



MINUTES
STATE ELECTION BOARD MEETING
Tuesday, February 13, 2024
Virtually, via Microsoft Teams

I. CALL TO ORDER AND INTRODUCTORY REMARKS

Chairman John Fervier called the meeting to order at 9:17 A.M. A quorum was present for each Board action taken. The following Board members attended the meeting: Mr. John Fervier, Mrs. Sara Tindall-Ghazal, Mr. Edward Lindsey, Dr. Janice Johnston, and Mr. Rick Jeffares

Mr. Lindsey delivered the invocation and lead the Pledge of Allegiance. Mr. Fervier made opening remarks.

II. APPROVAL OF BOARD MEETING MINUTES

State Election Board Meeting and Hearings – December 19 and 20, 2023

Mr. Lindsey moved to accept the minutes as written, Mrs. Ghazal seconded, passed 4-0.

III. ATTORNEY GENERAL REPORT

Assistant Attorney General Russell Willard presented the Attorney General's report.

Final Orders

SEB2017-081	Hancock County
SEB2021-137	Athens-Clarke County

Mr. Lindsey moved to accept both final orders presented, seconded by Mrs. Ghazal, passed 4-0.

IV. OLD BUSINESS

Proposal to the General Assembly for Public and Board Consideration

Dr. Johnston moved to approve the proposal, seconded by Mr. Jeffares. Johnston moved to continue the proposal to the next meeting for further consideration, Mr. Jeffares seconded. Mr. Lindsey made an amended motion to table the proposal until 2025, while the General Assembly is in session.

The Board voted as follows to continue the proposal to a future meeting: Dr. Johnston voted aye, Mr. Jeffares voted aye, Mrs. Ghazal voted nay, Mr. Lindsey voted nay, Chairman Fervier voted nay. Motion failed with a 2-3 vote.

Mr. Lindsey moved to call to question and proceed to the original motion by Dr. Johnston. The Board voted as follows to accept the proposal to the General Assembly: Dr. Johnston voted aye, Mr. Jeffares voted aye, Mrs. Ghazal voted nay, Mr. Lindsey voted nay, Chairman Fervier voted nay. Motion failed with a 2-3 vote.

SEB2020-010 Lee County Voter Registration Issue – Update on Case Status

SOS Investigator Michael Brunson presented an update on the case, answering questions presented by the Board at the October 3, 2023 SEB meeting.

V. 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

Dr. Johnston requested to pull SEB2022-348, SEB2022-222, and SEB2022-237 for presentation and discussion.

Mr. Lindsey requested to pull SEB2022-196 for presentation and discussion.

Mrs. Ghazal requested to pull 2022-136 for presentation and discussion.

Mr. Jeffares moved to dismiss the remaining cases, Mr. Lindsey seconded, passed 4-0.

The following cases were dismissed:

2021-012 Chatham County AB Processing

2022-011 Tybee Island Voter List

2022-110 Worth County Provisional Ballot Issue

2022-139 Cobb County Poll Pad Issue

2022-143 Athens Clarke Voter Registration Challenge Procedures

2022-146 Gwinnett County Voter Registration Issue

2022-157 Pickens County Voter ID Issue

2022-187 Fulton County Sandy Springs District 3 Ballot Issue May 2022

2022-190 Fulton County AB Fraud Business Address

2022-209 Gwinnett County AB Ballot

2022-213 Cobb County Residency Issue

2022-225 Fulton County Poll Worker Information

2022-235 Gwinnett County AB Issue

2022-353 City of Newborn Failure to Hold Election

The Board broke for recess at 10:14 A.M., and returned at 10:20 A.M.

SEB2022-237 Cobb County Voting Card Issue

After presentation and discussion of the investigative findings, Dr. Johnston moved to dismiss, Mr. Lindsey seconded, passed 4-0.

SEB2022-136 Clayton County Tabulation Sheets

After presentation and discussion of the investigative findings, Dr. Johnston moved to continue the case from the agenda and to determine whether a violation occurred, Mr. Jeffares seconded, passed 4-0.

SEB2022-196 Fulton County Voter Fraud

After presentation and discussion of the investigative findings, Mr. Lindsey moved to dismiss, Mrs. Ghazal seconded, passed 4-0.

SEB2022-348 Statewide Precinct Scanner Issues

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to dismiss, Mr. Jeffares seconded, passed 4-0.

SEB2022-222 EAC Certification

After presentation and discussion of the investigative findings, Mr. Lindsey moved to dismiss, Mr. Jeffares seconded, passed 4-0.

Violation Cases Recommended for Letters of Instruction

SEB2022-148 Fulton County Campaigning within 150 feet

After presentation and discussion of the investigative findings, Mr. Lindsey moved to issue a Letter of Reprimand, Dr. Johnston seconded, passed 3-0. Mrs. Ghazal recused herself from voting.

SEB2021-051 Henry County Monitoring Issues

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to dismiss, Dr. Johnston seconded, passed 3-0. Mr. Jeffares recused himself from voting.

SEB2022-197 Gwinnett County Photographic Equipment used in Polling Place

After presentation and discussion of the investigative findings, Mr. Lindsey moved to issue a Letter of Instruction, Mr. Jeffares seconded, passed 4-0.

SEB2022-327 Cobb County- Early Voting Tabulation Issue

After presentation and discussion of the investigative findings, Dr. Johnston moved to continue, Mr. Lindsey seconded, Mrs. Ghazal voted nay, passed 3-1.

SEB2022-370 Fulton County Buckhead Library Interference by Poll Watcher

After presentation and discussion of the investigative findings, Dr. Johnston moved to continue, Mrs. Ghazal seconded, passed 4-0.

Dr. Johnston moved to enter executive session. Mr. Lindsey moved to amend the motion to include the reasoning for entering executive session being for the discussion of personnel, the discussion of pending litigation, and pending investigative and prosecutorial matters. Dr. Johnston accepted the amended motion, Mrs. Ghazal seconded, passed 4-0. The Board entered executive session at 11:58 A.M.

Mr. Lindsey moved to exit executive session, Mr. Jeffares seconded, passed 4-0. The Board resumed regular session at 1:13 PM.

Mr. Lindsey asked to add the selection of an Executive Director of the State Election Board to New Business on the agenda. Mr. Lindsey moved to select Mr. Mike Coan as the Executive Director of the State Election Board, Mrs. Ghazal seconded, passed 4-0.

VI. INVESTIGATIONS REPORTS, Continued

Violation Cases Recommended for Referral to the Attorney General's Office

SEB2019-038 City of Arlington Improper Handling of AB

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to continue the allegations of violations of O.C.G.A. § 21-2-381(b)(2) and SEB Rule 183-1-.14-.11, and to notify Early County and Calhoun County of the hearing. Dr. Johnston seconded, passed 4-0.

Mrs. Ghazal moved to refer the allegations of violations of O.C.G.A. § 21-2-414 to the Attorney General's office, Mr. Jeffares seconded, passed 4-0.

SEB2021-102 Multi-County Double Voting

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to refer the case to the Attorney General's office, Mr. Jeffares seconded, passed 4-0.

SEB2022-063 Rockdale County SPLOST Signs

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to dismiss the case, Mr. Jeffares seconded, passed 4-0.

SEB2022-109 Fulton County Primary Recertification May 2022

After presentation and discussion of the investigative findings, Mr. Lindsey moved to issue a Letter of Reprimand, Mrs. Ghazal seconded, Dr. Johnston voted nay, passed 3-1.

The Board broke for recess at 2:26 P.M., and returned at 2:57 P.M.

The Board returned to the cases pulled at the beginning of the meeting for presentation and discussion with Michael Barnes.

SEB2022-348 Statewide Precinct Scanner Issues

After presentation and discussion of the investigative findings, Mrs. Ghazal moved to dismiss, Mr. Jeffares seconded, Dr. Johnston voted nay, passed 3-1.

SEB2022-222 EAC Certification

After presentation and discussion of the investigative findings, Mr. Lindsey moved to dismiss, Mr. Jeffares seconded, Dr. Johnston voted nay, passed 3-0.

SEB2022-106 DeKalb County Missing Certification Date

After presentation and discussion of the investigative findings, Dr. Johnston moved to continue, Mr. Lindsey seconded, passed 4-0.

VII. ADJOURNMENT

Mr. Jeffares moved to adjourn, Dr. Johnston seconded, passed 4-0.

The meeting adjourned at 3:33 P.M.