

SECURE, ACCESSIBLE & FAIR ELECTIONS COMMISSION

STATE OF GEORGIA

The above-entitled SAFE Commission meeting was held before Patrick Stephens, Certified Court Reporter, in and for the State of Georgia, commencing at 10:00 a.m. on this, the 12th day of December, 2018, at Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217.

TRANSCRIPT LEGEND

- (Interjection of thought for clarification)
- (Interruption of thought)
- ... (Trailing off or did not complete thought)
- (ph) (Phonetically)
- [sic] (In its original form)

(P R O C E E D I N G S)

10:00 A.M.

1
2 SECRETARY CRITTENDEN: Good morning, and welcome to
3 the Secretary of State's Professional Licensing Division
4 office here in Macon and the third Secure, Accessible, and
5 Fair Elections or SAFE Commission Meeting.

6 I am Robyn Crittenden and I'm the Secretary of State.

7 I was appointed by Governor Deal last month to fill the
8 remainder of Governor-elect Kemp's term following -- it's
9 not on? -- following his resignation. I am honored to
10 serve in this capacity, and my focus has been on integrity,
11 transparency and compliance with the law, which is what it
12 has been throughout my career in public service.

13 Prior to coming to the Secretary of State's office, I
14 spent time in several different areas of state government,
15 including working at the Georgia Student Finance Commission
16 and, most recently, serving as the commissioner of the
17 Department of Human Services.

18 Now, at this time, I'd like to lead the Pledge of
19 Allegiance, so if everyone would stand and join me.

20 (Collective Pledge.)

21 I pledge allegiance to the flag of the United
22 States of America, and to the Republic for which it
23 stands, one nation under God, indivisible, with liberty
24 and justice for all.

25 Thank you. Now, from -- from what I understand, this

1 group has already heard from several different groups, and
2 stakeholders, and public comment and has already made a
3 great deal of progress, but I'm excited to continue the
4 important discussion about our state's next voting system.

5 We're -- we're joined here today by Representative
6 Brad Raffensperger, and he is going to be critical in
7 continuing to carry out these efforts forward and to
8 oversee the implementation of the work of the Legislature
9 and Governor-elect Kemp.

10 Representative Raffensperger, thank you so much for
11 being here. Would you like to give a few comments?

12 SECRETARY RAFFENSPERGER: Sure. From this -- here?

13 SECRETARY CRITTENDEN: Yeah.

14 SECRETARY RAFFENSPERGER: Is that good?

15 SECRETARY CRITTENDEN: Yeah, that's fine.

16 SECRETARY RAFFENSPERGER: Thank you, Secretary
17 Crittenden and Co-chair Fleming. Thank you for this
18 opportunity to speak to the commission members and to all
19 of the attendees here.

20 Secretary Crittenden, I'd like to personally thank you
21 for your gracious welcome last week in the Secretary of
22 State's office as we began our transition planning. I
23 realize how many demands you have on your time and I'm very
24 grateful for the support you've given us.

25 As you know, the Secretary of State's office is the

1 focal point for elections because the priceless franchise
2 to vote requires free, clean and accurate elections
3 throughout every aspect of the election process.
4 Obviously, a key component of this is secure voting
5 machines. Our machines were state of the art in 2002 and,
6 today, it is imperative we complete our research for
7 security and technology for the next decade.

8 I have said that we need the most secure, updated
9 voting technology with a verifiable paper audit trail and a
10 system that moves voters faster through the line so we can
11 reduce wait times. Aside from that, I have no
12 predetermined outcome on the system or the vendor for our
13 next-generation voting machines.

14 Our next legislative session begins on January 14th
15 and I know that the General Assembly and our department is
16 looking forward to the completion and recommendations from
17 this commission's very important work. Thanking -- thank
18 you for offering yourself for service in this critical and
19 noble effort.

20 SECRETARY CRITTENDEN: Thank you. At this time, I'm
21 going to turn the meeting over to Representative Barry
22 Fleming and he's going to walk everyone through our agenda
23 for today.

24 REPRESENTATIVE FLEMING: Thank you, Madam Secretary,
25 and good morning to all. It's -- it's good to see all of

1 you again. I thank all of you for taking the time out of
2 your regular schedules and Christmas shopping that you
3 should be doing and -- and being here for -- once again, to
4 talk about something very important to Georgia; that is,
5 voting in our state.

6 We do have an agenda this morning and I know there are
7 copies on the way in right over there. We're certainly
8 going to try to stick to it. There is a time on the agenda
9 for public comment. I know there are sign-up sheets that
10 should be circulating throughout the audience. And so, if
11 you need to sign up and, for some reason, don't find the
12 sheet, Secretary of State Crittenden's staff is right over
13 here to my left and -- and -- and they can, obviously, be
14 able to help you out.

15 As always, I appreciate all of you coming that has a
16 -- have an interest in our proceedings today. We've had
17 very good participation from the public at our prior
18 meetings. I know -- recognize a lot of faces out there. I
19 know all of you are well-intended citizens and we thank you
20 for being here.

21 As always, we would ask everyone to be civil with
22 their comments. Also, please recognize that we do have
23 time limits for our presentations today and we will gently
24 initially remind you of that and ask you to -- to help us
25 keep that in order. My goal is not to have to call anybody

1 down for not being civil, and it hasn't happened so far,
2 and -- and I thank all of you for that. But let's keep
3 those in mind as our rules.

4 We also have with us today, again, a court reporter.
5 Patrick Stephens is right over there with that thing
6 covering his mouth. He's repeating everything I say, I
7 hope, and I -- I told Patrick, when I first met him, that
8 my dear wife is a court reporter and, as an attorney, I
9 have been trained well not to speak over other people
10 because the court reporter gets mad when you do that
11 because they're trying to take down everything we say
12 accurately.

13 So I would remind -- of course, members of the panel
14 know this, and the audience that as we have discussions,
15 that we want to be careful not to talk over one another so
16 the transcript can be taken down accurately.

17 As you see from your agenda this morning -- getting a
18 little feedback there.

19 STAFF MEMBER: Can you try turning off the microphones
20 that aren't being used?

21 REPRESENTATIVE FLEMING: Turn off the ones that aren't
22 being used. That would be... there we go. That will help
23 us a little bit. All right.

24 But, as you see from your agenda there, we'll have
25 three presentations from -- starting now until about noon,

1 and then we'll have a lunch break and then probably come
2 back around the 1 o'clock hour, and we'll adjust that as
3 need be.

4 Members of the Commission, we have brought lunch in
5 for you so that you can eat and we'll have some -- some
6 comments there to make that time productive for us as well.

7 There is a, as I mentioned earlier, a time for public
8 comment and then we'll end our meeting with a discussion
9 amongst the members of the commission.

10 Our hope is to begin now to formulate our thoughts,
11 our questions that we want the Secretary's staff to -- to
12 work on for us. My anticipation is, is that we probably
13 will announce another meeting in January, maybe the --
14 early January before the legislature meets for us to
15 actually formalize, hopefully, a recommendation to the
16 governor and to the legislature as far as our thoughts on
17 Georgia moving ahead with our -- our voting machines and --
18 and what we do next basically.

19 So that's -- that's the tentative outline, the best
20 laid plan of mice and men, and we'll see how it goes today.

21 But, once again, thank you all for being here. Are there
22 any questions from any of our commission members before we
23 get started into -- into the program? Anybody?

24 All right. Well, let's get going then. Garland --
25 and I want to say Favorito. Did I get that right?

1 MR. FAVORITO: Yes, sir, you did.

2 REPRESENTATIVE FLEMING: Come -- come on up. Good to
3 see you. I know that -- to the microphone right here would
4 be best.

5 MR. FAVORITO: So, Mr. Chairman --

6 REPRESENTATIVE FLEMING: Yeah?

7 MR. FAVORITO: -- I'm going to present from back there
8 on the computer and you're going to probably want to see
9 the slides.

10 REPRESENTATIVE FLEMING: Okay. You're going to
11 present from right here?

12 MR. FAVORITO: You may want to --

13 REPRESENTATIVE FLEMING: So turn our chairs around for
14 you? Okay.

15 MR. FAVORITO: I think that the slides are important
16 for you to see.

17 REPRESENTATIVE FLEMING: All right. And there's a
18 microphone up there for you so, hopefully, it'll do well.
19 Senator?

20 SENATOR JACKSON: A lot of people in the back can't
21 hear.

22 REPRESENTATIVE FLEMING: A lot of people in the back
23 can't hear.

24 SENATOR JACKSON: Cannot hear.

25 REPRESENTATIVE FLEMING: All right. Two suggestions:

1 Move closer to the front and, second of all, we'll let the
2 staff see if we can boost the volume a little bit for you
3 on -- on our microphone system. Okay? And we'll try to
4 talk a little better into it.

5 MR. FAVORITO: This one's not on yet, I don't think.
6 Check, check, testing, testing.

7 AUDIENCE MEMBER: Feedback.

8 MR. FAVORITO: Feedback? Testing, testing. Nothing?
9 So can y'all hear? Maybe if I just hold it. Is this
10 better?

11 AUDIENCE: Yeah.

12 MR. FAVORITO: Is this better?

13 AUDIENCE: (Crosstalk.)

14 AUDIENCE MEMBER: Yeah, a little bit. I can hear.

15 MR. FAVORITO: Is that okay?

16 REPRESENTATIVE FLEMING: Yeah, that -- that's better.

17 While -- while we're waiting to get everything going here,
18 I did, as I surveyed the audience, saw a lot of familiar
19 faces. I did see Representative Sam Teasley. Put your
20 phone down. I'm talking about you. Sam, good to see you.

21 We appreciate you following us and coming down today.
22 Good to see you.

23 MR. FAVORITO: Testing, testing.

24 REPRESENTATIVE FLEMING: The mic is working. I -- I
25 could hear it over the system.

1 MR. FAVORITO: Testing, testing, check.

2 REPRESENTATIVE FLEMING: The mic is working, Garland,
3 so just -- just speak right into it.

4 MR. FAVORITO: Okay. We'll go ahead and start then.
5 First of all, I want to thank you, Mr. Chairman, and I
6 really appreciate the opportunity to -- to come today and
7 give a little bit different perspective from an election-
8 integrity perspective. I'm the cofounder of Voter GA --

9 AUDIENCE MEMBER: We cannot hear.

10 AUDIENCE MEMBER: We can't -- I cannot hear.

11 MR. FAVORITO: Okay. Testing.

12 AUDIENCE MEMBERS: (Affirmative responses.)

13 MR. FAVORITO: Is that -- is that good enough?

14 AUDIENCE MEMBERS: Yes.

15 MR. FAVORITO: Is that good? Okay. Thank you. Thank
16 you, audience folks. So, again, I want to thank you for
17 the opportunity to be here. It's a true honor for me to be
18 here and present today.

19 As y'all know, I'm the cofounder of Voter GA. We are
20 a nonprofit, nonpartisan, all-volunteer organization, a
21 due's free member group. I want to spend about 15 minutes
22 on the current system and improvement opportunities, and
23 about 10 on new system requirements. I'm going to be
24 running through some slides really fast and just -- the
25 objective is to -- the presentation, how to restore the

1 trust in Georgia voting.

2 So I'm an IT guy. As I think many of you know, I've
3 been in the business for 40 years -- and I hate to admit
4 that because it kind of dates me, but I'm going to have to
5 fess up to it. So, in IT, we use something called systems-
6 development life cycles, and that is a -- basically, it
7 tells you the phases and the tasks that you have to go
8 through to do a big project like this.

9 And, typically, what you do is you analyze your
10 current system for improvement opportunities, you define
11 the new system requirements and then evaluate the
12 alternatives. So the purpose of my presentation today is
13 to help you identify the current system improvement
14 opportunities and then to set the -- a framework for
15 defining your objectives and requirements.

16 Before we get into restoring the trust of Georgia
17 elections, we have to talk about how the trust was broken.

18 Back in 2001, everything started off on a great foot. We
19 had a -- a tremendous law that said any voting systems that
20 we evaluate from the pilot have to have an independent
21 audit trail of each vote cast, a great law, a great
22 protection for Georgia voters.

23 But as the pilot took -- took place, only one of the
24 seven systems met the requirement of the law and there was
25 one other system that was not part of the evaluation that

1 could supply an independent audit trail.

2 The law -- in order to get the machines in, the
3 legislature then repealed that law in 2002, but the repeal
4 did not take effect until after the contract was -- was
5 purchased back in -- after the system was purchased back on
6 May 4th, 2002.

7 The reason that I bring this to the attention of the
8 commission is that we don't -- we don't want to make the
9 same mistake again, so we're going to ask you to please
10 only legalize auditable verifiable voting that can detect
11 fraud. So we want to make sure that you make -- have --
12 have that in your recommendations.

13 So when that new system was implemented back then in
14 2002, we went from what we believed to be 83 percent
15 verifiability with punch cards and an optical-scan printer
16 to zero percent with what we consider to be an unverifiable
17 system today.

18 So what do I mean by an unverifiable voting system?
19 Well, what we contend, from the election-integrity
20 perspective, is that the votes cannot be verified, audited
21 or recounted properly. So what do I mean by that? Well,
22 you, as a voter, cannot verify that the system tabulated
23 the votes and the selections that you made, the cast-ballot
24 screen that you see may not be what's happening on the --
25 the inside of the machine.

1 As election officials, many of you know when -- there
2 are no audit procedures in place today to audit their
3 elections. So -- so when you -- you certify those results,
4 you're putting down what the system told you that it -- it
5 was -- it tabulated, but you don't really have a way to
6 audit that and prove that, in fact, that that was the
7 correct results that the system told you.

8 And then lastly, but not least, is the recount
9 situation. As you know, here in Georgia, we recanvass
10 votes. We don't actually recount them on the DREs. So
11 that is a partial recount, and what, really, the law really
12 requires -- and, essentially, what you're doing there is
13 just reprinting previously unverifiable results.

14 So that leaves us open to -- to fraud and -- and
15 errors potentially. So we bring this to the commission's
16 attention because what we hope we will do is to ensure that
17 you will give us a verifiable, auditable and re-countable
18 system.

19 So that's the election-integrity advocates'
20 perspective, but what about the state's perspective?
21 We -- we hear quite a few arguments, and I condensed these
22 down to the four that we hear the most, and one is: The --
23 the machines are not connected to the Internet, so there's
24 no risk of external hacking, and we also have heard that --
25 of course, that an attacker needs to have physical access

1 to a machine to hack it and the counties perform extensive
2 logic and accuracy anyway that would detect any hack and
3 there's been -- really, there haven't been any reported
4 crimes since the 2002 implementation.

5 So there is a huge gap in the perspective between the
6 election-integrity advocates, and the computer scientists
7 and the -- the states and -- and these -- some of the
8 county elections directors. So let's look at why we have
9 this gap.

10 So I want to take the first two -- two issues: Is our
11 system vulnerable to -- vulnerable to Internet hacking and,
12 two, does a hacker need physical access. Okay. On the
13 right-hand side here, you'll see that we have a voting
14 machine and that voting machine is not connected to the
15 Internet and no -- it's -- it's secure in the county
16 offices and/or the precincts and, therefore, it is not --
17 it -- it -- it should be fine. It's not connected to the
18 Internet; there's no physical access to it.

19 However, the way it works on election day and in early
20 voting, that's not necessarily what we're concerned about.

21 What we're really concerned about and part of the process
22 is the preparation process. The preparation, Georgia runs
23 a centralized preparation process and that leaves us
24 vulnerable to what the security experts call a single point
25 of attack. And, with that single point of attack, you

1 could conceivably compromise any -- any given election.

2 So, for years, we've operated from the Kennesaw State
3 Center for Election Systems. That's where you do your
4 ballot building; that then, in turn, gives you a secure
5 elections database. From the county perspective, you're
6 getting that typically through the mail or some security
7 device. You don't get that from the Internet.

8 So, from the county perspective, everything is tight
9 and locked down. However, what happens if that -- that
10 server -- that ballot-building server has been compromised
11 by that single point of attack? That is the risk that you
12 have there, and we learned in 2017 that, in fact, did
13 happen and Kennesaw State was exposed for -- to the
14 Internet, that ballot-building server, and that was a
15 great concern to all of us. And, of course, there was a
16 lot of publicity about -- about that back then.

17 So, again, we bring this to the attention of the
18 commission because what we would like you to do -- and you
19 can't quite see the bottom of the slide here, but we want
20 you to consider decentralization versus centralization.
21 The decentralization is more secure because you cannot --
22 it would -- it protects you from the single point of attack
23 but, at the same time, it puts more burden on the -- on the
24 counties.

25 So if we're going to continue with a centralized

1 process, we need to find a way to make sure that the
2 counties can verify that the information that is -- they
3 receive from the central source is, in fact, secure.

4 Logic and accuracy testing: While you -- we would
5 say, Well, that would -- that would -- well, that would
6 detect a hack, wouldn't it? Well, no, not really because
7 the voting machines operate in test mode when you're
8 testing them but, when you put them into election mode for
9 election day and early voting [sic]. Well, the software
10 can determine what mode it's in and count differently in
11 test mode than it does in election mode. So it can be
12 intentionally designed, in any clever hack, to deceive the
13 tester to believe that everything is correct.

14 So, this, you do not have to take my word for it
15 because virtually all of the experts in all of the lawsuits
16 that have gone on in the state of Georgia have all agreed
17 that this is true; that the software can detect what mode
18 it's in and count differently in test mode than election
19 mode. So that negates so much of your logic and accuracy
20 testing and it -- it still leaves us vulnerable.

21 So the reason that we bring this to the attention of
22 the commission is to ensure that the audit procedures --
23 we'll have the appropriate audit procedures to protect
24 Georgians against election-day vote swapping malware.

25 Finally, I want to just quickly, as -- as fast as I

1 can, talk about Georgia voting problems. There have been
2 quite a few problems that we need to consider. And,
3 starting in 2002, we had a lot of invalid votes. We had
4 3256 test votes included in Cobb County certified results.

5 Now, the Cobb County elections people caught the error and
6 they fixed it; everything turned out all right, but the
7 machines accepted these invalid votes.

8 It happened again in 2008 in Lowndes County and, in
9 2017, you might remember there was a big delay in that
10 sixth-district race where the nation was watching us, and
11 it turned out that Fulton County had accidentally put a
12 Roswell runoff card into their sixth-district results.

13 Now, that was a human error but the machines should
14 have caught that error. As an IT person, I mean, our
15 responsibility is to have -- make sure that we only accept
16 valid data, and that was invalid data, so the machine
17 should have rejected that right away. It took a lot of
18 work from, both, Fulton County and Kennesaw to track down
19 what that problem is. So the machines will accept invalid
20 votes.

21 We've -- there's also been a variety of situations for
22 a lot of folks. Right here in Bibb County in 2004, two
23 machines lost over 200 votes and they simply just could not
24 accumulate their results. Director Carr at the time and
25 her staff -- there was nothing that they could do to -- to

1 fix the problem. So we just lost 200 votes back then.

2 In 2005, we had another situation that might have been
3 lost votes. Over in Cobb County, we had a SPLOST that was
4 decided by 114 votes, but there were 285 blank-voted
5 ballots. So how do you have a blank-voted ballot when
6 there's only one race on the ballot? And this is -- you
7 know, a SPLOST is -- operates by itself. There's no other
8 county -- there's no other elections on there.

9 When we asked that question, we were told that the
10 voters probably waited in line, drove to the poll, got
11 their card and then went and stuck it in the machine and
12 then just decided not to vote. We found that not a
13 plausible explanation, but that -- the same thing happened
14 again in 2011 when an election was decided by less votes
15 than the actual number of blank-voted ballots.

16 So the question comes down to, Did you lose votes
17 there? We don't know for sure but what we do know is that
18 a billion dollars of taxes were assigned and assessed
19 against the people of Cobb County over these votes and they
20 could have been lost.

21 In addition, just recently, we noticed in the last
22 election in 2018 the Georgia Lieutenant Governor's race had
23 a 4 percent under-vote rate, which is unheard of, and we --
24 we really do not know why that happened. It's not
25 consistent with history and it's not consistent with the

1 lower-down ballot races which, typically, have a 1 percent
2 or less under-vote rate.

3 So there's the potential there that we may have lost
4 90,000 votes but we just don't know. So if you -- I think
5 we will probably hear later on that the reason the machines
6 came into Georgia was we were trying to -- to solve an
7 under-vote problem back in the 2000 presidential race. We
8 were very, very concerned about it. There were about
9 90,000 under votes back then that seemed to be suspect.

10 But I want to mention this though because -- and we've
11 gone 16 years later and we still have the same problems
12 with the machines. We still have lost under votes that we
13 are not really sure about why -- you know, what happened to
14 them.

15 Just a few more things I wanted to mention to you. We
16 also had a situation of altered votes. We -- in -- in the
17 server level. We believe that the system can be altered
18 without an audit trail. This happened in 2008 out in
19 Douglas County where the chairman and the sheriff-elect
20 went to bed thinking that they had won their race. A board
21 member took the -- this is a county board member -- took
22 the results home in a spreadsheet and then went to enter
23 them in the next morning and the results changed and those
24 two individuals lost their races. How do we know this? We
25 have the inspector general's report from -- that explains

1 all of this from back in 2008.

2 Two more things I wanted to mention about the
3 machines and then we're going to move to the new system.
4 The machines will accept negative votes. We know this from
5 Florida when the exact same machine types that we have
6 accepted 16,000 negative votes. Again, the elections
7 officials always catch these errors, typically, and correct
8 them but the machines, for some reason, accept negative
9 votes and no one has ever cast a negative vote in the
10 history of American elections, so the question is why do
11 they allow that.

12 The same situation with fractional voting. We have
13 determined that the machines do accept fractional voting,
14 which we don't implement this in Georgia but the machines
15 are set up to do that. So no one has ever cast a
16 fractional vote in the history of Georgia elections as
17 well.

18 So we bring all of this to the commission's attention
19 because we would like for you to consider -- and I'm sorry
20 this last part of the slide is broken off. We'd like for
21 you to consider requirements that will prevent these kinds
22 of problems in the future if you should decide, in fact,
23 that they are problems. We believe that they are.

24 So, at this point in time, I'm going to run to the
25 handout summary --

1 REPRESENTATIVE FLEMING: Garland, hold --

2 MR. FAVORITO: -- which you-all --

3 REPRESENTATIVE FLEMING: Garland, hold on just a
4 second, Garland.

5 MR. FAVORITO: Okay. I'm sorry.

6 REPRESENTATIVE FLEMING: I want to -- you're about to
7 switch gears, so I want to see if any of the --

8 MR. FAVORITO: All right.

9 REPRESENTATIVE FLEMING: -- members of the panel have
10 any questions or comments about what you just covered. I
11 know some of them did because I heard them say -- talking
12 about it while you were talking.

13 MR. FAVORITO: All right. Thank you.

14 REPRESENTATIVE FLEMING: I just want to see if they
15 want to say it out loud. Yes, sure, Amy?

16 MS. HOWELL: Yes. Could you explain what a fractional
17 vote is?

18 AUDIENCE MEMBER: Could you use the microphone,
19 please?

20 MR. FAVORITO: Yes. So the question was, what -- the
21 question was, what is a fractional vote. We don't know, to
22 be honest with you. We'll go back here. We know that the
23 machine, it records votes -- or it has the ability to
24 record votes in -- in decimal places, two digits at least.

25 So why they have that ability? We don't know. Because,

1 as I was saying, no one's ever casted a fractional vote
2 that we know of in the history of American elections. Now,
3 this is not implemented in Georgia but these machines we --
4 that are of the same type do have that capability. That's
5 what we were -- that's what I was mentioning there.

6 REPRESENTATIVE FLEMING: Anybody else?

7 MS. BOREN: I had a question, Nancy Boren, about what
8 is a negative vote?

9 MR. FAVORITO: Yeah, a great -- great question. There
10 -- as I was saying before, no one has ever cast a negative
11 vote in the history of American elections, and we don't
12 know that it's happened in Georgia, but the machines will
13 allow negative votes because we know that the same machine
14 type allowed that 16,000 negative votes in Florida in the
15 2000 presidential election.

16 So the question is why do they even have -- accept
17 that -- a negative vote to begin with? So these are the
18 things that you probably ought to -- I think you would need
19 to look at and prevent with your requirements for future
20 machines.

21 REPRESENTATIVE FLEMING: Anybody else? Yes, I'm
22 sorry. You're sitting in the wrong spot.

23 MS. ROSS: I'm sorry.

24 REPRESENTATIVE FLEMING: You're in my blind spot.

25 MS. ROSS: It's okay.

1 REPRESENTATIVE FLEMING: Go ahead.

2 MS. ROSS: And I believe I can speak loud. Under lost
3 votes, that you're asking us to prohibit lost votes, are
4 you considering those voters that have the right to not
5 vote for a race?

6 MR. FAVORITO: Oh --

7 MS. ROSS: So that would be a blank vote.

8 MR. FAVORITO: Yes. No, I -- I'm -- I'm sorry. Thank
9 you. Roger -- roger that for that question. Right --
10 right, we do not mean under votes at all. No, an under
11 vote is a legitimate under vote, so if I -- I -- if I am
12 voting and I get down to the agriculture commissioner's
13 race and I don't know either one of the candidates, so I
14 decide to skip that -- that race, that's a legitimate under
15 vote. That's not what I'm talking about at all. When I'm
16 saying lost votes, what I -- what we're talking about here
17 is completely lost ballots for the most part or, in the one
18 case of the lieutenant governor's race, possibly an under
19 vote.

20 MS. ROSS: So what would be your suggestion for us to
21 determine what's a under vote and a blank vote? Because,
22 in our current system, it's the same number. It has the
23 same meaning in the current system that we have. So how
24 would you ask that we decipher the difference?

25 MR. FAVORITO: Okay. So, yes, how do we decipher the

1 difference. So an under vote is always legitimate. There
2 is no problem with under votes. The -- when we talk about
3 the lost votes here, the entire ballots were lost in Bibb
4 County. And, here, there was only one race on the ballot
5 in Cobb and the entire ballot was lost.

6 So when I say, Lost votes, then that's what I'm really
7 talking about, is the -- the entire ballot was not counted,
8 not just an under vote of the race. An under vote's always
9 legitimate.

10 MS. ROSS: Thank you.

11 MR. FAVORITO: Thank you for clarifying that for me.

12 REPRESENTATIVE FLEMING: Judge?

13 JUDGE MCCOY: Just to make a comment -- Darin McCoy,
14 Evans County. I witnessed many mail-in ballots in this
15 election where the only race that was voted on was the
16 governor's race and, also, I have experienced where voters
17 sent back the mail-in ballots blank and did not vote for
18 anyone.

19 MR. FAVORITO: Okay. And, now, there is one thing I
20 can add to that. So in the particular -- in the case of
21 the lieutenant governor's race, the down-ballot races --
22 the agriculture commissioner, the Secretary of State's race
23 -- typically had about a one percent under vote and the
24 lieutenant governor's race had a 4 percent under vote.

25 There's no logical explanation for that that we can

1 find out -- that we can think of offhand. Maybe y'all have
2 one, but it seems -- in fact, there was actually a lawsuit
3 filed over this. We don't really know why they would be so
4 dramatically different in that particular race, both from a
5 historical perspective and from that current election and
6 the down-ballot races.

7 REPRESENTATIVE FLEMING: Ms. Ross?

8 MS. ROSS: Would you recommend -- are you recommending
9 that all under votes be explained?

10 MR. FAVORITO: No.

11 MS. ROSS: Or is any unexplained under vote, in your
12 opinion, automatically suspect? Meaning, do you want the
13 voter to say --

14 MR. FAVORITO: Yes.

15 MS. ROSS: -- I'm under voting and I really mean it?

16 MR. FAVORITO: Great -- great question. No, no, we're
17 not asking for anything to do -- anything to happen that's
18 not happening now. What -- as you look at it even from a
19 historical perspective, there's a -- typically -- an under
20 vote typically runs from about a quarter of a percent to a
21 one percent. That's your typical under vote.

22 And it -- it goes down as you go down the ballot, as
23 -- as Director McCoy said, you know, people -- less people
24 vote as you go down the ballot. We don't see -- I mean, an
25 under vote is always a legitimate vote and we don't really

1 know why this particular race was that dramatically
2 different, and I don't know that I even have a solution for
3 you as to why -- how you would prevent that from -- from
4 happening.

5 But the problem is that the machine -- you -- you
6 don't have any way to go back and check what the machine
7 did. So if you had a normal audit trail, then you wouldn't
8 have this kind of -- of -- of strange situation.

9 You can go back to the actual physical ballots and --
10 if you had paper ballots, and then you could see, Okay,
11 yeah, it was legitimately under voted. But there's no
12 audit -- there's no way to audit the machine. So if the
13 machine said the -- the race was under voted by 4 percent,
14 we don't have any way to know whether or not the machine is
15 telling you the correct information or not.

16 REPRESENTATIVE FLEMING: Ms. Bailey?

17 MS. BAILEY: Thank you, Mr. Chairman. Lynn Bailey out
18 of Richmond County. The blank ballots you spoke of out of
19 Cobb County, do you by chance know the origin of those
20 ballots? Were they generated on an electronic voting
21 device or --

22 MR. FAVORITO: Oh, absolutely.

23 MS. BAILEY: -- either on paper or do you know?

24 MR. FAVORITO: No. These were -- the blank-voted
25 ballots were all off of the electronic voting machines

1 either from early voting or from election-day voting.

2 MS. BAILEY: So there were no mail-in paper ballots
3 considered in the numbers that we see up here?

4 MR. FAVORITO: That's exactly right. There was no
5 mail-in ballots considered in those, and about 40,000 total
6 ballots cast in those races.

7 MS. BAILEY: Thank you.

8 MR. FAVORITO: Thank you.

9 MS. ROSS: Can I get a point of clarification?

10 REPRESENTATIVE FLEMING: Ms. Ross?

11 MS. ROSS: Just a point of clarification: For Bibb
12 County where it stated that over 200 ballots -- votes were
13 lost, lost votes -- isn't it true that, based on the system
14 that we have now, the votes are stored on the voting unit
15 as well as on a memory card and that we have procedures
16 that -- when we have a memory card that goes bad, that we
17 do have procedures on where we can retrieve those votes
18 from the unit itself and download it to another memory
19 card, and that we know how many votes that we're looking
20 for.

21 MR. FAVORITO: So I'm -- I don't think I'm aware of
22 the votes being stored anywhere other than the memory card
23 itself.

24 MS. ROSS: They are on the voting unit, too.

25 JUDGE MCCOY: That is incorrect.

1 MS. ROSS: Yes, they are on the voting unit and
2 they're also on the memory card. So, if we have a memory
3 card that goes bad, we have procedures of how to internally
4 re-download those votes to another memory card.

5 REPRESENTATIVE FLEMING: Mr. Monds?

6 MR. MONDS: Just a point of clarification: When you
7 talked about this negative vote, what -- what was the
8 16,000 -- what did that represent in Florida?

9 MR. FAVORITO: Yeah. So, in Florida, what happened
10 was somebody apparently put a memory card in with 16,000
11 negative votes. I don't know if it was a --

12 REPRESENTATIVE FLEMING: Was it in Broward County?

13 MR. FAVORITO: It was in Volusia County, I believe.
14 That's a good question. It -- yeah, so somebody put 16,000
15 votes -- negative votes in the memory card and it was
16 accumulated into the results. The elections officials
17 realized that there was something wrong. They tracked it
18 back and fixed it. They found the card and they corrected
19 the problem. But the -- the point was that the machine
20 allowed that to happen.

21 REPRESENTATIVE FLEMING: Thank you, Mr. Garland.
22 Garland, go ahead and move along with the rest of your
23 presentation.

24 MR. FAVORITO: Okay. I'm just going to -- flip over
25 to your handout. I've just got about three or four slides

1 left that I want to leave you with.

2 You're going to be looking for disabled voters; I'm
3 sure you're going to be looking at ballot-marking devices.

4 The thing that I -- we want to make sure that you
5 understand -- and I think everybody knows that ballot-
6 marking devices are touchscreen and you can print the
7 selections on paper and then you can scan that and tabulate
8 it.

9 But the thing that we want to mention here is there
10 are three types of ballot-marking devices, and these -- I'm
11 just using my own terms. The first one I call the
12 unverifiable barcoded ballot mark, and that is it puts the
13 votes into a barcode and then tabulates the barcode. Well,
14 we consider that to be unverifiable just like it was 16
15 years ago because the voter can't verify and see what's on
16 the barcode.

17 So we think that those are not just -- should not be
18 purchased for Georgia, but probably really should be
19 outlawed. And the senate tended to agree with us, but we
20 never got the language quite -- in the -- in the last
21 session to do that.

22 There's what I call a verifiable barcode that has a
23 human-readable verifiable vote that's scanned, and that's -
24 - that's a good thing, but they still have a barcode for
25 things like election ID, precinct ID and so on. And

1 that's an increased security risk because there could be
2 nefarious instructions transferred from the ballot-marking
3 machine to the tabulator. So it's better than the -- the
4 non-verifiable, but still not -- not the perfect solution.

5 A better solution would be the clear ballot marker,
6 which has no barcodes at all. However, those are very,
7 very rare. There's only one or two vendors out there that
8 have that. So we bring this to the attention of the
9 commission just to ask you to legally ban unverifiable
10 ballot-marking devices. We're asking you to make that
11 recommendation.

12 So what are your alternatives to consider from a
13 systems perspective? Basically, they are -- you could
14 replace all of the DREs with what they call VVPAT DREs;
15 that would be Option Number 1. But what we found out about
16 those is -- those actually put the votes into barcodes as
17 well. So they're called -- they're called voter-verified
18 electronic voting machines but, yet, they actually don't
19 really have a voter-verified paper audit trail in most
20 cases. You might be able to find one out there. I haven't
21 -- haven't found one yet, but there could be one out there.

22 The other option you have is to replace all of your
23 DREs with ballot-marking devices. Two issues with this:
24 Voters tend -- there's a study, I think, from Rice
25 University that shows that about 30 percent of voters don't

1 properly verify the interpreted ballot. And so, therefore,
2 it -- it's not the best verifiability. But most important
3 probably, for your consideration, is that the cost is going
4 to be tripled because you're going to need 30 -- over a
5 hand-marked paper-ballot solution because you're going to
6 need 30,000 ballot markers to replace all of the DREs that
7 we have now.

8 The third option that we will probably be considering
9 is hand-marked paper ballot -- sorry that's a little bit
10 off the screen. Those -- that's the cheapest solution.
11 You only need one scanner for each precinct, so about 3,000
12 scanners you'll probably be needing. It saves a lot on
13 logistics, maintenance and testing.

14 It does have a higher cost of preprinted ballots. You
15 have to -- you know, that's more expensive but you can use
16 -- couple that with an on-demand ballot printer, which I
17 know a lot of elections directors like, and that means that
18 the -- the -- when the voter comes into the precinct, they
19 get that ballot right there printed off, so you don't have
20 to worry about how many ballots you need to print ahead of
21 time and throwing away all of the wasted paper. So that's
22 less administrative issues for the elections directors.

23 So I want to kind of talk about the -- what we -- we'd
24 like you to look at the seven problems that we need to --
25 we think you need to solve logistically, not just on the

1 voting system but generally speaking. Here's what we would
2 suggest that -- we think is important:

3 The first thing would be to standardize the ballot.
4 We should have an official ballot that's a durable paper.
5 It should be the same ballot that vote -- is voted on for
6 everybody: mail in, early voting, election day, provisional
7 and disabled voters. And that's particularly important for
8 disabled voters because it helps them to maintain their
9 ballot secrecy. We don't -- we don't record that manual
10 disabled vote, so they -- if they vote on the same ballot,
11 then their voter anonymity is better.

12 Tabulators. We talked about this. The -- the
13 tabulators can tabulate human-readable vote marks that can
14 be verified by the voter and anything else should not be
15 allowed in Georgia.

16 Election-prep security. This is another issue that we
17 think is really important that we want the commission to
18 consider. Decentralization versus centralization. Even in
19 a hand-marked solution, you still have to prep those
20 tabulators.

21 So how do you secure that? Should you let the
22 counties do their own prepping or can you give the counties
23 better security so that they can ensure that whatever
24 information they get from the centralized source is, in
25 fact, secure.

1 Auditing. You have to verify the tabulators with
2 random audits either by RLA procedures or precinct-level
3 procedures. That's critical. Hand tallies are critical
4 there for a selective percentage of -- of the total votes
5 cast.

6 Recounts. Recounts you don't -- currently, today,
7 you -- let's take the mail-in, for example. If you recount
8 them, you just take the ballots and you run them through
9 the scanner a second time. So if the tabulator was counted
10 incorrectly on election day, it would still be counted
11 incorrectly for the recount and you would never know. So
12 you have to hand tally the -- the recounts to make sure
13 that the tabulator is -- is tabulating correctly.

14 And, finally, ballot-inspection transparency. The
15 public is not allowed to see these ballots; they're sealed
16 up permanently. We had a candidate who tried to see his --
17 his -- his votes and he could not see the votes that were
18 cast in his election, sues for that right and the judge
19 said that he had no compelling reason to look at his -- at
20 his own ballots. So we don't think that's acceptable. So
21 there should be a procedure to allow the public to inspect
22 these ballots under the control of the ballot custodian,
23 which would be the elections directors in the county.

24 So I would -- the final thing I'd like to leave you
25 with is that all of this -- to restore the trust in Georgia

1 elections, it's going to require some additional work on
2 the counties. In -- in order to do this, you have to be
3 able to audit, recount and make sure that we have
4 transparency in the election process.

5 This is going to be an increased burden on the county
6 elections directors. It's going to require a little bit
7 more cost, and a little bit more funding and a little bit
8 more resources mostly at the county level. So we just want
9 to bring that to your attention because I think the
10 Secretary of State's office needs to work with the county
11 commissions in making sure that they understand this when
12 we move to a new system, assuming we're going to implement
13 auditing, recounting and transparency.

14 So what are the next steps? We think that -- we would
15 like to suggest that you refine the objectives that we've
16 given you and see exactly what you really think we need to
17 do and we think that you need to define the requirements,
18 basically, to each of these objectives and then prepare
19 legislation to -- for each of those objectives as well.

20 So that's a big task. I know maybe that everyone
21 would like to know how to do that, so what we've done is we
22 have this VoterGA SAFE Commission recommendation report.
23 Susan's holding up a copy of that. I was planning not to
24 release this until Friday because I wanted to get some
25 feedback from the commission as to what you thought about

1 the presentation and then I was going to make some
2 adjustments and release that on Friday, but I am prepared
3 to talk about it in case there any questions.

4 And, with that, I'm done. I wanted to make sure I
5 stayed on my time. And so, thank you so much, and I'd be
6 glad to take any other questions about the new system as
7 well.

8 REPRESENTATIVE FLEMING: Represent Beverly?

9 REPRESENTATIVE BEVERLY: Thank you, Mr. Chairman. I
10 have a quick question for you around the idea of on-demand
11 printed ballots. There's a cost associated with the
12 preprinted ballots that are wasted --

13 MR. FAVORITO: Absolutely.

14 REPRESENTATIVE BEVERLY: -- because they're not used.
15 Is there -- have you guys run a cost analysis on -- you
16 know, if we sort of looked at the amount of preprinted
17 ballots that are wasted, the savings we would have by going
18 to a printed ballot and what would that number be?

19 MR. FAVORITO: Right. That's a good question, and we
20 -- we don't have cost figures on that but, as -- as we've
21 explained, the -- the cost is -- is -- not only is it the
22 cost savings, but -- see, all you really need is one -- one
23 on-demand ballot printer in each precinct, so there's not
24 -- that's not a tremendous amount of cost.

25 And then it's -- not only do you save the paper cost,

1 but you save all of this administrative work for the
2 elections directors by having to try to anticipate how many
3 ballots they need ahead of time and then, if they don't
4 have enough, then there's a big scramble.

5 So there's two -- there's two cost aspects there, and
6 that would be the -- just the paper cost alone and then the
7 administrative. I think those two would offset the cost of
8 putting a ballot printer into -- at each precinct, but I
9 don't have the numbers to -- prepared. Great question.

10 Thank you.

11 REPRESENTATIVE FLEMING: Senator Jackson.

12 SENATOR JACKSON: Thank you, Mr. Chairman. This
13 commission is tasked with secure and accessible elections.

14 Sir, do you have an opinion about vote by mail?

15 MR. FAVORITO: Well, yes, sir. So the -- you know,
16 any -- there could be potential fraud anywhere. So, vote
17 by mail, you -- the voter gets a -- has an actual physical
18 ballot that they scan, so there's a system of record with
19 that ballot.

20 So we actually recommend that people vote by mail
21 given the current -- the current situation with these
22 machines. So no particular mail in -- no -- no type of
23 election is basically foolproof and no particular voting
24 type is foolproof, but we do recommend vote by mail right
25 now, you know, in -- in lieu of voting machines.

1 REPRESENTATIVE FLEMING: Garland, thank you so much.

2 We appreciate you being here today.

3 MR. FAVORITO: Thank you, Mr. Chairman. We appreciate
4 you. Thank you for having me.

5 REPRESENTATIVE FLEMING: Next, we'll ask Kevin
6 Rayburn, Secretary of State's office. Kevin, good to see
7 you today.

8 MR. RAYBURN: Thank you. I think we're going to get
9 mic'd up and then we'll start. Check. Can everyone hear
10 me okay?

11 AUDIENCE MEMBER: Yep.

12 MR. RAYBURN: All right. My name is Kevin Rayburn.
13 I'm the assistant elections director and deputy general
14 counsel for the Georgia Secretary of State's office. I had
15 the honor of previously presenting to you on our first
16 commission meeting, so thank you for letting me come back.

17 And the topic I'm going to talk about today is
18 postelection audits.

19 Postelection audits are something that we currently
20 don't do in Georgia. It's something that, when we move to
21 a new system that has a voter-verified paper record, we
22 will be able to do. It's something that most states do,
23 so it's something that you may want to include in the
24 recommendations of this commission as you deliberate that
25 later today and something for the legislature and our state

1 election board to really work with in the future.

2 So we'll start with, what is an audit? One definition
3 is you're trying to independently re-create and verify your
4 results using the same underlying data. So, in our world,
5 the underlying data is the cast votes. And so, you're
6 trying to independently re-create that tabulated results,
7 looking back at the cast votes.

8 What an audit can do is it can check out the equipment
9 and the procedures used to count the votes worked
10 correctly, that the votes were counted as cast and that the
11 election yielded the correct result.

12 What an audit is not is it is not a recount. What a
13 recount is, is when you count every single vote for a
14 particular race. So when you recount a house district,
15 you count every vote that was cast for that house district.

16 What an audit is, is it counts a portion, a sample, a
17 subset of the total vote for a particular race and that can
18 give you confidence that those votes were counted correctly
19 the first time. Whereas, a recount, since the full
20 re-creation, you will know what the results is.

21 So it sounds like there has been a consensus so far
22 that the next system will have a voter-verifiable vote
23 record. So why would you audit once you have that? What's
24 the importance of that? Well, the reason is that no voting
25 system is perfect. People are not perfect and computers

1 aren't always perfect and without risk. So even if you had
2 a hundred percent hand-counted election, the practice would
3 be to have an audit of that to make sure that people who
4 hand-counted did that correctly and that their procedures
5 worked.

6 So same thing if you have a computer-tabulated
7 election where you're scanning in paper ballots. You are
8 going to want to make sure that the computer was programmed
9 correctly and that it calculated the correct vote tally.

10 So the benefits of a audit are that you can find
11 errors, whether those were intentional errors or accidental
12 errors, it can help you have data and information so that
13 you can improve the process for future elections; you can
14 iterate on what you've learned after doing that review.

15 It serves as a fraud deterrent. Just like you are
16 probably less likely to rob a bank if you know there is a
17 armed guard at the door. If you know that there are audits
18 going to be done after an election, you know that they are
19 going to dig in and review those results, look at the
20 ballots, that is going to be a deterrent for election
21 fraud. And, finally, and maybe most importantly, it helps
22 build public confidence in the election and the outcome of
23 an election.

24 So I'm going to describe the three main categories or
25 types of postelection tabulation audits that currently

1 exist. They are the fixed-percentage audit, the tiered-
2 percentage audit and the statistically-based audit. Most
3 states -- 30 states have a fixed-percentage audit. What
4 this means is there is a predetermined percentage of
5 usually precincts -- it could be voting machines, but you
6 know ahead of time what percentage of precincts you are
7 going to need to go back and re-tabulate, recount.

8 Usually, you see 1 percent, 2 percent, 3 percent, 5
9 percent or 10 percent. Those are usually the categories of
10 the percentages that you would go back and review. The
11 advantage of doing that is you know ahead of time kind of
12 the scope of your audit, you know what percentage of
13 precincts you would have to look at and that makes it
14 easier to budget when you know ahead of time what kind of a
15 scope.

16 The downside of a fixed-percentage audit is it
17 doesn't change and fluctuate based on how close the
18 election is. I think, intuitively, if you have an
19 election that is a blowout, there's a huge margin between
20 the candidates, you would feel comfortable reviewing fewer
21 ballots than if it was a very tight election. Under the
22 fixed-percentage audit, it's fixed.

23 So, whether it's a close election or -- or a blowout,
24 you're not going to know beforehand but you're going to
25 have that fixed percentage set. And so, that's a downside.

1 It -- it doesn't fluctuate or change based on how close
2 the election is.

3 But, like I said, 30 states have that as a requirement
4 in their law today, is a fixed percentage. Now, a tiered
5 percentage is being done by two states right now, and what
6 that is, is it has buckets essentially that changes how
7 many precincts you will check based on how close the
8 election is.

9 So we might say if there is a 10 percent margin,
10 you review 1 percent of the precincts but if the margin
11 between the candidates is 5 percent, you review two and, if
12 it's 2 percent -- it's a close election -- you review 5
13 percent of the precincts. So it has, you know, clear
14 buckets, not many, but everyone can see it ahead of time
15 and, that way, it does adjust based on how close the
16 election is.

17 And then the third type that we're seeing, and it's
18 the newest type that's been developed, it -- it's the
19 statistical-based audits. Now, you may have heard of a
20 risk-limiting audit and there's even, more recently, a
21 Bazine audit has been developed, and all of these use
22 advanced statistical methods to try to reduce the number of
23 ballots you have to review in an effort to save cost and,
24 at the same time, have assurances that, to a certain degree
25 of certainty, you will know whether you will catch an

1 audit.

2 So, for example, that's called a risk limit. So, with
3 a statistical audit, you would set a risk limit ahead of
4 time and -- for example, you set the risk limit at 10
5 percent. What that means is there is a 10 percent chance
6 that if the announced result is wrong that you will not
7 catch it and that there's a 90 percent chance then that if
8 the announced result is wrong, you would find out. And so,
9 you adjust your risk limit to what you're comfortable doing
10 and that would dictate, along with how close the election
11 is, how many ballots you would have to review.

12 So far, there's only one state that has done this at a
13 statewide level, and that is Colorado. It took them 10
14 years to get to where they are today. So it's been a long
15 journey; they did a lot of test runs and pilots with
16 elections to try to -- to get comfortable and, in 2017,
17 they did their first statewide risk-limiting audit.

18 There are two other states, I believe Rhode Island and
19 Virginia, recently passed laws requiring risk-limiting
20 audits and they just, this year, did pilots for some
21 smaller elections. So they're working their way into being
22 able to do that statewide. But that is still not many.

23 To talk a little bit more about -- there are two types
24 of risk-limiting audits: There's the single-ballot
25 comparison and the ballot-polling audit, and I'm not going

1 to go into too much detail unless I get questions about it,
2 but the difference is, with a single-ballot comparison, you
3 actually look for a specific ballot.

4 So the computer has, basically, all of the ballots
5 cast, it -- it says we know that this ballot had these
6 choices. And so, you would randomly select a ballot and
7 then you have to find that ballot. You have to go find
8 that physical ballot. Now, that sounds like finding a
9 needle in a haystack when you're thinking about 4 million
10 votes.

11 And so, that is the big challenge with risk-limiting
12 audits in the comparison model is having amazing foresight
13 and planning and making sure that ballots are stacked
14 properly and you have a ballot manifest so that you can
15 either pick maybe Box 234 and then dig down 24 ballots
16 deep, that's the ballot you need to find. That's the kind
17 of detail you have to do to do a risk-limiting audit at the
18 comparison level, and that takes a lot of work.

19 And, if you mix up those ballots, you kind of can't do
20 that type of audit. But the advantage is you can do an
21 incredibly small amount of ballots. So it's kind of high
22 risk, high reward there.

23 The ballot-polling model is -- is probably more
24 intuitive -- like an exit poll. You randomly sample a
25 number of ballots and -- and you -- the algorithms help you

1 figure out how many you would need and then, with
2 statistics and the large numbers, if you have a good
3 sample, that should be representative of the whole.

4 So kind of like if you -- if you dig your hand into a
5 jar of jellybeans, if you did a good job and got a good
6 sample and you counted those, that should be the
7 distribution of the whole jar. The risk is that that's not
8 always true, and there's always a chance you will be
9 unlucky.

10 You could have the most perfect election where every
11 single vote is tabulated correctly, the voter intent is
12 clear but there's always a risk with a risk-limiting audit
13 that you might have to do a full manual recount of every
14 vote cast. So most elections, it might be cheaper; in some
15 elections, it might be way more expensive. So, once again,
16 risk/reward. So that's the -- that's the third type, the
17 statistically-based audit.

18 So, if Georgia decides to do audits, there are a
19 number of questions that will need to be answered to figure
20 out, All right, what type of audit are we going to do, how
21 would we actually put this into place, and I'm going to go
22 through those questions. I won't provide answers; I don't
23 have them, but it's important to start thinking about what
24 -- what decisions will need to be made, what -- whether you
25 include some of these in recommendations; the legislature

1 might want to speak to that or maybe a rule-making body
2 would.

3 So first is, what election will we audit? Are we
4 going to audit just the general elections? What about the
5 primaries? What about runoffs? We are about to have
6 several special elections due to vacancies that were
7 created in the past couple of months and we'll probably see
8 several more here in 2019. Do you audit all of those?
9 That's a fundamental question you have to ask, and -- and
10 that, obviously, would impact the cost of audits. Many
11 states just do the general elections or general elections
12 and primaries.

13 Another question is what races do you audit? So, even
14 after you select the election, well -- as you saw with your
15 general-election ballot, there were a lot of races on
16 there. Which ones do you do? How many do you do?

17 Many states choose top of the ticket. So, in a
18 presidential year, we'll audit the presidential race; for a
19 governor's election, you audit governor; sometimes you
20 randomly select from the ballot; sometimes you pick one
21 statewide, pick a district then. So there's options there,
22 and the more races would increase complexity and cost.

23 Who should conduct the audit? Should it be county
24 officials? Should it be a new county board of audits in
25 each county? Should state officials do it? Should third-

1 party auditors do it? Those are questions that need to be
2 answered.

3 How many ballots? We already talked about the
4 different types of audits, which dictates how many -- how
5 many precincts. That would dictate how many ballots, and
6 there's a cost. The costs that I've seen is usually 15 to
7 30 cents a ballot, is the cost to recount a single vote.
8 So the more votes, the more expensive your audit will be.

9 An interesting dilemma that Georgia will have -- be
10 faced with that many states don't have is we have a lot of
11 counties, as our county election officials know all too
12 well. So if you said one precinct per county, that's 159
13 precincts. And if we have about 2300 precincts, one
14 precinct per county is about 7 percent of all of our
15 precincts. That, potentially, is 7 percent of the votes
16 cast. So you can kind of get an idea of how big even just
17 one precinct per county -- how big that audit would be.

18 Another big question that is sometimes controversial
19 is when you audit. Do you audit before certification of an
20 election or do you audit after certification? If you audit
21 after the certification, the results are set. The winner
22 has been chosen; they're going to be sworn in. But some
23 states choose to do it after certification and it's
24 basically just to learn from the election. It won't impact
25 the outcome of the election that you're going to audit, but

1 it's to learn from it so that, future elections, you might
2 make changes.

3 If you do a precertification, now you're talking about
4 potentially changing results. You might be creating
5 records that could be used for a contest. If an audit
6 fails or shows discrepancies, you might need to do a
7 recount. So there are going to be consequences to the
8 election you are auditing if you do it before
9 certification. And the states are mixed. Some states do
10 it pre, some states do it after certification.

11 And then, possibly the most controversial question
12 that has to be answered is, what do you review when you
13 audit? Do you review the actual, original paper record or
14 do you review the digital image of the paper?

15 The current systems that you are -- were presented to
16 you at the previous meetings and submitted RFI responses,
17 they basically digitize and create an image of every
18 single ballot cast, and with current cryptographic
19 technology and methods that have been implemented in many
20 of these systems, they can digitally sign those images;
21 they can create a hash value, which basically says, We are
22 pretty certain no one has modified these images.

23 So, if we have that in Georgia, how comfortable would
24 we be with maybe reviewing the images instead of opening up
25 ballot boxes or maybe looking at both? And that -- so kind

1 of what you audit might dictate how you audit.

2 For example, Maryland did a pilot in 2016 and they did
3 a risk-limiting audit, they did a fixed percentage, you
4 know, X number of precincts, and then they took all of the
5 ballot images and gave it to another vendor. They picked
6 a different election vendor than that actually ran their
7 election, and they say, Here are all of the ballot images;
8 tabulate all of the results from the bottom, every single
9 race, and then we're going to compare what you tabulated
10 with what our machines tabulated, what our, you know,
11 results were. And so, that's an audit.

12 Their legislature just codified, basically, that plus
13 a hand-to-eye manual review, so they're going to do both.
14 So that's -- that's an interesting choice and something
15 we're going to have to decide if we choose to do audits
16 here in Georgia.

17 I talked about cost, you know, maybe 15 to 30 cents
18 per ballot, 90 to 100 percent of the cost is labor. So the
19 more ballots you view, the -- the more the costs will be.
20 Who's going to pay that cost? In most states, the county
21 officials are the ones doing the audit. Are they going to
22 bear the burden? Is the state going to pay a portion?
23 That's got -- that needs to be decided.

24 Finally, with other states, 15 states currently don't
25 have audits. Like I said, 30 states do a traditional fixed

1 audit, two states do tiered, three states have requirements
2 for risk-limited audits.

3 So to close it out, the kind of takeaways: It's, you
4 know, very exciting that we will potentially have a voter-
5 verified paper trail. Audits can be used to -- to add
6 confidence, to help us audit and check to make sure that
7 any computer system and humans involved in the process
8 worked correctly.

9 You know, it's going to be difficult to implement a
10 new system in 2020 and also do audits, but I think that
11 makes sense. We may want to consider whether we do --
12 overtime we, you know, iterate, and improve and expand our
13 audit. So maybe start with a -- a easier audit and then,
14 as we get more confidence and we develop best practices,
15 we can maybe audit more races, audit more precincts. So do
16 audits, start small, and then expand over time.

17 And then, as I've talked to experts who talk about
18 audits, the one thing they say is don't over legislate the
19 audit. Certainly, require an audit, that's perfectly fine,
20 but as I've -- and I'm sure many of you might be bored to
21 death from what I've talked about.

22 There's a lot of details involved and there's a lot of
23 brilliant academics and practitioners who -- this is their
24 life. They -- they focus on audits. We should hear from
25 them; we should listen to them. Sometimes that's hard to

1 do in the legislative process. Sometimes it's easier with
2 a rulemaking process. There's more flexibility there. So
3 maybe have the legislature make basic requirements and have
4 the state election board or some other body really get into
5 details of how to do an audit. So, with that, I thank you
6 for your time and attention.

7 REPRESENTATIVE FLEMING: Kevin, are you suggesting the
8 legislature over legislates sometimes?

9 MR. RAYBURN: I would never suggest that. I would
10 hate to see that happens.

11 REPRESENTATIVE FLEMING: It happens, and it's usually
12 Representative Beverly's fault.

13 REPRESENTATIVE BEVERLY: Most of the time.

14 REPRESENTATIVE FLEMING: Now, along that point though,
15 I find it very interesting that you talked about -- was it
16 Kentucky that -- there was one state you mentioned. I know
17 you mentioned Colorado, but there's one other state you
18 mentioned that -- that enacted statutory preventions on
19 auditing and --

20 MR. RAYBURN: You mean Maryland.

21 REPRESENTATIVE FLEMING: Maryland, Maryland. So I
22 don't want to -- I want to make sure I understood that.
23 They -- they got a system, they developed an audit and then
24 the legislature came in and codified the audit procedure
25 after it had been developed; is that right?

1 MR. RAYBURN: Sure. They did -- they did kind of
2 three different audits of the same election to try to see
3 how it works, what one did we like more, what gave us more
4 confidence, what -- what was the cost associated and then
5 they -- they legislated after that.

6 REPRESENTATIVE FLEMING: So, just thinking through
7 this timeline, the legislature meets in January. We
8 usually can get through sometime at the end of March,
9 sometime early April. If the legislature appropriated and
10 authorized a process and -- and directed towards certain
11 types of requirements for whatever voting system we have
12 next, I assume that would be an RFP process probably that
13 the Secretary of State's office would carry out.

14 But you really -- as -- as I'm listening to you, I'm
15 thinking this through. We -- we finish let's say end of
16 March, y'all procure a system after that. It's after you
17 know exactly what kind of system you have that you actually
18 need to think about codifying audits; right?

19 MR. RAYBURN: I think that's correct. There's --

20 REPRESENTATIVE FLEMING: So --

21 MR. RAYBURN: -- the system --

22 REPRESENTATIVE FLEMING: So this legislative session,
23 if we authorize the purchase of a new system, it would
24 probably be another legislative session where we actually
25 codify an audit procedure. Is that -- am I missing

1 something there? Does that sound right?

2 MR. RAYBURN: I think that's right. I think once we
3 know what system we will have, what it's capabilities are,
4 then we can really define what type of audit makes sense
5 with that system.

6 REPRESENTATIVE FLEMING: Through -- through trial and
7 error, and the testing and whatnot, too, I would assume.

8 MR. RAYBURN: Yes.

9 REPRESENTATIVE FLEMING: Questions from the panel?
10 Counsel?

11 MR. RUSSO: Thank you. Vincent Russo. How long does
12 the audit process typically take? I realize it -- it
13 depends on the size of the audit -- size of the election
14 being audited and the race, but say an election of 100,000
15 total votes being cast.

16 MR. RAYBURN: From what I read, it seems like it's
17 usually a few days. It's kind of like with a -- you know,
18 we just saw a recount in Florida. You can kind of get an
19 idea how long that took. They had multiple stages. They
20 did a machine count and a hand count. So depending on the
21 scope -- you know, just the recounting itself, assuming you
22 did all of the prep work and all of that, it would take a
23 couple of days and then you would have to develop your
24 report to report back to the state.

25 REPRESENTATIVE FLEMING: Absolutely.

1 MR. RUSSO: In your opinion, would it make sense to
2 start the audit process -- assuming that's the route that
3 the legislature goes, would -- in your opinion, would it
4 make sense to start with, say, off-year elections like odd-
5 number year elections?

6 MR. RAYBURN: Yeah. When you look at states that are
7 introducing audits to their -- their systems, you often see
8 pilots or, you know, test runs with -- with real elections.

9 And so, you're auditing a real election but it's -- it's
10 localized. It might be a city election; it might be a
11 handful of county elections. It's a big step going from a
12 county election to a statewide election. And so, you --
13 you've got to work your way up, you build your confidence,
14 you see what processes, what paperwork, what instructions
15 work with your people and you build your way up.

16 MR. RUSSO: Thanks.

17 REPRESENTATIVE FLEMING: Yes, sir?

18 MR. JABLONSKI: I have a concern with the legislature
19 mandating a type of audit. I think -- I think an audit is
20 absolutely necessary, but I think you can cut the time
21 period down by having the legislature authorize and fund a
22 new machine system but also, at the same time, mandating an
23 audit but leave it up to the state election board to
24 determine the type of audit, at least on an experimental
25 basis, until they can come back with some experience and --

1 and have it reviewed by the legislature if necessary.

2 But I don't think it's -- I -- I think it's a mistake
3 to put it into the legislation and then we're stuck with
4 it. It would be awfully hard to change as our experience
5 with new machines change and as experience and theory on --
6 on doing audits improves. We ought to be able to take
7 advantage of those improvements.

8 REPRESENTATIVE FLEMING: That's kind of what I was
9 referring to, Michael, was the timeline. Yeah, is how it
10 flows. Other questions? Dr. Lee?

11 DR. LEE: So I just want to clarify. So for the
12 percentage-based audit plan, so you said it's -- you set a
13 percentage of the precincts to do audits. Therefore, those
14 precincts, do you hand count every single vote or do you
15 also do a percentage?

16 MR. RAYBURN: You would -- so you would count every
17 vote in the precinct. So, in Georgia, we know, at the
18 precinct level, what are the results for the races. So
19 then you would recount just that precinct and then you have
20 your -- your audited result and you compare that to the
21 original result.

22 DR. LEE: So would it be better off if we do the
23 percentage across all precincts? So let's say each
24 precinct, they do 5 percent -- basically hand count 5
25 percent of the votes and we have people then study to say

1 which one's better?

2 MR. RAYBURN: So I think if we had a statistician to
3 work -- help us work through that and -- and the people
4 felt they were comfortable with a percentage of a precinct,
5 that definitely would cut down on the number of ballots you
6 would have to review.

7 REPRESENTATIVE FLEMING: Yes, Lynn?

8 MS. BAILEY: Lynn Bailey, Richmond County. Speaking
9 off of Mr. Russo's comments about the certification period,
10 we talked about this before in the senate and house race
11 that we held during the last session, and one of the things
12 we discussed with the -- with any type of postelection
13 audit that's being proposed, if we're going to do a
14 precertification -- which I would think we would do a
15 precertification -- there's no doubt that local officials
16 will need more time built into the timeline to get that
17 done.

18 You know, there are important things going on in that
19 three- or four-day period that we have to certify now, like
20 looking and adjudicating provisional ballots as one
21 example. So we do definitely need to look at that.

22 And, also, I think it's important that we distinguish
23 ourselves from states like Colorado who have refined this
24 process over 10 years and who, at this point, have mostly
25 mail-in ballots, so all paper ballots, and they're mostly,

1 if not exclusively, centrally counted and that affords them
2 the opportunity to keep these ballots in order and in -- in
3 a sequential manner so you can go in and identify a
4 particular 5 percent, or 1 percent or whatever the number
5 is, to find out.

6 But, as was mentioned earlier for Georgia, we have a
7 precinct-based system. It would, I think, indeed be like
8 trying to find a needle in a haystack to go to that level
9 of an audit. Certainly, a precinct-based type of recount
10 based on the percentage done completely at random; we have
11 no knowledge ahead of time which precincts are going to be
12 identified, would seem to work better, perhaps, in our
13 environment. Thank you.

14 REPRESENTATIVE FLEMING: Good. Coming around.

15 MS. ROSS: I have a question.

16 REPRESENTATIVE FLEMING: Ms. Ross?

17 MS. ROSS: Yes. Are you aware of any of the states
18 that already have an audit system in place that mandate by
19 state law that the audit can change the election results?

20 MR. RAYBURN: Yes. So some states basically -- you
21 usually see two things: You either have an authority with
22 a secretary of state or a -- you know, chief election
23 official that, if there are discrepancies, they could order
24 a recount, and then the recount would be the new result.

25 The other thing we see is if, when you compared your

1 audited result to the original result, if the difference is
2 greater than a threshold, maybe half of 1 percent
3 difference, then that would trigger a recount. But the
4 recount, usually, is what you would rely on if you wanted
5 to recertify a result.

6 MS. ROSS: Okay. So it's not like it can flip an
7 election; it's just going to order a recount or order a do
8 over. You see what I'm saying?

9 MR. RAYBURN: It -- it could order a -- and it depends
10 on how you do it. Some states, you know, you just give us
11 a report and learn from it. But, if you do a
12 precertification and you do a recount, it could flip the
13 results depending on how close that election is. If you
14 have a five-vote election, your recount -- recount gets
15 switched by 20 votes and then it flipped.

16 MS. ROSS: Right. But it -- but it will order a
17 recount, not a do over, is my question.

18 MR. RAYBURN: Well, that gets into election contests
19 and -- and what was the discrepancy. And so, it would -- I
20 would say, if the results flipped in a recount, you're
21 going to have a contest and you might have a judge order a
22 new election.

23 REPRESENTATIVE FLEMING: It will become evidence in
24 the case if someone tried to order -- have a new election
25 ordered. Senator?

1 SENATOR JACKSON: Thank you, Mr. Chairman. So, in
2 this case, you want the audit to be precertification. And
3 you would think the audit must be precertification but, if
4 you audit after you certify, it really doesn't mean
5 anything; correct?

6 MR. RAYBURN: That is -- well, I will not say it
7 wouldn't mean anything. It's -- it -- you get different
8 value from it, and we have to decide how does it work with
9 Georgia because, with runoff elections, we don't have a lot
10 of time. And so, we've got to weigh our runoff system, a
11 majority-vote system, with how we're going to fit an audit
12 in there. And so, that's -- it's just complex.

13 REPRESENTATIVE FLEMING: Any other questions? Lynn?

14 MS. BAILEY: Thank you, Mr. Chairman. Just one other
15 follow-up question. Lynn Bailey, Richmond County. Kevin,
16 you were talking about the -- an example of an audit that's
17 done after certification. And you mentioned the counties
18 that -- or the states that do that -- do that more auditing
19 procedures and making sure that the local officials, I
20 guess -- I mean the state officials did their jobs
21 properly, and more of the learning experience, or the recap
22 or a review of an election [sic]; is that correct?

23 MR. RAYBURN: That's right. They -- they still do
24 the -- the re-tabulate though. So they still actually
25 count votes. It's just after the period of contest, after

1 certification. So, after a decision has been made, let's
2 learn from it.

3 And three examples are Florida, Michigan and Maryland
4 do that. In Florida, each county would send a report to
5 the state saying, This was our accuracy of our audit, these
6 were any problems or discrepancies we've found, this is the
7 likely cause of those problems or discrepancies and this is
8 how we can prevent that in the future.

9 So it's actual items that the state could then figure
10 out, All right, do we need to change out equipment, change
11 software, change procedures, instructions? But it wouldn't
12 impact the actual results of the election. It wouldn't
13 change who won. So that's what some states have done.

14 MS. BAILEY: Okay.

15 REPRESENTATIVE FLEMING: Okay. Representative
16 Beverly?

17 REPRESENTATIVE BEVERLY: Do you happen to have any
18 statistics on when Maryland took the digitized copy and
19 sent it to this place, what was the difference between what
20 they counted and what that digitized company counted? Do
21 you know what that percentage was or if it was a percentage
22 difference at all?

23 MR. RAYBURN: I'm not -- I just don't know what it is.

24 I can distribute the report that Maryland did after that
25 pilot -- those three pilots to the full commission and then

1 -- and help highlight data that's in there.

2 REPRESENTATIVE FLEMING: Kevin, good job. Thank you.

3 MR. RAYBURN: Thank you.

4 REPRESENTATIVE FLEMING: Thank you very much. Our
5 last speaker before lunch is former Secretary of State
6 Cathy Cox, who I see there in the back. Currently, dean of
7 the Mercer School of Law, right here in Macon.

8 Dean Cox, it's good to have you today. We'll let her
9 get mic'd up. Dean, good to see you.

10 MS. COX: Good afternoon.

11 REPRESENTATIVE FLEMING: Welcome.

12 PLAINTIFF: Thank you.

13 REPRESENTATIVE FLEMING: Dean Cox, I know, got her
14 great training for all of the great things that she's done
15 in the House of Representatives; did you not?

16 MS. COX: That's exactly right.

17 REPRESENTATIVE FLEMING: Where I believe your
18 father --

19 MS. COX: Trial by fire.

20 REPRESENTATIVE FLEMING: Your father also served
21 there; did he not? Representing --

22 MS. COX: That's right.

23 REPRESENTATIVE FLEMING: -- the Bainbridge area;
24 right?

25 MS. COX: That's right.

1 REPRESENTATIVE FLEMING: Okay. Good. How long were
2 you there, dean?

3 MS. COX: I -- I had two terms in the House --

4 REPRESENTATIVE FLEMING: Two terms in the house.

5 MS. COX: -- and I was the Secretary of State.

6 REPRESENTATIVE FLEMING: And Secretary of State. And
7 then, after that, at some point, you were president of
8 Young Harris.

9 MS. COX: That's right.

10 REPRESENTATIVE FLEMING: And have been the dean of
11 Mercer Law School for how long now?

12 MS. COX: I'm in my second year.

13 REPRESENTATIVE FLEMING: Second year. How are things
14 at the law school?

15 MS. COX: We're in the middle of final exams, so
16 there's a big cloud over Macon right now --

17 REPRESENTATIVE FLEMING: No tension whatsoever; right?

18 MS. COX: -- which is probably the stress coming from
19 the law school.

20 REPRESENTATIVE FLEMING: Yeah, yeah, absolutely. I
21 remember those days, not fondly.

22 MS. COX: Exactly.

23 REPRESENTATIVE FLEMING: Well, Dean, we certainly do
24 appreciate you being here today. It's obvious that the
25 last time Georgia had a major change in their voting

1 system, I'll say in the state, you were an integral part of
2 that and we appreciate you coming today to talk about that
3 and, of course, anything else that is on your mind. And
4 I'm sure that the panel members would have questions for
5 you.

6 I think you know, but this is the third meeting of --
7 of this panel that Secretary Kemp, now Governor-elect Kemp,
8 put together to consider, you know, where do we go from
9 here with our voting system in the state of Georgia.

10 And, as I mentioned to them earlier, we anticipate
11 probably having one more meeting and then try to come to
12 some conclusions or recommendations for the legislature to
13 consider this next session. So, once again, thank you so
14 much for coming and we appreciate you being here today.

15 MS. COX: Thank you. It's great to see you again, and
16 I appreciate the invitation of Secretary Crittenden.
17 Congratulations to Secretary Raffensperger. Great to see
18 so many of you again and I appreciate the opportunity to
19 have a few minutes with you today.

20 The -- the perspective that I wanted to bring to you
21 today that I felt very strongly I should bring to you today
22 starts really with the old adage, that, Those who don't
23 remember history, are doomed to repeat it. So if you'll
24 give me just a few minutes to take you back to how we got
25 to where we are today.

1 For Georgia, it really started with the notorious 2000
2 presidential election, and when -- you-all have your own
3 memories of what was happening at the time and how the
4 world focused on Florida, and when Florida started their
5 recount of the hanging chads and the focus of the world
6 shifted to Florida.

7 I was serving as Secretary of State at the time. And
8 so, we decided we better study and figure out what had
9 happened on our own watch. And so, we engaged in a -- a
10 pretty deep dive into Georgia elections at the time and
11 were horrified to find out that we, in that election, had
12 lost almost 95,000 votes.

13 We, at the time, had a hodgepodge of election systems.

14 Every county at the time got to have their own voting
15 system, got to do whatever they wanted to do; they were
16 really left to their own devices and decisions to run
17 elections in the way that they wanted to.

18 We had everything from the old refrigerator-sized
19 lever machines that had not been manufactured in more than
20 50 years, to several counties that had thought they were
21 moving ahead and had bought optical-scan systems, to some
22 of our larger counties that were using the punch card
23 system with the hanging chads, to two counties that were
24 actually still using the bedsheet-sized paper ballot from
25 the 1800s. So we had all four of those types of balloting

1 going on in Georgia at the time of 2000.

2 The under votes that equated to those lost 95,000
3 votes happened for a variety of reasons. Those mechanical
4 refrigerator-sized machines often malfunctioned just from
5 the mechanical wheels that would freeze up, or fall off or
6 whatever could happen.

7 They literally -- counties had to cannibalize old
8 machines to keep them working, so everybody knew those
9 needed to go out. The punch cards, everybody knows from
10 the Florida experience why the punch cards were obsolete;
11 paper ballots were just unwieldy for a state the size of
12 Georgia, but people thought, Well, optical scan.

13 The counties that had moved to optical scan thought,
14 surely, they were doing the right things but, much to our
15 surprise, some of the highest error rates that we found
16 came from counties that were using optical-scan ballots,
17 and we -- over the years that I had been in the Secretary
18 of State's office, had already had some issues with
19 optical-scan ballots.

20 At one election, we had had a county that called us in
21 a panic on election night from an optical-scan county
22 because they were starting to count ballots and no ballots
23 would register in the whole county that night because,
24 obviously, the pen or pencil that they had provided in the
25 voting booths would not read in the scanner. So we found

1 out that many systems were dependent on the type of ink
2 that you used on the type of ballot.

3 We also found out through that study that a lot
4 of voters had not had the educational experience with
5 standardized ballot -- or standardized testing. And so, we
6 saw ballots where voters would circle the name of the
7 candidate instead of filling in a bubble, or putting an X
8 or -- or anything out beside their name.

9 We saw all sorts of voter errors where they would over
10 vote, put too many marks out beside and it would throw out
11 the -- the vote on a name. You name it. There were just
12 enormous opportunities for voters to make mistakes on the
13 optical-scan ballot.

14 We also found, interestingly, within the same
15 counties, when we drilled down into the precinct level of
16 optical-scan counties, a wide disparity between majority-
17 black and majority-white precincts using optical-scan
18 ballots with, quite frequently, majority-black precincts
19 having much higher error rates on optical-scan ballots than
20 majority-white precincts within the same county.

21 We didn't have the expertise and resources to drill
22 further into why that was, whether it was an educational
23 level, experience level or whatever, but we saw it in a
24 number of the counties that were using optical-scan
25 ballots, that disparity between majority black and white

1 precincts in the same county on optical-scan ballots.

2 So, for all of these reasons, we were able to tabulate
3 these lost votes and we took that original study -- which
4 should be in the state archives -- we took that study to
5 the legislature and said, We need to really do something on
6 our watch before we have the next election cycle.

7 So that was when the Georgia General Assembly
8 authorized the creation of the 21st Century Voting
9 Commission, a completely bipartisan voting commission that
10 was put together -- I think Lynn Bailey served on the
11 commission, several others of you might have, but we had a
12 combination, as your commission is composed, of local
13 election officials and legislators that studied for a full
14 year. We took the study we had done internally of what had
15 happened in Georgia and went out to study what existed in
16 the world in a way that we could improve the systems.

17 So we went out and -- and did an exhaustive study of
18 all of the voting equipment that then existed back in 2001
19 -- 2000 to 2001, to figure out where we ought to go in
20 Georgia.

21 And it was a result of that study that led us into
22 deciding to unify all of our voting systems in Georgia and
23 to move, for the first time, into a system where every
24 county would use the same voting equipment so that we could
25 do massive voter education for all voters across the state,

1 that the Secretary of State could do training for all
2 county election officials and then to help the poll-worker
3 training piece go hand in hand with that on a unified basis
4 across the state, that the state would then, whatever
5 equipment we decided to purchase, would purchase it for the
6 counties and, at least on the first round, make that
7 purchase for all of the counties because we had a disparity
8 of counties who were able or not able to afford to purchase
9 new equipment. And so, that was the result of how we got
10 into the system we have now.

11 We had a discussion at the time of whether moving into
12 electronic voting -- whether we could have implemented some
13 type of a paper-trail mechanism at the time, but I think --
14 my recollection was there was maybe one vendor at the time
15 that had some type of a paper-trail mechanism and we really
16 didn't like the system. We didn't think it was really
17 usable or affordable. And so, we didn't go with that
18 model.

19 We ultimately, as a commission, decided on a type of
20 equipment that we put into place but we did -- we liked
21 that paper-trail option. It just really wasn't -- the
22 technology wasn't there at the time.

23 Honestly, I think that our commission thought back
24 in 2000, 2001, that, surely, over the next decade or two,
25 technology would advance in such rapid pace that we'd

1 probably be voting on the Internet by now. You know, the
2 technology would come so far so fast. We really couldn't
3 even envision the things that are happening today in
4 technology or the threats that are happening today to
5 technology back in the day when we put this equipment in --
6 in place.

7 I think we also envisioned that there would be a
8 continuous study of election equipment over the years and
9 that there would be continuous need to purchase additional
10 equipment as counties grew and we would keep up with the
11 growth of -- for counties and to keep lines from becoming
12 long in polling places. Some of that has happened; some of
13 that hasn't happened, obviously, over the years to bring us
14 to where we are today.

15 But one of the main -- a couple of the main points
16 that I wanted to bring to your attention as you make a
17 decision for making a change today is to be mindful that,
18 yes, I do think it is probably time for a change and an
19 upgrade in technology because nobody is using technology
20 they used in 2000. And our system has pieces of equipment
21 that are hard to replace now, hard to -- hard to repair;
22 things that just, by virtue of -- of age, need to be
23 replaced and upgraded.

24 So that, in and of itself, I think is a great reason
25 for the state to be considering a new voting technology.

1 The hacking and the threat issues that have come about in
2 -- in recent years certainly is something to consider, but
3 your charge, I think, is not only to provide a secure
4 voting system but not to throw the baby out with the
5 bathwater, and you have to provide a system that is secure
6 but that also -- you understand the voter interface with
7 technology.

8 We were very fortunate when we bought this equipment
9 in 2001 that Congress was also mortified about that 2000
10 presidential election and put enormous amounts of money on
11 the table for all of the states to upgrade their voting
12 equipment. We were able, after successfully lobbying
13 congress and -- and my spending a lot of time on the Hill
14 in DC of working with our congressional delegation and
15 others, to be able to get an appropriation of over \$50
16 million for Georgia to pay for virtually all of the
17 equipment that we purchased.

18 In fact, the only money that the state ended up
19 putting into the purchase was really the voter-education
20 piece, and that is a very important piece because we felt
21 like any change you ever make in a voting system has got to
22 go hand in hand with a massive voter-education piece to
23 make sure that voters are never turned away from voting
24 because they don't want to show up in a polling place and
25 be embarrassed because they don't know how to use a piece

1 of technology or don't feel comfortable having to ask
2 somebody to show them how to use a piece of voter
3 technology.

4 So we hired a whole team of voter-education
5 specialists to take the current equipment out across the
6 state of Georgia. We went from senior centers, to civic
7 clubs, to churches, to pharmacies -- personally, I hauled
8 around one of those pieces of equipment wherever two or
9 more were gathered. I was there to talk about voting and
10 to show people how you could use the voting equipment. It
11 was just that important.

12 And whatever you decide to do is going to require
13 that kind of voter-education effort to make sure that all
14 Georgia voters of all walks of life and all ages and
15 backgrounds are just as comfortable with any kind of new
16 change in voting equipment.

17 But be mindful that just having a secure system --
18 like, I've heard a lot of discussion about optical scan.
19 Sounds great on the surface, but we had a lot of problems
20 with optical scan and was -- and that was the primary
21 reason we did not go with an optical-scan ballot back in
22 2001.

23 Now, I understand that some of the technology in
24 optical scan may have improved so that a voter might be
25 able to review their ballot before it is cast or put into a

1 ballot box. And I -- I can't say that I have kept up with
2 enough of the technology, but it will be very important for
3 you to consider voters with disability.

4 One of the most heartening parts of putting in the
5 equipment that we have today was being able to work with
6 voters who had visual disabilities and having a married
7 couple with a -- a -- a wife, I remember, who had -- who
8 had a visual impairment and she said she'd always had to
9 rely on her husband to cast her vote, but -- she trusted
10 him but, then again, maybe he marked the ballot like she
11 asked, maybe not.

12 But to go to our current equipment where she could put
13 in an earpiece and have her choices read back to her gave
14 her a level of voting independence that she had never had
15 in her entire life, and that was a moving, moving moment
16 to know that we, as a state, had given that kind of
17 independence to voters who had disabilities.

18 On our current equipment, as you know, it can enlarge
19 the type, it can read the voters' choices back to them and,
20 another factor to keep in mind, is that it can be
21 programmed to be printed in other languages, which is
22 currently a federal requirement in areas that have certain
23 portions of population that speak different languages.

24 And so, when you think about going to a paper-based
25 system, you have to think about all of the issues that go

1 along with that, the costs that go along with that if
2 Georgia or any particular locale, county or precinct,
3 should be required to print ballots in a different
4 language, there would be minimal costs to do it on an
5 electronic system; a lot of cost to do it on a paper-based
6 system, not to mention the cost of having to print ballots
7 in different languages.

8 But think about some of the issues that came out of
9 this election and some of the chaos that you've heard about
10 in 2018 of people not having enough provisional ballots in
11 a precinct; think about the different ballot styles that
12 have to exist in a county. Right now, you don't have to
13 worry about that because, when you go into a precinct, you
14 just show them your driver's license and you get programmed
15 for the ballot style that suits your particular living
16 residence.

17 It's -- it lines you up with the people you're
18 supposed to vote for for the legislature, for the county
19 commission, for all of your local districts but, if
20 you're on a paper-based system, you might have to have 20
21 different versions of paper ballots within a single
22 precinct.

23 So you've got to find a way to keep all of those secure,
24 you've got to find a way to keep all of those from getting
25 mixed up, you've got to find a way to keep 20 different

1 ballot styles in correct proportion, and give them out to
2 the right people, and make sure they get the right ballot
3 and that they all get in the right place to be counted.
4 You add enormous complexity with paper ballots --
5 complexity and cost and potential chaos that, right now,
6 you don't have to consider.

7 The local election officials know this and remember
8 some of this from the days of paper balloting. So it's --
9 you have a lot of expertise sitting at this table that I
10 hope you will rely on when you make a decision for a
11 change, but we were able to solve a lot of those problems
12 by going to an electronic-based system that took away a lot
13 of that cost and complexity by the sake of having it
14 programmed around.

15 But, more than anything, being mindful of the voter's
16 experience and the need for a type of equipment that can
17 give the voter the opportunity to review their ballot.
18 That is considered one of the best practices recommended --
19 excuse me -- by the federal voting election commissions and
20 very important.

21 And we felt like one of the best selling points of the
22 system we have now is that you can review your ballot and
23 the choices that you have made before you push that button
24 to cast your ballot. When you vote on a pure -- at least
25 simplified optical-scan system, you can put it into a box

1 right now with the simple systems. There is not an
2 opportunity for the voter to review their system, to know
3 whether their ink is going to scan, to know whether they
4 properly circled -- filled in a bubble or marked an X that
5 will register. If there are some systems that give the
6 voter that review, then maybe that's another option to
7 consider.

8 But you have to consider not just the security, which
9 a lot of the computer experts I'm sure you've heard from
10 are focused on, but you have the double opportunity and
11 requirement to consider how well the voters can interface
12 with this and how their experience is going to be to assure
13 that their intent is going to actually be captured and they
14 get to review that before they turn that piece of paper
15 over to someone else, and that we don't go back to the
16 history of Georgia, of voting fraud that happens with paper
17 ballots.

18 Even in the years that I was Secretary of State, we
19 had boxes full of paper or optical-scan ballots that
20 disappeared between election night and recount time. From
21 locked probate-judge vaults -- you know, you can go back in
22 history and find the times when ballot boxes ended up in
23 the bottom of lakes.

24 We have a rich and tawdry history of paper-ballot
25 fraud in Georgia, so we don't want to go solve -- try to

1 solve one problem by re-creating the history that we have
2 in Georgia with a lot of other problems, which makes your
3 task a lot more complex than a lot of people understand on
4 the surface.

5 But you have a big charge ahead of you and a lot of
6 expertise at the table, and I'm glad that you are here
7 studying these issues and I appreciate the opportunity to
8 bring these points back to the table today. So thank you
9 very much. I'm happy to answer any questions you might
10 have.

11 REPRESENTATIVE FLEMING: Dean Cox, as -- just as I
12 expected, a excellent review for us of how we got to where
13 we are and all of the thought that went into getting to
14 where we are, and I'm sure there will be, potentially, some
15 questions and comments here for you.

16 Just a -- a scheduling note, if -- if I may, very
17 quickly, just for our audience so that we all know when
18 we're going to start and finish: When we get through
19 visiting with -- with Dean Cox here, we do plan, around
20 noon, to -- to break for lunch.

21 As I mentioned early on, we have provided, for the
22 commission members, a lunch. There will be a room pass at
23 the check-in station that the staff will direct you toward.

24 Our goal is to get in there at about noon and come back
25 here at about 12:30 to begin our presentations again.

1 I wanted to mention that now to the people in the
2 audience in case -- we'd love for you to stay, but if you
3 need to slip out because you want to grab a bite and get
4 back in time, I just wanted to let you know what our
5 schedule may be.

6 Having said that, however, though, let me go ahead and
7 look around the table. And, Dr. Lee, did you indicate you
8 had a question or comment?

9 DR. LEE: So, I mean, I appreciate you coming. So, I
10 mean, first comments that -- I mean, obviously, between
11 2000 and now, we've had several lifetimes in computer
12 technologies. So we actually, indeed, have seen vendors
13 presenting the latest optical scanners that would actually
14 indicate to voters, that, Hey, look, you marked the -- you
15 marked the -- marked it wrong and we can get back to the
16 voter to say, Do it again.

17 So I think that concern should be -- should not be
18 there anymore. And the second -- second thing is that I
19 think people talk about a lot of cost associated with
20 printed ballots. I mean, I -- I think the latest vendors
21 that we've studied -- first of all, they have very good
22 interface to design custom ballots.

23 You know, on the -- on kind of a browser window that
24 you can actually see before you print it out, and then you
25 can also print it out. So you don't have to, like, print

1 out boxes of ballots and worry about, you know, somebody
2 would -- would steal them.

3 And then -- then, of course, I understand that
4 whenever we change technologies, right?, there's a lot of
5 costs associated with voter education, also training the
6 polling-station workers. So my question to you is that, in
7 your experience as the Secretary -- Secretary of State,
8 what's your estimate of the cost when you make the switch?

9 MS. COX: I -- I have no concept of what equipment
10 today costs, so I --

11 DR. LEE: I'm talking about your experience in, let's
12 say, 2000 when you made the switch. So you said you spent
13 a lot of money doing voter education --

14 MS. COX: My recollection was that the state
15 appropriated about 2 to 3 million dollars --

16 DR. LEE: Okay.

17 MS. COX: -- for the voter-education piece --

18 DR. LEE: Okay.

19 MS. COX: -- on top of the 54 million or so that we
20 spent on equipment.

21 DR. LEE: Okay.

22 MS. COX: And we hired -- I believe we hired a team of
23 about a dozen voter-education specialists --

24 DR. LEE: Right.

25 MS. COX: -- who spent the year, you know, making

1 contact with local organizations all over the state, and I
2 think they were assigned to regions of the state so they
3 could really blanket the state in voter education. So that
4 was my top-of-the-head recollection of our budget for voter
5 education.

6 DR. LEE: Okay. And do you also budget for polling-
7 station worker training?

8 MS. COX: Yes.

9 DR. LEE: And that's also included in that \$2 million?

10 MS. COX: I think so, yes.

11 DR. LEE: Okay. All right. Thank you.

12 REPRESENTATIVE FLEMING: Okay. Senator Jackson?

13 SENATOR JACKSON: Thank you, Mr. Chairman. I believe
14 Dr. Lee answered -- we had the same question. Dean Cox,
15 thank you for being here.

16 MS. COX: Thank you.

17 SENATOR JACKSON: You mentioned that we received 50
18 million dollars from the feds for our last voting machine
19 and it cost the state 2 million dollars -- 2 to 3 million
20 dollars for voter education. My question is really to you,
21 Mr. Chairman: Do you have an anticipated cost of this new
22 voting machine?

23 REPRESENTATIVE FLEMING: Tell me which one and I'll
24 tell you the anticipated costs. But -- but -- but, in all
25 seriousness, you know, I think -- it's -- it's -- the

1 estimations have been anywhere from a paper-based system,
2 which is -- is cheaper on the front end, and then we have
3 to get into the cost of the printers and all for the local
4 governments on the other end, can be low as in the less
5 than 50 million range to some of the ballot-marking systems
6 that are a little more complicated and -- and it's a bigger
7 front end purchase to 150 million dollar range.

8 So that's a -- that's a, you know, just an estimate.
9 I'm sure that it can go above or even below. Does that
10 answer what you were thinking --

11 SENATOR JACKSON: So -- so --

12 REPRESENTATIVE FLEMING: Yes, sir?

13 SENATOR JACKSON: So we go through a training phase,
14 so -- and this would be all state -- this would be all
15 state money --

16 REPRESENTATIVE FLEMING: If we follow the last
17 model, most of the expense was picked up by the state,
18 understanding that the counties had a lot of expenses, as
19 the years went on, to replace machines, and for the
20 training, and so forth and so on.

21 SENATOR JACKSON: Okay. And that's my question. I --
22 I just want everybody to know that this will not only be a
23 state fee, but there would be a huge cost to most of the
24 counties also.

25 REPRESENTATIVE FLEMING: There's always going to be --

1 there's currently costs in the machines that they maintain,
2 and the boards that they train, and the people that they
3 upkeep and there will certainly be continuing costs with
4 whatever system we get, understanding that, depending on
5 that system, some's going to be more, some's going to be
6 less and then the component the state kicks in will modify
7 that. Complicated answer, good question. Yeah. Yes, sir,
8 Michael?

9 MR. JABLONSKI: Dean Cox, I remember very well the --
10 when we revolutionized the voting system in 2000. When the
11 Secretary of State's office did the report on problems with
12 elections prior to that, was there any discussion at that
13 time about performing audits? And then, secondly, when we
14 purchased the new machines or when we decided to do that,
15 was there any discussion of implementing audit procedures
16 at that time?

17 MS. COX: We -- in the -- when we did the internal
18 study, we were just studying what the problems were, to
19 start with, with the existing old equipment. When the 21st
20 Century Commission surveyed all of the then existing
21 equipment, we -- my recollection is that we did talk about
22 auditing, but that's when it always gets around to your
23 definition of auditing.

24 You know, and that's when going from the time we
25 purchased the equipment through the state election board,

1 we worked on a lot of the processes that we put in place,
2 the checks and balances of how everything from the voter's
3 list to the -- how many tapes you ran off of each
4 individual voting machine, pasting those on the window of a
5 polling place, wrapping those around the memory card, and
6 transporting that to the central election office and
7 balancing all of that out with numbered list of voters.

8 So there was that kind of an audit-trail mechanism put
9 in place as much through state election board rules and
10 regulations than through equipment-type audits.

11 REPRESENTATIVE FLEMING: Judge?

12 JUDGE MCCOY: Just a couple of comments. It's good to
13 see you again.

14 MS. COX: Hey, judge.

15 JUDGE MCCOY: One thing I want to bring up that has
16 not been mentioned today, during your tenure, we visited
17 some other states who were using optical-scan ballots and
18 also giving paper receipts and the one thing that has not
19 been mentioned is climate control and how that affects your
20 paper ballots.

21 Just in the November general election just held, a
22 couple of jurisdictions in North Carolina that were using
23 -- that switched to optical-scan ballots, their -- none of
24 their ballots would scan because they were dealing with
25 high humidity on election day and the ballots were --

1 absorbed enough dampness that they would not scan.

2 The same thing with paper receipts from voting
3 machines. When you start dealing with paper and, thinking
4 about South Georgia, you've got to consider our humidity
5 and how that affects the paper and how we count that.

6 MS. COX: We had an incident -- I remember an incident
7 prior to the new equipment being put in place where a
8 county with an optical scan called us at one point and they
9 had that humidity issue and our recommendation was to send
10 everybody home to get hairdryers and bring out the
11 hairdryers --

12 JUDGE MCCOY: Absolutely.

13 MS. COX: -- and dry the ballots. And -- and it
14 helped. I mean --

15 JUDGE MCCOY: Absolutely.

16 MS. COX: -- it was make do with whatever you can do,
17 but that was -- that is a symptom with humid climates.

18 JUDGE MCCOY: Absolutely. And those of you who have
19 not witnessed elections in South Georgia should visit us on
20 election day and see some of the rural precincts and places
21 where we conduct elections and -- and how we deal with not
22 only humidity but other issues. But -- but that is
23 definitely something that we need to consider with -- with
24 paper receipts, with -- with, you know, ballots that we
25 verify is, you know, dealing with weather conditions.

1 And, also, one other comment on costs to the counties
2 and all: A lot of people do not realize that the costs of
3 conducting state and federal elections on the county level,
4 the county pays for all of that cost. Poll workers,
5 printing ballots -- everything. There -- there is no
6 funding from the state or federal government to our
7 counties for conducting elections when, many times, there's
8 not even a county race on the ballot, such as our recent
9 statewide runoff.

10 REPRESENTATIVE FLEMING: Amy?

11 MS. HOWELL: Thank you, Mr. Chairman. Thank you,
12 Dean Cox. I wanted to thank you for highlighting the
13 importance around access for individuals with disability
14 and the ability to independently cast their vote and
15 privately. Historically, do you feel that the lack of
16 access had a chilling effect on participation in the voting
17 process for people with disabilities?

18 MS. COX: I do believe that because we heard that from
19 voters. We worked with a lot of disability organizations
20 when we were sort of pilot testing this equipment and
21 different types of equipment to ask voters to try it out
22 and we heard from voters who said either they didn't trust
23 a poll worker or -- to help them at a polling place if they
24 didn't have someone in their family they trusted, so they
25 just didn't vote.

1 So I think we saw some actual, at least anecdotal,
2 experiences of voters who -- who just didn't go through the
3 trouble of voting because they couldn't vote independently
4 and didn't have a trusted person to help them. But then,
5 even those who had trusted voters [sic] always had a little
6 tinge of doubt that their ballot got marked as they wished
7 and just loved, loved, the experience of having that
8 independence of knowing their voice really, finally, was
9 heard.

10 REPRESENTATIVE FLEMING: Ms. Welch?

11 MS. WELCH: Good morning, Dean, and good to see you
12 again.

13 MS. COX: Good morning, you too.

14 MS. WELCH: I just want to make one statement. When
15 we talk about having a ballot printer at the precinct,
16 there's no way that we would be able to function with just
17 one ballot printer. That would definitely create long
18 lines. It would become ballot stations, and we would need
19 at least 7 to 10 ballot stations, and you would need a
20 printer on each station. If you think about the concept of
21 one ballot printer, if you have a technical issue, you just
22 created long lines.

23 REPRESENTATIVE FLEMING: Absolutely.

24 MS. WELCH: And so, you would need stations rather
25 than a one-ballot printer in a precinct. So I want to make

1 sure that everybody understood that. Thank you.

2 REPRESENTATIVE FLEMING: Senator Jackson?

3 SENATOR JACKSON: Yes. Dean Cox, you mentioned
4 earlier that when we -- when we switched to the new machine
5 in 2002, there was a discrepancy in -- in -- in voter
6 participation -- well, maybe not voter participation, but
7 black voters and white voters. There was a huge learning
8 curve. Could you talk a little bit more about that and --
9 and why you think that occurred?

10 MS. COX: I -- I don't know that I can give you the
11 reason of why, but we saw -- we saw a margin of difference
12 that sometime exceeded 20 percent difference in under votes
13 between majority-black and majority-white precincts within
14 the same county. So the under vote rate was far greater in
15 some majority-black precincts than majority-white precincts
16 using optical-scan ballots.

17 We didn't have the time or resources to drill down and
18 look at the average age of voters, for example, because it
19 just sort of stands to reason that perhaps older voters who
20 didn't grow up in a school system at a time when they were
21 using standardized testing might not be familiar with an
22 optical-scan ballot, so they might not know how to fill in
23 that bubble or mark the X.

24 We also -- at the time, there was one system, now that
25 I think about it, that was -- there were three different

1 types of optical-scan systems. There were some that you
2 marked with an X, some you filled in with a bubble; there
3 was one really horrible type that, out beside the
4 candidate's name, there was a picture of an arrow and the
5 middle part of the arrow was blank and the way you voted
6 was that you had to draw a bar to connect -- to make a line
7 of the arrow complete.

8 Now, if that sounds weird to you, it -- it defied
9 logic. Nobody understood that system. So people would put
10 an X in that blank space that didn't connect the lines --
11 the ends of the arrow, so we had all kinds of errors on
12 that system, so we knew that was a bad system.

13 But even on the other systems that were more
14 conventional optical scan, we just -- we saw this
15 discrepancy. It could be from a single digit to
16 significant double-digit differences in majority black
17 and white precincts. So you just know there's something
18 else there that social scientists or political scientists
19 needed to drill down further to know there's a -- there's a
20 problem here in voter discrepancy that is not good and not
21 -- not equitable in a voting system that we should be very
22 mindful of in putting into place.

23 REPRESENTATIVE FLEMING: Dean --

24 SENATOR JACKSON: And --

25 REPRESENTATIVE FLEMING: Go ahead, Senator, yes?

1 SENATOR JACKSON: So is it of your opinion that we
2 must look at putting more educational dollars into those
3 areas of our great state so that everybody has a chance to
4 understand how to vote and -- and that everyone has an
5 opportunity to -- to vote?

6 MS. COX: Without question. If -- if you should
7 select a system like that -- and that's why I say any
8 system where maybe all of us who grew up in an era of using
9 standardized tests might say, Oh, everybody knows how to do
10 it. Trust me: Everybody does not know how to use it and
11 everybody does not feel comfortable with it.

12 So the county election officials around the table
13 fully understand this, so that they need to help you know
14 how to educate voters but it -- it will take more than a
15 one time show people. It will take massive media campaigns
16 and hands on, letting voters touch and feel it and
17 experiment with it to say -- in a safe, comfortable
18 environment before they go to a polling place because,
19 the last thing -- I mean, it's human nature.

20 People don't want to go out in public and be
21 embarrassed, so they'll stay away from something that might
22 put them in that situation, and that's what we feared with
23 electronics. But we -- you know, because we knew how many
24 older voters didn't understand computer technology, so we
25 wanted them to see, It's easy; you can do this really

1 easily.

2 But the same with an optical-scan ballot. I think --
3 with massive voter education, I think you could probably
4 overcome it, but don't minimize the need for that.

5 SENATOR JACKSON: Thank you.

6 REPRESENTATIVE FLEMING: Dean, do you remember by any
7 chance what year -- was it in the 80s or 90s when we did
8 away with straight-ticket voting in Georgia?

9 MS. COX: I think that was still in place when I was
10 in the legislature, so I think --

11 REPRESENTATIVE FLEMING: 90s?

12 MS. COX: -- it was probably in the 90s.

13 REPRESENTATIVE FLEMING: Did we see an increase -- I
14 would assume -- in under voting when we did away with the
15 straight party --

16 MS. COX: Yes.

17 REPRESENTATIVE FLEMING: Okay.

18 MS. COX: Oh, yes. Absolutely.

19 REPRESENTATIVE FLEMING: Yeah.

20 JUDGE MCCOY: The last year was '92.

21 REPRESENTATIVE FLEMING: '92. Okay. Interesting.
22 Yes? Nancy, did you have --

23 MS. BOREN: I did. Dean Cox, good to see you again.

24 MS. COX: You, too.

25 MS. BOREN: I was the county -- Muscogee County that

1 had the arrow that you had to complete. And so, I'm --
2 I'm very familiar with that type of voting system. We
3 implemented that in Muscogee County in the -- in the early
4 90s and we went back and we reviewed those ballots from
5 2000 that you were speaking about in -- in our county
6 and -- and what we saw were the results of over votes.

7 So the -- the voters would try to complete the arrow,
8 but then they would write the same candidates name in the
9 write-in box, which then created an over vote, which then
10 rejected that ballot. Even though there intent was clear
11 for the candidate that they wanted to vote, we couldn't
12 count that ballot.

13 We lobbied the legislature and, of course, that was
14 changed and now we have the vote-review panel that allows
15 the vote-review panel to look at that -- that ballot and we
16 can count it.

17 As far as voter education -- and I'm sure my election
18 colleagues around the table remember that we went every
19 place. Like you, we kept one in our car any time anyone
20 asked us, in a gathering of two or more, to educate on that
21 equipment. We did that. I even went to unsavory places
22 often to go and demonstrate that equipment. But the voter-
23 education component is definitely very important for all of
24 the voters to understand how to use it.

25 REPRESENTATIVE FLEMING: Judge?

1 JUDGE MCCOY: Another equally important fact is part
2 of the training money was allocated to train poll workers,
3 because uneducated poll workers do not help voters. And --
4 and you need to realize these are temporary workers that
5 only work two or three elections every other year.

6 And I remember there was money put regionally into the
7 technical schools and we loaded them up in vans and buses
8 and carried them and they were taught how to operate the
9 equipment, and -- and that's definitely something that
10 needs to be done, is the funding to educate our poll
11 workers on how to use -- properly use and show the voters
12 how to use the equipment.

13 REPRESENTATIVE FLEMING: Lynn?

14 MS. BAILEY: Just a quick comment. Lynn Bailey,
15 Richmond County. It's so good to see you. I wanted to
16 underscore, just like many others have around the table,
17 the importance of the educational component and my -- that
18 comment is more related to the judge's comments about
19 training poll workers.

20 Yeah, that's the -- that's where the rubber meets the
21 road, is with the poll workers, and it's so important that
22 they feel comfortable with it equally or perhaps, more
23 important, is that the voters feel comfortable with it.
24 Even to this day, we have voters come in who are hesitant
25 to use voting equipment because -- and I don't think it

1 would matter what it is. It's just -- perhaps they're just
2 uncomfortable with the entire process.

3 So the more at ease we can make voters feel by getting
4 their hands on whatever it is Georgia goes with, I would
5 certainly be a huge proponent of that and I'm sure that all
6 of us around the table could at least agree on that.

7 JUDGE MCCOY: And, as you've stated, some are just too
8 proud to ask for help.

9 MS. BAILEY: Yes.

10 REPRESENTATIVE FLEMING: Okay. Ms. Ross?

11 MS. ROSS: Thank you, Mr. Chairman. Good morning,
12 Dean Cox. Just thank you for your providing the history to
13 us and I like to learn from history as well, so I'm feeling
14 the pressure of having to make a new decision. What could
15 you tell us would be your biggest regret being at the helm
16 almost two decades ago of making the decision that you made
17 and how can we learn from your experience?

18 REPRESENTATIVE FLEMING: And don't say working with
19 the legislature.

20 MS. COX: I mean, no, I -- I've often used, as an
21 example, in this day of partisanship that this was -- this
22 was such a bipartisan effort. The -- the 21st Century
23 Voting Commission was 50-50 bipartisan. The -- the
24 legislative -- both Democrats and Republicans welcomed me
25 into their caucuses to explain both the problems and the

1 solutions that we were coming up with and, when we
2 ultimately put this on the floor of the House, my
3 recollection is that this passed by something like 158 to
4 2. The late Bobby Franklin was still living. And so, you
5 know, he voted against everything but God rest his soul.

6 But -- but it was a -- it was -- there was strong
7 bipartisan support for this, so I -- you know, I think
8 there was a real effort by democrats and republicans to
9 understand the problem and to try to fix it for Georgia.

10 You know, I regret that we didn't have perfect
11 technology, but I don't think we ever will. I don't think
12 whatever you choose today is going to be perfect. That's
13 why you've got to balance it out with a lot of voter
14 education and a lot of understanding of how you keep the
15 voter interface part of it into the discussion as well as
16 the security piece. It's not one or the other and they --
17 they've got to be equally considered in your decision-
18 making.

19 And the other piece that I guess I want to put out for
20 the legislature is that we didn't -- maybe this is my
21 regret, but we didn't do enough to help the legislature
22 understand that this would be an ongoing need to study and
23 to keep up with changes in technology and to help the
24 counties.

25 We -- we knew there would be growth and we put that

1 burden on the counties, and some counties were able to keep
2 up and buy new equipment just like -- getting back to where
3 we were in 2000, some counties have not had the resources
4 to keep up and that has led to some of the longer lines
5 that we experienced in this election cycle because counties
6 -- of course, right now, all of the counties, I think,
7 understood we're probably heading into something new so
8 they -- even if they had money, they maybe were not buying
9 additional equipment.

10 But since the state moved into this arena, unified the
11 state, the state probably ought to keep an ongoing
12 allocation of funds so that whatever -- however you
13 allocate new equipment, one ballot station per X number of
14 voters, that the state continue to appropriate funding to
15 the counties so that we can keep up that level playing
16 field for all counties, not just the wealthy counties
17 versus the lesser well-to-do counties who can't afford to
18 buy new equipment in the years to come.

19 We didn't do that, and that's been to the detriment of
20 the voting public. So I think an ongoing commitment by the
21 state would really help voters everywhere.

22 MS. ROSS: Thank you.

23 JUDGE MCCOY: Can I add, just off of what she just
24 said, once the original warranty on this voting equipment
25 expired, the state required the counties to fund the

1 maintenance contract on this equipment and a majority of
2 the counties, including mine -- my county commissioners
3 denied the funding to renew the maintenance contract on
4 that equipment as well as many others. So that is
5 definitely something that -- that the legislature needs to
6 look at, is maintaining whatever equipment that -- that we
7 choose.

8 REPRESENTATIVE FLEMING: Okay. Dean, thank you so
9 much again for --

10 MS. COX: Just one --

11 REPRESENTATIVE FLEMING: Yes, please.

12 MS. COX: -- other thing that I wanted to add, and it
13 goes back to the reason we set up Kennesaw State, which
14 Secretary Kemp brought into his office: There will always
15 be a need for that level of expertise if you were using
16 equipment.

17 What Kennesaw State -- the staff at Kennesaw State
18 brought to the table was -- that people don't necessarily
19 understand, was the fact that no piece of voting equipment
20 ever showed up in a polling place that didn't come into the
21 state and get tested first at Kennesaw State to make sure
22 there was no malware introduced to it from a vendor, or
23 from somebody who had gotten their hands on it before it
24 got to the county level and got introduced into the voting
25 population.

1 And so, you're always going to -- the Secretary of
2 State's office is always going to need that level of
3 staffing and expertise somewhere, whether it's on a
4 university campus or in-house, to be able to test equipment
5 that is purchased new.

6 You can't just rely on what you buy off a shelf and
7 think it matches up with every other piece of equipment in
8 the state. You've got to have some in-house expertise to
9 provide you that level of confidence that all of your
10 equipment is running on the same systems, the same code,
11 the same software -- everything's got to be just right
12 based on your own staff knowing how that works.

13 REPRESENTATIVE FLEMING: Great. Dean, thank you so
14 much.

15 MS. COX: Thank you very much.

16 REPRESENTATIVE FLEMING: Excellent presentation.

17 MS. COX: Thank you.

18 REPRESENTATIVE FLEMING: We appreciate you being here
19 today. Thank you. We'll stand adjourned for lunch.

20 (A recess was taken from 12:11 p.m. to 12:49 p.m.)

21 REPRESENTATIVE FLEMING: Okay. If commission members
22 would come on back and grab your seat. We're going to get
23 started. First up, we have a general-election recap.
24 Chris Harvey with our Secretary of State's office is going
25 to provide that to us. Chris, do you want to come on up?

1 Chris, if you would, remind us of -- all of us of your
2 position with the Secretary of State's office, and we'd
3 love to hear from you.

4 MR. HARVEY: Sure, Mr. Chairman. Members of the SAFE
5 Commission, again, my name is Chris Harvey. I'm the
6 election director with the Georgia Secretary of State's
7 office.

8 AUDIENCE MEMBER: No mic.

9 MR. HARVEY: Test, test, test, test, test.

10 REPRESENTATIVE FLEMING: Hold on just a second, Chris.
11 We'll give them a moment to see if we can get the mic.
12 Candace, do we have somebody checking on that for us?

13 MS. BROCHE: Yes.

14 REPRESENTATIVE FLEMING: Okay. Hold on just a second,
15 Chris.

16 MR. HARVEY: Test, test.

17 AUDIENCE MEMBERS: (Affirmative response.)

18 MR. HARVEY: All right. Are you ready?

19 REPRESENTATIVE FLEMING: Uh-huh.

20 MR. HARVEY: All right. Again, members of the SAFE
21 Commission, my name is Chris Harvey. I'm the election
22 director with the Georgia Secretary of State's office.
23 I had the -- the privilege of addressing you guys in the
24 first meeting talking about our current voting system.

25 I was asked today to give a very brief election recap

1 of the general election in November of this year. And so,
2 I'm going to do that. It's not, by any stretch of the
3 imagine (ph) -- meant to be exhaustive. I'm going to hit
4 the highlights and talk about some things and then there
5 will be, I'm sure, a lot continued to be written and
6 figured out about the election.

7 But I want to start with, as we came into preparations
8 for 2018, about a week before advanced voting began, we had
9 a very unusual event. We had a hurricane come through
10 Georgia in a most-unexpected place. Usually, we expect
11 hurricanes to come in from Savannah and come -- which that
12 happened in 2016. This year, we had a hurricane come up
13 through Seminole County, and Early County, and Miller
14 County, and Grady County and Decatur County.

15 A week before advanced voting, Hurricane Michael came
16 through and brought tremendous damage through Southwest
17 Georgia, an area that doesn't have a tremendous amount of
18 infrastructure to begin with. Our office stayed in
19 constant contact with those counties -- and, frankly, the
20 damage extended -- the shortages extended almost up here to
21 Macon and -- and areas even a little bit north of here.

22 On the Saturday before advanced voting was to begin, I
23 and then Secretary, Kemp, and the chief investigator,
24 Russell Lewis, flew down to Southwest Georgia, to help
25 survey the damage and see what was going on. We went to

1 five counties and talked to election officials and
2 registrars in that county and those counties and found out
3 that throughout Southwest Georgia, the local election
4 officials performed absolutely heroically in getting ready
5 for advanced voting.

6 These are -- these are folks that had their -- their
7 houses, in some cases, damaged, their businesses damaged,
8 their -- their neighborhoods damaged, their families'
9 houses damaged. Every single one of them was back at work
10 almost the day after the hurricane hit getting ready for
11 advanced voting.

12 The devastation in Seminole County was -- was
13 tremendous. We went down there and met with the probate
14 judge and we walked outside of the courthouse and looked up
15 and the -- the clock had been sucked out of the facade of
16 the courthouse. I asked him -- I said, Has that clock been
17 gone long? He didn't realize it had been gone. It was
18 literally sucked out of the facade of the courthouse.
19 Glass everywhere, trees down, no power.

20 With the exception of Seminole and Miller Counties,
21 every county was able to begin advanced voting on the first
22 day of advanced voting, and Seminole and Miller Counties
23 began the next day -- they began that Tuesday and they made
24 up the eight hours that they missed in the following week.

25 So what started as a very challenging situation for

1 elections, was actually turned around by the dedication of
2 the folks in Southwest Georgia that, frankly, don't often
3 get a lot of attention, don't get a lot of -- of press and
4 coverage, but I have to tell you how fantastically they
5 performed and how proud I am of what they were doing for
6 the voters in Southwest Georgia.

7 Advanced voting this year was incredibly successful.
8 Almost 2 -- over 2 million votes were cast during advanced
9 voting, absentee and in person. I won't forget -- I think
10 it was a Tuesday of advanced voting, Ms. Holden called me
11 from -- from Paulding County and said, We had 1700 people
12 vote in advanced voting on the first day of advanced
13 voting, or a number similar to that. I got calls from all
14 around the state from election officials that were giddy
15 with the number of people doing advanced voting.

16 Nothing makes an election director happier than seeing
17 people voting. You know, people talk about lines, people
18 talk about pressure, people -- people talk about
19 interactions with voters. My experience is that nothing
20 makes an election official happier than seeing people come
21 in to vote.

22 And so, advanced voting went off very well, and it
23 went off -- we had -- again, you had counties in Southwest
24 Georgia that had generator power, that had temporary
25 buildings that were working around temporary offices and

1 their poll workers -- everybody sacrificed to make sure
2 advanced voting went well, and we had almost 2.1 million
3 people vote in advanced voting.

4 By comparison, in the 2014 general election, there
5 were less than a million or about 800,000 votes cast during
6 advanced voting. So we had more than double the amount of
7 advanced voting in this election.

8 We spent some time in court leading up to this
9 election and through the election, and Mr. Germany is going
10 to talk after I do specifically about litigation, but the
11 litigation we dealt with in this time period primarily had
12 to do with absentee ballots, provisional ballots,
13 citizenship verification at the polls -- they were
14 essentially enhancements or clarifications of practices
15 that county election officials had been doing.

16 And, again, I have to give some credit to the local
17 county officials. As we got orders, as we got amendments,
18 as we got changes, we pushed those out to the counties.
19 And, for a county election official, that amounts to -- to
20 changing the rules in the middle of the game.

21 And, again, throughout the state, the county election
22 officials responded tremendously well to the changes we put
23 on them. They had to change some procedures with absentee
24 ballots, their -- some of their timetables were changed,
25 some of the procedures, some of the practices that they'd

1 done in the past had been altered.

2 But, again, every county responded. They provided
3 what we needed, they communicated with us -- we did our --
4 our very best to communicate with them and with the public,
5 as much as possible, when these changes came up and, again,
6 I think it was -- despite the difficulty of having to go
7 through some of that stuff, I think it was executed very
8 successfully at the county level.

9 On election day, almost 2 million ballots were cast.
10 And election day went about as well as you can expect.
11 Now, nothing ever happens perfectly on election day, but
12 there were no systematic -- systemic or systematic issues
13 that happened on election day.

14 You had localized problems that came up, you had some
15 -- some polling places in Gwinnett County where they had
16 problems with the ExpressPoll -- not the voting machines
17 but the ExpressPoll -- that delayed voting.

18 We noticed, when we looked at the numbers, the
19 heaviest volume of voting time on election day was 7
20 o'clock. I mean, they were lined up out of the gate, ready
21 to vote on election day, which is fantastic but, as a lot
22 of processes begin, you know, getting the kinks out and
23 working out the -- the kinks early is difficult and it --
24 it really puts the pressure on the poll managers and the
25 poll workers to get it done quickly, and if there are any

1 problems or hiccups, it's going to stack up problems
2 exponentially.

3 So Gwinnett County had a couple of polling places.
4 Fulton County had a couple of places where the -- the
5 election director, Rick Barron, admitted he just -- he made
6 a mistake in calculating some polling places and he ended
7 up with some polling places that didn't have the number of
8 DREs that they should have had, and they made corrections
9 on the fly.

10 In those cases, people went to court, they got judges
11 to issue orders extending poll hours, so there was -- you
12 know, there were opportunities for voters to make up that
13 lost time. Again, no real systematic issues that took
14 place throughout the state.

15 There were issues with lines that people raised. You
16 know, lines are problematic in -- in a couple of ways, but
17 they're also evidence of something, that they're evidence
18 of people out voting. And, again, that's what makes the --
19 the election officials happy.

20 The polls were something that were relatively new. We
21 hadn't really -- I'm sorry. Lines were something that were
22 relatively new. We hadn't seen a ton of lines in earlier
23 elections. So we did some research recently with local
24 election officials. We asked them some questions about
25 polls and we wanted to see what poll -- I'm sorry, lines --

1 what lines looked like throughout the state.

2 And so, we -- we did some -- some questioning and, in
3 terms of advanced voting, 75 percent of election -- county
4 election directors said that there were no -- there were
5 not lines longer than 30 minutes during advanced voting.
6 About 25 percent of the counties said there were some lines
7 that were longer than 30 minutes -- not in every location,
8 but in some locations.

9 Compared to advanced voting in 2016, about 57 percent
10 said the lines were about the same in 2016 for advanced
11 voting, 17 percent said the lines were longer in 2016 and
12 about 25 percent said they were a little bit longer in
13 2018.

14 We asked if polling places on election day had lines
15 longer than 30 minutes, which is the -- the -- sort of the
16 gold standard. 83 percent of the counties said no, they
17 did not have lines longer than 30 minutes on election day,
18 about 17 percent said, in some cases, they did. And,
19 again, that's not everywhere. And then, in the comparison
20 to the 2016 election, about 59 percent said the lines were
21 about the same, 17 percent said they were longer in 2016
22 and about 23 percent said they were longer this year.

23 There are a couple of reasons for lines. When you
24 look at lines, you have to -- to look at a bunch of
25 dynamics. One thing that was -- as -- as I imagine,

1 everyone here voted that you may have remembered when you
2 voted, is the ballot was exceptionally long and complex
3 this year.

4 There were multiple referenda, there were multiple
5 constitutional amendments that had long questions; it took
6 some time to work your way through it; they were written in
7 -- in, you know, legal language that the average voter may
8 have a hard time working through -- you had a lot of stuff
9 on the ballot. So that's one reason. You had an
10 exceptionally long ballot with complex questions.

11 You had some counties, especially in the metro area,
12 that had some DREs that were sequestered due to litigation,
13 so they weren't able to deploy the total number of DREs
14 that they would have liked to.

15 You know, keep in mind that people in line voting is
16 -- is an indication of a good thing. The peak times had
17 high numbers. I mentioned 7 o'clock in the morning, people
18 lined up ready to go. Any problems, any hiccups, are going
19 to exacerbate problems. As the day went on, the voting
20 lines tended to decrease.

21 And some counties reported that they had some
22 difficulty getting enough poll workers. The poll workers,
23 as Judge McCoy mentioned, you know, they're temporary,
24 seasonal employees and -- and they're -- they're just hard
25 to come by in some places.

1 So counties make an effort to staff their polling
2 places as much as possible, but that was one of the issues
3 that was reported, they just didn't have as many people as
4 they would have liked. And, frankly, I'm not sure that --
5 that everyone throughout the state anticipated the amount
6 of turn out we were going to have, which, again, is a good
7 thing. That's a -- that's a -- that's an okay problem to
8 have, is people out voting. But, again, for a typical
9 midterm election, this was atypical.

10 We -- as I mentioned before, there were some court
11 orders that extended polling hours in locations where
12 problems were reported. So, even where you had problems,
13 opportunities were -- were made to correct them and get
14 people the opportunity to vote.

15 Again, due to some court orders, we certified the
16 election on November 10th and then we resulted in two state
17 -- statewide runoffs that happened just last week. We
18 anticipate certifying that later this week.

19 In terms of the -- the only -- I won't say only. The
20 primary issues that we dealt with from a -- from a
21 complaint point of view was some counties were overwhelmed
22 by the request for absentee ballots. Absentee ballots sort
23 of came roaring back in this election after being a little
24 bit on the -- on the -- the wane and counties did their
25 best to respond to absentee ballots. But we did get some

1 complaints along those lines. Our office is investigating
2 those.

3 And the second issue, we got individual, localized
4 reports from people where, when they interacted with the
5 voting machine and they would select one -- one candidate,
6 somebody else -- it would -- it would select the other
7 candidate. Again, those were individually reported; they
8 were not localized in any county, in any precinct, in any
9 area. They were self-reported by the voters sometimes
10 after they had voted, sometimes days after they had voted.

11 If they were able to talk to the poll officer,
12 which we always encourage people to do if -- if anybody
13 encounters a difficulty, get somebody's attention and let
14 the poll worker or the poll manager, you know, walk
15 somebody through and correct any errors or mistakes.

16 Lots of reasons that could have happened. Again, not
17 a systematic issue -- not a systemic issue, but something
18 that -- that does get reported and, frankly, gets reported
19 in every election. There is an element of human
20 interaction and human interface with these devices that,
21 sometimes, proves problematic in individual cases.

22 So that's a very, very brief rundown of what happened
23 in 2018 in November, and I'll be happy to answer any
24 questions that members of the commission have regarding any
25 of this stuff.

1 REPRESENTATIVE FLEMING: Thank you, Chris. Questions?
2 Senator Jackson.

3 SENATOR JACKSON: Thank you, Mr. Chairman. Thank you
4 for being here today. You mentioned the voting machines,
5 how they voted for one candidate and it popped up another
6 candidate. Is there a reason for that or...?

7 MR. HARVEY: There could be a number of reasons for
8 that. When you -- when you interact with the screen, you
9 know, you're -- you're pressing an area. The screens are
10 calibrated to reflect a registered pressure on a specific
11 grid. It's a -- it's, essentially, a grid itself, and, if
12 you were to touch it above or below an area, it can be
13 ambiguous or, if you hit a couple of times, you could, you
14 know, bounce around.

15 These devices are older. They don't operate quite as
16 fast as an iPhone 8 or an iPad or something like that where
17 you touch and get an immediate reaction. It could be that
18 people are touching multiple times and bouncing their
19 finger around.

20 It could be that, when they're interacting with the
21 screen on a tilt, if they just have -- have some kind of
22 spatial difficulty, if they're wearing glasses or reading
23 glasses -- any of those things could happen, but they're
24 always correctable. You had a summary screen that would
25 show you in case you got to the end and say, Hey, wait a

1 second. I didn't -- I didn't choose this. You can always
2 go back and correct it.

3 SENATOR JACKSON: Okay. So you're saying -- if I can,
4 Mr. Chairman.

5 REPRESENTATIVE FLEMING: Please.

6 SENATOR JACKSON: So you're saying there probably was
7 a difficulty with certain machines that was calibrated
8 wrong or...?

9 MR. HARVEY: We -- because we -- if -- if we had
10 gotten multiple complaints from the same place -- from the
11 same polling place or the same poll manager, that would be
12 an indication that maybe the machine wasn't calibrated
13 properly. When that doesn't happen, it's usually an
14 indication that the individual voter had some type of -- of
15 difficulty interfacing with the machine.

16 REPRESENTATIVE FLEMING: Mr. Russo?

17 MR. RUSSO: He answered my question.

18 REPRESENTATIVE FLEMING: Okay. Any other questions
19 for Chris as I go around the table? Okay. Chris, thank
20 you so much. We appreciate it. Thank you.

21 All right. Next we have Ryan Germany, general counsel
22 to the Secretary of State's office, and Ryan will give us a
23 -- a legal update on some of the cases that went on during
24 the election process. Ryan, thank you.

25 MR. GERMANY: Thank you, Mr. Chairman, members of the

1 commission, Madam Secretary. My name is Ryan Germany. I
2 am the general counsel of the Secretary of State's office.

3 I want to give you guys a very brief update on litigation
4 -- not all litigation that we are facing in the Secretary
5 of State's office, but some that I think is relevant to
6 y'all's charge here.

7 It's meant to be very brief and high level. There are
8 some plaintiffs in the lawsuits I'm about to talk about
9 here, so I don't want to -- you know, I'll say I'm not
10 meaning to characterize anything a certain way so, if I do
11 so, I apologize. It's meant to be very -- just a general
12 kind of FYI to the commission.

13 The point I want to get across is there is ongoing
14 litigation about our current system and -- and, in my view,
15 that litigation will continue until we move to a new
16 system. And, frankly, if we don't move to a new system
17 prior to the next election, we'll probably -- we'll
18 probably see even -- even more litigation about it.
19 So time is of the essence as y'all consider your
20 recommendations.

21 So the questions in front of you are complicated, and
22 the point I want to get across is one that I think,
23 unfortunately, makes it even more complicated. We have a
24 complicated issue that we need to solve and we need to
25 solve it quickly.

1 We need to get a -- make a recommendation, get it
2 through the legislature and implement a system with all
3 deliberate speed. And, if we are not able to do that, I
4 think the state will see legal consequences in terms of
5 continuing current litigation but probably additional
6 litigation going forward.

7 The two claims I want -- the two cases I wanted to
8 give you a brief overview on are, essentially, about the
9 election machines. One of them is called Curling v. Kemp
10 -- Curling v. Crittenden now that'll soon be Curling v.
11 Raffensperger, but it's a constitutional challenge to the
12 use of the DRE machines, and the plaintiffs allege that the
13 lack of a paper trial is a violation of the 14th amendment.

14 That case is in front of Judge Totenberg in the
15 Northern District of Georgia. Currently, it is on appeal
16 in the 11th Circuit and oral argument in that case is set
17 for January 28th.

18 Judge Totenberg issued a opinion prior to it going to
19 the 11th Circuit, indicating that she found a lot of the
20 plaintiff's claims credible. So that means, if the case
21 goes back to Judge Totenberg, you know, she's given us a
22 pretty clear indication of how -- of how she intends to
23 rule.

24 The next case is the case that Mr. Favorito mentioned
25 briefly. There's an election contest over the lieutenant

1 governor's race. And, again, that's -- that's called
2 Coalition for Good Governance v. Crittenden. It's in
3 Fulton County Superior Court, and that's an election
4 challenge talking about the number of under votes in the
5 lieutenant governor's race. So that's the other one
6 involving -- involving our machines.

7 One other thing I want to speak to very briefly is
8 there's litigation -- there's the machine cases, the DRE
9 cases. One thing that we are not currently dealing with in
10 Georgia but we have seen in other states is there are
11 lawsuits about accessibility under the -- the Americans
12 with Disability Act. I know both Ohio and Maryland are
13 seeing lawsuits to that -- in that.

14 The gist of those cases is that the voter experience
15 for disabled voters should match as close as possible to
16 voter experience for nondisabled voters. Currently, we
17 have a system where those do match very well. In some
18 states, they do not.

19 So I think that's something to keep in mind as y'all
20 consider your recommendations or if we move to something
21 where those get further part, the experience for
22 nondisabled and disabled voters in terms of voting, then we
23 probably will see some of those lawsuits as well.

24 And, again, I know we're -- that's -- that's all I
25 had. It was meant to be very high level, so I don't want

1 to get into sort of the specifics of litigation right now,
2 but I am happy to take any questions if members of the
3 commission have any.

4 REPRESENTATIVE FLEMING: Thank you, Ryan. Questions
5 from members of the commission? Ms. Bailey.

6 MS. BAILEY: Thank you, Mr. Chairman. Lynn Bailey,
7 Richmond County. You were talking about the timeframe for
8 implementation of a new system. Are we still looking at a
9 -- having something in place prior to or at least at the
10 time of the presidential primary for 2020 or is that a
11 decision that is yet still to be made?

12 REPRESENTATIVE FLEMING: Well, I think -- I think it
13 is a decision yet to be made because all of that depends on
14 the legislature acting this session, and what we put into
15 the law and working with the governor and the Secretary of
16 State.

17 However, most of the discussions I think I have heard
18 have said that it would be great if we could possibly even
19 in the municipal elections of '19 -- maybe statewide, maybe
20 not -- have some test runs with new equipment at that point
21 and then that gets you closer to being ready, potentially,
22 for the presidential-preference primaries.

23 However, the best laid plans of mice and men -- I have
24 said before, you know, you -- you try to set a goal there,
25 and that is an ambitious schedule and -- and the people at

1 this table represent several of the 159 folks across the
2 state that would have to do a lot of that work along with
3 the Secretary of State's office.

4 So the -- the short answer is nobody is sure yet; the
5 even shorter answer is that it would be a good goal in --
6 in my opinion, but I'm welcome for my fellow legislators to
7 chime in if they -- they think this differently.

8 MS. BAILEY: Thank you.

9 MR. GERMANY: I would just add that I think, Lynn,
10 that that's exactly right. It is something that I think
11 this commission can issue a recommendation on. The 2020
12 election cycle is -- is an aggressive goal, but I think
13 it's the correct goal and I think even -- you know, there's
14 an opportunity in November of this year with municipal
15 elections to, hopefully, have something in place that will
16 allow for, you know, more of a test run and a -- and a soft
17 launch in municipal elections.

18 And the point that I was trying to get across is, if
19 we don't have something in place by 2020, I think it's very
20 likely that a federal court may take this matter into --
21 into their own hands. So I think -- I think that is the
22 right goal, but it -- it is aggressive.

23 REPRESENTATIVE FLEMING: Okay. Other questions of
24 Mr. Germany? Ryan, thank you so much. We appreciate what
25 you do.

1 MR. GERMANY: Thanks for being here.

2 REPRESENTATIVE FLEMING: All right. Commission
3 members, we're now going to move to the portion of our
4 agenda that deals with public comment. I know there are
5 some sign-up sheets. If those could go ahead and be
6 brought to me, I would appreciate that. I think I was told
7 about 20 some-odd individuals had signed up.

8 Is there anybody out there who wants to sign up that
9 hasn't signed up on the sheet? Because if you're not on
10 the sheet once we start, we're -- we're going to stick to
11 it. Okay. Going once, going twice, gone.

12 All right. Here we go. Okay. Here's what I'd like
13 to do, just to make sure we all have a clear understanding
14 of how we're going to handle this. I'm not asking you to
15 move yet because I'm going to call your name when you come
16 up to the -- to the mic, but just so I kind of get a feel
17 for where everybody is, everybody who's on the sign-up
18 sheet, I want you to stand up where you are. Just right
19 where you are, stand up.

20 AUDIENCE MEMBERS: (Complies with request.)

21 REPRESENTATIVE FLEMING: All right. So it's -- it's
22 most of the folks in the room. All right. So here's how
23 we're going to handle this, and -- no, no, stay standing
24 up, stay standing up.

25 Here's how we're going to handle this, and -- and I

1 recognize a lot of the faces from our previous meetings, I
2 think. All of you that I recognize have conducted yourself
3 very well in our past meetings and I want to say thank you
4 for that.

5 What I would ask of you now is, is to understand
6 clearly the ground rules for how we're going to handle
7 this. There is 2 minutes for everyone. As you have seen
8 before, I tried to be generous with that. If you're making
9 a statement, I tried to let you wrap it up, but I am going
10 to ask you to stick to that.

11 Members of the audience, if you approve or disapprove
12 of what somebody else says, please keep that to yourself.
13 If I make a good joke, you can laugh. Okay? But,
14 generally speaking, please keep that to yourself and be
15 respectful of the people that are trying to -- to speak as
16 well.

17 So -- and I ask you once again -- everybody has been a
18 -- has done a good job of being civil with their comments,
19 making their point but making it in such a way that it's
20 not offensive. I'll -- I'll leave it that way. So -- so
21 thank you for that in the past.

22 Is there anyone who does not understand the ground
23 rules? Is there anybody who is not going to follow those
24 ground rules? Okay. Everybody sit down and I'll start
25 going down the list, and thank you so much.

1 Okay. Sara Tindall, Democratic Party of Georgia.
2 Sara? Sara, good to have you today. Welcome. Sara,
3 please tell us where you're from, and we'd love to hear
4 from you.

5 MS. TINDALL: Hi, my name is Sara Tindall Ghazal, and
6 I am a registered voter in Cobb County. I am also the
7 voter-protection director for the Democratic Party of
8 Georgia. In that capacity, I work with the state party,
9 county-party committees and election officials. I also
10 oversee our voter-protection hotline and our poll-watching
11 program.

12 Over the course of this election season, our voter-
13 protection hotline logged 73,449 calls from voters through
14 December 10th. Through the day of the general election, we
15 received 30,295 calls since November 6th. After November
16 6th, we received 43,154 additional calls. We also had
17 observers on the ground, nearly 600 poll watchers across
18 the state on election day, 168 during the runoff and
19 hundreds more during the early voting periods.

20 Throughout these -- from these calls and reports, we
21 recorded 723 separate reports of machine problems during
22 the general election and the -- and the runoff. Hundreds
23 of these were of vote slippage or vote flipping where a
24 voter would make a selection only to have the machine
25 reflect a different result.

1 In many cases, these voters were assisted by poll
2 workers and the machines were still malfunctioning. There
3 was one voter who reported having to change her vote five
4 times before it correctly reflected her choice. In
5 another case, in Gwinnett County, the voter had to go to
6 three separate machines before they could find a machine
7 that would correctly reflect that -- that choice.

8 We also received multiple reports of races not
9 appearing on the electronic ballots for both the general
10 election and the runoff. In many cases, the voters were
11 unable to correct the machine mistake and the vote was
12 recorded that did not reflect that voter's choice.

13 Problems weren't limited to the election machines.
14 There were many problems with the registration system. We
15 had multiple voters willing to swear affidavits that they
16 voted and they have witnesses attesting to the fact that
17 they voted but their votes do not appear on MVP.

18 We have other cases where voters found their
19 registrations online, they had printed registration cards;
20 they did not appear on the lists when they appeared at the
21 -- at the polling booths.

22 REPRESENTATIVE FLEMING: Sara, you -- you've passed
23 your 2 minutes, but I do want to let you wrap up.

24 MS. TINDALL: Thank you.

25 REPRESENTATIVE FLEMING: Yeah.

1 MS. TINDALL: It's going to take a lot of time to
2 research these problems. I would like to share them with
3 each county as we go through so that we can look at them
4 and figure out what happened and where the system broke
5 down for these voters, but the bottom line is there is a
6 crisis of confidence right now in the voting system, and
7 in the officials and the administration of the system.

8 What's critical now is that this body develop a set of
9 standards against which the decisions that -- on a system
10 will be made. You have to have standards that you
11 establish here because if we don't set a baseline that
12 includes making sure that the voters are able to create and
13 confirm their own votes, that the system reflects 2018
14 electronic and cyber-security standards, and that these
15 votes are auditable independently without any intervention
16 by a computer, that this crisis of confidence will simply
17 continue.

18 REPRESENTATIVE FLEMING: Thank you, Sara.

19 MS. TINDALL: Thank you.

20 REPRESENTATIVE FLEMING: We appreciate you being here
21 today.

22 MS. TINDALL: Thank you.

23 REPRESENTATIVE FLEMING: Thank you very much.

24 Jen Nelson? Jen? Jen, did I pronounce your name right?

25 MS. NELSON: Yes.

1 REPRESENTATIVE FLEMING: Come on up. Good to have you
2 today.

3 MS. NELSON: Thank you. Thank you so much for --

4 REPRESENTATIVE FLEMING: Thank you --

5 MS. NELSON: -- having me.

6 REPRESENTATIVE FLEMING: -- for being here. We'd love
7 to hear from you. Tell us where you're from.

8 MS. NELSON: Sure. I am from Fulton County. I'm a
9 registered voter, just a community advocate and I'm not
10 with any particular organization. I really appreciate your
11 time.

12 AUDIENCE MEMBER: Volume. We can't hear you.

13 MS. NELSON: Oh, sorry.

14 AUDIENCE MEMBER: We can't hear.

15 REPRESENTATIVE FLEMING: That microphone's --

16 MS. NELSON: This one?

17 REPRESENTATIVE FLEMING: Try that one, yeah, a little
18 closer.

19 MS. NELSON: Yeah. So I am a -- just a concerned
20 citizen and not with any particular organization and I
21 appreciate your time.

22 So I am concerned particularly with any electronic
23 system, as has been proven by experts that there's no
24 system known out there right now that is completely secure
25 from hacking and is not vulnerable. Particularly,

1 Professor Halderman, who was present in Judge Totenberg's
2 courtroom with the Curling versus Kemp hearing and showed
3 us the vulnerability that had nothing to do with whether
4 the machines were clicked in and had nothing to do with a
5 physical presence being in the secure room at KSU or any
6 central database.

7 So decentralizing for sure would be -- would be
8 helpful, but I believe that hand-marked paper ballots are
9 the only way to be able to have an auditable, verifiable
10 postelection secure system, and I wanted to speak a little
11 bit to the disabilities concerns.

12 I am differently abled; I have a lot of friends that
13 are differently abled and we heard at a postelection where
14 little people showed up to their polling places and were
15 not given stools or chairs, left without casting their
16 vote. People were not provided wheelchairs, or access or
17 even heights to the screens or discrepancies with their
18 access to cast their vote.

19 So, right now, we are already facing a lot of
20 disability issues and, completely understandably, with
21 handwritten ballots, we would need to take all of the
22 considerations for disabled and differently-abled people.

23 REPRESENTATIVE FLEMING: Jen, thank you for being here
24 today.

25 MS. NELSON: Thank you.

1 REPRESENTATIVE FLEMING: We appreciate hearing from
2 you. Heidi Natkin? Heidi, come on up. Welcome. Good to
3 have you today. Heidi, did I pronounce your last name
4 right?

5 MS. NATKIN: Yep, thank you.

6 REPRESENTATIVE FLEMING: I'm not going to try again.
7 I'm just going to say Heidi. Okay? All right.

8 MS. NATKIN: You did a good job. Thank you.

9 REPRESENTATIVE FLEMING: And tell us where you're
10 from.

11 MS. NATKIN: Yeah. My name's Heidi Natkin; I live in
12 Atlanta, Georgia. I'm here as a private citizen, but I
13 spent the last several months working as a field organizer
14 for the Democratic Party of Georgia.

15 And I can tell you that, of the thousands of voters
16 that I spoke to over the course of -- of the last three
17 months, a very significant number of folks expressed a lot
18 of concern about whether their ballots were actually cast.
19 The trust in the election system has degraded
20 significantly.

21 There was a lot of concern and I -- I believe that
22 there is only one way to be able to rebuild that trust,
23 which is to be able to provide voters with a way to verify
24 that they actually vote -- the votes that they actually
25 made were registered in the way that they intended. And,

1 therefore, hand-marked paper ballots is the best way to
2 make sure that that happens.

3 They need to be able to know, and see and feel that
4 they're actually submitting a ballot that gets entered into
5 the system exactly as they've expressed and, without an
6 audible -- an audible paper trail, that confidence can't be
7 restored. So I really hope that you take that into
8 consideration since the voter confidence is -- is so
9 critical to the success and the stability of our election
10 system.

11 REPRESENTATIVE FLEMING: Okay. Thank you so much,
12 Heidi. We appreciate you being here today.
13 Ms. Blassingame? And I want to -- okay. I'll try the
14 first name since you're not responding. Simonia
15 Blassingame?

16 Okay. Next would be Eric Weir. Eric? Did I
17 pronounce your last name right, Eric?

18 MR. WEIR: Yep.

19 REPRESENTATIVE FLEMING: Good. Welcome, Eric, good to
20 have you and please tell us where you're from.

21 MR. WEIR: Thank you. I'm from Decatur. I'm here
22 just as a concerned citizen. I came mainly to learn. This
23 is a whole new set of issues for me, and what I know I've
24 learned from talks on media and I've learned a lot today.

25 I've been pleasantly surprised with one exception:

1 And maybe all I will say -- the thing that I -- I was
2 delighted that the first word that I heard was trust, and
3 it seems to me, pretty clear, that that is a really
4 critical issue.

5 As we all know, we live in a time of polarization,
6 of distress in our institutions and this set of issues is
7 not a partisan thing. Republicans, democrats,
8 independents, libertarians, all want safe, accessible,
9 fair elections. So I hope you will give that the highest
10 priority.

11 You know, as -- as I said, I'm just learning. It
12 sounds to me like what I've learned -- what I've heard is
13 that the gold standard internationally is paper -- hand-
14 marked paper ballots and -- but, you know, I'm just
15 learning. So that's it. Anyway, thank you.

16 REPRESENTATIVE FLEMING: Thank you, Eric. We
17 appreciate you coming today. Tom Ellington? Tom? Is Tom
18 Ellington here? Tom Ellington? Okay. Janine Dufort?
19 Janine? Janine, I remember seeing you in August, and I
20 think I mispronounced your name the first time. Did I
21 mispronounce it this time?

22 MS. DUFORT: Yes, you're consistent, which is --

23 REPRESENTATIVE FLEMING: You can't blame me --

24 MS. DUFORT: -- what we want in elections.

25 REPRESENTATIVE FLEMING: You can't blame me for being

1 good. Okay. All right.

2 MS. DUFORT: I'm -- I'm Jeanne Dufort.

3 REPRESENTATIVE FLEMING: Jeanne Dufort. Okay.

4 MS. DUFORT: It's the French spelling, and I'm from --

5 REPRESENTATIVE FLEMING: There we go. Jeanne,
6 welcome --

7 MS. DUFORT: -- Madison, from Morgan County, Georgia.

8 REPRESENTATIVE FLEMING: Good.

9 MS. DUFORT: And -- and I want to brag: We have the
10 best election board and we have the best election director
11 other than those of you who are election directors sitting
12 here, who are also fabulous but we should brag.

13 And -- and that's important because in this day of
14 lack of trust, it is important for you to hear that I have
15 experienced voting this year in a county that gets it
16 right, that works hard to get it right and -- and worked
17 hard to take the rules and make sure voters can vote.

18 We literally got down to only one advanced paper
19 ballot submitted that couldn't be counted and that was
20 because we worked with private citizens, worked with our
21 election director to reach people to solve problems, so
22 you can work with the rules without disenfranchising
23 voters.

24 I am also -- full disclosure, I'm party to the
25 Gwinnett lawsuit which is proof positive you can

1 disenfranchise people with -- with paper ballots if you
2 choose to, and that's why I joined that suit because I just
3 think that's not right that you can live in Georgia and be
4 treated one way if you're elderly and your handwriting is
5 shaky in one county and be treated another way if you're
6 elderly and your handwriting is shaky in another county.
7 That's not right, and that's why I joined that suit.

8 Hand-marked paper ballots with well-designed
9 postelection audits are clearly the advice of your cyber
10 expert here, of other cyber experts of everything you've
11 read so that should not be in dispute that that is what
12 the experts are saying.

13 As to how you count them, I would consider it's not a
14 surprise that Chris Harvey said 3 out of 4 counties didn't
15 have problems with lines. 3 out of 4 counties in Georgia
16 don't have 10 stop lights in them. You would be hard
17 pressed to have a line in those counties if you tried.

18 Our largest precinct in Morgan County is maybe 7 --
19 800 voters on election day over 12 hours. Right? So it
20 would be hard to have three- or four-hour lines unless your
21 equipment was down, so don't be confused by those
22 statistics. Actually look at, you know, how many people
23 had real fundamental problems.

24 So I'll wrap it up but what I would say is this: You
25 need to consider implementing some of the smart-scanning

1 stuff, optical scanners. There's some really smart
2 equipment that -- that we saw last time in Augusta that
3 speeds up your review of those problems, and that could be
4 useful in counties that have to process a lot.

5 And, yet, you might not have to make that investment
6 in counties where you're processing 7 or 800 votes at most
7 in a precinct on election day. So think about scale as you
8 think about the right resolutions. Thank you very much.

9 REPRESENTATIVE FLEMING: Jeanne, thank you. We
10 appreciate you being here today.

11 Randall Savage, WMAZ? Randall? Randall? Okay.
12 Krista Brewer with ProGeorgia. Krista? Welcome.

13 MS. BREWER: Thank you.

14 REPRESENTATIVE FLEMING: Tell us where you're from.
15 We'd love to hear from you.

16 MS. BREWER: My name, again, is Krista -- Krista
17 Brewer.

18 REPRESENTATIVE FLEMING: Krista Brewer. Okay.

19 MS. BREWER: I'm a native of DeKalb County, Georgia,
20 and I come here today as -- serving on the board of
21 ProGeorgia, which is a collaboration of 501(c)(3)
22 nonpartisan organizations that work in the civic-engagement
23 space. All of the groups have a variety of different
24 missions, but part of their missions is voter registration,
25 voter education and voter mobilization, and all of these

1 groups have worked very hard in many elections over the
2 years to help voters get access to the polls and vote
3 effectively.

4 The groups came together -- several of these groups
5 came together over the summer and fall and agreed on a
6 couple of principles that we wanted to share with your
7 commission. The groups are Women Engaged, which focuses on
8 engaging primarily African-American women in the electoral
9 process, then the League of Women Voters, Common Cause
10 Georgia, the League of Women Voters of Georgia, ACLU of
11 Georgia and the Georgia Coalition for People's Agenda.
12 Most of those you have heard of.

13 Georgia's -- and -- and so, we have this set of
14 principles that I handed out at the beginning of the
15 program, and I'll just highlight the basic points.

16 We advocate for a system that is secure, a system that
17 is accurate, that is recountable, that is accessible and is
18 transparent. We advocate for a voter-verified paper trail;
19 we advocate for a sophisticated risk-limiting type audit,
20 an audit that is based on ballots that are conducted using
21 human-verifiable data.

22 We advocate for a system of maintaining custody -- a
23 chain of custody for ballots, for oversight of elections
24 and audits that include citizenship participation and
25 monitoring and -- and really very importantly, we feel a

1 real asset that we have here in Georgia is that our
2 election system is uniform around the state and we don't
3 want to lose that.

4 So we present these principles and characteristics as
5 guides for -- for elected officials, for this commission,
6 for the elections board and for elections supervisors as
7 you go about this very tough decision about what type of
8 equipment and the accompanying overall system for our
9 elections. So --

10 REPRESENTATIVE FLEMING: Thank you, Ms. Brewer.

11 MS. BREWER: -- thank you very much.

12 REPRESENTATIVE FLEMING: Thank you for being here
13 today. Toni Reid?

14 MS. REID: I'll pass.

15 REPRESENTATIVE FLEMING: You'll pass. Okay. And
16 anybody else can pass if they want to. Thank you, Toni.
17 Vicki Krugman? Vicki?

18 MS. KRUGMAN: Krugman.

19 REPRESENTATIVE FLEMING: Krugman?

20 MS. KRUGMAN: Krugman.

21 REPRESENTATIVE FLEMING: Vicki, good to have you with
22 us today.

23 MS. KRUGMAN: Thank you.

24 REPRESENTATIVE FLEMING: Thank you for coming. Tell
25 us where you're from. We'd love to hear from you.

1 MS. KRUGMAN: Vicki Krugman from Oconee County in
2 Georgia. I was a poll watcher this year for the first
3 time. I learned a lot. I've been following your group and
4 what you've been doing since the inception of this group.
5 I'm happy to know that we have this group and hope that you
6 will be able to convey what voters want in this state to
7 regain the trust that we need in Georgia both locally and
8 nationally in our elections.

9 I did a lot of campaigning this year and a lot of
10 talking to voters and I learned a lot about how people are
11 saying, My vote won't count, they won't include me, I don't
12 want to sign up, I'm not getting involved, and I learned
13 that because people have lost trust in Georgia's voting
14 system. And so, your job is very -- very, very serious.
15 It's got to follow a timeline.

16 I feel really -- that, once you started, you've met a
17 couple of times and you've been very diligent in terms of
18 running a long meeting and making things happen, but we
19 have a timeline that is short. I concur with your lawyer,
20 your counsel, that says, These problems are going to
21 continue with our voters until this is changed.

22 So please -- I must say consider the timelines of what
23 has to be done and expedite this so we can take this burden
24 off the voters of Georgia and put in really effective and
25 supportable ways for people to be good citizens and to have

1 a good democracy represented in our state.

2 In closing, I would like to make a couple of things --
3 statements. I -- I believe that we need handmade -- or
4 hand-marked ballots. It's the only verifiable -- and if
5 people are saying, Well, we're going back and we're
6 going... but, right now, we're in the era of some very
7 serious problems with hacking, and they're not going away
8 and they get better every day.

9 So the easier it is for a voter to come in, as
10 Kathy Cox shared with us, to take a piece of paper, hand-
11 mark it, see what they did, run it through a scanner -- the
12 scanner can tell them if there's something they can't read
13 and then let it be corrected. We're going to regain trust.

14 So I really implore you to look at that hand-mark
15 system. I think we need to mandate manual risk-limiting
16 audits after every election -- all elections -- because we
17 know elections make big decisions for our counties and our
18 communities and for the entire state.

19 REPRESENTATIVE FLEMING: Thank you, Vicki. We
20 appreciate you being with us today.

21 MS. KRUGMAN: Thank you.

22 REPRESENTATIVE FLEMING: Thank you very much. Okay.
23 Robert Covi? Robert, did I pronounce your last name right?

24 MR. COVI: Correct.

25 REPRESENTATIVE FLEMING: Okay. Robert, thanks for

1 coming today, love to hear from you. Please tell us where
2 you're from.

3 MR. COVI: I'm from the metropolis of Bogart, Georgia,
4 and I came here because I was concerned about this
5 important decision that you have to make.

6 First of all, I've been on enough committees to know
7 that it's a lot more work than people think it is. And so,
8 I -- I appreciate the efforts that you've put in and I know
9 that all of you think it's important as well as people out
10 here.

11 I was going to actually ask a different question,
12 but it turned to me after Dean Cox was talking that there
13 were a lot of problems that have to be dealt with more so
14 than I even imagined, and I thought, I hope you really
15 consider the use of mail-in ballots because I think it does
16 solve a number of problems that otherwise would have
17 difficulty getting fixed [sic].

18 But several states, as you know -- Oregon is one which
19 I have looked at very carefully, seems to have done a
20 really good job of fixing their problems, and they've been
21 doing this actually since 1982. Can I ask a question?

22 REPRESENTATIVE FLEMING: (Nonverbal response.)

23 MR. COVI: The question is: Are you seriously
24 considering the use of mail-in ballots or is that -- is
25 that on the table?

1 REPRESENTATIVE FLEMING: We'll -- we'll have a
2 discussion period later and -- and the members can bring
3 that up if they'd like at that time.

4 MR. COVI: All right. Well, that's all I needed to
5 say. Thank you very much.

6 REPRESENTATIVE FLEMING: Thank -- thank you, Robert.
7 We appreciate you coming today. Cameron Pennybacker?
8 Cameron? Cameron, good to have you today. Did I pronounce
9 your last name right?

10 MR. PENNYBACKER: Yes, sir.

11 REPRESENTATIVE FLEMING: Good. Well, tell us where
12 you're from. Good to have you.

13 MR. PENNYBACKER: Thank you. I'm a Macon-Bibb
14 resident, a Georgia citizen, and a voter since 1998. Thank
15 you for taking public comment seriously as a factor in your
16 decision making in this detail-rich electoral process, a
17 lot is riding on your conclusions. Setting the broadest
18 electoral goal, our primary civic purpose, with clarity and
19 conviction is essential.

20 It is my understanding that security -- voting
21 security is a minimal standard to be achieved, a critical
22 feature of any worthy system we adopt. The central
23 hallmark of our voting system is broadening citizen
24 participation. Boldly stated, moving toward a more
25 perfect union is predicated upon improved inclusion.

1 Inclusion is a constitutionally-supported American
2 democratic core value, one of-age citizen, one vote. What
3 voting system meets this first mark? Attaining lesser
4 goals will not be an adequate substitute for the primacy of
5 inclusion. Obtaining a misplaced primary goal will not
6 advance our standard of fair representation.

7 My fear, Mr. Chairman, is that we are tempted -- and
8 co-chair -- is that we are tempted to center our needed
9 electoral-reform focus tangentially based upon slim
10 anecdotes that miss the mark of greater citizen inclusion.

11 The security of our voting system is, indeed,
12 essential. Security, however, is not antithetical to the
13 larger goal of greater inclusion. It seems to me security
14 is a means to fairness, not an end unto itself. Security
15 and inclusion are not opposing forces as we seek a system
16 that pursues the full participation of all Georgia
17 citizens.

18 Here before us is an opportunity for nonpartisanship,
19 across-the-aisle work that moves from -- moves Georgia from
20 a lagging to a leading state. Let us take the time and due
21 diligence to get it right, to lower barriers while
22 insisting on security and inclusion.

23 In conclusion, the task of fuller citizen
24 participation is the primary -- is primarily a political
25 act of courage, not a technical-capacity question. In

1 this way, I respectfully urge the commission to prioritize
2 citizen/voter inclusion as our state's hallmark. We can do
3 better by one another.

4 REPRESENTATIVE FLEMING: Cameron, thank you for coming
5 today, and we appreciate you being here. Joseph Kirk?
6 Joseph Kirk? Joseph, welcome. Thanks for coming today.
7 Please tell us where you're from.

8 MR. KIRK: Hello. My name is Joseph Kirk. I'm the
9 elections supervisor in Bartow County, Georgia. I hold a
10 degree -- a degree in computer science from the University
11 of Georgia; I've been involved in elections since 2002,
12 including voting technology in two different states. I've
13 held my current position since 2007.

14 I am an advocate for ballot-marking devices for all
15 voters, increased uniform-voting experience, guides voters
16 through the process and keeps the ongoing costs lower on
17 local jurisdictions.

18 We need to have meaningful audits before
19 certification. We -- if -- I never want to tell someone,
20 I'm sorry, I -- I've audited it and I can see that you
21 lost, but you're out of luck. So we need it before
22 certification and I'm completely okay with the use of
23 barcodes as the primary method of tabulation because, if
24 we're doing a meaningful audit, we're going to test
25 whatever the form of tabulation is and make sure that it

1 was accurate.

2 So whatever the form is, whether it's hand-marked
3 paper ballots or a thing that was printed off of a ballot-
4 marking device with a barcode on it, we're going to verify
5 it. We do this every day at the stores as we shop. We see
6 what the price is, scans the barcode [sic] -- that barcode
7 is not associated with the price, it's associated with
8 evidence (ph), and then it comes back and, when we get our
9 receipt, we audit that. So I don't see why this should be
10 any different. Thank you very much.

11 REPRESENTATIVE FLEMING: Okay. Thank you, Joseph. We
12 appreciate you coming. Smythe DuVal? Mr. DuVal? Thanks
13 for coming today. Good to have you again.

14 MR. DUVAL: Hi, thank you.

15 REPRESENTATIVE FLEMING: Please tell us where you're
16 from.

17 MR. DUVAL: All right. Smythe DuVal. I'm from Cobb
18 County and I was a former libertarian candidate for the
19 Georgia Secretary of State, and it looks like I'm also
20 representing the libertarian party today. They did ask me
21 to address you guys.

22 The libertarian party has passed a resolution on --
23 that we only support a voting system that is designed
24 and guaranteed to be safe and secure from hacking and
25 alterations and does not use any computer interface between

1 voter input and ballot production.

2 I want to go ahead and put on record that I graduated
3 last night from KSU from their IT program. I've been a
4 cyber-security risk manager for years. I would like to ask
5 all of you to put your hats -- your project-manager hats on
6 for just a second.

7 One of the reasons that we've had so many problems is
8 that we introduced, in 2002, technology to counties which
9 they fundamentally did not understand and it created a
10 dysfunctional relationship to their vendor.

11 Kathy Cox said it very eloquently: You had to have
12 a Kennesaw, a state university, you had to have a
13 intermediary to actually go in and check all of those
14 inputs. If you guys really want to get an election system
15 in by 2020, you're going to have to do it in such a way
16 that you match the skills that you have out in your
17 counties and, if you do it with paper, the then computer
18 system starts at the optical scanner.

19 Not only that, your costs are going to come way down
20 because you don't have to have all of that skill on the
21 front end of collecting the input. Your costs are going to
22 become -- extraordinarily come down and you're going to
23 have a whole lot more in terms of a functional relationship
24 to your vendor.

25 Because, right now, the only way that you're going to

1 be able to run an election in 2020 is to be extremely
2 dependent on your vendor. Notice how dependent you guys
3 are on your vendor now to tell you what's actually going
4 on.

5 So with the closing remarks: The Libertarian Party
6 of Georgia, we want hand-marked paper ballots, postelection
7 audits -- and we are doing this not only because of
8 integrity of the election but because it is the best value,
9 the best security, for the state of Georgia. Thank you
10 very much.

11 REPRESENTATIVE FLEMING: Thank you for being here
12 today. We appreciate you being here. Sara Henderson?
13 Sara? Sara, welcome. Good to have you today. Please tell
14 us where you're from.

15 MS. HENDERSON: Thank you. I'm Sara Henderson. I am
16 executive director of Common Cause Georgia. I am here
17 today to talk to you --

18 REPRESENTATIVE FLEMING: And where do you live, Sara?

19 MS. HENDERSON: I'm sorry.

20 REPRESENTATIVE FLEMING: What county are you from?

21 MS. HENDERSON: Oh, I live in Fayette County.

22 REPRESENTATIVE FLEMING: Fayette County.

23 MS. HENDERSON: Yes.

24 REPRESENTATIVE FLEMING: Thank you. Go ahead.

25 MS. HENDERSON: You're very welcome. I'm here today

1 to -- to remind you-all of the -- if you don't already
2 know, about the federal lawsuit that we filed on November
3 6th of this year, and we filed that lawsuit around our
4 voter databases.

5 We basically said that you have to count provisional
6 ballots if they're related to voter-registration issues.
7 Now, why -- we -- the federal court sided with us and said
8 there are serious security issues here. Mind you, this is
9 the same court that, a month prior, had sided with the
10 state.

11 There are serious issues with our machinery. There
12 are serious issues with our voter-registration databases.
13 We have got to address these problems. And why do groups
14 like mine have to sue to get these problems addressed? Why
15 do we have to spend taxpayer money and our own resources to
16 do that? Not to mention the fact that we have to use our
17 resources in order to educate the public because that's
18 something that the Secretary of State's office has not done
19 in several years.

20 So we come to ask you: Paper ballots, hand-marked
21 paper ballots. That's what we need to have in the state of
22 Georgia, and it's so, so, so important to listen to the
23 election-integrity activists, to Garland Favorito that's
24 sitting behind me, and understand that we have worked on
25 this for decades. We know what we're talking about; we

1 want to be an ally to the Secretary of State's office and
2 to this commission and we call upon you-all to make the
3 right decision and use paper, don't saddle the taxpayers
4 with 400 million dollars in debt.

5 REPRESENTATIVE FLEMING: Thank you, Sara. We
6 appreciate you coming today. Marilyn Marks? Marilyn.
7 Marilyn, good to have you today.

8 (Alarm chiming.)

9 MS. MARKS: Already?

10 REPRESENTATIVE FLEMING: You're done. Bye-bye.

11 MS. MARKS: It was quieter than I thought it would be.

12 REPRESENTATIVE FLEMING: Thank you, Marilyn.

13 MS. MARKS: Thank you.

14 REPRESENTATIVE FLEMING: Good to have you. Please
15 tell us where you live.

16 MS. MARKS: Thank you. I'm Marilyn Marks. I'm with
17 -- the executive director of Coalition for Good Governance.
18 I'm here today representing our Georgia-based members.

19 REPRESENTATIVE FLEMING: And tell us where you live --
20 which county you live in.

21 MS. MARKS: I -- I live in Charlotte, North Carolina.

22 REPRESENTATIVE FLEMING: North Carolina. Thank you.

23 MS. MARKS: Yes. And I'm here to urge you to take the
24 time to study the real issues here and what the state's
25 voters need from you, and it's a more thoughtful process

1 than you've had the time to go through yet.

2 What we need to know from -- from this commission
3 is the types of policies and the verifiability of the
4 elections that the voters need. The only way that we are
5 going to get verifiable elections, auditable elections in
6 Georgia, is with hand-marked paper ballots. It is the only
7 verifiable system.

8 The types of ballot-marking device systems that you-
9 all have been looking at have proven to be not auditable,
10 not verifiable, and it's time to quit calling them
11 verifiable. And it's going to take this commission a while
12 to come back to the basic principles and I urge you to do
13 that. To make another mistake by buying electronic voting
14 systems will be a huge mistake for Georgia, an expensive
15 one both financially and in terms of the integrity of the
16 elections.

17 I heard, earlier today, that there's some thought of
18 you'll determine what the audit requirements will be after
19 you determine what kind of equipment you bought. I almost
20 set my hair on fire. No. We have to figure out how
21 Georgia's elections can be audited, to what level they
22 need to be audited, what the people are looking for in
23 terms of total verifiability and then work backwards to
24 what kind of equipment is needed. It's obvious what kind
25 of equipment is needed: hand-marked paper ballots, the only

1 type of system that's -- that is auditable.

2 I hear the second bell, and I'll just end by saying
3 that the types of electronic voting problems you heard Sara
4 Ghazal talk about and including the 100,000 missing votes
5 from the lieutenant governor's race, same types of problems
6 will happen with electronic ballot-marking devices. Only
7 hand-marked paper ballots will solve that problem.

8 REPRESENTATIVE FLEMING: Thank --

9 MS. MARKS: Thank you.

10 REPRESENTATIVE FLEMING: Thank you, Marilyn. We
11 appreciate you coming today. Chris Chan. Chris? Welcome,
12 Chris. Good to see you.

13 MR. CHAN: Thank you.

14 REPRESENTATIVE FLEMING: Love to hear from you. Tell
15 us where you're from.

16 MR. CHAN: Yep. My name is Chris Chan. I'm a
17 registered voter in Fulton County. I want to thank the
18 commission for their time serving our great state and
19 hearing the citizens' views on this important issue. I'm
20 here to speak on my personal capacity and my views are my
21 own and do not necessarily reflect the views of my law firm
22 or any organization I am affiliated with.

23 I am a past president and current board member of
24 GAPABA, the Georgia Asian-Pacific American Bar Association,
25 which represent the interests of over 500 Asian-American

1 lawyers and law students here in Georgia. I'm a third-
2 generation born Chinese-American and have lived in Georgia
3 for 34 years. I voted for almost 30 years. I'm a lawyer,
4 a Georgia Tech grad engineer and I now practice patent law
5 in my hometown of Atlanta.

6 The issues before this commission are a matter of
7 dollars and sense, common sense. Even though we rely on
8 technology for many conveniences in life, I am smart enough
9 to know and you should be smart enough to know that we
10 should not rely solely on technology and machines. To do
11 so is to introduce the risk of computer and software error
12 and, in some instances, a risk of hacking into the system.

13 A more common sense solution is to rely on the
14 combination of computer technology and humans to create an
15 auditable verifiable paper trail of the electorates votes
16 and to preserve a paper record of their votes.

17 This issue is vitally important to -- to the citizens
18 of Georgia because of the nationwide attention paid to
19 Georgia's voting process in the past election cycle, and
20 given the small window of time with the relatively short
21 legislative session and the upcoming 2020 presidential,
22 federal and state elections.

23 Corporations, which are seeking to move their
24 headquarters here to Georgia and bring jobs to Georgia are
25 also watching us. They want to know that our state's

1 infrastructure is state of the art in the treatment of its
2 citizenry is fair and just.

3 Our state is way behind the curve on the state-of-the-
4 art voting technology and election procedures. Let's not
5 continue to be the laughingstock of other states due to our
6 voting equipment and procedures. I, again, emphasize the
7 importance of the task ahead of you.

8 Like never before, our democracy is under attack by
9 foreign powers who may not support our nation's values and
10 would like to do nothing more than to sow discord and
11 confusion and topple one of the pillars of our democratic
12 values, the ability to cast a ballot, verifiable vote, to
13 elect our own leaders.

14 And I'll finish up. Do not kick the can down the
15 road. Please make a common sense recommendation benefiting
16 all citizens of Georgia, to instruct the legislature to
17 spend the money necessary to update Georgia's voting
18 equipment and to implement an auditable, verifiable paper
19 trial of the electorates' votes and preserve a paper record
20 of their votes. Thank you.

21 REPRESENTATIVE FLEMING: Thank you, Chris. We
22 appreciate you coming today. Cam Ashling? Cam? Welcome,
23 Cam. Good to see you. Did I pronounce that right, by the
24 way?

25 MS. ASHLING: Yes, yes.

1 REPRESENTATIVE FLEMING: And tell us where you're
2 from.

3 MS. ASHLING: My name is Cam Ashling. I'm from Fulton
4 County. I'm like a 1988 refugee from the post-Vietnam War.
5 I am now the founder and president of the Georgia
6 Advancing Progress PAC who mostly work in the Asian-
7 American community in Gwinnett County.

8 You know, the right to vote is so important in our
9 democracy, and I -- you saw that with Vietnam and other
10 countries. If we don't protect it, it will, you know, go
11 to the wayside and God knows what kind of leadership we
12 would have.

13 And, you know, as a PAC, we work very hard to get all
14 Americans to vote, new Americans -- you know, newly-
15 naturalized Americans to vote, younger Americans to vote,
16 elderly Americans to vote, Americans with limited English
17 to vote, and it's a huge problem for us to get voter
18 turnout if we can't convincingly tell people that your vote
19 will get counted.

20 So, you know, as a investment professional, as a CFP,
21 we usually make these tough decisions based on a risk-and-
22 reward method; right? So if we look at this choice and --
23 and think of what's the greatest risk per unit -- what's
24 the greatest reward per unit of risk, and we say that cost
25 and error is our measure of risk and accuracy, voter

1 confidence, auditable transparency is our measure of
2 reward, how do we come to the most logical conclusion free
3 of bias and be bipartisan?

4 So far, it seems to me that, you know, paper ballot --
5 the optical scanners, would be like the lowest risk in --
6 in cost. If it's 50 million up to 150 million, that's like
7 huge. You know, and it's more free of computer errors than
8 -- that can impact hundreds of votes instantly without
9 detection versus human errors. That's a isolated -- and,
10 with more voter education, we can turn that around, so why
11 don't we do that and fix it?

12 Paper ballots seem to be the most -- the gold standard
13 for voting integrity. Most states use them, why is Georgia
14 so behind? And, you know, with us trying to engage more
15 younger voters, they're going to be very turned off by
16 unauditale (ph), nontransparent voting system.

17 So how do we get the voter engaged? If we can tell
18 them that it's safe and secure and your vote will count,
19 they'll come out but, if people don't trust the system,
20 they just won't.

21 REPRESENTATIVE FLEMING: Cam, I'm going to allow you
22 to wrap up.

23 MS. ASHLING: Okay, sir. Sorry. Thanks. And I also
24 would like the board to consider the cost of future
25 litigation as a cost to taxpayers.

1 Two points from, you know, Voter GA, the question you
2 had regarding the fractional votes: It's like half a vote.

3 So when we vote, it's one; right? But the computer is
4 showing half, like .5 of a vote. That doesn't happen. So
5 that's a computer error we can fix with paper ballots.

6 And then your other question, Ms. Nancy, regarding the
7 negative vote. So -- so a negative vote would take away
8 somebody else's vote. So, instead of me being plus one,
9 I'm going to take your vote out and I'm going to be
10 negative one and subtract from your total.

11 REPRESENTATIVE FLEMING: Thank you, Cam.

12 MS. ASHLING: Thank you.

13 REPRESENTATIVE FLEMING: We appreciate you coming
14 today. Thank you very much. Ann Nettles? Ann? Ann,
15 thank you for coming today.

16 MS. NETTLES: Thank you.

17 REPRESENTATIVE FLEMING: Please tell us where you're
18 from.

19 MS. NETTLES: I am from Macon.

20 REPRESENTATIVE FLEMING: You came a long way.

21 MS. NETTLES: I know, a short commute. I am just
22 here representing myself. I've been a voter since 1972
23 and, first off, I am very concerned about the cyber
24 security, not only Kennesaw State but also Secretary of
25 State's office. We've had intrusions and I feel like the

1 -- we've -- that really needs to be strengthened.

2 And the other issue is, is that I'm totally opposed to
3 any type of voting equipment that manufacturers a barcode
4 that's not readable. I don't know about you. I look at a
5 barcode and it's just a bunch of lines. And so, I am in
6 favor of hand-marked paper ballots and, you know, upgraded
7 scanners that can handle the humidity.

8 And perhaps we do need to consider mail-in paper
9 ballots. I lived in Colorado for 10 years and that was
10 never a problem. Also, there is no humidity there.
11 Without it, you know, that's a plus out there.

12 But -- and one other thing that I don't think
13 anybody's touched on is I -- I'm -- as a citizen, I feel
14 like the Secretary of State's office should be the guiding
15 office to encourage all citizens to register to vote, and
16 how to vote, and -- and I really think that that's -- if
17 it's not in your job description, I think it should be.

18 And that's -- that's about all I've got to say. But I
19 think the lowest-tech type of voting system is by far the
20 most reliable and the last thing we need to do is cast any
21 doubt for anyone, for any reason, that their vote was not
22 taken in and recorded as they desired. Thank you.

23 REPRESENTATIVE FLEMING: Thank you, Ann. Rhonda
24 Martin? Rhonda? Rhonda, thanks for joining us today,
25 and please tell us where you're from and we'd be happy to

1 hear from you.

2 MS. MARTIN: Okay. My name is Rhonda Martin. I'm a
3 Georgia voter and a resident of Fulton County. The
4 foundation of our democracy is the right of the people to
5 vote, to have their votes counted and, when counted, to
6 have their votes represent their intentions.

7 It is imperative that the new voting system that you
8 recommend provide voters with reliable means to make their
9 voices heard on election day. In our recent election,
10 there were reports of problems with the DREs showing
11 erroneous ballots and flipping votes.

12 I am concerned that any continued use of touchscreen
13 technology, that with any continued use of touchscreen
14 technology these problems will persist. They can be
15 avoided entirely, however, by providing voters with paper
16 ballots where they hand mark their selections. Surprise;
17 right? With the DREs with no paper trail, there was no way
18 to really know if the recorded votes accurately represented
19 the rule of the voter.

20 I understand that the ballot marketing -- marking --
21 marking devices that you are considering will produce a
22 paper-ballot summary. Unfortunately, if the ballot summary
23 includes a barcode, we remain in a situation of not knowing
24 if the voters' intentions are being accurately captured and
25 recorded.

1 Let me be clear: Ballot-marking devices are not the
2 answer. The paper trail that electronic ballot-marking
3 devices offer is not a paper trail that can be audited. I
4 cannot verify barcodes. Can you? Nor could I memorize the
5 touchscreen ballot content at the level needed to verify a
6 ballot card for accuracy and completeness.

7 In fact, limitations of human short-term memory make
8 it impossible for voters to recognize errors and omissions
9 when they have been introduced to their ballots prior to
10 the verification steps. If votes are cast on paper ballots
11 marked by the voters themselves, there is no need for the
12 separate verification step and issues of human limitations
13 become moot.

14 Computer scientists and cyber-security experts agree
15 that, today, the use of hand-marked paper ballots counted
16 by optical scanners and audited in a statistically-valid
17 audit is the best available method for conducting
18 elections. I implore you to carefully consider and take to
19 heart the recommendations of the experts.

20 REPRESENTATIVE FLEMING: Okay. Rhonda, we --

21 MS. MARTIN: Thank you for your time, consideration
22 and service to the voters of Georgia.

23 REPRESENTATIVE FLEMING: Thank you, Rhonda. We
24 appreciate you coming today. John Fortuin? John? John,
25 good to -- good to have you today, and please tell us where

1 you're from and we'll be happy to hear from you.

2 MR. FORTUIN: Hi, my name is John Fortuin. I'm from
3 Athens, Georgia. I've been a nonpartisan advocate for
4 restoring integrity to Georgia's voting system since 2004
5 and have been trying to debunk misinformation provided by
6 the vendor of our current system and parroted by election
7 officials since that time despite that information being
8 thoroughly debunked by scientists.

9 The vast majority of computer-programming analysts
10 and security professionals want to minimize the amount
11 of computer technology involved in our election process.
12 They know that if they have access to the system at any
13 point, especially at the level of the Kennesaw State
14 University database or the -- and now the Secretary of
15 State's database, that they can manipulate our election
16 statewide.

17 So science -- scientists, scientific organizations,
18 professional organizations, have written a slew of papers
19 supporting hand-marked paper ballots. For instance, the
20 National Academy of Sciences, Engineering and Medicine
21 this August released a paper titled, Securing the Vote:
22 Protecting American Democracy, that's called for minimizing
23 the technology involved in our election system.

24 And I -- I will actually -- I do want to credit the
25 Secretary of State's office for, in their electronic

1 request for information, the -- under Section 3(4) Method
2 1, that they are requesting for proposals for hand-marked
3 paper ballots that are optically scanned in the precinct.
4 I strongly suggest, for the security of our election
5 system, that you review only these methods and relegate the
6 ballot-marking devices only to for folks with disabilities.

7 REPRESENTATIVE FLEMING: John, I'm going to allow you
8 to wrap up.

9 MR. FORTUIN: All right. So, also, the ballot-marking
10 devices are in violation of the KISS principle. They can
11 be replaced by pens and pencils for the average voter at a
12 mere fraction of the cost, and every piece of technology
13 that's in our voting system is a potential bottleneck if
14 there is any sort of power failure or -- and -- and so,
15 hand-marking paper ballots will minimize wait times at
16 precincts here as it has done in many other states that
17 have gone to this system.

18 REPRESENTATIVE FLEMING: John, thank you for coming
19 today.

20 MR. FORTUIN: Thank you.

21 REPRESENTATIVE FLEMING: We appreciate having you.
22 Anita Tucker? Anita? Good afternoon, Anita. Good to have
23 you. Please tell us where you're from. We'd be happy to
24 hear from you.

25 MS. TUCKER: Hi. I'm Anita Tucker and I am from

1 Forsyth County. I ran for office this year, so I had a
2 heightened sense of need for every single vote to count,
3 and I knocked on a lot of doors and --

4 REPRESENTATIVE FLEMING: Tell us --

5 MS. TUCKER: -- I talked to a lot of people.

6 REPRESENTATIVE FLEMING: Tell us what office you ran
7 for.

8 MS. TUCKER: I ran for House -- House of
9 Representatives, District 25.

10 REPRESENTATIVE FLEMING: Go ahead.

11 MS. TUCKER: Do you want to know how I did?

12 REPRESENTATIVE FLEMING: Only if you want to tell us.

13 MS. TUCKER: Well, I'm actually -- I didn't win, but I
14 am very proud to say that, in Forsyth County, I got 36
15 percent of the vote, which is pretty good for Forsyth
16 County. Yeah, I ran as a democrat.

17 But my point is that of all of the people I talked to
18 -- and I knocked on a lot of doors -- everybody's concern
19 -- they -- My vote's not really going to count, and I can
20 tell you the experience -- I personally do an absentee
21 ballot because I did not trust our voting system and I felt
22 like my vote probably counted because I did that.

23 But I think that the experience of being able to see
24 that your vote really did go the way you wanted it to vote
25 and that it really did count will increase voter

1 participation and excitement. I think it is something that
2 we desperately need, is to be able for voters to walk away
3 from the voting booth and go, Yeah, I did vote and it did
4 count. Thank you.

5 REPRESENTATIVE FLEMING: Thank you, Anita. We
6 appreciate you coming today. Susan Gambell (ph) --
7 Gambell. Did I pronounce that right, Susan?

8 MS. GAMBLE: Las Vegas.

9 REPRESENTATIVE FLEMING: Gamble.

10 MS. GAMBLE: Thank you.

11 REPRESENTATIVE FLEMING: Susan Gamble. Susan, good to
12 have you. Please tell us where you're from. We'd be happy
13 to hear from you.

14 MS. GAMBLE: I'm from Gwinnett County, and I'm here
15 just as a citizen. I personally also would like hand-
16 marked paper ballots to have a hard copy representing my
17 voter intent that is auditable. And somebody else can have
18 my time. I've saved my time.

19 REPRESENTATIVE FLEMING: Susan, I like you. John
20 Askins? John Askins?

21 MR. ASKINS: Right here.

22 REPRESENTATIVE FLEMING: Okay. John, good to have you
23 with us. Tell us where you're from and we'd be happy to
24 hear from you.

25 MR. ASKINS: My name is John Askins. I'm from DeKalb

1 County. I want to -- could I -- could I have Susan's time
2 since she offered?

3 REPRESENTATIVE FLEMING: No.

4 MR. ASKINS: Had to ask. I got to retire from the
5 news business a few years back after a long career both in
6 national news and state-local news in another part of the
7 country. I've also grew up in politics. My father was an
8 elected official. I've seen and covered dozens of
9 elections, both good and some -- with those missing ballot
10 boxes we were talking about.

11 So I understand that any system can be hacked, any
12 system is fallible; shenanigans are always possible -- not
13 that that's ever happened to any of the elected officials
14 here, but you've all heard about it.

15 And that's why I think we need -- the KISS principle,
16 suggesting the KISS principle I think puts it perfectly.
17 We need to keep it as simple as possible for us, for the
18 voters -- for everybody, and that's -- that's paper
19 ballots. That's hand-marked paper ballots.

20 I love the idea that we can print them on demand.
21 That's -- that's a huge cost factor. I realize there's a
22 lot of -- this is kind of labor intensive. I had the honor
23 of being an observer at DeKalb County for the absentee
24 ballots -- for the absentee-ballot count and saw the
25 herculean effort that went into doing that. But, my

1 goodness, it's worth it because this is our democracy
2 that's at stake.

3 As been said many times today -- and I've heard over
4 and over since I got involved with this issue, which I
5 didn't really plan on until the 2016 election, of getting
6 involved in this stuff, is people are afraid their vote
7 will not count. Think about that. American citizens are
8 afraid their vote will not count.

9 If you're afraid your vote's not going to count,
10 you're going to stop voting; you stop voting, democracy
11 goes away. Is that what we want? I don't. I don't think
12 anyone here does, and I think we need to get this -- get a
13 handle on this, and I think the paper ballot is the way to
14 go. Thank you.

15 REPRESENTATIVE FLEMING: Thank you, John. Marjory
16 Timmer? Marjory? Marjory, good to have you today.

17 MS. TIMMER: Why, thank you.

18 REPRESENTATIVE FLEMING: Thanks for coming.

19 MS. TIMMER: I'm from DeKalb County, and thank you for
20 allowing me this opportunity to speak and thank you for the
21 work you're doing on this committee on behalf of the people
22 of Georgia.

23 AUDIENCE MEMBER: Closer to the mic, please.

24 MS. TIMMER: Oh, yes. I usually have a really big
25 voice, so I don't even think about a microphone. So I had

1 -- I am retired from the healthcare industry and -- and,
2 having taken care of sick folk for 45 years, I -- I have a
3 pension for accurate, reliable data.

4 And I'm no expert in politics or on voting, but I will
5 tell you that my experience since we have had electronic
6 voting here in Georgia has been whenever I hand that little
7 yellow card to the poll worker, I find myself offering a
8 little prayer that what is -- what I -- what I think I put
9 on there is actually what's going to get counted. I've
10 never quite trusted it.

11 We've been using that system for years and years and
12 lots of people, as you've heard, don't trust it. And we
13 kind of were a -- a little bit of a laughingstock in the
14 USA during this last election because of the -- the lack of
15 trust.

16 Today, I heard about fractional ballots so I'm
17 wondering, Okay, did my vote count for 1 or .7 or .3 or a
18 negative ballot, maybe negative 1. So I -- you know,
19 that's kind of -- that kind of takes my breath away.

20 I think what I want to see is that everyone gets --
21 everyone who is a qualified voter gets a vote of one
22 accurately counted for whomever they voted for or whatever
23 they voted for, that they can have documentation that their
24 vote went through as they intended and that those votes can
25 be audited.

1 And I think the optical-mark recognition system, the
2 paper ballots, is the only way to accomplish that. As
3 you're -- just one last thing. As you're making your
4 decision, if you find yourself leaning toward this
5 electronic system that we have, remember the definition of
6 insanity: It is doing the same thing over and over again
7 and expecting different results.

8 REPRESENTATIVE FLEMING: Thank you, Marjory.

9 MS. TIMMER: Thank you.

10 REPRESENTATIVE FLEMING: Okay. So down to the top 5
11 now. Susan McWealthy? (ph)

12 MS. MCWETHY: McWethy.

13 REPRESENTATIVE FLEMING: McWethy.

14 MS. MCWETHY: Susan McWethy, yes.

15 REPRESENTATIVE FLEMING: That's a hard one, Susan.

16 MS. MCWETHY: Well, you've said it correctly in the
17 past.

18 REPRESENTATIVE FLEMING: Okay. Well, I'm just not as
19 good as I used to be.

20 MS. MCWETHY: Anyway, thank you to the SAFE Commission
21 for allowing us to speak here.

22 REPRESENTATIVE FLEMING: And tell us, once again,
23 where you're from, Susan.

24 MS. MCWETHY: Oh, I'm from Decatur --

25 REPRESENTATIVE FLEMING: Thank you.

1 MS. MCWETHY: And I'm -- I've been an activist for
2 years about voting; I'm a poll worker, so... But my
3 question is -- it's kind of a repeat of what's been stated
4 here already. It's a rhetorical question, but why don't we
5 just listen to the IT experts?

6 And Georgia is blessed with some really smart people
7 here. This morning we heard from Mr. Favorito. He had
8 really -- a really informative summary of the IT concerns;
9 we have Mr. Lee on the commission here, and I'd like to
10 quote you, if I may. In October 8th, a paper entitled,
11 Basic Security Requirements for Voting Systems, quote: The
12 best approach is to require the voters to hand-mark paper
13 ballots that are then scanned and tallied by cyber system,
14 but also dropped into a safe box.

15 And not much has been said about what happens to these
16 paper ballots, but we've heard about losing ballots and
17 we've heard about -- we -- we have heard, over the years,
18 about stuffing ballot boxes. I think this would eliminate
19 that problem. These would be attached to the optical
20 scanners in some of the models that I have seen and the
21 voter introduces it and it just drops down into a secure
22 place. So I think that solves that one problem.

23 We also have -- he's still here. Mr. DeMillo back
24 there. He's a distinguished professor of computing at
25 Georgia Tech and his -- he recently did some research with

1 a team about voter behavior -- use in verifying --
2 verifying vote behavior. Half of the voters didn't inspect
3 their ballot cards; the other half inspected them for an
4 average of 3.9 seconds.

5 When you're given a summary that you have to check,
6 human beings just don't do a good job at that. So please
7 listen to the IT experts. I think they have the best
8 advice.

9 REPRESENTATIVE FLEMING: Thank you, Susan.

10 Liz Throp (ph)? Liz?

11 MS. THROOP: Hi, it's Throop, Liz Throop.

12 REPRESENTATIVE FLEMING: Throop, T --

13 MS. THROOP: Hi. I live in DeKalb County --

14 REPRESENTATIVE FLEMING: Hold -- hold -- hold on a
15 second now. T-H-R --

16 MS. THROOP: Yeah.

17 REPRESENTATIVE FLEMING: -- O-O-P.

18 MS. THROOP: Yeah. The H is silent.

19 REPRESENTATIVE FLEMING: Oh, okay. There we go.

20 Throop. All right.

21 MS. THROOP: Good.

22 REPRESENTATIVE FLEMING: Like Troop County.

23 MS. THROOP: It's pronounced the same.

24 REPRESENTATIVE FLEMING: There we go. Thank you,

25 Liz.

1 MS. THROOP: Yeah. So I -- we heard a lot of
2 good presentations this morning and have had a lot of
3 good discussions. Obviously, hand-marked paper ballots
4 are a very popular choice among public commenters, but I
5 think it's important to be very specific with these things.

6 So hand-marked paper ballots could conceivably still
7 involve barcodes or QR codes. One of the more important
8 things I've heard this morning from Garland Favorito was
9 that the barcodes -- that even -- are supposed to be
10 signifying something as simple as the precinct number could
11 introduce malware into a digital system. And -- and, for
12 that reason, I think it's very important that we get
13 proposals from vendors where it's unambiguous that there
14 are no barcodes on the ballots.

15 It's been a little while since I've looked at those
16 proposals, but it was very hard for me to discern exactly
17 what some of those ballots were going to look like. And it
18 -- and it brings me back to the idea that this excellent
19 set of presentations we heard today should have happened at
20 the first meeting. I -- I would be very sorry if anyone
21 were to vote today on a proposal where they don't know what
22 those ballots are going to look like.

23 And I know that it's -- everyone's tired of the DREs,
24 they're very old; we -- we want to move ahead but it's
25 important to get this stuff right, especially now that we

1 are the focus of national press attention as one of the
2 worst states for voting integrity.

3 REPRESENTATIVE FLEMING: I'm going to go ahead and
4 allow you to wrap up, Liz.

5 MS. THROOP: All right. Thank you.

6 REPRESENTATIVE FLEMING: Thank you, Liz. Okay.
7 Kathy Lynne Sanderson? Kathy Lynne? Welcome. Good to
8 have you.

9 MS. SANDERSON: Thank you.

10 REPRESENTATIVE FLEMING: Please tell us where you're
11 from.

12 MS. SANDERSON: I'm Kathy Lynne Sanderson from Athens-
13 Clarke County, and I just want to talk about one thing
14 really quickly.

15 The goal here is for the voters to have confidence in
16 the -- the voting system and we can't have confidence
17 unless there's an auditing system that's mandated that
18 they have confidence in also. And I feel very strongly
19 that, at the same time the voting system is voted on by the
20 legislature -- at that same time, they have to decide on
21 the auditing system. They can't push it off until the next
22 session or something because you know how hard that is,
23 that things don't get done that way.

24 And as one speaker said: You don't have to deal --
25 detail the exact system; you -- you detail the standards,

1 that this is what we want the auditing system to
2 accomplish, and that should all be done in one package when
3 the legislature decides on the system.

4 And I also wanted to say, as somebody else did, that
5 the auditing has to be done precertification, that people
6 aren't going to have confidence in a system that says, Oh,
7 guess what? We did an audit and we found out the wrong guy
8 got elected. That's -- that's not going to build
9 confidence, so that's all I have to say.

10 REPRESENTATIVE FLEMING: Thank you very much.

11 George Ballbona (ph)?

12 MR. BALBONA: Close enough.

13 REPRESENTATIVE FLEMING: Close enough. All right,
14 George.

15 MR. BALBONA: Balbona.

16 REPRESENTATIVE FLEMING: Balbona. George, thank you
17 for being here today.

18 MR. BALBONA: I'm from Georgia, a concerned citizen; I
19 live in Cobb County.

20 REPRESENTATIVE FLEMING: Thank you, George.

21 MR. BALBONA: Most people think barcodes are just
22 those lines that tell you what things cost at the store,
23 but that isn't entirely accurate. Barcodes never tell
24 anyone what something costs; barcodes tell machines what
25 something costs.

1 No person can read a barcode. That is an empirical
2 fact and the reason why these machines are not verifiable.

3 Anything else you hear is barcode snake oil, and the cost
4 of those proposed voting machines are not merely 100 or 150
5 million dollars, they will cost us our democracy itself.

6 This is not a partisan issue. The most important
7 issue here is the sanctity of our votes. And if these
8 politicians don't believe in getting the votes we cast
9 accurately, transparently and verifiably, then, quite
10 simply, these politicians should not be our political
11 representatives anymore.

12 A barcode also tells a machine what an item is. If
13 you didn't know whether you put -- in your coffee this
14 morning was sugar or rat poison, you wouldn't drink it
15 [sic], and with the barcode voting system, that is exactly
16 the situation it will give us.

17 Ed Setzler, Chairman of the House of Science and
18 Technology Committee, an architect, assured the government
19 affairs committee -- Barry, you were there -- quote, If
20 there's a discrepancy between the electronic information
21 and a ballot, the manual tally ballot would be the
22 preeminent expression of voter intention for official
23 elections in this state, unquote.

24 However, how would we ever know that a discrepancy
25 exists? This is more political maneuvering to ensure that

1 Georgia elections remain unverifiable. Setzler then
2 stated, The paper is the ballot. Then why the hell do we
3 need to force an entirely superfluous and ridiculously
4 expensive step upon Georgians with these barcode voting
5 machines?

6 Senator Bruce Thompson's main comment was, quote,
7 Don't let the pursuit of greatness -- and this -- be
8 derailed for the demand for perfect, unquote. There is no
9 chance of this occurring since the only greatness achieved
10 by this system is its level of unverifiability (ph) and the
11 amount it sucks. As for perfect, this is a perfect scam
12 against the citizens of Georgia.

13 Lastly, why would other elected officials -- machines
14 -- want the voting machines that cannot be verifiable
15 [sic]? Two words: job security. And, lastly, you have the
16 brazen hypocrisy to name this commission SAFE, but I'd like
17 to know safe for whom? Because it sure isn't Georgia
18 voters.

19 REPRESENTATIVE FLEMING: Thank you, George.

20 Jacqueline Elsner? Jacqueline? Jacqueline, thanks for
21 coming today.

22 MS. ELSNER: Thank you.

23 REPRESENTATIVE FLEMING: Good -- good to have you.

24 MS. ELSNER: I'm from Clarke County, and -- and I want
25 to be civil, but make it cheap, make it paper. It's --

1 it's the least expensive option. And everybody's saying --
2 Hello, Mr. Lee. You're the dude who says it's
3 scientifically and computerized, the safest thing.

4 Georgia doesn't have the money to throw a whole -- you
5 know, an extra 100 million dollars into some machines that
6 y'all are sitting here listening that aren't really going
7 to do the job. And you already know that your county
8 boards of elections, they don't have the money to roll out
9 all kinds of extra training and -- and somehow upgrade
10 things and, all of a sudden, three -- four years from now,
11 it needs upgrading.

12 But Georgia simply doesn't have that kind of money.
13 They don't do that. They say, You are now mandated to
14 update your thing and it is now your financial
15 responsibility to do it, and this is what happens.

16 So I'm just saying I've listened to all of this. I
17 came in thinking, Okay, the paper ballot. It -- that's the
18 way it needs to go. You can afford that. You could even
19 tell the legislature, We selected the most economical,
20 trustworthy thing we could present to you. By jingo. We
21 saved you 100 million dollars right now. Thank you.

22 REPRESENTATIVE FLEMING: Thank you. Commission
23 members, we are going to take a 5-minute break and, at
24 about 2:30, I'm going to ask you to return promptly and
25 we'll begin the discussion portion of our meeting and the

1 final portion. Okay? We'll stand in recess for 5 minutes.

2 Thank you.

3 (A recess is taken from 2:25 p.m. to 2:35 p.m.)

4 REPRESENTATIVE FLEMING: Okay. As our commission
5 members come back to the -- to the front, we will begin the
6 final segment of our discussion today as -- as a panel.
7 I certainly do appreciate all of you coming today,
8 and showing your interest here and -- and we had a very
9 good public-input section of our meeting.

10 I would ask you, as you have done at every meeting and
11 -- and have done today, I would appreciate your respecting
12 the conversations here now as we have them at this table.
13 I do want you to be able to hear and I do want everybody
14 here at the table to be able to hear each other. So you
15 may approve, you may disapprove, you may want to yell, you
16 may want to clap and jump up and down when somebody makes a
17 comment, but I'm going to ask you to please refrain from
18 doing that. But you've done a good job so far, and I want
19 to thank you for your public participation.

20 Members of the commission, I certainly do intend for
21 this to be a free-flowing discussion as we move forward.
22 There is an awful lot of expertise and experience at this
23 table and we certainly want to tap into that.

24 As I mentioned when we started today, I think a good
25 goal for us to think about would be the possibility of

1 having one more meeting before the legislature goes into
2 session. The legislature starts relatively late this year
3 as far as the scheduling normally goes. We don't start
4 until mid-January on the 14th. That's the day that we're
5 all sworn in so we can then be sworn at, and the governor
6 is inaugurated.

7 And so, we'll have a couple of weeks before that. Not
8 two full weeks, but I'm thinking probably that first week
9 in January might be a time that we're looking for a
10 meeting. Although it has not been set in stone yet, I
11 would think that that may be in Atlanta at the Capitol.
12 There are some meeting rooms there that are very available
13 and can accommodate people this size.

14 Folks will already be coming to Atlanta at that time
15 period anyway. We will get back to you on that as we have
16 every time we put one of these meetings together.
17 Secretary Crittenden and I have had this discussion and
18 agreed upon some of those general thoughts. We would
19 certainly welcome your input on that as well.

20 However, what I think I'd like to do is I'd like to
21 throw out maybe five or six questions and -- and just give
22 you those all at once and then go back to the start and
23 move through them so that you'll know what's coming in the
24 discussion. Once again, not limiting any input that you
25 would want to give on any of those, and I'm sure that I

1 will have -- we will have missed something. Madam
2 Secretary and I, like I said, kind of put our heads
3 together on some of these questions, but you feel free to
4 jump in as -- as you will.

5 Some of the -- the -- the things though that I would
6 like for us to cover -- and, of course, the goal being for
7 us to be able to bring a recommendation back to this table,
8 have a final discussion on that, whatever input we think we
9 might need to have and -- and probably, ultimately, have a
10 vote so that we, as a -- as a commission, could make a
11 recommendation to the legislature.

12 And, of course, that's all it will be, is a
13 recommendation. The four of us members of the legislature
14 that have been here today will be four of 180 on the House
15 side and 56 on the Senate side and, of course, the governor
16 gets the final say-so because he has to sign the bill.

17 So all it is is going to be a recommendation, but I
18 think the kind of input and discussion -- I know it's been
19 valuable to me to be able to go back to my colleagues, when
20 we debate this and discuss this, as to how would be the
21 best way to move forward.

22 Those questions that I've mentioned to throw out to
23 you, to think about: Should Georgia put in place a new
24 voting system? We -- we've taken for granted that, but I
25 -- but I think we should at least pass through that

1 thought. Should the new system provide a paper-vote record
2 when -- and when should we seek to have it in place?

3 Should Georgia remain a uniform state? And, of
4 course, that term -- we've almost glossed over that because
5 you've heard Secretary -- former Secretary of State earlier
6 this morning, Kathy Cox, tell us that we were not at one
7 time.

8 Whatever system we recommend, should the state include
9 funding through a comprehensive education for voters, and
10 county election officials and poll workers? I think that's
11 an assumption that we make, but it would be good to hear
12 from our election officials on how important that could be.

13 Should we be looking for a fully-integrated system?
14 In other words, should we be looking to update electronic
15 poll books, scanners, in addition to vote-casting devices
16 if that's the kind of system that we were to choose. In
17 other words, top-to-bottom replacement of the whole system.

18 Of course, one of the most important questions that we
19 have asked and has been focused on a lot: What should be
20 the primary means of vote casting in the new system?

21 Should it be primarily utilized ballot-marking devices or
22 should it be hand-marked paper ballots? A lot of
23 discussion has been here today on that.

24 Should Georgia require postelection audits? And, if
25 we do that, how are we going to implement that given our

1 traditional timeframes for certifying elections? And when
2 should that be done? What level should it -- at which
3 should it be done? State board of elections, legislators
4 writing it into code or not.

5 And -- and, finally, what other procedures in the
6 election code and/or state election board rules should
7 Georgia look at when we update this new system? We are
8 going to have to open up the code section, as we refer in
9 the legislature, on this issue.

10 And, while we have it open, what else should we do
11 there? Have we learned lessons from several years of
12 elections -- not just this past election -- for potential
13 changes which we might be able to make? Just -- just some
14 thoughts on my discussions with the Secretary of State as
15 to the summary that we need to begin to work toward our
16 discussions.

17 So, with those things in mind, now what I will do is
18 I'm going to go back through and repeat those questions and
19 invite you to begin this discussion, which I said I'm happy
20 to be free-flowing.

21 The threshold question though that I mentioned
22 initially: Should Georgia put in place a new voting
23 system? Should the new voting system provide a paper-vote
24 record of some sort and when should we seek to have them in
25 place? Pretty -- pretty easy question; right? Comments?

1 I'll open it to the floor. Senator?

2 SENATOR JACKSON: Mr. Chairman, if I may, I -- I think
3 that we do need a new voting system. I think that a voting
4 system should be in place by 2020. I think that we should
5 have some sort of hand-marked paper ballot system but, even
6 before then, I think we should have a -- a test run or a
7 trial run in some local-election entity to make sure it
8 actually works and -- and -- and how it works.

9 I think the test should not just be -- I think the
10 test should be an actual municipal or local election to
11 make sure before we implement a statewide system to see how
12 it works and -- and -- and how it benefits us as a state.

13 REPRESENTATIVE FLEMING: Thank you, senator. Senator?

14 SENATOR STRICKLAND: As the other senator here, I
15 would have to agree with my colleague. We sit on different
16 sides of the aisle. What I hope is that we have a
17 consensus with this commission that's -- that's nonpartisan
18 and then hope, as someone said earlier today, that what the
19 legislature does is also not partisan because it's
20 important that we all can trust what we come up with as a
21 plan together.

22 I'll say this: I don't remember if -- for the first
23 time I voted, I think it was with these systems. I think
24 I'd be the only person that may have always voted with this
25 same system my whole life. And so, I don't share the lack

1 of trust that I've heard today, honestly. I've never
2 doubted, when I handed my card, my vote was counted. Maybe
3 it's because it's the only thing I've ever known.

4 But I can't help but obviously note there is a lack of
5 trust, and I think it's important that we go to a system
6 that has the ability to be audited. And how that -- what
7 that looks like, I don't know the answer; what that system
8 looks like, I don't know the answer.

9 But I think it's important that we start, in my mind,
10 with the idea of an audit because that helps us to gain
11 that trust and regain that trust to have a system we all
12 can believe in.

13 But I hope that -- the thing I've been most proud with
14 this commission, in the middle of a very contentious
15 election year, I love that we are a nonpartisan group that
16 all have the exact same goal in mind, and that's to make
17 sure that we have a -- a safe, secure and trustworthy
18 election process where every single person's vote is
19 counted.

20 REPRESENTATIVE FLEMING: Thank you, Senator. We
21 caught the fact that you're bragging that you're young.

22 SENATOR STICKLAND: Yes, sir.

23 REPRESENTATIVE FLEMING: He didn't tell us he was
24 good-looking, but that's coming later I bet. No, we -- we
25 appreciate your comments. I think they're dead on. Other

1 comments from the commission? Lynn?

2 MS. BAILEY: Thank you, Mr. Co-chair. Lynn Bailey out
3 of Richmond County. I agree with what I've heard. I think
4 Georgia does need a new system. The system that we have
5 now is -- is -- without a doubt, has a lot of age on it.
6 As local election officials, we're finding it impossible to
7 replace them without buying from a secondhand market from
8 previously-owned units in other states and other
9 jurisdictions around the country and that's -- you know,
10 it's worked okay, but it's not something that we can
11 sustain or continue.

12 Based on what we've heard, I think as a community,
13 over the last year, year and a half or so in particular,
14 voter trust is something that we need to reestablish and I
15 concur wholeheartedly that a good audit pre-election --
16 good testing pre-election and a postelection audit is the
17 way to achieve that or at least it certainly sets us on the
18 right path.

19 REPRESENTATIVE FLEMING: Okay. Other comments?
20 Senator?

21 SENATOR JACKSON: Mr. Chairman --

22 REPRESENTATIVE FLEMING: Certainly.

23 SENATOR JACKSON: -- along with the comments, I -- and
24 -- and -- and my colleague from -- from the Senate [sic], I
25 think an audit should be pre-certified. I think that the

1 audit should be done before we certify the general
2 election.

3 JUDGE MCCOY: Absolutely.

4 MS. BOREN: Concur.

5 JUDGE MCCOY: Absolutely.

6 MS. BOREN: We agree.

7 REPRESENTATIVE FLEMING: So, along those lines -- very
8 -- very good point, you -- those of you who, back in the
9 counties, run these elections, tell me what that does to
10 the date you certify on?

11 Because here's my -- here's my -- there's a pro and
12 con to everything you discuss, and there's no doubt they're
13 great ideas. If they didn't have any cons to them, we'd
14 implement them all. But -- but there's something to be
15 said for the fact that when the elections had it certified
16 fairly quickly, I think that's a confidence-building thing.

17 The audit sounds like a great idea, but won't it slow down
18 that certification and how much?

19 MS. BAILEY: Most certainly.

20 REPRESENTATIVE FLEMING: Yeah.

21 MS. BAILEY: You know, just -- if I may.

22 REPRESENTATIVE FLEMING: Please.

23 MS. BAILEY: Just with this election we had this past
24 November, just in our jurisdiction, we had nearly 300
25 provisional ballots to consider, and that's important work.

1 It's not something that needs to be rushed or hurried.

2 The audit would also be important work not to be
3 rushed or hurried but to be done in an adequate amount of
4 time. Now, it's easy to sit here and say or contemplate
5 that but, when you consider Georgia's election schedule and
6 the fact that we have runoffs just like we had this past
7 November, a mere four weeks later, our window really is
8 tight. And so, all of that needs to be taken into
9 consideration.

10 I don't know exactly what the answer is, but -- and
11 I've never been involved intimately with a postelection
12 audit. I've -- I've read a lot about them; I know that
13 they take time; I know that they can take as much time as
14 you want them to depending on how far you want to go down
15 that path.

16 But, you know, I would say we would need at least a
17 three- or four-day window in addition to what we have now
18 in order to accurately perform an audit that we can have
19 any faith in. And, again, it depends on the parameters of
20 it.

21 REPRESENTATIVE FLEMING: See, I like the sound of
22 three or four days. I mean, I -- I worry about you -- you
23 were going to say weeks.

24 JUDGE MCCOY: No.

25 MS. BAILEY: No. I think -- you know, right now, we

1 have, I guess, four working days to certify the election
2 but that does build in a weekend which is good. So, if we
3 had another four working days in addition to that, it's --
4 it's possible that we could get it done depending on how
5 the audit is structured.

6 REPRESENTATIVE FLEMING: Okay. Yes, ma'am?

7 MS. WELCH: When we talk about after the election,
8 what election officials do, there are three things that
9 we have to do before we reach the certification process:

10 Number 1 is a reconciliation of the votes. Although
11 we count votes on election night, the next day, we
12 reconcile those votes; we reconcile the number of votes to
13 the number of people that voted. We also have to account
14 for those unused ballots. You know, you hear about ballots
15 found in the trash and so forth -- we have to account for
16 those unused ballots.

17 The second thing that we have going on is we are
18 validating provisional ballots and, from there, we're --
19 we're still waiting on the UOCAVA ballots by that Friday.
20 So if we now add auditing in, we have to talk about at what
21 time, at what period that we do this auditing, because are
22 we going to wait until we validated provisionals?

23 Are we going to also include the ballots -- military
24 ballots that we receive on Friday? So does that auditing
25 process start after that period? And, if that's the case,

1 we're definitely going to need four or five -- maybe six
2 days to do an audit. So it -- the law would need to be
3 very clear as to when we start the auditing process and
4 does that include all ballots.

5 REPRESENTATIVE FLEMING: I think -- I think those are
6 good points, and you mentioned something early in that that
7 made me think of what we refer to in -- in legal cases as
8 chain of custody.

9 When we go from a system like we have now to one where
10 paper could be involved, then who touches that paper and
11 when becomes extremely important in confidence of the
12 system, and we don't really, I guess, have as much of a
13 focus on that now as we would need to if we change the type
14 system that we have to something that dealt with more
15 paper.

16 So I would think that, you know, some rules and
17 guidelines on the chain of custody of those ballots to keep
18 them from popping up out of a closet somewhere is exactly
19 something that would need to be focused on and thought
20 about as well. Judge?

21 JUDGE MCCOY: I just want to focus on what my
22 colleague in Rockdale County was saying because we were
23 obviously thinking on the same line. As she was saying
24 that, I had thought about the audits auditing what had
25 happened on election day and with what we had counted prior

1 to provisionals.

2 Because, generally, they are not thousands, and
3 thousands and thousands of provisionals and UOCAVA ballots,
4 and if -- I think we should consider the audit covering
5 what we do through election night and at -- at that point,
6 we know there's 200 -- 300 ballots and provisionals and we
7 know how many we count at that point and then just review
8 the figures to make sure that everything balances when we
9 add the provisional in but the audit focus on what is done
10 from election night prior -- all the way back to the start
11 of voting.

12 REPRESENTATIVE FLEMING: Okay. Other thoughts?

13 SECRETARY CRITTENDEN: Can I add something?

14 REPRESENTATIVE FLEMING: Yes, Madam Secretary.

15 SECRETARY CRITTENDEN: Thank you.

16 REPRESENTATIVE FLEMING: I don't think it stretches.

17 SECRETARY CRITTENDEN: That's all right. I think --

18 REPRESENTATIVE FLEMING: Oh, hold on. There it goes,
19 there it goes. (Provides microphone.)

20 SECRETARY CRITTENDEN: Oh, okay. I know we're going
21 to talk about audits a little more later on, but I just
22 wanted to make sure we're also thinking about exactly which
23 races we would be auditing and whether we would audit all
24 of them each time and -- and how that would work, because
25 that's an additional amount of time to add.

1 Also, I believe when Kevin presented, he mentioned the
2 possibility of having someone external come in and do the
3 audits and whether they would be being done by the
4 elections staff or whether we would have somebody external.
5 And so, there's really a couple of different kinds of
6 audits to think about as we're doing this.

7 With -- with the machines and -- and with the optical
8 -- with the -- not the optical, but with the scanning of
9 the audits -- of the ballots, there's a certain amount of
10 auditing that can take place right there but then, if you
11 want to do more in depth audits, you may want to consider
12 having a third party come in to do that. So we just need
13 to keep that in mind.

14 REPRESENTATIVE FLEMING: Mr. Russo?

15 MR. RUSSO: Yeah. Thank you, sir. You know, we've --
16 I think we've focused a lot on security and having a
17 verifiable -- a verifiable voting system; I think that's
18 important. I think the other half though that -- I heard
19 at least one gentleman speak about, during public comment,
20 use the phrase security and inclusion.

21 And, from my perspective, I think we'll -- we're not
22 discussing what's been left out of -- out of a number of
23 the presentations was how -- how is a paper ballot -- will
24 a paper-ballot system disenfranchise any particular groups
25 of voters. And I think we need to be cognizant of that

1 because our -- our -- you know, we might be putting one
2 type of litigation aside by having the most secure voting
3 system out there, but we're just inviting another -- other
4 types of lawsuits.

5 REPRESENTATIVE FLEMING: Because there are basically,
6 generally speaking, federal requirements for having that
7 access of a -- the most similar ballot possible for all
8 people, whether or not they're -- they have disabilities or
9 not. Is that a general statement that's correct?

10 MR. RUSSO: Well, I would say from both a disability
11 standpoint and, you know, any racial groups or, you know,
12 groups with -- that speak different languages, what have
13 you. I think that there are a number of different reasons
14 why a paper ballot could possibly have a discriminatory
15 impact on certain voters versus others.

16 And that is something, I think, that's -- that -- that
17 we just need to be cognizant of because a 100-percent
18 secure voting system that has a disproportionate effect on
19 certain groups is not necessarily -- is not going to be the
20 best voting system for the state of Georgia. So I think we
21 need to keep that -- keep that in mind.

22 And -- and, you know, I don't think we've heard from
23 any -- any of the groups -- we have not heard from the
24 NAACP or any other groups that might have an interest in
25 that aspect of the -- of our review and the new system.

1 So -- and also, with regard to audits, I think that
2 some -- some level of audit prior to certification is --
3 is fine, so long as it doesn't hold up the process.
4 Obviously, getting absentee ballots out to voters if
5 there's a runoff election and getting early voting started
6 for runoff elections is extremely important and -- and, if
7 that -- if that process doesn't start in a timely manner,
8 we're just -- again, we're inviting additional litigation
9 upon us.

10 You know, regarding whether an audit is going to make
11 sure we have the -- the right person, the person who
12 actually won, as the -- you know, determined, you know,
13 there's still going to be a process for an election
14 contest, and some of the audit -- you know, maybe a deeper-
15 dive audit is something that could come out in an election
16 contest if there are irregularities. I don't think the
17 state's initial audit though needs to be the equivalent of
18 an election-contest proceeding.

19 REPRESENTATIVE FLEMING: Thank you, Vincent. Yes,
20 sir, Michael?

21 MR. JABLONSKI: In fact, following up on Vincent's
22 comments, it seems to me that there are several different
23 things that can trigger a level -- should be different
24 things that trigger specific levels of auditing. One of
25 which could be, if there is an election contest, one of the

1 remedies of that contest would be to allow the court to
2 order a deeper-dive audit.

3 But it -- it seems to me that most elections in the
4 state, there's no -- no real question as to the -- as to
5 the outcome. In those cases, there still should be an
6 audit but it doesn't need to be as big an audit or as deep
7 an audit as something that's relatively close.

8 REPRESENTATIVE FLEMING: When -- when you win by -- by
9 73 percent, there's a difference --

10 MR. JABLONSKI: Exactly.

11 REPRESENTATIVE FLEMING: -- than winning by, you know,
12 51.1 percent. Yeah, yeah.

13 JUDGE MCCOY: You know, we may --

14 REPRESENTATIVE FLEMING: Judge?

15 JUDGE MCCOY: We may want to think about -- now, under
16 current law for a recount, a candidate has to lose -- you
17 know, there has to be less than 1 percent, but there's also
18 discretion in the law for recounts and for challenges where
19 the elections superintendent, on their own motion, when
20 they suspect an irregularity, can call for these things.

21 And, you know, there may be some thought that we need
22 to put into -- to the auditing to leave some discretion
23 about the superintendent calling on particular races or
24 whatever where they've -- where there could be a
25 discrepancy or something.

1 REPRESENTATIVE FLEMING: Okay.

2 JUDGE MCCOY: And -- and, speaking of runoffs and the
3 rush for the primary or whatever: For a runoff, seriously,
4 maybe we need to reconsider our runoff laws in the state.
5 You know, municipalities have the discretion to put in
6 their charter that they don't have runoffs. Some do and
7 some don't, but -- in our law for -- for city elections,
8 the charter is what governs whether there has to be a
9 runoff. And, personally, I really think we should review
10 our laws on -- on runoffs.

11 REPRESENTATIVE FLEMING: Nancy?

12 MS. BOREN: Two things: What are we going to do if
13 the audit shows that it doesn't match, and is there a
14 margin of error that will be allowed and will that need to
15 be determined? And then, secondly, I'm like Darin, I think
16 runoffs need to be revisited. I -- I don't know if rank-
17 choice voting is anything that could ever happen in the
18 state of Georgia, but there are other solutions other than
19 a runoff and, perhaps, we should look at some of those
20 other solutions.

21 DR. LEE: Mr. Chairman?

22 REPRESENTATIVE FLEMING: Dr. Lee?

23 DR. LEE: Can -- can someone explain to me what the
24 pre-election audit means? Are we just certifying the
25 system --

1 MS. BOREN: Pre-certification.

2 REPRESENTATIVE FLEMING: Who --

3 JUDGE MCCOY: Precertification.

4 SECRETARY CRITTENDEN: Precertification.

5 (Crosstalk.)

6 JUDGE MCCOY: Yes.

7 DR. LEE: What are we certifying?

8 MS. BOREN: The election.

9 JUDGE MCCOY: We're certifying the election.

10 (Crosstalk.)

11 DR. LEE: But what I heard pre -- pre-election or
12 precertification.

13 COMMISSION MEMBERS: (Collective.) Precertification.

14 REPRESENTATIVE FLEMING: Precertification.

15 JUDGE MCCOY: Yes. Before we certify, we conduct the
16 audit.

17 DR. LEE: Yeah. So I just want to add one comment,
18 that I don't think we can audit anything if there's no --
19 there's no paper, so that everybody's on the same page;
20 right?

21 Because, when you go back to the system, if everything
22 is kept -- kept on a computer, if the system has been
23 hacked, the malware now can just go away and we won't --
24 won't be able to find any evidence whatsoever one way or
25 the other; right? So it's -- I want to make sure we

1 understand that if we're doing one audit, we want to have a
2 paper trail.

3 REPRESENTATIVE FLEMING: Nancy?

4 MS. BOREN: But you do have to test it prior to
5 putting it in the field, and I think that's what some of us
6 are talking about with the pre-audit --

7 DR. LEE: Okay.

8 MS. BOREN: -- is that you test the equipment to
9 ensure that it operates and functions as you -- as you
10 intend it to do in the field. And perhaps that was the
11 pre-audit that you heard that we have to do prior to the
12 field.

13 DR. LEE: Okay. All right.

14 REPRESENTATIVE FLEMING: And, if it's a electronic
15 system like we have now, you test the machine; if it's a
16 paper-based system, you test the scanner, I would think --

17 JUDGE MCCOY: Correct.

18 REPRESENTATIVE FLEMING: -- for example.

19 JUDGE MCCOY: That's correct.

20 REPRESENTATIVE FLEMING: Okay.

21 MS. BOREN: We test everything.

22 REPRESENTATIVE FLEMING: Right.

23 JUDGE MCCOY: And -- and might I add that all of this
24 is done in public and it's publicly advertised, and --

25 REPRESENTATIVE FLEMING: People can come watch, is

1 your point.

2 JUDGE MCCOY: Absolutely. And I don't know whether
3 everybody in my county just trusts me or -- but nobody
4 shows up to these public things and then you hear these
5 stories about the distrust and, you know, that makes you
6 wonder if -- if -- if there's so much distrust, why are
7 the people -- the voters not showing up to observe what
8 we're doing pre-election and postelection?

9 REPRESENTATIVE FLEMING: Okay. Madam Secretary?

10 SECRETARY CRITTENDEN: I had a question, Dr. Lee.
11 Under -- I know there's been a lot of discussion about
12 ballot-marking devices, but I just want to clarify: With a
13 ballot-marking device, there are systems that still produce
14 a piece of paper; correct?

15 DR. LEE: Yes.

16 SECRETARY CRITTENDEN: And then the voter can look at
17 the piece of paper and see if it accurately reflects how
18 they voted --

19 AUDIENCE MEMBERS: No.

20 SECRETARY CRITTENDEN: -- and then that would be
21 auditable. No?

22 DR. LEE: So --

23 SECRETARY CRITTENDEN: Because you said there are no
24 papers --

25 DR. LEE: No, so -- so, I mean, I think you're

1 correct. So I think if the ballot-marking devices print --
2 prints out a paper ballot. So -- so, in order for that to
3 be auditable, it depends on several conditions; right?

4 One is that it has to clearly print out every single
5 vote as the voter has -- has cast; right? And then we also
6 have to rely on the fact that the voter -- the voter also
7 has to verify every single vote on the paper ballot.

8 And so, to me, one of the major discomforts that I had
9 with this kind of solution is that there's no proof,
10 there's no sort of a study that suggests that the majority
11 of the voters would do that.

12 So that's the major concern, is that -- the point is
13 that if the voter believes their printout does not really
14 accurately reflect the vote, what's the point of auditing?

15 You could be auditing the wrong -- kind of wrong votes.

16 Because, you know, if the printout has been wrong, has
17 not been verified by voters, your audit doesn't mean
18 anything. So that's my main concern. I mean, so that's
19 the major -- I mean, as -- as I said in my report, that's
20 the major difference, is between paper hand-marked ballot
21 versus printout ballot.

22 Because, you know, a hand-marked ballot -- I mean, as
23 -- as -- as those of us who have taken a standardized test,
24 you -- you mark and you -- you verify and then you pass
25 basically, because you actually -- the -- the act of hand

1 forcing yourself to hand-mark forces you to verify, Hey,
2 that's me, my vote.

3 So -- so that's really the subtle difference, but it's
4 very critical. So my point is that, when you audit, you
5 want to audit based on data that's already accurate.
6 Otherwise, you'll -- your auditing result will not be
7 accurate.

8 SECRETARY CRITTENDEN: Okay. Thank you.

9 REPRESENTATIVE FLEMING: Judge?

10 JUDGE MCCOY: If we provide the voter with a paper
11 ballot of what they've done and they don't take the time to
12 look at that and verify, there's really nothing we can do.

13 That's the voter's responsibility. If we provide them
14 with -- with a receipt or with paper as to what they've
15 done and, if they don't want to take the time to do that
16 and just drop it in the box, we -- we can't help that.

17 AUDIENCE MEMBERS: No, no, no.

18 REPRESENTATIVE FLEMING: All right. Hold -- hold on.

19 Stop. Now, you've been pretty good so far, but I do -- I
20 want to stress to you this is not the last meeting that
21 we'll have; there will be other chances for public input,
22 but I do not want to end up having to ask someone to leave
23 this room.

24 So I'm going to ask you -- once again, this discussion
25 that's taking place now is among the members on the panel,

1 and I'm going to ask you to be respectful toward their
2 discussion just like they listened to you when you had your
3 chance to talk and they didn't interrupt you. Okay?

4 Nobody made catcalls, nobody hollered no on this panel
5 when you were having the discussion that you had with us,
6 so I want you -- to ask to have the same respect up here.
7 Okay? Thank you very much. John?

8 MR. MONDS: I want to make a comment on the lack of
9 confidence and -- versus distrust or -- the being a
10 difference. For example, just as a layperson, you know,
11 I've never really had confidence in the system that we have
12 right now.

13 And -- but I do -- I do trust my election officials,
14 you know, locally, and I think they do a wonderful job.
15 But there's just something about not having that -- that --
16 that paper, you know, trail after I vote that just makes me
17 question, you know, whether my vote is recorded accurately.

18 And -- and I think, from a lot of what we've heard,
19 there's a lot of people, you know, with that sentiment that
20 -- they're not necessarily saying that there's something
21 wrong, that it's not being done, but it's just not really
22 feeling confident in knowing.

23 So I think, from what I have definitely learned, we do
24 need a new system. I -- I think we can concur on that, you
25 know. And -- and, what it entails definitely some type of

1 hand-marked paper ballot, and we spoke in a previous
2 meeting about being able to accommodate those who are
3 disabled and making sure, whatever the system is, has to --
4 to be able to accommodate everyone.

5 So, you know, what that entails, I guess we have to,
6 you know, get in -- in the details of that, but a new
7 system, hand-marked paper ballots -- and -- and then
8 the audit process. It was very interesting, with the
9 discussion that was had earlier about, you know, how do you
10 go about and what level of audit do you include.

11 So, you know, there's definitely more, I guess,
12 information that I would need, you know, to try to find out
13 -- we know that, you know, a large number of states are
14 doing this type of audit, and then there's some new things
15 out there that states are trying and, you know, we just
16 have to -- you know, personally, I have to look at that a
17 little bit closer to say, Hey, you know, what -- what's
18 going to be best for Georgia?

19 REPRESENTATIVE FLEMING: The -- the other -- one of
20 the questions that I -- I mentioned to you probably goes
21 without saying that is needed, and that's voter-education
22 training and whatnot. I would envision that I certainly
23 would make the argument to my colleagues in the legislature
24 that there be a budget just like there was last time for
25 whatever system that we go to for training.

1 If it is very similar to the current system, you
2 obviously don't have as much voter education; if it's very
3 different, you obviously have a whole lot more. Any kind
4 of new system though, particularly for those of you who run
5 elections, will require training of the people that work
6 for you to -- to use that new system.

7 But maybe just a few comments on the importance of
8 that component of whatever we do, the training and
9 education, whether it be voters or workers. Thoughts?

10 Lynn?

11 MS. BAILEY: Thank you, Mr. Co-chair. I -- you know,
12 I said it earlier and I'll -- I'll stand by that comment:
13 I think education is one of the most critical components to
14 the whole thing, and we're talking about implementing a
15 system just prior to the beginning or at the beginning of a
16 major presidential-election year which, no doubt, will be a
17 very controversial election in the best of situations.

18 If we're going to change voting systems in Georgia --
19 and it, you know, looks like we are -- we need to get out
20 ahead of that. The presidential primary will be the first
21 week in March of 2020 and, if it is our intention to roll
22 out a statewide system to implement for that election, you
23 know, we would need to get on that, I would think like
24 November -- by November, which is when we're talking about
25 piloting.

1 And, you know, as we -- as we get within that two-
2 month-or-so window prior to the election, that's going to
3 be more or less a blackout period for the election
4 officials, because that's when we're in the trenches doing
5 the other important work. So we need to have the education
6 component fairly well buttoned up at that point.

7 But it does need to be well-funded; we're going to
8 need some help with it. You know, we're -- we're
9 fortunate. In my jurisdiction, our League of Women Voters
10 has re-banded after being disbanded for years and they're
11 very eager to help. I hope that that's true across the
12 other places in Georgia as well, that there are volunteer
13 groups out there that are ready to help.

14 I know that it was federally funded in -- with the
15 implementation of the system in 2002. But, no, I agree
16 completely. It's a very important part, it needs to be
17 funded and it needs to be a part of any legislation or any
18 report that we come up with.

19 JUDGE MCCOY: Agree.

20 REPRESENTATIVE FLEMING: John?

21 MR. MONDS: I think maintaining uniformity is
22 important also. Dean Cox in -- in her presentation just
23 talked about, you know, how it was like when -- when
24 systems are different all over the place.

25 So, if you look at education, we have educating the

1 poll workers and then educating the voters and, with
2 uniformity, if -- if a voter, you know, lived in south
3 Georgia where I live and moved, you know, to north Georgia,
4 you know, it wouldn't -- we wouldn't have to learn
5 something new or do something different.

6 And the same thing with a poll worker. You know, if
7 they were working in one precinct in one county and moved
8 and they wanted to continue their service, they would have
9 to relearn, you know, some different type of system. So I
10 think uniformity is -- is definitely important.

11 REPRESENTATIVE FLEMING: And -- and, John, you touched
12 directly on the third thing that I threw out there for us
13 to talk about. Most of our conversations have made the
14 assumption that uniformity -- we're a uniform state now; we
15 were not before the current system was rolled out, but that
16 we would maintain this uniformity.

17 So it may be worth a -- a comment, or more or two on
18 that one before we move past it. I will throw out one
19 thing: You talked about different parts of the state and
20 all using the same system. I've heard several times, from
21 the Secretary of State's staff, it's so much easier for
22 them to help when particularly smaller counties call with
23 problems. Lynn, you're surrounded by much smaller
24 jurisdictions. I know they call you regularly for help.

25 MS. BAILEY: Well, it's just as helpful for us --

1 REPRESENTATIVE FLEMING: Yeah.

2 MS. BAILEY: -- to feel like we can -- we can share
3 procedures and processes. And, as John said, the voters --
4 there's continuity where ever they move in the state for
5 poll workers --

6 REPRESENTATIVE FLEMING: Well, and -- and -- and
7 probably one of the best examples was the hurricane that
8 hit southwest Georgia. I am told that -- that those
9 jurisdictions reached out to some of the unaffected places
10 and got help in all kind of ways and, because you're all
11 using the same machines, the same procedures, it was easy
12 to help. Is that a fair statement?

13 JUDGE MCCOY: Exactly.

14 MS. BAILEY: Yes.

15 REPRESENTATIVE FLEMING: Okay.

16 JUDGE MCCOY: Prior to --

17 REPRESENTATIVE FLEMING: Judge?

18 JUDGE MCCOY: Prior to 2002, there was absolutely no
19 way that there could be statewide poll-worker training or
20 voter-education training because of the mixed systems that
21 the state used prior to '02.

22 REPRESENTATIVE FLEMING: Okay. Madam Secretary?

23 SECRETARY CRITTENDEN: Yeah, I think that's going to
24 be really key to -- to rolling out the system and being
25 able to roll it out quickly, is -- is having the uniform

1 system because of the whole education piece which several
2 of you mentioned already.

3 But it's -- it's -- in order for us, at the Secretary
4 of State's office, to be able to really assist and provide
5 the necessary training, the system really has to be the
6 same every place. And then that also recognizes that, when
7 you go around the state, Georgia's a large state and
8 different areas have different resources. And -- and so,
9 making sure that everything is consistent and the same, I
10 -- I think adds to the integrity of the election itself, so
11 thank you.

12 REPRESENTATIVE FLEMING: Okay. Yes, Michael?

13 MR. JABLONSKI: While we're talking about uniformity,
14 let me throw in another perspective, and that is for the
15 people outside the system. I think Sara told you we deploy
16 hundreds of poll watchers. There is no way you can train
17 poll watchers if it was a different election in every
18 county, and I think part of the integrity in the system is
19 based upon the fact that it is uniform.

20 REPRESENTATIVE FLEMING: Okay. Good. I don't think
21 there's much disagreement on that issue. Judge?

22 JUDGE MCCOY: Being we're on the uniformity
23 discussion, let me throw out that the municipalities were
24 able to dodge the legislation, and the current legislation
25 -- the current laws do not require the municipalities to --

1 to be uniform in their voting equipment. And that --
2 that's something that needs to be considered whenever we
3 go to rewrite the code.

4 REPRESENTATIVE FLEMING: And -- and -- and that might
5 be a good question. In our -- in our state structure,
6 counties are creatures of the state. There is a direct
7 connection there between the responsibility of the state
8 and the county and what is required.

9 Cities are a little different. They are created by
10 the legislature, but they are created specifically with the
11 idea of more independence in a lot of different ways.
12 Their terms can be different, when they have their
13 elections can be different, not having runoffs can be
14 different and they do have the ability to choose to use
15 different voting methods if they so desire.

16 I -- I do have a question, and maybe some folks in
17 our Secretary of State's office could shed light on this:
18 Most of the municipalities I am familiar with do contract
19 with their counties to use the voting machines so they are
20 using the same system. Is -- is that a true statement? I
21 think it's an overwhelming amount; isn't that true? It is
22 very few cities that do something different.

23 MR. HARVEY: I think --

24 REPRESENTATIVE FLEMING: Chris?

25 MR. HARVEY: I think it's -- a large number do. I

1 don't know that it -- that I'd say it's a super majority.

2 REPRESENTATIVE FLEMING: Okay.

3 MR. HARVEY: There's still a number of cities that use
4 their own staff and use paper or use something like that.

5 REPRESENTATIVE FLEMING: Right. Particularly, smaller
6 cities with very small votes.

7 MR. HARVEY: (Nonverbal response.)

8 REPRESENTATIVE FLEMING: Yeah. Okay. All right.

9 JUDGE MCCOY: None of my four municipalities use the
10 county equipment.

11 REPRESENTATIVE FLEMING: Okay.

12 JUDGE MCCOY: And -- and the main reason is cost.

13 REPRESENTATIVE FLEMING: Cost, because the county
14 requires them to be reimbursed for the use of that
15 equipment?

16 JUDGE MCCOY: Well, no -- no, there's no charge for
17 the use of the equipment, but the cost is -- is much
18 greater when you consider the programming of the DREs and
19 the optical-scan units. The printing of the optical-scan
20 ballots compared to the printing of regular paper ballots
21 and just ballot strips for machines.

22 REPRESENTATIVE FLEMING: Early voting and absentee
23 issue then is what that sounds like. Yeah, not day of or
24 early in person. Yeah. Okay.

25 JUDGE MCCOY: Because, I mean, they basically vote on

1 hand-counted paper ballots that are counted by people --

2 REPRESENTATIVE FLEMING: Yeah.

3 JUDGE MCCOY: -- for early voting and -- have a team
4 counting ballots and then let the other team count behind
5 them and see if the numbers were the same.

6 REPRESENTATIVE FLEMING: Yeah. Most folks don't
7 realize, but we have somewhere at 4 to 500 cities in
8 Georgia, many of them very small. And -- and so, has that
9 been a problem in your county with those cities doing that?

10 JUDGE MCCOY: (Nonverbal response.)

11 REPRESENTATIVE FLEMING: They -- they've done fine.

12 JUDGE MCCOY: They -- they've done fine. Now, they
13 contract with me to be the supervisor over their old
14 equipment.

15 REPRESENTATIVE FLEMING: So they can blame you if
16 something goes wrong?

17 JUDGE MCCOY: Exactly.

18 REPRESENTATIVE FLEMING: Okay. All right.

19 JUDGE MCCOY: But, I mean, I have two cities that only
20 have 100 registered voters each.

21 REPRESENTATIVE FLEMING: Yeah.

22 JUDGE MCCOY: So...

23 REPRESENTATIVE FLEMING: Good. All right. The -- one
24 of the other things that I threw out there early on I'll
25 bring to your attention now. I asked the question: Should

1 we be looking for a fully-integrated system? In other
2 words, should we be looking to update electronic poll books
3 and scanners in addition to vote-casting devices?

4 In other words, when -- when the layperson thinks
5 quite often of voting, they think of the machine they go
6 touch now or they -- the absentee vote -- the ballot they
7 fill out, but there's a bunch of other things that go into
8 making that system work. When they walk in there and I
9 say, I'm Barry Fleming, they have to look up and see am I
10 in the right place, and that means me being registered.

11 So comments on other parts of the system besides that
12 machine, quote, unquote, that needs to be replaced. Judge?

13 JUDGE MCCOY: I am very much for the electronic -- the
14 Express Poll like what we use today.

15 REPRESENTATIVE FLEMING: Flesh that out for -- for --
16 for us.

17 JUDGE MCCOY: The Express Poll is -- is the term for
18 our electronic poll book, and --

19 REPRESENTATIVE FLEMING: When -- when I walk in there,
20 that's where my name is --

21 JUDGE MCCOY: That's where --

22 REPRESENTATIVE FLEMING: -- to know I'm in the right
23 place.

24 JUDGE MCCOY: -- where your card is encoded and a
25 full-time county registrar's work is -- is what is shown in

1 that poll book, not a part-time temporary poll worker. And
2 that person registers you to vote -- that works at the
3 courthouse every day -- determines what district you live
4 in for legislative purposes, for county commission, for
5 school board and you are programmed into that poll book so
6 you are given the correct ballot.

7 That's what the yellow card is -- you're handed. That
8 card tells the machine which ballots you use. That is the
9 only data that is used on that yellow card, is for the
10 machine to give you the correct ballot. And I -- I am very
11 much for some sort of system similar to that to continue.

12 REPRESENTATIVE FLEMING: How about the scanners that
13 we currently use? No matter what system we go to, even if
14 it's similar to the current one, the scanners that we use
15 now are a little dated -- are they?

16 MS. BAILEY: Well, they --

17 REPRESENTATIVE FLEMING: Lynn?

18 MS. BAILEY: -- seem to be working fine, quite
19 frankly. They're just a --

20 REPRESENTATIVE FLEMING: Okay.

21 MS. BAILEY: -- barcode scanner. And you're talking
22 about the little handheld barcode scanner that sits up
23 beside the poll book that scans the driver's license? Is
24 that what you're talking about?

25 REPRESENTATIVE FLEMING: Tell -- tell me about that.

1 MS. BAILEY: Well, it's a -- it's just an attachment,
2 a critical attachment to the electronic poll book.

3 REPRESENTATIVE FLEMING: Okay.

4 MS. BAILEY: But, you know, that scanner, there's
5 nothing particularly sophisticated about it; it's a barcode
6 reader, but it does read the barcode on a Georgia driver's
7 license, and the benefit of that is it helps the voters
8 very accurately get the right voter their proper ballot
9 rather than having to depend on the manual list, as judge
10 said.

11 So, you know, back in the day, before we had the
12 electronic poll books, which were not all that long ago,
13 you know, I'm sure many of us sat there and were tortured
14 by poll workers looking down the list when we could see
15 upside down where our name was. So that's an important --
16 an important thing to keep included in the system.

17 Another important aspect of it, in my opinion, is to
18 have -- is to make sure that our system continues to
19 communicate with the election-night reporting system so we
20 can facilitate efficient and quick election results. Right
21 now, those -- those systems all talk amongst each other;
22 they communicate with each other.

23 They're separate. You know, we -- we take information
24 from the tabulation system to the election-night reporting
25 system. It's done in a secure manner. There is an air gap

1 there, so there's no direct connection between the server
2 that tabulates votes and the server that releases votes.
3 They're two different -- two different pieces of equipment,
4 and that should certainly stay in place as well.

5 REPRESENTATIVE FLEMING: Michael?

6 MR. JABLONSKI: I want to point out that the state is
7 required to maintain a centralized database of everybody
8 who's registered to vote because that is a requirement when
9 there's a federal candidate on the -- on the ballot
10 pursuant to the Help America Vote Act. And that's why we
11 -- we moved away from the paper system onto the electronic
12 express vote system. I don't think we can do away with
13 that.

14 REPRESENTATIVE FLEMING: Okay. Judge?

15 JUDGE MCCOY: Just as important with -- with this
16 system is the system determines the right ballot for the
17 voter --

18 MR. JABLONSKI: Right.

19 JUDGE MCCOY: -- and you remove the high percentage of
20 human error of that poll worker, who's part time who
21 doesn't work very often, of giving the voter the wrong
22 ballot.

23 REPRESENTATIVE FLEMING: Michael?

24 MR. JABLONSKI: The problem with the database has been
25 that there are a lot of people -- a lot of voters we've

1 encountered, particularly in the last election, who -- you
2 know, they were issued a precinct card and were told on the
3 system that they were entitled to vote but then, when they
4 actually showed up, they could not be found.

5 Frankly, I don't know how that could happen, and
6 that's something somebody is going to have to look into
7 actually fairly quickly. But that -- the fact that there
8 is that problem means that maybe there -- you know, there
9 should be greater reliance on a paper backup system or some
10 way to immediately appeal any failure to appear on the --

11 REPRESENTATIVE FLEMING: So -- so if the state does go
12 out for an RFP on a -- on a -- some sort of new system, all
13 of these things -- security requirements, how these systems
14 are going to work with one another, how do you patch them,
15 how do you update them going forward, regular testing of
16 them, the encryption that goes on between these systems --
17 all of these things have to be taken into account, I would
18 think, when we go out there to any vendor for any type of
19 new system to say, How is this all going to work together.

20 Doctor -- well, hold on a second. Senator Jackson and
21 then I'll come back to Dr. Lee.

22 SENATOR JACKSON: Mr. Chairman, I'd just like to make
23 a comment about the voting ID system. Currently, we mostly
24 assume that everybody gives a driver's license, you know,
25 so it certifies who you are. There are a number of people

1 who don't drive and that require a ID card and, usually,
2 it's a state-issued ID card.

3 I think that we should consider that we, somehow,
4 disenfranchise a number of voters because that ID card you
5 go to the driver's license places to get, costs \$30 and I
6 think some people may be disenfranchised to pay \$30 to get
7 a ID card.

8 REPRESENTATIVE FLEMING: The voting ID is free.

9 (Crosstalk.)

10 REPRESENTATIVE FLEMING: It's free.

11 SENATOR JACKSON: It's free?

12 MS. BOREN: Yes.

13 JUDGE MCCOY: There is legislation where they can go
14 to the voter-registration office and be provided a voter ID
15 card for purposes of voting at no charge.

16 SENATOR JACKSON: At no charge. Okay.

17 JUDGE MCCOY: Right, correct.

18 SENATOR JACKSON: All right. Thank you.

19 MS. BOREN: There's also a state election board rule
20 that provides if a person signs that they are indigent or
21 cannot afford the ID card from the Georgia State Department
22 of Driver Services, but they can get for voting purposes --
23 they can also get that one free.

24 SENATOR JACKSON: Okay. I had some complaints --

25 MS. BOREN: It's an opportunity that --

1 SENATOR JACKSON: -- that -- that they -- they didn't
2 want to vote because they had to pay \$30. Okay. Thank
3 you.

4 REPRESENTATIVE FLEMING: Dr. Lee?

5 DR. LEE: So --

6 JUDGE MCCOY: We can work that in the education part.

7 DR. LEE: So I don't know -- I don't know if we need
8 the new system for the voter registration and the poll book
9 because my experience of checking myself online or going to
10 polling stations seem to be working fine, but I -- I just
11 want to say that --

12 REPRESENTATIVE FLEMING: You know how to work that
13 computer, I bet.

14 DR. LEE: Yes. But -- but I want to make sure that,
15 you know, if we don't have it already, I think we should
16 recommend to the legislature that we need to have a line-
17 item budget to maintain the cyber security and reliability
18 of these systems because we have heard reports about, you
19 know, these systems may not be as secure as -- as they
20 should be, so...

21 REPRESENTATIVE FLEMING: The -- the funding is an
22 annual thing because of all of the changes that occur
23 regularly. Yeah, I think that's what you were saying
24 basically. Yeah.

25 SENATOR STRICKLAND: Mr. Co-chair, do we --

1 REPRESENTATIVE FLEMING: Absolutely.

2 SENATOR STRICKLAND: Do we have any idea about what
3 the cost of new poll books would be? I don't think those
4 poll books are very -- very old. The scanners --

5 REPRESENTATIVE FLEMING: It -- now -- now, y'all
6 correct me if I'm mistaken. When we have talked to
7 different vendors about all sorts of systems, when we've
8 asked them for potential costs, we will be asking them for
9 an integrated system; right? It's -- it's top to bottom;
10 right? Is that correct? So -- so -- yes, go ahead, Kevin.

11 MR. RAYBURN: So, from the RFI responses we received,
12 the range for like one single poll book was 900 to maybe
13 \$1300. So you've got to figure out how many you need. It
14 might be, you know, about -- it could be a 10 million
15 dollar procurement to get, statewide, new poll books.

16 MR. RUSSO: We have, what, about 3500 precincts?

17 MR. RAYBURN: I think we have about 23 -- 2300
18 precincts.

19 MR. HARVEY: And at least two per precinct, so about
20 7,000.

21 REPRESENTATIVE FLEMING: Okay. But -- but what Brian
22 and I were discussing is, if we get a new system, then
23 those new poll books will have to come with it. So it
24 could be inside the cost of the whole system but,
25 certainly, a significant component of it. Judge?

1 JUDGE MCCOY: And, Mr. Chairman, that was included in
2 our information from the vendors. Some vendors can provide
3 us with the poll book and the voting equipment and then
4 some vendors -- we would have to deal with two vendors
5 depending on who -- who we choose. Some had it all; some,
6 we may have to deal with more than one vendor, but the
7 specs were all included in -- into the information we were
8 presented.

9 REPRESENTATIVE FLEMING: The -- one of the other
10 things that we spent a lot of time talking about was
11 audits, and it seems to me a consensus -- and I'm -- I'm
12 quickly to be corrected by you if I'm wrong that -- that an
13 audit is a good thing; it just depends on -- the devil's in
14 the details. How often, when, where and can it be done in
15 such a fashion that it's meaningful because you could
16 actually do it in a timely fashion. Thoughts on audits in
17 the discussions that we've had? Lynn?

18 MS. BAILEY: Just a quick thought. The point was not
19 lost on me earlier when someone said that Georgia needs to
20 define its own audit and not to make the legislation so
21 restricted that -- that we can't have it be an evolving
22 system.

23 We heard earlier -- and I'm -- I'm going to use
24 Colorado again as an example. It took Colorado 10 years to
25 get to where they are now through an evolving process that

1 involved assessment, and testing and input from all kinds
2 of individuals to get to the point where they are now, and
3 I would expect the same could be true for the state of
4 Georgia.

5 I think, you know, we also, as I said earlier, need to
6 be very mindful of the fact that Georgia is -- is a
7 precinct-count based system, meaning we're not collecting
8 all of the ballots at one location to scan them through.
9 They're being scanned at 2300 locations around the state at
10 the same time.

11 REPRESENTATIVE FLEMING: I watched with interest
12 Arizona in the last elections and it -- a week later, they
13 were still telling us that somebody had pulled ahead and
14 somebody was behind --

15 MS. BAILEY: Because --

16 REPRESENTATIVE FLEMING: -- because batches of things
17 came in from the counties and were all being counted, it
18 seemed like, in once place. Is that...?

19 MS. BAILEY: Well, I -- I can't speak to Arizona.

20 REPRESENTATIVE FLEMING: Yeah.

21 MS. BAILEY: I'm not familiar with that. But, you
22 know, there are -- there are states out there that are
23 all-mail jurisdictions, and the ballots come into one
24 central --

25 REPRESENTATIVE FLEMING: M-A-I-L --

1 MS. BAILEY: -- location --

2 REPRESENTATIVE FLEMING: -- mail, right?

3 MS. BAILEY: Yes, yes.

4 REPRESENTATIVE FLEMING: I knew what you were talking
5 about. Yeah.

6 MS. BAILEY: So we just need to be mindful of that as
7 we -- as we contemplate legislation. There's no doubt that
8 we need it; we just need to figure out what's going to work
9 best for Georgia and not let the legislation drive that,
10 but let us figure out a way that's going to work for
11 Georgia.

12 REPRESENTATIVE FLEMING: Judge?

13 JUDGE MCCOY: I think it was said earlier that the
14 legislation could require an audit and leave the
15 particulars on when and how the audit was conducted to the
16 state election board to put into rules, and -- and that may
17 be the -- the best move to require it and then not have to
18 pass legislation every time, wait a year to change it.

19 REPRESENTATIVE FLEMING: I'm sure my senators can --
20 can weigh in here, but that is something that we struggle
21 to deal with, contemplate, all of the time at the
22 legislative level: How specific do we get in the code with
23 the instructions that we give to whoever we're regulating
24 at that time?

25 And -- and the goal is to be specific enough to

1 accomplish the task, but not so specific that you
2 micromanage it into difficulty. And where that line is, is
3 always a hard thing for us to decide, but it's a very
4 important part. Judge?

5 JUDGE MCCOY: My office deals with vital records also,
6 and a lot of the legislation that is geared toward vital
7 records refers to as rules passed by DPH. And -- and you
8 -- that's just something that we need to consider, maybe
9 look at, to model.

10 REPRESENTATIVE FLEMING: We've talked about -- focused
11 on a lot of discussions here about the machine, or the
12 paper or the -- the books and whatnot but, as was given to
13 us -- touched on with the -- with the update on the legal
14 aspect of it, several of the -- the lawsuits that pop up
15 that we want to try to avoid as much as possible going
16 forward, deal with other things.

17 Are there other things in our election process that
18 we're going to need to update when we do this somewhat
19 major overhaul of the election system besides just talking
20 about machines and audits? Dr. Lee?

21 DR. LEE: So I'm trying to discuss something outside
22 of my comfort zone and say something that may be completely
23 -- doesn't make any sense, so --

24 REPRESENTATIVE FLEMING: You would be qualified to be
25 in the legislature if you did that.

1 DR. LEE: So -- so, I mean, hearing some of the
2 concerns from the county election directors saying that,
3 when we move to a new system, their concern is that their
4 costs is going to go up. So I just don't know whether, you
5 know, the state would reconsider the funding model.

6 Like, for example, we go -- go into a -- a particular
7 uniform system, can the state essentially fund everything?

8 Like, for example, the county has been saying that, Okay,
9 they have to pay the cost of paper. I don't know how much
10 paper costs but, suppose it be -- I don't know, tens of
11 millions of dollars, I doubt it, but can the -- can the
12 state actually fund it instead of having to burden the
13 counties individually to -- to fund some of these
14 operations?

15 REPRESENTATIVE FLEMING: When my -- when my -- my son
16 is now 17 but, when he was -- I don't know -- five, you
17 know, we -- we started trying to teach him how to manage
18 money and we gave him some money that he could spend how he
19 wanted to. And every time we went near McDonald's, he
20 wanted to get a Happy Meal. And, when I started making him
21 pay the difference in the cost of the Happy Meal versus
22 just a hamburger and fries, he stopped wanting the Happy
23 Meal quite as much because, now, he was spending his money.

24 So one of the things that we struggle with at the
25 state level is that, quite often, the people who are having

1 to raise the taxes are best at making sure the money is
2 spent wisely.

3 So this relationship between the state and the county
4 on many levels, not just voting, where we require the
5 counties to have skin in the game because they fund part of
6 it, quite often results in a second watchdog making sure
7 the taxpayers' fund are spent wisely because those
8 commissioners will holler loudly to you when you require
9 them to do something that doesn't make sense in their
10 jurisdiction.

11 So I hear what you're saying and -- but that is the
12 tension that we constantly deal with, this idea that good
13 government quite often is the government that's most local
14 to you, and we have to have some uniformity to make the
15 system work, but we also want the local input.

16 And, when the commissioners have to, in their county,
17 fund the board of elections, I think we probably get a lot
18 more feedback on different ways to build better mousetraps.

19 So it's -- it's a balancing act with many things. It's
20 not so simple that just the state pay for everything.

21 Nancy?

22 MS. BOREN: And just a little bit of an example of
23 expense, since you brought it up: We went to ballot-on-
24 demand printing about six years ago, so we print them on
25 demand. But, in a primary, our typical ballot cost -- and

1 this is just for mail out, and absentee and provisional
2 ballots -- is about \$25,000 per primary. The reason it's
3 so expensive for our primaries, you have to have
4 republican, democratic and non-partisan ballots.

5 REPRESENTATIVE FLEMING: Three ballots.

6 MS. BOREN: Correct. And you're supposed to have a
7 ballot in each precinct for whatever a voter may choose
8 since we don't register by party in Georgia.

9 So a primary was extremely expensive for us. When we
10 went to ballot-on-demand, we reduced our ballot cost --
11 again, just for absentees, and provisionals and challenge
12 -- from 25,000 to about 3 or \$4,000 in that first primary.

13 So it was a huge savings for us to go to ballot on demand
14 in a primary. So I can only imagine, if we were printing
15 ballots for the entire election to be a paper election, how
16 expensive that would be unless we have some kind of ballot-
17 on-demand component --

18 JUDGE MCCOY: What --

19 MS. BOREN: -- especially in the primary.

20 JUDGE MCCOY: What was the cost of the equipment --
21 the ballot-on-demand equipment?

22 MS. BOREN: The ballot-on-demand equipment was
23 \$25,000, but we saved it in that first year in a primary.
24 We implemented it in a primary and our net expense, based
25 on previous years' expenses from primary printing, it was

1 equal. And, now, all we've done is save money.

2 JUDGE MCCOY: Exactly.

3 REPRESENTATIVE FLEMING: Ms. Bailey?

4 MS. BAILEY: I'm just piggybacking on Nancy's
5 comments. We've had a very similar experience with ballot
6 on demand. It -- it really kept us from having to print so
7 many -- so many unneeded ballots.

8 But the one thing that this group should think about
9 and just chew on between now and the next time we meet, is
10 advanced voting and how we can successfully administer
11 making sure that voters get their correct ballot.

12 Just in Richmond County -- and we're a medium-sized
13 county -- we have 68 different precincts in -- in our
14 county. You times that times three in a primary and you've
15 got 200 or so ballot styles out there, and we're depended
16 upon, right now, not having ballot -- if we didn't have
17 ballot on demand, we would be depended upon poll workers to
18 dig through thousands of ballots, pick the right one for
19 each and every one of the thousands and thousands that come
20 through. I see that as being a big problem.

21 Using ballot-marking devices would, of course,
22 alleviate that because you would have an electronic ballot
23 on some type of an access card that would bring up the
24 right ballot every time.

25 Even if we had ballot on demand, we would have to

1 ensure that it did more than just print a ballot. It would
2 almost need to have the voter's name on a detachable stub
3 or some -- some way that you could be assured that the
4 voter was going to get their correct ballot, and that's --
5 I think that's something we need to give a lot of thought
6 to.

7 Coming from a county that formerly administered punch
8 card back in the day, I know. Even in -- on a -- even on
9 election day when you may only have three ballot styles and
10 even those they're color-coded by party, still, poll
11 workers are -- I mean, I can't say it was an overriding
12 problem, but it happened even in the most -- in a situation
13 where you couldn't conceive that somebody could make a
14 mistake like that, it's still made.

15 And, certainly, if they're digging through generic
16 pieces of paper that are all the same size, and the only
17 differential between any of them is a small, little code
18 that's down at the bottom of the card, it's fraught for
19 mistakes.

20 REPRESENTATIVE FLEMING: Some of the issues that we
21 heard after the election, absentee-ballot processing,
22 provisional-ballot processing. Things that we heard before
23 and after the session that the -- the HAVA match system;
24 all of these were things that -- that brought controversy
25 and, sometimes, lawsuits.

1 And -- and the -- you know, what could be or may be
2 done to try to eliminate some of those problems going
3 forward to the extent that they could be, I think is also
4 something that -- that we should -- we should think about.

5 Madam Secretary?

6 SECRETARY CRITTENDEN: Yes. Thank you. I know our
7 discussion today has -- has centered very much about the
8 equipment, but we've had a lot of discussion on some other
9 issues as well. And whatever is chosen, how -- whatever
10 way we go, they'll need to be some changes in terms of the
11 code and SEB procedures and things.

12 So with the commission's okay, I'd like our team, as
13 we're working on putting these recommendations together, to
14 also take a look at some of the law changes that are
15 necessary while, at the same time, addressing some of what
16 you were mentioning in terms of some areas that we had some
17 issues with -- with the recounts, with the absentee ballots
18 -- making sure that we're staying compliant with federal
19 laws, we're looking at things -- all of those kinds of
20 things that need to go into this and we can take a look at
21 it when we meet again and look at the recommendation so
22 that we're looking at everything.

23 REPRESENTATIVE FLEMING: Okay. Judge?

24 JUDGE MCCOY: Mr. Chairman, just food for thought:
25 There -- it's a house or a senate race had been ordered

1 to --

2 REPRESENTATIVE FLEMING: Two votes separate out of
3 7,000 or something.

4 SECRETARY CRITTENDEN: Uh-huh.

5 JUDGE MCCOY: And there were voters that were given
6 the wrong ballot that could have made the difference in the
7 outcome and, because the voters were given the wrong
8 ballot, that whole house race is about to be re-held.

9 REPRESENTATIVE FLEMING: Right. And it was -- okay.
10 You're talking about -- it was re-held.

11 JUDGE MCCOY: It was?

12 REPRESENTATIVE FLEMING: And now there's two votes' --
13 (Crosstalk.)

14 REPRESENTATIVE FLEMING: -- difference between the
15 two.

16 JUDGE MCCOY: Oh, wow.

17 REPRESENTATIVE FLEMING: And now -- and there are
18 additional, now, talk about people having been given the
19 wrong ballot.

20 JUDGE MCCOY: So it may have to be re-held again.

21 REPRESENTATIVE FLEMING: We don't -- we -- we don't --
22 we don't know. We don't know.

23 JUDGE MCCOY: These are the things that we lay awake
24 at night worrying about --

25 REPRESENTATIVE FLEMING: Right. Absolutely.

1 JUDGE MCCOY: -- and that's why we speak of them.

2 REPRESENTATIVE FLEMING: Of course, the -- the last
3 question that I'll -- I'll focus us back along, which is
4 one of the ones I brought out earlier: What should the
5 primary means of vote casting in the new system be? Should
6 it be primary ballot-marking devices or should it be
7 hand-marked paper ballots?

8 Most of the discussion amongst the public particularly
9 that have participated and -- has been on that -- that
10 central issue that affects many of the other questions that
11 we're talking about. Your thoughts on that big question?

12 MS. ROSS: Can I start with a question?

13 REPRESENTATIVE FLEMING: Absolutely, Ms. Ross.

14 MS. ROSS: How long do we anticipate this change that
15 the General Assembly approves, let's say, presumably, next
16 session? How long do we envision using the system that we
17 decide upon?

18 REPRESENTATIVE FLEMING: Very -- very good question.
19 I mean, obviously, the system that was used before the
20 current one evolved from paper ballots, to punch hanging
21 chads, to -- to optical scans, to lever machines in there.
22 This system's been in place now since the 2002 --

23 JUDGE MCCOY: 16 years.

24 REPRESENTATIVE FLEMING: 16 years, so hard -- hard to
25 say. Technology's changing faster than it used to.

1 MS. ROSS: Because when we think about the future and
2 disenfranchising voters -- potential voters, I mean, if it
3 -- it lasts as long as the current system that we have,
4 that means a child born two years from now will be voting
5 on a system that we decide on today.

6 And that is -- not expressing an opinion one way or
7 the other on paper versus machines, and I understand the
8 cyber-security angle, but we do -- we must balance security
9 with disenfranchising citizens and I don't know a single
10 child -- so we're talking about children. Children today
11 will be using the system that we are deciding upon.

12 Who -- who uses paper? I mean, they take all of their
13 tests on computers. Our little toddler already knows how
14 to use an iPad or an iPhone, and I'm not saying one way or
15 another. I just think we need to consider that if this
16 system is going to last as long as the last system has
17 lasted us. We're talking 16 to 18 years. I think we need
18 to maximize the flexibility, and that's why I was asking
19 Dean Cox, you know, what is your biggest regret.

20 I think if we can envision -- and we may be looking
21 for a unicorn, but we need to envision flexibility for our
22 future because the majority of the voters, if this system
23 lasts around 16 -- 18 years, will be young people who vote
24 very differently, take tests very differently, do things
25 very differently than most of the people in this room.

1 REPRESENTATIVE FLEMING: Okay.

2 MR. RUSSO: Yeah, I'll --

3 REPRESENTATIVE FLEMING: Counsel?

4 MR. RUSSO: I'll add just a comment. You know, for --
5 we -- we obviously have a lot of folks here that do not
6 trust electronic voting systems. I hear from -- from
7 people all of the time that say, If I had to put it on
8 paper, I would not trust that system.

9 So I think we're going to get -- there's always going
10 to be someone out there who's not going to necessarily
11 trust the system we're looking at, which is why it is --
12 or, excuse me, the system that we're voting on. So -- so
13 that's why there's an important balance here.

14 And I do think, you know, between the -- the
15 administration of the election, for election officials,
16 but also the -- the voter experience -- and, you know,
17 at -- at the end of the day, we do have a difficult
18 decision here to make in terms of what we're recommending,
19 but I think we also just have to keep in mind that there's
20 not going to be a perfect system.

21 REPRESENTATIVE FLEMING: Dr. Lee?

22 DR. LEE: So I just want to say that the -- I mean,
23 the system that I recommended, as I documented in the -- in
24 the report I sent around -- so -- so it was, as you can
25 see, a consensus from the computer scientists and cyber-

1 security experts that hand-marked paper ballot, you know,
2 is the best available approach right now.

3 And I also want to say that I didn't -- I didn't take
4 that at wholesale value when it was assigned to -- when I
5 was asked to serve on this commission. I actually took my
6 time to actually digest the study and talked to a lot of
7 computer scientists and cyber-security experts to arrive --
8 to arrive at the same conclusion; right?

9 So what I'm saying is that, from a cyber-security
10 point of view, that's the best available solution. Now, if
11 you say we don't want that, we want to justify why; right?

12 Justify and answer the concerns from the citizens. So
13 that's -- so that's my -- my number one comment.

14 I think the second one, I think I -- I echo what
15 Sheila just said, is that I don't think we should -- with
16 any solution, even the solution that I had recommended, I
17 don't think we should have to find a solution and then use
18 it for the next 15 -- 20 years because that would be
19 several generations of -- several lifetimes of computer
20 technologies.

21 I really think that we should -- we should have this
22 ongoing basis every couple of years to review what's
23 available, and what has been working for us, and what needs
24 to be improved and then have a new round of selection of
25 new systems.

1 So that may add prudence to -- to us, but I think
2 that's a cost that we should -- we should take. I mean --
3 in fact, in the -- in IT -- you know, and anybody who was
4 in IT will tell you that not very rarely do we buy --
5 actually sign a contract to buy a system. It's all based
6 on leasing; right? Subscription.

7 I think that's something that we should also consider,
8 you know, maybe work with the legislation process and, say,
9 instead of buying something and spending 150 million
10 dollars -- when you spend that much money, you are -- you
11 are more inclined to get stuck with it; right?

12 Whereas, if we say, Hey, we're going to spend a little
13 bit of money, just lease it, and then, a couple of years
14 later, maybe the consideration -- all of the factors will
15 change, our calculators would change, and then say, You
16 know what? Let's select something that's a little bit -- a
17 little bit better. So that would be my -- my second
18 comment.

19 REPRESENTATIVE FLEMING: I think that the leasing
20 thought is a good one. The -- the complexity of doing
21 anything with the government is the limitations upon our
22 flexibility to be flexible.

23 And -- and when we make, quite often, large purchases
24 at the state level, we bond them and we could easily, with
25 the senators' help, do away with the requirement that --

1 that we not lease something when we bond it at the state
2 level.

3 But there's a bigger, more complicated picture
4 involved in that Georgia has one of the best bond ratings
5 in the nation. In other words, when we have to borrow
6 money to build roads, and bridges and -- and whatnot for
7 taxpayers, we get an incredibly good rate because we follow
8 the best practices of bonding.

9 And the best practices of bonding in the nation, to
10 oversimplify it, is -- is that you don't bond things, you
11 lease. And so -- and so, that's one of the things that
12 we'd have to -- we need to be thinking about. Because, I
13 agree with you, this concept of leasing is very -- I've
14 leased vehicles before for -- for some of the reasons that
15 you've just discussed, so -- Dr. Lee?

16 DR. LEE: So then a follow up. So, I mean, if leasing
17 is not a viable option, you know, particularly speaking,
18 then I think we should really just go with the safest --
19 safest solution possible because we cannot afford to have
20 -- to -- you know, we should should err on the safe side;
21 right?

22 You know, even if we have a solution that we're going
23 to get stuck with the next 20 years, I want the most secure
24 solution possible because there's no way out.

25 You know, what if, five years from now, there was a

1 actual hack that actually results -- you know, now it's
2 actually proved that somebody hacked the system and then
3 the outcome of the election is changed, then what do we do?

4 You -- we're stuck with this 150 million dollars system
5 that we cannot back out, then we're screwed for the next 10
6 years.

7 I -- I don't think we should restrain ourselves in
8 that situation; right? So, bottom line, either we go with
9 the best solution possible that we know from the consensus
10 of the -- of the computer scientists or we lease so that we
11 can back out in a couple of years.

12 REPRESENTATIVE FLEMING: Other thoughts on paper, and
13 machines and differences? Lynn?

14 MS. BAILEY: I have a quick thought, and I would like
15 to go to advanced voting real fast. Yeah, I've talked
16 about the need or the concern about inaccurate ballot
17 styles being deployed and talked about using ballot-marking
18 devices at a minimum, at least for that part of the
19 process, to ensure an accurate ballot is issued.

20 We know that every precinct in the state of Georgia,
21 by law and rightly so, would be equipped with a ballot-
22 marking device to accommodate voters with disabilities.
23 The way the ballot-marking devices work are different from
24 the equipment that we have now.

25 The ballot-marking devices that are engineered and

1 produced now don't record votes. They're just a blank
2 slate. They put the ballot up there, you mark it, it
3 prints something -- whether that's a ballot or a -- or a
4 sheet of paper, whatever it is, it prints something and it
5 doesn't retain any votes.

6 And so, those same machines that we've used for
7 election day that we're required to have anyway, we could
8 easily use during advanced voting and then deploy them on
9 election day, and that would be a way to use that equipment
10 in multiple ways -- that very expensive equipment in
11 multiple ways.

12 So, as I look down the options, you know, Option 3 has
13 an appeal to me, Option 3 being using ballot-marking
14 devices during advanced voting with paper being used for
15 mail ballots, of course; provisional ballots, of course,
16 and possibly even on election day. But for those voters
17 who may not like to vote using paper on election day, give
18 them the option of using the ballot-marking device if they
19 would like to do that.

20 We heard from disability groups earlier that they had
21 a concern of their privacy of their vote. If you have --
22 if the only person who uses a ballot-marking device-marked
23 ballot is a disabled or sight-impaired voter, and that's
24 the only ballot then in that ballot box that looks like
25 that, then, you know, they've lost a degree of privacy with

1 that. And so, you would want multiple votes in the box
2 that looked -- with -- you know, that looked different so
3 that one doesn't stand out among the others.

4 REPRESENTATIVE FLEMING: Cynthia?

5 MS. WELCH: Thank you. As -- as being one of the --
6 well, the only county that has tested and piloted a ballot-
7 marking system in Rockdale -- we did it for the City of
8 Conyers. Although it was a small city election, we also
9 elected to allow those voters that did not reside in the
10 city, we -- we set up demo units for them to also test out
11 the system, so it was a demo ballot.

12 And I can tell you that the feedback that I received
13 from the voters, the feedback that I received from the poll
14 workers, the feedback that I received from my staff, all
15 loved the system. The only drawback that we had, in which
16 we have already heard, is about the barcode that's on the
17 ballot. The voter actually made their choice on a ballot-
18 marking system which did not record anything on the ballot-
19 marking system.

20 It just electronically marked their ballot. It fed
21 the ballot -- marked ballot back to the voter. The voter
22 was able to verify the ballot. If they did not vote for a
23 race, it -- it indicated no selection. So, if the voter
24 wanted to go back and vote for a particular race, they
25 could get a new ballot and go back and vote for the race.

1 The tabulation side was really, really easy. We were
2 -- we was really nervous about the tabulation side because
3 that was our responsibility, but it was such a easy
4 transition for us. This was a system that was able to be
5 used by any voter -- a blind voter, a person that could not
6 read, as well as a regular voter.

7 So if you ask me what my vote would be today, I would
8 like to see us move to a ballot-marking system, but -- and
9 it -- and it actually was a voter-verifiable paper receipt
10 that they received. The difference is it had the barcodes
11 on it which, I believe, that's what the talk is, about
12 them.

13 I'm not sure if that's something that can change --
14 that the vendors would change. However, in the testing
15 that we did with the system prior to using the system for
16 early voting on election day, we tested that system and the
17 results came out just as we intended those test results to
18 come out. So on -- on election day and for early voting,
19 we felt comfortable with the results.

20 We talk about cyber security of the system. This is a
21 system, again, that has no connection whatsoever to the
22 Internet. We were still able to use poll books; we were
23 still able to use a lot of the equipment -- as the -- the
24 Express Polls that we have now, we was able to actually use
25 those with this system. So I think, for me, I would like

1 to see us move to a ballot-marking system where all voters
2 would use the same system.

3 REPRESENTATIVE FLEMING: The Chair's intention is to
4 -- is to begin to end this thing as we get close to the 4
5 o'clock hour. Although, I'm not going to stick close to
6 that if you're talkative, but that's my thoughts. But
7 let's continue. So, if you want to get something in, now's
8 the time to do it. Judge?

9 JUDGE MCCOY: I believe we were told at a previous
10 meeting that some states did lease the voting equipment,
11 and I think if we were able to obtain that information from
12 the other states that would be helpful to this commission
13 and the legislature.

14 REPRESENTATIVE FLEMING: I agree, yeah. Other
15 thoughts from members of the commission? Okay. You have
16 been here and now it's your third meeting.

17 As I mentioned, I anticipate that we have asked the
18 Secretary of State's staff to begin to put together some
19 conclusions and possible recommendations from us based upon
20 the discussions that we have heard here today and at the
21 previous meetings so that we can return sometime probably
22 that first week in January -- not the first full week, but
23 maybe the first week. We'll get back to you on that date
24 exactly. Not in stone yet, but the Secretary and I have
25 discussed the possibility of maybe doing it at the Capitol.

1 There are large rooms set up there that would very well
2 accommodate this.

3 The -- as you have more thoughts as we go through this
4 process, please don't hesitate to communicate with the
5 Secretary and her staff. I know a lot of good thought has
6 gone into where we are now and we all want to do the same
7 thing, and that is make the best recommendation possible to
8 the legislature because they and the governor will have to
9 make -- and the next Secretary of State -- some big
10 decisions about how we're going to vote going forward in
11 Georgia.

12 Thank you again to the members of the public that have
13 come and participated in this. I never wonder if you care.

14 I know you feel strongly about this and -- and I can tell
15 you right now: If all citizens cared as much about the
16 workings of our government as I have seen expressed here,
17 we would have far less problems than we do. So thank you
18 for caring enough to be here today.

19 Once again, to the members of the commission, thank
20 you for your input and we look forward to talking with you
21 again. We stand adjourned.

22
23
24
25 (Whereupon, the proceedings were concluded at 3:54 p.m.)

C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF GWINNETT

I, Patrick Stephens, hereby certify that the foregoing record taken down by me, as a certified court reporter, is a true, correct and complete record of the above-entitled Secure, Accessible and Fair Elections Commission meeting.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing proceedings, unless said disassembly is done by the undersigning certified court reporter and original signature and raised seal is attached thereto.

This the 9th day of _ _ January___ __, 2019.

Patrick Stephens

PATRICK A. STEPHENS, CCR, CVR

CERTIFICATE NO. 4672-1141-4562-4064

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