



MINUTES
STATE ELECTION BOARD MEETING
Tuesday, October 3, 2023
Georgia State Capitol, Room 341
Atlanta, Georgia 9:00 A.M.

<https://vimeo.com/showcase/8988933?video=870747217>

I. CALL TO ORDER AND INTRODUCTORY REMARKS

Mr. Mashburn called the meeting to order at 9:06 A.M. Mr. Lindsey delivered the invocation. Dr. Johnston led the Board in the Pledge of Allegiance. Mr. Mashburn made opening remarks.

II. PROCEDURE MATTERS

The Board discussed the nomination and election of a new acting chair to serve until a new chairman is appointed. Mr. Lindsey nominated Mr. Mashburn as acting chair. Mrs. Ghazal seconded the nomination. The vote to elect Mr. Mashburn passed 3-0.

III. APPROVAL OF BOARD MEETING MINUTES

State Election Board Meeting and Hearings – August 1, 2023

Mr. Lindsey moved to accept the minutes as written, Dr. Johnston seconded, passed 3-0.

IV. INVESTIGATIONS REPORTS

The investigation reports to be considered are listed below according to the disposition recommended by the investigation staff.

Cases Recommended to be Dismissed

SEB2020-086 (Floyd County 8/11/20 Runoff)
SEB2021-012 (Chatham County AB Processing)
SEB2021-085 (Muscogee County Residency Issue)
SEB2022-049 (Floyd County Media Photo)
SEB2022-079 (Troup County VR Fraud)
SEB2022-126 (Muscogee County Miscellaneous)
SEB2022-152 (Muscogee County Problems at the Polls)
SEB2022-153 (Multi-County Primary 2022)
SEB2022-227 (Muscogee County Buying Votes and AB Fraud)
SEB2022-257 (Polk County Double Ballot)
SEB2022-262 (Polk County Voter Assistance)
SEB2022-293 (Douglas County-Illegal Picture Taking)
SEB2022-349 (Douglas County Poll Worker Issue)
SEB2022-355 (Cherokee County – AB Issue December 2022 Runoff)

SEB2022-357 (Multi-County Failure to Comply with Election Night Reporting)

Violation Cases Recommended for Letters of Instruction or Referral to the Attorney General's Office

SEB2018-110 (Coweta County Cast Ballot)
SEB2020-001 (November 2019 Absentee Signature Irregularities)
SEB2020-010 (Lee County VR Issue)
SEB2020-029 (DeKalb County Election Day Issues)
SEB2020-043 (DeKalb County AB Tabulation)
SEB2020-078 (DeKalb County Illegal Campaigning)
SEB2021-060 (Paulding County Felony Voting)
SEB2021-117 (Bartow County Residency Issues)
SEB2021-158 (Carroll County Voting Incentive)
SEB2022-131 (Cherokee County Complaint Against Richard Jordan)
SEB2022-135 (Storage of Equipment)
SEB2022-254 (Muscogee County Security of the Elections Equipment)
SEB2022-301 (Muscogee County Illegal Possession of an AB)
SEB2022-310 (Cherokee County Trouble at the Polling Station)
SEB2022-312 (Troup County Candidates on Wrong Ballot)
SEB2022-365 (Muscogee County Voter Registered to Vote in GA and SC)
SEB2022-371 (Cherokee County Vote Buying)
SEB2023-001 (Walker County Voter Privacy Issue)

Due to a conflict letter received, the Board voted with unanimous consent to accommodate the relevant parties and hear the cases SEB2022-371 and SEB2022-131 out of order.

SEB2022-131 (Cherokee County Complaint Against Richard Jordan)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to dismiss the criminal aspects from the fourth allegation, Dr. Johnston seconded, motion passed 3-0. Dr. Johnston moved to dismiss the case and send a Letter of Instruction, motion failed for lack of a second. Mrs. Ghazal moved to refer the allegations against Richard Jordan as it related to GA Code 21-2-569 and 21-2-597 to the Attorney General's office, and to dismiss the allegations against Richard Jordan as it related to GA Code 21-2-413(e), including sending the Richard Jordan a letter of instruction. Mr. Lindsey seconded, motion passed 3-0.

SEB2022-371 (Cherokee County Vote Buying)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to dismiss the allegations against Jessie A. Blankenship and send a Letter of Instruction. Dr. Johnston seconded, motion passed 3-0.

The Board broke for recess at 10:33 A.M.

The Board resumed at 10:47 A.M.

Investigations Reports Continued

SEB2020-086 (Floyd County 8/11/20 Runoff)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to continue the case to the next available meeting, Dr. Johnston seconded, motion passed 3-0.

SEB2021-085 (Muscogee County Residency Issue)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to continue the case to the next available meeting, Dr. Johnston seconded, motion passed 3-0.

SEB2021-012 (Chatham County AB Processing)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to continue the case to the next available meeting, Dr. Johnston seconded, motion passed 3-0.

Mr. Lindsey moved to dismiss the remaining cases recommended for dismissal by Investigations, Dr. Johnston seconded, motion passed 3-0.

SEB2018-110 (Coweta County Cast Ballot)

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to refer Ethellyne Watson to the Attorney General's office, Mr. Lindsey seconded, passed 3-0. Mr. Lindsey moved to dismiss the allegations against Coweta County Board of Elections and Registration and Jane Scoggins, Dr. Johnston seconded, passed 3-0. Mr. Lindsey moved to refer Sara Brooks to the Attorney General's office, Mrs. Ghazal seconded, passed 3-0.

The Board voted with unanimous consent to accommodate the relevant parties and hear the cases of Respondents who are represented by present attorneys: SEB2021-158, SEB2020-029, SEB2020-043, SEB2022-135.

SEB2021-158 (Carroll County Voting Incentive)

After presentation and discussion of the investigative findings, Mrs. Ghazal voted to find a technical violation and send a Letter of Instruction to Brent Harris and US Med Clinic, Mr. Lindsey seconded, motion passed 3-0.

SEB2020-029 (DeKalb County Election Day Issues)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to find a technical violation and send a Letter of Instruction to DeKalb County Board of Voter Registration and Elections, Mrs. Ghazal seconded, passed 3-0. Mr. Lindsey moved to refer the allegations against Erica Hamilton to the Attorney General's office, Dr. Johnston seconded, motion passed 3-0.

Mr. Mashburn moved that the Board enter Executive Session to meet and confer with counsel regarding pending and potential litigation, as well as administrative proceedings. Mr. Lindsey seconded the motion, the motion passed 3-0. The Board broke for Executive Session at 12:41 P.M.

Mr. Mashburn reiterated that the Board entered Executive Session to meet and confer with counsel regarding pending and potential litigation, as well as administrative proceedings. Mr. Mashburn moved to exit Executive Session and enter regular order. Dr. Johnston seconded the motion, the motion passed 3-0. The Board resumed regular order at 2:01 P.M.

Investigations Reports Continued

SEB2020-043 (DeKalb County AB Tabulation)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to find a technical violation and send a Letter of Instruction to DeKalb County Board of Voter Registration and Elections, Mrs. Ghazal seconded, motion passed 3-0. Mr. Lindsey moved to refer the allegations against Erica Hamilton to the Attorney General's office, Dr. Johnston seconded, motion passed 3-0.

SEB2022-135 (Storage of Equipment)

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to find a technical violation and send a Letter of Instruction to Anne Dover, Dr. Johnston seconded, motion passed 3-0.

SEB2022-310 (Cherokee County Trouble at the Polling Station)

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to refer Michael Andrew Soha to the Attorney General's office, Mr. Lindsey seconded, the motion passed 3-0.

SEB2020-001 (November 2019 Absentee Signature Irregularities)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to find a technical violation and send a Letter of Instruction to Joel Wallace and Joan Blackmon, Mrs. Ghazal seconded, motion passed 3-0. Mr. Lindsey moved to refer Denise Cobb to the Attorney General's office, Dr. Johnston seconded, motion passed 3-0.

SEB2020-010 (Lee County VR Issue)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to refer Jeremiah Irby and Vontrisa Davis to the Attorney General's office, Dr. Johnston seconded, motion passed 3-0.

SEB2020-078 (DeKalb County Illegal Campaigning)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to refer Andrew Bell and Bennie Franklin Jr. to the Attorney General's office, Mrs. Ghazal seconded, motion passed 3-0.

SEB2021-060 (Paulding County Felony Voting)

After presentation and discussion of the investigative findings, Mr. Mashburn moved to dismiss the allegations against Jerel Lamont Beal and Susan M. Kent, and to refer James Franklin Murray and Mathew L. McBerry to the Attorney General's office. Mrs. Ghazal seconded, passed 4-0.

SEB2021-117 (Bartow County Residency Issues)

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to refer Erick Anthony Ferguson and Laura Lea Ferguson to the Attorney General’s office, Mr. Lindsey seconded, passed 3-0.

SEB2022-254 (Muscogee County Security of the Elections Equipment)

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to find technical violation and send a Letter of Instruction to Muscogee County Board of Elections & Registration and Nancy Boren, Dr. Johnston seconded, passed 3-0.

SEB2022-301 (Muscogee County Illegal Possession of an AB)

Mrs. Ghazal recused herself from voting in the matter. After presentation and discussion of the investigative findings, the Board voted with unanimous consent to dismiss the case.

SEB2022-312 (Troup County Candidates on Wrong Ballot)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to find a technical violation and send a Letter of Instruction to Troup County Board of Election and Registration and Andrew Harper, Dr. Johnston seconded, passed 3-0.

SEB2022-365 (Muscogee County Voter Registered to Vote in GA and SC)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to refer Angela McGill to the Attorney General’s office, Mrs. Ghazal seconded, passed 3-0.

SEB2023-001 (Walker County Voter Privacy Issue)

After presentation and discussion of the investigative findings, Mr. Lindsey moved to find a technical violation and send a Letter of Instruction to Danielle Montgomery and Richard Barclift, Mrs. Ghazal seconded, passed 3-0.

V. ATTORNEY GENERAL REPORT

Assistant Attorney General Beth Vaughn requested at the beginning of her presentation that case SEB2020-062 be withdrawn from the agenda.

Consent Orders

SEB2019-048	Burke County
SEB2016-080, SEB2020-223	Chatham County

Final Orders

SEB2020-035	Talbot County
SEB2016-080	Chatham County

The Board broke for recess at 4:44 P.M.

The Board resumed at 5:00 P.M.

VI. PROCEDURE MATTERS

On behalf of the Coalition for Good Governance, Marilyn Marks presented three (3) petitions for amendment of State Election Board rules. These petitions covered Ballot Secrecy/Touchscreen BMDs, Logic and Accuracy Testing, and Security Evaluations.

After the presentation and discussion among the Board members, Mr. Lindsey moved to reject the petition that addressed Ballot Secrecy/Touchscreen BMDs, and Mrs. Ghazal seconded. The motion to reject the petition passed 3-0.

Dr. Johnston moved to accept the petition that addressed Logic and Accuracy Testing. The motion failed for a lack of a second. Mr. Lindsey moved to reject the petition, and Mrs. Ghazal seconded. The motion to reject the petition passed 2-1.

Mr. Lindsey moved to reject the petition that addressed Security Evaluations, and Mrs. Ghazal seconded. The motion to reject the petition passed 3-0.

VII. PUBLIC COMMENT

The following individuals made public comments: Ginger Hurmence, Sam Carnline, Cindy Battles, Richard Porter, Judy Sophionopoulos, Patty Nathan, Kristin Nabers, Andrew Bell, Kelli Persons, Joy Wasson, Gabriel Sanchez, Field Searcy, Jennifer Hillegas, Marisa Hopper.

VIII. ADJOURNMENT

The Board voted to adjourn the meeting at 7:00 P.M.