULLIVAN: Yes, that is fine.

MR. KING: Thank you.

MR. ALTMAN: Okay. Did you hear anything at all?

MS. SULLIVAN: We really did not, no. If you'll start from the top, that would be great.

MR. ALTMAN: Okay. My name is Gary Altman. I'm an attorney, here in Fayette County, Pennsylvania. I was working with Mr. King's brother and Mr. King after his brother died sort of unexpectedly. He fell and it kind of precipitated his demise unfortunately. But that's kind of what happened here.

His brother died. He was living at the old family summer home up here in the mountains. And David had to come up and take care of business.
He could not afford to maintain two houses which is what he, in essence, was doing. His brother had no money. In fact, his brother left a bunch of debt.

So he sold the one in Savannah in order to get this one squared away to get sold because it needed some work. It also was -- was sort of a -- it isn't an old farm but it's sort of like that situation. He sold off about two-thirds of it already, and he's -- he's got the other part of it set and ready to get listed and sold at this point.

COVID, as he said in his letter to you, messed things up quite a bit. He's elderly and -- and has some issues. But Georgia is his domicile.

We did hear the one lady discuss about he's entitled to vote some places so that's kind of the point. He didn't vote up here. He hasn't registered up here. He's always considered Georgia his home. And he was using his old house -- the people that bought it kindly let him use it as a -- as a postal address. But as he said in his letter to you guys, he -- he spends a bunch of time in Nepal when he can travel, which
he has not even been able to do actually, and
time in Georgia, and then time up here as well.
It -- it's sort of a, you know, a
three-residence-type place. He just doesn't have
a specific fixed residence, so to speak, in
Georgia. But he does consider it his domicile.
  I would state, you all, there's been no
intent to do anything incorrect here. He's
perfectly willing if y'all want to issue a letter
to go ahead and deregister in Florida -- or
deregister in Georgia and then get himself a
fixed address, so to speak, and then reregister,
if that would work.
  But he has not voted twice, no intent to
violate the law, and I don't -- I don't see a
legal violation here, except I do see a -- as you
have pointed out, a residency issue. But his
domicile is Florida (sic) and I can -- I can
verify that because I've been working with him
now for several years to get this cleaned up up
here in Pennsylvania so that he can get back to
Georgia.

  MS. SULLIVAN: Thank you, Mr. Altman.

  Do any of the board members have any
questions?
MR. MASHBURN: My motion failed for lack of a second.

MS. SULLIVAN: Okay.

MR. MASHBURN: So I'm bringing a new motion that we accept the counselor's recommendation and issue a letter of instruction. And here, we recognize that there's an issue in that you're -- you're required to have an address, and if you don't really have an address, well, what should you put?

The general assembly might have to look at this and address this issue, but we don't want Mr. King to be the one to be caught up in a -- in an issue that needs to be addressed by the legislature. That's not his problem.

So the problem that I had with it is that he wrote on this certificate that he lived in a place that he didn't live. But the corresponding issue to that is he's entitled to vote somewhere and so the -- you know, if he doesn't have a permanent address, what should he do? So I am persuaded that my motion was not the best and rebring it as a -- accepting a letter of instruction.

MS. SULLIVAN: Okay. Is there a second?
MS. GHAZAL: Second.

MS. SULLIVAN: Motion and second. Any further instruction -- I mean discussion? All in favor, please say aye?

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed in that. Letter of instruction will be issued in this case to Mr. King.

The next case is 2020-249, Sumter County.

MR. CALLAWAY: Sumter County elections director Randy Howard reported to the secretary of state's office on December 8, 2020 that he found a bag containing about 50 ballots from early voting that had gotten misplaced behind some boxes and never counted. Twenty were provisional ballots and 30 were emergency ballots that were found after the election was certified. The ballots were from the November 2020 general election early advanced voting period.

The investigation revealed the provisional ballot bag was found by Sumter County elections office deputy clerk Lois Phillips on December 8, 2020 while she was in the process of securing election documents from the November 2020 general election. The bag was inside of the election
office's storage room in the basement of the Sumter County courthouse. Ms. Phillips reported it to Mr. Howard and then he reported it to the secretary of state's office. When the locked ballot bag was opened, there were 30 sealed ballots in salmon envelopes, designated as emergency ballots. And 20 sealed provisional ballots in salmon envelopes were inside and they were never tabulated.

The recommendations are the Sumter County Board of Elections and Registration; Randy Howard, election supervisor -- Sumter County Board of Elections and elections supervisor Randy Howard violated O.C.G.A. 21-2-419(b), validation of provisional ballots when 20 provisional ballots from the early advanced voting were not validated in the November 3, 2020 general election in Sumter County. The provisional ballots were misplaced and not found until after the election was certified. We recommend 20 counts.

Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.11(c), page 10, conducting elections, when on the first day of early
advanced voting, 30 voters were issued emergency ballots and instead of placing them in a scanner in the same manner that printed ballots in the polling place were scanned, they were placed in the provisional ballot bag. The emergency ballots were misplaced and not found until after the election was certified, 30 counts.

Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.18(3), page 16, provisional ballot, when 20 provisional ballots from the early advanced voting were not tabulated from the November 3, 2020 general election in Sumter County. The provisional ballots were misplaced and not counted until after the election was certified, 20 counts. Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.20, page 24, use of emergency paper ballots, when voting machines are inaccessible. When 30 emergency ballots from the first day of early advanced voting were not scanned into the ballot box in the November 3, 2020 general election in Sumter County, the emergency ballots were misplaced and not found until after the election was certified, 30
MS. SULLIVAN: Thank you, Mr. Callaway.

It is my understanding the Sumter County attorney is on the line.

You may go ahead.

MS. HOOKS: Yes. This is Hayden Hooks for the Sumter County Board of Education -- I'm sorry, the board of elections.

We don't dispute the fact that they presented -- it's my understanding these ballots were all cast on the first day of early voting. And if y'all will remember, in the 2020 cycle there were significant problems with the secretary of state system that caused some capacity problems and the board just couldn't get people registered and signed in.

And so all of these ballots were cast during that chaotic process. And so unfortunately because it was such a rough day, a mistake was made in the handling of those ballots. As you had identified a minute ago, Mr. Howard did self-report this error to Mr. Harvey.

I don't know -- because the election had been certified, the -- the ballots could not be counted at that time. Mr. Howard did review the
envelopes and determined that based on the precincts of all of these voters, none of these votes would have had an impact on any election that was on the ballot in 2020.

The board recognizes that this is a serious incident and deeply regrets that it occurred. Mr. Howard, you know, feels terrible that this happened, and they've taken steps to prevent this from happening again. And we ask that you consider those steps and the fact that Mr. Howard self-reported the error when you determine the appropriate sanction.

Mr. Howard is on the line, and if you have any questions for him, he's prepared to answer them.

**MS. SULLIVAN:** Thank you, Ms. Hooks.

This board obviously takes this complaint very seriously. There's 50 voters disenfranchised in this election. We appreciate you for being here today.

Are there any questions that -- we appreciate that there has been measures taken to make sure this does not happen again. I do believe that this board will refer this to the attorney general's office for further action.
But at this time, do any of the board members have any questions that they'd like to address?

I'll make the motion that we refer this matter to the attorney general's office.

MR. MASHBURN: Second.

MS. SULLIVAN: Is there any further discussion?

MS. GHAZAL: No. I'll vote in favor of it. I'm not quite sure Ms. Hooks' correlation between the secretary of state's office function versus the ballot being found by her county a month later than election day. I'm not sure if there's a connection there but also I'll vote in favor of the motion. Thank you.

MS. SULLIVAN: All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes unanimously.

Sumter County does have another case on the agenda a little bit further down. But we're going to go ahead and hear it now.

2021-11, Sumter County. That is Tab Number 75 in our material.

MR. CALLAWAY: Deborah Clark Sikes (ph)
Ms. Sikes reported a delay in voting at the Brown's Mill voting precinct in Americus, Georgia. Ms. Sikes reported that she arrived at the precinct at 7:30 a.m. and did not vote until 8 a.m.

Ms. Sikes states a poll worker told her the wrong computer had been sent to the precinct. Ms. Sikes stated there were people in front and behind her in line that had left.

The investigation revealed that -- it showed the poll -- opening of the polls at the recreation department on -- in Brown's Mill voting precinct in Sumter County were delayed because of a mixup of the Poll Pads for the two precincts. The delay was 30 to 45 minutes before voting was open to the voter.

Provisional ballots were offered. However, the elections supervisor reported the recreation department precinct had four provisional ballots while Brown's Mill precinct had three provisional ballots.

The Poll Pads were picked up from the courthouse the night before the election. Mr. Howard stated the Poll Pads were distributed by a Dominion technician. The mixup in the distribution was a result of the Poll Pads not...
being properly marked. Mr. Howard stated the
problem would be corrected by affixing laminated
tags and plastic tags to the Poll Pads.

Our recommendations are that Sumter County
Board of Elections and Registration and Randy
Howard, supervisor of elections, be bound over to
the attorney general's office for board rule
183-1-12-.08(4), page 7, when he failed to ensure
the proper -- when he failed to ensure the proper
equipment was delivered to the appropriate
polling location.

MS. SULLIVAN: Thank you.

Ms. Hooks, would you like to address the
board regarding this claim --

MS. HOOKS: Sure.

MS. SULLIVAN: -- complaint?

MS. HOOKS: Sure. I believe the facts are
accurate as you reported. As Mr. Howard had
reported to the investigator, it -- it was a
Dominion representative, not a mem -- employee of
the board who distributed the pads and at that
time they were labeled only by poll number.

And since that time, Mr. Howard has labeled
all of the pads with the precinct name so that
they'll -- they'll be more easily identified and
has instructed all the poll managers to ensure that they have the correct equipment before the scheduled time to open the polls.

As -- as indicated in the report, provisional and emergency ballots were available for voters to use while the Poll Pads were transported to the correct precincts. But my understanding is that Ms. Sikes, the complaining voter, declined to vote provisionally. However, she did return to her precinct later in the day and cast her vote in the election.

And so we ask that you take account of the measures that have been taken since this time and the fact that no voters were prevented from voting by this error and dismiss the complaint or issue a letter of instruction.

And, again, Mr. Howard is on the line if you have any questions for him.

**MS. SULLIVAN:** Do any of the board members have any questions for Ms. Hooks? Or for Mr. Howard?

Would any of the members like to make a motion?

**MS. GHAZAL:** Move that we accept the recommendations and bind this over to the
attorney general's office.

**MR. MASHBURN:** Second.

**MS. SULLIVAN:** Is there any -- motion and a second. Do we have any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** Being there are none opposed, that motion passes.

Thank you, Ms. Hooks.

Going back up in the agenda to where we left off, the next case is 2020-250, Coffee County.

**MR. CALLAWAY:** We have three separate complaints within this case.

Complaint 1, on December 4, 2020, the Coffee County Board of Elections and Registration sent a letter advising they could not certify the electronic recount numbers for the November 3, 2020 general election.

In the letter, they claimed that the Dominion voting system was unable to repeatedly duplicate credible election results. Instead Coffee County Board of Elections and Registration voted to certify the votes cast in the election night report.

Complaint 2, a video surfaced on YouTube
where it showed Coffee County election supervisor Misty Martin discussing the ways in which the election software could be manipulated.

Complaint Number 3, Ms. Britney (ph) Jackson said she submitted a request for her absentee ballot on December 1, 2020, however, did not receive the ballot until December 26, 2020. Ms. Jackson said she was unable -- she was able to mail the ballot back the same day it was received but felt her vote would not be counted due to how late it was received. Ms. Jackson felt this was an effort by Coffee County to suppress her vote.

The investigation revealed under Complaint 1, Ms. Martin failed to keep the ballots in batches after they were scanned which is the reason the count discrepancy could not be identified and resolved. After the interview, investigators assisted Coffee County with organizing the ballots into batches of 100.

The final count was 13,347 advanced and election day ballots and 1,930 absentee and provisional ballots. The total combined ballots total 15,277 ballots which match the original Coffee County election results listed on the
secretary of state election night reporting page.

Ms. Martin also claimed the ballot scanner was not working properly and would stop on every few ballots. Ms. Martin claimed she did not know the scanner needed to be cleaned periodically. Both Dominion senior project manager Tom Sheahan (ph) and Dominion senior manager Scott Tucker said the scanner's cleaning protocol was included in the training provided to the counties.

Investigations accessed the Firefly website and located the ICC scanner use printout which covers the cleaning procedures.

Under Complaint 2, Ms. Martin, along with the Coffee County Board -- along with Coffee County Board of Election member Eric Ching (ph) made two videos, claiming the Dominion systems election software could be manipulated.

Ms. Martin said the video was made after she made her board aware that a blank ballot could be altered and voted during the adjudication process. Ms. Martin never once during the video explained the intended use of the adjudication process. The video is very misleading. It seems that she proposed -- it seems its purpose was simply to create doubt and public mistrust in the
Dominion -- in Dominion voting systems.

Investigations received -- reviewed the two videos and noticed what looked like a password taped to the bottom of the computer screen Ms. Martin was using. Investigations paused the video and took some pictures of the password which could be clearly read. It was later discovered that the password was used to access Dominion voting systems.

Ms. Martin said everyone at the office used a single password to access the Dominion voting system and the door to the office where the computer was located remained open throughout the workday.

Ms. Martin said there was another door that remained locked so the public -- so public individuals could not just walk in. Ms. Martin claimed she was unaware a separate password was needed for every user.

Complaint 3, an ENet inquiry on Britney Jackson showed her ballot was received by the Coffee County elections office on January 4th and her vote was counted. At the time of the elections, Jackson was living at a temporary address in Tennessee.
Recommendations: Coffee County Board of Elections and Registration and Misty Martin, former elections supervisor, be bound over to the attorney -- attorney general's office for SEB Rule 183-1-12-.05(3), security of voting system components at county elections office in designated county storage areas when they failed to keep the room where the election management system was located locked at all times when it was not directly under the supervision of the election supervisor.

MS. SULLIVAN: It's my understanding that neither Misty Martin nor anyone from Coffee County is here today. Are there any questions for Mr. Callaway?

MS. GHAZAL: I've got one question with regard to Count 3. Is there -- do we know exactly how much time elapsed between the time in which the county received the abs -- the absentee application and when it was sent out? If the voter suggested there were three and half weeks between when the -- when it was submitted, I don't know whether or not the -- whether the county timely processed that application.

MS. SULLIVAN: I was mistaken. Ms. Ditto is
here, representing Coffee County. So she might be able to address that question.

MS. GHAZAL: Very good, thank you.

MR. NORTHEN: Ms. Ditto, you should be able to unmute yourself.

MS. DITTO: Thank you. Good afternoon.

I'm here for the --

MS. SULLIVAN: Good afternoon.

MS. DITTO: -- Coffee County Board of Elections and Registration.

Ms. Martin is no longer employed by Coffee County. It's our understanding from the three complaints that the only violation that is now being alleged is a violation of regulation 183-1-12-.05(3).

We do not agree that we violated that regulation. Even given the facts that it stated in the findings in the report and in the potential violation the -- the election management system was located -- there are three separate locked doors that anybody from the public that would not have been the election supervisor or his or her designee, three separate doors that someone from the general public, not a designee, would have to go through in order to
reach the election management system. It was under -- anytime that that door, which is right off of the election supervisor's office, was open or unlocked, it would've been under the supervision -- the elections management software would be under the supervision of Ms. Martin or her designee at that point in time. There is no violation of this regulation.

And I'm happy to answer any questions.

**MR. MASHBURN:** This is Matt Mashburn. I have a question. Do you agree or disagree that Ms. Martin posted a video where the working password was visible?

Counselor, did you hear me? Did you hear me?

**MS. SULLIVAN:** Do you hear us, Ms. Ditto? We cannot hear you if you are speaking. Ms. Ditto?

**MR. NORTHEN:** Ms. Ditto, you should be able to unmute -- unmute yourself.

**MS. SULLIVAN:** Ms. Ditto, are you there?

**MS. DITTO:** Hello.

**MS. SULLIVAN:** Yes. Can you hear us?

Ms. Ditto?

**MS. DITTO:** I'm not able to hear you.
MS. SULLIVAN: You cannot hear us?

MS. DITTO: Did we use this system last time?

MS. SULLIVAN: Ms. Ditto, can you hear me?
All right, we're going to try to redial in.
(Pause)

MS. SULLIVAN: Okay. We are back.
Hopefully you can hear us now. Ms. Ditto, are you still on the line? Can you hear us?

MR. NORTHEN: Ms. Ditto, you should be able to unmute yourself.

MS. SULLIVAN: Ms. Ditto, can you hear us? Ms. Ditto, can you hear us now?

MS. DITTO: Hello.

MS. SULLIVAN: Ms. Ditto, can you hear us? Can you hear us? Hello? Can you hear us?

Is the court reporter here? Can the court reporter hear us?

THE COURT REPORTER: Yes, I can hear you.

MS. DITTO: I can hear y'all now. This is Ms. Ditto. I apologize.

MS. SULLIVAN: Okay. Ms. Ditto, I believe that Mr. Mashburn had a question for you when we lost you.

MS. DITTO: Sorry about that.
MR. MASHBURN: Yes. Matt Mashburn. Matt Mashburn. Do you agree or disagree that Ms. Martin posted a video where a password -- a working password was visible?

MS. DITTO: I believe she did post the video. I'm not sure if at the time it was working because the password is specific to the election. But I do not feel that's a violation of the regulation that was cited in the investigative report.

MR. MASHBURN: Okay. Now, I would also -- I have a second question and that is our report that we were provided shows that all employees utilized the same password. Is that -- do you agree or disagree with that?

MS. DITTO: It's my understanding that each of the employees had their own password to log onto the computer and then they would've used the same password. Coffee County was only given one password to get onto the Dominion server.

MS. SULLIVAN: Any further questions? Would a member like to make a motion?

MS. LE: I move to refer this case to the attorney general's office for further review and inspection. I think passwords are part of -- an
integral part of a security system and I think --
I think this case should be looked at more
closely and see how Coffee County is handling the
security of our elections system over there.

MS. SULLIVAN: Is there --

MR. MASHBURN: Second.

MS. SULLIVAN: Motion and a second. Is
there any further discussion?

All in favor, please say aye?

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.
That motion passes.

The next case is 2020-258 Fulton County.

MR. CALLAWAY: The complainant alleges they
received information from Fulton County at their
address that indicated that the previous owner is
using their address as their voter address and
has requested an absentee ballot that has been
mailed to an address in Maryland.

The investigation revealed that the
complainant advised that he purchased and moved
into a residence located in Sandy Springs,
Georgia in 2018. He noted that the respondent,
Ms. Fissha, was the previous owner who he
believes moved out of the state. However, she
used his address to request an absentee ballot which was voted.

The investigation revealed that Ms. Fissha did not move out of state but to an address within the same county. The investigation found information that indicated Ms. Fissha lived in an apartment located at 28 Parkgate Drive in Atlanta, Georgia.

Our investigators traveled to the apartment, attempted to contact someone there with no success and left a business card on the door. The investigator then met with apartment staff who confirmed that Ms. Fissha is the owner of the apartment and has lived there for approximately two years.

The investigation revealed that a man named Assefa Fissha is the owner of the residence in Maryland where the absentee ballot was sent, that Ms. Fissha spends time there and Atlanta.

Our recommendations are Meron Fissha be referred to the attorney general's office for 21-2-562(a)(1), fraudulent entry, four counts, when she voted in the 2018 election on 11/6/2018 at an in-person polling location; on 9/29/2020, when she requested an absentee ballot under her
old address; on 10/27/2020, when she requested an absentee ballot under her old address; and on 11/24/2020, when she requested an absentee ballot under her old address, Georgia election law O.C.G.A. 21-2-218(c), when she failed to notify the elections office of her new address.

**MS. SULLIVAN:** I believe we have someone to speak on this case.

**MR. NORTHEN:** Mr. Bruce Maloy, you should be able to unmute yourself.

**MR. MALOY:** Yes. Good afternoon. This is Bruce Maloy. Can you hear me?

**MS. SULLIVAN:** We can.

**MR. MALOY:** Okay.

**MS. SULLIVAN:** Good afternoon. Go ahead.

**MR. MALOY:** (inaudible) the opportunity to address you here. And also I want to take responsibility. Ms. Fissha had two separate issues: One with the Fulton County Election Board and one with the state election board. And I failed to send a notice of appearance to the state election board.

So you actually took this up at an earlier meeting but you tabled it and I was able to get involved after that and dealt extensively with
Investigator Frances Watson, who I found, by the way, to be extremely professional and helpful in trying to get to the bottom of the situation.

It was suspected at first that Ms. Fissha was living out of state, but that's not the case. She's a software engineer for a local airline and she would fly regularly up to Maryland to take care of her brother, who's the person that was mentioned in the report, and keep flying back.

So that -- that issue is off the table now. It's simply an issue of whether she failed to update her voter information when she moved out of the house that she sold and moved into an apartment that's about a mile away.

And she was wrong to not update her voter information, but Ms. Watson and I had to look at it in some detail and it was only some of the very down-ticket races that she was voting in the wrong precinct. And she did that and she should've updated her registration.

I spoke to Ms. Watson and she agreed that she would recommend a letter of instruction and that she had had that approved by counsel for the state election board. Frankly, I'm a little bit taken aback by the recommendation that it be
referred to the attorney general. I think that
overstates the seriousness of what she did here.
And I still think that a letter of instruction to
her is more than sufficient in a situation like
this. She understands now exactly what can
happen if you're voting in the wrong precinct.
But again because it was (indiscernible) by the
idea -- the issue that it was a -- would be
another precinct, I think, frankly, just -- just
didn't occur to her.

And so I would urge you to have a letter of
instruction and not a referral to the attorney
general's office. Thank you.

**MS. SULLIVAN:** Thank you, Mr. Maloy.

Ms. Watson is no longer with the secretary of
state's office.

**MR. MALOY:** I'm sorry to hear that.

**MS. SULLIVAN:** Yeah. Thank you.

Do any of the board members have any
questions for Mr. Maloy? It appears that
additional information may have been gathered
since this initial report was prepared.

**MS. GHAZAL:** This is -- this is Sarah
Ghazal. There had been a couple of questions
that I had posed that it seems like we still
don't have any of this information.

But, Mr. Maloy, perhaps you can help fill in some of these blanks. One of the questions that I had previously was whether or not Ms. Fissha had filed a -- an updated address with the postal service because generally these -- the NCOA process should in fact result in updating voter records as well. So do you happen to know whether or not she filed an updated address through the postal system?

**MR. MALOY:** That's my belief is that she had. She was not still generally receiving mail at this -- at this address. What happened is she got one of these unsolicited requests for a absentee ballot and a third-party organization, I guess, was going through the list of those requests and see -- and saw that hers had not been returned yet. And so that -- and that organization sent mail to the old address, the house that had been sold. And that's how this got kicked off, if you will.

But I believe that she had put in a change of address with the U.S. Postal Service and she had had a change of address to have her mail sent up to Maryland temporarily as well. I'm sorry, I
take that back. I'm mistaken about that. She had not done that. This did not come up in the national change of address database. I misspoke.

MS. GHAZAL: Could you clarify, did -- her new address in Fulton County or are you talking about the address -- the temporary address in Maryland? Can you clarify that?

MR. MALOY: Yeah. She was having somebody pick up her mail at the apartment in Georgia.

MS. GHAZAL: Okay. So -- but she had forwarded her mail through the -- the change of address process to the new Fulton County apartment --

MR. MALOY: I believe that that's correct. Yes.

MS. GHAZAL: Thank you.

MS. LE: This is Anh Le. Did she also vote -- excuse me, let me backtrack. She moved out of this address in 2018; is that correct?

MR. MALOY: Correct. Well --

MS. LE: And then she -- did she --

MR. MALOY: -- actually sold in 2018. She was going through a divorce. She moved into an apartment in 2017. The sale of the --

MS. LE: So she moved out of this --
MR. MALOY: -- house was 2018.

MS. LE: Right. Okay. She moved out of the address in question in 2018. And then she voted in November 2020 and January 2021; correct?

MR. MALOY: Correct.

MS. LE: And that was using the address of the 2018 address -- correct? -- when she voted.

MR. MALOY: Yeah. She -- she hadn't changed any address.

MS. LE: Okay. Thank you.

MR. MASHBURN: And she's not registered -- she's not registered in Maryland and has never voted in Maryland.

MR. MALOY: Not registered in Maryland, never voted in Maryland.

MS. GHAZAL: In an effort to treat similarly situated voters similarly, I move that we issue a letter of instruction and also advise Ms. Fissha to ensure that her registration has been updated to her new address.

MR. MALOY: Understood. That's been done.

MS. GHAZAL: Thanks.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: I see a slight distinction between
this case and our previous case in that
Ms. Fissha moved out. She sold her home and
moved out. The complainant has no relationship
with her. And there is a code section out there
that says that, you know -- she actually has
another home in Georgia that she didn't update
the address with and that's the code section
cited in our report, the 21-2-562 and 21-2-218.

So I think there is a slight distinction
here that does make this different than our last
case. The distinction being that my
understanding of the facts in the previous case
is that the voter moved to Pennsylvania, never
intended that to be his home, has always kept
Georgia as his home, doesn't use an address that
he --

MR. MALOY: She didn't have an address.

MS. LE: Right. He didn't sell this
property that has no relationship to, whereas
here we have an address. This person just never
updated --

MS. SULLIVAN: And voted -- also voted in
elections that they were not --

MS. LE: -- and knowingly --

MS. SULLIVAN: -- entitled to vote in.
MS. LE: And -- and by representative's admission that, you know, the two down-ballot elections were otherwise not eligible for. So for that reason, Ms. Ghazal, I respectfully declined to support the motion.

MR. MALOY: The -- the only thing I'd say in response to that is to emphasize to you that -- to use an expression, the distance between the house and the -- that was sold and the apartment that she's living in, you could throw a rock and hit it. And so it just didn't occur to her that she was in a different precinct and it was causing that problem.

But she -- she failed to update her voter registration information. She updated her car title with Fulton County for the title tax process, but she didn't update her voter registration.

MS. SULLIVAN: Thank you, Mr. Maloy. I believe that this motion fails for lack of a second, but I certainly think all of this information that you shared can be taken into consideration by the attorney general's office. And then that's that --

I'll make -- actually, I'll make that motion
in determining, you know, what -- what sanctions
should be appropriate here. So we will ask the
attorney general's office to take that -- to take
all of that information that you shared into
consideration. So --

MR. MASHBURN: I think all of my colleagues
have made cogent and well-founded remarks that I
think are very well -- well stated. But I second
that motion.

MS. SULLIVAN: Is there any further
discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed?

MS. GHAZAL: Nay.

MS. SULLIVAN: One opposed. That motion
passes.

The next case is 2020-269, Pickens County.

MR. CALLAWAY: The complainant, a poll
watcher, alleges that while in the Pickens County
poll location, a poll worker tried to push her
out of the doors. The police were called but she
was allowed to stay.

The investigation revealed -- investigations
contacted Pickens County elections and spoke to
the director, Ms. Roberts, who advised the investigator that the person involved is named Kimberly Hoechstetter and provided contact information for her. She said the sheriff's office was called to the scene when Ms. Hoechstetter became loud and disruptive, but they did not make her leave. She stated that after the sheriff's deputies left, there were no further incidents with Ms. Hoechstetter.

Investigation received a notarized statement from the poll manager, Kathy Connell, who advised that Ms. Hoechstetter was poll watcher -- was a poll watcher at a polling location and tried to sit in an area where board members were sitting. When asked to remain in the assigned area, she became loud and boisterous, causing a disturbance. She stated that she called the elections supervisor and the sheriff's office was notified and responded.

The investigator contacted Kimberly Hoechstetter. She advised that she was a poll watcher and was advised by Kathy Connell to remain seated in an area where she felt it was too far away from the registration table which she wanted to observe. She stated that when she
moved closer -- when she moved to a closer seat, she was advised to sit back in the designated area and an argument ensued between Ms. Connell and herself. She advised that she presented the rules to Ms. Connell and was told that they, Pickens County, were following board rules which established a sitting area for poll workers -- or poll watchers. She stated that she stepped outside before the sheriff's office arrived and then when they left, allowed her to remain inside where no further incidents occurred.

Ms. Hoechstetter advised that when the argument ensued, another poll watcher, found to be Tracey Wright, activated a pen camera recorder and captured part of the incident. The video was played for the investigator.

Recommendations: Kimberly Hoechstetter be bound over to the attorney general's office for O.C.G.A. 21-2-408(d) when she gave -- when she began arguing with the poll manager, Kathy Connell, inside the enclosed space. This disturbance interfered with the conduct of the election which caused the poll officers to feel the need to call the sheriff's office in an attempt to keep peace.
Tracey Lee Wright be bound over to the attorney general's office for O.C.G.A. 21-2-408(d) when she began using a personal video-audio recorder inside the enclosed space while her -- while her and the recorder was done in such a way it did not tell voters or any outside -- or any audio outside -- or anything else for audio between Kimberly Hoechstetter and Kathy Connell.

**MS. SULLIVAN:** Thank you.

My understanding we have a few people who would like to speak.

**MR. NORTHEN:** We have two for public comment: Michael Carver, Kimberly Hoechstetter.

Michael Carver, you should be un--able to unmute yourself.

**MS. SULLIVAN:** Mr. Carter (sic), go ahead.

Mr. Carter, can you hear us? You can unmute yourself and speak now.

**MR. CARVER:** Hello, can you hear me?

**MS. SULLIVAN:** Yes, we can.

**MR. CARVER:** Okay.

**MS. SULLIVAN:** Please go --

**MR. CARVER:** I was -- I just wanted to go ahead and indicate that I'm a witness to some of
this. My name was brought up, as I understand it, as part of the investigation, but I'm not the primary. So I don't know if you want to give Ms. Kimberly Hoechstetter or Tracey Wright first dibs on this.

**MS. SULLIVAN:** That will be fine. We'll let Ms. Hoechstetter speak.

**MR. NORTHEN:** Ms. Hoechstetter, you should be able to unmute yourself.

**MS. HOECHSTETTER:** Okay. Can you hear me?

**MS. SULLIVAN:** Yes.

**MS. HOECHSTETTER:** Okay. Madam Chair and the board, I'd like to thank you for allowing me the opportunity to be heard today.

I received notice of this hearing about two weeks ago, and I wasn't given access to the complaint or the information that I'm accused of but only, like, the investigation summary. And the problem is the summary of the case states that it is a poll-worker issue that took place at the January 5th runoff election.

For the record, I have never been a poll worker, nor was I there on January 5th. The summary also cites that the complainant made a complaint for a poll worker, which is on the
summary. I know that's not what was just reported a few minutes ago, but that's what's on the written summary. And that the investigator when he contacted me, told me that it was being filed on my behalf but that the complainant has never responded to any -- any attempts whatsoever for him to get in touch with him. So I don't even know if the case needs to be dismissed based on that or not.

I was involved in another incident that took place -- and because of all of the confusion surrounding the investigation, I did provide an affidavit to the board along with an affidavit from a material witness. And that was Mr. Carver that had just spoken a second ago.

And that details during early voting, December 14th, as poll watchers we were prohibited from doing our jobs and were directed by the Pickens County Board of Elections and the poll manager to remain seated in the corner of the room which prohibited us from monitoring.

Julianne Roberts, who was also cited on the investigation summary, was not on sight when this event occurred so I don't know how she could've witnessed what happened.
During early voting on December 14th, I worked as a poll watcher. At about 9:40 a.m., I could see that there was a commotion taking place in the corner. And they were making us sit in the corner of the room. We couldn't even go over -- across the room to look at the counter to count -- to keep -- you know, monitor the number of votes. They were really -- the board of elections had told us that we had to stay in this corner of the room.

But at about 9:40, I could see there was a commotion taking place at the registration table with a voter. I could barely hear the poll worker tell the voter that their address did not match the registration. So that I could hear better, I got up and I quietly moved about -- it was about eight steps along the wall to get close to the registration. And I sat against the wall with one of the chairs that was already there to listen and observe how that situation was going to be handled.

The other poll watcher that was on site at that time Tracey Wright also came with me to observe as I attempted to listen to the poll watchers tell the voter to scratch out and change
their address on the form to match their registration records. Within seconds -- and I mean literally seconds -- the poll manager who interrupted my ability to monitor what was happening and sharply demanded that Tracey and I go back to the corner of the room. Tracey and I responded and tried to explain that we were there as election officials, that we were entitled to observe, and that we could not hear from the corner and we were trying to monitor.

I wasn't even given the opportunity to share my observance at the registration table with the poll manager because during this exchange, it took her literally less than 15 seconds -- her first thing was not to ask what we were doing, but her -- it took her, like, 15 seconds to say: If you don't move and do what I'm telling you to do, I'm going to call the sheriff.

She then abruptly told eight -- there was about eight people in the polls at the time -- eight voters that were there, that she was bringing everything to a halt and she stood there and used her cell phone to call someone. Kathy told the person on the other end of the line that board of elections member Paul Lindsey had left
the building and that he told her if she had any issues to call the sheriff and have us all removed.

At that point, Tracey and I agreed that I would go outside to my car and get my phone and call the GOP to report what was happening. As I turned to walk away, I heard Kathy Connells (sic) tell the person on the phone that I was leaving and that everything was fine and the situation was over. That entire incident, from beginning to end, was, like, less than two minutes.

After making my calls to report the incident to the local and state offices, I received a text from Carolyn Childers with the GOP who informed me that Craig Stallings who is the GOP chairman had called sheriff Donnie Craig and -- on our behalf and told him that we were being hassled and not able to monitor at the polls.

I then returned to the enclosed space and I continued to monitor for the rest of my shift and stayed there for the rest of the morning.

Two full hours later, during an incident between board member Paul Lindsay and Mike Carver, another poll watcher, the sheriff did come. And they told the board that we were
there -- that we were free to move about the polls and to do our jobs and the matter quickly dissolved. It just went away.

Mr. Carver has provided his testimony which I -- I sent in -- I believe it was last Friday. Because I didn't know if you were going to call this a poll-worker incident or a poll-watcher incident. And I -- I do believe that nomenclature matters. But Mr. Carver did provide his testimony. And I think, as you know, he's still on the call.

From that point forward and for the remainder of the election cycle, poll watchers were allowed to monitor as we had been instructed.

So from that -- from that day forward, after the sheriff left, the whole environment changed. It was quite a hostile environment earlier, prior to that incident. But afterward everything was fine and everybody could go around and monitor and it was -- there were no more issues.

I am of the understanding -- and I'm sure that Mr. Carver will testify to this -- that Paul, the elections -- board of elections manager, did apologize to him the next day for
not knowing the law better.

I also think it's worth noting that during the time this incident was being investigated, the state Congress was in the process of passing HB682 which Governor Kemp signed. This bill completely removed and replaced the entire Pickens County Board of Elections, Julianne Roberts and Kathy Connell, effective July 1st of this year.

So any potential reprimand the state board would decide to send to those individuals because of their attempts to interfere with our ability to monitor would need to be sent to Julie who now works for the board of elections in Cherokee County.

Again, with all of these facts in mind, I'm requesting that this whole thing be dismissed. Or if you decide that it's really about poll watchers and not poll workers, that maybe a letter of instruction be sent to the new board of elections so that something like this never occurs again in Pickens County.

And I'm open to answering any questions that you might have.

**MS. SULLIVAN:** Thank you.
Mr. Carver, would you like to address the board briefly?

**MR. NORTHEN:** Mr. Carver, you should be able to unmute yourself.

**MS. SULLIVAN:** Mr. Carver?

**MR. CARVER:** I'm here. I'm sorry.

**MS. SULLIVAN:** Yeah. Would you like to add anything?

**MR. CARVER:** I'd -- I'd like to ask the board if they've received my affidavit and had an opportunity to review it.

**MS. SULLIVAN:** I believe it was in the materials. If you would like to briefly address what was in your affidavit, please feel free to go ahead.

**MR. CARVER:** Well, I'd -- certainly. I would first like to start out that I want to make sure that we're talking about the same dates here because I don't want to be a witness to something. My date is specifically around December the 14th. But through the investigative summary, I didn't hear a date. It's just the January 5th general election. So I can't tell from the investigation summary if they're talking about the incident that occurred on December the
14th or on the general election of January 5th.

**MR. MASHBURN:** How about you tell us what you know about December 14th.

**MR. CARVER:** Yes, sir. So I basically just showed up early at the polling location to deliver supplies to the poll watchers. Basically it was badge clips. I wanted all of my co-poll -- all watchers to have a way to mount their credential badges.

I was informed when I arrived -- this would've been both by Tracey and Kimberly that poll watchers were not being allowed to walk around in the enclosed space or view the encounters, such as on the scanner and that Paul Lindsey was saying that poll watchers must sit in the designated corner.

I was also informed that the poll manager had called the sheriff's office, but the sheriff was informed they didn't need to respond. I assumed this was over the disagreement on what 21-2-408(d) states: Poll watchers can be in close space and observe the counting and recording of votes.

At about ten after, I left the facility and drove back to my home and then arrived back at
home at -- back at the early location. And what
I had was a copy of 21-2-408. I was going to
just supply that to -- copies of that to both
Tracey and Kimberly so they could provide that to
Paul Lindsey.

But before I could do that, Paul Lindsey had
approached me and stated similar to what I'd been
told earlier, that poll watchers must sit and
observe from the designated corner. I
respectfully -- and I want to say that,
respectfully disagreed and provided him a copy
with 21-4- -- I'm sorry, 21-2-408, and pointed
out there's a section in the statute that
designates the duties of a poll watcher.

Paul Lindsey blocked my egress out of the
designated area, the corner we were told to be
at. So I sidestepped him and began lawful duties
of a poll watcher. Paul informed Kathy Connell
to call the sheriff's office. At that time, only
Tracey Wright and I were present in the polling
location since only two poll watchers are
allowed.

At approximately 1120 hours on December 14,
2020, I walked outside and informed Kimberly to
reenter the polling location and waited for law
enforcement to arrive.

At approximately 11:30, law enforcement arrived. Two deputies were on scene. I was called into the polling location and was told by one deputy that the three poll watchers needed to leave the premises as we were causing a disruption. I informed the officer we were not being disruptive, but we did have disagreements regarding not being allowed to complete our duties.

I showed the deputy my poll watcher credential letter, my official poll watcher badge, and showed him the statute of 21-2-408(d). He left for a moment and went to speak with the board member Paul Lindsey. The deputy returned and said he informed Paul that we were not violating any law and that we can stay and perform our duties per the law.

At 1138 hours, law enforcement left the area and no other disagreements about poll watchers' duties occurred that day or at any time in the future.

At about 2 p.m. on the following day, December the 15th, Paul Lindsey apologized to me for the events of the day prior, stating he had
his facts wrong and should've known the law better. The election supervisor Julianne Roberts told the board --

**MS. SULLIVAN:** We're losing you, Mr. Carver. I believe that we've lost you, but we do have your affidavit in ...

**MR. CARVER:** Okay. And -- but basically they -- the -- the board has been swapped out and the election supervisor, as stated earlier, works for Cherokee County Board of Elections now.

**MS. SULLIVAN:** Thank you. And I believe Ms. Wright is also here and would like to address the board.

**MR. NORTHEN:** Ms. Wright, you should be able to unmute yourself.

**MS. SULLIVAN:** Ms. Wright, please go ahead. If you unmute yourself, you should be able to speak. Ms. Wright? If you would like to speak, please go ahead now.

Do any of the board members have any questions for Mr. Callaway or any other people that have joined us on the phones?

**MR. MASHBURN:** As I understand it, Mr. Callaway, you were in charge of training and certifying the poll watchers; is that correct?
MS. SULLIVAN: You mean Mr. Carver?

MR. MASHBURN: Mr. Carver. Who trained the -- who trained the poll watchers?

MS. SULLIVAN: Mr. Carver, were you -- is he unmuted? Were you involved in training the poll watchers?

MR. CARVER: No, I was not.

MR. MASHBURN: I'm -- I'm curious about his statement about Hoechstetter, that it was her job to check the electors lists. 41-2-408(d) specifically prohibits poll watchers from checking electors lists. So I can get clarity --

MR. CARVER: If I may, I don't -- I don't know that she was checking electors lists. I think what she was staying was that she heard a dis -- a discrepancy and was just trying to find out what was going on. Not looking at anything, just using her ears.

MR. MASHBURN: Yeah. And then the other question I wanted to ask was same statute. 21-2-408(d) also says any infraction or irregularities observed by the poll watchers shall be reported directly to the superintendent and not to the poll manager.

MR. CARVER: That may be. I -- I would
think that that's what the poll worker should've done.

**MR. MASHBURN:** Yes. The poll watchers.

**MR. CARVER:** No. The poll watchers don't designate or contact the -- the supervisor, to my knowledge. We had a hotline that we were told to call. Now, right, wrong, or different, that's what we were all trained and told to do. We had a GOP hotline to call for any issues. And as I understand, this was reported. I don't know what the end game of that happened, but that's what we were informed to do.

**MS. HOECHSTETTER:** If I may speak as well, this is Kimberly Hoechstetter again. Mike is right. I -- I didn't mean to infer that I wanted to look at any voter records at all. All I was doing was sitting in the corner and the registration table -- like I said, it was only, like, maybe ten or fifteen feet away. I only took maybe about eight steps and stayed -- I quietly moved along the wall and sat down because I couldn't hear what was transpiring.

I heard the poll worker say: Your address doesn't match your registration. And that piqued my -- you know, I wanted to hear. I wanted to
get closer because I couldn't quite hear everything that she was saying. So I just moved a little bit closer. But, I mean, I no -- I no sooner sat down in that chair to try -- and I wasn't trying to get, like, up behind the poll -- the voter or anything. I was sitting against the wall.

I just -- no sooner did I sit, then I got, I mean, abruptly approached by Kathy Connell, who said -- and -- and I think it's important to note that what Kathy said was, you know: You will either do exactly what we tell you to do and get back in that corner or we're going to call the sheriff and have you removed.

And when she did pick up the phone to call someone, she said that board member Paul Lindsey had instructed her -- whoever she was talking to on the phone -- I assume it was Julie at that point -- but when she was talking to that person on the phone, she said: Paul told us that if anything happens to call the sheriff and have them removed, which to me -- I mean, if -- if you -- there was no reason. I mean, I literally was just sitting against the wall.

There was no -- it was -- it was -- I'm
telling you it was a very hostile environment. It wasn't comfortable at all. We felt like we weren't supposed to be there and we were supposed to just sit in that corner and not walk around. But I do want to clarify your question earlier and make sure you understand that at no point was I ever trying to look at voter -- the voter rolls or information. I was just trying to hear how they were going to handle it.

And quite honestly, while -- while the exchange was taking place and Kathy was telling me she was going to call the sheriff if -- Tracey and I were both talking to her and telling her that, look, we're just trying to do our job.

While she was saying she was going to call the sheriff, I -- I heard -- intermittently because I was still trying to listen, I heard the poll worker tell the voter: Just scratch out your name on the registration -- the registration pad and put in -- or scratch out your address on the registration pad and make it -- make it match.

So that was the kind of stuff that I was trying to, you know, monitor. And I thought that was our job. I mean, this was the first time
they were poll-watched, but I thought that was our job as monitors, to make sure we watched that kind of thing and monitored the -- the counts. And we weren't even allowed to go across the room to where the counter was. We had to -- they were -- we were told we had to stay in the corner.

**MS. SULLIVAN:** Okay. Thank you. What is the pleasure of the board?

**MS. LE:** Ms. Hoechstetter, were you given an enclosed space on -- I know that 21-2-408(d) says that all poll watchers may be permitted behind an enclosed space for purposes of observing the conduct. Did they identify a space for you or can you clarify that for me?

**MS. HOECHSTETTER:** Okay. Let me -- let me go back to when I first got there that morning, when we were told we had to sit in the corner. Tracey Wright had a binder with her that had the statute had it, it had all of the instructions for working at the polls, and it had a schematic of the room. And we called Paul Lindsey over and we showed him what the -- what the -- the code said, where the schematic of the room was, and where we were allowed, based on what we were
told, to walk around.

His response was: I don't care what that says. You're going to follow our rules and I told you to sit in the corner.

So I don't know if that answers your question but the enclosed space, based on our understanding, is the polls. We're just not allowed to go behind the enclosed area where the voters -- if -- if you read -- if you go through some of the statute, in my understanding unless I misread something, is that whole area where the voters actually cast their votes, we're not allowed to go back there, nor were we allowed to go stand, like, right behind the -- where they were looking up the registration and that and view any actual voter information.

So I personally -- I can't speak for anybody else, but I personally was very careful not to look at -- there was no chance to, honestly. The only time I -- I was able to even get close to anything was when I took eight steps to sit against the wall and I still was far -- I was 10 feet away from the voter that was having the -- the exchange with the worker at that time over their address.
Further, I think it's important to point out, too, that the investigator, when he came out -- I'm sure you guys were slammed after. With everything that went on last year, I'm sure you guys were totally slammed with, you know, investigations. And he told me when he came to -- to meet with me that he didn't normally investigate these kind of cases, that it was something that he didn't normally do.

And in the investigation summary, he cites only partially part of 21-2-408. And he stops just short of where it says that if anybody -- that nobody is allowed to get involved with campaigning. And if -- it infers, at least the way I'm reading it, that if a poll manager is campaigning and they get warned and they don't stop, that they should -- they should be removed.

So, first of all, nobody was campaigning. I don't understand why Kathy -- I don't know if Kathy was just totally confused when she did this affidavit or if she flat out filed the false affidavit because I don't know what the affidavit actually said. I only know what the summary says.

But those sheriffs came two hours after I
had my exchange with her. After Tracey and I talked to her and I went outside and called the GOP hotline and told them what was going on. It was two hours before the sheriff came. So this -- this whole thing infers that there was this big dispute and, you know, I disrupted the election. Kathy literally said, "Go sit in the corner or I'm going to call the sheriff," and picked up the phone. It was that quick and that -- that bold and that demanding.

**MS. SULLIVAN:** Thank you.

Are there any of the board members prepared to make a motion?

**MS. GHAZAL:** I move that we bind this over to the attorney general's office for further investigation and resolution.

**MS. SULLIVAN:** I'll second that motion. Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** There are none opposed. That motion passes.

That goes to you.

Moving on, the next case on our agenda is 2020-273.
MR. CALLAWAY: Again this is multiple complaints in this one file.

The Georgia Secretary of State's Office received a call from an unknown individual regarding mailers that were sent to Georgia residents. The mailer was sent from "When We All Vote" and stated that starting on December 14th, they would be at select early voting locations with plenty of free food, music, masks, and hand sanitizer.

On December 28th and 29th, 2020, investigators with the Georgia Secretary of State's Office made contact with the individuals within the hundred-fifty-foot mark at two polling locations, representing "Vote Tripling."

These individuals were speaking with voters as they left polling locations from voting and asking them to text three friends to remind them to go vote. This was occurring within a hundred and fifty feet of polling locations.

On December 29, 2020, a complaint was received via e-mail from Katherine Hennessey (ph), advising that two individuals -- a young man and a young woman -- acting as poll watchers were standing in a designated loading area and
talking to people waiting in line to vote while not voting themselves. The individuals were not wearing name badges or identification designating them as poll watchers and speaking at the polls.

The investigation revealed a statement obtained from attorney Dara Lindenbaum with Sandler Reiff Lamb Rosenstein & Birkenstock, P.C., representing "When We All Vote," advised that the mailer encouraged voters to vote early and advertised events celebrating early voting. The mailer did not intend nor imply that free food or anything else of value was being provided for voting.

Further, all events were open to the public, not just voters, and the food was offered to all attendees. There were no complaints nor witnesses to these events occurring. And a search of the event section of "When We All Vote" website did not list any events that matched what described -- was described on the mailer.

Two of our investigators both entered -- encountered individuals associated with the organization "Vote Tripling," within a hundred and fifty feet of the polling location, asking voters exiting polls to text three friends to
remind them to vote. The incidents occurred in Alpharetta, Georgia and in Tucker, Georgia.

Our investigators photographed an instruction sheet in possession of one of the females that stated that in Georgia you must stand at least a hundred and fifty feet from the outer edge of the polling space and twenty-five feet from any voter standing in line to vote. There should be clear election area and limit signs and markers.

Investigator spoke with an area supervisor from a vendor of "Vote Tripling" in which he stated that all representatives of "Vote Tripling" that canvass the polls are given instructions to not be within a hundred and fifty feet of the polling location.

A statement from "Vote Tripling" as well as an instruction provided to canvassers of the polls also states in Georgia you must stand at least a hundred and fifty feet from the outer edge of the polling space and twenty-five feet from the people standing in line to vote. There was sufficient evidence to prove an election code violation occurred.

And on Complaint Number 3, we were unable to
identify the individuals described in the complaint to determine if individuals in question were poll watchers and were part of the -- they were not part of the poll manager -- and poll watchers have been verified by a list when they were provided and they would be wearing identification. There was no video available. According to the complaint, both would have been wearing masks.

In addition, based on the statements provided by the complainant, it did not appear that either of the individuals interfered with the voters or attempted to solicit any votes. There weren't any other complaints regarding these individuals.

The recommendation is for Kieno Smith to be bound over to the attorney general's office for O.C.G.A. 21-2-414(a)(1), restrictions on campaigning activities when asking voters to text three friends and remind them to vote within the hundred and fifty foot outer edge of the polling place.

**MS. SULLIVAN:** Thank you.

I understand there's one person that would like to speak on this case.
MR. NORTHEN: Dara Lindenbaum, you should be able to unmute yourself and speak.

MS. LINDENBAUM: Yes. Can you hear me?

MS. SULLIVAN: Yes.

MS. LINDENBAUM: Thank you for having me. Again, my name is Dara Lindenbaum and I represent "When We All Vote" which is an initiative of Civic Nation.

I do want to note that we did not receive any notice that this hearing was taking place. I -- I -- and that this matter would be on the agenda. I only am here because I called the SEB's office repeatedly to try to find out if this matter was going to be on the agenda and they were able to confirm it.

So for the reasons just discussed, the mailer in question and events fully complied with both the letter and spirit of the Georgia code. The mailer advertised events to celebrate early voting with no implication that attendance at the events and the availability of free food -- free food was conditioned on voting. The events themselves were open to the public and free food was provided to all in attendance, voters and nonvoters alike.
I think it's important to separate this case out from any of the other matters that you're considering that are tied up into this 2020-273 and that the case against "When We All Vote" be immediately dismissed.

I'm happy to answer any questions.

**MS. SULLIVAN:** Ms. Lindenbaum, you're not associated with Kieno Smith; is that correct?

**MS. LINDENBAUM:** That's correct.

**MS. SULLIVAN:** Okay. I believe that all of the -- the recommendation is to dismiss all of the complaints in this case involving "When We All Vote." I know you were concerned about notice. Is there -- I assume you don't object to that recommendation.

**MS. LINDENBAUM:** I certainly do not.

**MS. SULLIVAN:** Okay. I apologize that you did not get proper notice. Thank you for letting us know.

**MS. LINDENBAUM:** Thank you.

**MR. MASHBURN:** I move that we accept the recommendation that Kieno Smith be referred to the attorney general's office.

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

Is there any further discussion?
All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: In that none oppose, that motion passes. Thank you.

The next case is 2020-296, Henry County.

MR. CALLAWAY: On December 31, 2020, the secretary of state's office received two complaints.

Allegation 1, Mr. Larry Morey alleged that Henry County Board of Elections and Registration forwarded multiple absentee ballots to its own address.

Allegation Number 2, Mrs. Christine Law (ph) stated that she was a poll watcher and monitor for the audit conducted by the Henry County Board of Elections. Ms. Law stated that a male and a female worker were counting ballots in stacks of thirty instead of ten and that the ballots were on two different types of paper.

The investigation revealed under Allegation 1 the investigation did not find evidence to support a violation of Georgia election code.

Ms. Ameika Pitts, Henry County election supervisor stated that it was possible that duplicated ballots were mailed to Mr. Rawlinson
due to human error in printing of the labels. The elector was sent three and turned in two and voted one. The two that were turned in were spoiled.

Allegation 2, Ms. Ameika Pitts, Henry County election supervisor, said that the complainant could be referring to the electronic UOCAVA ballots that are printed by the voter on a personal printer, using the type of paper they wish to print it on. Once the ballot is opened by the election officials, it is then transposed onto a paper ballot by the vote review panel. The ballots will be in bundles up to 100.

The recommendations are as follows: Ameika Pitts be bound to the attorney general's office for Georgia election code 21-2-381(2)(a), making application for absentee ballots, when multiple absentee ballots were sent to Larry Morey. This is contrary to the statute that states a ballot shall be mailed and not ballots plural.

MS. SULLIVAN: Thank you.

I understand we have one person who would like to speak to the board about this case.

MS. PACHUTA: Yes. Can everyone hear me?

MS. SULLIVAN: Yes. Can you identify
MS. PACHUTA: This is Karen Pachuta. I'm counsel for Henry County and the board of elections and registration and also the staff members.

I believe if there any questions for the director, Ameika Pitts, she is available, if we have questions.

I do want to clarify though that Larry Morey did not receive any absentee ballots. He did not request absentee ballots and he did not receive any absentee ballots. He did not vote in the January 2021 election.

Our understanding is that he was filing a complaint on behalf of his mother-in-law who allegedly received multiple ballots. She did request an absentee ballot for the January 2021 election, was -- and returned one ballot that was counted received on January 5th.

When Ms. Pitts, the director, spoke originally to the secretary of state investigator, she had no direct knowledge that multiple ballots were mailed. She did, you know, concede that it -- it was possible that perhaps a staff member printed the label page twice, staff
were multitasking.

The general election was handled by the third-party vendor. But for the runoff, staff was handling. She -- you know, she admits it -- it's possible that an extra sheet of labels was printed that could have sent an extra ballot to Ms. Rawlinson (ph). She is just guessing at that. Only one was returned. So, again, you know -- and we haven't actually seen the extra ballots. I don't know if they've been shown to the secretary of state.

I know there was some confusion with voters that received the applications for absentee ballots from third parties. And a lot of times voters would call, you know, saying why did they get these, you know, ballots when actually they were applications.

So, again, to the extent to the secretary of state has not spoken to Mrs. Rawlinson directly, has only spoken to her son-in-law Mr. Morey, who did not receive any absentee ballots, I would object in the fact that that is, you know, secondhand knowledge.

And then, you know, while Ms. Pitts conceded the possibility of human error, we, you know --
we don't know if that occurred. There have been no other complaints. We haven't heard of anyone else receiving multiple ballots.

We would ask the board to find that there's insufficient evidence that a violation occurred and dismiss this action, or in the alternative, that a letter of instruction be issued.

**MR. MASHBURN:** Did the investigator -- this is Matt Mashburn. Did the investigator see the multiple ballots?

**MR. CALLAWAY:** In the investigative report, it stated that -- Mr. Morey stated that Mrs. Stewart wrote "spoil" on two of the absentee ballots and attempted to keep them in her possession.

There's nothing that I'm seeing that our investigators personally saw those absentee ballots because they were taken to the elections office. Based on the report, Ms. Judy Rawlinson -- they were sent to her. Mr. Morey stated that he took the absentee ballots to Mrs. Joy Stewart, early voting manager for Henry County.

**MR. MASHBURN:** Counselor, have y'all interviewed Ms. Stewart? Counsel for Henry --
for Henry County?

   MS. PACHUTA:   I have not. I have the
director, Ms. Pitts, on the board.

   My understanding -- if I could have
Ms. Pitts clarify this -- is that Mr. Morey did
did complain to the manager but did not leave
them. So I -- I don't -- we don't have copies
and he did not allow anyone there to take -- to
make any copies.

   MS. SULLIVAN:   Okay.

   MR. MASHBURN:   So we've got a factual
dispute between Mr. Morey and Ms. Stewart?

   MS. PITTS:     Hello, Board.

   MR. MASHBURN:   (indiscernible)

   MS. PITTS:     This is -- excuse me, may I
speak? This is Ameika Pitts, the director.

   MS. SULLIVAN:   You may speak. Go ahead.

   MR. MASHBURN:   Sure.

   MS. PITTS:     I hope all is well with you all.
To my remembrance, this -- our investigator did
get a statement from Ms. Stewart. I would have
to get them -- I wouldn't have those documents to
show at this moment, but I do remember her giving
a statement where he did come in and said that he
had received the ballots or whatnot from his
mother-in-law, not himself.

**MS. SULLIVAN:** Mr. Morey, I believe, is on the phone.

I'm going to unmute you at this time. You can address the board, Mr. Morey.

**MR. NORTHEN:** Mr. Morey, you should be able to unmute yourself.

**MS. SULLIVAN:** You should be able to speak now if you unmute yourself.

**MR. MOREY:** (inaudible)

**MS. SULLIVAN:** I believe that there is a bad connection. If you could --

**MR. MOREY:** Can you hear me? This is Larry Morey.

**MS. SULLIVAN:** Yes, sir, we can -- we can hear you now.

**MR. MOREY:** Can you -- can you hear me now?

**MS. SULLIVAN:** Yes, sir, we can hear you.

**MR. MOREY:** Okay.

**MS. SULLIVAN:** Can you hear us?

**MR. MOREY:** I -- I received the three ballots from -- at my home for Ms. Rawlinson. I took them to the voting office. She took them and went back to Ms. Pitts' office. And they came back. When they took those three ballots
back there, there was no difference in any of the three. Wrote on two of the ballots "spoiled."

Since then, the lady that did that has left and went to Butts County. I don't know why. The three were not in the log and I want to know why. And I don't care if it's a Republican or Democrat. That makes no difference to me. But I want to know why three ballots just alike come to one person to vote.

And -- and I really don't like for people to -- to not tell the truth about what I said and what I did. I want the truth to be told, okay?

**UNIDENTIFIED FEMALE SPEAKER:** You have the other two ballots in your possession.

**MR. MOREY:** What?

**UNIDENTIFIED FEMALE SPEAKER:** You have the other two ballots in your possession.

**MR. MOREY:** I still have those ballots in my possession. I have them right now. And the reason I wouldn't let her keep them is because she wrote on them, and she didn't have a right to do that. She -- she denied that they did it to start with. And I said: Ma'am, here's the -- here's the postmarks right here. You sent them to -- to my address. And then I said: And I
want to know why you did it and now why you wrote
spoiled on them that you didn't have a right to
do.

And I want you to -- I want your committee
to answer the simple question, why she did it and
why was those three ballots sent to Judy
Rawlinson. That's my question.

MR. MASHBURN: And -- and Ms. Rawlinson is
your mother-in-law?

MR. MOREY: She's my mother-in-law. I take
her -- when she goes to vote, I take her to
explain -- we go through all of the amendments
before we go -- leave the house, and I take her
up there and she goes in and votes, has done it
for years. She's an elderly woman and, you know,
that's just the way it is.

MR. MASHBURN: Hey, I'm sorry to -- I'm
sorry to interrupt you but what I'm going to do
is I'm going to make a motion to continue this
and send an investigator out to you to get those
ballots. Is that sensible?

MR. MOREY: I -- I'm -- and I have no
problem with that, sir.

MR. MASHBURN: All right. I'm going to --
now, he's going to have a badge and a gun. He's
a real law-enforcement. So don't be intimidated, okay?

MR. MOREY: I promise you I'm not intimidated. The facts need to be the facts. And -- and everybody up to this point on that end is just not telling the truth. And -- and, you know, that's just not -- that's just not right.

MR. MASHBURN: I don't mean to cut you -- I don't mean -- I don't mean to cut you short --

MR. MOREY: What --

MR. MASHBURN: I don't mean to cut you short but I'm going to make a motion that we continue.

MR. MOREY: Send you the ballots. I -- I'll do that.

MS. SULLIVAN: All right. We've got a motion to continue this case.

MS. LE: I'll second it.

MS. SULLIVAN: Any further discussions? All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes.

The next case is 2021-004, Dawson County.

MR. CALLAWAY: On 1/4/21, the Georgia Office of the Secretary of State's Investigations
Division received a complaint regarding double-voting attempts, here, in the Dawson County 2020 general and runoff elections. According to the complaint, Connie Cho (ph) requested and returned two absentee ballots by mail for the general election. She also returned an absentee ballot by mail and then appeared in person to vote during the runoff election.

Investigation revealed investigations conducted an interview with the voter, Ms. Cho. She stated she was enrolled in a work-study program in New York during this election cycle. She confirmed that she originally requested an absentee ballot be mailed to her Dawson County address of record but later requested that it be mailed to New York where she was attending school.

The only ballot that she received and returned was the general election ballot that was initially mailed to her Dawson County home and forwarded to her New York address by her mother. She decided to vote in person for the runoff election while visiting relatives in Georgia because she did not receive that request ballot in the mail. And she was ... if she suspected
anyone of intercepting and returning the ballots that were mailed to her New York address and she stated that she didn't think so.

Investigations conducted an interview with poll worker Beverly Ragsdale. She was informed that we were investigating the circumstances surrounding the issuance of Cho's in-person application for absentee ballot which resulted in double-voting during the runoff election.

After explaining what happened, she confirmed that she worked at the Dawson County 2020 general runoff election but she did not recall that particular incident with Ms. Cho. She explained her process for issuing ballots to voters with outstanding absentee ballots and stated that she was not sure why she would have issued one -- issued Cho a ballot if her ballot had already been marked as received in ElectionNet. She viewed her action of issuing a ballot to a voter who had already returned an absentee -- returned an absentee ballot as an oversight.

Investigations conducted an interview of poll worker Britney Payne (ph). She recalled the situation with Cho and stated the incident with
her general election ballot was a fluke. She remembered being in telephone contact with Cho and Cho expressing her concern that her ballot may not reach the election office in time due to ballot being issued to her Georgia address because she was living in New York at the time. Ms. Payne confirmed with Cho that she would cancel the ballot -- the first ballot and reissue a new one to her New York address.

When Payne received both ballots at the election office, she was under the assumption that Cho was trying to ensure at least one of her ballots was received, knowing that only one was active in the system. She did not suspect Cho of attempting to double-vote which is why she did not report the incident.

The recommendations are as follows: Beverly Ragsdale, former Dawson County poll worker, be bound over to the attorney general's office for State Election Board Rule 183-1-14-.09, voted absentee ballots, when she failed to verify if Cho had returned an absentee ballot prior to issuing a second ballot here, resulting in a double-vote during the Dawson County 2020 general runoff election.
Ms. Sullivan: I believe we have one person that would like to speak to the board.

Ms. Pachuta: Yes, Board Members. This is Karen Pachuta again. I also represent Dawson County and their board of elections and voter registration and the staff member.

We are aware that Ms. Cho has denied completing and returning her absentee ballot. The county is -- we're assuming there's a separate secretary of state investigation into that matter. We have not received any updates on that.

For the runoff election, Ms. Cho requested an absentee ballot on November 11th that was mailed on November 19th, and she returned it on December -- or it was returned on December 10th. She claims that she did not return that.

On December 31st, Ms. Cho arrived at the advanced voting precinct. When she checked in, she was flagged as having an absentee ballot issued and was sent to another station where they would go through the process of canceling any absentee ballots.

Beverly Ragsdale was working at that station. She'd been working in the Dawson County
elections office as a temporary part-time
starting in March 2020 and then became a poll
worker during the advanced voting period in
September. She -- I spoke to her and she
explained procedure was to check ENet. If the
absentee ballot had not been returned, then have
the voter complete the affidavit, cancel the
outstanding ballot, and allow the person to vote
in person.

On December 31st, there were 834 in-person
advanced voters. So Ms. Ragsdale, you know, when
the investigator spoke to her in -- I believe it
was October of this year, she does not have any
independent recollection, you know, of this
specific event or why she would not have seen in
ENet that a vote had already -- an absentee
ballot had already been returned on
December 10th.

Ms. Cho did sign the affidavit, stating that
she had not received her ballot and had not
returned a ballot and requested the new ballot,
allowing her to vote in person. And
Ms. Ragsdale, you know, gave her the card and
allowed her to vote.

Staff did -- other staff in the office did
realize approximately 15 minutes later as the system was updating. At that point, it was too late. Staff spoke to Ms. Cho about the double-voting. Ms. Cho was adamant that she had not returned that absentee ballot.

Again there was another incident in the general election with an absentee ballot Ms. Cho had canceled, one ballot that she had not received. Or she said that she had not received and requested a new one to -- at her New York address. Both were returned, although one had already been canceled. So that did not count.

Glenda Ferguson, she is on the phone and available for questions. She is the director for Dawson County and has been with Dawson since 2003. This is the first time any matter has -- in Dawson County that she is aware of since she has been there that has come before the state elections board.

She acknowledges, you know, that somewhere an -- you know, an error occurred, that it should've been caught and, you know, to have Ms. Cho aware that her ballot -- absentee ballot had been returned already so that she could not vote again.
Ms. Ferguson did try to research it later, when the investigation came up, in ENet, but the voters moved counties. So she could -- she could no longer access the record.

Ms. Ragsdale has no plans at this time to continue work as a poll worker. You know, it appears there may be potential fraud by a third-party as Ms. Cho, you know, denies having returned those absentee ballots, both in the general and in runoff elections. So we do hope that that is being investigated by the secretary of state's office.

If the board does find there's sufficient evidence that a violation by staff occurred, we would ask that the board recognize the exemplary history of Dawson County, you know, not having been before this board in at least 20 years and issue a letter of instruction.

**MS. SULLIVAN:** Do any of the board members have any questions for Ms. Pachuta or Ms. Ferguson?

    *What is the pleasure of the board?*

**MR. MASHBURN:** I think it's admitted that two ballots got issued in the name of the same voter; right? The question is whether or not it
was the same person or some unknown third-party who got the second ballot. But it's unquestioned that two ballots got issued in the same name; right?

**MS. SULLIVAN:** That appears to be correct.

**MR. MASHBURN:** So that would be -- that would be an error on the part of the county for which sufficient probable cause exists to send this to the attorney general's office.

I'd make a motion to refer this to the A.G.

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

Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed. That motion passes.

I noticed that Ms. Cho is not cited as a respondent here, but it appears that she may have voted twice in this election. So I would ask that the board go back and -- I mean the investigations team go back and look to see if we have a -- a potential violation there.

**MR. CALLAWAY:** Yes, ma'am.

**MS. SULLIVAN:** Thank you.

The next case on our agenda is SEB 2020-109.
MS. JONES: On December 28, 2020, we received a complaint regarding a food truck at Northside Library, a poll location located at 3295 Northside Parkway, Northwest, Atlanta, Fulton County, Georgia.

The food truck personnel were giving out free food items. This occurred during early voting for the special runoff election, January 5, 2021.

The investigation revealed the investigator went to the location and measured the distance from the edge of the library to the food truck. The distance was 92 feet.

The first person associated with the food truck identified himself as Mark and advised that if a person voted, they can get free hot chocolate, coffee, or doughnuts.

The second person, a Mr. Schamerhorn, advised that a person did not have to vote to get the free items. They were trying to get as many people to vote as possible.

The off-duty officer at the poll location verified the food truck staff had consulted with poll workers about where to set up. They were in the parking lot originally and had to move as
they were taking up too many parking spaces. The officer advised he did not observe anything he felt was campaigning at the food truck.

The poll manager advised that he did not observe anything that he felt was campaigning or a violation by the food truck.

**MR. CALLAWAY:** The recommendation is as follows: Travis Evan Schamerhorn be referred to the attorney general's office for O.C.G.A. 21-2-570 in that he did, while working as an employee on a food truck, parked in an (indiscernible) polling location while providing food and beverage, items of value to voters and campaigning by soliciting individuals to text three friends now and posting on the food truck along with other links to campaign.

**MS. SULLIVAN:** And we have no one here to address the board.

Do the board members have any questions for Mr. Callaway?

Motion -- go ahead, Mr. Mashburn.

**MR. MASHBURN:** I mean, it strikes me as campaigning. I mean, this strikes me as campaigning and it's within a hundred and fifty feet. So I think that probable cause exists to
believe a violation has occurred.

I move to forward it to the attorney general's office.

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

Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** And there are none opposed.

That motion passes.

At this time, let's take a ten-minute break. 2:40, we'll come back at 2:50, promptly.

(Break taken)

**MS. SULLIVAN:** Okay, we are back and we are starting with 2021-26.

**MR. CALLAWAY:** This has civil allegations in the case file. In January 2021, it was reported that the individuals were showing as registered to vote at UPS stores in Fulton County.

The investigation revealed in Allegation 1 Frederick Corey Prevost owns property in Mineral Bluff, it appears. He has family at the address that he had his absentee ballot mailed to in Vermont.

According to ElectionNet, he had registered at a UPS store mailbox in Alpharetta, Georgia.
The Vermont SOS voter registration records were checked and he was found not to be registered in that state.

The investigator interviewed Mr. Prevost who advised that he was in Vermont, visiting his mother over the holidays. He advised that he lives at 775 Georgetown Chase in Roswell with his daughter. And she's the respondent in Allegation Number 2.

He advised that he consist -- constantly travels, so he uses the UPS store mailbox as his mailing address. He advised that the property he owns in Mineral Bluff, Georgia is property that he rents out to others. He additionally advised that his daughter was visiting her sister in North Carolina and had her absentee ballot sent there.

Investigation confirmed that these two addresses, home address and P.O. boxes addresses, are not the same as the voting precinct.

Allegation Number 2, investigations interviewed Julia Prevost who advised that she uses the UPS store mailbox as her mailing address. She advised that she lives with her father at 7775 Georgetown Chase, Roswell, Georgia.
and was visiting her sister in North Carolina where she had the absentee ballot sent.

The investigation confirmed that the two addresses, home address and P.O. box address, are not in the same voting precinct.

Allegation Number 3, Terica Kindred possessed a UPS store mailbox. She has a recent address history at the address where the absentee ballot was sent, which is 1811 West 43rd Place, Los Angeles, California. It was also noted that she has a driver's license out of California which shows the same address.

A check with the California secretary of state's voter registration records shows that Ms. Kindred is registered to vote in California and had a California absentee ballot sent to the same address that her Georgia absentee ballot was sent to for the same election 11/3/2020. The California absentee ballot was issued on 10/5/2020. The Georgia absentee ballot for that 11/3/2020 general election and the 1/5/2021 runoff election were accepted.

It should also be noted that she renewed her Georgia voter registration on 10/19/2020.

Investigations contacted the California Secretary
of State to confirm this information and noted that the California absentee ballot was not return and counted. All contact attempts for the respondent have been met with negative results.

Recommendations are as follows: In Allegation 1, Frederick Corey Prevost be bound over to the state attorney general's office for O.C.G.A. 21-2-217(a)(1), rules for determining residency.

Allegation Number 2, Julia Prevost be bound over to the attorney general's office for O.C.G.A. 21-2-217(a)(1), rules for determining residency.

Allegation Number 3, Terica Kindred be bound over to the state attorney general's office for O.C.G.A. 21-2-561, false registration; O.C.G.A. 21-2-573, absentee voting by unqualified electors, two counts; O.C.G.A. 21-2-217, the residence of any person shall be held to be that place in which such person's habitation is fixed without any present intention of removing themselves therefrom.

She violated this law by failing to register at her new address within the same county that she moved to approximately two years ago. She
then requested to vote an absentee ballot using that old address.

**MS. SULLIVAN:** Thank you.

I believe we have a couple of people here who would like to address the board.

**MR. NORTHEN:** Frederick and/or Julia Prevost. You may --

**MR. PREVOST:** Hi. It's Frederick Corey Prevost. You have my name spelled wrong, by the way. There's an "e" between the "d" and the "r."

I am temporarily living in Roswell but my legal address is that UPS store on Crabapple Road. The -- it's my -- it's on my driver's license. It's on my passport. It's on everything legal that I was told I was allowed to use that address.

So I don't know what else to tell you. I -- I'm not voter fraud. I'm not doing anything illegal. I find it --

And I don't know who this Terica -- this third name on -- on there. Julia is my daughter, obviously. She lives with me, while, though, she has moved now to Seattle, Washington. She'll be no longer voting in Georgia at all.

But the -- the 12460 Crabapple Road is my
legal address. And -- and for the sake of
getting license plates and driver's license
and -- and tickets or any legal correspondence,
it goes to my P.O. box so it doesn't get lost or
stolen.

I had an absentee ballot mailed to me while
I was up in Vermont, taking care of my parents,
but that was a temporary trip and happened to be
during the election. And I am back in Georgia
right now, in Roswell.

**MS. SULLIVAN:** So, Mr. Prevost, you -- you
live in Roswell; correct?

**MR. PREVOST:** I do. I'm -- I'm in -- I'm at
the Georgetown Chase address 80 percent of the
time. I do own property up in Mineral Bluff,
Georgia, but it is a rental property and I don't
have anything mailed there for obvious reasons.
I don't want anyone getting my legal stuff or my
credit card bills or anything else up there. But
I live in Roswell with my girlfriend.

**MS. SULLIVAN:** And I think the reason that
you've been cited in this case is because under
O.C.G.A. 21-2-217(a)(1), your residence is the
place where you live, not -- and cannot be a UPS
box.
MR. PREVOST: Okay. Well, I don't -- I don't see that as being something that needs to be referred to the attorney general. I mean, I was told I could use that as my legal address for everything. Like I said, it's on my passport, driver's license, tax returns, everything. I pay taxes in the state of Georgia and that's where everything goes.

So I'd be happy to change it to my Roswell address if necessary, but the reason why I do that is it's -- it's a girlfriend situation. And quite honestly, I'm not sure how permanent that would be either. And I don't want to change my address every time. So I -- I've been using that 12460 address for 15 years.

MR. MASHBURN: When -- this is Matt Mashburn. When you vote in person, where do you go?

MR. PREVOST: The precinct is usually the elementary school on -- I don't -- I want to say Providence Road, but it's near the CVS and it's been at the Milton Public Library a couple of times as well.

MR. MASHBURN: So is -- is that closer to where you live or is that closer to your mailbox?
MR. PREVOST: It's probably -- it's closer -- definitely closer to the mailbox for sure. The -- the mailbox is at the Kroger -- the Kroger Crabapple Shopping Center at Rucker and Crabapple. And the -- yeah, I would say the Milton Public Library is probably a mile and a half up the road through two traffic circles.

MR. MASHBURN: So that -- go ahead. Go ahead.

MS. GHAZAL: Mr. Prevost, can you confirm with me that the Roswell address is in Fulton County?

MR. PREVOST: It's definitely in Fulton County. It's two blocks off of Canton Street in Roswell, Georgia.

MS. GHAZAL: So the residence and the -- and the registered address are both in Fulton County.

MR. PREVOST: That's correct. And I'm assuming because my legal address is in Alpharetta that you guys want me voting in the Alpharetta district. So, you know, I -- I go out of my way to not vote in Roswell elections or any of that stuff because of I'm not registered there. And I've never voted in any other state in the last 30 years.
MR. MASHBURN: Right. So we want -- so we want you to be voting for, like, a -- a local commissioner or a local school board where you live rather than where your mailbox is. That's the whole purpose.

MR. PREVOST: I -- I understand that. I understand that now, obviously, because, like I said, I was told that the -- the P.O. box can be my legal address. But truth be said, you know, I don't know if -- I'm not trying to be a naysayer and negative about my personal relationships, but we're both extremely independent people and I didn't want, you know -- something should happen to us, I didn't want mail continuing going there or whatever. But I would be happy to register at my Mineral Bluff address. That's fine.

MR. MASHBURN: Well, I think -- I think I agree with you that I don't see a purpose in -- in you going to the attorney general's office over -- over your dating situation. So --

MR. PREVOST: Love is a crime sometimes, but, yeah.

MR. MASHBURN: So I -- I'm willing to -- I'm willing to -- to issue a letter of instruction now that we're clear on the reason why the
statute is in place is to make sure that the local government is responsive to the people who live there.

   MR. PREVOST: Makes sense.
   MR. MASHBURN: And so I'm willing to -- in your case, I'm willing to move for a letter of instruction.
   MR. PREVOST: Would that suitable for my daughter as well? Because she was under the same instructions, mostly by her father.
   MR. MASHBURN: I think that's what Sara said.
   MS. GHAZAL: Yep, exactly. A friendly amendment.
   MR. PREVOST: I don't know who that third person you mentioned, Terica -- I have no idea who that is. Why is that tied to -- to my case at all?
   MR. MASHBURN: Y'all were probably in the same location, I -- where your mailboxes are probably in the same location.
   MR. PREVOST: Oh, okay. Okay. I -- because I don't know that person at all. I don't know if it's the same -- I don't know if it was a previous box holder of the same one or just the
same address in the same suite.

**MS. SULLIVAN:** It's unrelated. It's unrelated to you, sir.

**MR. PREVOST:** Okay. Okay.

**MS. SULLIVAN:** So we have a motion that's been amended to issue a letter of instruction to Mr. Frederick and Miss Julia Prevost.

**MS. LE:** Second.

**MS. SULLIVAN:** And a second. Any further discussion?

Well -- okay, well, while that motion is pending, we have some more people that need to speak. Who -- who else wants to speak?

**MR. NORTHEN:** Ms. Kindred.

**MS. SULLIVAN:** Okay. So we will take Ms. Kindred -- we'll go ahead and vote on this case and we'll take Ms. Kindred's complaint next.

So was there any further discussion? All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** There's none opposed. That motion passes.

Now we will hear from Ms. Kindred and address the allegations with respect to her.

**MR. PREVOST:** Thank you, all.
MS. SULLIVAN:  Ms. Kindred, you may speak.
    Thank you.

MS. KINDRED:  Hello. Can everyone hear me?
    Hello?

MS. SULLIVAN:  Yes.

MS. KINDRED:  Okay, perfect. So my name is Terica. I was born in Los Angeles, California. When I turned 18, I registered to vote in California, but I haven't voted since the 2008 general election.

    It was stated in the findings that I'm a current California citizen with a current California driver's license. And that finding is incorrect.

    At the end of 2010, I moved out to Atlanta. I bought a car in 2011 and I surrendered my California driver's license in 2011. And I haven't renewed another license in California since. And I do have documentation from the department of motor vehicles, proving this fact. And I got that on November 29, 2021.

    Currently, I hold an active Georgia real estate brokers license. I'm a Georgia -- I have a Georgia lenders license. During 2020, I even had a W-2 position at a local mortgage bank in
Suwanee. I have over 20 full-time real estate agents working for my real estate brokerage and a host of independent contractors for my development company. So I'm not a current California citizen and I do not have an active California license. It was also stated that I renewed my voter registration and received an absentee ballot from California and then requested an absentee ballot from Georgia. In 2013, I got a UPS store to receive packages and also to keep a stable address. I also worked with the public and I didn't want them to have my address for safety concerns and privacy. So I registered to vote with that address in 2016.

The state of Georgia didn't communicate with the state of California regarding my new voting registration. So as of today, my initial California voting registration for almost 20 years ago is still active even though I haven't casted a ballot in California for over ten years. I did receive an absentee ballot in 2020 from the state of California because they were part of a handful of states that sent absentee ballots to all active registered voters during
COVID-19. I didn't request that ballot nor did I use it.

When I renewed my Georgia driver's license in 2020, my registration to vote was also renewed through DDS. And I use my UPS store address on my driver's license and it's also the same as my initial registration. So I kept everything the same.

In 2020, I did go to 1811 West 43rd Place. That's my mother's house. It's been her home for over 40 years. I was in L.A. so we could help each other during COVID. I was not able to attend the election in person due to the pandemic and shelter-in-place. So I requested an absentee ballot. I received that ballot at my mom's house, which I was temporarily located at the time.

So I'm humbly asking the state election board to know it was never my intention to falsely register in 2016 with the UPS store address. I didn't understand the law. I didn't know that I was doing something wrong. It's the address I literally use for everything important in my life. My current driver's license is the same. And so I used it to register as well.
So I'm asking for the case to be dismissed or a letter of instruction to be issued to change the address from my -- from the UPS store to another address.

MR. MASHBURN: Okay. This is Matt Mashburn. So the state of California sent you a live ballot that you didn't ask for?

MS. KINDRED: Correct.

MR. MASHBURN: Right?

MS. KINDRED: Correct.

MR. MASHBURN: While you were a Georgia resident; right?

MS. KINDRED: Correct.

MR. MASHBURN: So California's mailing live ballots out to Georgia residents so they can vote in California; right?

MS. KINDRED: California is mailing out ballots to all active voters. If you go on the secretary website for the state of California, I am seen as an active voter -- I'm seen as an active registration. I never -- I -- it didn't -- didn't change.

When I registered to vote in 2016, nothing changed in California. But they sent out ballots to every active voter, like every active person
in their database. You can Google it.

MR. MASHBURN: I don't think it's your fault that California did something absolutely insane.

MS. KINDRED: Got it, yeah.

MS. LE: Did you --

MS. KINDRED: I mean, I didn't know why I got it. I actually called them and they said they were part of a -- COVID-19.

MR. MASHBURN: So I -- I move to dismiss it.

MS. LE: This -- this is Anh Le. I have a question. Did you notify California --

MS. KINDRED: One time --

MS. LE: -- of your Georgia residency?

MS. KINDRED: So I thought when I surrendered my license -- I thought that was done with California ten years ago, 2011. And then when I got the inspection -- or when I got you guys's letter, I called the department of motor vehicles because when they said I had an active California license, I was like, okay, identity fraud.

So when I called them, they confirmed that I did not have an active license. And I still have the old expired one from 2011. But I didn't know I -- I've been filing taxes for ten years, you
know, in Georgia. I didn't know -- I thought it was automatic that I was now a Georgia resident. I didn't know -- I don't -- I didn't know what to say to California. I don't even know who to contact.

MS. LE: Okay.

MS. GHAZAL: Mashburn, is your -- is your --

MS. SULLIVAN: I'll recog -- I'll recognize you for a motion at it -- I did not recognize you for your previous motion, if you would like to make a motion.

MR. MASHBURN: I'm -- I'm interested in the other comments of the board. But I just don't -- I don't see it's her fault that California did something that was nuts.

MS. GHAZAL: I'm surprised that California hasn't updated their voter list on a regular basis. But that's not our jurisdiction nor our law.

MS. LE: I -- I would suggest that some of our colleagues down at the secretary of state's office perhaps reach out to colleagues in California and suggest that they -- they join ERIC.

MR. MASHBURN: Agreed. Agreed.
MS. GHAZAL: As a -- as a measure here, the only violation that I see is a technical violation of registering at a -- a UPS store rather than a physical residence.

MR. MASHBURN: Yeah.

MS. GHAZAL: And I think in that -- for that case, I move that we issue a letter of instruction.

MR. MASHBURN: You're right, yeah. That's right, yeah.

MS. SULLIVAN: I'll second that motion.

MR. MASHBURN: That's right.

MS. SULLIVAN: Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any opposed? None opposed and that motion passes.

Thank you for being here.

The next case is 2021-61, Cherokee County.

MR. CALLAWAY: On February 12, 2021, in the Georgia Secretary of State's Office of Investigations, I received an e-mail from Anne Dover, director of the Cherokee County Elections and Voter Registration, advising that Howard
William Bryant, Jr., who was on felony status, registered to vote on November 2020, using online voter registration portal.

Howard Bryant, Jr. was issued an absentee ballot on December 1, 2020, placing a challenge to voter status on December 18, 2020 and deleted as a felon on January 28, 2021. Howard Bryant, Jr. was mailed a letter stating: Your right to vote has been challenged. And given time to prove their status prior to being deleted, the absentee ballot was received by the Gwinnett County elections office on December 20, 2020 and received by Cherokee County on December 28, 2020.

Anne Dover stated that she assumed that an employee in their office checking in ballots saw that Howard Bryant, Jr. was a -- a challenge voter, changed challenge voter status, and sent him a nonfelon affidavit.

Howard Bryant, Jr. completed and signed the nonfelon affidavit which was received on January 5, 2021. The ballot was not counted and the local state probation office was contacted to verify Howard Bryant, Jr.'s felony status.

According to probation, Howard Bryant, Jr. was serving two felony convictions. The e-mail
contained a copy of the nonfelon affidavit signed by Howard Bryant, Jr., absentee ballot envelope, and signed oath, as well as ENet information for Howard Bryant, Jr.

A complaint dated February 11, 2021 was received via mail and online from Janette K. Lawrence. According to the complainant, she had requested an absentee ballot for the January 5th general runoff election and received a ballot but ruined it. The complainant had marked both candidates for one senate seat and no mark for the second senate seat.

The complainant said that she followed the directions and wrote "spoiled" on both the ballot and the ballot envelope and returned it to the county elections office. When the complainant later checked the status of her ballot online, it was listed as received and accepted according to BallotTrax. Her ballot was accepted and her vote had been counted. A letter was also sent to Cherokee County elections office.

Complainant also stated -- the complaint also contained the e-mail confirmation reporting the incident to the secretary of state's office, BallotTrax registration, BallotTrax notification
that her ballot had been accepted.

On January 2, 2021, a complaint was received by the secretary of state's office from Terence Brown. According to Brown, he requested an absentee ballot to be sent to his apartment in Washington D.C. as he is a student -- as he is a student and away from his home. The ballot request -- requested was sent to his home address in Georgia and at the time he was unable to travel back to Georgia to vote in person.

On February 25, 2021, a complaint was received by the secretary of state's office from Gino Rizzi (ph). According to Rizzi, he had seen physical proof of a former classmate's -- and now resides -- now is a resident of Houston, Texas area post on her Facebook of her flying to Atlanta at the end of October to vote in the Georgia general election in November and returning back to Houston for several days after the election.

The investigation revealed Howard William Bryant, Jr. had been on active felony probation with the Georgia Department of Community Supervision with his most recent sentence date of July 27, 2018 for possession of a firearm by a
convicted felon and sentenced to four years on
probation.

On November 18, 2020, Howard William Bryant, Jr. registered to vote through the online
registration portal.

On December 1, 2020, Howard William Bryant, Jr. was issued an absentee ballot and placed into
a challenge voter status on December 18th and mailed a letter from the Cherokee County
elections office advising him of his status.

On December 28, 2020, Cherokee County elections office received a ballot for Howard
William Bryant, Jr. in which he signed the oath section.

On January 4, 2021, Howard William Bryant, Jr. went to Cherokee County elections office and
signed a nonfelon affidavit, confirming he was not currently serving a felony sentence.
Cherokee County elections officer advised that Howard William Bryant, Jr. was still on active
probation and his voted was not counted.

According to Howard William Bryant, Jr., he had received numerous solicitations by mail and
phone and was under the impression that he was eligible to vote. Howard William Bryant, Jr.
also stated that he never checked his
probation -- with his probation officer or anyone
within the Georgia Department of Corrections.

MS. SULLIVAN: Thank you.

No one has requested to speak on this case.

MR. CALLAWAY: The recommendations are for
Howard William Bryant, Jr., in Allegation 1,
dismiss allegations 2, 3, and 4.

And Allegation 1 bound over to the attorney
general's office for 21-2-573, absentee voting by
unqualified elector. Also O.C.G.A. 21-2-216(b),
qualifications of electors.

MR. MASHBURN: So there's three counts on
Complaint 1; right?

MR. CALLAWAY: That's correct.

MR. MASHBURN: All right. I move to send
all three to the attorney general.

MS. SULLIVAN: Second that motion.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There's none opposed. That
motion passes.

Next case is 2021-86.

MR. CALLAWAY: Executive assistant Brittany
Daniel with the office of Tennessee Secretary of State's Office advised a voter had been brought to their attention of possibly voting in Tennessee and Georgia.

The voter's name is Johnny Wilson and he may have voted during the November 3, 2020 general election in Tennessee and Georgia.

On March 31st, Brittany Daniel reported a second voter was brought to their attention as possibly voting in Tennessee and Georgia during November 3, 2020 general election. The elector's name is Raison (ph) Heather Brooks, and she is a registered voter in both Tennessee and Georgia.

The investigation revealed the Johnny Wilson that resided in Georgia and the Johnny Wilson that resided in Tennessee were two different individuals. They shared the same date of birth, first and the last name.

ENet in Georgia shows Raison Heather Brooks voted in Georgia during the absent -- advanced voting on October 16, 2020. Fulton County searched all their applications for one requested by Raison Heather Brooks but they were unable to locate it.

Investigator reviewed Raison Heather Brooks
and she reports she moved back to Tennessee as a permanent resident in July of 2020. Ms. Brooks denied voting in Georgia during the advanced voting on October 16, 2020. Ms. Brooks advised she would contact the Fulton County elections office and cancel her registration in Georgia.

On July 14, 2021, investigators received a statement from Ms. Brooks -- the officer provided a statement from the office manager, DeeAnn (ph) St. John. Ms. St. John reports Ms. Brooks was at work on October 16, 2020 from eight in the morning until five in the afternoon.

At this time, it cannot be sustained that Raison Heather Brooks voted in Georgia during the general election. Fulton County provided the voters list for the October 16, 2020 and the investigator did not find Raison Heather Brooks's name on the list. It appears Fulton County mistakenly gave Heather Brooks credit for voting and she did not vote in Georgia.

Our recommendations are as follows: Fulton County Board of Registration and Elections; Richard Barron, elections supervisor; Ralph Jones, chief registrar be bound over to the attorney general's office for O.C.G.A.
21-2-215(i), main office of board of registrars; business hours; registration cards and papers when they failed to enter credit for voting to the appropriate person and Raison Heather Brooks was given credit in error.

**MS. SULLIVAN:** I believe we have some people here to speak regarding this case.

**MR. NORTHEN:** David Lowman.

**MS. SULLIVAN:** Mr. Lowman, would you like to speak?

**MR. LOWMAN:** Yes.

**MS. SULLIVAN:** Please go ahead.

**MR. LOWMAN:** Again, David Lowman with the Office of the Fulton County Attorney.

Through research on the issue, Fulton County Department of Elections has determined that the advanced (indiscernible) advanced staff had been trained on the correct procedure for the credit, that the person that was involved in this situation did not follow the correct procedure. That person has been identified and has been retrained on the correct procedure.

And in addition to this specific training, more hands-on training for all advanced voting staff has been given. And because there was this
one count and this one issue, I would ask that in light of the additional training and the changes that have been made, that a letter of instruction be issued on this -- in this case.

MS. SULLIVAN: I believe we have some other people signed up to speak on this case.

MR. NORTHEN: Susan Rooks, you should be able to speak by unmuting yourself.

MS. SULLIVAN: Ms. Rooks? Ms. Rooks, would you like to speak regarding this case?

Ms. Rooks?

Is she unmuted?

MR. NORTHEN: She may unmute herself.

MS. SULLIVAN: If you unmute yourself, you should be able to speak.

Is there anyone else signed up?

MR. NORTHEN: That's it.

MS. SULLIVAN: Ms. Rooks?

In our materials, this case is -- references that the county and elector involved is Laurens County. It references the certification in Laurens County.

MR. CALLAWAY: That is correct. The reason for that is it originated as a Laurens County case and there was multiple complaints,
dealing -- we found the same issue. So that --
that person was brought -- the complaint was
brought into that case and it turned out to be --
respondent turned out to be Fulton County.

**MS. SULLIVAN:** Understood. Thank you.

Do any of the board members have a question
for Mr. Lowman?

**MR. MASHBURN:** This is Matt Mashburn.

Am I getting this right? Somebody voted in
person in advanced voting as Ms. Brooks and
Ms. Brooks says it wasn't her? And we -- we
think that it's because somebody in the back
office just entered the wrong name? Or help me
out here.

**MS. SULLIVAN:** Mr. Lowman, are you able to
address that question?

**MR. NORTHEN:** Mr. Lowman --

**MR. LOWMAN:** Yes. It -- it's my
understanding that it was a data entry issue. It
was not that someone came down impersonating
another voter, but that the voter credit was
given to someone else in error, an entry of
credit for voting.

**MR. MASHBURN:** I move to refer this to the
A.G.'s office.
MS. GHAZAL:  Second.

MS. SULLIVAN:  We have a motion and a second to accept the recommendation and refer this to the attorney general's office.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS:  Aye.

MS. SULLIVAN:  And there are none opposed. And the motion passes.

The next case is 2021-97.

MR. CALLAWAY:  McIntosh County elections director, Donna Gale, reported that when she went to the clerk's office -- the clerk of superior court's office to retrieve her absentee ballot envelopes and cure affidavits, she learned that apparently someone in the clerk's office had (indiscernible) a shredding company to shred the contents of one of her five boxes of the election paperwork that had been stored there.

Documents she needed as well as other documents were in the box that was erroneously shredded. Donna properly placed her documents in the clerk's office and the fault appears to belong to someone in the clerk's office.

The investigation revealed an investigation
into this complaint shows that McIntosh County election office transferred five boxes of election documents from the November 3, 2020 general election to the McIntosh County Clerk of Court's office on December 7, 2020 for storage purposes.

Election supervisor Gale went to the clerk's office on March 23, 2021 to serve a court order to make copies of all absentee ballot cure affidavit forms and absentee ballot envelopes that had -- that had to have a cure affidavit form to verify signatures that were requested by the secretary of state's office.

Ms. Gale discovered that the documents that were -- that were requested in one of the boxes were mistakenly shredded while inside the clerk of court's vault on February 19, 2021. The shredding company was contacted by the clerk of court's office to destroy the documents.

The lack of oversight by a clerk of court employee resulted in the destruction of the documents that could've been prevented if the shredding process had been witnessed by the employee to ensure the proper documents were destroyed. Other documents in the box were also
destroyed. The clerk of court is at fault in this matter.

The recommendations as follows: McIntosh County superior court clerk's office; Cheryl Harrison, clerk of superior court; Rebecca Todd, deputy clerk of court be bound over to the attorney general's office for O.C.G.A. 21-2-500(a), delivery of voting materials; presentation to grand jury; and in certain case, preservation and destruction; destruction of unused ballots when on February 19, 2021 the contents of a box containing election materials from the November 3, 2020 election, McIntosh County general election was mistakenly shredded while in the custody of the McIntosh County Clerk of Superior Court, one count.

**MS. SULLIVAN:** So it's my understanding that there's people who were to speak on this case who are no longer on this call.

Are there any questions for Mr. Callaway?

**MR. MASHBURN:** So a citizen was asking for records or a court was asking for records that they wanted to check on to verify something about the election; correct?

**MR. CALLAWAY:** I believe it our office that
actually asked for that, based on one of our investigations that was open.

MR. MASHBURN: Okay. So this -- so I make a motion this go to the A.G.

MS. SULLIVAN: I'll second that motion.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes.

The next case is 2021-98.

MR. CALLAWAY: Troup County election office reported that their office received voter registration applications where the signatures of the applicants were questionable. The applications were submitted by a representative of "The People's Agenda."

The investigation revealed -- the investigation by "The People's Agenda" the secretary of state identified Alexeev Harrison as having submitted a voter registration application for her mother Claire Harrison. Alexeev Harrison admitted filling out and signing her mother's name on a voter registration application submitted to the Troup County elections office on
March 11, 2021.

Alexeev Harrison said her mother is elderly and she assisted in filling out her voter registration application. Registered to Alexeev Harrison mother -- Harrison's mother has been registered -- been a registered Troup County voter since 2008.

Claire Harrison had previously signed an affidavit in Troup County election, attesting it was not her signature on the application submitted. An affidavit was signed by Claire Harrison on March 25, 2021. Alexeev Harrison admitted in a statement to investigators that she filled out the voter registration application form for her mother.

The investigation by "The People's Agenda" and the secretary of state identified Pamela Williams as having submitted a voter registration application for Lily Brooks. Ms. Brooks, who was already registered to vote in Troup County, confirmed that Pamela Williams signed her vote -- voter registration application.

Ms. Brooks had previously signed an affidavit for Troup County elections, attesting that it was not her signature on the application
submitted. The affidavit was signed by Louise Brooks on March 25, 2021.

Ms. Brooks informed the investigator that Pamela Williams filled the form out due to Ms. Brooks’s change in residency. Louise Brooks signed a brief statement acknowledging that Pamela Williams filed her voter registration application.

The recommendation is as follows: Alexeev Harrison be bound over to the attorney general’s office for O.C.G.A. 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of documents, neglect or refusal to deliver documents when she filled out a voter registration application in the name of her mother, Claire Harrison.

Alexeev Harrison admitted she filled out the voter registration application for her sick and elderly mother, Claire Harrison. Alexeev Harrison alleged -- stated -- admitted to filling out the recent voter registration application.

Pamela Williams be bound over to the attorney general's office for O.C.G.A. 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of
documents, neglect or refusal to deliver documents when she filled out a voter registration application in the name of Louise Brooks.

Louise Brooks was a registered voter in Troup County and signed an affidavit, attesting that she did not sign the recent applications to present to the Troup County election office. Louise Brooks confirmed Pamela Williams was the author of the voter registration application.

**MS. SULLIVAN:** And we have no one here to speak regarding this case.

**MR. MASHBURN:** Move to refer it to the attorney general's office.

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

Is there any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** None opposed. That motion passes.

Next case is 2021-110.

**MR. CALLAWAY:** In December of 2020, we received a complaint regarding 40 possible state-wide deceased voters during the 2020 general election.
Of the 40 suspected deceased voters, the investigation confirmed two to be fraudulent. The other 38 voters are either currently alive, they cast their ballot prior to their death, or their vote was a result of an election office administrative error.

The allegations with actual violations are as follows.

A vote was cast for deceased voter William Nelson via absentee ballot during the Cherokee County general 2020 election.

A vote was cast for deceased -- deceased voter Leon Rowe via absentee ballot during the Richmond County 2020 general election.

A vote was listed for deceased voter Mattie McDaniel via absentee ballot during the Fulton County 2020 general election. This was found to be in error as a voter with a similar name requested and voted a ballot but was listed in the system for the deceased person.

A vote was cast for deceased voter Charles Knight via absentee ballot during the Coweta County 2020 general election.

Alleged that a vote was cast for a deceased voter Steven Shaw via absentee ballot during the
Lowndes County 2020 general election. It was later determined the county gave credit to the incorrect Shaw who was deceased. The person casting the ballot is the eligible voter and alive.

In Allegation 1, a vote was cast for deceased voter William Nelson via absentee ballot. According to ENet, William Nelson was on a roll -- a rollover list and he was automatically issued an absentee ballot for the Cherokee County 2020 general election. The ballot was mailed to the address on record, located at 321 Orchard Drive in Canton, Georgia and returned to the election office on 9/24/2020. On 1/2/21, the election office changed Nelson's ENet profile from active to deceased. According to Nelson's obituary, he died on 9/6/2020.

The investigators interviewed William's wife Sharon Nelson. She stated that she assisted her husband with signing his ballot and confirmed that he died on 9/6/2020.

We informed her that her husband's ballot was not mailed to him until 9/18, the first day that ballots were allowed to be mailed. However,
she insisted that he signed his ballot in the hospital, prior to his death. She went on to say that her husband was a Republican and that she knew how he would've voted.

In Allegation 2, a vote was cast for deceased voter Leon Rowe via absentee ballot during the Richmond County 2020 general election.

According to ENet, on 9/22/2020, Leon Rowe requested an absentee ballot for the Richmond County 2020 general election. The ballot was mailed to his address of record, located at 2508 Becket Court in Augusta and returned to the election office on 10/2/2020.

On 1/21/21, the Richmond County election office canceled Leon's voter registration and listed him as deceased. Prior to 2020, Leon had not participated in a Georgia election since 2012. According to Leon's obituary, he died on 12/2/2013. His mother, Alline Rowe also resides at this address on record.

Upon review of Leon and Alline's signed oath envelopes and other election records, the handwriting on Leon's oath envelope is consistent with Alline's handwriting. However, Alline is currently deceased as well.
In Allegation 3, a vote was listed for deceased voter Mattie McDaniel, cast via absentee ballot during the Fulton County 2020 general election. On ENet, Mattie Mae McDaniel registered to vote in Fulton County on 6/9/12. Her date of birth is 8/13/1930. Her address of record was 2141 Springdale Road, Apartment 42, in Atlanta.

On 9/2/20, elections clerk S. Owens processed a change of address for Mattie Mae, based on mail-in application. Her new address was 555 McDaniel Street, Apartment 42, Atlanta, Georgia 30312.

The investigation revealed election clerk Sonia Owens mistakenly processed Mattie Belle's change of address under Mattie Mae's election ENet account. As a result, Mattie Belle's absentee ballot was issued to her under Mattie Mae's account.

Allegation 4, it was alleged that a vote was cast -- cast for a deceased voter Charles Knight via absentee ballot during the Coweta County 2020 general election. According to ENet, Mr. Charles Knight registered in Coweta County on 9/29/2020. The date of birth is 5/4/78. The address of
On 10/9/2020, Knight requested an absentee ballot be mailed to 401 Justice Boulevard, Griffin. The ballot was returned to the election office on 11/2/20 and accepted. On 11/10/20, the election office flagged Knight's ElectionNet record as a convicted felon.

The investigation revealed that Knight is currently alive but a convicted felon. According to the Georgia Crime Information Center, Knight has an active warrant for felony probation. His current record indicated he was most recently arrested by the Spalding County sheriff's office.

Allegation Number 5, deceased voter Steven Shaw cast an absentee during the Lowndes County 2020 general election. According to ENet, Steven Shaw was registered in Lowndes County on seven -- on 7/8/2011. His date of birth: 7/27/1980. Address on record is 411 Pendleton Place, Apartment 7, Valdosta, Georgia.

On 9/21/2020, he requested an absentee ballot be mailed to P.O. Box 24 in Valdosta, Georgia. Election associate R. Knight processed the request. The ballot was returned to the
election office on 2/16/21 and it was canceled.

On 2/16/21, the Lowndes County election office canceled Shaw's voter registration and listed him as deceased. According to Shaw's obituary, he died 12/2015.

The original allegation is not substantiated as the person who made the request is living. However, there is sufficient evidence has proved a Georgia election code violation occurred when the county processed the request under the incorrect name of a different Mr. Shaw that is actually deceased.

The recommendations are as follows: Sharon Nelson bound over to attorney's office for O.C.G.A. 21-2-562, fraudulent entry when she signed and returned an absentee ballot on behalf of her deceased husband during Cherokee County 2020 general election.

Sonia Owens, Fulton County elections clerk be bound over the attorney general's office for O.C.G.A. 21-2-218(c), address change and corrections, when she processed a change of address under the wrong voter registration record.

Charles Knight be bound over to the attorney
general's office for O.C.G.A. 21-2-561, false registration, when he registered to vote in Coweta County while serving a sentence for felony -- for a felony pursuant to O.C.G.A. 21-2-216(b), O.C.G.A. 21-2-563 (sic), absentee voting by unqualified elector, when he voted in the Coweta County 2020 general election while serving a sentence for a felony pursuant to O.C.G.A. 21-2-216(b).

Rebekah Knight, Lowndes county elections clerk, be bound over to the attorney general's office for O.C.G.A. 21-2-381(b)(1), making of application -- apply for absentee ballot, when she issued an absentee ballot to a deceased voter and not the correct requestor as placed on the application without verifying all of the information.

**Ms. Sullivan:** Thank you.

I believe we have several people signed up to speak.

**Mr. Northern:** We have Rebekah Knight and Barry Bishop.

Rebekah Knight, you'll be able to talk. Unmute yourself.

**Ms. Sullivan:** Ms. Knight, you may go ahead.
MS. KNIGHT: Hi. This is Rebekah Knight. Can y'all hear me?

MS. SULLIVAN: Yes, we can.

MS. KNIGHT: Okay. I just wanted to inform that -- that it's saying in the case that all of this was discovered in February of 2021 and that I was no longer there then. I was fired back in November of 2020. And it says that the reason for my termination was because of the improper processing.

However, when I was fired, they told it was because I was no longer -- that they no longer required my assistance. And with it being all being discovered in February, I was not informed of it -- of this until I was -- until I got a call in August by the investigator which is why I don't recall any -- any of this.

MS. SULLIVAN: Thank you, Ms. Knight. You have no memory of this situation.

MS. KNIGHT: No, ma'am. Because, like I said, I was fired back in November of 2020 and all of this was discovered in February of 2021. And I wasn't informed until Aug -- of August of 2021 when the investigator gave me a call about it.
And he had asked me if I had known anything about this, and I told him I had no recollection of it.

**MS. SULLIVAN:** Do any of the board members have any questions for Ms. Knight?

Okay. And who else do we have here to speak?

**MR. NORTHEN:** Barry -- Barry Bishop.

**MS. SULLIVAN:** Mr. Bishop, you may go ahead.

**MR. BISHOP:** Unmute I guess. Can you hear me now?

**MS. SULLIVAN:** Yes, sir.

**MR. BISHOP:** Thank you. Madam Chairman, I -- first of all, I'd like to say it's been a real education for me to sit here all day and listen to these cases. I guess no one is aware of what's going on with the voter -- voter system in Georgia, but it's a real education.

I represent Sharon Nelson who is the 74-year-old widow of William Nelson. The -- I've heard the allegations and it's pretty much accurate what's been described.

My client and her husband were on the absentee roll to receive the absentee ballots for the general election in September of two -- in
2020 for November. He did pass away
September the 6th, I believe. She -- prior to
that he -- she and her husband had talked about
voting and how he was a staunch Republican and he
was going to vote Republican. And she says,
well, I'm going to cancel your ballot because
I'm -- I'm voting Democrat. So it was kind of a
joke between the two of them.

He died. She received the absentee ballots
and to carry out his wishes she sent both ballots
back in, both hers and his, with him voting
Republican and her voting Democrat. She now
realizes that was not the thing to do. She
shouldn't have done that, did not realize that it
was anything wrong other than she was carrying
out the wishes of her husband.

Later on, both of them did receive -- or she
received for herself and her husband the absentee
ballots for the runoff election. At that point,
she talked to her grandson who advised her, well,
my granddad's deceased, you need to send in your
ballot but not -- but not his. So she did that.
She sent in her absentee ballot for the runoff
election. She did not send in her husband's for
the runoff, based upon what her grandson had told
her was what she needed to do.

She didn't realize that she was violating anything when she did this. She only thought she was carrying out her husband's wishes. She's obviously remorseful for this and realizes that -- that it was a mistake. But she was under a lot of emotional stress, medication, confusion, and just did not do the right thing at the time and didn't seek advice on what to do.

So we would request a dismissal of this case.

**MR. MASHBURN**: Yeah. Can't -- this is Matt Mashburn. I -- I appreciate your presentation. I thought it was well done.

I can't see to dismiss. And the reason why I can't see to dismiss is because of the damage that this does to the belief of the other people in the system that you really did have a dead person vote in Georgia. And so that creates damage throughout the system and people don't believe the system because this happened.

Now, that being said, if it goes to the attorney general, one of the things they're going to do is enter a cease-and-desist order which means she's not going to do it again. And I
think she's properly instructed now that she's not going to do it again.

So I can't see my way clear to dismiss it, but I don't think sending it to the attorney general is a good use of their resources or are of benefit because I think she's remorseful. You made a good presentation on her behalf.

So I'm going to move that a letter of instruction be issued.

MR. BISHOP: I understand.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion?

MS. LE: I respect the motion and the second. I will not support the motion. I think there's a direct violation, albeit a mistake. And voting rights are not assignable. And for that reason --

Remorse is something we hear a lot and it's something I really appreciate because sometimes we do make these mistakes unknowingly. However, the law is what it is and for that reason and because of consistency with past cases, I will not support the motion, respectfully.

MS. SULLIVAN: Thank you.
Is there any further discussion?

All in favor of the motion, please vote by saying aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And all opposed, please say nay.

THE BOARD MEMBERS: Nay.

MS. SULLIVAN: The motion is not going to pass for lack of a majority.

MR. MASHBURN: Okay. So we have a -- we have -- we must -- we must deal with the case in some fashion. So the next -- I can't -- I just can't see to dismiss it. So it seems that the will of the board is deadlocked at -- at doing something, but what is that something?

So I think the attorney general can weigh the appropriate aggravating and mitigating circumstances and come to a just and proper solution, based on the board's comments today.

So with that, I'll move to -- either allow Anh Le to make a motion to send it to the attorney general or I'll make the motion to send it to the attorney general or second hers. However ...
I'll make the motion to send it to the attorney general.

MS. LE: I'll second that. This is Anh Le.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

That motion passes. That deals with the allegations regarding Ms. Nelson.

We also have recommendations -- the remaining recommendations in this case.

Mr. Callaway, would you remind us.

MR. CALLAWAY: Yes. Charles Knight be bound over to the attorney general's office for O.C.G.A. 21-2-561, false registrations. He registered to vote in Coweta County while serving a sentence for felony punishment pursuant to O.C.G.A. 21-2-216(b), O.C.G.A. 21-2-573, absentee voting by unqualified elector, when he voted in the Coweta County 2020 general election while serving a sentence for a felony, pursuant to O.G.C.A. 21-2-216(b).

MR. MASHBURN: It was -- it was believed that he was deceased but he -- he was not deceased but he was a felon.
MR. CALLAWAY: That's correct. The original complaint was that he was deceased and the investigation revealed he was alive but a convicted felon under probation -- under sentence.

MR. MASHBURN: I move that that be referred to the attorney general.

MS. SULLIVAN: I'll second that. Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: None opposed. That motion passes.

And then we have a last allegation regarding Lowndes -- former Lowndes County election clerk Ms. Knight.

MR. CALLAWAY: Rebekah Knight, Lowndes County -- former Lowndes County elections clerk bound over to the attorney general's office for O.C.G.A. 21-2-381(b)(1), making of application for absentee ballot, when she issued an absentee ballot for a deceased voter, not the correct requestor reflected on the application without verifying all of the information.

MS. SULLIVAN: I believe that Ms. Knight is
still on the line.

Ms. Knight, do you work in elections at --
at all now?

MS. KNIGHT: No, ma'am.

MS. SULLIVAN: And do you have any intention
of working --

MS. KNIGHT: No, ma'am.

MS. LE: Because Ms. Knight is no longer in
elections, her actions taken during this time was
in the capacity of an elections representative, I
don't have facts here that support fraudulent
activities in her personal capacity but that
there is a technical violation for that reason.

I move to issue a letter of instruction if
that is the will of the board.

MS. SULLIVAN: I'll second that motion.

Is there any further discussion?
All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.
That motion passes.

MR. MASHBURN: And before we move on, does
that complete this ...

MS. SULLIVAN: It does.

MR. MASHBURN: Before we move on, Madam
Chair, if I could make an inquiry.

Is this -- and this is probably a completely unfair question for the investigator now, but does this complete our dead voters? No, we still have more?

MR. CALLAWAY: We've got a few more --

MR. MASHBURN: Okay.

MR. CALLAWAY: -- that we're looking into.

MR. MASHBURN: A handful? Ten? Twenty?

MR. CALLAWAY: There's a north and a south. Macon and Atlanta are doing separate cases now, as well, should -- should be wrapped up here by the end of the month.

MR. MASHBURN: Okay. And if you had a ballpark figure, is that unfair? Is that unfair? Put you on the spot? Can you get us that number?

MR. CALLAWAY: I can get you that figure, yes, sir.

MR. MASHBURN: Okay. Yeah. If you can get us that number because we -- there's this original allegation that there were 1200 dead people that voted in Georgia. We found five that were all voted by close family members and the rest were either alive or felons or whatever.

So the soonest we can wrap that part up, I
think it would be helpful to the people's confidence.

Mr. Callaway: Yes, sir.

Mr. Mashburn: Thank you.

Ms. Sullivan: I will take this opportunity to compliment the investigations division.

Mr. Mashburn: Yes.

Ms. Sullivan: They have cleared a tremendous backlog of cases --

Mr. Mashburn: Oh my gosh, yes.

Ms. Sullivan: -- in the last couple of years.

And we do thank you for all of -- all of your hard, dedicated work to -- to get -- to clear that backlog.

Mr. Mashburn: Agreed. Agreed.

Ms. Sullivan: The case on the agenda is 2020-111.

Ms. Jones: On 6/14/21, the Georgia Office of Secretary of State's Investigation Division initiated an investigation regarding the collection of absentee ballots from drop boxes during the Fulton County 2020 general election.

There was an allegations that the Fulton County elections office failed to provide
approximately 385 drop box -- ballot transfer forms during the open records request which represent undocumented chain-of-custody for approximately 18,900 absentee ballots.

The investigation revealed in the initial response to the news article, open records request did not contain all the requested records. The requested -- the records, sorry -- the records provided represented approximately 56,000 absentee ballots of the 78,000 reported to be collected by Fulton County on the spreadsheet included with the open records request.

The election official responsible for preparing the files failed to save all of the records to the flash drive that was provided to the -- to the news agency. After being contacted by the news agency in question about the discrepancy, the election office conducted an internal audit of the records and Fulton County elections chief, Nadine Williams, created a flash drive that contained all of the records they were able to locate on 6/17/21.

On 6/22/21, the secretary of state's office reviewed ballot transfer forms provided by Williams. On 6/17/21, this review was able to
account for a total of 78,383. However, there were still 58 missing ballot -- missing ballot transfer forms. These forms accounted for 892 absentee ballots and 13 collection dates.

On 6/24/21, our investigation -- investigations conducted a follow-up interview with Williams. Investigations requested that she provide video surveillance for each date and location that she was not able to provide a ballot transfer form and where there appeared to be only one courier documented on the ballot transfer forms. Investigations also asked she provide the names and contact information for each of her couriers and their signed oaths.

On 6/30/21, Williams provided her list of the absentee ballot collection teams and their signed oaths and video surveillance from the drop-box locations that were missing ballot transfer forms. Of the 50 members of the absentee ballot collection team, Williams provided 40 signed oaths. The oaths were not dated or notarized. She stated she cannot locate the others.

Williams submitted a request to the Fulton County technical operations manager to obtain
video surveillance on the date of the missing ballot transfer forms. Surveillance footage was only available for three locations.

On 11/2, a review of this footage revealed two couriers collecting ballots from each location. Footage for the earlier dates were not retained by Fulton County IT department. Williams stated she contacted the managers of each collection team and confirmed each team consisted of two couriers and all ballot boxes were checked daily.

On 7/8/21, investigations interviewed three members of the absentee ballot collection team and they were able to confirm the collection process described by Williams as well as the alternate process that resulted in two sets of ballot transfer forms.

Recommendations are as follows:

Fulton County Board of Elections and Registration; Richard Barron, elections supervisor; and Nadine Williams, Fulton County elections be bound over to the attorney general's office for board rule 183-1-14-0.6-.14(10), secure absentee ballot drop boxes, when the election office was unable to produce 58 drop-box
ballot transfer forms for the 2020 general election.

Ralph Jones, former chief registrar; Nadine Williams, Fulton County be bound over to the attorney general's office for O.C.G.A. 21-2-95, form of manager's oath, when she failed to maintain copies of oaths for each member of the absentee ballot collection team.

Fulton County Board of Elections and Registration; Richard Barron, Fulton County; Nadine Williams, Fulton County be bound over to the attorney general's office for board rule 183-1-14-0.6-.14(5), secure absentee ballot drop boxes, when the election office failed to retain absentee ballot drop-box surveillance video for the 2020 general election.

**MS. SULLIVAN:** Mr. Lowman, would you like to address this complaint?

**MR. LOWMAN:** Yes, I would. I believe -- I believe I have Nadine Williams, chief of elections, on the line who can speak to the issues in this case.

**MS. SULLIVAN:** I don't -- she's not available?

**MS. WILLIAMS:** Hello.
MR. NORTHEN: Ma'am, you should be able --

MS. SULLIVAN: Yes, Ms. Williams. You can un mute yourself.

MS. WILLIAMS: Okay, I'm sorry. I -- I was trying to un mute. Well, the report reads out of the 1,035 absentee ballot transfer forms, 58 were missing. Please be advised that -- that 35 of those forms were located and provided to the SOS around June 25th. Therefore, 23 forms were misfiled.

Unfortunately during most of those dates, the 23 missing transfer forms, which was October 14th to October 20th, permanent management staff and experienced temporary staff were out of the office due to a COVID-19 outbreak and temporary management unfortunately misfiled the forms.

To avoid this occurrence in the future, we have drafted standard operation procedures and retrained all staff on proper filing of transfer forms. We have also converted the SOS absentee drop-box ballot form to a four-part carbon, so for additional form tracking.

Regarding the oaths which were not properly completed, we have retrained staff regarding the
completion of those forms and retention.

Regarding the video surveillance, because our understanding per SEB 183-1-14-.8-.14, the surveillance videos were to be kept 30 days postelection date. Therefore our video storage system was not programmed to retain video by the date of this request which was approximately a hundred and fifty days postelection date. But any videos that were still available were provided to the SOS.

And that completes my statement.

**MS. SULLIVAN:** Thank you, Ms. Williams.

Does Ms. Ghazal have a question?

**MS. GHAZAL:** No. I just wanted to thank Ms. Williams for outlining all of the steps that you have taken since then to provide back-up systems. Thank you.

**MS. WILLIAMS:** Thank you.

**MR. MASHBURN:** This is Matt Mashburn. I have a couple questions for the investigator.

So we started out with approximately 78,000 votes that were -- that were dropped in ballot boxes; right?

**MR. CALLAWAY:** Yes, sir.

**MR. MASHBURN:** All right. And y'all have
been able to identify 78,383.

**MR. CALLAWAY:** Yes, sir.

**MR. MASHBURN:** Okay. And so the report was that there was 56,000 missing. And then it was down to 18,000 were missing. And so now we're down to 892.

**MR. CALLAWAY:** Correct.

**MR. MASHBURN:** Okay.

**MS. SULLIVAN:** And, Ms. Williams, can I confirm that while the ballot transfer forms may not be identified, all of these ballots still underwent the same process as every other absentee ballot. So they underwent the signature verification and they were checked in just like any other absentee ballot; is that correct?

**MS. WILLIAMS:** Yes, that is correct.

And may I also state that the count -- and I'm sorry I don't have that number in front of me -- is less 800. I think it was 898. Because we did find the 35 forms. So it's less than that number for the absentee drop -- for the absentee ballots that -- for the forms that match those ballots.

But our log -- we had a daily log that we kept that was not required. But we kept a log
that it was also posted on our website. And
those -- we can see the numbers that are on that
form -- I mean, that were -- that were -- that
were copied from their form. But unfortunately
the forms were misfiled.

But we have a log of what the count was for
each day that the form is missing.

**MR. MASHBURN:** So you -- you know what boxes
and what dates those 892 are -- were submitted;
right?

**MS. WILLIAMS:** It is -- yes. Yes. It's
less than 892 but we know the exact date, exact
box that -- of the missing form. Yes, we do.

**MR. MASHBURN:** And that's posted on your
website?

**MS. WILLIAMS:** We had it on our website at
the time. We had a spreadsheet that we kept for
full transparency of the -- how much we collected
every day from every drop box.

**MR. MASHBURN:** Thank you.

**MS. WILLIAMS:** You're welcome.

**MR. MASHBURN:** I appreciate the hard work
that the secretary of state's office has done on
this. This is a -- this is a very big issue,
both in Georgia and nationwide. So y'all's
investigation is really important and I appreciate you doing it.

And I believe that the result of the investigation does indicate a violation has occurred. And so I move that it be recommended to the attorney general's office.

But I appreciate your hard work. I appreciate Fulton County's hard work in trying to recover as much as they can and get as much as they can.

But the video and the sheets were just central pillars of allowing the drop boxes to exist. And what they were supposed to do didn't happen. So I do -- I do find a violation has been shown with probable cause.

**MS. SULLIVAN:** Is that a motion?

**MR. MASHBURN:** Yes. I move to send it to the attorney general's office.

**MS. SULLIVAN:** Is there a second?

**MS. LE:** This is Anh. I second it.

**MS. SULLIVAN:** Any further discussion?

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** There are none opposed. That motion passes.
The next case is 2021-130.

MR. CALLAWAY: On 9/9/21, secretary of state investigation division received a complaint regarding the residency status of Fulton County voter Lewanna Tucker for the August 2020 general primary runoff, the 2020 general election, and 2021 January 5th runoff elections.

The allegation is that Lewanna Tucker moved prior to these elections and voted out of district.

The investigation revealed Lewanna Tucker did early advanced vote three separate times at the Alpharetta Library. This was not her voting precinct. She filled out the application for advanced early voting by absentee, using her old address and did not inform Fulton County elections staff of her change of address when she checked into the polls and filled out the application on all three occasions.

She did not update her address to elections until a year after she had moved. She did not move -- She did this on June 24, 2021. She also did not update her address on her license until August 31, 2021.

The investigation revealed that Lewanna
Tucker voted out of district on three separate occasions, filling out and signing the applications for absentee ballot and attesting to the incorrect address for the August 11, 2020 general primary special election for the 5th Congressional District, November 3, 2020 general election, and the January 5, 2021 senate runoff.

Recommendations are as follows: That Lewanna Tucker be bound over to the attorney general's office for Georgia election code 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of documents, neglect or refusal to deliver documents, when Lewanna Tucker used an address on her August 11, 2020, November 3, 2020, and January 5, 2021 applications for early advanced in-person voting oaths which she no longer resided, three counts; Georgia election code, O.C.G.A. 21-2-218(f), cancellation of registration in former state or county, address changes or corrections, in that Lewanna Tucker used an address on her August 11, 2020 general primary runoff, November 3, 2020 general election, and January 5, 2021 senate runoff applications for early advanced in-person voting
oath in which she no longer resided, three
counts; O.C.G.A. 40-5-33, require change of
address or name, when she failed to update her
Georgia driver's license within 60 days as
required by law.

   MS. SULLIVAN: Yes, Ms. Ghazal.
   MS. GHAZAL: I recuse myself in this case.
   MS. SULLIVAN: Okay. And there is no one
here to speak on this case.

   I will make a motion that we accept the
recommendation.

   MR. MASHBURN: Second.
   MS. SULLIVAN: I've got a motion and a
second.

   Any further discussion?
   All in favor, please say aye?

   THE BOARD MEMBERS: Aye.
   MS. SULLIVAN: And there are none opposed.
And let the record reflect that Ms. Ghazal did
not vote in that motion that passed.

   The next case is 2021-132.

   MR. CALLAWAY: Paulding County election
employees reported a voter living in Paulding
County and voting in Fulton County.

   The investigation revealed Ms. Holloway has
lived in Paulding County for almost three years. Her drivers license and vehicle registration list a residence at 6737 Bill Carruth Parkway in Hiram. That's in Paulding County.

Ms. Holloway voted in Fulton County for the November 3, 2020 and January 5, 2021 elections. She believes that she could vote in Fulton County because she and her ex-husband own a residence at 2817 Arlington Road in East Point.

Paulding County did inform her that that was not the case and Ms. Holloway refused to believe that.

The recommendations are as follows:
Aruanita Holloway be bound over to the attorney general's office for O.C.G.A. 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of documents, neglect or refusal to deliver documents in that, to wit, that Ms. Holloway used an address on her January 5, 2021 application for early advanced in-person voting oath that says she wished to use an address that -- in which she no longer resides.

O.C.G.A. 21-2-218, two counts, in which Ms. Holloway used an address on a January 5, 2021
application for early advanced in-person voting
oath in which she no longer resided and voted in
the January 5, 2021 elections. Ms. Holloway also
voted in the November 3, 2020 general election.

MS. SULLIVAN: It's my understanding that
Ms. Holden is here.

Would you like to address the board?

MS. HOLDEN: Thank you. I'm just here,
available for any questions that the board may
have.

MS. SULLIVAN: Okay. I don't think there
are any questions for you. Thank you for being
here.

Are there any other individuals here?

MR. NORTHEN: No, ma'am.

MS. SULLIVAN: No other individuals signed
up to speak.

MR. MASHBURN: We appreciate their diligence
in catching this.

MS. SULLIVAN: Yeah.

MR. MASHBURN: I move to refer this to the
attorney general's office.

MS. SULLIVAN: Second.

Any further discussion?

All in favor, please say aye.
THE BOARD MEMBERS: Aye.

MS. SULLIVAN: None opposed. That motion passes.

And the last case on our agenda today is 2021-137.

MR. CALLAWAY: Athens-Clarke County elections director Charlotte Sosebee advised that a citizen had filed for two voter registration I.D. cards under two different names in September of 2021.

The investigation revealed that Lopez Diego Borders came to the Athens-Clarke County elections office on 9/7/2021 and applied for a voter I.D. card in the name of Antonio Riaz (ph). On 9/23/2021, he came into the office again and applied for a voter I.D. card in the name of Timothy White. He was not using his identification cards for voting at this time, however, appears to fraudulently cashing checks with them.

He is also wanted by Athens-Clarke County law enforcement for forgery and theft. Athens-Clarke County elections did not violate any election law or rule in issuing the IDs. They were following Georgia election rules in
issuing the IDs, using the voter application form he filled out at the time as proof of his identity.

Our recommendations are as follows: Lopez Diego Borders, alias of Antonio Riaz, alias of Timothy White, be bound over to the attorney general's office and also the district attorney's office for O.C.G.A. 21-2-561, false registration, and O.C.G.A. 21-2-562, fraudulent entries, four counts respectively on that one; and on O.C.G.A. 21-2-561, two counts.

**MS. SULLIVAN:** Thank you, Mr. Callaway.

And this individual is not here to address that. So I would make a motion that we accept this recommendation and refer to both the attorney general and the district attorney.

**MR. MASHBURN:** Second.

**MS. SULLIVAN:** Is there any further discussion?

**MR. MASHBURN:** Thanks to Charlotte Sosebee for catching this one.

**MS. SULLIVAN:** Yes, thank you.

All in favor, please say aye.

**THE BOARD MEMBERS:** Aye.

**MS. SULLIVAN:** Any opposed? That motion
passes.

The next item on our agenda is the attorney general report. We have the first number of consent orders to consider. We normally vote on these as a block.

Are any of these cases that any member would like to speak about individually?

We also have the -- let's go ahead and entertain a motion on these consent orders then.

MR. MASHBURN: Move to approve in -- on -- in a block.

MS. SULLIVAN: Do we have a second?

MS. LE: Second.

MS. SULLIVAN: All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Any further discussion?

And we're -- this is a long day.

And there's none opposed. That motion passes.

Then we have the orders and dismissals listed on the agenda: Case 2016-34, 2015-4, and 2016-179.

Would any board member like to discuss any of these individually?

We can entertain a motion at this time then.
MR. MASHBURN: Move to approve in a block.

MS. SULLIVAN: Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

That motion passes.

And there being no further business before us today, I make a motion to adjourn.

MS. GHAZAL: Second.

MS. SULLIVAN: All in favor?

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Thank you very much for all who joined us today. Thank you for all the work of all of those (indiscernible).

Thank you so much. We are adjourned.

(Adjourned at 4:12 p.m.)
CERTIFICATE

STATE OF GEORGIA

I, Mary K. McMahan, Certified Court Reporter, Certified Verbatim Reporter, Registered Professional Reporter, Florida Professional Reporter certify that I was authorized to and did stenographically report the foregoing proceedings through audio-conferencing and that the transcript is a true and complete record to the best of my ability through stenographic notes.

DATED this 25th day of January, 2022.

/s/ Mary K. McMahan
MARY K. MCMAHAN
Certified Court Reporter
Certified Verbatim Reporter
Registered Professional Reporter
Florida Professional Reporter
MS. SULLIVAN: Good morning, this is Rebecca Sullivan. We're going -- thank you all for being here. We're going to go ahead and call this meeting to -- of the State Election Board to order.

For purposes of the record, I'd like to call Ms. Le.

MS. LE: Present.

MS. SULLIVAN: Ms. Ghazal.

MS. GHAZAL: Present.

MS. SULLIVAN: And let the record reflect that Mr. Mashburn will be joining us at a later point in today's meeting.

We'll start with the invocation and Pledge of Allegiance. If you'll please join me in prayer.

(Invocation)

(Pledge of Allegiance)

MS. SULLIVAN: The next item on our agenda is to review the board meeting minutes from the October 28, 2021 meeting of the State Election Board. The board members have been provided those minutes and at this time I'll entertain a motion to approve them.
the interviews of Fulton personnel and other --

November.

the -- the runoff following that, the end of

last November's general municipal election and
election-day voting, and tabulation during both
conducted observation of early voting,

performance review remains ongoing. The team has
secretary of state's office. The Fulton County
Panel's work.

to give us an update on the Fulton County Review unan-

imously.

And next on the agenda, Mr. Germany is going
to give us an update on the Fulton County Review Panel's work.

Mr. Germany?

Mr. Germany: Thank you, Madam Chair.

This is Ryan Germany, general counsel in the
secretary of state's office. The Fulton County
performance review remains ongoing. The team has
conducted observation of early voting, election-day voting, and tabulation during both
last November's general municipal election and
the -- the runoff following that, the end of
November.

The next step in our process, we'll conduct
the interviews of Fulton personnel and other --

that would like to speak regarding a consent case. If you could let me know which ones those are.

MR. NORTHEN: So we have Nancy Stephens on case number 2020-006.

Just a moment, Ms. Stephens. You will be
unmuted.

MS. SULLIVAN: At this time, we'll go ahead
and present the case.

MS. JONES: Complainant self-reported to the
secretary of state's office that Hancock County
didn't handle qualifying properly for the May 19,
2020 general primary election in Hancock County.

The investigation revealed that Hancock County handled the qualifying of Democratic and Republican candidates for the May 19, 2020
general primary election within the time limit set out by O.C.G.A. 21-2-131. The deadline of February 1, 2020 was met when the fixing and qualifying fees was posted in the Sparta Ishmaelite newspaper. Qualifying was completed by the Democratic and Republican parties in Hancock County within the qualifying period of March 2nd through March 6th, 2020.

Our recommendation is this case be dismissed.

MS. SULLIVAN: Ms. Stephens, would you like to address the board regarding this case?

MR. NORTHEN: Ms. Stephens, you'll need to unmute.

MS. SULLIVAN: Ms. Stephens, if you would like to speak, you need you to unmute yourself and you may go ahead and address the board.

MS. STEPHENS: Nancy Stephens. Can you hear me now?

MS. SULLIVAN: Yes, ma'am.

MS. STEPHENS: During the 2020 election year, I was the acting election supervisor for approximately six weeks, from mid February to the end of March. I was BOER member and was asked to fill in when our election supervisor resigned at the end of January 20, 2020 and through the presidential preference election.

Our board of commissioner chair had hired the election supervisor from McDuffie County as a liaison to help me with any assistance that I needed. None of our new equipment had been checked in, so I was trying to do that as well as stay on top of what needed to be done for the upcoming election.
When the question of qualifying came up, I asked our liaison what I needed to do. I was advised that I could either take care of the qualifying or tell the political parties they needed to handle the qualifying themselves. I should've verified the -- that information I received from the liaison was correct, but I did not.

I advised the political parties that they should handle their own qualifying. Shortly before the qualifying period ended, the county Republican party chair had some questions, and it was then that I realized that I should've handled the qualifying myself. I found that neither political party had provided the information to me about qualifying by deadline dates and it should've -- I should've handled the qualifying as well as the actual advertising.

I called Chris Harvey and told him what I had done and asked what I needed to do to fix the situation. We went over several items and determined that while I had missed key dates, there were not any candidates that were prevented from qualifying timely.

This was all reported to the secretary of state investigators. I learned quite a few things from this. In speaking with political party chairs and advising them of what should've happened and dates that were missed, I found that the political parties were unaware of these requirements. It appeared the qualifying had not been handled correctly in Hancock County for quite a while, if ever.

I advised the political parties, the BOER, and later the new elections supervisor of the county correct procedures and code sections that were to be followed in the future.

Thank you for hearing me.

UNIDENTIFIED FEMALE SPEAKER: Yes.

MR. NORTHEN: Yeah. We have case number 2021-132.

MS. SULLIVAN: If you would go ahead and present that case.

MS. JONES: On October 22, 2020, investigations was forwarded a complaint, alleging a person in possession of an undetermined number of absentee ballots appeared...
without members of the other party being present to observe the process as unsubstantiated. No new evidence or documentation was provided to support the claim.

The investigation confirmed that Floyd County Board of Registrars complied with the Georgia State Election Board Rule 183-1-14-.06-.14(10) as the county arranged for the collection of absentee ballots from each drop box, arranged for collection of absentee ballots to be made by a team of at least two sworn volunteers, and provided the sworn oath and signed ballot transfer forms completed by the volunteers sworn in as election clerks.

The recommendation is to dismiss the case.

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The investigator did not speak to any complainants or witnesses that provided any confirmation or proof that actual voting or proof of voting was required to participate in receiving the items.

The investigation revealed no evidence to sustain the allegation of 21-2-570, giving or receiving, offering to give or receive, or participating in the giving or receiving of money or gifts for registering as a voter, for voting, or voting for a particular candidate.

The group was identified by complainants as Black Lives Matter. They had a bus and had a Santa passing out gifts to children and adults, asked to complete a form to vote for Democrats in Black Voter Matters.

The investigator interpreted it, we suggest that you reach out to the investigations division for further application of the code and how the board interprets it, we suggest that you reach out to the investigations division for a particular candidate.
entertain a motion regarding the consent cases.  

MS. LE: I move to approve the consent cases as a block.

MS. SULLIVAN: Is there a second?

MS. GAHAL: Yes. I second.

MS. SULLIVAN: We have a motion and a second. Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes.

Moving on, the next item on our agenda are the letter cases. Are there any people signed up to speak regarding these cases?

MR. NORTEN: No.

MS. SULLIVAN: Okay. We'll go ahead and present SEB Case Number 2020-188.

MS. JONES: This case has multiple complaints. Michelle Saylor (ph) reported that her absentee ballot was not counted. Gregory Branch reported he and his wife, Amanda Branch, mailed their absentee ballot in and they were not counted. Collette Devine (ph) reported that she and a poll watcher -- she was a poll watcher and not allowed to properly view the process. Shawn Hagenbuch here.

MR. HAGENBUCH: Thank you.

MR. NORTEN: That is the extent of those (indiscernible) consent cases before 9:05 a.m. when you announced the beginning of the meeting.

MS. SULLIVAN: Thank you. So at this time the board will consider the recommendations for the consent cases on our agenda, including case 2020-256.

Let the record reflect that 2020-125 has been continued.

Would any of the board members like to pull off any of the cases on the agenda for further discussion or to vote on separately?

There being none, at this time I'll

Bach reported she voted in advanced in person and her vote was not counted. Linda Kent reported an absentee ballot was requested by someone other than her mother, Lillian Kent. Ryan Johnson reported his voting address was changed from Cherokee County to Douglas County.

The investigation revealed -- investigations were not able to determine if Michelle Saylor requested or returned an absentee ballot for the November 3, 2020 election. Investigation did not find evidence of a violation of state election law or state election board rules.

Investigations were not to determine if Gregory or Amanda Branch requested and returned an absentee ballot for the November 3, 2020 election.

There was no evidence to suggest that Ms. Devine was not provided the ability to view the processing of absentee ballots. There was no evidence to suggest there were not three election employees in the room where the absentee ballots were being processed.

Shawn Bach reported: We found discrepancies between the machine count and the ballot count.

Cherokee County Assistant Elections Director
I've got just a couple of comments.

Ms. Bach, thank you for joining us today.
And I certainly understand your concern about making sure that your vote counts. And you’re right, clerical errors do happen. And in fact, the fact that you did not receive credit in ENet for your vote doesn’t mean that your vote didn’t count.
I think it’s really important that voters understand when they vote in person and they put that vote in through the scanner, your vote is counted then and there. And whether the system -- the voter registration system accounts for the fact that you checked in doesn’t mean that your vote didn’t count.
So I just wanted to make sure that you understand that your vote did count. It was counted as soon as you put it through that scanner. And that’s a misunderstanding that voters sometimes have. And it’s important that folks recognize that.
I also wanted to note the mistake that was made with Mr. Johnson. And that’s deeply unfortunate that his voter registration was moved. But I’d like to point out there are some -- there are some details in that that I think are important to highlight. And that is that the mistake was made because there was a registered voter with the same first name, same last name, and same date of birth. So it was -- there was a Ryan Johnson whose middle name is Christopher who was mistaken for Ryan Eugene Johnson with the same date of birth.
And these are -- with a state with 10 million people and millions and millions of registered voters, you are going to find that sort of thing. And that again is not an indication of any sort of fraud. It is a clerical error.

MS. SULLIVAN: Thank you, Ms. Ghazal.

Some board members?

Thank you.

I was able to find out for myself that mine didn’t vote. I’m -- I’m concerned how many other votes weren’t counted in Cherokee County based on these kinds of mistakes.

That’s all for me.

MS. SULLIVAN: Thank you.

Is there anyone else?

MR. NORTHEN: Not for this case.

MS. SULLIVAN: Okay.

Do any other board members have any questions?

MS. GHAZAL: Yes. This is Sara Ghazal.
ballot. Although Deborah could not speak, she was able to communicate to Beverly that she had already completed an absentee ballot for the runoff election. She did so by refusing to sign the ballot and answering a series of yes or no questions.

Beverly spoke with the staff at Grace Healthcare of Tucker and confirmed that the activities division registered Deborah to vote in DeKalb County under the name Deborah Daniel, although Deborah's legal name is Deborah with a different spelling, she typically signs her name as Deborah.

According to ElectionNet, Deborah has been a Fulton County registered voter since 1996. Her name is listed as Deborah; her date of birth, 9/29/53; and last four of her social was 5964. Her address of record is 9470 Hunting Cliff Trail, Atlanta, Georgia 30350.

On 9/3/2020 Deborah requested an absentee ballot for the Fulton County 2020 general election. It was mailed to her address of record and return to the elections office on 10/31/2020 and accepted. Her ballot for the runoff election was automatically mailed out to her address of record.
Staff simply checked to see if she was registered in DeKalb County, which she was not, and then submitted her voter registration application to the DeKalb County elections office.

My interview with DeKalb County registration technician Dionna Brewer revealed that she failed to confirm that Deborah was not registered in any other county prior to processing her DeKalb County voter registration. She also processed her registration without proof of identity, stating it was an administrative error and when she checked the wrong box in ElectionNet when she -- when asked if proof of identity was provided.

Investigations conducted an interview with Deborah by asking her a series of yes-or-no questions. We first established her cognitive skills by asking basic questions, such as name and date of birth, the current year, and the current president. She confirmed that she had always been a Fulton County registered voter and that she had never voted in DeKalb County.

Investigations asked her if any of her sisters delivered an absentee ballot to her and she stated no. She stated the only absentee ballots that she received were delivered to her by Grace Healthcare of Tucker staff which contradicts Beverly's statement that her sister Robin delivered a ballot to Deborah on two -- 10/2020. We showed Deborah her DeKalb County application and her voter registration application for the absentee ballot. She recognized her signature but she did not recall completing the forms. Deborah Daniel inadvertently cast a ballot in DeKalb County as well as Fulton. She did not recall this due to her (indiscernible) state of mind.

I make a recommendation for Deborah Daniel to be issued a letter of instruction for O.C.G.A. 21-2-572, repeat voting in the election, when she voted absentee ballots in Fulton and DeKalb County during the 2020 general election; Dionna Brewer, DeKalb County registration technician, and DeKalb County Board of Voter Registration and Elections Office be referred attorney general's office for O.C.G.A. 21-2-216(g)(1), qualifications of electors when the registration office failed to verify the identity of a voter; processing their voter registration, resulting in duplicate voter registrations, and misspelling of a voter's legal name.

Ms. Chandler?

Ms. Chandler?  This is Anh Le and I'm going to recuse myself from this case, please.

Noted.

I believe that there is a further investigation into whether or not that's fine.

I make a recommendation for Deborah Daniel to be issued a letter of instruction for O.C.G.A. 21-2-572, repeat voting in the election, when she voted absentee ballots in Fulton and DeKalb County during the 2020 general election; Dionna Brewer, DeKalb County registration technician, and DeKalb County Board of Voter Registration and Elections Office be referred attorney general's office for O.C.G.A. 21-2-216(g)(1), qualifications of electors when the registration office failed to verify the identity of a voter; processing their voter registration, resulting in duplicate voter registrations, and misspelling of a voter's legal name.
Correct, Mr. --

MR. CALLAWAY: That's correct. And that recommendation is going to be for Dionna Brewer, a DeKalb County registration technician; DeKalb County Board of Voter Registration and Elections Office be referred to the attorney general's office for O.C.G.A. 21-2-216(g)(1), qualifications of electors when the registration office failed to verify the identity of the voter prior to processing their voter registration, resulting in duplicate voter registrations; and misspellings of voter's legal name.

MS. SULLIVAN: Are there any questions for the investigator?

MR. MASHBURN: No. And I move that we accept the recommendation.

MS. SULLIVAN: We have a motion. Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

Ms. Le has recused herself. That motion passes.

Is that all of the recommendations in that case?

MR. NORTHEN: No additional.

MS. SULLIVAN: Do any of the board members have any questions?

MR. MASHBURN: I'm sorry. Election -- what was the recommendation? I didn't see it.

MS. JONES: A letter of instruction be issued.

MR. MASHBURN: I move that we accept the recommendation and issue a letter of instruction.

MS. SULLIVAN: Is there a second?

MS. GHAZAL: Second.

MS. SULLIVAN: A motion and second. Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. That motion passes.

Next we're moving on to the investigation cases, the new cases.

SEB case number 2019-44 is our first case, City of Riverdale.

MS. JONES: On November 7, 2019, the investigations division opened an investigation regarding a complaint that the City of Riverdale

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Correct, Mr. --

MR. CALLAWAY: Yes, ma'am.

MS. SULLIVAN: Okay. Thank you.

We move on to the next case of 2021-113, Toombs County.

MS. JONES: On June 29, 2021, investigations was forwarded a complaint alleging elector Oliver Prescott photographed his ballot while inside the polling place.

The investigation revealed that the respondent in the case, Oliver Prescott, is alleged to have photographed his ballot during early voting inside the Toombs County voting precinct. Prescott admitted photographing the ballot and further explained he always had.

Our recommendation is that Oliver Prescott be issued a letter of instruction for violation of 21-2-413(e) for photographing his ballot while early voting inside the Toombs County election precinct.

MS. SULLIVAN: Thank you.

And we have someone here to speak?

MR. NORTHEN: That person has left the call.

MS. SULLIVAN: Okay. So no one else signed up to speak on this case?

Rodney Lawrence asserts that he lost the Ward 2 election by nine votes and claims that he might have actually won the election if he had been provided an opportunity to address the 45 voters who were moved into Ward 2 on October 31, 2019. There were only three voters out of the 47 that voted in the election and only one that had voters not in their proper district. On conducting (indiscernible) about it during the early voting period for 11/5/2019 municipal elections, the Clayton County Elections Office discovered several errors that had been made regarding placement of voters in the Riverdale city council wards.

On October 31, 2019, Clayton County Elections Office made the following changes to Riverdale city council wards: 536 through 614. Denham Street was updated to all -- all Ward 2 from Ward 4. Forty-five voters were affected. 614 Denham Street remains Ward 4 with no voters impacted. 632 Camp Street was updated to Ward 4 from Ward 2 and no voters were impacted. 1183 King Road was updated from Ward 1 to outside the City of Riverdale and two voters were impacted.

Rodney Lawrence asserts that he lost the Ward 2 election by nine votes and claims that he might have actually won the election if he had been provided an opportunity to address the 45 voters who were moved into Ward 2 on October 31, 2019. There were only three voters out of the 47 that voted in the election and only one that
voted an incorrect ballot. The remaining voters were corrected in the system.

MS. SULLIVAN: Thank you.

I think we have someone that signed up to speak.

MR. NORTHEN: Yes, we do. We have Charles Reed and Shauna Dozier.

Mr. Reed, when you unmute yourself, you should be able to speak.

MR. REED: Good morning. Can you all hear me?

MS. SULLIVAN: Yes.

MR. REED: Okay. Good morning, Madam Chair and other board members. I’m Charles Reed, representing the Clayton County Board of Elections and Registration and Ms. Dozier.

I wanted to kind of give you all a little factual background. So in 2017, the Clayton County Board of Elections had a contractual obligation to conduct the City of Riverdale’s elections. And as part of that contractual obligation, the board of elections implemented redistricting changes for the City of Riverdale.

And Ms. Dozier, she worked with the then city clerk Sylvia Vaughan, along with a GIS coordinator for the city. And in 2017, Ms. Dozier provided a step-by-step update of the districting maps during that process and city officials were fully involved in that process.

And prior to finalizing those redistricting changes and generating the precinct cards in ENet, Ms. Vaughan approved all of those changes that were made.

And so even though the board of elections conducted those 2017 elections, even though it was a contractual obligation, the board of elections always encourages extensive input by the municipalities in the redistricting process, basically as a best practice to make sure that the municipal experts are in the know because they are the ones who know geography of the city.

And I believe that those 2017 e-mail exchanges were provided to the investigators prior to the investigation into this case.

So then fast-forwarding to -- to July 19, the board of elections sent a municipal street audit to each municipality to give them an opportunity to review and make any recommendations for changes prior to the start of early voting to ensure that all of the streets in the district correct. And unlike in 2017 where the board of elections had a contractual obligation to run the city’s elections, in 2019, Ms. Vaughan was conducting the election for the City of Riverdale.

And July 24, 2019, Ms. Vaughan signed off on a form, a verification form, indicating that street lists and districts in Riverdale were correct prior to the 2019 November general election.

In October of 2019, during early voting, Ms. Vaughan contacted Ms. Dozier and informed her that a voter had stated that they had voted in the wrong district -- or they were assigned in the wrong district. And then upon research, it was identified that the voter was correct.

And to ensure that there were no other voters that were impacted and despite the assurances from the signed verification form in July that all of the districts were correct, Ms. Dozier on her own conducted a full voluntary street audit of the City of Riverdale streets.

And at that time, she saw there were a few other segments that needed correction and that information was passed on to Ms. Vaughan along with a list of instructions on how to code a ballot for any voter impact.

And so the information that was read in the -- in paragraph 2 of the findings on the summary section were all of the streets and everything and those changes, that information was taken verbatim from the e-mail that was sent from Ms. Dozier to Ms. Vaughan, alerting Ms. Vaughan of the errors that Ms. Dozier found in the street audit and those actions that were taken to correct those errors.

And so in addition, Ms. Dozier also provided Ms. Vaughan a list of the impacted voters and the board of elections provided notifications immediately to each voter. Ms. Vaughan was also reminded to offer a provisional ballot to voters when necessary. And Ms. Dozier made herself and election staff available to assist Ms. Vaughan during this process.

Ms. Dozier is obviously sincerely apologetic to the voter that was impacted by the City of Riverdale and the board of election and registration.

Since this incident, the board of elections and Ms. Dozier continue to send municipal audit
MS. SULLIVAN: Thank you, Mr. Reed. 

MR. REED: That's correct.

MR. MASHBURN: This is Matt Mashburn. I have a question. Counselor --

MR. REED: Yes.

MR. MASHBURN: -- were you involved in the civil -- in the civil action? Was that a contest? Was that an election contest?

MR. REED: No. I don't -- we were not involved. If there was any civil litigation related to this election, no, we were not involved in that.

MR. MASHBURN: Okay. I just -- I just see
there's only one vote that was affected relating to Mr. Lawrence's election. There was a -- I don't believe there were any -- there were not, you know, ten people or -- he said he lost by nine votes. I believe the actual official results, may've been eight from what we can determine. But there was not enough people who were affected that would've affected his election.

The only thing that we can determine is that Tony Thomas -- and the only way we knew that this person was even affected was from what the state -- from what the investigator provided to us in this report. When the person who came to us -- this was a totally different person. When they came to us -- were referred to us from Riverdale, that correction was made and their ballot was able to be counted.

And I believe anybody else that was affected, there was -- they were able to cast their ballots provisionally and all their votes were counted.

MS. SULLIVAN: Thank you.

Any additional questions for Mr. Reed?

Would anyone like to make a motion?

MR. MASHBURN: Second.

MS. SULLIVAN: Any further discussion by the board members? All -- go ahead.

MR. MASHBURN: Just a further point on that is I appreciate ameliorative efforts. And whenever there's a problem, it's great when people try to do whatever they can to correct it and make sure it doesn't happen again.

But when people don't get to vote, then you failed in the fundamental job of -- of what you're doing. So I agree with Anh on that.

But I do want to echo Sara's comment that I appreciate them taking efforts to correct it and work on it and I'm sure the attorney general's office will be very well receptive to that as well. And I know they'll appreciate that as well. So that's my rationale.

MS. SULLIVAN: Any further discussion?

All in favor of the motion, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

That motion passes unanimously.

The next case is 2020-35, Talbot County.

MS. JONES: The Talbot Elections (indiscernible) reported that four potential double voters returned absentee by mail ballots that were accepted and counted. They also went in to cast their votes. This occurred at the Flint Hill polling precinct in Talbot County on June 9, 2020, general primary election.

The investigation revealed that four Talbot County voters -- JoAnn and Robert Ellison, James Hardnett and Andredra McDowell -- voted twice during the June 9, 2020 primary election. Each of the voters had applied for absentee ballots and completed them and sent back to the Talbot County Registrar's Office. On election day, the four voters went to the Flint Hill polling precinct, Flint Hill fire station, and 173 Flint Hill in Shiloh, Georgia, wanting to vote in
Robert Ellison, James Hardnett, and Andrea McDowell be bound over to the A.G.'s office for violation of 21-2-572, repeat voting in a primary or election.

**MS. SULLIVAN:** Do we have anyone here to speak?

**MR. NORTEN:** We have Marjorie Howard.

I sent you a prompt to unmute yourself. You need to do that and begin speaking.

**MS. HOWARD:** Yes. Thank you very much. Are you able to --

**MS. SULLIVAN:** Go ahead.

**MS. HOWARD:** -- hear me?

**MS. SULLIVAN:** Yes, ma'am.

**MS. HOWARD:** Thank you very much for giving me an opportunity to speak.

I'd like to point out that Flint Hill is our busiest precinct within Talbot County and of which we have seven. During this time, Ms. Searcy was a brand-new poll manager. I had three of them during this particular election because our three former precinct managers who are elderly decided they did not want to risk exposing themselves in working in the election.

We had gone through extensive training with our precinct managers and with the poll workers on how to handle situations like this. And I put it -- I put the details in our statements when we worked with Investigator Monroe regarding this because I actually reported it myself when we discovered this on June the 12th. We were in the process of certifying our election.

We discovered that these four people had been allowed to vote again on the touchscreen.

And since we had never had this situation before, I contacted my liaison at the time, Robin Carr, to find out how -- what we needed to do because we wanted to report it to the secretary of state once we discovered this had been done.

The way that this happened -- and there should be a copy in our file of the statement from Ms. Searcy because we went through extensive training to explain to the precinct managers and the poll workers that if a Poll Pad showed that a person had been issued an absentee ballot or they voted an absentee ballot, our registration office should've been called.

We are a five-member combined board. On that election day, all of the board members including myself, we were assigned precincts that we had to go to to make sure they were up and operational. Throughout the day all of us, except for one individual that was in our office to man the phone, addressing any issues with any of the precincts or polling places that may have arisen during that time -- in this particular instance, Flint Hill had not been able to get through on our phone lines.

We had a lot of calls coming in that day from both voters who were confused about what was happening in terms of whether or not this was a second election. The four people that voted twice, in each instance when they filled out their affidavits, they were under the impression that this was a different election. I know that Mr. Monroe did actually talk with all of these individuals to determine why were they willing to fill out the affidavit, saying they had not received a ballot. And then virtually in every case, it's my understanding, that that was their response.

What was different about that election -- and this is part of the statement that I submitted to both my (indiscernible) and Mr. Monroe -- is that during that time with the
MS. HOWARD: I think at that point, despite the extensive training that we had done -- and we did several trainings before this general election, that at that point she reverted back to what they had done before. Because in this particular instance, they allowed her to make that decision. But it was fixed before the November election because of the fact that this had (indiscernible) in other counties.

So the fact -- the facts of the case are that we -- it actually happened. I counseled Ms. -- Ms. Searcy. We went back to determine what the mistake was. The mistake was not giving these voters a provisional ballot to allow us more time during that three-day time frame to investigate and determine exactly what happened, to go back to them and tell them, yes, you did vote even though you don’t remember. And no, this is not another election, it’s still the same one that had been rescheduled from May.

So it was a trying situation to deal with, and I -- at that point, I think we addressed it in terms of trying to recruit people to fill our polling places. But it was just the fact of --

working as an assistant manager or a polling assistant, she was put in one of the most difficult situations any poll manager or election official runs into when you’ve got voters that insist that they have not voted absentee. And I think at that point, she just did not have the experience to be able to handle it.

And we have addressed the issues with our phone systems since this particular election. Actually starting in November of 2020, not only is each board member, again, assigned a particular polling place to go to, in addition to the office numbers, they have our personal cell phone numbers. But even in that instance, there were times when they could not get through to us in November. But we just kept calling back and calling back and trying to address it as best we could under the circumstances.

So I appreciate your allowing me --

MS. SULLIVAN: Thank you, Ms. Howard.

MS. HOWARD: -- to (indiscernible) that and (indiscernible).

MS. SULLIVAN: Thank you, Ms. Howard, for being here and for your investigation as well as reporting this to your board and your very thorough explanation of -- of the circumstances.

Do any of the board members have any questions for Ms. Howard?

MS. GHAZAL: Yes. This is Sara Ghazal.

I’ve got a quick question. Is there any evidence in this runoff as to when the actual absentee applications were submitted because I think we all recall that the process is very confusing to voters and to even us. So there were three different dates throughout the process. So do we know when the absentee applications were submitted initially?

MS. HOWARD: Yes.

MS. JONES: I’ve got --

MS. HOWARD: I’m sorry?

MS. JONES: Go ahead, I’m sorry.

MS. HOWARD: Okay. And I --

MS. SULLIVAN: Go ahead.

MS. HOWARD: I’m looking at my -- my notes here because in the case -- in the case of the Ellisons, Ms. Ellison submitted her first application -- we received it on April 9, 2020. Let’s see. Just give me a moment.

Mr. Hardnett, we received his application on May the 11th. He was the voter that said that he
had lost his original application.

Looking for Mr. Ellison. Mr. Ellison's came
in on the same date as Mrs. Ellison's, April the
9th.

Then I'm looking through at Ms. McDowell.
Ms. McDowell's was received on May the 5th. In
her situation, what she alleged is that her
application was mailed to the wrong address
initially, which when we -- it was one of the
tones that was mailed by the secretary of state
and it actually did go to an address other than
what we had in our system as her mailing address.

Because I tried -- when I received the
envelope back and when I pulled copies of it, I
saw that it actually had been forwarded from what
we showed as the mailing address to the address
where it was actually received and both of them
were at Flint Hill. But somehow or another in
terms of them being automatically mailed, the
wrong address was used.

MS. SULLIVAN: Thank you.
Do we have anyone else signed up to speak on
this case?

MR. NORTHEN: Yes. Gwen Hardnett is signed
up speak. I believe that they are on the line

that's the reason I sent a message in, to give
her the opportunity to be able to speak. I don't
have her on the line.

MR. NORTHEN: The phone number provided is
not on the call right now or has not been on the
call previously either.

MS. SULLIVAN: Okay. That's -- okay,
understood. Sorry, I was confused there.
So she was given a number to call in and she
is not on the phone?

MR. NORTHEN: And her phone number was
provided to us and the home telephone does not
give us their name.

We would suggest that they submit public
comment via sebpubliccomment@sos.ga.gov.

MS. SULLIVAN: Okay.
Is there anyone else here who ...

MR. NORTHEN: Not for this case.

MS. SULLIVAN: What is the pleasure of the
board?

MR. MASHBURN: All right. So the way I
understand it is we have four elderly voters, one
of whom is infirm -- somewhat infirm -- and the
investigation revealed that they just forgot that
they voted.

And this is not the first time this has
happened. We have had this happen at previous
meetings. We've had these cases. So as the
general assembly and judges look at what
corrections need to be made, there is an issue
that's coming up repeatedly that the voting
period is so long that people are forgetting that
they voted.

You have the corresponding problem that when
there's an error and -- for example, back at the
county, they checked off the wrong voter and you
have the legitimate voter standing at the
precinct. They want to cast a real ballot rather
than a provisional ballot. So you have that
competing interest there.

I don't see any value in sending these
voters to the attorney general's office. So I
think a letter of instruction to be more careful
next time is the proper remedy.

So that's what I make, the motion for those
four voters be issued letters of instruction.

And then I'll wait to hear from others about what
to do about the board of elections.

MS. SULLIVAN: Okay. Mr. Mashburn has made
a motion to issue a letter of instruction to the
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<table>
<thead>
<tr>
<th>Line</th>
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<tbody>
<tr>
<td>1</td>
<td>four individual voters listed as respondents.</td>
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<tr>
<td>2</td>
<td>Is there a second?</td>
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<td>3</td>
<td><strong>MS. GHAZAL:</strong> I second.</td>
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<tr>
<td>4</td>
<td><strong>MS. SULLIVAN:</strong> Any further discussion?</td>
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<td>5</td>
<td>All in favor, please say aye.</td>
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<td>6</td>
<td><strong>THE BOARD MEMBERS:</strong> Aye.</td>
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<td>7</td>
<td><strong>MS. SULLIVAN:</strong> There are none opposed. That motion passes unanimously.</td>
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<td>8</td>
<td>We do have to deal with the recommendation regarding the board of elections, starting with Ms. Searcy at this time.</td>
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<td>9</td>
<td><strong>MS. LE:</strong> I move to send that case to the attorney general's office. and in particular, I appreciate the acknowledgment of error and corrections made. I think what we should just have also asked in any consent order that the attorney general's office may enter some training.</td>
</tr>
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<td>10</td>
<td>As Mr. Mashburn has alluded to earlier, these rules are in place for the county's office to catch these kind of errors, especially with a population that sometimes gets confused or is infirm. That's incumbent on the election officials to carry out their job in the code.</td>
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<td>11</td>
<td>I know there are technical challenges in the election.</td>
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<td>12</td>
<td>this case where they couldn't reach each other, but that's a procedural thing that the county needs to work out. So for this reason, I am recommending this -- the county be referred to the attorney general's office.</td>
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<td>13</td>
<td><strong>MR. MASHBURN:</strong> Second.</td>
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<td>14</td>
<td><strong>MS. SULLIVAN:</strong> Ms. Le has made a motion and Mr. Mashburn has seconded. Is there any further discussion?</td>
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<td>15</td>
<td>All in favor, please say aye.</td>
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<td>16</td>
<td><strong>THE BOARD MEMBERS:</strong> Aye.</td>
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<td>17</td>
<td><strong>MS. SULLIVAN:</strong> And there are none opposed.</td>
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<td>18</td>
<td>That motion passes unanimously.</td>
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<td>19</td>
<td>The next case listed on the agenda as 2020-43 has been continued.</td>
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<td>20</td>
<td>So we'll move on to 2020-87, Bibb County.</td>
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<tr>
<td>21</td>
<td><strong>MS. JONES:</strong> Complainant Cierra Hodges reported she submitted an application to receive an absentee ballot for the August 11, 2020 general primary. Ms. Hodges requested her ballot to be mailed to her temporary address in Savannah, Georgia. She advised her ballot was mailed to her address where she was registered in Macon, Georgia.</td>
</tr>
<tr>
<td>22</td>
<td>Ms. Hodges called the elections office and said she vote?</td>
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Mr. Noland, you can unmute and are able to speak.</td>
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<td>2</td>
<td><strong>MR. NOLAND:</strong> Good morning.</td>
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<td>3</td>
<td><strong>MS. SULLIVAN:</strong> Please go ahead.</td>
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<td>4</td>
<td><strong>MR. NOLAND:</strong> I represent the respondents.</td>
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<td>5</td>
<td>And I -- I first just want to say that we accept the -- the results of the investigation. The error did occur. It was unfortunate.</td>
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<td>6</td>
<td>Ms. Thomas, the clerk who processed the ballot, understands the -- the rules, understands what her error was here. I do believe it's an isolated incident.</td>
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<td>And I would just ask that the board consider a letter of reprimand or a letter of instruction. Thank you.</td>
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<td>8</td>
<td><strong>MS. SULLIVAN:</strong> Thank you, Mr. Noland.</td>
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<td>9</td>
<td>Does anybody have any -- any board members have any questions for Mr. Noland?</td>
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<td>10</td>
<td>Is there a motion?</td>
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<tr>
<td>11</td>
<td><strong>MS. LE:</strong> I --</td>
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<td>12</td>
<td><strong>MS. SULLIVAN:</strong> Go ahead, Ms. Le.</td>
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<td>13</td>
<td><strong>MS. LE:</strong> Excuse me, I'm sorry. My ...</td>
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<td>14</td>
<td>Can you confirm, did Ms. Hodges enter -- did she vote?</td>
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<tr>
<td>15</td>
<td><strong>MR. NOLAND:</strong> I think that -- I believe that</td>
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the investigation is -- is correct and that she
did not vote. Now, whether she -- there was --
the clerk did report that she did send it to the
proper address eventually. Ms. Hodges says she
did not receive it. I can't -- I can't say one
way of the -- or the other as to that. I do not
believe she voted.

MS. LE: Thank you.

MR. MASHBURN: I move that we accept the
recommendation because the voter didn't get to
to vote -- that we accept the recommendation and
refer this to the attorney general's office.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a
second. Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That
motion passes.

2020-89 has been continued.

The next case on our agenda is 2020-90,
Colquitt County.

MS. JONES: On September 9, 2020, the
investigations division opened an investigation
concerning a complaint that a vehicle bearing
the way of the -- or the other as to that. I do not
believe she voted.

MS. LE: This is Anh Le. I second.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That
motion passes.

I'm going to continue the next case, which
is 2020-139, DeKalb County. It's my
understanding that DeKalb County did not receive
a sufficient notice for this meeting.

So we will move to case number 2020-145,
Catoosa County.

MS. JONES: Chief registrar Paula McCullough
reported that they received two absentee ballots
from Rodney and Sybil Edwards on October 6, 2020
for the November 3rd general election.

Ms. McCullough stated that on October 28th,
the Edwards came in and requested to vote in
person, and they were allowed to cancel their
absentee ballots. The poll worker failed to
notice the voters' absentee ballots were accepted
on October 6, 2020. On the day the Edwards
request to cancel their absentee ballots,
Colquitt County had already began processing the
absentee ballots prior to the election day. The
time worker caused the Edwards to
repeat vote in the same election.

The investigation revealed that Rodney and
Sybil Edwards requested to vote by absentee
ballot during the November 3, 2020 general
election. They voted their ballots and mailed
them back. The registrar's office received their
absentee ballots and they were accepted on
October 6, 2020.

The Edwards later received a letter in the
mail informing them of the following: Final
notice, public records indicates you have not yet
voted in the 2020 general election. Make a plan
and vote early.

The Edwards decided to go to vote during
advanced voting in person.

On October 28, 2020, the Edwards presented
themselves at the poll to vote. They informed
the poll worker they had already voted by ballot
and mailed it back, but they wanted to make sure
their votes had counted.

The Edwards signed an affidavit to cancel
their absentee ballots and they were allowed to
vote on the machine. When the poll worker,
Deidra McClelland, reviewed the information on the Edwards' absentee ballots, she failed to see their ballots had been accepted. Chief registrar Paula McCullough reported on October 28th the absentee ballot processing had already begun. So the ballots had been pulled from the oath envelopes on the Saturday prior and batched. McCullough stated that they had not scanned them yet and that the Edwards' ballots were in the batch. They had been removed from their oath envelopes. The error by poll worker Deidra McClelland allowed the Edwards to vote more than once in the same election.

It's recommended that Colquitt County probate judge and election supervisor Wesley Lewis, Colquitt County Board of Registrars chief registrar Paula McCullough and poll worker Deidra McClelland be bound over to the A.G.'s office for violation of State Election Board Rule 183-1-14-02(11), advanced voting when they -- when Deidra McClelland found Rodney and Sybil Edwards eligible to cancel their absentee ballots but failed to notice their ballots had been received.

MS. SULLIVAN: And do we have anyone signed up to speak?
State Election Board
December 14, 2021

1 MS. SULLIVAN: Is there anyone else at this time to speak?

2 MR. NORTHEN: There is no one else.

3 MR. MASHBURN: One of the things the board tries exceptionally hard to do is treat similar cases similarly and different cases differently. And this one strikes me as identical to the "Show me your 'I voted' sticker and get entered into a gun raffle." And I think we bound that over to the attorney general's office.

4 So in the spirit of treating similar cases similarly, I think we should also bind this over to the attorney general's office because I think this is virtually the same case. So I make a motion.

5 MS. SULLIVAN: Okay. Is there a second?

6 MS. LE: This is Anh Le. I second.

7 MS. SULLIVAN: Is there any further discussion?

8 Ms. Thompson, I'll give you one more chance. If you can speak, please feel free to address the board.

9 (no response)

10 MS. SULLIVAN: Okay. All in favor of the motion, please respond by saying aye.

Now case is 2020-160, DeKalb County.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? None. And that motion passes.

Next case is 2020-160, DeKalb County.

MS. LE: This is Anh Le. I'm going to recuse myself from this case.

MS. SULLIVAN: Let the record reflect that Ms. Le has recused herself from case 2020-160.

MS. JONES: On November 3, 2020, the investigations division opened an investigation concerning extended polling location hours. The investigation revealed the Gresham Road precinct opened late due to an unspecified malfunction with the Poll Pads. By the time investigators arrived, the Poll Pads had been replaced and the precinct was functioning normally.

The Valley Brook and Shamrock precincts co-located at Valley Brook Baptist Church opened late due to the Poll Pads not being set up properly. Once the mistake was identified and corrected, the precinct functioned normally for the rest of the day.

It is recommended that DeKalb County Board of Elections and Registration; Erica Hamilton, the director of DeKalb County elections; Martha Beasley, poll manager of Gresham Road precinct; and Bob O'Neal, poll manager of Valley Brook and Shamrock precincts be bound over to the A.G.'s office for violation of 21-2-403, time for opening and closing the polls, and also for SEB Rule 183-1-12-.10(1), before the opening of the polls.

MS. SULLIVAN: Do we have anyone signed up to speak?

MR. NORTHEN: Yes. We have several speakers. The first one is Shelley Momo, counsel for DeKalb County. You should be able to unmute yourself at this time.

MS. SULLIVAN: Go ahead.

MS. MOMO: Good morning. Good morning. My name is Shelley Momo. I am here to represent the respondents -- DeKalb County, Erica Hamilton, Ms. Beasley, and Mr. O'Neal -- in this case. I want to start by saying that the respondents accept the finding that the poll places didn't open by seven as they needed to. This was due to technical issues with the Poll Pads, as the investigation discovered. Some of these were outside of the county's control.

However, we are not aware of the Poll Pads being powered on late as mentioned in the investigative report, which is a violation of SEB Rule 183-1-12-.10, subsection 1.

It did result in Gresham Road polling place opening late by 45 minutes. And the Valley Brook and Shamrock polling place opening late by 40 minutes. At Gresham Road, I know that after 45 minutes the staff began checking in with paper certificates and voting began. And ultimately the technical difficulties they had at that location required the Poll Pads to be replaced is my understanding. And I know that there were technical difficulties at Valley Brook which they fixed after 40 minutes.

Upon learning of these delays, DeKalb and the respondents took the appropriate remedy of petitioning the superior court to have these poll places stay open longer to account for the 45 minutes at Gresham and 40 minutes at Valley Brook delay. We received a court order at 2:03 on election day and DeKalb County itself then sent out a press release shortly thereafter to alert its citizens that the polling places would remain open longer.
The county immediately acted within the code and performed that remedy to keep the polling places open longer to ensure that voters had the same amount of time as everyone else to vote and that these polling places would remain open longer.

As a result and because at least in part, some of these malfunctions were not -- were not the cause or not within the county's purview of correcting until it was replaced, we would ask this case either be dismissed or in the alternative a letter of instruction be issued.

MS. SULLIVAN: Thank you, Ms. Momo. Do any of your clients want to address the board?

MS. MOMO: No, ma'am.

MS. SULLIVAN: Is there anyone else signed up?

MR. NORTHEN: Next speaker is Martha Beasley.

MS. MOMO: Okay. She does not want to speak.

MR. NORTHEN: Okay. Next --

MS. MOMO: Oh, I'm -- I'm sorry. Ms. --

Ms. Beasley may speak if -- if she would like.

promptly at seven as should be.

That's a statement and a question.

MS. SULLIVAN: The investigation did determine that the Gresham, Valley, and Shamrock polling locations did not open properly by 7 a.m. on the November 3rd ... 

MS. BEASLEY: Okay. Now, for reference, I mean, there should be some follow-up with the -- the command center that -- that we let it be known to the registration office that we are open, on that record.

When the Poll Pad first voter came in, which was right at seven, you know, could that not be referenced to show that we were open properly at seven? Gresham Road has never opened late. When I say late, after 7 p.m. -- I mean 7 a.m.

MS. SULLIVAN: Ms. Beasley, I believe the determination is even if the building is actually open but people are not able to vote at that time, then the polling location has not opened on time.

MS. BEASLEY: Okay.

MS. SULLIVAN: But your statements will be -- your statements will be reflected in the record.

MS. BEASLEY: Oh, okay. Well, as I said that -- that was my concern when I saw the letter, that we failed to open, okay? But we were open, but the -- the Poll Pads were not properly programmed for that location. And it happened --

MS. SULLIVAN: Thank --

MS. BEASLEY: -- during the primary and again during the general election. But during the general election, we remembered what happened during the primary, so we (indiscernible) -- you know, got our electors list and proceeded from that point. So no time was wasted on November 3rd.

MS. SULLIVAN: Thank you, Ms. Beasley.

MS. BEASLEY: Okay.

MS. SULLIVAN: Thank you.

MR. MASHBURN: Yeah, I'm -- I'm sorry to interrupt. This is Matt Mashburn. I have a -- just want to confirm with the investigators and the county that all of the voters were accounted for and nobody left and didn't come back.

I'm reading in the report that all of the voters were accounted for; is that right?
Everybody agrees on that?

MS. MOMO: This is Shelley Momo. That is my understanding, based on the findings and the information that I have.

MS. SULLIVAN: Thank you.

Is anyone else --

MR. MASHBURN: Well --

MS. SULLIVAN: I'm sorry, go ahead,

Mr. Mashburn.

MR. MASHBURN: Yeah. In the -- I'm going to address kind of some -- a couple things that Ms. Beasley brought up. But one of the issues is when you keep polls open late, the counties are under a new requirement under the new law to report their vote totals. And so this puts a real burden on the county.

And so it concerns me that people are relying on keeping the polls open later as kind of the default now. Where it used to be extraordinarily rare, now it's kind of the default remedy.

So I would like to have the counties be more directed about doing whatever you've got to do to make sure -- and I just have my own experience in my own life. I worked at a fast food restaurant

MS. SULLIVAN: Yes, sir. We can hear you.

MR. O'NEAL: Okay, very good. Just -- I -- I will be brief. This is the first time I've been involved in one of these sessions. I've been a precinct manager for ten-plus years.

I was delighted to hear the motion that's tabled right now. That is exactly what we need. At Valley Brook, we were ready to open. We were ready. Everything was in place at 6:40. It states we were not ready, but just as Ms. Beasley stated, we certainly were.

What we failed to have -- and this, to me, is a secretary of state issue, it's not a DeKalb County issue -- is some kind of process where we do a dummy vote before 7 a.m. and are assured that everything is working.

In our case, a long-term employee of mine -- he has worked the Poll Pads for many years -- he installed the encoders in our three Poll Pads in reverse. It was easy to do. It's clearly stated he shouldn't have. He was supposed to have an individual reading the instructions and he explicitly follows each step. That apparently didn't happen. We didn't know about it until at 7:00 we start processing our first voters and all

MS. SULLIVAN: Okay.

MS. SULLIVAN: -- at this time.

MR. NORTEN: The next speaker is Robert O'Neal who may unmute himself at this time.

MS. SULLIVAN: Mr. O'Neal, you may go ahead and address the board.

MR. O'NEAL: Yes. I hope you can hear me.

This is Robert O'Neal, precinct manager at the Valley Brook/Shamrock precinct.

three Poll Pads would not accept them.

In phone calls and other things, it took about 30 minutes to remedy it and find out our mistake, flip the units around, and then everything was fine.

But if we'd had a -- a system where you can do a -- excuse me, a dummy run in advance, this could've been avoided. We would've been ready.

Also, as I'm talking about this, I've learned in this process that each county must generate their own training programs. A rich county like DeKalb, we were given a lot of training. There's a lot of resources, but nonetheless we were swamped with material.

And under the old system, before the last two years, we've had the new equipment, we had hard copies, a single page for each portion -- the check-in station, the voting station, the -- all of the different things had hard copies that clearly stated or started you through and closed out the process and also had -- excuse me -- provisions for when things were not going right.

I would love to have that come back. And I've lobbied my own county, our NE office, to institute those. But anyway, that is what I see
MS. BEASLEY: Correct. Only a few people chose provisional. The majority of the people waited until we got the -- the Poll Pads to some fashion so they could vote on the ICX.

MS. SULLIVAN: Any additional questions?

I'll take your motion off the table.

Ms. Beasley's report that in fact her poll technically opened on time. If voters were given the option to cast a ballot, starting 7 a.m., even if they chose not to use that option by a provisional ballot, voters could vote. So that poll opened on time. I'm not convinced that that -- that there was a late opening in the case.

MS. SULLIVAN: I think the attorney general's office can certainly take that into consideration as they make a recommendation for a consent order.

MS. SULLIVAN: I second that motion.

Any additional questions?

I'll second that motion.

Is there any further discussion?

MS. GHAZAL: It seems to be from...
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1 There were drop boxes that were secured by
2 election staff at 7 p.m.
3
4 What happened that particular day is that we
5 had several techs that were out -- half of the
6 staff was out too -- for health reason too
7 because they -- they quit shortly before
8 November 3rd, I think, the Thursday or Friday
9 before. So we had several of the techs going to
10 help do tabulation and help close precincts.
11 So there was no pick up of the drop boxes on
12 November 3rd. However, on November 4th, staff
13 went out to each of the locations, each of the
14 eight locations, to pick up the ballots.
15 And we have video surveillance showing when
16 that occurred and the approximate times of that.
17 So I'm not sure if this -- if this report is
18 based on the inability to show that the drop
19 boxes were picked up on November 3rd or the
20 ability to show that there are forms on
21 November 4th.
22 That said, we have -- we have documents for
23 November 4th. However, we were trying to see if
24 we could get all of those documents. It seems
25 that there are a couple or a few that we don't --
can't put our hands on. So in this sense, we

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1 would ask if there is a recommendation to -- to
2 bind this over to the attorney general, that at
3 least we'd have the opportunity to provide those
4 documents to the attorney general and perhaps
5 have this matter dismissed.
6 MS. SULLIVAN: Thank you, Mr. Reed. You
7 will certainly be able to provide any further
8 documentation in the event that this case is
9 referred to the attorney general's office.
10 Is there anyone else signed up to speak?
11 MR. NORTHEN: Ms. Dozier, if she would
12 like --
13 MS. SULLIVAN: Ms. Dozier, would you like to
14 speak?
15 MS. DOZIER: Good morning. If anyone has
16 any questions, I'm open to answering any
17 questions that you may have.
18 MS. SULLIVAN: Okay. Thank you for being
19 here, Ms. Dozier.
20 Do any of the board members have any
21 questions for the investigator or Mr. Reed or
22 Ms. Dozier?
23 MR. MASHBURN: Hello. This is Matt
24 Mashburn. They found the form now? There's not
25 a form that's missing any longer?

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1 MR. REED: There are -- we have forms for --
2 there are eight locations. We have forms right
3 now that we could put our hands on on three of
4 those. It appears that there are five that -- we
5 are -- we had a second election going on at the
6 same time to fill the unexpired term for John
7 Lewis. So we're checking to see whether the drop
8 box forms were located in that.
9 So that's why we're saying that we don't
10 necessarily believe that there were no forms.
11 It's just that we can't put our hands on them
12 right now.
13 MR. MASHBURN: Okay. All right. So this is
14 Matt Mashburn. I'll make a motion to refer this
15 to the attorney general's office with the
16 instruction that if y'all provide the form, I
17 will (indiscernible) favorably a consent order
18 that dismisses it when you come back.
19 MS. SULLIVAN: We have a motion.
20 I'll second. I'll second that motion.
21 Is there any further discussion?
22 All in favor, please say aye.
23 THE BOARD MEMBERS: Aye.
24 MS. SULLIVAN: And there are none opposed
25 and that motion passes.

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1 Earlier we were considering case 2020-155
2 when Ms. Thompson was not able to speak.
3 We're going to try this one more time,
4 Ms. Thompson, if you would to address the board.
5 Hopefully we can give you the opportunity now.
6 You should be able to unmute yourself and address
7 the board if you would like at this time.
8 MR. NORTHEN: Ms Thompson is unmuted.
9 MS. SULLIVAN: Ms. Thompson, you are
10 unmuted. You may go ahead and speak.
11 It appears that we are still having
12 technical difficulties.
13 Ms. Thompson, we will -- we will take a
14 break at lunch. I certainly do want you to have
15 an opportunity to address the board if you would
16 like to do so. Maybe during lunchtime we can
17 resolve any technical difficulties and address it
18 this afternoon.
19 The next case on the agenda is SEB case
20 2020-171, Taylor County.
21 MS. JONES: Investigation division reveal --
22 reviewed multiple complaints regarding the
23 November 3, 2020 general election. The
24 allegation was -- Ms. Daniel alleged that a
25 candidate for District 2 board of education, Mary
Ms. Daniel said that the information was shared by the Taylor County Elections Supervisor, Mindy Bass, that it was illegal for candidates to pick up absentee ballots while campaigning and turn them in to the registrar’s office.

Allegation 2, Ms. Daniel alleged that on November 3, 2020, at 11 p.m., 13WMAZ reported candidate Mitchell Harrison had won the District 2 board of education seat. However, at 11:15, state representative Patty Bentley entered the Taylor County registrar’s office and reported the election was not over and there were still 200 uncounted votes.

Ms. Daniel said candidate Mary Bentley ended up winning the District 2 board of education seat by 198 absentee ballot votes.

Allegation 3, Ms. Campbell alleged her father went in to -- went in to vote during the advanced voting period and observed an elderly black female drop off approximately 30 absentee ballots. Campbell said the female left the ballots on the desk after being instructed to do so by election staff member. Ms. Campbell said the female left no names -- left and no names.

In the interview, Ms. Bentley, through her own admission, said she assisted voters with filling out their absentee ballots. Ms. Bentley said she knew the individuals she assisted but does not mention them being family members.

Taylor County Election Supervisor Mindy Bass reviewed the absentee ballot envelops in the presence of Agent Brooks. The only ballot located where Mary Bentley signed as having assisted was her husband Rogers Bentley.

It’s our recommendation that Mary Bentley be bound over to the attorney general’s office for violation of O.C.G.A. 21-2-385(b), procedure for voting by absentee ballot, which she admitted helping voters fill out their absentee ballots during the November 3, 2020 general election.

MS. SULLIVAN: It’s my understanding by GBI Special Agent Lee Brooks. However, there was no evidence to support violations of Georgia election law for allegations two through six.

Allegation 4, Ms. Campbell alleged multiple individuals received unsolicited absentee ballots. Campbell said the individuals were not elderly or disabled. She said she was sure the individuals received absentee ballots and not applications. She knew they were absentee ballots because she received one herself.

Allegation 5, Ms. Campbell alleged the news reported Taylor County had uncounted ballots.

Ms. Campbell said she contacted Taylor County elections supervisor Mindy Bass to inquire about the uncounted ballots. Ms. Bass told her she didn’t know where the ballots were but had to find them by 5 p.m. And so the count was actually 15 more ballots than had been reported by the news.

Allegation 6, Ms. Bass reported a candidate turned in upwards of 40 absentee ballot applications for voters in her district.

Ms. Bass said the candidate did assist some of the voters in completing their applications.

All in all, investigation revealed that all in all witnesses and respondents were interviewed.

By 198 absentee ballot votes. Ms. Daniel alleged that it was illegal for candidates to pick up absentee ballots while campaigning and turn them in to the registrar’s office.

Allegation 2, Ms. Daniel alleged that on November 3, 2020, at 11 p.m., 13WMAZ reported candidate Mitchell Harrison had won the District 2 board of education seat. However, at 11:15, state representative Patty Bentley entered the Taylor County registrar’s office and reported the election was not over and there were still 200 uncounted votes.

Ms. Daniel said candidate Mary Bentley ended up winning the District 2 board of education seat by 198 absentee ballot votes.

Allegation 3, Ms. Campbell alleged her father went in to vote during the advanced voting period and observed an elderly black female drop off approximately 30 absentee ballots. Campbell said the female left the ballots on the desk after being instructed to do so by election staff member. Ms. Campbell said the female left no names -- left and no names.

In the interview, Ms. Bentley, through her own admission, said she assisted voters with filling out their absentee ballots. Ms. Bentley said she knew the individuals she assisted but does not mention them being family members.

Taylor County Election Supervisor Mindy Bass reviewed the absentee ballot envelops in the presence of Agent Brooks. The only ballot located where Mary Bentley signed as having assisted was her husband Rogers Bentley.

Allegation 6, Ms. Bass reported a candidate turned in upwards of 40 absentee ballot applications for voters in her district.

Ms. Bass said the candidate did assist some of the voters in completing their applications.

All in all, investigation revealed that all in all witnesses and respondents were interviewed.

Ms. Bentley is on the line.

Ms. Bentley, you may go ahead and speak if you would like to.

MS. BENTLEY: Okay. Can you hear me?

MS. SULLIVAN: Yes, ma’am.

MS. BENTLEY: Okay, good. I’m Mary Bentley. And during the November 2020 election, I, Mary Bentley, assisted my husband Rogers Bentley with his ballot because he had misplaced his glasses and was unable to read the small print on the ballot. But he’s actually the only person I assisted with a ballot.

MS. SULLIVAN: Thank you. So the only person is -- your position is that your husband was the only person you assisted with filling out an absentee ballot?

MS. BENTLEY: Yes.

MR. MASHBURN: So agent -- agent -- this is Matt Mashburn. So, Ms. Bentley, Agent Brooks reports that you said that you assisted around 10 to 15 voters with filling out their absentee ballots and placed some of the absentee ballots in a mailbox at the local post office.

MS. BENTLEY: I pla --

MR. MASHBURN: So you say that Agent Brooks
is wrong.

MR. MASHBURN: I placed some of the ballots in the post office for sure, but I didn't assist them with it.

MR. MASHBURN: Okay. So you touched a ballot that wasn't a family member and wasn't a family member's ballot you had in your possession; right?

MS. BENTLEY: I -- I -- in the post -- in the office, yes. I didn't assist with it.

MR. MASHBURN: Okay, thank you.

MR. NORTHEN: The next person from this case is Mindy Bass.

MS. SULLIVAN: Ms. Bass, you may go ahead.

MS. BASS: Good morning. This is Mindy Bass, the elections superintendent for Taylor County. I just wanted to kind of confirm that Ms. Bentley did not turn in any ballots to me. I had gone over with her about the rules regarding applications which I had got confirmation from former elections director Christopher Harvey about the candidates passing out absentee applications which was completely fine and getting them back to me. As long as she didn't, you know, help with the ballots, that was okay.

So it took us about 23 hours to get that figured out. That's why we had so many uncounted ballots at that time. We were able to get them scanned. But we actually had 470 absentee ballots that were not counted on election night due to that issue. Out of -- we had about 600 or 700 total.

We were able to read the ones that were sent out automatically by the rollover list from the -- from the printers. But the ones that we sent out, we had issues with. That was the only reason that the numbers came in so odd. And --

MR. MASHBURN: All right. Do you --

MS. BASS: -- once we were able to re- --

MR. MASHBURN: You didn't have -- I'm sorry to interrupt you, but -- so you did not have a situation where you had 200 late-counted ballots that broke a hundred and ninety-eight to two; right?

MS. BASS: I -- I believe that exact -- those exact numbers were only the ballots from District 2, not the total amount of ballots that I had to count. So I think that was just the ballots that were coming in from District 2 which would have given that discrepancy. But, yes, they were that wide of a range.

MR. MASHBURN: Okay. And just to confirm, you didn't tell anyone that it was legal for candidates to pick up absentee ballots while campaigning; right?

MS. BASS: Correct. I -- I said, you know -- and I've still got the e-mail from Chris Harvey that I -- I passed that information on that it's -- it's okay for the applications, not the ballots.

MS. SULLIVAN: What's the pleasure of the board?

MR. MASHBURN: Move that this be referred to the attorney general's office.

MS. SULLIVAN: We've got a motion. Is there a second?

MS. LE: This is Anh. I'll second.

MS. SULLIVAN: Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: Are there any opposed? There are none opposed. That motion passes.

The next case is 2020-180.

MS. JONES: Investigation revision --
Allegation 1, Deeanna Woodham sold her absentee ballot in Georgia. When asked why he voted in Georgia after moving to New York, he said he could not obtain a New York driver’s license and therefore he could not register to vote in New York. So he decided to vote in Georgia.

Allegation 4, William Shoemaker and Todd Cooper voted in Fulton County, Georgia and Walton County, Florida general elections. According to ElectionNet, Shoemaker and Cooper are registered to vote in Georgia. Their address of record is 943 Peachtree Street, apartment 1914, Atlanta.

In October 2020 and December 2020, they requested absentee ballots for the Fulton County 2020 general and runoff elections. The ballots were mailed to their address of record. They returned their ballots to the election office and they were counted.

Walton County election office provided copies of Shoemaker and Cooper’s electronic Florida voting records. According to the records, both men registered to vote in February of 2020 and voted in person on October 30, 2020 in Walton County, Florida. Their address of record is 27 Sugarland Lane, Santa Rosa Beach, Florida.

June 2020. However, she cast her ballot in Fulton County.

Allegation 2, on September 15, 2020, Kyle Newman requested an absentee ballot for the Fulton County 2020 election. The ballot was mailed to his address of record, located at 1112 Kirkwood Avenue, Atlanta. The ballot was canceled on October 14, 2020 and reissued and mailed to Newman at 667 Evergreen Avenue, Brooklyn, New York. The ballot was returned to the election office and counted.

On 12/1/2020, Newman requested an absentee ballot for the Fulton County 2020 general runoff election. The ballot was mailed to Brooklyn as well. The ballot was return to the election office and counted.

Investigations conducted an interview with Kyle Newman. He confirmed that he has lived in New York since August 2020. He said that he attended Georgia State University from 2018 to 2020 but he declined to provide exact dates of attendance and would not provide details about where he lived between August 2019 and August 2020.

He confirmed that he requested and returned his absentee ballot in Georgia. When asked why he voted in Georgia after moving to New York, he said he could not obtain a New York driver’s license and therefore he could not register to vote in New York. So he decided to vote in Georgia.

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I would ask that because these -- the type of violation that Mr. Jones did at the Fulton County Registration and Elections, I would ask that his case be -- have a letter of instruction issued instead of being bound over.

And I do believe I have Ms. Mariska Bodison from Fulton County Elections on the line to answer any questions or to add additional information if need be.

MS. SULLIVAN: Do any of the board members have questions for Mr. Lowman?

MR. MASHBURN: I move that we -- I move to -- unless there's anybody else that wants to accept the recommendations and bind all these cases over to the attorney general's office.

MS. SULLIVAN: We have a motion to accept the recommendation and bind these allegations -- cases over to the attorney general's office. Is there a second?

former elections supervisor, be bound over to the attorney general's office for violation of 21-2-381(b)(2)(A), by mailing an absentee ballot to an address other than the temporary address listed by the elector on the application.

MS. SULLIVAN: Thank you, Ms. Jones. I believe we have some people here to speak regarding this case.

MR. NORTHEN: The first person is Carla Heard.

MS. SUMMERLIN: That would be Cindy Summerlin. We're both showing as Carla Heard as logged in. And I'm not sure why. I think it was because the e-mail was forwarded with the Zoom link.

But my name is Cindy Summerlin and I am the acting chair for the Baker County Board of Elections.

MS. SULLIVAN: Thank you. Would you like to address this board regarding this case?

MS. SUMMERLIN: I do. Our county attorney is present also: Mr. Russell Britt. And I believe he wanted to speak first.

MS. SULLIVAN: Okay. We'll unmute Mr. Britt.
MR. BRITT: And if there are no questions for me, I would like to turn it over to Ms. Summerlin if she has any further comments.

MS. SULLIVAN: Ms. Summerlin, you may go ahead.

MS. SUMMERLIN: Okay.

MS. SULLIVAN: If you would like to.

MS. SUMMERLIN: Yes. Well, I think he covered that very well. But after the former supervisor's departure when we learned of -- of the allegation, that is -- that is when the -- the local office and the board started looking into the matter even further -- and we did find documentation that we can provide to the board that shows that Ryan did, in fact, enter the address as requested by the voter and it was Runbeck that actually sent it to the default home address.

We did have difficulty in reaching our liaison at that time. And with Ryan being new, that probably was not on the top of the stack, you know, until we did, you know, get the return call from the liaison, which I don't believe we ever did. But needless to say, he is no longer with us and we are taking many measures -- we have a very active board and we're taking several measures and our new supervisor Carla is excited to get as much training as possible.

And I think if you look at the records for these recordings, she attends many of these to use that as a -- a learning tool, you know, to know what not to do for future.

And we do have this particular example posted, not with the person's name, of course, but with the scenario so that we know how to follow procedure should that ever happen again. So I do request with Mr. Britt that it either be dismissed or a letter of instruction.

Thank you.

MS. SULLIVAN: Thank you, Mr. Britt.

Do any of the board members have any questions for Mr. Britt?
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1 did not get his absentee ballot.

2 The investigation revealed that allegations 1 and 2 were not substantiated.

3 Allegation 3, Agnes Bridges with Fayette County elections advised that the complainant's federal postcard application was not received by her office for this complaint. So no absentee ballot was sent. Complainant's voter record indicates that his voter record was transferred to Fayette County on 9/15/2020 because of the federal postcard application they received via e-mail.

4 Recommendation is that Fayette County Board of Elections and Voter Registration; Floyd Jones, Fayette County elections director; and Agnes Bridges, chief registrar be bound over to the A.C.'s office for violation of 21-2-381(b)(2) regarding their failure to properly process the application.

5 MS. SULLIVAN: Thank you, Ms. Jones.

6 MR. NORTHEN: First person to speak on this case is Brian Hill.

7 Mr. Hill, if you unmute yourself, you should be able to speak.

8 MR. HILL: Good morning, honorable --

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1 THE BOARD MEMBERS: Aye.

2 MS. SULLIVAN: Aye.

3 MR. NORTHEN: There are none opposed. So that motion passes.

4 And the next case is 2020-187, Fayette County.

5 MS. JONES: Allegation 1 is that Steve Tyrel (ph) alleged that he sent in an absentee ballot application weeks prior to the deadline.

6 However, he received his ballot too late and his vote was not recorded.

7 Allegation 2 was that Stacy Goldbutch (ph) alleged that when she was working as a polling -- at a polling precinct, noticed that those that came in with an absentee ballot to turn in showed in the system as in-person voted in advance. She advised that these people told them that they only requested the ballot and had not voted. She said that they then voted on a provisional ballot. Her concern is that these provisional ballots were not counted.

8 Garrett Lane Peters is stationed in Germany and advised he attempted to request an absentee ballot via a postcard application, via phone, and e-mail. He noted that he e-mailed Agnes Bridges directly but never received any contact back and

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1 did not get his absentee ballot.

2 Thank you, Mr. Britt and Ms. Summerlin for being here today, Ms. Heard as well. We certainly do think it's a great idea for election officials to attend these meetings. There's always a learning opportunity presented. And we think that shows great dedication. Appreciate all the mitigating efforts that have been made in this case.

3 I would make a motion to refer this to the attorney general's office, but I think that all of those things will be taken into consideration as the attorney general's office works with the county to resolve this case.

4 So I will make that motion. If there is a second.

5 MR. MASHBURN: I'll second it. And kind of a piece of the puzzle that's missing here is whether there's recourse against the vendor.

6 Then I would invite the county to -- and the county attorney to look into.

7 But I second the motion.

8 MS. SULLIVAN: Okay. Is there any further discussion?

9 All in favor, please say aye.

10 MR. HILL:

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1 MS. SULLIVAN: Go ahead, Mr. Hill.

2 MR. HILL: Hey, ma'am. Good morning, honorable elections board and chairman. I'm going to let our county attorney Patrick Stough -- he's on here. He's going to speak on this. Thank you.

3 MS. SULLIVAN: Thank you.

4 MR. NORTHEN: All right. Counselor, you should be able to unmute yourself and speak at this time.

5 MR. STOUGH: Good morning, honorable Board.

6 And thank you for this opportunity to speak before you. My name is Patrick Stough. I'm the -- with the county attorney's office for Fayette County and I'm also representing the board of elections.

7 I don't know if she's on this call, but Agnes Bridges, our former registrar, may have some more information about these allegations.

8 I'm not going to speak to allegations 1 and 2 because it sounds like they were not substantiated. But I will speak to allegation number 3. It's my understanding that elections staff states that they never received the complainant's application for an absentee ballot.
The investigatory report that was provided to Fayette County is unclear as to whether or not there was any evidence that such an application was received. As a result, we respectfully request that this case be dismissed as I don't know what evidence exists that there was any violation.

And I'm happy to answer any questions, or Mr. Hill or Ms. Bridges, if she is on the call, can also answer any further questions.

**MS. SULLIVAN:** Do any of the board members have any questions for Ms. Jones or Mr. Stough?

**MS. GHAZAL:** This is Sara Ghaizel. I would just like to clarify with the investigation. The -- the federal postcard application is an application for an absentee ballot as well as a registration; is that -- is that not correct?

**MS. JONES:** Yes.

**MS. GHAZAL:** So there was, in fact -- and the fact that the voter's registration was transferred to the county as a result of this application is -- is to me an indication that there was, in fact, a -- an absentee ballot application on record.

**MS. JONES:** That's my understanding. And

limits of Ray City. The complainant found this out on October the 12th and talked with the elections supervisor of Berrien County and she would take care of it. On November 5, 2020, the complainant determined that it had not been resolved.

The investigation revealed that the investigation -- there's -- I'm sorry. The investigation revealed that there's evidence to suggest that at least 12 Berrien County voters that reside in the county had voted in error in the November 3, 2020, City of Ray city municipal election.

The Berrien County elections office was made aware of the issue by a candidate who was running for a city council seat in October of 2020. The list of voters who were in the wrong municipal precinct was given to the poll manager but could only prevent six of them from voting in the wrong district. All of the voters lived on one street, Johnson Street, which runs through both the city and the county.

Melanie Ray created a list of voters and requested the place -- that the polling locations do a manual override so the voter could get the correct county ballot. But the number of voters had either already -- but a number of voters had either already voted by absentee ballot that was accepted, advanced in person, or voted on election day in error.

Ms. Ray stated that her office, along with Ray City City Clerk's Office has put new safeguards in place to correct the districting issue.

Recommendation is that Berrien County Board of Elections and Registration; Melanie Ray, elections supervisor; City of Ray City; and Denise Ray, city clerk be bound over to the A.G.'s office for violation of 21-2-224(e), registration deadlines and restrictions on voting in primaries, official list of electors, and 21-2-226(b), duties of the county board in determining eligibility of voters, maps of municipal boundaries, and notice of ineligibility.

**MS. SULLIVAN:** Thank you, Ms. Jones.

**MR. NORTHEN:** The first person to speak on this is Chad Corlee. Mr. Corlee does not appear to still be on the call.

Rebekah Ditto is now able to unmute
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I've got elections supervisor Melanie Ray. We just wanted to -- we agree with the findings and we apologize for the error. It was not brought to Ms. Ray's attention until October the 12th at which time advanced voting had already started. Ms. Ray then looked into the matter, was able to identify additional voters than what Mr. Bennefield spoke with her about. I think --

MS. SULLIVAN: I think we may have -- go ahead. Sorry. Go ahead.

MS. DITTO: Yes. We were working with the districting maps at that time by hand. Since then, there have been steps to put in place. We do have electronic software to assist us with that process. Ms. Ray was the only Berrien County employee present in that office. She now does have an assistant to help with that.

In our diligence, looking back to see if this had occurred before, typically Ray City elections would occur on the odd-number years.

Any questions for Ms. Ditto at this time?

We have one more signed up to speak.

MR. NORTHEN: It appears that Chad Corlee is on the line with Denise Ray.

Ms. Ray, your account has been unmuted. Go ahead and speak at this time.

MR. CORLEE: Okay. This is Chad Corlee, attorney for the City of Ray City. Sorry for the confusion. We have logged in under Ms. --

Ms. Ray's ID. And I am here with her.

The issues in this case, I think, as Ms. Ditto said, revolve -- you know, revolve around a misnomer of streets, and that issue has been taken care of. We're -- we're dealing with Johnson Street here and Johnson Street Extension.

In 2020, the firm did review a city street list, maintenance checklist, that included Johnson Street on it. Now, various maps of the City of Ray City and Berrien County show that Johnson Street is referred to such inside the city limits. The same maps, including such as the -- the official Georgia DOT map of Berrien County refer to -- to it as Johnson Street Extension after it leaves the city limits. And even Berrien County's tax map refers to it instead as -- as Johnson Extension Road as it leaves the city limits and goes out in the county.

This is consistent, I think, with the way everyone in Ray City and this part of Berrien County refer to those -- both roads, both formally and informally. And we're actually dealing with less than, I think, 1.1, 1.2 miles from where Johnson Street Extension or -- or Johnson Extension Road leaves the city limits and terminates at -- at Highway 129.

The list of streets that the city clerk reviewed in 2020 do not include Johnson Street Extension on the list. But it did include a street number of 1490 which necessarily would have included some residences, incorporated from residents that were on Johnson Street Extension.

This could've been caught, should've been caught, but it was an honest -- very honest mistake. The -- the city clerk, Ms. Denise Ray, was not made aware of it during the election. She was only made aware of it after the election.

So the City of Ray City had no -- had no way of dealing with it until after the election was over. But as -- but as stated by Ms. Ditto, the
The results of the election were -- were not impacted. The -- the election results were an eight-vote difference and we're dealing with four -- no, we're dealing with six votes incorrectly that may have been incorrectly cast. In light of all that, we join in (indiscernible) that the board issue a letter of reprimand (indiscernible) or something of that nature due to and in light of the honest mistake and a stop-gap measure that's been put in place and the correction of the error.

Just let us know if you have any questions.

MS. SULLIVAN: Thank you, Mr. Corlee.

Do any of the board members have questions for Mr. Corlee?

Did Ms. Ray want to speak?

MR. CORLEE: No, ma'am. I don't think so.

Not unless there's questions.

MR. NORTHEN: The last person for this case is Wesley Bennefield.

MS. SULLIVAN: All right, Mr. Bennefield, you may go ahead. Unmute. All right --

people that actually voted in that race extra and it will make a difference. I'm not looking to that. What I want to do is straighten it out so this never happens again. The city clerk is supposed to verify the addresses to the superintendent of elections, and the superintendent of elections censors those street addresses. And the city clerk is supposed to verify those streets. What I would like to have done in the future, if the state would look at it, is to take that out of the hands of the city clerk and give it to the city council who would be responsible for that.

Now, those people did vote, but I go back to -- I have voters registration lists back to 2017 and it shows eight people, four on each side of the city limits, on Johnson Street, showing they were eligible to vote. And I couldn't tell you whether they voted or not in 2017, but they're eligible to vote. And could they have voted? Yes, they could have, just like anybody else did because they're on this list to vote.

And then in 2020, it came up again. That's the election I ran in for city council. And then in the 2021 vote, which we had all this straightened out and I -- I did work with Ms. Ray in the summer of 2021 to get this list straightened out. And there was three people on that Johnson Street that was on the list to be able to vote. Whether they voted or not, I don't know. But Ms. Ray and I did talk about that, and I hope that that was taken care of. But these are the things that -- that happens within a city's elections that no one sees. And the only reason why it was brought to our attention is that a guy named Jack Castro (ph) pulled these lists up by -- by street addresses and when I counted the number of houses on that street, I seen that it was 35 houses that was in the city limits of Ray City and the other 20 was outside the city limits of Ray City.

But that was the only way we caught that list because I did have the 2017 voters registration list and those people outside the city (indiscernible). But this is the things I would like to correct for upcoming elections. But if we could get that thing changed so it doesn't put the pressure on the city clerk to make that decision -- and I know I'm a -- I've been in Ray City for practically all of my life.
and I know where the city limits are in the city.

But as far as Johnson Street being called Ray City, limits for Ray City.

Johnson Street Extension or whatever, that has nothing to do with it. We've got a city limit sign set up in both of those locations and it plainly shows that that's the end of the city limits there. And those people -- those other people who were actually voting in the right district or not.

And I couldn't tell about the people on the east side.

But those people have been living there all their lifetime just about. It's one of these old communities that's been around for a long time. And I don't know when we actually sent out voters registration lists or voters' responsibility to the city -- to the county clerk, but at one time we were doing our own votes in Ray City which it was a bad situation then.

So if we can get this thing changed, it -- it could happen in anybody's city. It's where these city limits streets run out of the city.

But there's about four or five streets in Ray City that runs into the county. And this is the only street where we have a problem at. Because I researched all of the rest of them and there's no problems on those streets.

MS. SULLIVAN: Thank you so much, Mr. Bennefield.

MR. BENNEFIELD: Thank you.

MS. SULLIVAN: Do any of the board members have any questions at this point? No.

Is there a motion?

MS. GHAZAL: I move that we accept the recommendations and send this over to the attorney general's office.

And I just want to thank everybody involved for their diligence on this. It is so important to get these lines right. So it's important that the attorney general's office is involved to make sure this doesn't happen again.

MS. SULLIVAN: Thank you.

Is there a second?

MR. MASHBURN: Second.

MS. SULLIVAN: Motion and a second. Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.
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1 to SSU athletics? And are you associated in any
2 way with the hunger list?
3
4 And then people were answering: So I voted.
5 Can I -- what if I threw my sticker away? And
6 different questions. This is just one, asking
7 about if they would be the -- kind of voter
8 to get the free chicken. And this was all on
9 the -- featuring the November 1st event.
10 So I just want to highlight some of those
11 things. And the very first time we were alerted
12 to this scheme was in early October. And it was,
13 we thought, a very racially charged post that
14 said -- it was posted by MGreeen Production
15 director of marketing Duncan (ph) Oliver on
16 October 5th. It said: Keep that same energy
17 when it's time to vote. And it showed a lot of
18 black citizens walking around Popeye's in line to
19 vote.
20 And -- and there was so much jeering and so
21 many comments from the community as if this was
22 something they expected. Around election time
23 was this kind of -- what we viewed to be a --
24 kind of a racist perspective on the fine people
25 of Savannah. Being -- being thought that chicken
26 and voting were associated was mind blowing to --

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1 for us to see. That was our first indicator.
2 And I believe that this might be a matter that's
3 happened for years in Savannah.
4 And I'm so thankful that so many wonderful
5 citizens noted it. And we've given the
6 secretary -- or the investigator, Callaway, a
7 vast amount of evidence and investigative work
8 that many citizens have put together. And we --
9 we are disgusted that people would be bought in
10 this way.
11 And it's also very associated with Savannah
12 State University and the Greek system there,
13 where they were having chicken events all through
14 the early voting season. And I sent him some of
15 that evidence as well.
16 That's all I have.
17
18 MS. THOMPSON: Are you there? Hello?
19 (Audio interruption from 12:40 to 12:42
20 p.m.)
21 MR. CALLAWAY: (in progress) investigation
22 also shows that election documents received from
23 the Chatham County Board of Registrars Office
24 shows that Ms. Sprauve changed her voter
25 registration address from 104 Creekside Drive in

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1 Pooler to Georgia -- I mean Pooler, Georgia to
2 280 Blue Moon Crossing in Pooler, Georgia on May
3 11th. But the information was not updated by the
4 Chatham County Registrar's Office to show her new
5 address until July 23, 2020.
6 Our recommendations are that the Chatham
7 County Board of Registrar's Office; Sabrina
8 German, chief registrar be bound over to the
9 attorney general's office for O.C.G.A.
10 21-2-218(c), cancellation of registration in a
11 former state or county, address changes and
12 corrections when Gabrielle Sprauve submitted the
13 change of a permanent address to the registrar's
14 office on May 11th but the registrar's office
15 failed to make the address changes until July 23,
16 2021 after being notified by the secretary of ...  
17 (Audio interruption)
18 MS. SULLIVAN: ... to speak on this case?
19 UNIDENTIFIED SPEAKER: No further comment.
20 (Audio interruption)
21 MR. CALLAWAY: (in progress) if she went to
22 vote on election day, November 3, 2020, and she
23 was informed that she already voted.
24 Ms. Soles advised that she was informed that
25 she cast her ballot during advanced voting on

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1 October 19, 2020. Ms. Soles was concerned that
2 someone voted using her name.
3 Deborah Jean Soles presented herself at the
4 poll to vote during advanced voting. The voter
5 presented her driver's license and application
6 (indiscernible). The voter ... 
7 (Audio interruption)
8 THE COURT REPORTER: I'm sorry. This is the
9 court reporter. Can you hear me?
10 MS. SULLIVAN: We can hear you.
11 THE COURT REPORTER: I'm showing -- okay. I
12 have missed most of that because the sound keeps
13 coming on and going off and it's muting. So if
14 y'all are on the Chatham County one, it was --
15 there was no sound for quite a while.
16 MS. SULLIVAN: If you'll just reflect that
17 in the record.
18 THE COURT REPORTER: Okay.
19 MS. SULLIVAN: Can you hear us now?
20 THE COURT REPORTER: Yes, I can.
21 And actually, every now and then, the little
22 microphone, showing mute, keeps coming on for
23 you. But I can hear you now.
24 MS. SULLIVAN: Okay. I'm not sure why
25 that -- I'm not sure why that's happening.
Hopefully it won't happen again.

Mr. Callaway: Thank you.

The investigation revealed Deborah Soles presented herself at the poll during advanced voting. The voter presented her driver's license, an application was printed for her to sign. The voter advised the poll worker that her last name is now Wilkes and she wrote it on her application. The voter signed her name as Deborah Wilkes. The voter was issued a voter access card and then she voted.

On November 3, 2020, Deborah Soles, with a different D.O.B., 1958 instead of 1961, presented herself at the poll to vote and she was informed that she had already voted. Ms. Soles advised the poll worker she had not voted but nothing further was done. Ms. Soles was not offered to vote on a provisional ballot and she was disenfranchised from voting on the November 3, 2020 election.

There were two voters in Laurens County registered as Deborah Soles. The first one is Deborah Soles with a D.O.B. of 1958 and her last name is now Wilkes and she wrote it on her application. The voter signed her name as Deborah Wilkes. The voter was issued a voter access card and then she voted.
treated them exactly like every other county, but this creates a dangerous problem because all of these stories of people showing up at the polls, being told that they’ve already voted where they -- they almost always turn out to be a human error and carelessness in the back office when they get in the press -- they're now reported as a conspiracy that there’s this massive fraud being undertaken of people doing absentee ballots.

So the counties have just got to trickle down on this and help with the impression of election integrity because this problem almost always is human error and not part of a conspiracy. But it sounds like a conspiracy.

So this needs to go to the attorney general and the counties have just got to trickle down on this.

MS. SULLIVAN: I believe that was a motion.

MR. MASHBURN: A motion and a speech.

(indiscernible) --

MS. SULLIVAN: And I will -- I will second that motion.

And thank you, Ms. Soles, for being here.

Is there any further discussion?

address of 1143 Johnson Road in Senoia.

Lindale’s written statement omits filing -- filling out the absentee ballot request and sending it to the county elections office.

The handwriting on the AB application is very similar to the handwriting of his notarized statement. Lindale further stated that when the ballot arrived at his home in Senoia on 10/19/2020, he voted the ballot, signed Brian’s name to the oath envelope and returned it to the Coweta County elections office.

Lindale Spear also voted in his own name by absentee ballot on 10/20/2020 for the 11/3/2020 general election.

Our recommendations are that Lindale Spear be bound over to the attorney general’s office for O.C.G.A. 21-2-562(a)(1), fraudulent entries, as well as O.C.G.A. 21-2-571, voting by giving false information, and O.C.G.A. 21-2-572, repeat voting in the same primary or election.

MS. SULLIVAN: It’s my understanding no one has signed up.

MR. NORTHEN: Correct.

MR. MASHBURN: I move to bind this over to the attorney general’s office.
but he no longer resided there. Mr. King had been residing at 109 Clark King Road, Farmington, Pennsylvania since 2015 and he owns the property. He advised the residents -- he advised that his residence is their summer home and he lives there approximately four months out of the year.

Mr. King stated he owns a jewelry business in Kathmandu and Nepal and he lives there approximately four months out of the year. He advised he resides for the remainder of the year, four months, in Georgia by either staying in his motor home or residing at friends' homes.

Mr. King advised that he considers the state of Georgia his primary residence and he intends to return. He stated he has in the proc -- been in the process of selling the property in Pennsylvania and he has subdivided some of the land for sale. Mr. King advised they are then coming back home to Georgia.

The recommendations are for David King to be bound over to the attorney general's office for O.C.G.A. 21-2-562, fraudulent entries.

MS. SULLIVAN: Thank you, Mr. Callaway.
No one has signed up to speak on this case.
Are there any questions for Mr. Callaway?

MS. LE: Mr. Mashburn, I'm just thinking out loud here that the facts indicate that Mr. King considered Georgia as his residence and he has not taken action to the contrary when it comes to voting in Pennsylvania. He is entitled to vote somewhere. And he's chosen Georgia as the place and he has connections here as the state of residence.

As a friendly amendment, I'd like to propose that I don't see a violation if that's the case and would move to dismiss the case. But if I'm missing something, I'm happy to entertain a conversation.

MS. SULLIVAN: Okay. Well, Mr. King has indicated he is available to speak. So I think it might be a good opportunity for us to hear from Mr. King.

MR. NORTHEN: Mr. King, you should be able to unmute yourself.

MS. SULLIVAN: Mr. King --
MR. ALTMAN: Hello, anybody --
MS. SULLIVAN: -- can you hear us?
MR. ALTMAN: Yeah. Can you hear us?
MS. SULLIVAN: Yes. Yes. We can hear you.
MR. ALTMAN: This is -- this is -- I think your system's trying to call us back. I apologize for the noise.

This is not Mr. King. This is Gary Altman. I'm his attorney here in Pennsylvania that handled the estate issues. Mr. King is here.

MR. KING: Hi. I'm David King.

MR. ALTMAN: Yeah. I wanted to explain that what Mr. King put in his report -- the investigative report that we received is correct.

Georgia is his domicile and I think the lady who just talked is correct. He had -- he was forced to sell his Savannah house because he could not maintain both houses after his brother, who fell and actually kind of died unexpectedly, had the summer place up here that this family's had for a number of years.

There's been no intent to do anything incorrect here. He has not double-voted. Georgia is his domicile. He just does not stay in Georgia more than a few months a year and he has no fixed address in Georgia per se.

He was using his old house as a mail address. The people kindly agreed to do that so -- with a forward on and so forth so he didn't miss out on any communications. But this is
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MR. MASHBURN: My motion failed for lack of a second.

MS. SULLIVAN: Okay.

MR. MASHBURN: So I'm bringing a new motion that we accept the counselor's recommendation and issue a letter of instruction. And here, we recognize that there's an issue in that you're -- you're required to have an address, and if you don't really have an address, well, what should you put?

The general assembly might have to look at this and address this issue, but we don't want Mr. King to be the one to be caught up in a -- in an issue that needs to be addressed by the legislature. That's not his problem.

So the problem that I had with it is that he wrote on this certificate that he lived in a place that he didn't live. But the corresponding issue to that is he's entitled to vote somewhere and so the -- you know, if he doesn't have a permanent address, what should he do? So I am persuaded that my motion was not the best and rebring it as a -- accepting a letter of instruction.

MS. SULLIVAN: Okay. Is there a second?

office's storage room in the basement of the Sumter County courthouse. Ms. Phillips reported it to Mr. Howard and then he reported it to the secretary of state's office. When the locked ballot bag was opened, there were 30 sealed ballots in salmon envelopes, designated as emergency ballots. And 20 sealed provisional ballots in salmon envelopes were inside and they were never tabulated.

The recommendations are the Sumter County Board of Elections and Registration; Randy Howard, election supervisor -- Sumter County Board of Elections and elections supervisor Randy Howard violated O.C.G.A. 21-2-419(b), validation of provisional ballots when 20 provisional ballots from the early advanced voting were not validated in the November 3, 2020 general election in Sumter County. The provisional ballots were misplaced and not found until after the election was certified. We recommend 20 counts.

Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.11(c), page 10, conducting elections, when on the first day of early advanced voting, 30 voters were issued emergency ballots and instead of placing them in a scanner in the same manner that printed ballots in the polling place were scanned, they were placed in the provisional ballot bag. The emergency ballots were misplaced and not found until after the election was certified, 30 counts.

Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.18(3), page 16, provisional ballot, when 20 provisional ballots from the early advanced voting were not tabulated from the November 3, 2020 general election in Sumter County. The provisional ballots were misplaced and not counted until after the election was certified, 20 counts. Sumter County Board of Elections and elections supervisor Randy Howard violated SEB Rule 183-1-12-.20, page 24, use of emergency paper ballots, when voting machines are inaccessible. When 30 emergency ballots from the first day of early advanced voting were not scanned into the ballot box in the November 3, 2020 general election in Sumter County, the emergency ballots were misplaced and not found until after the election was certified, 30.
But at this time, do any of the board members have any questions that they'd like to address?

I'll make the motion that we refer this matter to the attorney general's office.

Second.

Is there any further discussion?

No. I'll vote in favor of it.

I'm not quite sure Ms. Hooks' correlation between the secretary of state's office function versus the ballot being found by her county a month later than election day. I'm not sure if there's a connection there but also I'll vote in favor of the motion. Thank you.

All in favor, please say aye.

Aye.

There are none opposed. That motion passes unanimously.

Sumter County does have another case on the agenda a little bit further down. But we're going to go ahead and hear it now.

2021-11, Sumter County. That is Tab Number 75 in our material.

Deborah Clark Sikes (ph)

reported a delay in voting at the Brown's Mill voting precinct in Americus, Georgia. Ms. Sikes reported that she arrived at the precinct at 7:30 a.m. and did not vote until 8 a.m.

Ms. Sikes states a poll worker told her the wrong computer had been sent to the precinct.

Ms. Sikes stated there were people in front and behind her in line that had left.

The investigation revealed that -- it showed the poll -- opening of the polls at the recreation department on -- in Brown's Mill.

voting precinct in Sumter County were delayed because of a mixup of the Poll Pads for the two precincts. The delay was 30 to 45 minutes before voting was open to the voter.

Provisional ballots were offered. However, the elections supervisor reported the recreation department precinct had four provisional ballots while Brown's Mill precinct had three provisional ballots.

The Poll Pads were picked up from the courthouse the night before the election.

Mr. Howard stated the Poll Pads were distributed by a Dominion technician. The mixup in the distribution was a result of the Poll Pads not
being properly marked. Mr. Howard stated the 
problem would be corrected by affixing laminated 
tags and plastic tags to the Poll Pads. 
Our recommendations are that Sumter County 
Board of Elections and Registration and Randy 
Howard, supervisor of elections, be bound over to 
the attorney general’s office for board rule 
183-1-12-.08(4), page 7, when he failed to ensure 
the proper -- when he failed to ensure the proper 
equipment was delivered to the appropriate 
polling location. 

MS. SULLIVAN: Thank you. 
Ms. Hooks, would you like to address the 
board regarding this claim -- 

MS. HOOKS: Sure. 

MS. SULLIVAN: -- complaint? 

MS. HOOKS: Sure. I believe the facts are 
accurate as you reported. As Mr. Howard had 
reported to the investigator, it -- it was a 
Dominion representative, not a mem -- employee of 
the board who distributed the pads and at that 
time they were labeled only by poll number. 
And since that time, Mr. Howard has labeled 
all of the pads with the precinct name so that 
they'll -- they'll be more easily identified and 

attorney general's office. 

MR. MASHBURN: Second. 

MS. SULLIVAN: Is there any -- motion and a 
second. Do we have any further discussion? 
All in favor, please say aye. 

THE BOARD MEMBERS: Aye. 

MS. SULLIVAN: Being there are none opposed, 
that motion passes. 
Thank you, Ms. Hooks. 
Going back up in the agenda to where we left 
off, the next case is 2020-250, Coffee County. 

MR. CALLAWAY: We have three separate 
complaints within this case. 
Complaint 1, on December 4, 2020, the Coffee 
County Board of Elections and Registration sent a 
letter advising they could not certify the 
electronic recount numbers for the November 3, 
2020 general election. 
In the letter, they claimed that the 
Dominion voting system was unable to repeatedly 
duplicate credible election results. Instead 
Coffee County Board of Elections and Registration 
voted to certify the votes cast in the election 
night report. 

Complaint 2, a video surfaced on YouTube 
where it showed Coffee County election supervisor 
Misty Martin discussing the ways in which the 
election software could be manipulated. 

Complaint Number 3, Ms. Britney (ph) Jackson 
said she submitted a request for her absentee 
ballot on December 1, 2020, however, did not 
receive the ballot until December 26, 2020. 
Ms. Jackson said she was unable -- she was able 
to mail the ballot back the same day it was 
received but felt her vote would not be counted 
due to how late it was received. Ms. Jackson 
felt this was an effort by Coffee County to 
suppress her vote. 

The investigation revealed under Complaint 
1, Ms. Martin failed to keep the ballots in 
batches after they were scanned which is the 
reason the count discrepancy could not be 
identified and resolved. After the interview, 
investigators assisted Coffee County with 
organizing the ballots into batches of 100. 

The final count was 13,347 advanced and 
election day ballots and 1,930 absentee and 
provisional ballots. The total combined ballots 
total 15,277 ballots which match the original 
Coffee County election results listed on the
January 4th and 5th, 2021

The video is very misleading. It seems its purpose was simply to create doubt and public mistrust in the election system.

Ms. Martin claimed that she was unaware of a separate password used to access the election management system and that the computer was located remained open throughout the workday.

Ms. Martin said that there was another door that remained locked so the public -- so public individuals could not just walk in. Ms. Martin claimed she was unaware of a separate password needed for every user.

Complaint 3, an ENet inquiry on Britney Jackson showed her ballot was received by the Coffee County elections office on January 4th and her vote was counted. At the time of the elections, Jackson was living at a temporary address in Tennessee.

Recommendations: Coffee County Board of Elections and Registration and Misty Martin, former elections supervisor, be bound over to the attorney -- attorney general's office for SEB.

Rule 183-1-12-.05(3), security of voting system components at county elections office in designated county storage areas when they failed to keep the room where the election management system was located locked at all times when it was not directly under the supervision of the election supervisor.

MS. SULLIVAN: It's my understanding that neither Misty Martin nor anyone from Coffee County is here today.

Are there any questions for Mr. Callaway?

MS. GHAZAL: I've got one question with regard to Count 3. Is there -- do we know exactly how much time elapsed between the time in which the county received the abs -- the absentee application and when it was sent out? If the voter suggested there were three and half weeks between when the -- when it was submitted, I don't know whether or not the -- whether the county timely processed that application.

MS. SULLIVAN: I was mistaken. Ms. Ditto is here, representing Coffee County. So she might be able to address that question.

MS. GHAZAL: Very good, thank you.

MR. NORTHEN: Ms. Ditto, you should be able to unmute yourself.

MS. DITTO: Thank you. Good afternoon.

I'm here for the --

MS. SULLIVAN: Good afternoon.

MS. DITTO: -- Coffee County Board of Elections and Registration.

Ms. Martin is no longer employed by Coffee County. It's our understanding from the three complaints that the only violation that is now being alleged is a violation of regulation 183-1-12-.05(3).

We do not agree that we violated that regulation. Even given the facts that it stated in the findings in the report and in the potential violation the -- the election management system was located -- there are three separate locked doors that anybody from the public that would not have been the election supervisor or his or her designee, three separate doors that someone from the general public, not a designee, would have to go through in order to
reach the election management system. It was
under -- anytime that that door, which is right
off of the election supervisor's office, was open
or unlocked, it would've been under the
supervision -- the elections management software
would be under the supervision of Ms. Martin or
her designee at that point in time. There is no
violation of this regulation.

And I'm happy to answer any questions.

MR. MASHBURN: This is Matt Mashburn. I
have a question. Do you agree or disagree that
Ms. Martin posted a video where the working
password was visible?

Counselor, did you hear me? Did you hear
me?

MS. SULLIVAN: Do you hear us, Ms. Ditto?

We cannot hear you if you are speaking.

Ms. Ditto?

MR. NORTHEN: Ms. Ditto, you should be able
to unmute -- unmute yourself.

MS. SULLIVAN: Ms. Ditto, are you there?

MS. DITTO: Hello.

Ms. Ditto?

MS. SULLIVAN: Yes. Can you hear us?

Ms. Ditto?

MS. DITTO: I'm not able to hear you.

MR. MASHBURN: Yes. Matt Mashburn. Matt
Mashburn. Do you agree or disagree that
Ms. Martin posted a video where a password -- a
working password was visible?

MS. DITTO: I believe she did post the
video. I'm not sure if at the time it was
working because the password is specific to the
election. But I do not feel that's a violation
of the regulation that was cited in the
investigative report.

MR. MASHBURN: Okay. Now, I would also -- I
have a second question and that is our report
that we were provided shows that all employees
utilized the same password. Is that -- do you
agree or disagree with that?

MS. DITTO: It's my understanding that each
of the employees had their own password to log
onto the computer and then they would've used the
same password. Coffee County was only given one
password to get onto the Dominion server.

MS. SULLIVAN: Any further questions? Would
a member like to make a motion?

MS. LE: I move to refer this case to the
attorney general's office for further review and
inspection. I think passwords are part of -- an
integral part of a security system and I think --
I think this case should be looked at more
closely and see how Coffee County is handling the
security of our elections system over there.

THE BOARD MEMBERS: Aye.

That motion passes.

THE COURT REPORTER: The next case is 2020-258 Fulton County.

MR. CALLAWAY: The complainant alleges they
received information from Fulton County at their
address that indicated that the previous owner is
using their address as their voter address and
has requested an absentee ballot that has been
mailed to an address in Maryland.

The investigation revealed that the
complainant advised that he purchased and moved
into a residence located in Sandy Springs,
Georgia in 2018. He noted that the respondent,
Ms. Fissha, was the previous owner who he
believes moved out of the state. However, she
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used his address to request an absentee ballot which was voted.

The investigation revealed that Ms. Fissha did not move out of state but to an address within the same county. The investigation found information that indicated Ms. Fissha lived in an apartment located at 28 Parkgate Drive in Atlanta, Georgia.

Our investigators traveled to the apartment, attempted to contact someone there with no success and left a business card on the door. The investigator then met with apartment staff who confirmed that Ms. Fissha is the owner of the apartment and has lived there for approximately two years.

The investigation revealed that a man named Assefa Fissha is the owner of the residence in Maryland where the absentee ballot was sent, that Ms. Fissha spends time there and Atlanta.

Our recommendations are Meron Fissha be referred to the attorney general’s office for 21-2-562(a)(1), fraudulent entry, four counts, when she voted in the 2018 election on 11/6/2018 at an in-person polling location; on 9/29/2020, when she requested an absentee ballot under her old address; on 10/27/2020, when she requested an absentee ballot under her old address; and on 11/24/2020, when she requested an absentee ballot under her old address, Georgia election law O.C.G.A. 21-2-218(c), when she failed to notify the elections office of her new address.

MS. SULLIVAN: I believe we have someone to speak on this case.

MR. NORTHERN: Mr. Bruce Maloy, you should be able to unmute yourself.

MR. MALOY: Yes. Good afternoon. This is Bruce Maloy. Can you hear me?

MS. SULLIVAN: We can.

MR. MALOY: Okay.

MS. SULLIVAN: Good afternoon. Go ahead.

MR. MALOY: (inaudible) the opportunity to address you here. And also I want to take responsibility. Ms. Fissha had two separate issues: One with the Fulton County Election Board and one with the state election board. And I failed to send a notice of appearance to the state election board.

So you actually took this up at an earlier meeting but you tabled it and I was able to get involved after that and dealt extensively with referred to the attorney general. I think that overstates the seriousness of what she did here. And I still think that a letter of instruction to her is more than sufficient in a situation like this. She understands now exactly what can happen if you're voting in the wrong precinct. But again because it was (indiscernible) by the idea -- the issue that it was a -- would be another precinct, I think, frankly, just -- just didn't occur to her.

And so I would urge you to have a letter of instruction and not a referral to the attorney general's office. Thank you.

MS. SULLIVAN: Thank you, Mr. Maloy.

Ms. Watson is no longer with the secretary of state's office.

MR. MALOY: I'm sorry to hear that.

MS. SULLIVAN: Yeah. Thank you.

Do any of the board members have any questions for Mr. Maloy? It appears that additional information may have been gathered since this initial report was prepared.

MS. GHAZAL: This is -- this is Sarah Ghazal. There had been a couple of questions that I had posed that it seems like we still
don't have any of this information.

But, Mr. Maloy, perhaps you can help fill in some of these blanks. One of the questions that I had previously was whether or not Ms. Fissha had filed a -- an updated address with the postal service because generally these -- the NCOA process should in fact result in updating voter records as well. So do you happen to know whether or not she filed an updated address through the postal system?

MR. MALOY: That's my belief is that she had. She was not still generally receiving mail at this -- at this address. What happened is she got one of these unsolicited requests for a absentee ballot and a third-party organization, I guess, was going through the list of those requests and saw -- and saw that hers had not been returned yet. And so that -- and that organization sent mail to the old address, the house that had been sold. And that's how this got kicked off, if you will.

But I believe that she had put in a change of address with the U.S. Postal Service and she had had a change of address to have her mail sent up to Maryland temporarily as well. I'm sorry, I don't have any of this information.

MS. GHAZAL: Could you clarify, did -- her new address in Fulton County or are you talking about the address -- the temporary address in Maryland? Can you clarify that?

MR. MALOY: Yeah. She was having somebody pick up her mail at the apartment in Georgia.

MS. GHAZAL: Okay. So -- but she had forwarded her mail through the -- the change of address process to the new Fulton County apartment.

MR. MALOY: I believe that that's correct.

Yes.

MS. GHAZAL: Thank you.

MS. LE: This is Anh Le. Did she also vote -- excuse me, let me backtrack. She moved out of this address in 2018; is that correct?

MR. MALOY: Correct. Well --

MS. LE: And then she -- did she --

MR. MALOY: -- actually sold in 2018. She was going through a divorce. She moved into an apartment in 2017. The sale of the --

MS. LE: So she moved out of this --

In an effort to treat similarly situated voters similarly, I move that we issue a letter of instruction and also advise Ms. Fissha to ensure that her registration has been updated to her new address.

MR. MALOY: Understood. That's been done.

MS. GHAZAL: Thanks.

MS. SULLIVAN: We have a motion. Is there a second?

MS. LE: I see a slight distinction between this case and our previous case in that Ms. Fissha moved out. She sold her home and moved out. The complainant has no relationship with her. And there is a code section out there that says that, you know -- she actually has another home in Georgia that she didn't update the address with and that's the code section cited in our report, the 21-2-562 and 21-2-218.

So I think there is a slight distinction here that does make this different than our last case. The distinction being that my understanding of the facts in the previous case is that the voter moved to Pennsylvania, never intended that to be his home, has always kept Georgia as his home, doesn't use an address that he --

MR. MALOY: She didn't have an address.

MS. LE: Right. He didn't sell this property that has no relationship to, whereas here we have an address. This person just never updated --

MS. SULLIVAN: And voted -- also voted in elections that they were not --

MS. LE: -- and knowingly --

MS. SULLIVAN: -- entitled to vote in.
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Ms. Le: And -- and by representative's admission that, you know, the two down-ballot elections were otherwise not eligible for.

So for that reason, Ms. Ghazal, I respectfully declined to support the motion.

Ms. Sullivan: Thank you, Mr. Maloy. I believe that this motion fails for lack of a second, but I certainly think all of this information that you shared can be taken into consideration by the attorney general's office.

And then that's that -- I'll make -- actually, I'll make that motion in determining, you know, what -- what sanctions should be appropriate here. So we will ask the attorney general's office to take that -- to take all of that information that you shared into consideration. So --

Ms. Sullivan: Is there any further discussion?

All in favor, please say aye.

The Board Members: Aye.

Ms. Sullivan: Any opposed?

Ms. Ghazal: Nay.

Ms. Sullivan: One opposed. That motion passes.

The next case is 2020-269, Pickens County.

Mr. Callaway: The complainant, a poll watcher, alleges that while in the Pickens County poll location, a poll worker tried to push her out of the doors. The police were called but she was allowed to stay.

The investigation revealed -- investigations contacted Pickens County elections and spoke to the director, Ms. Roberts, who advised the investigator that the person involved is named Kimberly Hoechstetter and provided contact information for her. She said the sheriff's office was called to the scene when Ms. Hoechstetter became loud and disruptive, but they did not make her leave. She stated that after the sheriff's deputies left, there were no further incidents with Ms. Hoechstetter.

Investigation received a notarized statement from the poll manager, Kathy Connell, who advised that Ms. Hoechstetter was poll watcher -- was a poll watcher at a polling location and tried to sit in an area where board members were sitting. When asked to remain in the assigned area, she became loud and boisterous, causing a disturbance. She stated that she called the elections supervisor and the sheriff's office was notified and responded.

The investigator contacted Kimberly Hoechstetter. She advised that she was a poll watcher and was advised by Kathy Connell to remain seated in an area where she felt it was too far away from the registration table which she wanted to observe. She stated that when she moved closer -- when she moved to a closer seat, she was advised to sit back in the designated area and an argument ensued between Ms. Connell and herself. She advised that she presented the rules to Ms. Connell and was told that they, Pickens County, were following board rules which established a sitting area for poll workers -- or poll watchers. She stated that she stepped outside before the sheriff's office arrived and then when they left, allowed her to remain inside where no further incidents occurred.

Ms. Hoechstetter advised that when the argument ensued, another poll watcher, found to be Tracey Wright, activated a pen camera recorder and captured part of the incident. The video was played for the investigator.

Recommendations: Kimberly Hoechstetter be bound over to the attorney general's office for O.C.G.A. 21-2-408(d) when she gave -- when she began arguing with the poll manager, Kathy Connell, inside the enclosed space. This disturbance interfered with the conduct of the election which caused the poll officers to feel the need to call the sheriff's office in an attempt to keep peace.
During early voting on December 14th, I worked as a poll watcher. At about 9:40 a.m., I could see that there was a commotion taking place in the corner. And they were making us sit in the corner of the room. We couldn't even go over -- across the room to look at the counter to count -- to keep -- you know, monitor the number of votes. They were really -- the board of elections had told us that we had to stay in this corner of the room.

But at about 9:40, I could see there was a commotion taking place at the registration table with a voter. I could barely hear the poll worker tell the voter that their address did not match the registration. So that I could hear better, I got up and I quietly moved about -- it was about eight steps along the wall to get close to the registration. And I sat against the wall with one of the chairs that was already there to listen and observe how that situation was going to be handled.

The other poll watcher that was on site at that time Tracey Wright also came with me to observe as I attempted to listen to the poll watchers tell the voter to scratch out and change
their address on the form to match their registration records. Within seconds -- and I mean literally seconds -- the poll manager who interrupted my ability to monitor what was happening and sharply demanded that Tracey and I go back to the corner of the room. Tracey and I responded and tried to explain that we were there as election officials, that we were entitled to observe, and that we could not hear from the corner and we were trying to monitor.

I wasn't even given the opportunity to share my observance at the registration table with the poll manager because during this exchange, it took her literally less than 15 seconds -- her first thing was not to ask what we were doing, but her -- it took her, like, 15 seconds to say: If you don't move and do what I'm telling you to do, I'm going to call the sheriff.

She then abruptly told eight -- there was about eight people in the polls at the time -- eight voters that were there, that she was bringing everything to a halt and she stood there and used her cell phone to call someone. Kathy told the person on the other end of the line that board of elections member Paul Lindsey had left the building and that he told her if she had any issues to call the sheriff and have us all removed.

At that point, Tracey and I agreed that I would go outside to my car and get my phone and call the GOP to report what was happening. As I turned to walk away, I heard Kathy Connells (sic) tell the person on the phone that I was leaving and that everything was fine and the situation was over. That entire incident, from beginning to end, was, like, less than two minutes.

After making my calls to report the incident to the local and state offices, I received a text from Carolyn Childers with the GOP who informed me that Craig Stallings who is the GOP chairman had called sheriff Donnie Craig and -- on our behalf and told him that we were being hassled and not able to monitor at the polls.

I then returned to the enclosed space and I continued to monitor for the rest of my shift and stayed there for the rest of the morning. Two full hours later, during an incident between board member Paul Lindsay and Mike Carver, another poll watcher, the sheriff did come. And they told the board that we were not knowing the law better.

I also think it's worth noting that during the time this incident was being investigated, the state Congress was in the process of passing HB682 which Governor Kemp signed. This bill completely removed and replaced the entire Pickens County Board of Elections, Julianne Roberts and Kathy Connell, effective July 1st of this year.

So any potential reprimand the state board would decide to send to those individuals because of their attempts to interfere with our ability to monitor would need to be sent to Julie who now works for the board of elections in Cherokee County.

Again, with all of these facts in mind, I'm requesting that this whole thing be dismissed. Or if you decide that it's really about poll watchers and not poll workers, that maybe a letter of instruction be sent to the new board of elections so that something like this never occurs again in Pickens County.

And I'm open to answering any questions that you might have.

MS. SULLIVAN: Thank you.
Mr. Carver, would you like to address the board briefly?

MR. NORTHEN: Mr. Carver, you should be able to unmute yourself.

MS. SULLIVAN: Mr. Carver?

MR. CARVER: I'm here. I'm sorry.

MS. SULLIVAN: Yeah. Would you like to add anything?

MR. CARVER: I'd -- I'd like to ask the board if they've received my affidavit and had an opportunity to review it.

MS. SULLIVAN: I believe it was in the materials. If you would like to briefly address what was in your affidavit, please feel free to go ahead.

MR. CARVER: Well, I'd -- certainly. I would first like to start out that I want to make sure that we're talking about the same dates here because I don't want to be a witness to something. My date is specifically around December the 14th. But through the investigative summary, I didn't hear a date. It's just the January 5th general election. So I can't tell from the investigation summary if they're talking about the incident that occurred on December the 14th or on the general election of January 5th.

MR. MASHER: How about you tell us what you know about December 14th.

MR. CARVER: Yes, sir. So I basically just showed up early at the polling location to deliver supplies to the poll watchers. Basically it was badge clips. I wanted all of my co-poll -- all watch -- all watchers to have a way to mount their credential badges.

I was informed when I arrived -- this would've been both by Tracey and Kimberly that poll watchers were not being allowed to walk around in the enclosed space or view the encounters, such as on the scanner and that Paul Lindsey was saying that poll watchers must sit in the designated corner.

I was also informed that the poll manager had called the sheriff's office, but the sheriff was informed they didn't need to respond. I assumed this was over the disagreement on what 21-2-408(d) states: Poll watchers can be in close space and observe the counting and recording of votes.

At about ten after, I left the facility and drove back to my home and then arrived back at home at -- back at the early location. And what I had was a copy of 21-2-408. I was going to just supply that to -- copies of that to both Tracey and Kimberly so they could provide that to Paul Lindsey.

But before I could do that, Paul Lindsey had approached me and stated similar to what I'd been told earlier, that poll watchers must sit and observe from the designated corner. I respectfully -- and I want to say that, respectfully disagreed and provided him a copy with 21-4 -- I'm sorry, 21-2-408, and pointed out there's a section in the statute that designates the duties of a poll watcher.

Paul Lindsey blocked my egress out of the designated area, the corner we were told to be at. So I sidestepped him and began lawful duties of a poll watcher. Paul informed Kathy Connell to call the sheriff's office. At that time, only Tracey Wright and I were present in the polling location since only two poll watchers are allowed.

At approximately 1120 hours on December 14, 2020, I walked outside and informed Kimberly to reenter the polling location and waited for law enforcement to arrive.

At approximately 11:30, law enforcement arrived. Two deputies were on scene. I was called into the polling location and was told by one deputy that the three poll watchers needed to leave the premises as we were causing a disruption. I informed the officer we were not being disruptive, but we did have disagreements regarding not being allowed to complete our duties.

I showed the deputy my poll watcher credential letter, my official poll watcher badge, and showed him the statute of 21-2-408(d). He left for a moment and went to speak with the board member Paul Lindsey. The deputy returned and said he informed Paul that we were not violating any law and that we can stay and perform our duties per the law.

At 1138 hours, law enforcement left the area and no other disagreements about poll watchers' duties occurred that day or at any time in the future.

At about 2 p.m. on the following day, December the 15th, Paul Lindsey apologized to me for the events of the day prior, stating he had
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<td>1. His facts were wrong and should've been known the law better. The election supervisor Julianne Roberts told the board -- <strong>MS. SULLIVAN</strong>: We're losing you, Mr. Carver. I believe that we've lost you, but we do have your affidavit in ... <strong>MR. CARVER</strong>: Okay. And -- but basically they -- the -- the board has been swapped out and the election supervisor, as stated earlier, works for Cherokee County Board of Elections now. <strong>MS. SULLIVAN</strong>: Thank you. And I believe Ms. Wright is also here and would like to address the board. <strong>MR. NORTHEN</strong>: Ms. Wright, you should be able to unmute yourself. <strong>MS. SULLIVAN</strong>: Ms. Wright, please go ahead. If you unmute yourself, you should be able to speak. Ms. Wright? If you would like to speak, please go ahead now. Do any of the board members have any questions for Mr. Callaway or any other people that have joined us on the phones? <strong>MR. MASHERBURN</strong>: As I understand it, Mr. Callaway, you were in charge of training and certifying the poll watchers; is that correct? <strong>MR. CARVER</strong>: That may be. I -- I would think that that's what the poll worker should've done. <strong>MR. MAHERBURN</strong>: Yes. The poll watchers. <strong>MR. CARVER</strong>: No. The poll watchers don't designate or contact the -- the supervisor, to my knowledge. We had a hotline that we were told to call. Now, right, wrong, or different, that's what we were all trained and told to do. We had a GOP hotline to call for any issues. And as I understand, this was reported. I don't know what the end game of that happened, but that's what we were informed to do. <strong>MS. HOECHSTETTER</strong>: If I may speak as well, this is Kimberly Hoechstetter again. Mike is right. I -- I didn't mean to infer that I wanted to look at any voter records at all. All I was doing was sitting in the corner and the registration table -- like I said, it was only, like, maybe ten or fifteen feet away. I only took maybe about eight steps and stayed -- I quietly moved along the wall and sat down because I couldn't hear what was transpiring. I heard the poll worker say: Your address doesn't match your registration. And that piqued my -- you know, I wanted to hear. I wanted to</td>
<td>1. <strong>MS. SULLIVAN</strong>: You mean Mr. Carver? <strong>MR. MASHERBURN</strong>: Mr. Carver. Who trained the -- who trained the poll watchers? <strong>MS. SULLIVAN</strong>: Mr. Carver, were you -- is he unmuted? Were you involved in training the poll watchers? <strong>MR. CARVER</strong>: No, I was not. <strong>MR. MASHERBURN</strong>: I'm -- I'm curious about his statement about Hoechstetter, that it was her job to check the electors lists. 41-2-408(d) specifically prohibits poll watchers from checking electors lists. So I can get clarity -- <strong>MR. CARVER</strong>: If I may, I don't -- I don't know that she was checking electors lists. I think what she was staying was that she heard a dis -- a discrepancy and was just trying to find out what was going on. Not looking at anything, just using her ears. <strong>MR. MASHERBURN</strong>: Yeah. And then the other question I wanted to ask was same statute. 21-2-408(d) also says any infraction or irregularities observed by the poll watchers shall be reported directly to the superintendent and not to the poll manager. <strong>MR. CARVER</strong>: That may be. I -- I would</td>
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<td>1. I got closer because I couldn't quite hear everything that she was saying. So I just moved a little bit closer. But, I mean, I no -- I no sooner sat down in that chair to try -- and I wasn't trying to get, like, up behind the poll -- the voter or anything. I was sitting against the wall. I just -- no sooner did I sit, then I got, I mean, abruptly approached by Kathy Connell, who said -- and -- and I think it's important to note that what Kathy said was, you know: You will either do exactly what we tell you to do and get back in that corner or we're going to call the sheriff and have you removed. And when she did pick up the phone to call someone, she said that board member Paul Lindsey had instructed her -- whoever she was talking to on the phone -- I assume it was Julie at that point -- but when she was talking to that person on the phone, she said: Paul told us that if anything happens to call the sheriff and have them removed, which to me -- I mean, if -- if you -- there was no reason. I mean, I literally was just sitting against the wall. There was no -- it was -- it was -- I'm</td>
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they were poll watched, but I thought that was
our job as monitors, to make sure we watched that
kind of thing and monitored the -- the counts.
And we weren't even allowed to go across the room
to where the counter was. We had to -- they
were -- we were told we had to stay in the corner.

MS. SULLIVAN: Okay. Thank you.

What is the pleasure of the board?

MS. LE: Ms. Hoechstetter, were you given an
enclosed space on -- I know that 21-2-408(d) says
that all poll watchers may be permitted behind an
enclosed space for purposes of observing the
conduct. Did they identify a space for you or
can you clarify that for me?

MS. HOECHSTETTER: Okay. Let me -- let me
go back to when I first got there that morning,
when we were told we had to sit in the corner.
Tracey Wright had a binder with her that had the
statute had it, it had all of the instructions
for working at the polls, and it had a schematic
of the room. And we called Paul Lindsey over and
we showed him what the -- what the -- the code
said, where the schematic of the room was, and
where we were allowed, based on what we were

Further, I think it's important to point
out, too, that the investigator, when he came
out -- I'm sure you guys were slammed after.
With everything that went on last year, I'm sure
you guys were totally slammed with, you know,
investigations. And he told me when he came
to -- to meet with me that he didn't normally
investigate these kind of cases, that it was
something that he didn't normally do.

And in the investigation summary, he cites
only partially part of 21-2-408. And he stops
just short of where it says that if anybody --
that nobody is allowed to get involved with
campaigning. And if -- it infers, at least the
way I'm reading it, that if a poll manager is
campaigning and they get warned and they don't
stop, that they should -- they should be removed.
So, first of all, nobody was campaigning. I
don't understand why Kathy -- I don't know if
Kathy was just totally confused when she did this
affidavit or if she flat out filed the false
affidavit because I don't know what the affidavit
actually said. I only know what the summary
says.

But those sheriffs came two hours after I
man and a young woman -- acting as poll watchers

The investigation revealed a statement obtained from attorney Dara Lindenbaum with Sandler Reiff Lamb Rosenstein & Birkenstock, P.C., representing "When We All Vote," advised that the mailer encouraged voters to vote early and advertised events celebrating early voting. The mailer did not intend nor imply that free food or anything else of value was being provided for voting.

Further, all events were open to the public, not just voters, and the food was offered to all attendees. There were no complaints nor witnesses to these events occurring. And a search of the event section of "When We All Vote" website did not list any events that matched what described -- was described on the mailer.

Two of our investigators both entered -- encountered individuals associated with the organization "Vote Tripling," within a hundred and fifty feet of the polling location, asking voters exiting polls to text three friends to remind them to vote. The incidents occurred in Alpharetta, Georgia and in Tucker, Georgia.

Our investigators photographed an instruction sheet in possession of one of the females that stated that in Georgia you must stand at least a hundred and fifty feet from the outer edge of the polling space and twenty-five feet from any voter standing in line to vote. There should be clear election area and limit signs and markers.

Investigator spoke with an area supervisor from a vendor of "Vote Tripling" in which he stated that all representatives of "Vote Tripling" that canvass the polls are given instructions to not be within a hundred and fifty feet of the polling location. A statement from "Vote Tripling" as well as an instruction provided to canvassers of the polls also states in Georgia you must stand at least a hundred and fifty feet from the outer edge of the polling space and twenty-five feet from the people standing in line to vote. There was sufficient evidence to prove an election code violation occurred.

And on Complaint Number 3, we were unable to
identify the individuals described in the complaint to determine if individuals in question were poll watchers and were part of the -- they were not part of the poll manager -- and poll watchers have been verified by a list when they were provided and they would be wearing identification. There was no video available. According to the complaint, both would have been wearing masks.

In addition, based on the statements provided by the complainant, it did not appear that either of the individuals interfered with the voters or attempted to solicit any votes. There weren't any other complaints regarding these individuals.

The recommendation is for Kieno Smith to be bound over to the attorney general's office for O.C.G.A. 21-2-414(a)(1), restrictions on campaigning activities when asking voters to text three friends and remind them to vote within the hundred and fifty foot outer edge of the polling place.

MS. SULLIVAN: Thank you.
I understand there's one person that would like to speak on this case.

I think it's important to separate this case out from any of the other matters that you're considering that are tied up into this 2020-273 and that the case against "When We All Vote" be immediately dismissed.

I'm happy to answer any questions.

MS. SULLIVAN: Ms. Lindenbaum, you're not associated with Kieno Smith? is that correct?

MS. LINDBAUM: That's correct.

MS. SULLIVAN: Okay. I believe that all of the -- the recommendation is to dismiss all of the complaints in this case involving "When We All Vote." I know you were concerned about notice. Is there -- I assume you don't object to that recommendation.

MS. LINDBAUM: I certainly do not.

MS. SULLIVAN: Okay. I apologize that you did not get proper notice. Thank you for letting us know.

MS. LINDBAUM: Thank you.

MR. Mashburn: I move that we accept the recommendation that Kieno Smith be referred to the attorney general's office.

MS. SULLIVAN: I'll second that motion.

Is there any further discussion?
were multitasking. The general election was handled by the third-party vendor. But for the runoff, staff was handling. She -- you know, she admits it -- it's possible that an extra sheet of labels was printed that could have sent an extra ballot to Ms. Rawlinson (ph). She is just guessing at that. Only one was returned. So, again, you know -- and we haven't actually seen the extra ballots. I don't know if they've been shown to the secretary of state.

I know there was some confusion with voters that received the applications for absentee ballots from third parties. And a lot of times voters would call, you know, saying why did they get these, you know, ballots when actually they were applications. So, again, to the extent to the secretary of state has not spoken to Mrs. Rawlinson directly, has only spoken to her son-in-law Mr. Morey, who did not receive any absentee ballots, I would object in the fact that that is, you know, secondhand knowledge. And then, you know, while Ms. Pitts conceded the possibility of human error, we, you know --
for Henry County?

MS. PACHUTA: I have not. I have the director, Ms. Pitts, on the board.

My understanding -- if I could have Ms. Pitts clarify this -- is that Mr. Morey did not complain to the manager but did not leave them. So I -- I don't -- we don't have copies and he did not allow anyone there to take -- to make any copies.

MS. SULLIVAN: Okay.

MR. MASHBURN: So we've got a factual dispute between Mr. Morey and Ms. Stewart?

MS. PITTS: Hello, Board.

MR. MASHBURN: (indiscernible)

MS. PITTS: This is -- excuse me, may I speak? This is Ameika Pitts, the director.

MS. SULLIVAN: You may speak. Go ahead.

MR. MASHBURN: Sure.

MS. PITTS: I hope all is well with you all. To my remembrance, this -- our investigator did get a statement from Ms. Stewart. I would have to get them -- I wouldn't have those documents to show at this moment, but I do remember her giving a statement where he did come in and said that he had received the ballots or whatnot from his

back there, there was no difference in any of the three. Wrote on two of the ballots "spoiled."

Since then, the lady that did that has left and went to Butts County. I don't know why. The three were not in the log and I want to know why. And I don't care if it's a Republican or Democrat. That makes no difference to me. But I want to know why three ballots just alike come to one person to vote.

And -- and I really don't like for people to -- to not tell the truth about what I said and what I did. I want the truth to be told, okay?

UNIDENTIFIED FEMALE SPEAKER: You have the other two ballots in your possession.

MR. MOREY: What?

UNIDENTIFIED FEMALE SPEAKER: You have the other two ballots in your possession.

MR. MOREY: I still have those ballots in my possession. I have them right now. And the reason I wouldn't let her keep them is because she wrote on them, and she didn't have a right to do that. She -- she denied that they did it to start with. And I said: Ma'am, here's the -- here's the postmarks right here. You sent them to -- to my address. And then I said: And I want to know why three ballots

want to know why you did it and now why you wrote spoiled on them that you didn't have a right to do.

And I want you to -- I want your committee to answer the simple question, why she did it and why was those three ballots sent to Judy Rawlinson. That's my question.

MR. MASHBURN: And -- and Ms. Rawlinson is your mother-in-law?

MR. MOREY: She's my mother-in-law. I take her -- when she goes to vote, I take her to explain -- we go through all of the amendments before we go -- leave the house, and I take her up there and she goes in and votes, has done it for years. She's an elderly woman and, you know, that's just the way it is.

MR. MASHBURN: Hey, I'm sorry to -- I'm sorry to interrupt you but what I'm going to do is I'm going to make a motion to continue this and send an investigator out to you to get those ballots. Is that sensible?

MR. MOREY: I -- I'm -- and I have no problem with that, sir.

MR. MASHBURN: All right. I'm going to -- now, he's going to have a badge and a gun. He's
a real law-enforcement. So don't be intimidated, okay?

Mr. Morey: I promise you I'm not intimidated. The facts need to be the facts. And -- and everybody up to this point on that end is just not telling the truth. And -- and, you know, that's just not -- that's just not right.

Mr. Mashburn: I don't mean to cut you -- I don't mean to cut you short --

Mr. Morey: What --

Mr. Mashburn: I don't mean to cut you short but I'm going to make a motion that we continue.

Mr. Morey: Send you the ballots. I -- I'll do that.

Ms. Sullivan: All right. We've got a motion to continue this case.

Ms. Le: I'll second it.

Ms. Sullivan: Any further discussions?

All in favor, please say aye.

The board members: Aye.

Ms. Sullivan: There are none opposed. That motion passes.

The next case is 2021-004, Dawson County.

Mr. Callaway: On 1/4/21, the Georgia Office of the Secretary of State's Investigations

anyone of intercepting and returning the ballots that were mailed to her New York address and she stated that she didn't think so.

Investigations conducted an interview with poll worker Beverly Ragsdale. She was informed that we were investigating the circumstances surrounding the issuance of Cho's in-person application for absentee ballot which resulted in double-voting during the runoff election.

After explaining what happened, she confirmed that she worked at the Dawson County 2020 general runoff election but she did not recall that particular incident with Ms. Cho.

She explained her process for issuing ballots to voters with outstanding absentee ballots and stated that she was not sure why she would have issued one -- issued Cho a ballot if her ballot had already been marked as received in ElectionNet. She viewed her action of issuing a ballot to a voter who had already returned an absentee -- returned an absentee ballot as an oversight.

Investigations conducted an interview of poll worker Britney Payne (ph). She recalled the situation with Cho and stated the incident with
MS. SULLIVAN: I believe we have one person that would like to speak to the board.

MS. PACHUTA: Yes, Board Members. This is Karen Pachuta again. I also represent Dawson County and their board of elections and voter registration and the staff member.

We are aware that Ms. Cho has denied completing and returning her absentee ballot. The county is -- we're assuming there's a separate secretary of state investigation into that matter. We have not received any updates on that.

For the runoff election, Ms. Cho requested an absentee ballot on November 11th that was mailed on November 19th, and she returned it on December -- or it was returned on December 10th.

She claims that she did not return that.

On December 31st, Ms. Cho arrived at the advanced voting precinct. When she checked in, she was flagged as having an absentee ballot issued and was sent to another station where they would go through the process of canceling any absentee ballots.

Beverly Ragsdale was working at that station. She'd been working in the Dawson County elections office as a temporary part-time worker during the advanced voting period in September. She -- I spoke to her and she explained procedure was to check ENet. If the absentee ballot had not been returned, then have the voter complete the affidavit, cancel the outstanding ballot, and allow the person to vote in person.

On December 31st, there were 834 in-person advanced voters. So Ms. Ragsdale, you know, when the investigator spoke to her in -- I believe it was October of this year, she does not have any independent recollection, you know, of this specific event or why she would not have seen in ENet that a vote had already -- an absentee ballot had already been returned on December 10th.

Ms. Cho did sign the affidavit, stating that she had not received her ballot and had not returned a ballot and requested the new ballot, allowing her to vote in person. And Ms. Ragsdale, you know, gave her the card and allowed her to vote.

Staff did -- other staff in the office did realize approximately 15 minutes later as the system was updating. At that point, it was too late. Staff spoke to Ms. Cho about the double-voting. Ms. Cho was adamant that she had not returned that absentee ballot.

Again there was another incident in the general election with an absentee ballot Ms. Cho had canceled, one ballot that she had not received. Or she said that she had not received and requested a new one to -- at her New York address. Both were returned, although one had already been canceled. So that did not count.

Glenda Ferguson, she is on the phone and available for questions. She is the director for Dawson County and has been with Dawson since 2003. This is the first time any matter has -- in Dawson County that she is aware of since she has been there that has come before the state elections board.

She acknowledges, you know, that somewhere an -- you know, an error occurred, that it should've been caught and, you know, to have Ms. Cho aware that her ballot -- absentee ballot had been returned already so that she could not vote again.

MS. SULLIVAN: Do any of the board members have any questions for Ms. Pachuta or Ms. Ferguson?

MR. Mashburn: I think it's admitted that two ballots got issued in the name of the same voter; right? The question is whether or not it
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<tr>
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<tbody>
<tr>
<td>1</td>
<td>MS. JONES: On December 28, 2020, we</td>
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<tr>
<td>2</td>
<td>received a complaint regarding a food truck at</td>
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<td>3</td>
<td>Northside Library, a poll location located at</td>
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<td>4</td>
<td>3295 Northside Parkway, Northwest, Atlanta,</td>
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<td>5</td>
<td>Fulton County, Georgia.</td>
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<td>The food truck personnel were giving out</td>
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<td>7</td>
<td>free food items. This occurred during early</td>
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<td>8</td>
<td>voting for the special runoff election,</td>
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<td>9</td>
<td>January 5, 2021.</td>
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<td>10</td>
<td>The investigation revealed the investigator</td>
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<td>11</td>
<td>went to the location and measured the distance</td>
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<td>12</td>
<td>from the edge of the library to the food truck.</td>
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<td>13</td>
<td>The distance was 92 feet.</td>
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<td>14</td>
<td>The first person associated with the food</td>
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<td>15</td>
<td>truck identified himself as Mark and advised that</td>
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<td>16</td>
<td>if a person voted, they can get free hot</td>
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<tr>
<td>17</td>
<td>chocolate, coffee, or doughnuts.</td>
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<td>18</td>
<td>The second person, a Mr. Schamerhorn,</td>
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<td>19</td>
<td>advised that a person did not have to vote to get</td>
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<td>20</td>
<td>the free items. They were trying to get as many</td>
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<td>people to vote as possible.</td>
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<td>22</td>
<td>The off-duty officer at the poll location</td>
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<td>23</td>
<td>verified the food truck staff had consulted with</td>
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<td>24</td>
<td>poll workers about where to set up. They were in</td>
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<td>25</td>
<td>the parking lot originally and had to move as</td>
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<tr>
<td>1</td>
<td>MS. SULLIVAN: And there are none opposed.</td>
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<td>2</td>
<td>That motion passes.</td>
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<td>I noticed that Ms. Cho is not cited as a</td>
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<td>4</td>
<td>respondent here, but it appears that she may have</td>
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<td>voted twice in this election. So I would ask</td>
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<td>that the board go back and -- I mean the</td>
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<td>7</td>
<td>investigations team go back and look to see if we</td>
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<td>8</td>
<td>have a -- a potential violation there.</td>
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<td>9</td>
<td>MR. CALLAWAY: Yes, ma'am.</td>
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<td>10</td>
<td>MS. SULLIVAN: Thank you.</td>
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<td>11</td>
<td>The next case on our agenda is SEB 2020-109.</td>
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<tbody>
<tr>
<td>1</td>
<td>believe a violation has occurred.</td>
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<tr>
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<td>I move to forward it to the attorney</td>
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<td>3</td>
<td>general's office.</td>
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<td>4</td>
<td>MS. SULLIVAN: I'll second that motion.</td>
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<td>Is there any further discussion?</td>
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<td>All in favor, please say aye.</td>
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<td>THE BOARD MEMBERS: Aye.</td>
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<td>MS. SULLIVAN: And there are none opposed.</td>
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<td>That motion passes.</td>
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<td>10</td>
<td>At this time, let's take a ten-minute break.</td>
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<td>2:40, we'll come back at 2:50, promptly.</td>
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<td>(Break taken)</td>
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<td>13</td>
<td>MS. SULLIVAN: Okay, we are back and we are</td>
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<td>starting with 2021-26.</td>
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<td>15</td>
<td>MR. CALLAWAY: This has civil allegations in</td>
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<td>the case file. In January 2021, it was reported</td>
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<td>17</td>
<td>that the individuals were showing as registered</td>
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<td>18</td>
<td>to vote at UPS stores in Fulton County.</td>
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<tr>
<td>19</td>
<td>The investigation revealed in Allegation 1</td>
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<tr>
<td>20</td>
<td>Frederick Corey Prevost owns property in Mineral</td>
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<td>21</td>
<td>Bluff, it appears. He has family at the address</td>
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<td>that he had his absentee ballot mailed to in</td>
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<td>23</td>
<td>Vermont.</td>
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<tr>
<td>24</td>
<td>According to ElectionNet, he had registered</td>
</tr>
<tr>
<td>25</td>
<td>at a UPS store mailbox in Alpharetta, Georgia.</td>
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</table>
The Vermont SOS voter registration records were checked and he was found not to be registered in that state. The investigator interviewed Mr. Prevost who advised that he was in Vermont, visiting his mother over the holidays. He advised that he lives at 775 Georgetown Chase in Roswell with his daughter. And she's the respondent in Allegation Number 2.

He advised that he consist -- constantly travels, so he uses the UPS store mailbox as his mailing address. He advised that the property he owns in Mineral Bluff, Georgia in property that he rents out to others. He additionally advised that his daughter was visiting her sister in North Carolina and had her absentee ballot sent there.

Investigation confirmed that these two addresses, home address and P.O. boxes addresses, are not the same as the voting precinct.

Allegation Number 2, investigations interviewed Julia Prevost who advised that she uses the UPS store mailbox as her mailing address. She advised that she lives with her father at 7775 Georgetown Chase, Roswell, Georgia.

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Recommendations are as follows: In Allegation 1, Frederick Corey Prevost be bound over to the state attorney general's office for O.C.G.A. 21-2-217(a)(1), rules for determining residency.

Allegation Number 2, Julia Prevost be bound over to the attorney general's office for O.C.G.A. 21-2-217(a)(1), rules for determining residency.

Allegation Number 3, Terica Kindred be bound over to the state attorney general's office for O.C.G.A. 21-2-561, false registration; O.C.G.A. 21-2-573, absentee voting by unqualified electors, two counts; O.C.G.A. 21-2-217, the residence of any person shall be held to be that place in which such person's habitation is fixed without any present intention of removing themselves therefrom. She violated this law by failing to register at her new address within the same county that she moved to approximately two years ago. She then requested to vote an absentee ballot using that old address.

MS. SULLIVAN: Thank you.

I believe we have a couple of people here who would like to address the board.

MR. NORTHEN: Frederick and/or Julia Prevost. You may --

MR. PREVOST: Hi. It's Frederick Corey Prevost. You have my name spelled wrong, by the way. There's an "e" between the "d" and the "r."

I am temporarily living in Roswell but my legal address is that UPS store on Crabapple Road. The -- it's my -- it's on my driver's license. It's on my passport. It's on everything legal that I was told I was allowed to use that address.

So I don't know what else to tell you. I --

I'm not voter fraud. I'm not doing anything illegal. I find it --

And I don't know who this Terica -- this third name on -- on there. Julia is my daughter, obviously. She lives with me, while, though, she has moved now to Seattle, Washington. She'll be no longer voting in Georgia at all.

But the -- the 12460 Crabapple Road is my
MR. PREVOST: It's probably -- it's closer -- definitely closer to the mailbox for sure. The -- the mailbox is at the Kroger -- the Kroger Crabapple Shopping Center at Rucker and Crabapple. And the -- yeah, I would say the Milton Public Library is probably a mile and a half up the road through two traffic circles.

MR. MASHBURN: So that -- go ahead. Go ahead.

MS. GHAZAL: Mr. Prevost, can you confirm with me that the Roswell address is in Fulton County?

MR. PREVOST: It's definitely in Fulton County. It's two blocks off of Canton Street in Roswell, Georgia.

MS. GHAZAL: So the residence and the -- and the registered address are both in Fulton County.

MR. PREVOST: That's correct. And I'm assuming because my legal address is in Alpharetta that you guys want me voting in the Alpharetta district. So, you know, I -- I go out of my way to not vote in Roswell elections or any of that stuff because of I'm not registered there. And I've never voted in any other state in the last 30 years.

MR. MASHBURN: Right. So we want -- so we want you to be voting for, like, a -- a local commissioner or a local school board where you live rather than where your mailbox is. That's the whole purpose.

MR. PREVOST: I -- I understand that. I understand that now, obviously, because, like I said, I was told that the -- the P.O. box can be my legal address. But truth be said, you know, I don't know if -- I'm not trying to be a naysayer and negative about my personal relationships, but we're both extremely independent people and I didn't want, you know -- something should happen to us, I didn't want mail continuing going there or whatever. But I would be happy to register at my Mineral Bluff address. That's fine.

MR. MASHBURN: Well, I think -- I think I agree with you that I don't see a purpose in -- in you going to the attorney general's office over -- over your dating situation. So --

MR. PREVOST: Love is a crime sometimes, but, yeah.

MR. MASHBURN: So I -- I'm willing to -- I'm willing to -- to issue a letter of instruction now that we're clear on the reason why the
statute is in place is to make sure that the
local government is responsive to the people who
live there.

MR. PREVOST: Makes sense.
MR. MASHBURN: And so I'm willing to -- in
your case, I'm willing to move for a letter of
instruction.
MR. PREVOST: Would that suitable for my
daughter as well? Because she was under the same
instructions, mostly by her father.
MR. MASHBURN: I think that's what Sara
said.
MS. GHAZAL: Yep, exactly. A friendly
amendment.
MR. PREVOST: I don't know who that third
person you mentioned, Terica -- I have no idea
who that is. Why is that tied to -- to my case
at all?
MR. MASHBURN: Y'all were probably in the same
location, I -- where your mailboxes are
probably in the same location.
MR. PREVOST: Ok, okay. Okay. I -- because
I don't know that person at all. I don't know if it's the same -- I don't know if it was a
previous box holder of the same one or just the

MS. SULLIVAN: Ms. Kindred, you may speak.
Thank you.
MS. KINDRED: Hello. Can everyone hear me?
Hello?
MS. SULLIVAN: Yes.
MS. KINDRED: Okay, perfect. So my name is
Terica. I was born in Los Angeles, California.
When I turned 18, I registered to vote in
California, but I haven't voted since the 2008
general election.

At the end of 2010, I moved out to Atlanta.
I bought a car in 2011 and I surrendered my
California driver's license in 2011. And I
haven't renewed another license in California
since. And I do have documentation from the
department of motor vehicles, proving this fact.
And I got that on November 29, 2021.
Currently, I hold an active Georgia real
estate brokers license. I'm a Georgia -- I have
a Georgia lenders license. During 2020, I even
had a W-2 position at a local mortgage bank in
California and then requested an absentee ballot
from Georgia. In 2013, I got a UPS store to
receive packages and also to keep a stable
address. I also worked with the public and I
didn't want them to have my address for safety
concerns and privacy. So I registered to vote
with that address in 2016.

It was stated in the findings that I'm a
current California citizen with a current
California driver's license. And that finding is
incorrect.

The state of Georgia didn't communicate with
the state of California regarding my new voting
registration. So as of today, my initial
California voting registration for almost 20
years ago is still active even though I haven't
casted a ballot in California for over ten years.
I did receive an absentee ballot in 2020
from the state of California because they were
part of a handful of states that sent absentee
ballots to all active registered voters during
COVID-19. I didn't request that ballot nor did I use it.

When I renewed my Georgia driver's license in 2020, my registration to vote was also renewed through DDS. And I use my UPS store address on my driver's license and it's also the same as my initial registration. So I kept everything the same.

In 2020, I did go to 1811 West 43rd Place. That's my mother's house. It's been her home for over 40 years. I was in L.A. so we could help each other during COVID. I was not able to attend the election in person due to the pandemic and shelter-in-place. So I requested an absentee ballot. I received that ballot at my mom's house, which I was temporarily located at the time.

So I humbly asking the state election board to know it was never my intention to falsely register in 2016 with the UPS store address. I didn't understand the law. I didn't know that I was doing something wrong. It's the address I literally use for everything important in my life. My current driver's license is the same. And so I used it to register as well.

In California; right?

MR. MASHBURN: I don't think it's your fault that California did something absolutely insane.

MS. KINDRED: Got it, yeah.

MS. LE: Did you --

MS. KINDRED: I mean, I didn't know why I got it. I actually called them and they said they were part of a -- COVID-19.

MR. MASHBURN: So I -- I move to dismiss it.

MS. LE: This -- this is Anh Le. I have a question. Did you notify California --

MS. KINDRED: One time --

MS. LE: -- of your Georgia residency?

MS. KINDRED: So I thought when I surrendered my license -- I thought that was done with California ten years ago, 2011. And then when I got the inspection -- or when I got you guys's letter, I called the department of motor vehicles because when they said I had an active California license, I was like, okay, identity fraud.

So when I called them, they confirmed that I did not have an active license. And I still have the old expired one from 2011. But I didn't know I -- I've been filing taxes for ten years, you know, in Georgia. I didn't know -- I thought it was automatic that I was now a Georgia resident.

I didn't know -- I don't -- I didn't know what to say to California. I don't even know who to contact.

MS. LE: Okay.

MS. GHAZAL: Mashburn, is your -- is your --

MS. SULLIVAN: I'll recog -- I'll recognize you for a motion at it -- I did not recognize you for your previous motion, if you would like to make a motion.

MR. MASHBURN: I'm -- I'm interested in the other comments of the board. But I just don't -- I don't see it's her fault that California did something that was nuts.

MS. GHAZAL: I'm surprised that California hasn't updated their voter list on a regular basis. But that's not our jurisdiction nor our law.

MS. LE: I -- I would suggest that some of our colleagues down at the secretary of state's office perhaps reach out to colleagues in California and suggest that they -- they join ERIC.

MR. MASHBURN: Agreed. Agreed.
Howard Bryant, Jr. had been on active felony probation to voter status on December 18, 2020 and deleted as a felon on January 28, 2021. Howard Bryant, Jr. was mailed a letter stating: Your right to vote has been challenged. And given time to prove their status prior to being deleted, the absentee ballot was received by the Gwinnett County elections office on December 20, 2020 and received by Cherokee County on December 28, 2020.

Anne Dover stated that she assumed that an employee in their office checking in ballots saw that Howard Bryant, Jr. was a -- a challenge voter, changed challenge voter status, and sent him a nonfelon affidavit.

Howard Bryant, Jr. completed and signed the nonfelon affidavit which was received on January 5, 2021. The ballot was not counted and the local state probation office was contacted to verify Howard Bryant, Jr.'s felony status. According to probation, Howard Bryant, Jr. was serving two felony convictions. The e-mail contained a copy of the nonfelon affidavit signed by Howard Bryant, Jr., absentee ballot envelope, and signed oath, as well as ENet information for Howard Bryant, Jr.

A complaint dated February 11, 2021 was received via mail and online from Janette K. Lawrence. According to the complainant, she had requested an absentee ballot for the January 5th general runoff election and received a ballot but ruined it. The complainant had marked both candidates for one senate seat and no mark for the second senate seat.

The complainant said that she followed the directions and wrote "spoiled" on both the ballot and the ballot envelope and returned it to the county elections office. When the complainant later checked the status of her ballot online, it was listed as received and accepted according to BallotTrax. Her ballot was accepted and her vote had been counted. A letter was also sent to Cherokee County elections office.

Complainant also stated -- the complaint also contained the e-mail confirmation reporting the incident to the secretary of state's office, BallotTrax registration, BallotTrax notification of voter status on November 2020, using online voter registration portal.

Howard Bryant, Jr. was issued an absentee ballot on December 1, 2020, placing a challenge to voter status on December 18, 2020 and deleted as a felon on January 28, 2021. Howard Bryant, Jr. had been on active felony probation to voter status on December 18, 2020 and deleted as a felon on January 28, 2021. Howard Bryant, Jr. was mailed a letter stating: Your right to vote has been challenged. And given time to prove their status prior to being deleted, the absentee ballot was received by the Gwinnett County elections office on December 20, 2020 and received by Cherokee County on December 28, 2020.

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Daniel with the office of Tennessee Secretary of State's Office advised a voter had been brought to their attention of possibly voting in Tennessee and Georgia.

The voter's name is Johnny Wilson and he may have voted during the November 3, 2020 general election in Tennessee and Georgia.

On March 31st, Brittany Daniel reported a second voter was brought to their attention as possibly voting in Tennessee and Georgia during November 3, 2020 general election. The electors name is Raison (ph) Heather Brooks, and she is a registered voter in both Tennessee and Georgia.

The investigation revealed the Johnny Wilson that resided in Georgia and the Johnny Wilson that resided in Tennessee were two different individuals. They shared the same date of birth, first and the last name.

ENet in Georgia shows Raison Heather Brooks voted in Georgia during the absent -- advanced voting on October 16, 2020. Fulton County searched all their applications for one requested by Raison Heather Brooks but they were unable to locate it.

Investigator reviewed Raison Heather Brooks and she reports she moved back to Tennessee as a permanent resident in July of 2020. Ms. Brooks denied voting in Georgia during the advanced voting on October 16, 2020. Ms. Brooks advised she would contact the Fulton County elections office and cancel her registration in Georgia.

On July 14, 2021, investigators received a statement from Ms. Brooks -- the officer provided a statement from the office manager, DeeAnn (ph) St. John. Ms. St. John reports Ms. Brooks was at work on October 16, 2020 from eight in the morning until five in the afternoon.

At this time, it cannot be sustained that Raison Heather Brooks voted in Georgia during the general election. Fulton County provided the voters list for the October 16, 2020 and the investigator did not find Raison Heather Brooks's name on the list. It appears Fulton County mistakenly gave Heather Brooks credit for voting and she did not vote in Georgia.

Our recommendations are as follows: Fulton County Board of Registration and Elections; Richard Barron, elections supervisor; Ralph Jones, chief registrar be bound over to the attorney general's office for O.C.G.A.
Mr. Lowman, would you like to speak?

Mr. Lowman: Yes.

Ms. Sullivan: Please go ahead.

Mr. Lowman: Again, David Lowman with the Office of the Fulton County Attorney.

Through research on the issue, Fulton County Department of Elections has determined that the advanced (indiscernible) advanced staff had been trained on the correct procedure for the credit, that the person that was involved in this situation did not follow the correct procedure. That person has been identified and has been retrained on the correct procedure.

And in addition to this specific training, more hands-on training for all advanced voting staff has been given. And because there was this dealing -- we found the same issue. So that -- that person was brought -- the complaint was brought into that case and it turned out to be -- respondent turned out to be Fulton County.

Ms. Sullivan: Understood. Thank you. Do any of the board members have a question for Mr. Lowman?

Mr. Mashburn: This is Matt Mashburn. Am I getting this right? Somebody voted in person in advanced voting as Ms. Brooks and Ms. Brooks says it wasn’t her? And we -- we think that it’s because somebody in the back office just entered the wrong name? Or help me out here.

Ms. Sullivan: Mr. Lowman, are you able to address that question?

Mr. Northen: Mr. Lowman --

Mr. Lowman: Yes. It -- it’s my understanding that it was a data entry issue. It was not that someone came down impersonating another voter, but that the voter credit was given to someone else in error, an entry of credit for voting.

Mr. Mashburn: I move to refer this to the A.G.’s office.

MR. LOWMAN: I believe we have some people here to speak regarding this case.

MR. NORTHEN: David Lowman.

MS. SULLIVAN: Mr. Lowman, would you like to speak?

MR. LOWMAN: Yes.

MS. SULLIVAN: Please go ahead.

MR. LOWMAN: Again, David Lowman with the Office of the Fulton County Attorney.

Through research on the issue, Fulton County Department of Elections has determined that the advanced (indiscernible) advanced staff had been trained on the correct procedure for the credit, that the person that was involved in this situation did not follow the correct procedure. That person has been identified and has been retrained on the correct procedure.

And in addition to this specific training, more hands-on training for all advanced voting staff has been given. And because there was this dealing -- we found the same issue. So that -- that person was brought -- the complaint was brought into that case and it turned out to be -- respondent turned out to be Fulton County.

Ms. Sullivan: Understood. Thank you. Do any of the board members have a question for Mr. Lowman?

Mr. Mashburn: This is Matt Mashburn. Am I getting this right? Somebody voted in person in advanced voting as Ms. Brooks and Ms. Brooks says it wasn’t her? And we -- we think that it’s because somebody in the back office just entered the wrong name? Or help me out here.

Ms. Sullivan: Mr. Lowman, are you able to address that question?

Mr. Northen: Mr. Lowman --

Mr. Lowman: Yes. It -- it’s my understanding that it was a data entry issue. It was not that someone came down impersonating another voter, but that the voter credit was given to someone else in error, an entry of credit for voting.

Mr. Mashburn: I move to refer this to the A.G.’s office.

MS. GHAZAL: Second.

MS. SULLIVAN: We have a motion and a second to accept the recommendation and refer this to the attorney general’s office.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed. And the motion passes.

The next case is 2021-97.

Mr. Callaway: McIntosh County elections director, Donna Gale, reported that when she went to the clerk’s office -- the clerk of superior court’s office to retrieve her absentee ballot envelopes and cure affidavits, she learned that apparently someone in the clerk’s office had (indiscernible) a shredding company to shred the contents of one of her five boxes of the election paperwork that had been stored there.

Documents she needed as well as other documents were in the box that was erroneously shredded. Donna properly placed her documents in the clerk’s office and the fault appears to belong to someone in the clerk’s office.

The investigation revealed an investigation...
into this complaint shows that McIntosh County election office transferred five boxes of election documents from the November 3, 2020 general election to the McIntosh County Clerk of Court's office on December 7, 2020 for storage purposes.

Election supervisor Gale went to the clerk's office on March 23, 2021 to serve a court order to make copies of all absentee ballot cure affidavit forms and absentee ballot envelopes that have had -- that had to have a cure affidavit form to verify signatures that were requested by the secretary of state's office.

Ms. Gale discovered that the documents that were -- that were requested in one of the boxes were mistakenly shredded while inside the clerk of court's vault on February 19, 2021. The shredding company was contacted by the clerk of court's office to destroy the documents.

The lack of oversight by a clerk of court employee resulted in the destruction of the documents that could've been prevented if the shredding process had been witnessed by the employee to ensure the proper documents were destroyed. Other documents in the box were also actually asked for, based on one of our investigations that was open.

MR. MASHBURN: Okay. So this -- so I make a motion this go to the A.G.

MS. SULLIVAN: I'll second that motion.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes.

The next case is 2021-98.

MR. CALLAWAY: Troup County election office reported that their office received voter registration applications where the signatures of the applicants were questionable. The applications were submitted by a representative of "The People's Agenda."

The investigation revealed -- the investigation by "The People's Agenda" the secretary of state identified Alexeev Harrison as having submitted a voter registration application for her mother Claire Harrison. Alexeev Harrison admitted filling out and signing her mother's name on a voter registration application submitted to the Troup County elections office on March 11, 2021.

Alexeev Harrison said her mother is elderly and she assisted in filling out her voter registration application. Registered to Alexeev Harrison mother -- Harrison's mother has been registered -- been a registered Troup County voter since 2008.

Claire Harrison had previously signed an affidavit in Troup County election, attesting it was not her signature on the application submitted. An affidavit was signed by Claire Harrison on March 25, 2021. Alexeev Harrison admitted in a statement to investigators that she filled out the voter registration application form for her mother.

The investigation by "The People's Agenda" and the secretary of state identified Pamela Williams as having submitted a voter registration application for Lily Brooks. Ms. Brooks, who was already registered to vote in Troup County, confirmed that Pamela Williams signed her vote -- voter registration application.

Ms. Brooks had previously signed an affidavit for Troup County elections, attesting that it was not her signature on the application.
Of the 40 suspected deceased voters, the investigation confirmed two to be fraudulent.

The other 38 voters are either currently alive, they cast their ballot prior to their death, or their vote was a result of an election office administrative error.

The allegations with actual violations are as follows.

- A vote was cast for deceased voter William Nelson via absentee ballot during the Cherokee County general 2020 election.
- A vote was cast for deceased -- deceased voter Leon Rowe via absentee ballot during the Richmond County 2020 general election.
- A vote was listed for deceased voter Mattie McDaniel via absentee ballot during the Fulton County 2020 general election. This was found to be in error as a voter with a similar name requested and voted a ballot but was listed in the system for the deceased person.
- A vote was cast for deceased voter Charles Knight via absentee ballot during the Coweta County 2020 general election.
- Alleged that a vote was cast for a deceased voter Steven Shaw via absentee ballot during the

Lowndes County 2020 general election. It was later determined the county gave credit to the incorrect Shaw who was deceased. The person casting the ballot is the eligible voter and alive.

In Allegation 1, a vote was cast for deceased voter William Nelson via absentee ballot. According to ENet, William Nelson was on a roll -- a rollover list and he was automatically issued an absentee ballot for the Cherokee County 2020 general election. The ballot was mailed to the address on record, located at 321 Orchard Drive in Canton, Georgia and returned to the election office on 9/24/2020. On 1/2/21, the election office changed Nelson's ENet profile from active to deceased. According to Nelson's obituary, he died on 9/6/2020.

The investigators interviewed William's wife, Sharon Nelson. She stated that she assisted her husband with signing his ballot and confirmed that he died on 9/6/2020. We informed her that her husband's ballot was not mailed to him until 9/18, the first day that ballots were allowed to be mailed. However,
she insisted that he signed his ballot in the hospital, prior to his death. She went on to say that her husband was a Republican and that she knew how he would've voted.

In Allegation 2, a vote was cast for deceased voter Leon Rowe via absentee ballot during the Richmond County 2020 general election. According to ENet, on 9/22/2020, Leon Rowe requested an absentee ballot for the Richmond County 2020 general election. The ballot was mailed to his address of record, located at 2508 Becket Court in Augusta and returned to the election office on 10/2/2020.

On 1/21/21, the Richmond County election office canceled Leon's voter registration and listed him as deceased. Prior to 2020, Leon had not participated in a Georgia election since 2012. According to Leon's obituary, he died on 12/2/2013. His mother, Alline Rowe also resides at this address on record. Upon review of Leon and Alline's signed oath envelopes and other election records, the handwriting on Leon's oath envelope is consistent with Alline's handwriting. However, Alline is currently deceased as well.

The investigation revealed that Knight is currently alive but a convicted felon. According to O.C.G.A. 21-2-218(c), address change and corrections, when she processed a change of address under Mattie Mae's election record. As a result, Mattie Belle's absentee ballot was issued to her under Mattie Mae's account.

Allegation 4, it was alleged that a vote was cast -- for a deceased voter Charles Knight via absentee ballot during the Coweta County 2020 general election. According to ENet, Mr. Charles Knight registered to vote in Fulton County on 6/9/12. His date of birth is 8/13/1930. Her new address was 555 McDaniel Street, Apartment 42, Atlanta, Georgia 30312.

The investigation revealed election clerk Sonia Owens mistakenly processed Mattie Belle's change of address under Mattie Mae's election ENet account. As a result, Mattie Belle's absentee ballot was issued to her under Mattie Mae's account.

The date of birth is 5/4/78. The address of record is 233 Donald Lamb Road in Moreland, Georgia.

On 9/2/20, elections clerk S. Owens processed a change of address for Mattie Mae, based on mail-in application. Her new address was 555 McDaniel Street, Apartment 42, Atlanta, Georgia 30312.

The investigation revealed election clerk Sonia Owens mistakenly processed Mattie Belle's change of address under Mattie Mae's election ENet account. As a result, Mattie Belle's absentee ballot was issued to her under Mattie Mae's account.

The investigation revealed election clerk Sonia Owens mistakenly processed Mattie Belle's change of address under Mattie Mae's election ENet account. As a result, Mattie Belle's absentee ballot was issued to her under Mattie Mae's account.

The date of birth is 5/4/78. The address of record is 233 Donald Lamb Road in Moreland, Georgia.
December 14, 2021

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1 general's office for O.C.G.A. 21-2-561, false
2 registration, when he registered to vote in
3 Coweta County while serving a sentence for
4 felony -- for a felony pursuant to O.C.G.A.
5 21-2-216(b), O.C.G.A. 21-2-563 (sic), absentee
6 voting by unqualified elector, when he voted in
7 the Coweta County 2020 general election while
8 serving a sentence for a felony pursuant to
9 O.C.G.A. 21-2-216(b).

Rebekah Knight, Lowndes county elections
clerk, be bound over to the attorney general's
office for O.C.G.A. 21-2-381(b)(1), making of
application -- apply for absentee ballot, when
she issued an absentee ballot to a deceased voter
and not the correct requestor as placed on the
application without verifying all of the
information.

MS. SULLIVAN: Thank you.
I believe we have several people signed up
to speak.

MR. NORTHEN: We have Rebekah Knight and
Barry Bishop.
Rebekah Knight, you’ll be able to talk.
Unmute yourself.

MS. SULLIVAN: Ms. Knight, you may go ahead.

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1 MS. KNIGHT: Hi. This is Rebekah Knight.
2 Can y'all hear me?
3 MS. SULLIVAN: Yes, we can.
4 MS. KNIGHT: Okay. I just wanted to inform
5 that -- that it’s saying in the case that all of
6 this was discovered in February of 2021 and that
7 I was no longer there then. I was fired back in
8 November of 2020. And it says that the reason
9 for my termination was because of the improper
10 processing.

However, when I was fired, they told it was
because I was no longer -- that they no longer
required my assistance. And with it being all
being discovered in February, I was not informed
of it -- of this until I was -- until I got a
call in August by the investigator which is why I
don't recall any -- any of this.

MS. SULLIVAN: Thank you, Ms. Knight. You
have no memory of this situation.

MS. KNIGHT: No, ma'am. Because, like I
said, I was fired back in November of 2020 and
all of this was discovered in February of 2021.
And I wasn't informed until Aug -- of August of
2021 when the investigator gave me a call about
it.

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1 And he had asked me if I had known anything
2 about this, and I told him I had no recollection
3 of it.

MS. SULLIVAN: Do any of the board members
4 have any questions for Ms. Knight?
5 Okay. And who else do we have here to
6 speak?

MR. NORTHEN: Barry -- Barry Bishop.
MS. SULLIVAN: Mr. Bishop, you may go ahead.
MR. BISHOP: Unmute I guess. Can you hear
me now?

MS. SULLIVAN: Yes, sir.

MR. BISHOP: Thank you. Madam Chairman,
I -- first of all, I'd like to say it's been a
real education for me to sit here all day and
listen to these cases. I guess no one is aware
of what's going on with the voter -- voter system
in Georgia, but it's a real education.

I represent Sharon Nelson who is the
74-year-old widow of William Nelson. The -- I've
heard the allegations and it's pretty much
accurate what's been described.

My client and her husband were on the
absentee roll to receive the absentee ballots for
the general election in September of two -- in

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1 2020 for November. He did pass away
2 September the 6th, I believe. She -- prior to
3 that he -- she and her husband had talked about
4 voting and how he was a staunch Republican and he
5 was going to vote Republican. And she says,
6 well, I'm going to cancel your ballot because
7 I'm -- I'm voting Democrat. So it was kind of a
8 joke between the two of them.

He died. She received the absentee ballots
and to carry out his wishes she sent both ballots
back in, both hers and his, with him voting
Republican and her voting Democrat. She now
realizes that was not the thing to do. She
shouldn't have done that, did not realize that it
was anything wrong other than she was carrying
out the wishes of her husband.

Later on, both of them did receive -- or she
received for herself and her husband the absentee
ballots for the runoff election. At that point,
she talked to her grandson who advised her, well,
my granddad's deceased, you need to send in your
ballot but not -- but not his. So she did that.
She sent in her absentee ballot for the runoff
election. She did not send in her husband's for
the runoff, based upon what her grandson had told
Mr. Mashburn: Yeah. Can't -- this is Matt Mashburn. I -- I appreciate your presentation. I thought it was well done. I can't see to dismiss. And the reason why I can't see to dismiss is because of the damage that this does to the belief of the other people in the system that you really did have a dead person vote in Georgia. And so that creates damage throughout the system and people don't believe the system because this happened.

Now, that being said, if it goes to the attorney general, one of the things they're going to do is enter a cease-and-desist order which means she's not going to do it again. And I think she's properly instructed now that she's not going to do it again.

So I can't see my way clear to dismiss it, but I don't think sending it to the attorney general is a good use of their resources or are of benefit because I think she's remorseful. You made a good presentation on her behalf.

So I'm going to move that a letter of instruction be issued.

Mr. Bishop: I understand.

Ms. Ghaizal: Second.

Ms. Sullivan: We have a motion and a second. Is there any further discussion?

Ms. Le: I respect the motion and the second. I will not support the motion. I think there's a direct violation, albeit a mistake.

And voting rights are not assignable. And for that reason --

Remorse is something we hear a lot and it's something I really appreciate because sometimes we do make these mistakes unknowingly. However, the law is what it is and for that reason and because of consistency with past cases, I will not support the motion, respectfully.

Ms. Sullivan: Thank you.
MR. CALLAWAY: That's correct. The original complaint was that he was deceased and the investigation revealed he was alive but a convicted felon under probation -- under sentence.

MR. MASHBURN: I move that that be referred to the attorney general.

MS. SULLIVAN: I'll second that.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: None opposed. That motion passes.

And then we have a last allegation regarding Lowndes -- former Lowndes County election clerk Ms. Knight.

MR. CALLAWAY: Rebekah Knight, Lowndes County -- former Lowndes County elections clerk bound over to the attorney general's office for O.C.G.A. 21-2-381(b)(1), making of application for absentee ballot, when she issued an absentee ballot for a deceased voter, not the correct requestor reflected on the application without verifying all of the information.

MS. SULLIVAN: I believe that Ms. Knight is passed.

Chair, if I could make an inquiry.

Is this -- and this is probably a completely unfair question for the investigator now, but does this complete our dead voters? No, we still have more?

MR. CALLAWAY: We've got a few more --

MR. MASHBURN: Okay.

MR. CALLAWAY: -- that we're looking into.

MR. MASHBURN: A handful? Ten? Twenty?

MR. CALLAWAY: There's a north and a south. Macon and Atlanta are doing separate cases now, as well, should -- should be wrapped up here by the end of the month.

MR. MASHBURN: Okay. And if you had a ballpark figure, is that unfair? Is that unfair? Put you on the spot? Can you get us that number?

MR. CALLAWAY: I can get you that figure, yes, sir.

MR. MASHBURN: Okay. Yeah. If you can get us that number because we -- there's this original allegation that there were 1200 dead people that voted in Georgia. We found five that were all voted by close family members and the rest were either alive or felons or whatever. So the soonest we can wrap that part up, I think it would be helpful to the people's confidence.

MR. CALLAWAY: Yes, sir.

MR. MASHBURN: Thank you.

MS. SULLIVAN: I will take this opportunity to compliment the investigations division.

MR. MASHBURN: Yes.

MS. SULLIVAN: They have cleared a tremendous backlog of cases --

MR. MASHBURN: Oh my gosh, yes.

MS. SULLIVAN: -- in the last couple of years.

And we do thank you for all of -- all of your hard, dedicated work to -- to get -- to clear that backlog.

MR. MASHBURN: Agreed. Agreed.

MS. SULLIVAN: The case on the agenda is 2020-111.

MS. JONES: On 6/14/21, the Georgia Office of Secretary of State's Investigation Division initiated an investigation regarding the collection of absentee ballots from drop boxes during the Fulton County 2020 general election. There was an allegations that the Fulton County elections office failed to provide still on the line.

MR. KNIGHT: No, ma'am.

MS. SULLIVAN: And do you have any intention of working --

MR. KNIGHT: No, ma'am.

MS. LE: Because Ms. Knight is no longer in elections, her actions taken during this time was in the capacity of an elections representative, I don't have facts here that support fraudulent activities in her personal capacity but that there is a technical violation for that reason.

I move to issue a letter of instruction if that is the will of the board.

MS. SULLIVAN: I'll second that motion.

Is there any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

That motion passes.

MR. MASHBURN: And before we move on, does that complete this ...

MS. SULLIVAN: It does.

MR. MASHBURN: Before we move on, Madam...
1. Approximately 385 drop box -- ballot transfer forms during the open records request which represent undocumented chain-of-custody for approximately 18,900 absentee ballots.

2. The investigation revealed in the initial response to the news article, open records request did not contain all the requested records. The requested -- the records, sorry -- the records provided represented approximately 56,000 absentee ballots of the 78,000 reported to be collected by Fulton County on the spreadsheet included with the open records request.

3. The election official responsible for preparing the files failed to save all of the records to the flash drive that was provided to the -- to the news agency. After being contacted by the news agency in question about the discrepancy, the election office conducted an internal audit of the records and Fulton County elections chief, Nadine Williams, created a flash drive that contained all of the records they were able to locate on 6/17/21.

4. On 6/22/21, the secretary of state's office reviewed ballot transfer forms provided by Williams. On 6/17/21, this review was able to account for a total of 78,383. However, there were still 58 missing ballot -- missing ballot transfer forms. These forms accounted for 892 absentee ballots and 13 collection dates.

5. On 6/24/21, our investigation -- investigations conducted a follow-up interview with Williams. Investigations requested that she provide video surveillance for each date and location that she was not able to provide a ballot transfer form and where there appeared to be only one courier documented on the ballot transfer forms. Investigations also asked she provide the names and contact information for each of her couriers and their signed oaths.

6. On 6/30/21, Williams provided her list of the absentee ballot collection teams and their signed oaths and video surveillance from the drop-box locations that were missing ballot transfer forms. Of the 50 members of the absentee ballot collection team, Williams provided 40 signed oaths. The oaths were not dated or notarized. She stated she cannot locate the others.

7. Williams submitted a request to the Fulton County technical operations manager to obtain video surveillance on the date of the missing ballot transfer forms. Surveillance footage was only available for three locations.

8. On 11/2, a review of this footage revealed two couriers collecting ballots from each location. Footage for the earlier dates were not retained by Fulton County IT department.

9. Williams stated she contacted the managers of each collection team and confirmed each team consisted of two couriers and all ballot boxes were checked daily.

10. On 7/8/21, investigatations interviewed three members of the absentee ballot collection team and they were able to confirm the collection process described by Williams as well as the alternate process that resulted in two sets of ballot transfer forms.

11. Recommendations are as follows:

Fulton County Board of Elections and Registration; Richard Barron, elections supervisor; and Nadine Williams, Fulton County elections be bound over to the attorney general's office for board rule 183-1-14-0.6-.14(10), secure absentee ballot drop boxes, when the election office was unable to produce 58 drop-box ballot transfer forms for the 2020 general election.

Ralph Jones, former chief registrar; Nadine Williams, Fulton County be bound over to the attorney general's office for O.C.G.A. 21-2-95, form of manager's oath, when she failed to maintain copies of oaths for each member of the absentee ballot collection team.

Fulton County Board of Elections and Registration; Richard Barron, Fulton County; Nadine Williams, Fulton County be bound over to the attorney general's office for board rule 183-1-14-0.6-.14(5), secure absentee ballot drop boxes, when the election office failed to retain absentee ballot drop-box surveillance video for the 2020 general election.

**MS. SULLIVAN:** Mr. Lowman, would you like to address this complaint?

**MR. LOWMAN:** Yes, I would. I believe -- I believe I have Nadine Williams, chief of elections, on the line who can speak to the issues in this case.

**MS. SULLIVAN:** I don't -- she's not available?

**MS. WILLIAMS:** Hello.
MR. NORTHEN: Ma'am, you should be able --

MS. SULLIVAN: Yes, Ms. Williams. You can
try to unmut...
investigation is really important and I appreciate you doing it.

And I believe that the result of the investigation does indicate a violation has occurred. And so I move that it be recommended to the attorney general's office.

But I appreciate your hard work. I appreciate Fulton County's hard work in trying to recover as much as they can and get as much as they can.

But the video and the sheets were just central pillars of allowing the drop boxes to exist. And what they were supposed to do didn't happen. So I do -- I do find a violation has been shown with probable cause.

MS. SULLIVAN: Is that a motion?

MR. MASHBURN: Yes. I move to send it to the attorney general's office.

MS. SULLIVAN: Is there a second?

MS. LE: This is Anh. I second it.

MS. SULLIVAN: Any further discussion?

All in favor, please say aye.

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: There are none opposed. That motion passes.

Tucker voted out of district on three separate occasions, filling out and signing the applications for absentee ballot and attesting to the incorrect address for the August 11, 2020 general primary special election for the 5th Congressional District, November 3, 2020 general election, and the January 5, 2021 senate runoff.

Recommendations are as follows: That Lewanna Tucker be bound over to the attorney general's office for Georgia election code 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of documents, neglect or refusal to deliver documents, when Lewanna Tucker used an address on her August 11, 2020, November 3, 2020, and January 5, 2021 applications for early advanced in-person voting oath in which she no longer resided, three counts; O.C.G.A. 40-5-33, require change of address or name, when she failed to update her Georgia driver's license within 60 days as required by law.

MS. SULLIVAN: Yes, Ms. Ghazal.

MS. GHAZAL: I recuse myself in this case.

MS. SULLIVAN: Okay. And there is no one here to speak on this case.

I will make a motion that we accept the recommendation.

MR. MASHBURN: Second.

MS. SULLIVAN: I've got a motion and a second.

Any further discussion?

All in favor, please say aye?

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

And let the record reflect that Ms. Ghazal did not vote in that motion that passed. The next case is 2021-132.

MR. CALLAWAY: Paulding County election employees reported a voter living in Paulding County and voting in Fulton County.

The investigation revealed Lewanna Tucker moved prior to these elections and voted out of district.

The investigation revealed Lewanna Tucker did early advanced vote three separate times at the Alpharetta Library. This was not her voting precinct. She filled out the application for advanced early voting by absentee, using her old address and did not inform Fulton County elections staff of her change of address when she checked into the polls and filled out the application on all three occasions.

She did not update her address to elections until a year after she had moved. She did not move -- She did this on June 24, 2021. She also did not update her address on her license until August 31, 2021.

The investigation revealed that Lewanna Tucker moved out of district on three separate occasions, filling out and signing the applications for absentee ballot and attesting to the incorrect address for the August 11, 2020 general primary special election for the 5th Congressional District, November 3, 2020 general election, and the January 5, 2021 senate runoff.

Recommendations are as follows: That Lewanna Tucker be bound over to the attorney general's office for Georgia election code 21-2-218(f), cancellation of registration in former state or county, address changes or corrections, in that Lewanna Tucker used an address on her August 11, 2020 general primary runoff, November 3, 2020 general election, and January 5, 2021 senate runoff applications for early advanced in-person voting oath in which she no longer resided, three counts; O.C.G.A. 40-5-33, require change of address or name, when she failed to update her Georgia driver's license within 60 days as required by law.

MS. SULLIVAN: Yes, Ms. Ghazal.

MS. GHAZAL: I recuse myself in this case.

MS. SULLIVAN: Okay. And there is no one here to speak on this case.

I will make a motion that we accept the recommendation.

MR. MASHBURN: Second.

MS. SULLIVAN: I've got a motion and a second.

Any further discussion?

All in favor, please say aye?

THE BOARD MEMBERS: Aye.

MS. SULLIVAN: And there are none opposed.

And let the record reflect that Ms. Ghazal did not vote in that motion that passed. The next case is 2021-132.

MR. CALLAWAY: Paulding County election employees reported a voter living in Paulding County and voting in Fulton County.

The investigation revealed Ms. Holloway has
They were following Georgia election rules in Athens-Clarke County elections did not violate law enforcement for forgery and theft. however, appears to fraudulently cashing checks identification cards for voting at this time, Timothy White. He was not using his applied for a voter I.D. card in the name of Antonio Riaz (ph). On 9/23/2021, he came into the office again and voter I.D. card in the name of Ms. Holloway also voted in the November 3, 2020 general election. Ms. Holloway voted in Fulton County for the November 3, 2020 and January 5, 2021 elections. She believes that she could vote in Fulton County because she and her ex-husband own a residence at 2817 Arlington Road in East Point. Paulding County did inform her that that was not the case and Ms. Holloway refused to believe that. The recommendations are as follows: Aranita Holloway be bound over to the attorney general's office for O.C.G.A. 21-2-562, fraudulent entries, unlawful alteration or destruction of entries, unlawful removal of documents, neglect or refusal to deliver documents in that, to wit, that Ms. Holloway used an address on her January 5, 2021 application for early advanced in-person voting oath that says she wished to use an address that -- in which she no longer resides. O.C.G.A. 21-2-218, two counts, in which Ms. Holloway used an address on a January 5, 2021 application for early advanced in-person voting oath in which she no longer resided and voted in the January 5, 2021 elections. Ms. Holloway also voted in the November 3, 2020 general election. It's my understanding that Ms. Holloway refused to believe that. The recommendations are as follows: Lopez Diego Borders came to the Athens-Clarke County elections director Charlotte Sosebee advised that a citizen had filed for two voter registration I.D. cards under two different names in September of 2021. The investigation revealed that Lopez Diego Borders came to the Athens-Clarke County elections office on 9/7/2021 and applied for a voter I.D. card in the name of Antonio Riaz (ph). On 9/23/2021, he came into the office again and applied for a voter I.D. card in the name of Timothy White. He was not using his identification cards for voting at this time, however, appears to fraudulently cashing checks with them. He is also wanted by Athens-Clarke County law enforcement for forgery and theft. Athens-Clarke County elections did not violate any election law or rule in issuing the IDs. They were following Georgia election rules in issuing the IDs, using the voter application form he filled out at the time as proof of his identity. Our recommendations are as follows: Lopez Diego Borders, alias of Antonio Riaz, alias of Timothy White, be bound over to the attorney general's office and also the district attorney's office for O.C.G.A. 21-2-561, false registration, and O.C.G.A. 21-2-562, fraudulent entries, four counts respectively on that one; and on O.C.G.A. 21-2-561, two counts. Thank you, Mr. Callaway. And this individual is not here to address that. So I would make a motion that we accept this recommendation and refer to both the attorney general and the district attorney. Yeah. I move to refer this to the attorney general’s office. Second. Any further discussion? Thanks to Charlotte Sosebee for catching this one. Yes, thank you. All in favor, please say aye.
passes.
The next item on our agenda is the attorney general report. We have the first number of consent orders to consider. We normally vote on these as a block.
Are any of these cases that any member would like to speak about individually?
We also have the -- let's go ahead and entertain a motion on these consent orders then.
MR. MASHBURN: Move to approve in -- on -- in a block.
MS. SULLIVAN: Do we have a second?
MS. LE: Second.
MS. SULLIVAN: All in favor, please say aye.
The BOARD MEMBERS: Aye.
MS. SULLIVAN: Any further discussion?
And we're -- this is a long day.
And there's none opposed. That motion passes.
Then we have the orders and dismissals listed on the agenda: Case 2016-34, 2015-4, and 2016-179.
Would any board member like to discuss any of these individually?
We can entertain a motion at this time then.

CERTIFICATE
STATE OF GEORGIA
I, Mary K. McMahan, Certified Court Reporter, Certified Verbatim Reporter, Registered Professional Reporter, Florida Professional Reporter certify that I was authorized to and did stenographically report the foregoing proceedings through audio-conferencing and that the transcript is a true and complete record to the best of my ability through stenographic notes.
DATED this 25th day of January, 2022.

/s/ Mary K. McMahan
MARY K. MCMAHAN
Certified Court Reporter
Certified Verbatim Reporter
Registered Professional Reporter
Florida Professional Reporter

(Adjourned at 4:12 p.m.)
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- Changes in text counts are marked with [count].
- Words or phrases highlighted in bold are more frequent or significant in the context.
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|         | Georgetown | 149/8  | 245/3  |
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|         | 233/25     | 152/2  | 246/15 |
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|         | 146/12     | 237/9  | 284/19 |
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| 57/12 | 145/1 | 195/6 | 252/13 |
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| 122/10 | 187/15 | 232/24 | 310/26 |
| 122/11 | 188/9 | 233/16 | 310/27 |
| 124/23 | 188/9 | 234/2 | 310/28 |
| 124/23 | 188/9 | 234/16 | 310/29 |

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- The format is: (Page/Column) (Row/Column)
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**White [2]**

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- 300/6

**Whitlock [1]**

- 17/8

**who [69]**

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- 32/5 32/9
- 32/9 36/23
- 38/16 45/7
- 45/14
- 48/24
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- 51/10 58/1
- 59/17 64/9
- 250/1

**while [33]**

- 9/22 10/8
- 59/17 64/9
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| widow [1]         | 275/20 |
| wife [3]          | 11/6 19/21 268/19 |
| Wilkes [6]        | 137/10 137/12 138/2 138/5 138/17 142/3 |
| William [18]      | 63/24 101/14 103/7 104/9 250/1 252/21 253/3 253/6 253/13 253/15 253/20 253/22 253/25 254/7 267/9 268/7 268/8 275/20 |
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| won't [1]         | 137/1 |
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| wondering [1]     | 43/3 |
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| words [1]         | 126/25 |
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