

In The Matter Of:
Georgia State Election Board Meeting

December 10, 2025

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THE OFFICE OF THE SECRETARY OF STATE
STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

DECEMBER 10, 2025
9:04 A.M.

PRESIDING OFFICER: Dr. Janice Johnston
Vice Chairman, State Election Board

STEVEN RAY GREEN COURT REPORTING, LLC
Rebecca Barr, CCR
Atlanta, Georgia

APPEARANCE OF THE PANEL

Dr. Janice W. Johnston, Vice Chairman

Ms. Janelle King, Member

Mr. Rick Jeffares, Member

Mr. James Mills, Executive Director

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

Inaudible - unable to be heard.

Unintelligible - impossible to understand.

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P R O C E E D I N G S

DR. JOHNSTON: The State Election Board will come to order. Good morning, again, and welcome to the State Election Board meeting for December 10th and hopefully not December 11th. The invocation will given by Member Janelle King.

MS. KING: Let's bow our heads. All right. I think Jesus is calling Dr. Jan. Okay.

DR. JOHNSTON: I'm sorry.

MS. KING: That's all right. All right. Let's bow our heads. Dear Lord, first God, we ask Lord that our prayer is consistent with the word of God and the will of God as we know it. We pray God for those who are in authority. We pray for our President. We pray for our Governor, all of our elected officials. We ask, Lord, God, that you give us wisdom. That you give us understanding and clarity today so that we can carry out the will of the people and accomplish the will of the people. We thank you Lord for bringing us here safely and just for giving us this opportunity. In your precious name, we pray,

1 Amen.

2 DR. JOHNSTON: I'd like to ask Member
3 Jeffares to lead us in the Pledge of
4 Allegiance.

5 MR. JEFFARES: I pledge allegiance to the
6 flag of the United States of America and to
7 the Republic for which it stands, one nation,
8 under God indivisible with liberty and justice
9 for all.

10 DR. JOHNSTON: Thank you. We have a very
11 full agenda of cases and hearing of a rule
12 petition today. First, I am Dr. Janice
13 Johnston, Vice Chair of the State Election
14 Board and will be serving as Chair for this
15 meeting and the hearing of cases in the
16 absence of Chairperson John Fervier. I have
17 tried to contact him, as late as 8:00 this
18 morning and have no word from him. I'm not
19 sure what the personal matter is and I'm
20 concerned, but hopefully he will communicate
21 as soon as possible and with that
22 communication, I'll be glad to share it with
23 the audience here. And as mentioned
24 yesterday, Mr. Fervier did not plan the
25 meeting agenda. Did not plan or participate

1 in pre-meeting reviews of the cases for the
2 meeting. And has not been in the State
3 Election Board Office for five months. I'd
4 like to say just a few words about our staff.
5 Our wonderful, phenomenal, hard-working,
6 dedicated staff. Autumn Miller, our part-time
7 -- now full time for a few more days,
8 paralegal, has embraced and -- and improved
9 our open records request. She's detailed,
10 meticulous and professional and I want to
11 thank Autumn for wading into the ORR maze and
12 simultaneously taking up many other paralegal
13 tasks. Autumn, you have our gratitude and
14 thanks. Jesse and Anne are our dedicated
15 investigators. And what a team they are.
16 When the Secretary of State delivered 250
17 completed cases to us two months ago, they
18 immediately began reviewing the cases for
19 completeness and quality. They worked well
20 with the SOS investigators and will add these
21 cases to the new case management software
22 program that they developed for the State
23 Election Board. Their case management tool
24 will be valuable for recordkeeping, case
25 tracking and election process improvement

1 opportunities. Thank you, Jesse and Anne.
2 Hope Coan is our faithful and adorable
3 executive administrative assistant. She comes
4 from a successful career at Waffle House. The
5 labor intensive, monumental task to plan and
6 prepare a State Election Board meeting is a
7 challenge and Hope rises to the occasion. The
8 newest accomplishment of Hope is using her
9 technical skills to prepare a digital case
10 binder that is flexible and saves hundreds of
11 paper summaries. The trees in Georgia and the
12 world thank Hope. Personally, I think I'll
13 write her a thank you note. This innovative
14 and efficient way to produce a digital case
15 binder is fabulous. I love Hope's initiative
16 and desire for process improvement. As much
17 as I love traditional paper binders, I have
18 fallen for this versatile tool. Hope deserves
19 an award. And if that isn't enough, Hope has
20 been dealing with a very ill mother who is now
21 on hospice. Hope has continued to work
22 tirelessly for the State Election Board while
23 caring for her mother at her bedside, but here
24 she is today. We thank you from the bottom of
25 our hearts. Thankfully God has been merciful

1 and given Hope and her family a bit more time
2 with her mother. I cannot say the same about
3 the AJC being merciful in showing one whit of
4 mercy or respect for Hope when they published
5 a gossipy and petty story about the hiring of
6 Hope by the -- the State Election Board
7 Executive Director. The AJC, heartless and
8 pithy should be ashamed of itself for its lack
9 of journalistic respect and standard. No
10 wonder it loses subscribers every year. The
11 writer and editor of the paper owes Hope Coan
12 an apology.

13 And, finally, former Representative James
14 Mills, our Executive Director is the head of
15 the management team. HR is -- he's head of
16 HR. He's head of our accounting and budgeting
17 department. He's the SOS liaison. He's the
18 agency development team. He's the long-range
19 planning team and the best, honest election
20 advocate in the state. Coming from serving in
21 a significant role on the Pardon and Paroles
22 Board, James brings experience, knowledge,
23 connections to those on the outside. And the
24 heart that is strong, yet tender. James is a
25 servant leader. Thank you, James, for serving

1 the State Election Board as it's Executive
2 Director. Now, let's move on to the business
3 of the meeting.

4 First on the agenda, is the hearing of
5 public comments for the petition for a rule
6 amendment and James will call those who have
7 signed up for comments, please limit the
8 comments to -- comments about the rule
9 petition.

10 MR. MILLS: Okay. I'm going to go ahead
11 at this time and thank you Madam Chair for
12 those kind comments for all of our staff and I
13 can only emphasize how much I appreciate each
14 one of them working with me. I will call out
15 your names, three at a time. If you are not
16 going to speak in regards to the rule change,
17 there will be a time for public comments at
18 the close of the meeting in the agenda. So
19 this is specifically to address the rule
20 change, and I'll put you on a two-minute
21 timer. When you -- when you hear me say,
22 you've got 15 seconds, you'll know you've got
23 15 seconds left. Okay. All right. First
24 person is Janet Grannell (ph)? Did I
25 pronounce that --

1 MS. GRANT: Grant.

2 MR. MILLS: Oh, Grant. Okay. I
3 apologize. Janet Grant. Then we have Michael
4 Beach and Elizabeth Hendrixon. If you would
5 just make your way along the wall over here.

6 MS. GRANT: Good morning. Am I on?

7 DR. JOHNSTON: Now, you are.

8 MS. GRANT: Okay. Thank you. My name is
9 Janet Grant. I'm a resident of DeKalb County
10 where I'm an area poll manager. I'm here to
11 oppose the proposed rule before you today and
12 to ask you to not proceed with rulemaking.
13 First, this rule is clearly outside the
14 authority of this Board. As several of you
15 expressed when it was presented back in
16 October, the rule deals with the voting system
17 that was designated in statute as passed by
18 the General Assembly. As this Board has
19 already experienced lawsuits are likely if you
20 overstep your authority in this manner and
21 will result in significant costs to the voters
22 and taxpayers of Georgia and a negative impact
23 on the credibility of the Board. I hope that
24 you have sought and secured opinions from the
25 Attorney General's Office and the Secretary of

1 State legal counsel. Specific to this
2 proposal -- proposed rule before proceeding.
3 Secondly, as a poll worker, I'm very aware of
4 the emergency procedures that we already have
5 in place in Georgia. These cover all
6 potential scenarios of equipment failure and
7 poll workers are now trained on these
8 procedures. Adding definitions for impossible
9 and impracticable are not necessary for the
10 legitimate implementation of emergency
11 procedures. Rather these definitions appear
12 to be a backdoor attempt to move Georgia to
13 the routine use of hand-marked paper ballots.
14 As I stated in my comments to you back in
15 October with an effective date of July 1, 2026
16 to eliminate QR codes. A thorough analysis of
17 the alternatives including hand-marked paper
18 ballots is certainly a valid discussion, but
19 it's the responsibility of the Legislature not
20 this Board. I hope that we see
21 recommendations on this issue in the report of
22 the House Blue Ribbon Study Committee on
23 election procedures that's due to be released
24 later --

25 MR. MILLS: Fifteen seconds.

1 MS. GRANT: -- this month. Finally, I
2 expect Vice Chair Johnston to, again, recuse
3 herself from this vote given the conflict of
4 interest raised by her relationship with the
5 petitioner, Salleigh Grubbs. Thank you.

6 MR. MILLS: All right. Thank you.
7 Michael Beach.

8 MR. BEACH: Hi, I'm Michael Beach, poll
9 manager for DeKalb County. The petition to
10 change critical definitions of impracticable
11 and impossible seems, once again, to be asking
12 the Board to step outside their rulemaking
13 role to change definitions that could have
14 grave consequences. This is a backdoor
15 attempt to have the SEB substitute vague
16 language that could justify giving the state
17 authority to suspend the use of existing
18 voting systems and move to hand-marked paper
19 ballots. This doesn't improve security rather
20 than open voting even on election day to
21 complete chaos and partisan interference. It
22 increases the chances for long lines, poll
23 worker confusion errors, ultimately, voter
24 disenfranchisement. The people who want paper
25 ballots have already made this case to the

1 appropriate body, Blue Ribbon Committee on
2 election procedures. Let's wait for the
3 report in the next legislative session.
4 Finally, y'all seemed to be worried that our
5 elections could be rigged. Unfortunately,
6 they already are through extreme
7 gerrymandering. The legal way to rig
8 elections where the Legislature draw the
9 district lines to pick their voters and secure
10 their seats rather than voters picking them.
11 Both sides do it. It's about retaining power.
12 The gerrymandering this state has led to less
13 competition only seven of 236 state assembly
14 seats are competitive resulting in everyone's
15 vote not counting equally minority voices,
16 sorry, being diminished, incumbents not
17 listening to all constituents and elections
18 decided in primaries so legislators don't need
19 to compromise outside their base. This is how
20 we end up with Boards, such as this, that are
21 hyper-partisan and it's the Blue Ribbon
22 Committee itself said dysfunctional. The
23 latest nationwide poll shows that the majority
24 of Americans by parter -- party, gender, race,
25 age group, income in the US region think that

1 gerrymandering is unfair and should be
2 illegal. So join Fair Districts Georgia at
3 fairdistrictsgeorgia.org and let's take back
4 our elections. Thank you.

5 MR. MILLS: Your time is up. Mr. -- Mr.
6 Beach, what part of that was about the rule
7 change?

8 MR. BEACH: The first paragraph.

9 MR. MILLS: Okay. Thank you. All right.
10 Ms. Hendrickson and then we have Raquel, Lana
11 Paaz and Vernon Cruz, I believe it is. If you
12 -- if you're here. Okay. You may begin.
13 Thank you.

14 MS. HENDRICKSON: My name is Elizabeth
15 Hendrickson and I'm from Cobb County. I urge
16 you to reject the petition to revise Rule 183-
17 1-12-02. The motivation for this rule
18 proposal did not come from the local
19 professionals in charge of conducting
20 elections. They already know when they can
21 and should use emergency paper ballots, based
22 on current election code. This proposed rule
23 will allow the SEB, a group of political
24 appointees, to overrule local elections
25 professionals. Those in the best positions

1 decide if an emergency exists. This proposal
2 clearly oversteps the authority of the State
3 Election Board. The Legislature codified the
4 use of ballot marking devices and strives to
5 have uniformity in voting. In the case of
6 Republican National Committee versus Eternal
7 Vigilance Action, the Supreme Court of Georgia
8 ruled that the SEB cannot make changes to the
9 law. This proposal would be in violation of
10 that ruling. Subjecting elections officials
11 to the uncertainty of this proposal would
12 create would lead to the confusion and human
13 error that others have mentioned. There's
14 little time now to create procedures that
15 would be required and provide additional
16 training for the poll workers. The likelihood
17 of running out of the correct style of ballot
18 at a early voting location or a precinct or a
19 voter being given the wrong ballot would be
20 much greater. One of -- Salleigh Grubbs, one
21 of the petitioners who submitted this proposed
22 rule, raised funds for Dr. Johnston's legal
23 defense. State ethics laws prohibit the
24 acceptance of any gifts or services where it
25 could be reasonably inferred that the purpose

1 is to influence the conduct of the Board
2 Member. Even if Dr. Johnston has allowed that
3 money to go for other purposes, the service of
4 setting up the account has been rendered.
5 Therefore, Dr. Johnston should recuse herself
6 from the deliberations and voting on this
7 proposed rule. This rule would not --

8 MR. MILLS: You've got 15 seconds.

9 MS. HENDRICKSON: -- improve elections
10 security or accuracy and it would create new
11 risks of partisan interference and disruption
12 to the elections which would result in the
13 loss of the public trust in the system.
14 Please reject this proposed rule. Thank you.

15 MR. MILLS: All right. And if you would
16 just -- is it Raquel?

17 MS. GLOVER: Is it Raquel or Rachel?

18 MR. MILLS: Well, I'm --

19 MS. GLOVER: I don't want to take
20 someone's spot.

21 MR. MILLS: -- okay. No. Is it Rachel
22 Glover?

23 MS. GLOVER: Yes.

24 MR. MILLS: Okay. I'm sorry. I --

25 MS. GLOVER: No, you're fine. You're

1 fine. Okay. Thank you. The ACLU of Georgia
2 works to ensure voting in Georgia is easy,
3 secure, and accessible for every Georgian.
4 Georgia law already provides a clear and
5 detailed emergency procedures for election
6 equipment. Today, I urge you to vote no on
7 the proposed amendment to Rule 183-1-12.02.
8 The potential impact of this rule goes far
9 beyond the intentions of just providing
10 further clarification. Georgia law already
11 outlines voting machine safeguards under
12 O.C.G.A. 20-2-281, 334 and 379, creating
13 protocol for using paper ballots in emergency
14 situations. This Board not -- does not have
15 statutory authority to expend or reinterpret
16 those emergency triggers. Rulemaking cannot
17 override the Legislature. This proposed rule
18 seeks to further define when use of voting
19 machines should be deemed impossible, and
20 impracticable. However, it expands authority
21 to vague, undefined officials and allow
22 subjective decisions based on unfounded legal
23 theories to override clear statutes and court
24 rulings. That is a sweeping and dangerous
25 expansion of power. The rule sets no time

1 limits, resolution procedures, or guardrails.
2 An official could force counties to switch
3 thousands of voters to hand-marked paper
4 ballots days before an election with little to
5 no time to prepare and the rule offers no
6 guidance if the machine issue is resolved.
7 That isn't emergency planning, it's
8 manufactured chaos. It also ignores
9 accessibility requirements under HAVA. If
10 most voters are moved to paper ballots under
11 our current system, voters with disabilities
12 would receive a different ballot style
13 creating a very real ballot secrecy problem.
14 That risk is unacceptable. The rule's vague
15 terms like objectivity, infeasible and other
16 circumstances will lead to inconsistent county
17 by county interpretations and expose the state
18 to legal challenges because it undermines
19 uniform elections. If the Board wants to
20 strengthen elections, the answer is not
21 granting vague new powers to persons who are
22 elected legislators did not include in the
23 code. The answer is machine prep and
24 optimization, regular equipment maintenance,
25 rigorous testing, backup machines and rapid

1 response support. Georgia voters deserve
2 clarity, consistency and trust.

3 MR. MILLS: You've got five seconds.

4 MS. GLOVER: I urge you to vote no on
5 this rule. Thank you.

6 MR. MILLS: Thank you. All right. Let's
7 see, next is Lana and then after that I
8 believe we have Ralph O'Connor, Nicole Wessel,
9 and Joy Wasa, if you're here. Okay. You may
10 begin. Thank you.

11 MS. PAS: Thank you. Good morning and my
12 name is Lana Guutia Pas. I'm the senior
13 Georgia campaign manager with All Voting is
14 Local Action. I'm here today urging the Board
15 to reject the proposed definitions of
16 impossible and impracticable voting conditions
17 under this rule. While the stated purpose of
18 this rule is to provide guidance on when
19 counties may need to use hand-marked paper
20 ballots. The actual definitions are so broad
21 and subjective that it would dramatically
22 expand the state level power over local
23 elections operations. As written, the
24 proposal allows the State Election Board, the
25 Secretary of State or a court to declare

1 equipment impossible or impracticable for use
2 in nearly any technical, logistical, or
3 perceived security concerning even on election
4 day. The definitions of impossible and
5 impracticable are written so broadly that they
6 could be interpreted -- interpreted
7 inconsistently across counties, but more
8 alarmingly, they could be used to justify
9 state intervention under nearly any
10 circumstance. This is not a narrow
11 contingency rule. This -- it effectively
12 creates a new mechanism for the state to
13 override local decision-making despite Georgia
14 law already providing robust, reliable
15 procedures for emergency ballot use when
16 equipment fails. At the Board's October 22nd
17 meeting even members of this Board
18 acknowledged that this proposal may exceed the
19 SEB's authority and would likely require
20 legislative action. Recalling Member
21 Jeffares' words quote, we need to get with the
22 guys across the street and get it put in law,
23 end quote. If Members of this Board recognize
24 that it does not have the statutory authority
25 for this change, there's no legitimacy to move

1 forward. Local election officials are in the
2 best position to determine whether equipment
3 can function safely and effectively. They
4 know their facilities. They know their poll
5 workers and more importantly, they know their
6 voters and they know their needs. Shifting
7 authority to politically appointed seat
8 officials risks arbitrary decision-making --

9 MR. MILLS: You've got 15 seconds.

10 MS. PAS: -- inconsistent county level
11 application and deeply harmful disruptions.
12 Point blank, this rule does not enhance
13 elections security. It increases uncertainty
14 and opens the door to political interference
15 at the exact moment when the public needs to
16 stability and trust.

17 MR. MILLS: Your time has expired.

18 MS. PAS: Thank you.

19 MR. MILLS: Sorry. Thank you. Mr. Ralph
20 O'Connor and I believe Veronica Cruz is that -
21 - is Veronica Cruz here?

22 MS. CRUZ: Victoria.

23 MR. MILLS: Okay. I'm sorry. Victoria
24 Cruz. I was trying to read it and I
25 apologize.

1 MR. O'CONNOR: Good morning, Board.
2 These comments are offered based on my
3 experience for the last four years as an
4 election day poll clerk. I have comments on
5 specific paragraphs. Paragraph A4A, human
6 readable votes. Would the Board interpret
7 this to mean the current printed ballots with
8 QR codes are not human readable. If so, then
9 as soon as this rule becomes effective, our
10 current voting equipment would immediately
11 become unusable. Paragraph A4B and B4, it's
12 impossible or impractical to protect ballot
13 privacy. The poll -- polling location where I
14 work on election day, we deploy the machines
15 sometimes in staggered rows so that the sides
16 facing the poll workers, poll watchers and
17 waiting voters do not have visible ballot
18 marking devices. For the four unit carrier,
19 this is one long side. For the two unit
20 carrier, this is the side where the scanner
21 and one short side. I know not all polling
22 locations do this, but it's not impossible or
23 impracticable. If necessary, the hingeable
24 wings around the ballot marking device could
25 be narrowed to 90 degrees to increase privacy

1 or one or two ballot marking devices could be
2 closed if they can't be positioned to protect
3 voter privacy. Thanks very much.

4 MR. MILLS: Thank you. All right.
5 Nicole.

6 MS. WESSEL: Good morning, my name is
7 Nicole. I'm from Barrow County. Thank you
8 for giving me the chance to speak today. I
9 want to talk about the proposed rule and what
10 could actually mean in practice. Georgia
11 already has laws that explain when counties
12 should use the paper ballots if something goes
13 wrong with voting machines. Those laws are
14 very clear and they're already working. They
15 cover emergencies, technical failures, and
16 other real concrete situations. What this new
17 rule does is push things much further than the
18 law ever intended. It tries to create new
19 definitions for when machines can't be used,
20 but for -- but those definitions are so broad
21 and so subjective that they open the door to
22 decision based on opinion instead of actual
23 problems. Another big concern is that the
24 rule does not set any limits. There are no
25 timelines, no process for resolving

1 disagreement. No plan for how counties should
2 suppose to handle a sudden switch. In theory,
3 a single decision could force counties to move
4 thousands of voters to paper ballots right
5 before an election. Counties simply can't
6 prepare for that without notice. The wording
7 in this rule, things like objectively
8 infeasible or other circumstances is so vague
9 that every county can interpret differently.
10 That means voters in one county could have
11 totally different experience than voters in
12 another and that goes against the very idea of
13 having consistent statewide elections. And we
14 all know what happens if a county has to
15 switch to paper ballots out of nowhere. Lines
16 get longer, poll workers get overwhelmed,
17 ballot handling becomes more complicated,
18 results take longer and voters lose confidence
19 in the process. Georgia already has a system
20 for emergencies. It works. We don't need to
21 complicate something that isn't broken. I ask
22 the Board to think about how this rule would
23 play out on the ground and help uneven and
24 confusing it could become --

25 MR. MILLS: Fifteen seconds.

1 MS. WESSEL: -- the voters and counties,
2 alike. Thank you for your time.

3 MR. MILLS: Thank you. Joy Wasson.

4 MS. WASSON: Thank you. I appreciate the
5 opportunity to speak in support of the
6 proposed rule which clarifies existing Rule
7 183-1-12. The proposal is consistent with the
8 existing law. It doesn't suggest a new method
9 of voting. It makes more explicit what
10 impracticable and impossible mean. It
11 explicitly allows the Secretary of State, the
12 SEB and county election officials to provide
13 voters with hand-marked ballots if the
14 touchscreen voting is not functional or not
15 currently consistent with legal requirements.
16 It clarifies when to use existing backup
17 systems that have already been deployed in
18 numerous counties without incident. A case
19 was heard here yesterday involving a county
20 that couldn't get equipment working before
21 polls opened, but voting commenced on time
22 with processes poll managers are already
23 trained on. Backup ballots are marked and
24 scanned immediately by the voter without any
25 need for new or separate scanners, scanning

1 software or ballot boxes. Using backup
2 ballots does not require separate accounting
3 or storage or the kind of follow-up vetting
4 that provisional ballots require. Our
5 lawmakers did a good thing by requiring QR
6 code removal from our ballots, but failed to
7 assist with the implementation. The Secretary
8 of State has failed us by thinking that he can
9 ignore the legislative directive and all will
10 be fine. Please give the state and counties
11 the option to provide legal, defensible voting
12 systems for their voters. Approve the
13 clarifications to 183-1-12.

14 MR. MILLS: Thank you. Victoria and then
15 I believe we have Marilyn Marks after.

16 MS. CRUZ: I'm Victoria Cruz from Oconee
17 County and I support this proposed rule in its
18 intent. The foundation of our constitutional
19 republic is the right to choose our
20 representatives through elections that are
21 free, fair, simple, transparent and verifiable
22 by every citizen regardless of their education
23 or means. The consent of the governed
24 expressed through the sacred act of voting is
25 the sole legitimate source of government

1 authority. When any system technology or
2 cabal, whether domestic or foreign subvert --
3 subverts his consent -- intent -- I'm sorry --
4 this consent through fraud, coercion,
5 complexity or obfuscation, it's the right and
6 duty of the people to reject such tyranny and
7 institute reforms rooted in clarity,
8 accessibility and public oversight. All of
9 which are lacking in our current election
10 system. The integrity of elections conducted
11 with hand-marked, hand counted paper ballots
12 under the watchful eyes of the citizens is the
13 cornerstone of a free republic and no machine,
14 bureaucracy or unaccountable actor should
15 stand between the people and their voice. The
16 history of recent electoral practices in these
17 United States reveals a relentless pattern of
18 abuses, all designed to erode the sanctity of
19 the vote and usurp the will of the people.
20 These are many, including, but not limited to
21 the reliance on complex electronic voting
22 machines which obscure the counting process,
23 lack transparency and expose elections to
24 manipulation, distancing citizens from direct
25 oversight. The systemic exploitation of legal

1 ambiguities like impracticable, weak
2 oversight, centralized control and
3 unaccountable technologies has created a
4 fertile ground for fraud under the guise of
5 efficiency. For these reasons, I support the
6 intent of this proposed rule to enable
7 election officials to reject impracticable,
8 unsafe, unsecured voting processes. Without
9 change citizens cannot be --

10 MR. MILLS: Fifteen seconds.

11 MS. CRUZ: -- certain that elections
12 reflect their will. Thank you.

13 MR. MILLS: Thank you. Then Marilyn
14 Marks.

15 MS. MARKS: Good morning. Thank you.
16 I'm Marilyn Marks, Coalition for Good
17 Governance and I speak in strong support of
18 the rule. It's entirely consistent with the
19 Georgia Supreme Court's Eternal Vigilance
20 ruling. Just as the court had told this Board
21 that it adopt -- it upheld the dropbox
22 surveillance rule because it implemented
23 statute without expanding it. This rule does
24 exactly the same. It merely operationalizes
25 the General Assembly's directive. In 21-2-

1 281. It gives counties and this Board the
2 uniform guidance that they urgently need to
3 ensure that elections are conducted legally
4 across all the 195 -- 159 counties. Right now
5 impossible and impracticable are undefined and
6 that vacuum invites a 159 different
7 interpretations. That is exactly what Eternal
8 Vigilance warns against. This rule provides
9 the guardrails that are necessary to meet this
10 Board's statutory duty under 21-2-31, to
11 ensure uniformity and legality and purity in
12 Georgia's elections.

13 The federal court has already spoken
14 directly to this Board clearly on the point of
15 your authority under 21-2-281. In 2019, your
16 predecessors actually went to federal court
17 told Judge Totenberg, oh, we don't have the
18 authority to act under 21-2-281. We don't --
19 we don't do anything with impossible or
20 impracticable. Judge Totenberg rejected that
21 argument and called it meritless. And I think
22 many of the people who have spoken here today
23 haven't read the ruling. She relied on the
24 11th Circuit Grizzle v. Kemp case.

25 MR. MILLS: Fifteen seconds.

1 MS. MARKS: -- in confirming this Board's
2 duty to compel compliance with the law and
3 that's exactly what this rule would do is
4 enable you to do that with the uniformity and
5 consistency. Thank you so much. If you have
6 any questions, I'd be happy to answer them.

7 MR. MILLS: Thank you.

8 DR. JOHNSTON: Does that conclude --

9 MR. MILLS: Madam Chair, that concludes
10 all the comments.

11 DR. JOHNSTON: That includes all the
12 public comments concerning this rule petition.
13 Bear with me a moment, let's make sure Member
14 Ghazal would like to be present for the
15 presentation and vote on this rule petition.
16 So let's see if we can connect her by -- after
17 the presentation. We'll proceed with the
18 presentation by the Petitioners, Salleigh
19 Grubbs or Jeanne Dufort whichever one of you
20 wants to speak first.

21 MS. GRUBBS: Good morning. My name is
22 Salleigh Grubbs. I'm the First Vice Chair of
23 the Georgia Republican Party, but moreover I'm
24 just a -- just a concerned citizen, concerned
25 about our elections. It is an honor to be

1 standing here today to -- to present
2 information on this rule proposal. But first
3 I would like to commend the Board on the
4 meeting yesterday. I watched very closely and
5 it was extremely well-run. It flowed very
6 well and you addressed a ton of information
7 and cases and so job well done to all of you
8 for that. So there was a letter that was sent
9 by the Georgia Republican party concerning
10 this matter. They strongly support the
11 pending petition. I can reference that letter,
12 but first I'd like to say that yesterday
13 evening I was speaking with an attorney about
14 the case who had spoken with someone else who
15 was involved in the Curling case and also
16 involved in the Eternal Vigilance case and
17 said, well, you know, many of what the --
18 things that it's such a crazy world because
19 this a bipartisan effort. I've worked with --
20 with two great Democrat counterparts on this
21 rule proposal. All in an effort to see that
22 we have free and fair elections in Georgia and
23 then I see Democrats get up here and talk
24 about how this is some kind of a threat to
25 democracy, but if -- as we saw I drove through

1 south Georgia this week and I still see the
2 devastation of the hurricane that went through
3 and I remember there were elections ongoing at
4 that time and I didn't see any Democrats
5 standing outside polling offices saying, we
6 must vote on the BMDs. We cannot vote on
7 paper ballots. They were willing to vote
8 however they could vote and there does need to
9 be guardrails about what impossible and
10 impracticable need to be, but I know as a
11 Board your sitting there going, we have
12 threats of lawsuits. This Board is always
13 going to have a threat of a a lawsuit because
14 if you don't pass the rule and then a
15 situation arises, guess what, you're going to
16 have a lawsuit and the failure of the
17 structure down here at the Gold Dome to
18 support you as a Board it's not your fault.
19 You are still bound by the laws of the state
20 of Georgia. So under Eternal Vigilance the
21 SEB has the authority to pass the rules
22 consistent with existing statutory structure.
23 In other words, the SEB can pass rules to
24 implement and enforce the election code, but
25 it cannot go beyond change or contradict the

1 statutory scheme. The Georgia Supreme Court
2 found that four of the SEB's rules were
3 invalid because they went beyond the statutory
4 scheme. For example, the examination rule was
5 invalid because it permitted Election Board
6 Members to examine a broader list of documents
7 than the statute permitted. Now, I'd like to
8 interject here and say, Member King, that I
9 felt your frustration yesterday over
10 certification and the inability for Fulton
11 County, our star student in elections in the
12 state of Georgia to provide tabulator tapes or
13 to provide signed tabulator tapes, but people
14 are still expected to certify. So we have all
15 kinds of contradictions and we certainly don't
16 want to add to any contradictions, but it's
17 frustrating when people say, well, you can
18 follow this part of the law, but you don't
19 have to follow that part of the law and which
20 part of the law is important. And all of the
21 speakers that spoke in opposition of the rule,
22 I didn't hear them reference what the law
23 said. There was inferences. There was an
24 insinuations. There were common talking
25 points that I'm convinced some big great

1 director in the sky of the Democrat party put
2 out talking points for them to say, but they
3 didn't actually address what's in the law.
4 The one rule that the Georgia Supreme Court
5 upheld was the Dropbox surveillance rule, but
6 -- which is a rule that I presented. The
7 statute already requires Dropbox surveillance
8 rule. The Dropbox surveillance rule merely
9 specifies how to implement the surveillance
10 requirement. The same is true for proposed
11 definitions. The statute, Official Code of
12 Georgia Annotated section 21-2-281 for anyone
13 who wants to reference the law, that's 21-2-
14 281 already requires voting by paper ballot
15 when the use of machines is impossible or
16 impracticable. The proposed rule simply
17 provides a uniform definition for the
18 implementation of that rule. So we have QR
19 code issue, which is still not being
20 addressed, but that law doesn't go into effect
21 until July 1. So we have an upcoming primary,
22 and we have elections currently, right now,
23 that are ongoing. So when -- when they look
24 at the actual law, and we go to 21-2-300.
25 When you go to subparagraph 2, it -- it says a

1 lot of words and then it says that, elections
2 in the state of Georgia shall be conducted
3 with the use of scanning ballots marked by
4 electronic ballot markers and tabulated from
5 ballot scanners for voting at polls and for
6 absentee ballots cast in-person unless
7 otherwise authorized by the law provided that
8 such electronic ballot markers shall produce
9 paper ballots which are marked with the
10 electric -- elector's choices in a format
11 readable by the elector. We are already
12 voting on an illegal system. I know that may
13 be shocking to some people, but everyone who
14 likes to say, this is the law and you need to
15 follow it, voting on the BMDs, you're already
16 illegally voting. So at which point do you
17 determine that the law actually matters.

18 Then if we go back to what section 2- --
19 21-2-281, voting by paper ballot when use of
20 voting equipment is impossible or
21 impracticable, it says, in any primary or
22 election in which the use of voting equipment
23 is impossible or impracticable, for the
24 reasons set out in code section 21-2-334 the
25 primary or election may be conducted by paper

1 ballot in the manner provided in code section
2 21-2-334. This is the law of the state of
3 Georgia. And for a lot of people you need to
4 get acquainted with that -- see this is the
5 law. You can put that on the front of the
6 AJC. So we have sent -- submitted
7 information. My colleague, Jeanne Dufort, has
8 more to say, but the threat of a lawsuit does
9 not abdicate this Board from doing its job.
10 And this Board needs to define the rules of
11 what determine impossible and impracticable
12 for reasons that we stated when we presented
13 the rule and so I would ask that -- that you
14 be brave, be of good courage and pass this
15 rule today. So I'll turn it over to Ms.
16 Dufort.

17 MS. DUFORT: Thank you, Salleigh. And
18 good morning. And thank you all for being
19 here, right. Showing up is 95 percent of the
20 game. I'm Jeanne Dufort. I am the Chair of
21 the Morgan County Democratic Committee. I'm
22 also a member of Indivisible Georgia 10 and
23 woohoo we won a big election yesterday. Did
24 anybody pay attention in the 10th
25 Congressional District, thank you Eric Gistler

1 (ph) and team. Sorry. We -- we -- we -- so
2 the Morgan County way, the Madison way, is to
3 practice good governance cross political
4 divides, be clear about things we don't agree
5 about, but focus on good governance. And
6 that's what drives me to be here today. I was
7 speaking with Rachel from the ACLU last week
8 and said, you know, I am not accustomed to
9 standing on the other side of what the ACLU is
10 telling people. That -- that is not how I
11 roll, but in this case, I'm going to stand my
12 ground as it were because of all things, the
13 conduct of elections needs to be as
14 trustworthy and as smooth as possible and, you
15 know, we've talked about impossible and
16 impracticable and how exotic it seems to be to
17 put definitions in place. It is ironic that
18 one of the claims we hear is that our
19 standards are vague. Well, what do you think
20 "impossible or impracticable" and the phrase,
21 "or for any other reason". Those vague enough
22 for you? That's what the Legislature passed
23 over to you to do now your job, the
24 fundamental job of rulemaking is to give a
25 little more specificity and a little more life

1 to what the Legislature has said because the
2 Legislature has the entire state to govern in
3 all kinds of topics. It can't get specific
4 about everything. That is the function of
5 rulemaking. And so you're here to do your
6 jobs and as Salleigh said, we -- we think, our
7 attorneys think that the lesson from Eternal
8 Vigilance is the more important lesson from
9 Eternal Vigilance is what did they tell you
10 positively could do? What did they affirm,
11 right? The world of what you can't do is a
12 very giant C, so you could go broke guessing
13 about that, but you don't need to because they
14 said you can do something. Absolutely, you
15 can, you know, you can give life to a -- to a
16 law and a rule that I don't particularly like,
17 right? Dropbox surveillance from my point of
18 view is -- is solving a problem with a bunch
19 of costs at the local level that don't solve a
20 particular big problem, but it is the law in
21 Georgia and then you did your bit to -- to --
22 to come up with some procedures around that
23 and Eternal Vigilance said, good work. You
24 can do more of that and that is the spirit in
25 which we see defining impossible or

1 impracticable. So I'm -- I'm just going to
2 say that about that. There's another word
3 that hasn't been mentioned much today. It's a
4 really important word. The word meritless.
5 Anybody want to guess what meritless means?
6 I'm thinking it means: doesn't have merit.
7 And -- and -- and I'm going to use you in the
8 -- in the -- in the proverbial, like, kingly
9 thing, the royal you, right? I don't mean you
10 people individually, specifically, but you,
11 the State Election Board, went into court with
12 some pretty fine attorneys and argued mighty
13 that it can't possibly be the SEB that has any
14 responsibility about upholding the legality --
15 the legal use of voting system. Oh, no. That
16 is to the counties and we love counties. We -
17 - shout out to Jennifer Doran. In Morgan
18 County, we love our election director. She's
19 a fine election director, but the federal
20 courts heard -- heard that argument and they
21 called it meritless. They said, of course,
22 your entire mission, what did you do all day
23 yesterday? You heard cases where the law
24 wasn't followed correctly. And you passed
25 judgment on that and that is what you spend an

1 awful lot of your time on and the federal
2 court said, of course, there's no special
3 exemption for what the legislators said about
4 the voting system compared to all the other
5 things you use every day in your job. Of
6 course, you have to be in that chain and local
7 election directors have to be in that chain.
8 It's not either or. So if you're worried
9 about somebody chasing you down over making a
10 rash decision, I would put disobeying an
11 explicit 11th Circuit ruling on this very
12 question pretty high up on the list of things
13 you wouldn't want to just rashly go out and
14 violate. They have asked -- looked at this
15 question with your attorneys and asked it and
16 they said it's meritless to consider you're
17 not in the loop. You are in the loop. You
18 have both the duty and the responsibility to -
19 - for the conduct of -- of -- of legal
20 elections in the state of Georgia. So on the
21 authority thing, I think that's a thing. It's
22 disheartening to hear, especially, folks from
23 my own party exhibiting so little confidence
24 in the ability of our election directors to
25 conduct safe, and orderly elections. As

1 recently as last month, in the November
2 election, I, you know, in Morgan County, one
3 of our precincts equipment didn't work and we
4 just started handing out ballot -- I say we,
5 our poll manager, our poll workers handed out
6 paper ballots until it could get resolved.
7 And we went back and forth and back to normal.
8 A well-prepared county -- you have not had in
9 front of you a well-prepared county for
10 violating in the -- in the case where
11 emergency ballots needed to be used. You have
12 had cases in front of you where counties who
13 have not trained their people and have not put
14 the required ten percent of ballots in their -
15 - in their precincts on election day and --
16 and it's equipment failed. You've heard that,
17 I mean, Spalding County in 2020 was kind of a
18 big notorious one, right? So failure to train
19 and prepare is a different question. That's
20 an operational question, but I have not yet
21 seen any single county that takes the current
22 existing emergency ballot rule seriously and
23 prepares properly. I've not seen any lines,
24 any voter problems, any confusion, I -- I have
25 not. And -- and -- and the question of

1 whether a poll worker who is entrusted with
2 checking voters in, checking their ID that
3 they somehow can't manage to hand the voter
4 the right ballot with the proper procedures
5 and checks and balances in place. That's
6 insulting to the people who man those check-in
7 stations, quite frankly, but we do need some
8 operational rules to go along with this. Once
9 you pass this definition rule because that's
10 what this is. It says the framework it would
11 do well to put some operational rules in place
12 to go along with it similar to the way we have
13 an emergency balloting rule right now. Did
14 you know -- have you looked in -- in -- in
15 Salleigh's book? Try to find the word
16 emergency ballots in it. It doesn't exist.
17 The word is backup ballots. And do you know
18 what the one example, the one example used
19 from the Legislature is not a thing that
20 happened on election day unexpectedly, it's a
21 ballot building problem. This is what happens
22 when you can't fit all the candidates on one
23 page of the ballot. That's not an election
24 day question. Ballot approval happens before
25 we begin logic and accuracy testing, before we

1 begin early voting. That's the example that
2 the Legislature gave you. So clearly the
3 Legislature has contemplated there are a
4 variety of reasons why the primary method of
5 marking your ballot isn't usable and here's
6 what you do. You go to backup ballots. And
7 then they put that phrase in, for any other
8 reason. And between who the heck is going to
9 argue about impossible and impracticable and
10 what that means and who the heck wants to
11 imagine, if for any other reason, that's the
12 birth of our rule. Is it perfect? Is it
13 literally spell out every single possible
14 thing that can go wrong? Of course, it
15 doesn't because you couldn't, but it certainly
16 is a lot more of a guardrail. A lot more
17 specific, likely to lead to more uniformity of
18 decision-making with a 159 county election
19 boards, with you going to put you all on the
20 same page in a much better way than two
21 undefined terms, impossible and impracticable,
22 and the hanging phrase, if it isn't this
23 question of ballot building for any other
24 reason. So I'm feeling like we should welcome
25 as we go into a year -- I think the one thing

1 we pretty much all agree on, probably all of
2 us in this room is that things will come up in
3 2026 that we can't possibly anticipate right
4 now, right? There's drumbeats in the air,
5 don't do this. Don't do that. What are they
6 are going to do about 189? What about the
7 executive order? You know, the world is full
8 of surprises as we go into 2026. Let's --
9 let's get prepared in advance. Let's not hit
10 election directors with big surprises in the
11 middle because of court orders or whatever
12 happens at the last minute. Let's create some
13 guidelines, framework for decision-making.
14 Let's do some operational rules, like pass
15 this today because it's already December and,
16 you know, we are in -- I think just yesterday
17 heard an announcement there's going to be
18 another special election coming up some time
19 soon because we had a resignation that was
20 announced, I think, yesterday, right? And
21 then it's going to be primary. So waiting for
22 SB189 to me doesn't make much sense as a real
23 plan if your -- if your goal is to make sure
24 that we conduct legal elections, so it's --
25 it's legal. The federal courts told you you

1 have a responsibility. You stand in that
2 queue of people. The law is quite clear.
3 Chair Fervier from this dais in this past year
4 has said on the ballot secrecy thing, yeah,
5 we kind of all know it just isn't always
6 protected. We've been trying for five years
7 now and it isn't always protected. Kudos, was
8 it you? To to the -- to -- to -- the guys got
9 a polling place where it is, but I'm here to
10 tell you in 159 counties with five years of
11 trying really hard trying by most election
12 directors is not possible. It is not
13 routinely offered to every voter and our
14 Constitution standard of ballot secrecy isn't,
15 if you can. It's just you have to do it.
16 It's not optional. It's the law, right? It's
17 -- it's just the law. As is our -- our right
18 to know what vote we're casting. It -- it
19 doesn't help. We -- we, you know, if -- if
20 the law says you've got federal and state laws
21 says you've got to be able to see what vote
22 you casting, it doesn't really help to have a
23 -- what's the new word, double-blind. A
24 double-blind system that afterward proves that
25 probably, possibly, maybe it was true. At the

1 moment you put it in the scanner you have the
2 legal right -- Georgia voters have the legal
3 right to know what vote they're casting. And
4 that is not the case in Georgia right now. So
5 that's the inconvenient truth part, right? It
6 is certainly controversial to put in one rule
7 the things the Legislature said about the
8 legal compliance. That is inconvenient
9 because we've spent five years with a myth
10 that says you have to use BMDs for in-person
11 voting, no matter what. And that is not what
12 the Legislature said. The Legislature said,
13 do it as long as you can comply with the
14 applicable laws. And so the rule, it's not
15 dictating anything, but it is shedding light
16 on what the Legislature said and I don't see
17 how you get in trouble for doing what the 11th
18 Circuit directly told you to do after your
19 very good attorneys made every argument for
20 why you shouldn't be in that queue. The 11th
21 Circuit is clear. You're in the queue, right?
22 So that's one part of the law, who's got the
23 authority and the other part is, here's what
24 the Legislature said were the legal conditions
25 for using the system and here's some

1 operational examples that go beyond emergency
2 because if anything didn't fit with -- within
3 the framework of -- of Eternal Vigilance, it
4 might be the invention of the word emergency
5 and the construct that somehow the backup
6 system was only meant to apply to operational
7 emergencies on election day in polling places
8 and that's what it's become because that's
9 what we've lived with. That was a rule that
10 got written -- well, right before COVID, right
11 as we were in-boarding all of the equipment,
12 right? And so that's what we lived with. I
13 mean, I stood myself and argued about use of
14 emergency ballots before I went back and said,
15 what does the Legislature have to say about
16 that and they said, emergency ballots isn't a
17 thing. You -- you -- the SEB invented that
18 term. So it's not uncommon why we think about
19 it, but, you know, under the current Eternal
20 Vigilance framework you making a rule that
21 limited what the Legislature said, here's this
22 example we're giving you a ballot building and
23 for any other reason and comply with the law
24 and if you were to take all that and turn
25 around and say that we propose it's only for

1 operational emergencies on election day.
2 Think about it that way. Wouldn't that be
3 kind of an odd thing. You're taking this
4 broad protection, this broad caution about the
5 conduct of legal elections, which is your
6 responsibility and going, yeah, no. It's not
7 all those other things. We're going to ignore
8 all those other things. It's only this. If
9 anything, that's the oddity. This definition
10 rule just takes what the Legislature said,
11 puts it in one place, defines who has that
12 authority and responsibility and it must be
13 followed by operational rules because people
14 who are calling for that are not wrong, right?
15 There -- there needs to be some guardrails if
16 you're going to -- surprises with -- with
17 being able to print enough ballots and all
18 that. That is a real thing. So operational
19 rules, yes, but anyway... We'll take any
20 questions if you have them. Thank you very
21 much.

22 DR. JOHNSTON: Thank you very much, Ms.
23 Grubbs and Ms. Dufort.

24 MS. GRUBBS: Dr. Johnston?

25 DR. JOHNSTON: Yes.

1 MS. GRUBBS: Can I just reference for
2 those who are purveyors of the actual law.
3 21-2-33.1 reinforces in paragraph A, the State
4 Election Board is vested with the power to
5 issue orders after the completion of
6 appropriate proceedings direct in compliance
7 with this chapter prohibiting the action or
8 threatened commission of any conduct
9 constituting a violation which order may
10 include provisions requiring the violator and
11 then it goes on. If you guys did not have the
12 power and authority to do what is requested in
13 this rulemaking, then how was anything you did
14 yesterday appropriate? So I just want to
15 remind you that you do have the power and
16 authority, and we would appreciate your
17 favorable adoption of this rule. Thank you.

18 DR. JOHNSTON: Thank you. I'll open --
19 open up to the Board's questions now. Ms.
20 King.

21 MS. KING: Yes. Is Sara on?

22 DR. JOHNSTON: Is Ms. Ghazal -- or Member
23 Ghazal on?

24 MS. GHAZAL: Yes, I'm on.

25 DR. JOHNSTON: Member Ghazal, we'll open

1 up to you first for questions.

2 MS. GHAZAL: Thank you. I have no
3 questions. I was able to work with this team
4 for many hours on developing the language and
5 -- and I understand the intent behind the
6 rule.

7 MS. GRUBBS: By the way, thank you so
8 much to the voice in the sky. Thank you so
9 much for working with us. It was a pleasure
10 and I appreciate your insight and your
11 expertise.

12 DR. JOHNSTON: Thank you, Member Ghazal.
13 Member King.

14 MS. KING: Yes.

15 DR. JOHNSTON: Questions?

16 MS. KING: A few things. So I listened -
17 - I -- I still don't know what I'm going to
18 do. And the reason why is because I see it
19 literally from both perspectives equally.
20 From the side of the lawsuit angle, let's
21 start with that one. The reason why I do have
22 reservations is because we have been hit with
23 lawsuit, after lawsuit, after lawsuit. And
24 one of the things that I always say is, you
25 know, so what. It's law (unintelligible) and

1 it's what happens. That being said, I'm
2 trying to process whether or not a lawsuit
3 will hold up progress because that's what I
4 see happening is that we pass it. A lawsuit
5 will be filed then that puts a stay on
6 everything and locks everything up and now the
7 legislators have an out. They can now say,
8 oh, we're under litigation. So we can no
9 longer -- we don't have to do anything. And
10 so I'm thinking about that.

11 On the other side of it, I heard a lot of
12 specific words during the opposition speeches,
13 words like uncertainty, confusion,
14 complicated, but these are coming from not
15 necessarily the individuals, but there are
16 also people who say this and who will reject
17 this rule, but will also support things like
18 rank choice voting that can't be explained in
19 two minutes. And so if you -- you can't tell
20 me that it's complicated for people to write
21 on a piece of paper, but it's not complicated
22 for us to put our faith and trust in some type
23 of system that's going to rank our votes and
24 determine for us and spit out the results and
25 all of a sudden we have to accept it. So I

1 throw out the terms complicated, uncertainty,
2 all that stuff is just political fodder and
3 just jargon. How -- and I also agree with a
4 comment that was made by Victoria Cruz
5 regarding the people having to step in when
6 our -- those who we put to be agents to
7 represent us don't step up. So now, we're
8 kind of forced to be in this position.
9 They're here because our legislators passed a
10 bill or rule of law that our Secretary of
11 State refused to follow and as a result we are
12 now approaching a deadline that happens to
13 fall in -- in between elections which is
14 already ridiculous; however, we're now kind of
15 forced into this position. I -- I'm concerned
16 that we're going to put ourselves in the
17 position where we are no longer able to do
18 anything.

19 Now, I -- I was told that there's some
20 method that's being considered that sounds
21 very bizarre to me as it relates to some type
22 of, I think you mentioned it, like double -- I
23 don't know what it was, but it's some method
24 that's being considered that's even more
25 complicated than rank choice voting. And so I

1 have concerns about that. So what I am
2 weighing is whether or not we could add this
3 to a legislative request from the Board
4 demanding that -- well, not demanding, but
5 asking if Member Jeffares, because I know you
6 have a lot of relationships there your former
7 -- could work with them as -- as far as
8 ensuring that this rule is a part of the
9 legislative agenda in January. So I'm -- I'm
10 toiling with that or whether or not we should
11 just go ahead and pass it, move forward and
12 see what happens. So that's kind of where I
13 am and I'm hoping that I will come up with a
14 decision in the next five minutes.

15 MS. GRUBBS: May I offer you a couple of
16 things?

17 MS. KING: Yes.

18 MS. GRUBBS: And so first of all, I -- I
19 understand all the things, but what it always
20 comes back down to is what's in this book.
21 What's in the law. There was also Attorney
22 General opinion 97-3 by Attorney General,
23 Michael Bowers, that said, yes, paper ballots
24 should be able to be used. There should be no
25 prohibition about that and I have a copy of

1 that, if you need it. And -- and I agree. I
2 think things should be put into the
3 legislation and I -- I think Member Jeffares
4 would be more than willing to seek that. The
5 only two issues are, number one, it would have
6 to be fast tracked legislation to be effective
7 for the primary, which gets us into a timing
8 issue because -- and then -- then we're also
9 still resting on will the Governor sign it?
10 Will he not sign it? So that's one of the
11 issues.

12 And then secondly, I -- I had already
13 made that request to a legislator and did not
14 get a response and, you know, what -- like
15 Victoria said, you know, people stepping up
16 when people fail to act and -- and that kind
17 of thing. It's kind of been out of necessity.
18 There are people that run towards house fires
19 to rescue people and then people who get in
20 their car and leave as quick as they can and I
21 tend to be one of those to run toward the
22 fire. This is, in my view, it's not something
23 that can really wait, but if you give me a no
24 another choice, then yeah that would be what
25 we would have to do, but it still comes back

1 to what's the responsibility given by law to
2 this Board.

3 MR. JEFFARES: Madam Chair, she said,
4 basically, what I was going to say. I was up
5 here a long time. It's crazy working up here.
6 You know, if we started in the Senate and then
7 it's got to go to the House. They're going to
8 make a change and is the Governor going to
9 sign it? I mean, that's the number one
10 question. And if he don't sign it probably
11 while they're in session, it won't go into
12 effect for the primary and that's going to be
13 a huge election. Governor race, we've got US
14 Senate, we got all kind of stuff coming up.
15 So I'm kind of torn between it. I'm kind of
16 like Janelle, I say we pass it as -- and at
17 the same time I can get with some Senators and
18 I can get them to start working on it in the
19 ethics committee and we try to push it
20 through, but it all depends on the House and
21 the Senate and all that. I'm willing to take
22 a chance on it because I think it does make
23 sense and that's kind of where I stand on it.

24 MS. KING: That helps me a lot because as
25 I was thinking and you're talking about the

1 process. It does help to provide guidelines
2 for our legislators to say, you know what, we
3 kind of already defined it, all you really
4 have to do is build it out. And I also think
5 that there's something to be said about us
6 standing on our laws and what we can do.
7 Uniformity is a key component of what we do
8 and my concern is that if our legislators who,
9 you know, with -- with all due respect, has
10 already dropped the ball on this. If they
11 drop it again, we now have county election
12 officials who have no clue what to do.

13 So there is a responsibility that I
14 personally believe that falls on this Board to
15 lend some support to our county election
16 officials so that they can have something to
17 hold on to in case they do have to implement
18 paper ballots or they have to do anything that
19 requires them to carry out the election. So I
20 think -- I think I have my answer.

21 MS. GRUBBS: Well, in all fairness to
22 legislators, you guys are in the trenches.
23 You're here in the weeds. You are going
24 through these investigative reports. You were
25 seeing the results of what happens that they

1 don't often see. They're busy legislating.
2 They're busy doing those things. You're busy
3 doing these things. So in all fairness to
4 them sometimes they just don't know.

5 MS. GHAZAL: Madam Chair, I do have a
6 comment to make. Don't have any questions for
7 the presenters.

8 DR. JOHNSTON: I'm sorry. Member Ghazal,
9 you have a comment?

10 MS. GHAZAL: Yes.

11 DR. JOHNSTON: Yes. Please.

12 MS. GHAZAL: I -- I -- I have said many
13 times all along that I am in theory supportive
14 of the use of hand-marked paper ballots. I
15 will repeat this is not the appropriate
16 vehicle for that. And, specifically, under
17 O.C.G.A. 21-2-334, the Legislature has granted
18 the authority to determine what an emergency -
19 - or what -- I'm sorry. What impossible or
20 impracticable means solely to the county
21 superintendent. This rule violates the non-
22 delegation doctrine and that was laid out in
23 Eternal Vigilance action and is a general
24 doctrine for regulatory laws. It grants the
25 authority to make this determination to, among

1 others, this Board and that goes beyond what
2 the Legislature has allowed in statute. So we
3 are putting ourselves at risk, again, of
4 getting swatted back under the very precedent
5 that was created to constrain the authority of
6 this Board and every other Board. That's --
7 that's my comment.

8 DR. JOHNSTON: Thank you, Member Ghazal.
9 Executive Director Mills, do you have a
10 comment or anything you'd like to add or a
11 question?

12 MR. MILLS: I -- I don't really have a
13 comment, Madam Chair, except I -- I will say,
14 you know, it's -- when I was brought into this
15 position, it was -- it was my intention to --
16 to help this Board focus strongly on the --
17 the cases and -- and be very cautious with any
18 rule, just simply because you -- you put
19 yourself in the position that we -- we talked
20 about. Legislation can be written in such a
21 way that it -- it becomes law, you know, with
22 a certain date in the bill which that might be
23 something to consider if they do decide to go
24 the legislative route to -- to make it with a
25 date specific.

1 DR. JOHNSTON: Thank you. And, finally,
2 some comments from Vice Chair Johnston.
3 First, a reminder to those that are here and
4 listening that the Eternal Vigilance case was
5 really an issue about rulemaking and I'll
6 remind the audience that seven of the 11 rules
7 were adopted. Seven of the 11, so rulemaking
8 authority of the State Election Board has --
9 has not been prohibited or canceled and -- and
10 the Georgia Supreme Court rewrote decades of
11 rulemaking precedent, just for that case
12 citing new hurdles to jump in order to proceed
13 with rulemaking authority and I appreciate
14 their input and, but still in -- in spite of
15 that precedent change, seven of those 11 rules
16 were adopted.

17 As far as paper ballots, we have -- the
18 paper ballots we have, they're not really
19 paper ballots, are they? We have paper that
20 we vote -- that we receive and put into a
21 scanner, but it's really not a paper ballot.
22 We -- we don't mark the ballot. We don't see
23 our choices marked. We can't go back and
24 audit and see some individual person voter who
25 has marked the ballot for audit or -- or

1 forensic review.

2 So we call it a paper ballot, but it's
3 really not a paper ballot. It's kind of the
4 elephant in the room. It's still an -- it's
5 an electronic voting system in the guise of a
6 paper ballot system. Additionally, we --
7 we've had many comments and I thank all of
8 those that took the time to send in letters
9 and comments and emails. We did receive one
10 letter from a legislator in favor of the rule
11 petition and -- and a letter from Chairman
12 Anderson, and others that oppose the rule and
13 a letter from the Attorney General that
14 opposed this rule petition.

15 In my humble opinion, the -- this -- this
16 rule needs to be addressed or these
17 definitions need to be addressed by the
18 legislators. This is their job. This is what
19 they need to do. I would love to write this
20 rule and adopt this rule, but this really is
21 the duty and job of the legislators and we
22 need to put -- put the -- put the pressure on
23 them to -- to perform as they should in
24 legislation and making statutes that are
25 appropriate for Georgia elections. So I would

1 just like to offer those for comments and ask
2 if there are any other -- if you would like to
3 respond, either of you, you're welcome to.

4 MS. GRUBBS: Well, the question would be
5 and -- and I understand your point on Eternal
6 Vigilance that we had more success in getting
7 things passed. People want to focus on the
8 negative instead of focusing on the positive.
9 So there -- there was some good outcomes with
10 Eternal Vigilance. It's amazing to me people
11 like to use that as the bogeyman of, you know,
12 whoa, Eternal Vigilance, I'm scared. That
13 that is some how barring adoption of any other
14 rules.

15 And I agree the Legislature should
16 address it, but that does not negate the
17 responsibility of this Board in adopting the
18 rules and providing guidance to the counties.
19 The counties are also out there trying to do
20 their job and, you know, we went through when
21 we initially presented the rule, the -- things
22 that were impracticable and what is impossible
23 and some things that are, you know, that
24 they're impracticable aren't necessarily
25 impossible and vice versa. You know, this is

1 life. It's messy all the time, things happen.
2 And it is your job regardless of what the
3 Legislature does or does not do, it is your
4 job to provide guidance to the counties and to
5 make those rules. And I know you guys are
6 under attack. I know that there is a movement
7 to dissolve this Board and to absorb things
8 back into the Secretary of State's Office
9 which would be a tremendous travesty. When
10 you have elected officials in position of
11 governing over how our elections are done, you
12 know, let's talk about elephants in the room,
13 that's a big one that I won't even go down
14 that path right -- right now, today, but this
15 is an innocuous way to help the counties and
16 provide guidance to them and even if you want
17 the Legislature to do it, which I agree, the
18 Legislature does need to do it. That still
19 doesn't negate your responsibility and your
20 obligation to the people of Georgia when it
21 comes to voting and how that's carried out and
22 the guardrails that are needed for this
23 situation.

24 DR. JOHNSTON: Thank you.

25 MS. DUFORT: I'd like to add one short

1 not, if I might?

2 DR. JOHNSTON: Sure.

3 MS. DUFORT: My first career was in
4 retail and one thing you learn in retail is
5 the doors have to open. They just do, right?
6 There's a time and a cadence. An election
7 administration is like that. Somewhere right
8 now some election director is preparing --
9 probably a couple of them because this -- it,
10 you know, it's -- it's a state Senate seat for
11 a special election, right now. Soon enough
12 preparations are going to start for the
13 primaries.

14 So we can do two things at once. If you
15 believe that there is nothing in our
16 definition that doesn't express what the
17 Legislature has already said. If you don't
18 dispute that the Legislature has said, here
19 are some conditions for the legal conduct of
20 elections, the legal portion of this, if you
21 don't disagree that the sort of procedural
22 sections are not unreasonable, right? Then in
23 terms of -- I know doctors always look at,
24 like, do no harm. What is the harm at
25 creating a uniform understanding and

1 guardrails right now while you also confirm to
2 the Legislature here's some things we think
3 you might consider in what you do in your
4 upcoming session. I tell you the harm of
5 doing the reverse of just choosing to wait for
6 them because waiting for somebody else to
7 solve this problem, is very familiar to me.
8 We've been -- we've been at this for a very
9 long time. So you could pass the buck, people
10 in your seats before you have passed the buck,
11 right? Who -- who's harmed? Voters are
12 harmed. Voters across the state, voters in
13 159 counties are harmed by every day we delay
14 making it clear what the law says right now,
15 today. Not what the law might be in the
16 future, you're welcome to talk to them and try
17 to influence that, you know, your Executive
18 Director and Member Jeffares, they -- they
19 know very well how that process happens,
20 right? So do work that end of it, yes. Yes,
21 and, but are you willing to live to make the
22 voters wait one more day for this controversy
23 to be resolved about whether or not the
24 Legislature said the system may be used -- the
25 electronic voting system may be used as long

1 as it complies with law. Should we wait one
2 more day for that clarity? I -- I would
3 suggest we shouldn't wait one more day and we
4 should work with the Legislature on improving
5 things. Thank you.

6 DR. JOHNSTON: Thank you. Are there any
7 other questions or comments from the Board?

8 MS. KING: One question, this is kind of
9 an open question: When we say that this is
10 legislative duties, what, specifically, are we
11 referring to? Like what are we -- are we
12 saying that, you know, the fact that we're
13 defining the rule is something that we should
14 -- I'm trying to figure out where -- where are
15 we stepping out of our -- our space -- so
16 we're not -- we're not changing anything
17 that's, you know, dramatic -- we're basically
18 giving our county officials more, I guess, a
19 better understanding of how they can implement
20 the rule. That's how I'm seeing it so I'm --
21 I'm trying to figure out where am I missing
22 this? What am I -- what am I not hearing?

23 MS. GRUBBS: Member King, you're right.
24 You're not -- you're not changing the terms.
25 You're not expanding the actions. You're

1 giving the framework to help the counties.
2 This is not a situation where you're expanding
3 what something means. You're not expanding,
4 you know --

5 MS. KING: Changing the process.

6 MS. GRUBBS: -- you're not changing the
7 process. You're just saying, this is, I mean,
8 administrative agencies come up with
9 definitions all the time. So this is not
10 something that is, like, scary.

11 DR. JOHNSTON: Member Ghazal, do you have
12 a response to Member King's question?

13 MS. GHAZAL: (No response.)

14 DR. JOHNSTON: I'm sorry.

15 MS. KING: Oh, she --

16 (Unintelligible.)

17 DR. JOHNSTON: Okay.

18 MS. KING: Well, that's my answer.

19 DR. JOHNSTON: All right. Ready to call
20 the question? All right. So we'll take a
21 vote on and ask in order of seniority, your
22 vote. Member Ghazal?

23 MS. GHAZAL: My vote is nay.

24 MS. KING: So we don't have to make a
25 motion?

1 MR. MILLS: Is there a motion to pass the
2 bill? Ask the Board.

3 DR. JOHNSTON: Is there a motion?

4 MS. KING: Yeah. I would -- thank you.
5 I guess, I'm one of those people that run into
6 the fire, too, but I -- I -- I've been
7 thinking about it, thinking about it and
8 thinking about it and I want to make sure that
9 my vote how I feel is -- is on the right side
10 from what I believe. I do believe that we can
11 assist the Legislature. I do believe that we
12 can support our counties, protecting them from
13 lawsuits, as well as I want to vote based on
14 how I'm interpreting this rule. I don't see
15 where we're -- we're not breaking the law.
16 We're not changing the election process. And
17 here's the thing, if our legislators do what
18 they are -- what I've been informed that
19 they're planning to do is to create some type
20 of remedy to -- from -- from dropping the ball
21 in the past, then there will be no need for
22 this rule. It would be null and void;
23 however, if they do what they've already done,
24 then we may find ourselves in the position
25 where we're saying we wished we had passed

1 this rule. So I make a motion that we pass
2 the rule with the request that the legislators
3 definitely provide the implementation, the
4 logistical requirements, all of those things
5 which should come from the legislators, but
6 with our support and our backing knowing that
7 we have defined the rule and, like I said, if
8 they do their job, then there will be no use.

9 DR. JOHNSTON: There's a motion to pass
10 the rule --

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: -- petition and there's a
13 second by Member Jeffares. We'll take a vote.
14 Member Ghazal?

15 MS. GHAZAL: I vote no.

16 DR. JOHNSTON: Member Ghazal. Member
17 Jeffares?

18 MR. JEFFARES: Yes.

19 DR. JOHNSTON: Member King?

20 MS. KING: Yes.

21 DR. JOHNSTON: And I will vote no. And
22 that is a tie vote so the motion does not
23 pass.

24 MR. JEFFARES: Ms. Chairman, ladies, I
25 will get with y'all next week and I will get

1 us a meeting in the state Senate Ethics Board
2 as soon as possible. And, Madam Chair, can we
3 take a five-minute break?

4 DR. JOHNSTON: Yes. Five-minute break.

5 MS. KING: Okay. Second.

6 DR. JOHNSTON: So moved.

7 (The session recessed at 10:25 a.m.)

8 (The session resumed at 10:39 a.m.)

9 DR. JOHNSTON: Thank you for the break.
10 Thank you to the presenters. And we will be
11 in communication with the General Assembly to
12 address the problem that they created. Thank
13 you. Now, it's time to move on to hearing
14 cases. We have -- we have a case that was
15 recommended to -- two cases for
16 reconsideration.

17 MS. KING: Yes. Thank you, Madam Chair.
18 There are two cases that we voted on yesterday
19 that I would like to amend. The first was
20 case number -- oh, wait -- wait -- I know the
21 last three, 2022-66 and we voted to send this
22 to the AG's Office with a fine; however, after
23 doing some further research, there's some
24 aspects in the summary that wasn't considered.
25 So I would like to reduce that to a letter of

1 instruction. So that's the -- I think that's
2 Macon/Bibb County. And then the other was
3 case number 2022-015, the case of the
4 tabulator tapes. I -- my initial motion was
5 that passed was that we send it to the AG's
6 Office and we issue a fine in the amount of --
7 or we -- we requested they issue a fine in the
8 amount of \$5,000 per missing -- per tape, not
9 missing, but per infraction. I would like to
10 amend that to also include notifying the DOJ
11 of that as well as I do believe that there are
12 some alignment.

13 DR. JOHNSTON: Okay. Let's deal with the
14 first reconsideration of 2022-066. Is there a
15 representative from Macon/Bibb County that
16 would like to speak?

17 MS. MARTIN: Yes. Is this working? It's
18 flashing. Okay. There it goes. Hello, my
19 name is Grace Martin and I am the attorney for
20 the Macon/Bibb County Board of Elections. I
21 do appreciate y'all bringing this back up for
22 reconsideration. I do apologize for not being
23 here yesterday. Just to -- to clarify what
24 that was. The investigative summary that we
25 received did indicate that there was no

1 violation found. And so when we got word that
2 this one had been submitted to the AG's
3 Office, we went back, we watched the YouTube
4 and it appeared to involve some things that we
5 just did not have any notice of. Since it has
6 been already reduced or submitted for
7 reduction to a letter of instruction, I -- I
8 don't necessarily object to that and I don't
9 want to -- to go back to a situation where,
10 you know, looking at it going to the AG's
11 Office, but I did want to just kind of maybe
12 get some information about what the alleged
13 violation is and what that letter of
14 instruction is going to look like just because
15 they're -- it seems to be different from what
16 we had in our summary.

17 MS. KING: From my -- let's see. Let me
18 pull it back up. I have to open up
19 yesterday's. Sorry, it's loading.

20 MS. MARTIN: You're totally fine. And if
21 it would be more --

22 MS. KING: And I may -- I may -- I may
23 amend it to dismiss it.

24 MS. MARTIN: Okay.

25 MS. KING: I want to make sure I see --

1 there was a reason why I thought that
2 originally.

3 DR. JOHNSTON: For your information --
4 for the findings in the report were that Bibb
5 County Elections and Registrations Office
6 along with Tom Gillan was unable to produce an
7 absentee ballot application. There's
8 sufficient evidence to support a potential
9 violation O.C.G.A. 21-2-73, which governs the
10 proper handling and retention of election
11 records by officials.

12 MS. MARTIN: Okay. I guess my -- my
13 question on that is that the State Election
14 Board rule that was cited does appear to deal
15 with in-person voting and the situation as
16 alleged was advanced voting. And so if the
17 issue was with an absentee ballot, I just want
18 to make sure that we're actually looking at,
19 like, the right case, the right facts, if
20 something didn't get confused.

21 DR. JOHNSTON: Investigator Nunley
22 obtained copies of the absentee ballot
23 applications for all individuals except Mr.
24 McCoy whose application could not be located
25 by election staff as of October 31st, 2023.

1 MS. KING: That's what it was. It was
2 the fact that they could not locate his
3 application, the county could not locate his
4 application. So I felt as though that was --
5 that constituted a letter of instruction.

6 MS. MARTIN: Okay. And this was a Mr.
7 McCoy or a Ms. just because it -- because it
8 does say the Complainant was a female.

9 DR. JOHNSTON: Right. That's Ms. McCoy
10 husband --

11 MS. MARTIN: Ms. McCoy. Okay. Okay. I
12 guess, I'm -- I'm -- I'm just having trouble
13 following how we got from an -- an alleged in-
14 person voting issue with the wrong ballot to
15 counting absentee ballots and -- and there be
16 an issue there.

17 MS. KING: That's my stance on it. If --
18 if other Board Members wish to dismiss it, I'm
19 totally fine with supporting that too, but I -
20 - I saw that there was a -- the fact that they
21 could not conclude because they could not
22 obtain all the information to me is a problem.

23 MS. MARTIN: Okay. We -- we would ask
24 that it be dismissed just because there seems
25 to be a -- a bit of discrepancy between what

1 was being looked at and what has been found at
2 this -- at this time. Thank you.

3 DR. JOHNSTON: Mr. Jeffares.

4 MS. KING: Okay.

5 DR. JOHNSTON: Okay. Would you like to
6 amend your --

7 MS. KING: Yeah. I'll amend it. All
8 right. So I -- thank you for coming. And so
9 I will amend to dismiss this case.

10 MS. MARTIN: Thank you.

11 DR. JOHNSTON: There's been -- okay.
12 There's been a motion to -- to dismiss this
13 case and --

14 MR. JEFFARES: Second.

15 DR. JOHNSTON: -- there's a second by
16 Member Jeffares, case 2022-066 Macon/Bibb
17 County. Is there any discussion?

18 (No response.)

19 MS. KING: No.

20 DR. JOHNSTON: No discussion, all in
21 favor say aye.

22 THE BOARD MEMBERS: Aye.

23 DR. JOHNSTON: Motion carries three to
24 zero. Next case for reconsideration is 2022-
25 01 fine -- 015, Fulton County, tabulator

1 tapes.

2 MS. KING: Thank you Madam Chair. I
3 would like to make an amended motion to
4 include the notifying the DOJ, as well as
5 maintaining sending this to the Attorney
6 General's Office with the request that they
7 issue a fine in the amount of \$5,000 per
8 infraction.

9 DR. JOHNSTON: There's been a -- there's
10 a motion to add communication to the
11 Department of Justice regarding this violation
12 in addition to the referral to the Attorney
13 General and with the fine. Is there a second?

14 MR. JEFFARES: Second.

15 DR. JOHNSTON: There's -- Member Jeffares
16 seconded. Discussion? I would like to add in
17 discussion for the record that a copy of the
18 tabulator -- tabulator tapes are to be held --
19 there are three copies made of tabulator
20 tapes. One goes -- should be posted on the
21 door of the polling place at the end of the
22 election night. And the other two are to be
23 retained as election documents. One is to be
24 retained by the Superintendent of the county
25 and the other is to be retained in the clerk

1 of the court's records. So there should be
2 not one, but two copies of these tabulator
3 tapes and my review of the evidence in the
4 exhibits show many, many missing tabulator
5 tapes. Very incomplete and if there was a
6 stalemate in our discussion -- discussion
7 yesterday with Fulton County as to the ability
8 of Fulton County to produce these tapes. They
9 -- if they don't have them, then the clerk of
10 the court should have them. I know the clerk
11 of the court holds -- holds the records in --
12 has custody of the records, but who actually
13 possesses or has access to or can open up the
14 doors or unlock the doors is a merry-go-round
15 that we've been riding here for -- for some
16 time now, but I just want -- for the record to
17 show that there are -- there should be two
18 copies of these tapes available for review.
19 These are the actual tabulation of the votes
20 that took place from the -- from the scanners
21 -- ballot scanners and the count for the votes
22 of the election and every vote should be
23 accounted for, as far as in-person voting with
24 these tabulator tapes. The other issue is
25 when -- when the memory cards are removed from

1 the tabulators before the poll is closed, the
2 memory cards are at grave risk for alteration.
3 The memory cards are not encrypted at that
4 point. And any person could take the memory
5 card and add or subtract votes from that
6 memory card from the files that are held on
7 that memory card. Once the -- the memory card
8 is actually closed by the tabulator, the
9 results are encrypted and cannot be changed
10 with -- from that point or it's held in a file
11 to be retained.

12 So for the record, my understanding is
13 these memory cards were removed from the
14 tabulators and closed on different scanners.
15 So they were put in jeopardy, at risk, at the
16 time of the election and not -- so not being
17 able to obtain the -- the tabulator tapes, and
18 not only that there was some period of time
19 when they were unprotected, I -- I -- I think
20 that's also of grave concern that should be
21 communicated to the authorities. Thank you.
22 So we have a motion and a second. All in
23 favor of this motion say aye.

24 THE BOARD MEMBERS: Aye.

25 DR. JOHNSTON: Pass -- the motion carries

1 three to zero. Next we'll move on to
2 potential dismissal cases. We've got a number
3 of cases today also for -- recommended for
4 dismissal. There are two cases that I would
5 like to pull at the request of two parties
6 that would -- would have -- requested to speak
7 on these cases. Do any other Board Members
8 have cases that they would like to pull?

9 (No response.)

10 DR. JOHNSTON: No. No, Mr. Jeffares?

11 MR. JEFFARES: (No verbal response.)

12 DR. JOHNSTON: No. First case is
13 SEB2024-246, Appling County, logic and
14 accuracy testing issue. Is the Complainant
15 from Appling County here? Yes.

16 MR. MILLS: If you would mash your
17 button. There we go.

18 MS. CARVER: Okay. Testing. Good?

19 DR. JOHNSTON: Your on.

20 MS. CARVER: Okay. Good morning, Board.
21 Thank you all for your time and commitment to
22 serve our state in an effort to preserve and
23 uphold fair and legal elections. My name is
24 Jessica Dubberly Carver. I was a candidate in
25 2024 on the Appling County primary ballot

1 Board of Education. I did not attend LNA
2 testing for my election because I trusted
3 everything to be handled legally. There was a
4 multitude of violations and misconduct in that
5 election. Complaints were submitted in June
6 and August of that year although that case has
7 not yet come before you. Please note the case
8 number for the future is 2024-143. That will
9 be in the future. So why am I here today?
10 I'm here today asking you not to dismiss
11 today's case number 2024-246 as it is directly
12 related and is residual to the facts on case
13 number 2024-143. The same election supervisor
14 had misconduct and because of all the things
15 I've researched, learned and endured during my
16 primary I decided to attend LNA testing for
17 the general election in 2024. The seven items
18 before you may appear trivial and not
19 constitute felonies or misdemeanors, but the
20 Supervisor absolutely failed to follow
21 procedures and policies according to the
22 election law and specific to LNA testing
23 guidelines. She had a small table and two
24 chairs for the two citizens to sit in in the
25 corner. She failed to remain present the

1 first hour of testing as the law specifically
2 states she must do. She refused to answer
3 live questions and instead took it upon
4 herself to instruct questions to be written
5 with her responses to come at a later time.
6 How could a citizen possibly understand LNA
7 testing if we can't get answers live? None of
8 the tabulators were visible except advanced
9 voting which we could only see from the lobby
10 through a door or window. So I was unable to
11 observe tabulation. This is significant
12 because, again, in my primary this same
13 election supervisor tabulated early on day
14 eight of early voting, much of what you were
15 just discussing. That's a misdemeanor. Then
16 a new serial number was introduced into the
17 election that was never LNA tested.
18 Additionally, no zero tape was printed on that
19 machine and it magically had the same 758
20 votes as the machine that was removed from the
21 election. So it sounds very similar to what
22 you were just discussing about pulling the
23 discs. The Supervisor lied stated she did not
24 print results early, but the SLOG file says
25 otherwise. None of those people who viewed

1 the results were sequestered which is another
2 felony. The tape, itself, was also not posted
3 from that at the end of our primary election.
4 So was evidence destroyed? It was certainly
5 withheld. Also, the SLOG file shows on April
6 11th after LNA testing for the primary was
7 completed by -- around 11:00 a.m. the admin
8 reopened the machine around 3:35 p.m. and
9 intentionally altered the time clock backwards
10 so the admin had now entirely tampered with
11 LNA tests for the 2024 primary. From LNA
12 review in open record, one candidate was never
13 tested and one precinct showing zero votes on
14 the LNA tabulator. I spoke with the
15 investigator earlier this week and what he is
16 waiting on for that case to come before you is
17 a statement from the former election
18 supervisor. She has since resigned. So
19 obtaining her statement has been nearly
20 impossible. I'm hoping you can apply some
21 gentle advice to the investigators to push the
22 case forward. If they cannot obtain her
23 written statement within X number of days,
24 maybe ten or 30. There's also a current
25 election contestant case regarding our facts

1 and findings from open records obtained in the
2 2024 primary. The Supreme Court of Georgia
3 overturned a judge's decision and sent it back
4 down for review because the plaintiff never
5 had the right to a trial. No judge likes his
6 or her decision being questioned. That judge
7 may be watching today and the attorneys
8 involved are watching or certainly will be
9 following up. In fact, one attorney stated
10 this would all be dismissed today.

11 Let it be known that Ryan Germany is the
12 acting attorney for the now resigned election
13 supervisor. I'm told he often attends these
14 meetings and works closely or directly with
15 the SOS Office. One of the findings of our
16 research of open records my qualified and
17 notarized name was correct on the forms 26
18 times and is still correct on the SOS website,
19 but was incorrect on our ballot. Huge red
20 flag for me. A notarized seal was supposed to
21 hold incredible weight on legal documents and
22 proceedings. I'm a realtor and when I sell a
23 house, those documents have a notarized seal.
24 When information was presented to our local
25 elections board, the chairman actually mocked

1 me indicating I should have checked the
2 newspaper for my name accuracy rather than put
3 responsibility on the election supervisor.
4 Tampering with a ballot name is a felony. I'm
5 requesting you to not dismiss today's case
6 maybe you can table it until case 2024-143
7 comes forward, but if you do consider it
8 closed, I'm strongly asking you to send a
9 letter of reprimand to the local Board at the
10 very least. Although they are wonderful
11 individuals, they did nothing as a Board to
12 hold this election supervisor accountable.
13 Since that Supervisor has resigned, there may
14 be not -- there may not be any action you can
15 take against her on this case, 246, but you
16 can in the future case. I feel in my primary
17 the same as what someone stated yesterday
18 about Fulton County. What part of the
19 election was certified? If no action is taken
20 to encourage Board -- a Board to enforce
21 proper procedures, what confidence can any
22 candidate or citizen have that an election
23 will have integrity. Thank you so much for
24 your time and service.

25 DR. JOHNSTON: Thank you, Ms. Carver.

1 There -- are there any questions for Ms.
2 Carver?

3 (No response.)

4 DR. JOHNSTON: Since this was on the --
5 the possible dismissal list is, by any chance
6 is Appling County or a representative here?

7 (No response.)

8 DR. JOHNSTON: It might be best to
9 continue this case. Do I hear a motion?

10 MS. KING: Yeah. I make the motion that
11 we continue this case so that we can do
12 further research.

13 MR. JEFFARES: Second.

14 DR. JOHNSTON: Motion has been made to
15 continue case 2024-246, Appling County, logic
16 and accuracy testing issue and seconded by
17 Member Jeffares. Is there any further
18 discussion?

19 (No response.)

20 DR. JOHNSTON: Hearing no further, all in
21 favor say aye.

22 THE BOARD MEMBERS: Aye.

23 DR. JOHNSTON: Motion carries three to
24 zero. And the next case has been requested to
25 be pulled to hear. So we'll hear from the

1 Complainant is case SEB2024-129, Franklin
2 County, discarded ballot. Okay. Jason --
3 Jason Boyce, are you on the line?

4 MR. BOYCE: Yes, I am. Thank you, Madam,
5 Vice Chair. I would recommend --

6 DR. JOHNSTON: Mr. Boyce -- Mr. Boyce --
7 Mr. Boyce --

8 MR. BOYCE: Yes.

9 DR. JOHNSTON: I'd like to respectfully
10 ask you to limit your comments to three or
11 four minutes.

12 MR. BOYCE: Yes, ma'am.

13 DR. JOHNSTON: Please proceed.

14 MR. BOYCE: First I want to thank the SEB
15 and, specifically, Anne and Hope or this case
16 would have been dismissed last summer. So
17 we're moving forward here. There are actions
18 that could be taken prior to dismissing this
19 serious violation. It's not a missing ballot.
20 It's over 100 ballots found in a dumpster,
21 allegedly, and there are following items that
22 could be considered maybe already have, but I
23 have not been informed before this dismissal.
24 The whistleblower was he ever -- was the
25 whistleblower ever deposed? Why was the

1 whistleblower not protected by the county
2 and/or state? Franklin County even outed the
3 whistleblower in the Franklin County paper of
4 record. Who was involved in interviewing the
5 whistleblower? And in my opinion, as I was
6 supposed to be interviewed, I was actually
7 interrogated. So he might have been also. Is
8 that when the whistleblower allegedly recanted
9 the information that he had provided others?
10 During the time in question, did the
11 whistleblower request improvements to his work
12 environment? Where were the improvements
13 made? Did the whistleblower receive any gifts
14 from the county? Were any of those
15 whistleblower's questions even considered by
16 the investigator?

17 At the time of the filing that I made, I
18 was told the alleged phone and pictures of the
19 ballots still existed. This is years ago.
20 Has the phone been acquired? After all of it,
21 or is it actually gone? The facility where
22 these ballots were allegedly dumped was
23 locked. Who had access to the keys? Were
24 they deposited? The alleged ballots and empty
25 envelopes were absentee. Who had access to

1 those ballots? Were they deposited? 113
2 ballots were alleged plus empty envelopes.
3 Was the number of voted absentee ballots
4 compared to the number of absentee ballots
5 sent to Franklin County? Was the number of
6 absentee ballots received by Franklin County
7 Elections compared to the ones that were shown
8 to be voted. Allegedly, the whistleblower
9 supervisor was informed of the ballots,
10 checked with someone else, returned and then
11 told the whistleblower to return the ballots
12 to the dumpster and to forget about it. Was
13 the supervisor deposed? What did he -- who
14 did the supervisor contact? What calculation
15 exists between -- or what correlation exists
16 between people that had access to the alleged
17 ballots. People with motive not to count
18 ballots. People who could get a key and cell
19 tower pings during the nights in question.
20 What races may have been affected by those
21 unvoted ballots? We don't even know if there
22 were more unvoted ballots. We don't even know
23 if those unvoted ballots were fake.

24 My wife and I were correctly told that
25 we could not vote in a prior federal, state,

1 local election in Franklin County because we
2 had already voted absentee ballots. The
3 absentee ballot records available scrutinized
4 with eyes that might be fraudulent.

5 DR. JOHNSTON: Thank you, Mr. Boyce. Are
6 there any questions for Mr. Boyce?

7 (No response.)

8 DR. JOHNSTON: Perhaps is anyone from
9 Franklin County present? Yes, sir.

10 MR. MARKS: Is it on?

11 DR. JOHNSTON: Yes.

12 MR. MARKS: Good morning, Madam Chair,
13 rest of the Board. Ryan Marks here
14 representing Franklin County Board of
15 Elections. I was there when the investigators
16 came and visited the Franklin County Board of
17 Elections. I participated, as well as with
18 the other supervisor, our new supervisor for
19 the Board of Elections. We participated in
20 the investigation. We provided what we had
21 and what we knew to the investigators and
22 since the -- since they were there on that
23 day, we have not heard anything more from the
24 investigators or from the State Election
25 Board. And so I'm here today because we

1 received notice as to possible dismissal of
2 this, but, once again, regarding some of the
3 things that Mr. Boyce said, I would look to
4 the investigators to look into that.

5 Once again, we participated fully and
6 completely with the investigation and that's
7 the last we've heard of it was from the day
8 they -- they showed up at the Board of
9 Elections -- Board of Elections Office and did
10 their investigation.

11 DR. JOHNSTON: Thank you. And give us
12 your name, again.

13 MR. MARKS: Ryan, R-Y-A-N, Marks, M-A-R-
14 K-S.

15 DR. JOHNSTON: Thank you, Mr. Marks. Are
16 there any questions for Mr. Marks?

17 MS. KING: No questions. I -- I think
18 it's important to note that on cases that are
19 -- I know Dr. Jan -- sorry, Vice Chair --
20 Madam Vice Chair, I know you mentioned
21 yesterday that a lot of times when we have
22 cases that are on the dismissal list, it's not
23 because we don't think there was any
24 wrongdoing, but it may be that we just don't
25 have enough evidence or documentation or proof

1 that there was wrongdoing. And in this case
2 with the witness, the additional witness,
3 well, the witness because I know Mr. Boyce I
4 don't think you were there, you were informed
5 of this but with the witness no longer wanting
6 to communicate with the investigators or work
7 on this, it just kind of puts us at a
8 standstill as to what we can do. If we were
9 to proceed with sending this to the Attorney
10 General's Office, I don't know what they'll be
11 able to do without having a witness that's
12 willing to participate. So that's why I did
13 not pull this and I do agree that it should be
14 dismissed, unfortunately.

15 DR. JOHNSTON: Findings by the
16 investigators are that there is insufficient
17 evidence to suggest that ballots were
18 discarded as told by Mr. Kernodle (ph) and Mr.
19 Kernodle is allegedly the only person to have
20 witnessed the incident, no longer wants to
21 communicate with the investigator and does not
22 want to talk about the incident further. So
23 this is one of those cases where there's
24 insufficient evidence. Is there a motion?

25 MS. KING: I want --

1 MR. BOYCE: May I make a comment, Madam
2 Vice Chair?

3 MS. KING: One -- one second. Our -- our
4 investigator --

5 MR. PATTON: Jesse Patton with the State
6 Election Board. There is a statement. There
7 is a statement accompanied from the
8 Complainant, it's in the file.

9 MS. KING: Yeah. The statement further -
10 - the statement, basically, without, you know,
11 reading it in detail further, basically,
12 states that he was -- the one person who
13 witnessed it does not want to be involved in
14 this at all. So...

15 DR. JOHNSTON: I'll entertain a motion
16 for this case?

17 MR. BOYCE: May I make a comment?

18 DR. JOHNSTON: Yes, sir, Mr. Boyce.

19 MR. BOYCE: Thank you. Two things that
20 were simple to follow-up on that could prove
21 that there was pressure put upon the
22 whistleblower. One is, was he ever deposed
23 under oath. Two is, did the supervisor ever
24 get deposed because that would corroborate his
25 story at the time. And did the county ever

1 give the whistleblower any gifts prior to his
2 being fired? Thank you.

3 DR. JOHNSTON: Thank you, Mr. Boyce.

4 MS. KING: Well, you know, this is not a
5 court of law so we've got to move forward and
6 based on the statement from the witness, I
7 make a motion that we continue with dismissing
8 this case.

9 DR. JOHNSTON: There's a motion to
10 dismiss this case. Is there a second?

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: Motion and second to
13 dismiss 2024-129. Is there any further
14 discussion?

15 (No response.)

16 DR. JOHNSTON: If no further discussion,
17 all in favor say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Motion carries three to
20 zero.

21 MR. BOYCE: I'd like to thank the SEB for
22 all the work they do and thank you for letting
23 me speak.

24 DR. JOHNSTON: Thank you, Mr. Boyce.

25 MS. KING: Thank you.

1 DR. JOHNSTON: On to the rest of the --
2 of the dismissal cases that are listed in our
3 agenda beginning with 2022-302 through --
4 through case 2022-233 with the exception of
5 the two that were pulled. These have been
6 reviewed by the Board and recommended for
7 dismissal. Do I hear a motion?

8 MR. JEFFARES: So moved.

9 DR. JOHNSTON: So moved to dismiss the
10 listed cases. Is there a second?

11 MS. KING: Second.

12 DR. JOHNSTON: Motion and a second to
13 dismiss the recommended dismissal cases. Any
14 further discussion?

15 (No response.)

16 DR. JOHNSTON: If none, all in favor say
17 aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Motion carries three to
20 zero. Next we'll move on to violation cases.
21 First case is SEB2022-089, Wayne County,
22 provisional ballot issue. It's tab 33 in your
23 paper binder. This is -- this is a case a
24 complaint of reported early voting period. An
25 elector showed up after the poll had closed at

1 5:00 p.m., but the elector still -- was still
2 allowed to vote via a provisional ballot. The
3 elector's identity was verified through
4 ElectionNet and because the system was not
5 shut down.

6 The findings are that the -- Mr. Barron
7 was implied -- implied that he arrived at the
8 voting location before 5:00 p.m. closing time.
9 He was readily willing to accept the fact he
10 would not be allowed to cast his ballot on
11 that day, ultimately, though, it was decided
12 that Mr. Brannon, sorry, Brannon be provided a
13 provisional ballot which was later accepted
14 and he was notified his vote was counted.
15 Potential violation is for Wayne County, Susan
16 Nash. Is Wayne County here -- a
17 representative here?

18 (No response.)

19 DR. JOHNSTON: No? Okay. So there's
20 sufficient evidence to show that Susan Nash
21 violated O.C.G.A. 21-2-385, procedure for
22 voting by absentee ballot, advanced voting
23 which states voting shall be conducted between
24 9:00 a.m. and ending at 5:00 p.m. on weekdays
25 other than observe state holidays during such

1 period. Any discussion?

2 (No response.)

3 DR. JOHNSTON: No discussion. I'll
4 entertain a motion.

5 MS. KING: I make a motion that we issue
6 a letter of reprimand to Wayne County.

7 DR. JOHNSTON: There's been a motion to
8 issue a letter of reprimand to Wayne County.
9 Is there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: Motion and a second to
12 issue a letter of reprimand to Wayne County
13 for SEB2022-089. Is there any further
14 discussion?

15 (No response.)

16 DR. JOHNSTON: No further discussion, all
17 in favor say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Motion carries three to
20 zero. Next case is Wayne County, use of cell
21 phone in a polling place, case number 2022-
22 351. The Respondent -- is Warner Adams here?

23 (No response.)

24 DR. JOHNSTON: Is there a representative
25 from Wayne County?

1 (No response.)

2 DR. JOHNSTON: No. Findings of a
3 potential violation is there is evidence to
4 suggest that Warner Adams violated O.C.G.A.
5 21-2-413, conduct of voters and that Mr. Adams
6 did on December 6th, 2022 knowingly and
7 willfully used his cell phone to take
8 photographs inside the Sam Gerard Community
9 Center polling place. In their investigative
10 report, Mr. Adams admitted that he used his
11 cell phone in the polling place and stated
12 that he did not take a picture of the scanner,
13 but took a picture of his ballot on the BMD.
14 He further stated he had taken a picture of
15 his ballot every time he voted since that
16 incident. When asked why Mr. Adams said that
17 it was -- he said it was his vote and he
18 wanted a record of it. And that he knew his
19 rights. Is there any -- any questions or
20 discussion?

21 (No response.)

22 DR. JOHNSTON: No. I'll entertain a
23 motion.

24 MS. KING: With the letter of reprimand,
25 do we still include instructions on what the

1 law says?

2 DR. JOHNSTON: Yes.

3 MS. KING: Okay. That's what I was
4 thinking. All right. I make a motion that we
5 issue a letter of reprimand to Mr. Adams so
6 that he is informed of what the law really
7 says.

8 DR. JOHNSTON: There's a motion to issue
9 a letter of reprimand for Mr. Wayne -- or for
10 Mr. Adams. Is there a second?

11 MR. JEFFARES: Second.

12 DR. JOHNSTON: Warner Adams. Motion and
13 seconded for a letter of reprimand. Is there
14 any further discussion?

15 (No response.)

16 DR. JOHNSTON: None. All in favor of a
17 letter of reprimand say aye.

18 THE BOARD MEMBERS: Aye.

19 DR. JOHNSTON: Motion carries three to
20 zero. Next case is Long County districting
21 issues, SEB2022-051. The complaint is that
22 Jeffrey Harryman went to vote in the advance
23 voting period and was given a -- a District 5
24 ballot instead of a District 3 ballot. Mr.
25 Harryman held off on casting his ballot and

1 brought the issue to the attention of a poll
2 worker. They pulled Mr. Harryman's address up
3 in the computer advised -- advised him he was
4 in District 5 and given the correct ballot.
5 He advised the poll worker that his next-door
6 neighbor was running for District 3
7 Commissioner and there had been a recent
8 change to the districts.

9 The investigation revealed that due to
10 recent re-districting the address was listed
11 incorrectly in ENet, although Mr. Harryman had
12 already voted and left. There was some
13 question about whether the incorrect address
14 had come through Department of Driver's
15 Services; however, that appeared not be the
16 problem. And a proper re-districting had not
17 occurred. There's evidence to suggest Long
18 County Board of Elections and Registration and
19 Sarisha (ph) Snell violated SEB Rule 183-1-
20 12.11, conducting elections when they issued
21 Jeffrey Harryman an incorrect ballot during
22 the advanced voting period on May 4th, 2022.
23 Mr. Harryman is not present. Any discussion?
24 Is Long County present?

25 (No response.)

1 DR. JOHNSTON: Any questions or
2 discussion?

3 (No response.)

4 DR. JOHNSTON: Do I hear a motion?

5 MS. KING: Yes. I make a motion we issue
6 a letter of reprimand to Long County.

7 DR. JOHNSTON: There's been a motion to
8 issue a letter of reprimand to Long County.
9 Is there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: There's a motion and a
12 second to issue a letter of reprimand to Long
13 County for case 2022-051. The Respondents are
14 Long County Board of Elections and
15 Registration and Sarisha Snell, Election
16 Supervisor. Is there any further discussion?

17 (No response.)

18 DR. JOHNSTON: None. If not, all in
19 favor say aye.

20 THE BOARD MEMBERS: Aye.

21 DR. JOHNSTON: Did you say aye?

22 MS. KING: Aye.

23 DR. JOHNSTON: Motion carries three to
24 zero. The next case is Long County,
25 interference with an election, SEB2022-304.

1 In this case Assistant Election Supervisor,
2 Susan Jones, reported being stopped in the
3 parking lot of the election office by a lady
4 driving a red vehicle. The lady tried to
5 redirect Ms. Jones to an incorrect polling
6 location by telling her she was supposed to go
7 to City Hall polling location instead of the
8 South Ludichi polling location. I hope I said
9 Ludichi right. During the conversation the
10 lady mentioned how she had already spoken with
11 five to seven voters and redirected them to
12 different polling locations. Ms. Jones
13 reported that the lady was also directing
14 voters to report Long County to the Secretary
15 of State Office for having incorrect polling
16 locations. The lady offered Ms. Jones a kit
17 kat or condom as a protest. The conversation
18 concluded with Ms. Jones informing the lady
19 she was the Assistant Election Supervisor for
20 Long County. Ms. Jones got in her car and
21 left.

22 (Brief conversation off the record.)

23 DR. JOHNSTON: This case has been
24 requested for a continuance until the January
25 21st meeting.

1 MR. MILLS: Is there a motion?

2 DR. JOHNSTON: Is there a motion to
3 continue this case?

4 MS. KING: I make a motion that we
5 continue this case.

6 MR. JEFFARES: Second.

7 DR. JOHNSTON: A motion and a second to
8 continue this case. Is there any discussion?

9 (No response.)

10 DR. JOHNSTON: No. Hearing none, all in
11 favor say aye.

12 THE BOARD MEMBERS: Aye.

13 DR. JOHNSTON: Motion carries three to
14 zero. Next case is 2022-058, Screven County,
15 closed scanner early. Election Supervisor,
16 Hannah Dareso (ph) reported that a poll worker
17 accidentally closed the ballot scanner early
18 on May 11th, 2022 during advanced voting for
19 the May 24th, 2022 general primary. Mr. Smith
20 explained the poll worker -- explained that he
21 was in the process of powering down the polls
22 for the day when he accidentally closed out
23 the ballot scanner. After the tapes printed,
24 Mr. Smith had -- was given the option to zero
25 out which he did not do. The tapes were given

1 to Ms. Dareso who documented the incident,
2 sealed and secured the tapes in her office.
3 There's evidence to suggest Screven County
4 Board of Elections and Registration, Hannah
5 Dareso, Dorothy Glisten and Greg Smith
6 violated Election Board Rule 183-1-14-.029,
7 advanced voting when poll worker Greg Smith
8 closed the ballot scanner early and printed
9 the tapes during advanced voting for the May
10 24th, 2022 general primary. Is there
11 representative from Screven County?

12 MS. SCOTT: Yes.

13 DR. JOHNSTON: Yes.

14 MS. SCOTT: I have some materials for
15 y'all for the call of the cases.

16 DR. JOHNSTON: Please go ahead.

17 MS. SCOTT: Okay. So first of all, I'd
18 like to thank y'all for all that you do. And
19 also I want to recognize the SEB investigators
20 they were very prompt and very helpful when I
21 had questions about the whole process as this
22 is my first time. I'm Stacey Scott from
23 Screven County. I'm the new Election
24 Supervisor. I was not there when this
25 occurred and we don't deny that it happened,

1 but it was simple error on the part of the
2 poll worker. That's actually the procedure
3 that you would follow on election day to close
4 out the scanner card. It was a simple mistake
5 on his part. I want to emphasize that we have
6 worked hard to improve poll worker training
7 and we have a -- we have started having
8 separate training for our AIP poll workers to
9 make sure things like this don't happen again.
10 We've worked really hard to correct some of
11 the things that were going on, but I have some
12 concerns about some things that were in the
13 investigative report.

14 The first one, is that it says that they
15 spoke with Mr. Smith and Ms. Glisten and both
16 of them deny ever talking to an investigator.
17 I was not able to see those -- like the
18 memorandum of the interview, but they said
19 that they never spoke with an investigator.
20 If you look on page 3, Mr. Smith wrote a
21 personal statement about this and he says that
22 he did write a detailed explanation of what
23 happened at the time that it happened but he's
24 never spoken to anybody from the state
25 investigator or otherwise regarding the

1 incident. Beyond that, I was concerned
2 because it gives the wrong address for him.
3 He's never lived at that address, but more so
4 the phone number he's never had that phone
5 number, but when I did a reverse search on the
6 phone number that it lists, it shows another
7 Smith and I'm very confused as to how they
8 would get a phone number that in some cases
9 was listed for a Greg Smith, but is not the
10 number he's ever had, but does show up for
11 being a Greg Smith or another person with the
12 last name Smith depending on which one I went
13 to that's just confusing to me and I have some
14 concerns about the investigation in general,
15 but we don't deny that it happened and that
16 we've taken steps to keep it from happening
17 again.

18 DR. JOHNSTON: Thank you. And is
19 Complainant, Hannah Dareso here?

20 MS. SCOTT: She is not. She no longer
21 works for the county and we don't have contact
22 with her.

23 DR. JOHNSTON: Okay. Are there any
24 questions?

25 MS. KING: It's very thorough. Thank

1 you.

2 DR. JOHNSTON: Any questions for Ms.
3 Scott?

4 (No response.)

5 DR. JOHNSTON: No. I'll entertain a
6 motion.

7 MS. KING: I make a motion that we issue
8 a letter of instruction just because it did
9 happen.

10 DR. JOHNSTON: There's been a motion to
11 issue a letter of instruction. Is there a
12 second?

13 MR. JEFFARES: Second.

14 DR. JOHNSTON: Second. General question
15 -- I have a general question. Is Mr. -- the -
16 - the right Mr. Smith still working?

17 MS. SCOTT: He's actually my poll manager
18 for AIP. He's an incredible poll manager. He
19 was, like, he did -- he was actually a federal
20 observer for 45 years or something like that,
21 but he is still working with the county.

22 DR. JOHNSTON: Okay. We'll -- we'll look
23 into the issue about the interview or with the
24 Secretary of State investigators.

25 MS. SCOTT: Thank you. That was just

1 concerning to me.

2 DR. JOHNSTON: Yes.

3 MS. SCOTT: (Inaudible) and both of them
4 said that they never spoke with anyone and he
5 does have (inaudible) his phone number in his
6 personal statement where I can give you a
7 (inaudible) copy of that.

8 DR. JOHNSTON: Thank you. I will just
9 say I've heard from many poll workers or
10 managers that -- people that work in the
11 elections that it's easy to close out the
12 poll. It -- it's not that hard to -- you
13 think you're power -- just powering down for
14 the day and shutting -- shutting the machines
15 down for the night in advanced voting, in
16 particular, but it's not hard to hit the wrong
17 button or answer the wrong tab and boom,
18 you've closed out the -- and tabulated the
19 election. And the point there is is we don't
20 want elections tabulated before election day.
21 You know, that's the whole point of that.
22 It's -- but it's, you know, it -- it does
23 happen, not, you know, we really need to look
24 -- try very hard not to let that happen.

25 MS. SCOTT: Yes, thank you.

1 DR. JOHNSTON: So there's a motion for a
2 letter of instruction. Any further questions
3 or discussion?

4 (No response.)

5 DR. JOHNSTON: If none, all in favor say
6 aye.

7 THE BOARD MEMBERS: Aye.

8 DR. JOHNSTON: Motion carries three to
9 zero. Next case is Screven County, SEB2022-
10 271, absentee ballot application issues. This
11 is a case from two -- I'll briefly read this
12 is the case submitted by Senator Max Burns
13 alleged that a nursing home requested 12
14 absentee ballots for residents without
15 accurate voter identification information.
16 Senator Burns also alleged one of the resident
17 applicants suffers from dementia and could not
18 legitimately request an absentee ballot or
19 vote. Lastly, Senator Burns alleged that
20 nursing home staff voted for residents without
21 their knowledge or consent. The investigation
22 -- in the investigation, the nursing home
23 residents were interviewed and report made by
24 the investigators and all those -- the -- they
25 were all -- I think they were all assisted and

1 the residents might not have remembered making
2 the application, but they did attest to their
3 signatures or that they vote -- and they
4 attested that they voted of their own free
5 will. So in conclusion, the -- the
6 investigators found that Ms. Glisten the
7 former supervisor did not send proper
8 envelopes to go with the provisional absentee
9 ballots and found a violation of O.C.G.A. 21-
10 2-384, preparation, and delivery of supplies.
11 So Ms. Scott?

12 MS. SCOTT: Yes, ma'am. We actually had
13 some issues with the nursing home again, but
14 we were -- I worked with Blake Evans to make
15 sure that we followed the proper protocol to
16 get those out properly and make sure we had
17 the correct IDs there. Regarding the actual
18 issue with the findings, there's not a lot I
19 could say about that, but I've created a
20 checklist to make sure we get the right
21 information out for future ones and I am in
22 charge of doing the absentee ballots now. So
23 we're doing everything we can to correct these
24 issues and get things where they need to be.

25 DR. JOHNSTON: For the correct forms?

1 MS. SCOTT: Yes, ma'am.

2 DR. JOHNSTON: And privacy envelopes and
3 whatever. Are there any questions?

4 (No response.)

5 DR. JOHNSTON: No questions. My -- my
6 question was, of course, the issue of
7 vulnerable voters in nursing home residents
8 and whether they're being protected and --
9 protected and assisted properly and that's an
10 issue all by -- all by itself. And there --
11 there are some states that have dual party
12 registration teams that will visit nursing
13 homes and assist voters with a deputy
14 registrar from one party and a deputy
15 registrar from the other party so they're
16 witnessing each other and making sure that the
17 proper procedure and voting rights of the
18 resident are protected.

19 MS. SCOTT: That would actually be very
20 helpful and I just want to mention that the
21 resident in question, the one that Senator
22 Burns actually made the complaint regarding it
23 was his stepbrother. So he did have -- aware
24 -- it wasn't just a general resident so he
25 does have close tie -- like, he does have

1 awareness of -- ability, but we don't try to
2 make that determination. We give out the
3 ballots as we're...

4 DR. JOHNSTON: That -- that would be a
5 great recommendation to the Legislature to
6 provide for dual party -- deputy registrars to
7 visit long-term care facilities and witness
8 and assist with voting and -- and also watch
9 each other. And I do not see Senator Burns
10 here today. Any other questions? If not,
11 I'll entertain a motion.

12 (No response.)

13 MS. KING: I make a motion that we issue
14 a letter of instruction in regards to this
15 case.

16 DR. JOHNSTON: There's a motion for a
17 letter of instruction. Is there a second?

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: A letter of instruction
20 and a second for Screven County regarding the
21 Rule -- O.C.G.A. 21-2-384(b), preparation of
22 ballots. Is there any further discussion?

23 (No response.)

24 DR. JOHNSTON: If not, all in favor say
25 aye.

1 THE BOARD MEMBERS: Aye.

2 DR. JOHNSTON: Motion carries three to
3 zero. The next case, Screven, you're on.
4 Screven County, case number 2022-320,
5 districting issues.

6 MS. SCOTT: Yes, ma'am. Again, I was not
7 the election supervisor at this -- at that
8 time. In fact, I was a candidate in this
9 race. And I actually, just for full
10 disclosure, I went to the county because I
11 noticed problems with the voter roles and I
12 believe that some of the stuff that I pointed
13 out was later used in the lawsuit, but the big
14 thing here is, again, we have made strides to
15 get those voter roles correct. Since I've
16 come onboard, we've gotten GIS data. I'm
17 working with Thomas Hall -- Thomas Bratz who
18 is Hall County who is like an expert at using
19 the GIS data. And we are in the -- we've
20 gotten -- we've made a lot of corrections, but
21 we are in the process of fine-tuning that to
22 make sure that we don't have those kind of
23 errors again and we also have gone from a
24 split board to a single board and then I was
25 brought on as part of the efforts to try to

1 fix things, but one of the big things I wanted
2 to point out in this case is, there is already
3 been a lawsuit and we held an election in, I
4 believe, June of 2000 -- it would have been
5 June 2023 to correct that issue, as well.

6 DR. JOHNSTON: Correct. So this involved
7 20 electors whose voting districts were
8 changed, correct, and this resulted in a
9 lawsuit and ordering a new election?

10 MS. SCOTT: That is correct.

11 DR. JOHNSTON: Right. Right. So the --
12 there -- the conclusion is from the
13 investigation there's evidence to support the
14 allegation that Dorothy Glisten, former
15 registrar of Screven County, violated O.C.G.A.
16 21-2-226(b) duties of county for determining
17 eligibility of voters. Any questions -- any
18 further questions for Ms. Scott?

19 (No response.)

20 DR. JOHNSTON: No. I'll entertain a
21 motion.

22 MS. KING: I make a motion that we issue
23 a letter of instruction. Ms. Dorothy's no
24 longer there. It looks like Screven --

25 MS. SCOTT: She is not.

1 MS. KING: She's not there, okay.
2 MS. SCOTT: (Inaudible)
3 DR. JOHNSTON: She's no longer there?
4 MS. SCOTT: I mean, she -- she
5 (inaudible)
6 DR. JOHNSTON: Okay.
7 MS. KING: Yeah.
8 MS. SCOTT: (Inaudible)
9 MS. KING: Okay. And I do believe that
10 Screven is in good hands because judging by
11 all this. So I -- I make a motion that we
12 issues a letter of instruction.
13 DR. JOHNSTON: Okay. There's a motion
14 for a letter of instruction. Is there a
15 second?
16 MR. JEFFARES: Second.
17 DR. JOHNSTON: And a second. There's a
18 motion for a letter of instruction to Screven
19 County and Dorothy Glisten, for cases 2022-
20 320. Is there any further discussion?
21 (No response.)
22 DR. JOHNSTON: None. If not, all in
23 favor say aye.
24 THE BOARD MEMBERS: Aye.
25 DR. JOHNSTON: Motion carries three to

1 zero.

2 MS. KING: Thank you.

3 DR. JOHNSTON: Thank you. I think that's
4 all, Ms. Scott.

5 MS. SCOTT: Yes, ma'am. Thank y'all.

6 DR. JOHNSTON: Next case is Toombs
7 County, voter registration problems, case
8 number 2022-151. Secretary of State's Office
9 received a complaint alleging that a person
10 registered to vote in Toombs County moved out
11 of the state of Georgia, registered to vote in
12 Florida and returned to Georgia in the 2020
13 election, both state voter registration
14 records show the same full name and birth
15 dates. The complaint also alleges that the
16 Respondent registered while still on probation
17 in Georgia on August 28th, 2020. Is Mr.
18 Saulter (ph) here?

19 (No response.)

20 DR. JOHNSTON: Laron (ph) Saulter?

21 (No response.)

22 DR. JOHNSTON: Is the Complainant, Ian
23 Camacho, present?

24 (No response.)

25 DR. JOHNSTON: No. So this case the --

1 the Respondent registered to vote in Georgia
2 in 2011. Then registered to vote in Florida
3 in 2015. Then re-registered to vote in 2018
4 in Bibb County, transferred his registration
5 to Toombs County in 20 -- some time after
6 2018, voted in Georgia and then now has moved
7 to South Carolina and is registered in South
8 Carolina. Technically, when Mr. Saulter
9 registered to vote -- when he registered to
10 vote, he was still on probation, but at -- by
11 the -- at the date that he voted, he was no
12 longer on probation. Is there any discussion?

13 (No response.)

14 DR. JOHNSTON: I'll entertain a motion.

15 MS. KING: I make a motion that we send
16 this to the Attorney General's Office to allow
17 them to further investigate.

18 DR. JOHNSTON: There's been a motion to
19 refer to the Attorney General. Is there a
20 second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: There's a motion and a
23 second to refer this to the Attorney General
24 for further investigation. Is there any other
25 discussion?

1 (No response.)

2 DR. JOHNSTON: If none, all in favor say
3 aye.

4 THE BOARD MEMBERS: Aye.

5 DR. JOHNSTON: Motion carries three to
6 zero. Next case is Mitchell County, voter
7 registration fraud, case number 2022-229. The
8 complaint is the Secretary of State received a
9 complaint concerning -- from Mitchell County -
10 - from the Mitchell County Election
11 Supervisor. There were four registration
12 cards that were turned in with incorrect
13 information. The voter registration cards
14 appeared to be filled out by the same person,
15 according to Mitchell County supervisor. Ms.
16 Nickerson, the -- on September 15th Ms.
17 Nickerson received a 161 ballot application
18 drop offs from New Georgia Project along with
19 a copy of the accompanying transmittal sheet
20 left with the applications. Ms. Bennett
21 reported receiving four voter registration
22 applications that appeared suspicious and
23 potentially fraudulent. The first application
24 was for Hazel Simmons who listed an address in
25 an apartment complex, but failed to include an

1 apartment number, phone number provided was
2 incorrect. Ms. Bennett proceeded to register
3 Ms. Simmons, but noted she would be required
4 to present identification prior to voting.
5 The second application submitted under the
6 name Jeffery Simmons -- Simeons put in a non-
7 existent address and an incorrect phone
8 number. As a result, he was not registered.
9 The third application was for Jasmine Robinson
10 who provided a false street -- street number
11 and an incorrect phone number. Although
12 Robinson had previously registered on April
13 25th, 2022, the personal identifying
14 information on the new application was
15 determined to be false. The fourth
16 application was for Aaron Stit who was found
17 to have previously moved out-of-state in 2012.
18 His application listed an incorrect date of
19 birth, an invalid social security number and a
20 false phone number. He was not registered.
21 Is the -- is Frantasia (ph) Williams present?

22 (No response.)

23 DR. JOHNSTON: Is there a representative
24 Wendy Bennett present?

25 (No response.)

1 DR. JOHNSTON: From Mitchell County?

2 (No response.)

3 DR. JOHNSTON: Any discussion or
4 questions?

5 (No response.)

6 DR. JOHNSTON: I'll entertain a motion.

7 MS. KING: I make a motion that we send
8 this matter to the respective DA, as well as
9 the Attorney General's Office.

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: There's been a motion and
12 a second to refer this to the appropriate
13 district attorney and the Attorney General's
14 Office for a violation of O.C.G.A. 21-2-562,
15 fraudulent entries, unlawful alteration or
16 destruction of entries, unlawful removal of
17 documents or neglect or refusal to deliver
18 documents when Ms. Williams turned in
19 fraudulent voter applications to the Mitchell
20 County Election Office. Are there any -- any
21 discussion from the Board?

22 (No response.)

23 DR. JOHNSTON: No. All in favor of this
24 motion say aye.

25 THE BOARD MEMBERS: Aye.

1 DR. JOHNSTON: Motion carries three to
2 zero. Next case is Jeff Davis County,
3 unqualified elector, SEB2022-122. This is a
4 complaint that in allegation 1, that Anthony
5 Wooten was allowed to vote a ballot during the
6 advanced voting period for June 21, 2022, run
7 -- primary runoff. This was an issue because
8 Mr. Wooten voted a Republican ballot during
9 the primary election and was not eligible to
10 participate in the runoff due to it being a
11 Democrat only ballot.

12 Allegation 2, is that after Anthony
13 Wooten participated in the primary runoff on
14 June 21st, Assistant Election Supervisor,
15 Gavin Cravey (ph), changed Anthony Wooten's
16 party selection for the May 22 general primary
17 from Republican to Democrat. Is Mr. Cravey
18 present or Ms. Mumford present?

19 (No response.)

20 DR. JOHNSTON: Is Christy Riner, the
21 Complainant present?

22 MR. HINSLEY: My name is Nick Hinsley.
23 I'm an attorney speaking on behalf of -- of
24 Jeff Davis County Board of Elections and
25 Christy Riner.

1 DR. JOHNSTON: Jeff Davis?

2 MR. HINSLEY: Yes.

3 DR. JOHNSTON: Yes. Yes.

4 MR. HINSLEY: So -- so -- just for
5 specification, the -- the Respondents are --
6 Mr. Cravey and Ms. Mumford, personally. So I
7 didn't know, you know, if this could come back
8 on -- on Jeff Davis County Board of Elections
9 or Christy Riner who was the Election
10 Supervisor. She was the Election Supervisor
11 at the time, too.

12 As you can see, Mr. Cravey is a former
13 elections assistant and Ms. Mumford was a poll
14 worker who I understand is no longer going to
15 -- to serve in that role. So that -- that's
16 my first and -- question and, you know, if --
17 if this is not a Board of Elections issue,
18 I'll step aside.

19 DR. JOHNSTON: Yes, sir. I -- I don't --
20 I do not see the -- the county listed as a
21 Respondent, although both of the named
22 Respondents worked for the -- for the county
23 during the election.

24 MR. HINSLEY: I can speak to -- to the
25 county's reaction of the situation or -- or --

1 or actions taken after finding out.

2 Obviously, I can't speak on behalf of Ms.

3 Mumford and Mr. Cravey.

4 DR. JOHNSTON: Well, please share with us
5 the county's response.

6 MR. HINSLEY: Sure. So -- so as far as
7 the allegation number 1 and Ms. Mumford, what
8 she did was at the runoff this was when the
9 old ENet system was -- was in place and it's
10 my understanding that the party election for -
11 - for an individual is at the bottom of the --
12 you got to scroll down to the bottom of the --
13 of the, I guess, you could say the -- the
14 computer image and at the top was what she
15 looked at it where -- where it said that he
16 had voted Republican in the most recent
17 election. If -- if you look at the law that's
18 she's purported to violate, I think, it's
19 O.C.G.A. 21-2-590(2), it prohibits the poll
20 officer from permitting an -- person
21 registered as an elector to vote knowing that
22 such person is not qualified to vote. That
23 knowing element is not satisfied here. She --
24 it was a pure accident she did -- did it
25 without knowing that -- he was not qualified

1 to vote in that runoff. So for that reason,
2 I'd ask that allegation 1, be dismissed.

3 As far as allegation 2, that was done
4 after the runoff, Mr. Cravey went back and --
5 and changed Mr. Wooten's party election. It's
6 my understanding this was just done to -- to
7 benefit Ms. Mumford, the aforementioned poll
8 worker. Mr. Cravey no longer works for the
9 county. He -- he resigned for different
10 reasons just to take a different job. When he
11 reported it to the Election Supervisor, Ms.
12 Riner, she immediately self-reported to the
13 Secretary of State. She reprimanded Mr.
14 Cravey who is remorseful and apologetic. As
15 far as preventing -- preventing this from
16 happening in the future, the -- the new JARVIS
17 system, I understand, is -- is much more
18 difficult to -- to compromise or to do this to
19 do this -- this situation. It would require a
20 manual override and -- and the system actually
21 records all the actions. So, again, Mr.
22 Cravey is a -- a former employee who was
23 disciplined for this issue. And due to these
24 mitigating factors, we request that -- that,
25 you know, at most a letter of instruction be

1 given to the county.

2 DR. JOHNSTON: Are there any questions
3 for the county? Question: Ms. Mumford was
4 working and she certainly was looking up the
5 voter -- the -- was the information present in
6 the ElectionNet that the person had voted in
7 the Republican primary? And it was --

8 MR. HINSLEY: Yes. So -- so at --

9 DR. JOHNSTON: -- it was not --

10 (Crosstalk.)

11 MR. HINSLEY: -- it showed -- which is
12 what she looked at, but the correct
13 information was at the bottom.

14 DR. JOHNSTON: Correct information at the
15 bottom, right. So she did not scroll to the
16 bottom of the -- the ElectionNet page? I --

17 MR. HINSLEY: Correct.

18 DR. JOHNSTON: -- assume. Right. And
19 Mr. Cravey changed -- changed an election
20 document, correct?

21 MR. HINSLEY: That's my understanding.

22 DR. JOHNSTON: Okay. Are there any
23 question -- further questions?

24 (No response.)

25 DR. JOHNSTON: No further questions, I'll

1 entertain a motion.

2 MS. KING: Since the county is not listed
3 as a Respondent, I don't think we have to send
4 anything to them. So my motion is in
5 reference to the -- let's see --

6 DR. JOHNSTON: Consider both allegations
7 number 1, would be to Mum -- Shanta (ph)
8 Mumford, poll worker.

9 MS. KING: I'm -- I make a motion that we
10 issue a letter of reprimand to Ms. Mumford.

11 DR. JOHNSTON: There's been a motion to
12 issue a letter of reprimand to Ms. Mumford for
13 violation of O.C.G.A. 21-2-590. Is there a
14 second?

15 MR. JEFFARES: Second.

16 DR. JOHNSTON: There's a motion and a
17 second. Any further discussion?

18 (No response.)

19 DR. JOHNSTON: No further discussion, all
20 in favor say aye.

21 THE BOARD MEMBERS: Aye.

22 DR. JOHNSTON: Motion carries three to
23 zero. The second allegation is Anthony
24 Cravey, there's evidence to suggest Mr. Cravey
25 violated O.C.G.A. 21-2-562 when he

1 intentionally changed Anthony Wooten's party
2 selection for the May 24th, 2022 general
3 primary from Republican to Democrat.

4 MS. KING: I make a motion that we issue
5 a letter of reprimand to Mr. Cravey.

6 DR. JOHNSTON: There's a motion to issue
7 a letter of reprimand. Is there a second?

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: There's a motion and a
10 second to issue a letter of reprimand to Mr.
11 Cravey. Is there any further discussion?

12 (No response.)

13 DR. JOHNSTON: No further discussion, all
14 in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Motion carries three to
17 zero. Thank you, sir.

18 MR. HINSLEY: Thank you.

19 DR. JOHNSTON: Next case is Candler
20 County, unqualified voter, SEB2022-121.
21 Similar case, an elector errantly voted in the
22 May 24, 2022 Republican primary election and
23 then on June 15th was allowed to vote in the
24 Democrat runoff election. The elector who's
25 voting history was Democrat voted a Republican

1 ballot for the May primary, but then returned
2 for early voting for the June Democrat runoff
3 election and was allowed to cast a ballot.
4 The poll worker checked the elector in for the
5 June Democrat runoff election, misread the
6 EasyVote pop-up screen which identified the
7 elector as having voted a Republican ballot
8 for the May primary election. The poll worker
9 issued the elector an absentee, in-person
10 application. The elector signed the
11 application oath and was allowed to cast a
12 vote. Are Respondents Gary Howard from
13 Candler County present or a representative of
14 Candler County? Kristen Harris or Robert
15 Watson?

16 (No response.)

17 DR. JOHNSTON: No Respondents present.
18 Complainant, Judge Tony Thompson from Candler
19 County?

20 (No response.)

21 DR. JOHNSTON: Not present. Not present.
22 The findings are there's sufficient evidence
23 to show that Gary Howard, Kristen Harris and
24 Robert Watson were all in violation of
25 O.C.G.A. 21-2-152, conduct of primaries,

1 runoff primary when Ms. Margie Fay Bird West
2 received a voter access card and was allowed
3 to cast her ballot for the June 21st, 2022
4 Democrat runoff election. Ms. West had
5 already voted a Republican ballot for the May
6 24th primary election. The statute states a
7 runoff primary shall be a continuation of the
8 primary and the only persons who are entitled
9 to vote in the primary shall be entitled to
10 vote therein. And the statute further states,
11 any elector who votes in the primary of one
12 party shall not be eligible to vote in the
13 primary runoff of any other party other than a
14 primary runoff of the party in whose primary
15 such elector voted. Any questions,
16 discussion?

17 (No response.)

18 DR. JOHNSTON: I'll entertain a motion.

19 MS. KING: I make a motion that we issue
20 a letter of reprimand to these individuals.

21 DR. JOHNSTON: There's been a motion to
22 issue a letter of reprimand to those named
23 individuals, Gary Howard, Kristen Harris,
24 Robert Watson from Candler County. Is there a
25 second?

1 MR. JEFFARES: Second.

2 DR. JOHNSTON: And a second. Is there
3 any further discussion?

4 (No response.)

5 DR. JOHNSTON: No further discussion, all
6 in favor say aye.

7 THE BOARD MEMBERS: Aye.

8 DR. JOHNSTON: Motion carries three to
9 zero. Next case is Candler County, voter
10 registration problems, SEB2022-147. This
11 complaint is reported that David Gordon Alden,
12 Jr. has been a registered voter in the state
13 of Montana since 2019 and is also a registered
14 voter in the state of Georgia since 2000 in
15 Candler County, Metter, Georgia. It's alleged
16 that he has active registration in both states
17 and has voted in both states. The
18 investigation finds that Mr. Alden registered
19 in Red Blood County was that in Montana --
20 Montana on June 14th, 2019. He voted on
21 November -- November 5th, 2019, vote by mail
22 and voted on June 2nd, 2020, federal primary
23 election, vote by mail. Mr. Candler -- I
24 mean, Mr. Alden registered in Candler County
25 on May 1st, 2018 that's prior to the Montana

1 registration -- 2018 -- voted on November 3rd,
2 2020 in the general election and voted on
3 January 5th, 2021 in the runoff election. Is
4 Mr. Alden present?

5 (No response.)

6 DR. JOHNSTON: Is Mr. Camacho present?

7 (No response.)

8 DR. JOHNSTON: There's evidence to show
9 that David Gordon Alden, Jr. violated O.C.G.A.
10 21-2-21 -- 216, pardon me, O.C.G.A. 21-2-
11 216(A)(1)(f), qualifications of electors,
12 generally. Is there any questions or
13 discussion?

14 (No response.)

15 DR. JOHNSTON: I'll entertain a motion.

16 MS. KING: I make a motion that we send
17 this case to the respective DA, as well as the
18 Attorney General.

19 DR. JOHNSTON: There's been a motion to
20 send this to the respective district attorney
21 --

22 MR. JEFFARES: Second.

23 DR. JOHNSTON: -- Attorney General and
24 communicate this to the Department of Justice
25 and there's been a second. Is there any

1 further discussion?

2 (No response.)

3 DR. JOHNSTON: No further discussion, all
4 in favor say aye.

5 THE BOARD MEMBERS: Aye.

6 DR. JOHNSTON: Motion carries three to
7 zero. Next case is Candler County, open
8 records request voter list contained date of
9 births, SEB2022-265. On October 26th, 2022,
10 Candler County Election Superintendent, Tony
11 Thompson, mistakenly sent two unredacted voter
12 lists containing voters' dates of birth. The
13 first was a full list of Candler County
14 voters. The second was a list of Candler
15 County challenge voters. The lists were sent
16 in response to an open records request from
17 Kathleen Casey of the Due Diligence Group.
18 The investigation revealed that the Candler
19 County Probate Judge, Tony Thompson, sent two
20 unredacted lists containing voters' dates of
21 birth. The first was a full list of the
22 voters, as mentioned previously. The lists
23 were sent from an open records request. Once
24 Judge Thompson realized his mistake, he
25 immediately took steps to make the citizens of

1 Candler County aware of the mishap. Judge
2 Thompson corresponded with Kathleen Casey via
3 email and sent her a letter with an affidavit
4 -- affidavit of destruction. Ms. Casey signed
5 and returned the affidavit to Judge Thompson.
6 Evidence suggests that Tony Thompson violated
7 O.C.G.A. 21-2-225, confidentiality of original
8 registration applications. Is there any
9 discussion? Is Mr. Thompson here or Candler
10 County?

11 (No response.)

12 DR. JOHNSTON: No. Any discussion by the
13 Board?

14 (No response.)

15 DR. JOHNSTON: Do I hear a motion?

16 MS. KING: I make a motion that we issue
17 a letter of reprimand in this regard with this
18 case.

19 DR. JOHNSTON: There's been a motion to
20 issue a letter of reprimand regarding this
21 case. Is there a second?

22 MR. JEFFARES: Second.

23 DR. JOHNSTON: There's a motion and a
24 second to issue a letter of reprimand. Is
25 there any further discussion?

1 (No response.)

2 DR. JOHNSTON: No further discussion, all
3 in favor say aye.

4 THE BOARD MEMBERS: Aye.

5 DR. JOHNSTON: Motion carries three to
6 zero. Next case is Ben Hill County, poll
7 worker issue, SEB2023-015. Irwin County --
8 Irwin County Election Supervisor, Ethan
9 Compton, reported that Ben Hill County
10 employed a poll worker who resides in Irwin
11 County. Mr. Compton reported that Ben Hill
12 County does not have the required poll worker
13 employment waiver signed. And there's a
14 representative from Ben Hill County, correct,
15 on the phone?

16 MR. HINSLEY: Yes. I'm -- I'm speaking
17 on behalf of Ben Hill County. This is my -- I
18 was -- I was just speaking on behalf of Jeff
19 Davis. So --

20 DR. JOHNSTON: Oh.

21 MR. HINSLEY: -- but I'm -- but this is
22 my last one.

23 DR. JOHNSTON: Okay. Welcome again.

24 MR. HINSLEY: So -- so I'm done after
25 this. In general, Ben Hill County does not

1 disagree with the investigation summary. Just
2 one point of clarification is that the poll
3 worker that -- that -- at issue no longer
4 serves as a poll worker and has not since this
5 issue arose. Essentially, what happened was
6 the election supervisor reached out to the
7 school system needing poll workers. The
8 school's guidance counselor vets the students
9 and provides the -- a list of suggested
10 students. This is -- this is a small county
11 problem. So -- so Ben Hill County which
12 neighbors Irwin County the -- the county seat
13 of -- of Ben Hill County is Fitzgerald, but
14 there's also a Fitzgerald address in Irwin
15 County because of the mail run in -- in that
16 county. She does -- this poll worker actually
17 lived in an area where you could elect Irwin
18 County or Ben Hill County schools. And so she
19 attended a Ben Hill County school and so, you
20 know, kind of odd circumstances here. Cindy
21 Dunlap was the election supervisor at the
22 time. She's retired at the -- from the
23 position at the end of 2023. It's our belief
24 that -- that the county has not violated this
25 subsection since this alleged violation.

1 There was no intent to do wrong here. It was
2 an accident. Kind of a weird -- a weird
3 circumstance, sort of the perfect storm for a
4 violation, so to speak. Just real quick to --
5 to prevent this from happening in the future
6 that the county adopted a -- a poll worker
7 information sheet which is very simple, but
8 one of the things is -- is they -- they
9 require that the -- the person submit an
10 address which is then independently confirmed,
11 like, via Google Maps or something to
12 determine that it's in Ben Hill County. So
13 based on the unusual circumstances and the --
14 and the other reasons that -- that -- the
15 other mitigating factors. It did happen, so
16 -- so I ask that a letter of instruction or
17 reprimand be -- be given.

18 DR. JOHNSTON: Are there any questions?

19 (No response.)

20 MS. KING: No.

21 DR. JOHNSTON: For the representative?

22 (No response.)

23 DR. JOHNSTON: No. Do I hear a motion?

24 MS. KING: I make a motion that we issue
25 a letter of instruction -- I'm sorry, yes, a

1 letter of instruction.

2 DR. JOHNSTON: There's a motion to issue
3 a letter of instruction. Is there a second?

4 MR. JEFFARES: Second.

5 DR. JOHNSTON: And a second for Ben Hill
6 County, SEB2023-015 for violation of 21-2-92,
7 qualification of poll officers. Is there any
8 further discussion?

9 (No response.)

10 DR. JOHNSTON: If not, all in favor say
11 aye.

12 THE BOARD MEMBERS: Aye.

13 DR. JOHNSTON: Motion carries three to
14 zero. Thank you.

15 MR. HINSLEY: Thank, y'all. Have a good
16 one.

17 DR. JOHNSTON: Next case is Wheeler
18 County, voting by unqualified elector who's
19 reported that a registered voter of Telfair
20 County, Olen Adams, was allowed to vote in
21 Wheeler County during the advanced voting
22 period of the December 6th, 2022 runoff
23 election. Mr. Adams was transferred to
24 Telfair on November 4th, 2022 with an updated
25 DDS application that was submitted on October

1 20th, 2022. Is Wheeler County representative
2 present or Olen Adams -- Olen Adams?

3 (No response.)

4 DR. JOHNSTON: Is Josh Black present or
5 Sarah Brown from Telfair?

6 (No response.)

7 DR. JOHNSTON: No.

8 (Brief pause.)

9 DR. JOHNSTON: Question? Any questions?
10 This is a rather complicated because I think
11 it was a first-time voter and parents were
12 divorced and one lived in one county the other
13 lived in the other county and the young man
14 was moving back and forth and I think the
15 registrations were not updated quite exactly.
16 So the -- the conclusions of the investigation
17 are there's evidence to suggest Wheeler County
18 violated O.C.G.A. 21-2-590, poll officer
19 preventing unregistered, unqualified person to
20 vote when they allowed a registered voter of
21 Telfair County, Olen Adams, to vote in Wheeler
22 County during the advanced voting period.
23 There's evidence to suggest that Wheeler
24 County violated O.C.G.A. 21-2-224, official
25 list of electors when they failed to prepare

1 and use an updated electors' list during the
2 December 6th, 2022 runoff election. There's
3 evidence to suggest Olen Adams violated
4 O.C.G.A. 21-2-571, voting by unqualified
5 elector although believed to be unintentional,
6 Mr. Adams did vote in Wheller County during
7 the December runoff election after being
8 transferred and registered in Telfair County.
9 Do I have a motion?

10 MS. KING: Yeah. I make a motion that we
11 issue a letter of instruction.

12 DR. JOHNSTON: A letter of instruction
13 for all parties --

14 MS. KING: -- For all parties, yes.

15 DR. JOHNSTON: -- in this complaint.
16 There's a motion to issue a letter of
17 instruction. Do I have a second?

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: Motion and a second for a
20 letter of instruction for all parties in this
21 complaint, 2022-346. Is there any further
22 discussion?

23 (No response.)

24 DR. JOHNSTON: All in favor say aye.

25 THE BOARD MEMBERS: Aye.

1 DR. JOHNSTON: Motion carries three to
2 zero. The next case is Clay County, voter
3 registration problems, SEB2022-321. Nikeisha
4 (ph) Davis reported to the Secretary of State
5 that her voter registration was canceled
6 citing she moved out-of-state. Ms. Davis
7 advised she did not move out-of-state, nor did
8 she request to have it canceled. Is Clay
9 County present or Charlotte Shivers,
10 Registrar? Is Nikeisha Davis present?

11 (No response.)

12 DR. JOHNSTON: Findings of the
13 investigation -- investigation suggests Ms.
14 Davis' registration was canceled without
15 giving proper notice. Chief Registrar,
16 Shivers or Shivers, did not provide Ms. Davis
17 with the written notice of the date, time and
18 place of the hearing to determine the voter's
19 right to remain on the list of electors.
20 JARVIS shows Ms. Davis' voter's status was
21 canceled due to her moving out-of-state.
22 Chief Registrar, Shivers, canceled Ms. Davis'
23 registration without a hearing. Ms. Davis had
24 not moved out-of-state and she still resides
25 in Clay County. Any discussion or question?

1 (No response.)

2 DR. JOHNSTON: There appeared to be some
3 confusion in the office and ENet and
4 Department of Driver's Services and is unclear
5 exactly the circumstance for the cancellation,
6 but she was reinstated on the voter list. Do
7 I have a motion?

8 MS. KING: I make a motion we issue a
9 letter of instruction.

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: There's a motion and a
12 second to issue a letter of instruction for
13 Clay County, SEB2022-321 for Clay County Board
14 of Registration and Chief Registrar for
15 violation of O.C.G.A. 21-2-22(A)(D),
16 examination and elector's qualifications. Is
17 there any further discussion?

18 (No response.)

19 DR. JOHNSTON: No further discussion, all
20 in favor say aye.

21 THE BOARD MEMBERS: Aye.

22 DR. JOHNSTON: Motion carries three to
23 zero. The next case, Richmond County, 2023-
24 024 has been continued until the January
25 meeting. Next case is SEB2024-014, Emanuel

1 County, absentee ballot issue. In this
2 complaint, Emanuel concerning the March 12th,
3 2024 Presidential preference primary in
4 Emanuel County, Elections Director, Carrie
5 Curry, reported that her office had received
6 numerous absentee ballot applications that had
7 the same or similar handwriting and postage.
8 On these applications no one signed as
9 assisting a voter. There's a potential
10 violation of O.C.G.A. 21-2-381, making of
11 application for absentee ballot. Is Sharon
12 Boston present? Emanuel County? Carrie
13 Curry?

14 (No response.)

15 DR. JOHNSTON: Not present. In this
16 complaint there were close to 40 absentee
17 ballot applications that Ms. Curry had flagged
18 as suspicious due to handwriting similarities.
19 After reviewing the paperwork provided,
20 Investigator Parrot, did find similarities in
21 the handwriting. However, this was
22 inconclusive. He was able to meet with seven
23 of the voters. One person said he believed it
24 was his handwriting, but was only positive
25 about his signature. One person said he told

1 the person who provided it to fill it in for
2 him, but he could not remember her name. Two
3 people said they completed the top portion and
4 it was -- it was their handwriting. Three
5 people said that Sharon Boston completed the
6 top portion and mailed it for them. Ms.
7 Boston stated that she had gone door-to-door
8 and asked if any voters needed absentee ballot
9 applications so they could vote. In some
10 cases, she also filled in the top portion of
11 the application and acknowledged that she did
12 not sign the back of the form as assisting the
13 voter.

14 Ms. Boston was cooperative with the
15 investigation. There does not appear to be
16 any attempt at fraud; however, this does
17 appear to be a violation of O.C.G.A. 21-2-381,
18 titled making of application for absentee
19 ballot. The allegation is substantiated that
20 Ms. Boston violated O.C.G.A. 21-2-381, making
21 of absentee ballot in that she assisted voters
22 in filling out their absentee ballot
23 applications without signing as assisting and
24 mailed their completed application for them.
25 Is there any discussion?

1 MS. KING: To be clear, are they saying
2 that she filled out 40 applications?

3 DR. JOHNSTON: The report --

4 MS. KING: The top portion of 40
5 applications?

6 DR. JOHNSTON: -- the report states that
7 there were close to 40 absentee ballot
8 applications that Ms. Curry from Emanuel
9 County Elections flagged as suspicious due to
10 handwriting similarities.

11 MS. KING: Thank you.

12 DR. JOHNSTON: On these applications, all
13 who lived in Swainsboro, Georgia, the
14 information portion on the top of the ballot
15 appear to have been completed by the same
16 person. The signatures were all different in
17 another handwriting style. No questions?

18 (No response.)

19 DR. JOHNSTON: Do I hear a motion?

20 MS. KING: The number of ballots, 40, is
21 what's concerning; however, well, I make a
22 motion that we issue a letter of reprimand.

23 MR. JEFFARES: I'll second that.

24 DR. JOHNSTON: There's a motion to issue
25 a letter of reprimand and seconded by Members

1 Jeffares to Ms. Sharon Boston for violation of
2 O.C.G.A. 21-2-381, making of application for
3 absentee ballot. Is there any further
4 discussion?

5 (No response.)

6 DR. JOHNSTON: No further discussion, all
7 in favor say aye.

8 THE BOARD MEMBERS: Aye.

9 DR. JOHNSTON: Motion carries three to
10 zero. The next case is Wilcox County, issue
11 with voting for write-in candidates, 2022-269.
12 The complaint for the -- this case is -- was a
13 write-in candidate for the Wilcox County
14 School Board, District 5, states there were no
15 provisions made on the provisional paper
16 ballot to write in the candidate's name for
17 District 5. Dr. Allan Allocot states that it
18 is for this reason he is challenging the
19 results of the election. Is there a
20 Respondent, Ms. Hannah Price from Wilcox
21 County present?

22 MS. SAWYER: We are.

23 DR. JOHNSTON: Yes. All right. Would
24 you like to speak?

25 MS. SAWYER: Sure. Yes.

1 DR. JOHNSTON: Okay. Can you -- can you
2 get a microphone? Come on up closer and pick
3 up a microphone and turn it on, please.

4 MS. SAWYER: (Inaudible)

5 MR. MILLS: Uh-huh. That's fine.

6 DR. JOHNSTON: And punch the button or
7 touch that button on the desk.

8 MS. SAWYER: Right here?

9 DR. JOHNSTON: Right. All right. You're
10 on.

11 MS. SAWYER: All right. Good morning.

12 DR. JOHNSTON: Good morning.

13 MS. SAWYER: I am Toni Sawyer. I
14 represent Wilcox County. And right here I
15 have Ms. Hannah Price. She is the Elections
16 Superintendent for Wilcox County. The Wilcox
17 County Board of Elections and Registration and
18 I hope -- I -- I sent an email late yesterday
19 afternoon. I hope you all have that email
20 because we didn't get a response, we just went
21 ahead and made the three-hour drive. We felt
22 it was very important to be here before you
23 all. So what occurred was back in November of
24 2022 you all remember that was the highly
25 contested general election where we elected

1 the Governor, the Lieutenant Governor, the --
2 the US Senators' race, a very highly contested
3 -- highly contested election. We also had
4 locally Board of Commissioners election and
5 Board of Education election. And we had the
6 sample ballot sent to us and -- and you all --
7 and I provided all the documentation to you.
8 And sample ballot was sent to the Board of
9 Elections and Registration and Ms. Price
10 reviewed the ballot and if you will look over
11 to the documentation, I believe there's an
12 email from Ms. Price dated October 17th, 2022,
13 look all the way over to -- look at what would
14 be the -- I -- I don't know if it's front and
15 back, but it would be after the email, one,
16 two, three -- the third page at the ballot.
17 It will say write-in for Board of Education,
18 District 5. At the very bottom you will see
19 it says Johnny Brown, but there is no writing
20 yet. We -- she simply missed it reviewing all
21 the ballots with -- just human error. It was
22 just simply overlooked. You notice, again, at
23 the -- we had quite a bit of information on
24 the ballot. You notice every other section
25 had a section for write-in, but this one

1 section for District 5, but we do have five
2 districts for our Board of Education and this
3 Board of Education, District 5 was a -- a -- a
4 -- up for election. We missed. It was cut
5 off, but we did miss that; however, when the -
6 - when the early voting absentee and in-person
7 voting began which was October 17th, 2022 that
8 very first day of absentee, early -- early
9 voting began, Ms. Price was notified by an
10 elector that there was no write-in for that
11 particular election. And she immediately
12 called or contacted CES our -- our ballot
13 builder and spoke with Mr. Mike Barnes and he
14 advised her there's no way we can go back, you
15 know, that's our error, there's no way we can
16 go back and redo the database. We suggest you
17 all utilize paper ballots for those that want
18 to write-in a candidate and let me give you
19 Ryan Germany's telephone number and, you know,
20 back in 2022, Mr. Germany was the counsel,
21 general counsel for the Elections Division --
22 well for the Secretary of State's Office. Ms.
23 Price immediately contacted me and if you
24 noticed, and I, excuse the all caps, but I
25 have been in a car accident and broke my right

1 hand which is my dominant hand so everything's
2 in all caps and excuse some of the misspelled
3 words. She immediately contacted me and what
4 we did was we went ahead and put up notices
5 which if you look at the very next email, we
6 placed them all around the polling place and
7 at that time because it was early voting and
8 there was one polling place which was at the
9 elections office. And I also copied the
10 county manager and we placed those notices at
11 the county offices -- excuse me, excuse me --
12 including at the courthouse, prominent
13 locations and on the front of the county
14 courthouse, I was -- excuse me -- finally able
15 to get in contact with Mr. Germany on that
16 Thursday, which was the 20th and, essentially
17 -- excuse me -- that was three years ago.
18 Sorry. Mr. Germany, essentially, agreed give
19 those electors (inaudible) paper ballots.

20 DR. JOHNSTON: We -- we have some water
21 for you.

22 MS. SAWYER: (inaudible) sick when I
23 come. I'm so sorry. Thank you so, so much.

24 (Crosstalk.)

25 DR. JOHNSTON: Take your time.

1 MS. SAWYER: So, essentially, that is
2 what we did. Those electors that came in and
3 asked for a write-in. We gave them a paper
4 ballot. We did publish it for every week
5 consecutively up until the November 8th
6 election in the local newspaper to notify
7 everyone. We took all the steps we could
8 think of as well as -- as well -- Mr. Germany
9 and I discussed because, essentially, there
10 was no way to go back and (unintelligible) and
11 I do believe, unfortunately, the write-in
12 candidate did not repeat many votes and if I'm
13 not mistaken I have Ms. Price here. I don't
14 think the write-in candidate understood the
15 concept of write-in candidacy. I think the
16 write-in candidate thought his name was
17 supposed to have been printed on the ballot
18 and he didn't understand that write-in means a
19 person writes your name in. So there was a
20 confusion there, as well. So as you can see,
21 we -- we -- we took all of the steps to
22 correct the situation that we could think of.
23 We consulted with Mr. Germany and he agreed
24 with us with the steps that we were taking.
25 We advertised every week all the way to -- up

1 and until the election. So we did everything
2 possible to correct it and there were notices
3 posted everywhere.

4 DR. JOHNSTON: Thank you. Thank you. So
5 are there any questions for Wilcox?

6 (No response.)

7 DR. JOHNSTON: I -- I appreciate you
8 making the -- making the trip and coming here
9 and telling us what happened because it -- it
10 helps so much to hear -- hear what you did and
11 how you handled, you know, a misstep and that
12 was exactly the -- exactly the right thing to
13 do to put signage at your early vote -- at
14 your voting sites and make sure the voters
15 know that they do have an option for write-in
16 so I appreciate your sharing that with us. So
17 is there any other questions?

18 (No response.)

19 DR. JOHNSTON: No. May I have a motion?

20 MS. KING: Yes. I make a motion that we
21 dismiss this case.

22 MR. JEFFARES: I second that.

23 DR. JOHNSTON: There's a motion to
24 dismiss case 2022-269, issue with voting for
25 write-in candidates on your ballot for Wilcox

1 County. And the motion's been seconded. Is
2 there any further discussion?

3 (No response.)

4 DR. JOHNSTON: If none, all in favor say
5 aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: Motion carries three to
8 zero. Thank you very much.

9 MS. SAWYER: Thank you.

10 DR. JOHNSTON: Do you have some -- did
11 you get water?

12 MS. SAWYER: I did. Thank you so much.

13 DR. JOHNSTON: Okay. We're on the last
14 page and -- and not -- not a full page of
15 cases. I'll say, so we'll take this
16 opportunity to break for lunch and return at
17 1:15. Is there a motion?

18 MS. KING: So moved.

19 MR. JEFFARES: Second.

20 DR. JOHNSTON: All in favor aye.

21 THE BOARD MEMBERS: Aye.

22 (The session recessed at 12:30 p.m.)

23 (The session resumed at 1:15 p.m.)

24 DR. JOHNSTON: I call the meeting to
25 order -- meeting to order. I hope everyone

1 had a bite to eat, had a good lunch. We'll
2 resume the December 9th, 10th State Election
3 Board meeting. We have requested -- we -- we
4 have a request to hear a case out of the
5 agenda order. This is 2022-004, tab number 59
6 in the paper book. Twiggs County, city of
7 Jefferson, candidate qualifying issue. The
8 complaint alleged the Respondent was a
9 convicted felon when she ran for city council
10 during a special election held on January
11 15th, 2021 in the city of Jeffersonville. Is
12 the Respondent, Debbie Hill here?

13 MS. HILL: Yes, ma'am.

14 DR. JOHNSTON: Yes, Ms. Hill. There's a
15 microphone at your desk. You could -- you
16 don't have to stand up, if you just turn --
17 push the button and it will turn -- push --

18 MR. MILLS: There you go. Push that.

19 DR. JOHNSTON: Got it. Okay. The mic's
20 on.

21 MS. HILL: Yes, ma'am.

22 DR. JOHNSTON: So I'll be glad to hear
23 what you have to say.

24 MS. HILL: Yes, ma'am. My name is Debbie
25 Hill and I once ran for city council

1 (inaudible) for Jeffersonville, Georgia.

2 MR. MILLS: Put your mic a little closer,
3 please.

4 MS. HILL: I went to the -- hello.

5 MR. MILLS: There you go.

6 MS. HILL: Okay. I'm Debbie Hill and I
7 ran for city council District 2 in
8 Jeffersonville, Georgia. I ran a part
9 sentence. The young man who originally won,
10 he passed away and so I went to the courthouse
11 and spoke with Ms. Deborah Steven who's the
12 superintendent. And I told her I would like
13 to run. And I said, would you check me
14 because everybody there know me. And they
15 know my past and they know what I'm trying to
16 do now. And she said, yes, ma'am. She
17 checked me. She said, well, Ms. Hill, I don't
18 see a reason. You could run. So I went back
19 and I discussed it with the mayor. I say,
20 well, would you call up there and make sure.
21 I don't want to get into no trouble or
22 nothing. He said, well, you've been out of
23 prison for almost ten years, but I've been out
24 of prison actually longer than ten years, but
25 I did not know that you have to be ten years

1 clear probation before you could run. And he
2 called her and I have a letter, notarized
3 letter, from where she told him, Ms. Hill is
4 clear to run. All she got to do is pay her
5 fee. I came up and I asked her again. Ms.
6 Deborah, you sure? She said you can run. You
7 qualify to run, Debbie, just pay your money
8 and I did and I won.

9 Well, a while down the road, maybe a year
10 or so an investigator came to see me. And he
11 told me what was going on. And he said, well,
12 you have to be ten years clear from the day
13 you get off probation or parole, whichever one
14 comes first. And he said, you missed it by
15 some change, a year or so he said. I said,
16 well, no problem. I'll -- I'll leave the
17 office. He said, no, you don't have to
18 because it's about time for another election.
19 He said, you can run in 2023.

20 Well, I got a letter from the lawyer at
21 the courthouse, Twiggs County attorney, and he
22 stated that I couldn't run that I wouldn't
23 qualify. And so I didn't run. I would have
24 walked right in -- right back in the office
25 because nobody ran against me. And to me that

1 was a big step in my life. I did my time. I
2 got back in the community. I haven't even had
3 a speeding ticket since I've been out of
4 prison. I walk upright because I know what it
5 is when your rights are taken from you. You
6 don't have a right to anything. And I never
7 want to see that and I educate all the young
8 kids how to stay out of trouble. When I find
9 out they in jail or something, I go in there
10 an talk to them -- talk to their parents. And
11 let's find a way. Let's help them out. Let's
12 find them a job. Let's give them something to
13 do. And this happened to me and it's like a
14 slap in the face to me because I went to all
15 the necessary steps. I even went to Macon and
16 when I got there, the Secretary of State they
17 said, we only do license here and so I got my
18 sister to bring me up to Twin Towers and I
19 went there and I spoke with some people and
20 they said, well, they'll notify you, Ms. Hill
21 if anything come of it.

22 So I received a letter and I'm here
23 today. I -- I didn't intentionally do
24 anything wrong. I went to the people that I
25 needed to go to to let me know whether I could

1 or not. And she gave me the approval to do
2 it. And I'm -- I'm here to answer the letter.

3 DR. JOHNSTON: Thank you. Thank you, Ms.
4 Hill. Are there questions for -- is the
5 Complainant, Mr. Jim Callum, present?

6 (No response.)

7 DR. JOHNSTON: No. Are there any
8 questions for Ms. Hill?

9 MS. KING: No. I think I just --

10 DR. JOHNSTON: No questions. Okay. Do -
11 - is there a motion from the Board?

12 MS. KING: Yeah. I make a motion that we
13 issue a letter of instruction just so you have
14 it in writing the full law, the rules so that
15 you'll have it for yourself.

16 MS. HILL: Thank you.

17 MS. KING: As -- as you can see sometimes
18 they, you know, it gets a little -- but thank
19 you for your service.

20 MS. HILL: (inaudible) able run the next
21 (inaudible) that would be my next question.

22 MS. KING: I don't know what your time --
23 I don't -- I don't know the details of --

24 MS. HILL: Well --

25 MS. KING: -- but you'll have the

1 instructions so you may be able to determine
2 that without having to share all of your
3 personal business.

4 MS. HILL: Thank you. I'm all for rules.

5 DR. JOHNSTON: There's -- there's been a
6 motion to issue a letter of instruction
7 concerning case 2022-004. Is there a second?

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: Motion and a second for a
10 letter of instruction. Is there any further
11 discussion or questions?

12 (No response.)

13 DR. JOHNSTON: Hearing no further
14 discussion, all in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Motion carries three to
17 zero.

18 MS. HILL: So I'm clear, free of all of
19 this?

20 MR. JEFFARES: Yep.

21 MS. KING: You're -- you're clear.

22 DR. JOHNSTON: This case is closed.

23 MS. HILL: Thank you.

24 MS. KING: You're welcome.

25 DR. JOHNSTON: Back to tab 52, Laurens

1 County, voter assistance issue, case 2022-296.

2 This complaint is for Laurens County reporting
3 Cynthia Walters brought in her mother, Yula
4 (ph) Walters-Tolbert to early vote on
5 11/3/2022 and stated her mother needed
6 assistance. Ms. Walters refused to sign her
7 name as the person who assisted and instead
8 signed Yula Walters-Tolbert. The election
9 worker showed her the code section on
10 assisting voters and instructed her that Ms.
11 Tolbert would need to touch the screen to --
12 of the candidate that -- that Ms. Tolbert
13 would need to touch the screen of the
14 candidate that she wished to vote for. Ms.
15 Walters deliberately voted Ms. Tolbert's
16 ballot by touching the screen even with poll
17 officers repeatedly telling her she could not
18 touch the screen and that her mother had to do
19 it. Ms. Walters accused the poll workers of
20 watching who she was voting for when they were
21 only trying to give her instruction.

22 Further in the investigation the
23 investigator asked Ms. White to describe Ms.
24 Tolbert's demeanor at the time and she said,
25 Ms. Tolbert was trying to look at the screen,

1 the mother, but because of the way the voting
2 booth was set up only one person could fit in
3 the booth at a time. The daughter was
4 standing in front of it blocking the mother's
5 view. Findings by the Secretary of State
6 investigators, Ms. Walters took her mother to
7 one of the voting booths and voted her
8 mother's ballot instead of allowing Ms.
9 Tolbert to touch the screen to cast her vote.
10 This allegation is substantiated. There's
11 evidence to suggest Cynthia Walters violated
12 O.C.G.A. 21-2-409(a), assisting electors who
13 cannot read English or who have disabilities
14 when Cynthia Walters refused to sign her name
15 as the person who assisted and signed her
16 mother's signature, Yula Walters-Tolbert's
17 name on the absentee ballot application when
18 they went to vote on November 3rd, 2022 during
19 early advanced voting. Is Cynthia Walters
20 present? Is Laurens County Board of
21 Registrars present?

22 (No response.)

23 DR. JOHNSTON: Neither party present.

24 Are there any questions or discussion from the
25 Board Members?

1 (No response.)

2 DR. JOHNSTON: Hearing no questions, is
3 there a motion?

4 MS. KING: Yes, ma'am. I make a motion
5 we issue a letter of instruction to Ms. Waters
6 -- Walters for the future.

7 DR. JOHNSTON: There's a motion to issue
8 a letter of instruction to Ms. Walters. Is
9 there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: Motion and a second to
12 issue a letter of instruction concerning case
13 2022-296. Is there any further discussion?

14 (No response.)

15 DR. JOHNSTON: Hearing no further
16 discussion, all in favor say aye.

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: Motion carries three to
19 zero. The next case is 2022-361, Randolph
20 County, illegal possession of absentee ballot.
21 It's tab 53. In this complaint there are two
22 allegations. One, Randolph County Election
23 Supervisor reported that an individual later
24 identified as the grandson of the Respondent
25 was observed bringing multiple absentee

1 ballots to the Randolph County Government
2 Center. This occurred during the December
3 6th, 2022 general runoff election. Allegation
4 2, Randolph County Election Supervisor
5 reported that a citizen -- citizen was
6 observed delivering multiple absentee ballots
7 during the November -- November 8th, 2022
8 general election. When questioned by the
9 election supervisor, she stated she was called
10 by multiple people asking if she would deliver
11 their absentee ballot to Cuthbert. Is Nellie
12 -- Nellie Belle Sheppard present? Is anyone
13 from Randolph County present to speak?

14 (No response.)

15 DR. JOHNSTON: In allegation 1, findings
16 are the investigation revealed that the
17 individual in their surveillance footage was
18 Trevarious Johnson. After reviewing the
19 election documentation, Investigator Blanchard
20 located two absentee ballot envelopes where
21 Nellie Belle Sheppard signed as assisting.
22 This was relevant to the investigation since -
23 - since Nellie Belle Sheppard was identified
24 as an individual active in the community
25 regarding absentee ballot assistance and a

1 relative of Trevarious Johnson. The
2 individuals, Ms. Sheppard assisted were her
3 sister-in-law, Pearly Johnson, and her
4 brother, Sammy Johnson. After speaking with
5 Pearly Johnson, the only assistance Ms.
6 Sheppard provided was delivering her ballot to
7 the Randolph County election office. This was
8 also confirmed by Ms. Sheppard.

9 The investigator spoke with Sammy Johnson
10 who was residing at assisted living facility.
11 He confirmed he was assisted by his sister,
12 Nellie Belle Sheppard, with completing his
13 ballot and required assistance with reading
14 and writing. Mr. Johnson claimed he was able
15 to vote for the candidates of his own
16 choosing; however, this is contradictory to
17 what was said during Ms. Sheppard's interview
18 where she, essentially, admitted to making
19 candidate selections for her brother without
20 his input. Ms. Sheppard explained how her
21 brother was not capable of making his own
22 candidate selections and felt it was okay for
23 her to do so since she was his sister. The
24 investigator attempted to contact Mr. Johnson;
25 however, at the time of this report none has

1 been made.

2 The second allegation the investigator
3 interviewed all available witnesses and
4 there's no evidence to support violations of
5 Georgia election law or State Election Board
6 rules. Is there any questions or discussion?

7 (No response.)

8 DR. JOHNSTON: Potential violations,
9 Nellie Belle Sheppard, there's evidence to
10 suggest Nellie Belle Sheppard violated
11 O.C.G.A. 21-2-568, influencing voter while
12 assisting when she marked and voted her
13 brother's, Sammy Johnson's, absentee ballot
14 without receiving any input from him. Do I
15 hear a motion?

16 MS. KING: I make a motion that we issue
17 a letter of reprimand to Ms. Nellie Belle --

18 DR. JOHNSTON: Sheppard.

19 MS. KING: -- Sheppard, yes.

20 DR. JOHNSTON: There's been a motion to
21 issue a letter of reprimand to Nellie Belle
22 Sheppard. Is there a second?

23 MR. JEFFARES: Second.

24 DR. JOHNSTON: There's a motion and a
25 second to issue a letter of reprimand in case

1 2022-361. Is there any further discussion?

2 (No response.)

3 DR. JOHNSTON: No further discussion, all
4 in favor say aye.

5 THE BOARD MEMBERS: Aye.

6 DR. JOHNSTON: Motion carries three to
7 zero. Next case is Crisp -- Crisp County,
8 absentee ballot issue, case number 2022-297.
9 On October 19th, 2022, the complainant
10 submitted an absentee ballot request via email
11 to the county election office. After not
12 receiving her ballot, the Complainant
13 contacted the county election office on
14 November 3rd and spoke with the election
15 supervisor. During the call, the supervisor
16 informed the Complainant she had forgot to
17 mail the absentee ballot and how it was too
18 late to do so. The Complainant was unable to
19 participate in the November 8th, 2022 general
20 election due to the absentee ballot never
21 being mailed. Are the Respondents, Becky
22 Perkins or Crisp County Board of Elections
23 present?

24 (No response.)

25 DR. JOHNSTON: Are there any questions?

1 (No response.)

2 DR. JOHNSTON: In -- in the report, Ms.
3 Perkins emailed a letter of the absentee
4 ballot application request and a letter
5 explaining the measures implemented to better
6 help prevent future issue. Ms. Perkins
7 explained how they now utilize a secondary
8 clerk who double checks the emails in the
9 beginning and end of every day against the
10 report of issued ballots in the voter
11 registration system. In the past, they only
12 had one clerk in charge of absentee ballots.
13 The 2022 election year was a record year for
14 voter participation. Their office was
15 overwhelmed. It was stated in the report,
16 they will be staffed sufficiently in all
17 future elections. They've never had this
18 issue before and pray it will never happen
19 again. Ms. Perkins has implemented additional
20 measures to better help prevent future issues.
21 Potential violations there's evidence to
22 suggest Crisp -- Crisp County Board of
23 Elections and Registrations and Becky Perkins
24 violated SEB Rule 183-1-14.11, mailing and
25 issuance of ballots when they failed to mail

1 or issue Mary McGarr (ph) an absentee ballot
2 within three business days from receiving her
3 electronic absentee ballot request. Any
4 questions from the Board?

5 (No response.)

6 DR. JOHNSTON: No. Do I hear a motion?

7 MS. KING: I make a motion that we issue
8 a letter of instruction.

9 MR. JEFFARES: Second.

10 DR. JOHNSTON: There's a motion and a
11 second to issue a letter of instruction. Is
12 there any discussion?

13 (No response.)

14 DR. JOHNSTON: Hearing no further
15 discussion, all in favor say aye.

16 THE BOARD MEMBERS: Aye.

17 DR. JOHNSTON: Motion carries three to
18 zero. Next case is Washington County, illegal
19 assistance to voters, case number 2022-239,
20 tab 55. In this complaint, there was a
21 complaint reporting that poll watchers had
22 observed members of a voter assistance group
23 operating at an advanced voting location. The
24 poll watchers allege the group approached
25 voters who seemed to be physically capable of

1 -- of voting themselves and offered
2 assistance. The poll watchers observed the
3 group Help Voters fill out their sign-in
4 forms, as well as accompanying voters to
5 voting booths. It was reported that a poll
6 worker warned the group not to touch the BMD
7 screens. It was alleged that the group were
8 not -- was not always filing [sic] out the
9 assistant portion of the sign-in forms and had
10 to be instructed by a poll worker to do so.
11 It was alleged that group members requested
12 three ballots to take to voters. It was also
13 alleged that the group may be providing voters
14 with transportation to the polls. Are
15 Respondents, Cheyene Guyton (ph) or Crystal
16 Reeves present?

17 (No response.)

18 MS. KING: They submitted their
19 statements.

20 DR. JOHNSTON: Are there any questions or
21 discussion by the Board?

22 (No response.)

23 DR. JOHNSTON: Do I hear a motion?

24 MS. KING: I make a motion that we issue
25 a letter of instruction to both Crystal and

1 Cheyene Guyton and Crystal Reeves.

2 DR. JOHNSTON: There's a motion to issue
3 a letter of instruction to Cheyene Guyton and
4 Crystal Reeves. Is there a second?

5 MR. JEFFARES: Second.

6 DR. JOHNSTON: There's a motion and a
7 second to issue a letter of instruction
8 concerning case 2022-239 for violation of
9 O.C.G.A. 21-2-409(a), assisting electors to
10 both Respondents. Is there any further
11 discussion?

12 (No response.)

13 DR. JOHNSTON: Hearing no discussion, all
14 in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Motion carries three to
17 zero. Next case is Pulaski County, case
18 number 2022-330, late absentee ballots were
19 counted. The complaint reports that on
20 November 9th, 2022 Pulaski County received
21 absentee ballots after election day which were
22 allegedly counted after they had already
23 certified the election. The election
24 supervisor said they were going by the
25 envelopes post-marked instead of 7:00 p.m.

1 deadline on election day. Is Pulaski County
2 representative here? Kenzie Mashburn from
3 Pulaski County?

4 (No response.)

5 DR. JOHNSTON: The Complainant is the
6 Secretary of State. Is there any discussion
7 or questions?

8 (No response.)

9 DR. JOHNSTON: The findings reveal that
10 two absentee ballots, one for Andrea Lynn
11 Frudrail (ph) and one for Gabrielle Castanada-
12 Sanchez were legitimately returned and counted
13 on October 9th, 2022. The third absentee
14 ballot for Sandra Ellen White was returned on
15 November 9th, the day after the election and
16 it was counted. The allegation is
17 substantiated. Violation, there's evidence to
18 suggest that Kenzie Mashburn and Pulaski
19 County Board of Elections and Registration
20 violated O.C.G.A. 21-2-386, safekeeping,
21 certification and validation of absentee
22 ballots when a ballot -- absentee ballot for
23 Sandra Summers-White was accepted and counted
24 on November 9th after the closing of polls on
25 election day. Do I hear a motion?

1 MS. KING: I make a motion that we issue
2 a letter of reprimand to Pulaski County, as
3 well as Kenzie Mashburn.

4 DR. JOHNSTON: There's been a motion to
5 issue a letter of reprimand to Pulaski County
6 and the supervisor, Kenzie Mashburn. Is there
7 a second?

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: There's a motion and a
10 second to issue a letter of reprimand for SEB
11 case 2022-330. Is there any further
12 discussion?

13 (No response.)

14 DR. JOHNSTON: Hearing no further
15 discussion, all in favor vote aye.

16 THE BOARD MEMBERS: Aye.

17 DR. JOHNSTON: Motion carries three to
18 zero. Next case is SEB2022-017, Dooly County,
19 voter security of ballots -- voter list and
20 security of ballots. This complaint was
21 received concerning a November 2nd, 2021
22 municipal election of the city of Lilly. The
23 complaint alleged the following: There are
24 four allegations. Allegation 1, the ballots
25 were not secure because they were placed in a

1 box and kept in the same location overnight.
2 Allegation 2, the city election superintendent
3 did not properly maintain the voter list and
4 that the list did not match the number of
5 voters who voted on election day. Number 3,
6 the city election superintendent was the
7 election superintendent while her husband was
8 a candidate on the ballot for re-election.
9 And number 4, that 32 people voted on November
10 2nd, 2021 municipal election, but the number
11 later jumped to over 40 votes cast. Is there
12 a representative from the city of Lilly?

13 (No response.)

14 DR. JOHNSTON: No representative. Is
15 there -- let's see, oh, thank you. City of
16 Lilly, Gloria Royal, city clerk? Is Gloria
17 Royal present?

18 (No response.)

19 DR. JOHNSTON: No. Potential violations,
20 there's evidence to suggest that Gloria Royal
21 violated O.C.G.A. 21-2-70.1, the municipal
22 superintendent's eligibility when she acted as
23 the election superintendent for the city of
24 Lilly during the November 2nd, 2021 municipal
25 election. Ms. Royal was not eligible because

1 her husband, George Royal, was a candidate on
2 the ballot for city council. There's evidence
3 to suggest Gloria Royal violated O.C.G.A. 21-
4 2-101(a), certification program for county
5 municipal election superintendents when she
6 failed to complete the necessary certification
7 program approved by the Secretary of State.
8 This was verified after reviewing the most
9 recent certifications list and checking with
10 the Secretary of State operations supervisor,
11 Rochelle (ph) Simmons. Has the Board reviewed
12 the four allegations?

13 MS. KING: Yes.

14 (Brief conversation off the record.)

15 DR. JOHNSTON: Right. So we'll take
16 these one -- all four. Number 1, is there a
17 motion to dismiss allegation 1?

18 MS. KING: So moved.

19 DR. JOHNSTON: So moved. Is there a
20 second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: Any discussion?

23 (No response.)

24 DR. JOHNSTON: No -- hearing no
25 discussion, all in favor say aye.

1 THE BOARD MEMBERS: Aye.

2 DR. JOHNSTON: Motion carries three to
3 zero. Allegation 2, is there a motion to
4 dismiss allegation 2?

5 MS. KING: So moved.

6 DR. JOHNSTON: Is there a second?

7 MR. JEFFARES: Second.

8 DR. JOHNSTON: There's a motion and a
9 second to dismiss allegation 2. Any further
10 discussion?

11 (No response.)

12 DR. JOHNSTON: Hearing no further
13 discussion, all in favor say aye.

14 THE BOARD MEMBERS: Aye.

15 DR. JOHNSTON: Motion carries three to
16 zero. Is there a motion for allegation 3?

17 MS. KING: Yes, Madam Chair. I make a
18 motion that we issue a letter of instruction
19 to the city of Lilly, as well as Gloria Royal
20 for allegation number 3.

21 DR. JOHNSTON: There's been a motion to
22 issue a letter of instruction to Gloria Royal
23 and the city of Lilly for allegation number 3.
24 Is there a second?

25 MR. JEFFARES: Second.

1 DR. JOHNSTON: And a second. Is there
2 any further discussion?

3 (No response.)

4 DR. JOHNSTON: Hearing no further
5 discussion, all in favor say aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: Motion carries three to
8 zero. And allegation number 4.

9 MS. KING: I make a motion that we
10 dismiss allegation number 4.

11 DR. JOHNSTON: Is there a second?

12 MR. JEFFARES: Second.

13 DR. JOHNSTON: There's a motion and a
14 second to dismiss allegation number 4. Is
15 there any further discussion?

16 (No response.)

17 DR. JOHNSTON: Hearing no further
18 discussion, all in favor say aye.

19 THE BOARD MEMBERS: Aye.

20 DR. JOHNSTON: Motion carries three to
21 zero. Thank you. Next case is SEB2022-319,
22 Wilkinson County, requested absentee ballot
23 but never received it. In this complaint
24 Sarah Holland reported submitting an absentee
25 ballot request via email on November 8th,

1 2022, general election, after not receiving
2 her absentee ballot, Ms. Holland contacted the
3 Wilkinson County election office where she was
4 told the ballot had been mailed. At the time,
5 Ms. Holland was out-of-state and was concerned
6 with not meeting the absentee ballot deadline.
7 Ms. Holland expressed her concerns to the
8 Wilkinson County election office, but reported
9 the staff member she spoke with to be very
10 unprofessional. Ms. Holland ended up driving
11 seven hours back home to vote in-person. Is
12 there a representative from Wilkinson County
13 or Kelly Chapman, Election Supervisor for
14 Wilkinson County? Is Sarah Holland present?

15 (No response.)

16 DR. JOHNSTON: No. Is there any -- are
17 there any questions from the Board Members?

18 (No response.)

19 DR. JOHNSTON: None. No questions. The
20 summary of the report -- potential -- there's
21 evidence to suggest Wilkinson County Board of
22 Elections and Registration and Kelly Chapman
23 violated SEB Rule 183-1-14.11, mailing and
24 issuance of ballots when they failed to mail
25 an absentee ballot to a temporary mailing

1 address Sarah Holland provided on her
2 electronic absentee ballot request
3 application. There's evidence to suggest
4 Wilkinson County Elections and Registration
5 and Kelly Chapman violated O.C.G.A. 21-2-500,
6 delivery of voting materials preservation and
7 destruction when they failed to retain Sarah
8 Holland's absentee ballot affidavit for the
9 required 24 months retention period. Are
10 there any other questions or discussion about
11 this case?

12 (No response.)

13 DR. JOHNSTON: Do I hear a motion?

14 MS. KING: I make a motion that we issue
15 a letter of reprimand to Wilkinson County and
16 Kelly Chapman.

17 MR. JEFFARES: Second.

18 DR. JOHNSTON: There's a motion and a
19 second to issue a letter of reprimand to Kelly
20 Chapman and Wilkinson County for violation of
21 O.C.G.A. 21-2-500(a) and SEB Rule 183-1-14.11.
22 Is there any further discussion?

23 (No response.)

24 DR. JOHNSTON: Hearing no further
25 discussion, all in favor say aye.

1 THE BOARD MEMBERS: Aye.

2 DR. JOHNSTON: Motion carries three to
3 zero. Next case is Hancock County, case
4 number 2022-022, candidate qualifying issue.
5 This complaint was received where a candidate
6 submitted his qualifying paperwork to the
7 Hancock County Elections Office and was
8 qualified. Then his qualification was removed
9 from the Secretary of State's website because
10 his application was received 24 seconds after
11 the 12:00 noon deadline. The candidate should
12 have been allowed to stay on the ballot. Is
13 there a representative from Hancock County?

14 MR. NELSON: Madam Chair.

15 DR. JOHNSTON: Gotcha.

16 MR. NELSON: Madam Chair, my name is Adam
17 Nelson. I serve as Hancock County's county
18 attorney. And we're here today, I believe
19 that the right outcome was reached after
20 reviewing the material that they had available
21 to them that infact his qualification was
22 late, my assessment is that they actually did
23 not follow the statutory procedure even if he
24 was late in his qualification, he should have
25 been afforded an opportunity for a hearing to

1 be heard. We did have an interim at the time,
2 Ms. Usenbor, is now the Election
3 Superintendent. Hancock County has handled
4 qualification challenges since then and we
5 haven't had any hiccups that I know of, at
6 least on qualifications. I don't want to say
7 Hancock County hasn't had hiccups, but as far
8 as this goes, we admit that there were issues
9 and as a result I do think it would be -- not
10 be appropriate to dismiss this case. I would
11 request a letter of instruction though instead
12 of a letter of reprimand because we are
13 addressing those issues and -- and,
14 ultimately, the outcome was that he was --
15 should not have been on the ballot, not --
16 doesn't really go without -- with this
17 particular case, but Mr. Reynolds is now a
18 Member of the Hancock County Board of
19 Education. So not saying it should -- it
20 shouldn't be -- because it went out that way
21 we shouldn't be punished as a result, but the
22 concept here, I think, is to provide
23 instruction to the county and we'll have those
24 issues taken care of in the future.

25 DR. JOHNSTON: Thank you. Are there any

1 questions for the attorney?

2 (No response.)

3 DR. JOHNSTON: There are no questions --
4 no further questions. There's evidence to
5 suggest Hancock County Board of Elections and
6 Barbara Usenbor violated O.C.G.A. 21-2-6,
7 qualifications for elector's generally when
8 Reginald Reynolds was qualified as a candidate
9 for the Hancock County Board of Education,
10 District 1 seat, and that his information was
11 removed from the Secretary of State's website
12 without notice or a hearing to challenge his
13 qualifications as a candidate for the May
14 24th, 2022 general and primary election. Do I
15 hear a motion from the Board?

16 MS. KING: I make a motion that we issue
17 a letter of instruction.

18 MR. JEFFARES: Second.

19 DR. JOHNSTON: There's a motion and a
20 second to issue a letter of instruction to
21 Hancock County and Barbara Usenbor for case
22 number 2022-022. Is there any further
23 discussion or questions?

24 (No response.)

25 DR. JOHNSTON: Hearing none, all in favor

1 say aye.

2 THE BOARD MEMBERS: Aye.

3 DR. JOHNSTON: Motion carries three to
4 zero. Next case is case number 2022-104,
5 Stephens County, transferred voters after
6 deadline. This case was opened for an
7 investigation after receiving reports from two
8 different Complainants regarding potential
9 violations involving Stephens County election
10 office.

11 Allegation 1, alleged that the interim
12 election supervisor transferred voters and
13 updated voter addresses on the voter
14 registration system beyond the deadline to
15 receive requests to do so and after voting had
16 commenced for the May 2022 election.
17 Potential violation of O.C.G.A. 21-2-218(c).
18 Allegation 2, is alleged that several returned
19 absentee ballots were not promptly entered
20 into the voter registration system after
21 they've been received by the election office.
22 They found that approximately 35 absentee
23 ballots had not been entered into the computer
24 giving the voter credit for voting.
25 Allegation 3, there were inconsistencies in

1 the start time announcements for logic and
2 accuracy testing for the May 2022 election.
3 Allegation 4, is alleged that the tabulation
4 tape from the Stephens County Senior Center
5 polling site was not publicly posted at the
6 location immediately after the close of the
7 polls. Allegation 5, that the drop box at the
8 historic courthouse was not properly
9 positioned to ensure it's constant supervision
10 and observation. Allegation 6, alleged that
11 the Board of Elections failed to hold a public
12 meeting to certify the May 2022 election
13 results. And allegation 7, individuals were
14 handling the tabulation tapes who had not
15 signed an oath or been properly sworn and
16 permitting them to handle election material.
17 Is there a representative from Stephens County
18 present? The Complainant, Krista Terry,
19 present or Rebecca Bennett?

20 (No response.)

21 DR. JOHNSTON: No. Do you have any
22 questions?

23 (No response.)

24 DR. JOHNSTON: Potential violations for
25 allegation 3, Stephens County failed to give

1 proper public notice of LNA testing regarding
2 State Election Board Rule 183-1-12.08(c) and
3 O.C.G.A. 21-2-379.25. Potential violation
4 allegation 4, Stephens County failed to
5 promptly post a copy of the tabulation tape on
6 the door of the polling place. And -- sorry,
7 and allegation 6, violation of O.C.G.A. 50-14-
8 1, meetings to be open to the public.
9 Stephens County there -- did not provide
10 public notices to announce the election
11 certification meeting following the May 2022
12 general primary. And allegation 7, allowed
13 two individuals to handle tabulation tapes who
14 were not employed by the election
15 superintendent or duly -- nor duly sworn poll
16 officers. And additional violation concerning
17 Stephens County failed to provide the case
18 investigator with the documents related to the
19 May 2022 primary when request was made for
20 documents within the mandated 24-month
21 retention period for election materials
22 violation of O.C.G.A. 21-2-562 and
23 preservation of primary election documents
24 violation of O.C.G.A. 21-2-73. Is there any
25 discussion or questions? There are quite a

1 number of violations.

2 MS. KING: When time, could I make a
3 motion to dismiss a few of these as a group
4 versus individually?

5 DR. JOHNSTON: This would be the time.

6 MS. KING: Okay. I make a motion that we
7 dismiss allegations number 1, 2 and 5.

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: There's a motion to
10 dismiss allegations 1, 2 and 5 and seconded.
11 Is there any further discussion?

12 (No response.)

13 DR. JOHNSTON: No further discussion, all
14 in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Motion carries three to
17 zero.

18 MS. KING: And then I make a motion --
19 I'd like to make a motion that I -- that we
20 issue a letter of reprimand for allegations 3,
21 4, 6 and then it's -- we're just -- are we
22 going to call the last one 7, the other?
23 Wasn't there, like, another violation or is it
24 just six? Or was it just those three? I
25 think there was one --

1 DR. JOHNSTON: There were -- there were
2 the six allegations and the investigator --

3 MS. KING: -- seven. Okay.

4 DR. JOHNSTON: -- considered a violation
5 of the lack of production of documents.

6 MS. KING: Okay. So let's do -- okay.
7 So my motion is to submit a letter of
8 reprimand for allegations 3, 4 and 6.

9 DR. JOHNSTON: There's a motion to issue
10 a letter of reprimand for allegations 3, 4 and
11 6. Is there a second?

12 MR. JEFFARES: Second.

13 DR. JOHNSTON: A motion and seconded for
14 a letter of reprimand for allegations 3, 4 and
15 6. If there's no further discussion, all in
16 favor say aye.

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: Motion carries three to
19 zero. And allegation 7 is the last.

20 MS. KING: And then I make a motion to
21 issue a letter of reprimand for allegation 7,
22 as well.

23 MR. JEFFARES: Second.

24 MS. KING: Which was added by them.

25 DR. JOHNSTON: There's a motion and a

1 second to issue a letter of reprimand for
2 allegation 7. Is there further discussion?

3 (No response.)

4 DR. JOHNSTON: Hearing no further
5 discussion, all in favor say aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: Motion carries three to
8 zero. Thank you. The next case 2022-277 has
9 been continued at the request of Peach County,
10 I believe. The next case would be 2022-311,
11 Monroe County, use of recording device. This
12 case revolves around a complaint from the
13 Monroe County Election Supervisor, Kaye
14 Warren, who stated on 10/27/2022 early voting
15 was being conducted in Monroe County
16 administration building, Lana and Russ with an
17 organization called Georgia Transparency came
18 to the building and while inside filming for a
19 show, captured images of the polling place,
20 the video was then posted on YouTube. This --
21 are the Respondents Monroe County Board of
22 Elections or Kaye Warren present? Is Andrea
23 Goolsby (ph) present, the Complainant?

24 (No response.)

25 DR. JOHNSTON: During the investigation

1 the findings were that the -- it revealed that
2 on 10/27/2022 during early voting Georgia
3 Transparency was inside the Monroe County
4 administrative building recording. During
5 this process they did capture on video a voter
6 at a BMD. However, neither the face of the
7 BMD unit, nor the printed ballot was captured.
8 It did not appear that the recording of the
9 voter and the unit was intentional. Georgia
10 transparency was outside the polling room and
11 had a legal right to be where they were
12 recording. The problem arises from the layout
13 of the administrative building. The layout
14 allows for viewing of the lobby floor, the
15 polling room. From open balconies and
16 walkways locate -- located on both the second
17 and third floors. The design of this room
18 does not allow for the privacy of the electors
19 and prevention of a person from standing on
20 the balconies and observing and recording
21 electors voting. There's evidence to suggest
22 Monroe County Board of Elections and
23 Registration in Monroe County Elections
24 Supervisor, Kaye Warren, violated O.C.G.A. 21-
25 2-267(A), polling place arrangement, and that

1 the selection of Monroe County administrative
2 building, first floor lobby is a picking --
3 choosing a first floor lobby as a polling
4 place that does not ensure the privacy of
5 electors while voting. Any questions?

6 (No response.)

7 DR. JOHNSTON: I'll entertain a motion.

8 MS. KING: I make a motion that we
9 dismiss this case. Reason being it's kind of
10 -- it's hard to determine how something is
11 going to look ahead of time. So...

12 MR. JEFFARES: Second.

13 DR. JOHNSTON: There's a motion to
14 dismiss and a second to dismiss this case,
15 2022-311. Is there any further discussion?

16 (No response.)

17 DR. JOHNSTON: Hearing no further
18 discussion, all in favor say aye.

19 THE BOARD MEMBERS: Aye.

20 DR. JOHNSTON: Motion carries three to
21 zero. The next case is 2024-186, Morgan
22 County, felony voting. This case the
23 investigation's based on complaints received
24 on October 24th, 2024 from Jennifer Doran,
25 Morgan County Election Director that two

1 convicted felons voted -- or attempted to vote
2 for the November 5th, 2024 general election.
3 In complaint 1, Sheriff Howard Sills, Putnam
4 County contacted her and advised that a
5 prisoner in the Putnam County jail awaiting
6 sentence, Hamilton Wesley Beasley, had his
7 mother come to the facility with his Morgan
8 County absentee ballot in an effort to cast
9 his vote for the November 2024 general
10 election. Sheriff Sills informed Ms. Dorian
11 [sic] that Mr. Beasley is already a convicted
12 felon and has been for quite some time. In
13 complaint 2, Mr. Willie Frank Pitts, Jr. came
14 in to vote and it was discovered that he had
15 been identified as a challenged potential
16 felon voter. After signing a non-felon
17 affidavit, Mr. Pitts cast his ballot for the
18 November 2024 general election. Is Mr.
19 Beasley or Mr. Pitts present or a
20 representative for Mr. Beasley or Mr. Pitts?
21 Is there a representative for Morgan County
22 Board of Elections or Jennifer Doran, present?

23 (No response.)

24 DR. JOHNSTON: The investigation did
25 reveal that as a convicted felon, Mr. Beasley

1 did vote absentee by mail for the November
2 2020 election runoff and October '22 election.
3 Additionally, as a convicted felon, Mr.
4 Beasley requested an absentee ballot through a
5 third-party for the November 2024 election.
6 While not meeting the qualifications to
7 register to vote. The complaints are
8 sustained. In complaint number 2, after
9 results of the investigation, it was
10 determined that Mr. Willie Pitts, Jr. while a
11 convicted felon and under -- under supervised
12 probation signed a non-felon affidavit and
13 submitted a ballot for the November '24 --
14 2024 general election. The complaint is
15 sustained. Are there any questions about this
16 complaint, this case?

17 (No response.)

18 DR. JOHNSTON: Do I hear a motion?

19 MS. KING: I make a motion that we send
20 this to the respective DA and Attorney
21 General's Office.

22 DR. JOHNSTON: There's a motion to --
23 that there's sufficient evidence of a
24 violation to refer this to the appropriate
25 district attorney and the AG's Office. Is

1 there a second?

2 MR. JEFFARES: Second.

3 DR. JOHNSTON: There's a motion and a
4 second to refer this case to the DA and AG's
5 Office. Is there any further discussion?

6 (No response.)

7 DR. JOHNSTON: Hearing no further
8 discussion, all in favor say aye.

9 THE BOARD MEMBERS: Aye.

10 DR. JOHNSTON: Motion carries three to
11 zero. Next case is SEB2022-016, Fayette
12 County, residency issue. Secretary of State's
13 Office received a complaint regarding multiple
14 voters registered at the same address within
15 the city of Fayetteville. The address in
16 question is 250 Georgia Avenue, East,
17 Fayetteville, Georgia 30214 listing different
18 unit numbers which has been identified as a US
19 post office. Is there a representative from
20 Fayette County? Yes.

21 MR. STOUGH: Chair and the Board, thank
22 you. Good afternoon. Thank you for this
23 opportunity to speak before you. My name's
24 Patrick Stough. I'm with the Fayette County
25 attorney's office. I'm here on behalf of

1 Fayette County Board of Elections and also, I
2 have Ms. Brianna Garrett who is the current
3 Director of Elections for the county.

4 DR. JOHNSTON: Thank you.

5 MR. STOUGH: We reviewed this -- this --
6 this came to Ms. Garrett's attention last week
7 when we received the notification. She was
8 not the -- the director at the time this
9 occurred. He is -- that director was
10 terminated a few years ago. It appears that
11 there was a mix of information coming from DDS
12 and information coming from absentee ballot
13 applications that caused this address to be
14 attached to these voters. I also think
15 because it used a unit instead of P.O. Box
16 that led -- that -- that didn't raise
17 questions because it looked like an apartment
18 or something like that, but I know that after
19 this was brought to the county's attention in
20 2022, steps were taken to flag these voters
21 and -- and address the issue. A review since
22 last week shows that of those voters, only two
23 of them are currently still registered in the
24 county, and both of those have residential
25 addresses associated with them instead of a

1 P.O. Box. We've also taken steps to ensure
2 that there currently no voters in Fayette
3 County that are registered to any post office
4 in the county.

5 DR. JOHNSTON: Thank you. Questions for
6 Fayette County?

7 MS. KING: No, that's good.

8 DR. JOHNSTON: This -- this complaint has
9 a -- a number of Respondents listed. Let me
10 just ask if any are here in addition to
11 Fayette County. There's one in the back,
12 okay. Hello.

13 MR. CALDER: Hello.

14 DR. JOHNSTON: Would you like to speak?
15 Are you here for this case?

16 MR. CALDER: It sounds like they have it
17 covered. I actually changed my address when -
18 - in 2022 when I got the notice. I just
19 wanted to come and make sure everything was
20 ironed out. Thank you.

21 DR. JOHNSTON: Okay. Thank you. And
22 tell me your name, I'm sorry.

23 MR. CALDER: Bernard Titus Calder, Jr.

24 DR. JOHNSTON: Thank you, Mr. Calder.
25 Are you still in Fayette County?

1 MR. CALDER: Yes, ma'am.

2 DR. JOHNSTON: And you have a residential
3 address now?

4 MR. CALDER: Yes, ma'am, I do.

5 DR. JOHNSTON: Thank you so very much.

6 MR. CALDER: You're welcome. Thank you
7 all.

8 DR. JOHNSTON: You've made my day.

9 MR. CALDER: Thank you all for what you
10 do. I'm glad we're continuing democracy in
11 the voting process.

12 DR. JOHNSTON: I'm so glad you're here.
13 Any of the other Respondents here? Dannine
14 (ph) Lynnette Arnold Brown, Jeffrey Todd
15 Cameron, Trey Mitchell Kathy, May Francis
16 Dawson, Brianna Simone Miniweather, Rita Jean
17 Knight, Karen Kersain (ph), Tywandria (ph)
18 English, Almeda (ph) Dockery, Keisha Deeble
19 (ph), Jaja (ph) Laurie Mop, Anthony Myers,
20 River Nile. Okay.

21 So there's sufficient evidence to show
22 the -- the listed individuals, Dannine Brown,
23 Jeffrey Cameron, Trey Kathy, Bernard Calder,
24 May Dawson, Keisha Deeble, Almeda Dockery,
25 Tywandria English, Karen Kersain, Brianna

1 Miniweather, Jaja Mop, Anthony Myers, River
2 Nile and Christopher Walker violated rules for
3 determining residency, O.C.G.A. 21-2-
4 217(a)(1). And there's sufficient evidence to
5 show that Dannine Brown, Almeda Dockery,
6 Twyandria English, Rita Knight, Anthony Myers,
7 River Nile voted in one or more elections
8 while using the address of 250 Georgia Avenue,
9 Fayetteville post office establishment. Are
10 there any questions?

11 MS. KING: You said all of these
12 individuals listed have already been -- it's
13 already been rectified?

14 MR. STOUGH: Yes.

15 DR. JOHNSTON: I would suggest that Mr.
16 Calder should be dismissed. I'm so glad you
17 came. Do I hear a motion to dismiss Mr.
18 Calder from this complaint?

19 MS. KING: So moved.

20 DR. JOHNSTON: So moved. There's a --

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: -- motion and a second to
23 dismiss Mr. Calder from this complaint. No
24 further discussion, all in favor say aye.

25 THE BOARD MEMBERS: Aye.

1 DR. JOHNSTON: For the rest of the
2 complaints is there a motion?

3 MS. KING: I make a motion we issue a
4 letter of instruction.

5 MR. JEFFARES: Second.

6 DR. JOHNSTON: For the rest of them?

7 MS. KING: For the rest of them.

8 DR. JOHNSTON: Respondents?

9 MS. KING: Respondents, yes.

10 DR. JOHNSTON: So for the rest of the
11 Respondents there's been a motion and a second
12 to issue a letter of instruction. Is there
13 any further discussion?

14 (No response.)

15 DR. JOHNSTON: Hearing no further
16 discussion, all in favor say aye.

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: Motion carries three to
19 zero. Thank you, Fayette. Next case -- next
20 case is SEB2022-100, Fayette County, school
21 ballot issue. On May 31st, 2022 Fayette
22 County submitted a complaint regarding a poll
23 manager placing a spoiled ballot in the
24 scanner. Would Fayette be prepared to speak
25 to that?

1 MR STOUGH: Again -- good afternoon.
2 Good afternoon, again, Patrick Stough, for the
3 Fayette County attorney's office. Our --
4 again, we found about this last week for --
5 for -- for the first time from Ms. Garrett's
6 perspective. So we did some -- some looking
7 into what happened and it appears that there
8 had been a paper jam and that caused the
9 second ballot to be printed and that ballot
10 should have been set -- or should have been
11 spoiled -- should have been spoiled; however,
12 the poll manager later that evening discovered
13 an error in her numbers so she, for some
14 reason, scanned that ballot in. She should
15 not have done. So it did lead to that ballot
16 being scanned twice. After that that poll
17 manager was terminated and is no longer with
18 the county. Are there any other questions
19 about...

20 DR. JOHNSTON: Any other questions? I
21 don't know why the poll manager scanned that
22 spoiled ballot. Is the Complainant present?
23 Yes.

24 MS. CARTER: My name is Anita Carter.
25 I'm the poll manager that was accused of doing

1 this. Prior to the election I had never been
2 a poll manager before. I had worked previous
3 election in Clayton County and I had worked as
4 a clerk in Fayette County once that I
5 remember. And prior to this election I was
6 only given two hours of clerk training, no
7 managerial training and they knew that I was a
8 first-time poll manager. I also had 100
9 percent all new crew, never had worked an
10 election before. I asked if additional
11 training was available and in -- because in
12 Clayton County we had to go through three
13 different trainings as managers as opposed to
14 just the one clerk training. I was told no
15 there was no additional training available
16 because they couldn't pay me for my time and
17 it wouldn't be worth it. So Monday, the day
18 before the election, I picked up the poll
19 material and I spent five hours setting up the
20 poll at the church that I was working at. The
21 poll opened on Tuesday morning on time and
22 there were a lot of questions because all of
23 my help didn't really know what they were
24 doing. Sometime mid-morning, 9:00 or 10:00
25 there was a paper jam. A female voter alerted

1 me of a paper jam in a printer at a voting
2 station. She stated that the previous voter
3 had left the station with the paper jam
4 present and she asked if I could fix it. So I
5 went over and I fixed the paper jam. The
6 ballot printed out. It was not a secondary
7 ballot, it was the original ballot that
8 printed out. I held on to the ballot,
9 initially, but I noticed that the hourly
10 voting numbers were not adding up so the poll
11 pad and the election -- the -- the machines,
12 those two numbers added up, the scanner was
13 off by one and I knew that it was that ballot
14 because it never got counted. And I just
15 assumed or deduced that the voter thought that
16 she had voted and she took her card out and
17 she left and did not put her original ballot
18 in the machine. So being a logical person, I
19 put the -- the ballot into the machine -- into
20 the scanner because I knew that it had not
21 been counted and when I did, all the numbers
22 lined up for that hour. So I felt like I did
23 the right thing. I didn't know that I had
24 done anything wrong. I did what I felt was
25 correct because I -- that voter would have --

1 if I would have marked that ballot spoiled,
2 that voter's vote would have never counted,
3 but also my numbers would have been off for
4 the rest of the day and nothing would have
5 added up. So I felt like I did the right
6 thing and I didn't even know I had done
7 anything wrong until I called the office about
8 another issue that happened an IT issue and I
9 mentioned, well, we had a paper jam earlier, I
10 took care of it though it was all good and
11 that's when they yelled at me and said, no.
12 You shouldn't have done this. And I'm, like,
13 what did I do. I don't understand. And so
14 that's kind of how it came about. I
15 understand I made a mistake. I didn't know I
16 made a mistake. I did what I thought was
17 correct to do at the time, but having,
18 basically, no training. This being my first
19 time as a poll manager and last, I might add.
20 I was not terminated. I told them I will
21 happily never volunteer again to be a poll
22 manager. I -- and -- and, honestly, it's
23 election by election basis whether you're
24 hired. You have to reapply every time and get
25 rehired and update all of your information.

1 So I told them that because of this situation
2 I felt like I had not been supported by
3 Fayette County by being given the proper
4 training and then also when I was notified
5 that they were, basically, throwing me under
6 the bus by filing this. I told them that I
7 was good. I don't need to volunteer to do
8 this anymore because I have to take a vacation
9 day from my job. I have a full-time job which
10 I'm also having to take vacation from to be
11 here. So it was a mistake. It was human
12 error, nothing was done intentionally. Had I
13 not mentioned it, in all honesty, no one would
14 have known because the numbers lined up. It
15 made sense. So...

16 DR. JOHNSTON: Thank you, Ms. Carter.
17 The investigative report said they have not
18 been able to have contact with you. I
19 appreciate your coming today and -- and
20 speaking with us today. Is there any other
21 questions for Fayette or Ms. Carter?

22 (No response.)

23 DR. JOHNSTON: Do I hear a motion?

24 MS. KING: I make a motion that we issue
25 a letter of instruction.

1 MR. JEFFARES: Second.

2 DR. JOHNSTON: There's a motion and a
3 second to issue a letter of instruction to
4 Anita Carter.

5 MS. KING: Yes.

6 DR. JOHNSTON: For -

7 MS. KING: For being efficient and
8 breaking the law or the rule.

9 (Crosstalk.)

10 DR. JOHNSTON: I think we know you were
11 trying your best. -- for violation O.C.G.A.
12 21-2-436 and SEB Rule 183-112.12. Is there
13 any further discussion?

14 (No response.)

15 DR. JOHNSTON: No. All in favor say aye.

16 THE BOARD MEMBERS: Aye.

17 DR. JOHNSTON: Motion carries three to
18 zero -- three to zero. The next case is
19 SEB2022-247, Fayette County -- you're still
20 here -- paper issue. The Complainant is the
21 Secretary of State opened an investigation
22 from a self-reported incident, thank you,
23 Fayette County, for -- regarding poll worker
24 who failed to ensure the required security
25 paper was placed in the ballot marking device

1 printers. The poll worker mistakenly put
2 regular copy paper into the BMD printer.
3 Voters printed their ballots and were able to
4 scan their ballots into the ICPs, scanner
5 tabulators. The regular copy paper ballots
6 went through the ICP with no problems and
7 counted the voters vote. This is a potential
8 violation of 21-2-372. Fayette County, would
9 you like speak?

10 MR. STOUGH: Again, my name is Patrick
11 Stough with Fayette County attorney's office.
12 Again, this happened under a previous
13 elections director so our information that we
14 have is just based on the records that we can
15 glean. It appears that this occurred at a
16 time when -- during early voting when the
17 application had to be filled out before the
18 voting so that was what was printed out on
19 regular copy paper. Now, we don't have any
20 reason to have regular copy paper at a -- at a
21 polling place. This shouldn't happen again.
22 I think that's a rule that's been mandated
23 from this point of -- from this point on. And
24 so that -- that -- that's what we've been able
25 to determine in this case.

1 DR. JOHNSTON: Okay. Thank you. It's
2 very easy to take a ream of paper and just pop
3 it in printer thinking it's okay rather than
4 the security paper that's required now. The
5 Complainant Brian Hill. Is Brian Hill
6 present?

7 (No response.)

8 MR. STOUGH: That -- that was the
9 previous elections director.

10 DR. JOHNSTON: Okay. Okay. So it's
11 self-reported?

12 MR. STOUGH: It was.

13 DR. JOHNSTON: Okay. Thank you. Any
14 further questions?

15 (No response.)

16 DR. JOHNSTON: Do I have a motion?

17 MS. KING: Yeah. I make a motion that we
18 dismiss this case considering there was all
19 new people and you seem like you know what to
20 do.

21 DR. JOHNSTON: And you know not to use
22 regular copy paper. There's a motion to -- to
23 dismiss this case. Is there a second?

24 MR. JEFFARES: Second.

25 DR. JOHNSTON: There's a motion and a

1 second to dismiss case 2022-247, Fayette
2 County. Is there any further discussion?

3 (No response.)

4 DR. JOHNSTON: Hearing no further
5 discussion, all in favor say aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: Motion carries three to
8 zero. Next case is SEB2022-286, Fayette
9 County, illegal assistance to voter. This
10 investigation followed a self-reported online
11 complaint from Fayette County regarding a
12 voter who took a ballot out of the polling
13 place. The poll manager found -- subsequently
14 allowed the voter to return to the polling
15 location after voting ended to scan the
16 invalid ballot. It was a violation of 21-2-
17 434. The Respondent, Laurie Simms. Is Laurie
18 Simms here, poll manager.

19 (No response.)

20 MR. STOUGH: It doesn't appear that she
21 is.

22 DR. JOHNSTON: Fayette County, right?

23 MR. STOUGH: I -- I don't think we're
24 listed as a Respondent on this one and I don't
25 really have more information than what's

1 provided in the report. I do believe that Ms.
2 Simms is still working as a poll manager. I
3 think there was a good degree of re-training
4 that she underwent. We haven't had any issues
5 since then, but she is currently still working
6 as a poll manager. I don't think -- is it a
7 poll manager? Yes, poll manager. I don't
8 know that Ms. Garrett was aware of this issue
9 until last week; however. So we're going to
10 re-evaluate based on that.

11 DR. JOHNSTON: Was -- was Ms. Simms --
12 did she undergo some training or --

13 MR. STOUGH: I believe she had some re-
14 training as a result of this.

15 DR. JOHNSTON: Re-training.

16 MR. STOUGH: And she's, generally,
17 considered one of our best people. So...

18 DR. JOHNSTON: Okay. So you don't want
19 to lose her? The -- the voter that was
20 allowed to return was referred to in the
21 investigative report is UFCV. Is unidentified
22 Fayette County voter. It was a hard report to
23 read. So the potential violations there's
24 sufficient evidence to suggest that Laurie
25 Simms was in violation, when the ballot was

1 taken from the polling place and brought back
2 and allowed to be scanned. Do I have a
3 motion?

4 MS. KING: I make a motion we issue a
5 letter of instruction to Laurie Simms.

6 DR. JOHNSTON: There's a motion to issue
7 a letter of instruction to Laurie Simms.

8 MR. JEFFARES: Second.

9 DR. JOHNSTON: And a second concerning
10 O.C.G.A. 21-2-413(c) and 21-2-574 and 21-2-
11 434. Is there any other discussion?

12 (No response.)

13 DR. JOHNSTON: No further discussion, all
14 in favor say aye.

15 THE BOARD MEMBERS: Aye.

16 DR. JOHNSTON: Motion carries three to
17 zero. Next case is 2024-235, Fayette County,
18 unauthorized handling of ABM, absentee ballot,
19 2024 general election. Just for the -- for
20 the people that are following the agenda,
21 2024-234 has been continued to the January
22 meeting. So this will -- is case 2024-235.
23 An investigation was opened regarding this
24 complaint following a referral from Brianna
25 Garrett who stated that she was notified by a

1 poll worker that an employee of Edison
2 Research took an absentee ballot from an
3 individual after 7:00 p.m. This alleged
4 offense is in violation of O.C.G.A. 21-2-385,
5 procedure for voting by absentee ballot
6 advanced voting. Is Carla Knobler (ph) here
7 or Tan - Tantrika (ph) Jordan poll manager?

8 MR. STOUGH: So, again, Patrick Stough
9 with the Fayette County attorney's office. We
10 did report this incident based on the actions
11 of Ms. Knobler, but there was also in the
12 report some violations identified against
13 Fayette County and, I guess, Ms. Jordon who is
14 not a poll manager. That's -- that's --
15 that's misinformation and there's actually a
16 good bit of it in here and that I want to
17 clarify. This did not happen at a polling
18 place. This happened at the general elections
19 office on elections night. There's an area of
20 the lobby where people wait to receive
21 election results and that's why that reporter
22 was there. Ms. Jordan was the Deputy
23 Registrar at the time she was manning -- was
24 sitting at the desk which is on the other side
25 of the wall and there's a window there. So

1 nobody had access to any part of the elections
2 office. They were just in the lobby. There
3 was another part of the election office, which
4 is used for tabulation and -- and all that and
5 there is a public viewing area for that, but
6 that -- that's somewhere else in the building,
7 but this was not a polling place. And then
8 there's also a statement about how we didn't
9 keep records of the ballot and I don't exactly
10 know what they were asking for there. We do
11 have the actual ballot itself which has been
12 sent to the Secretary of State's Office -- or
13 not the city -- the county clerk's office.
14 Oh, it's been sent to the Board? Okay.
15 That's been sent to you. And we have just the
16 general reports that we keep for spoiled
17 ballots, but there -- I don't know that there
18 would have been any other incident report and
19 no chain of custody because it was handed
20 directly to a -- to staff and -- at the
21 elections office. I just wanted to correct
22 those.

23 DR. JOHNSTON: Thank you. Because of
24 these discrepancies, would you want us to
25 continue this and to have it re-written by the

1 Secretary of State investigators?

2 MR. STOUGH: Well, I don't believe that
3 there was any action by the Board that would
4 need to be brought up before you. I mean, if
5 that's what the Board wishes, we're -- we're
6 fine with that, but, yeah, we're -- we're open
7 to a continuance.

8 DR. JOHNSTON: Okay. Is there a motion
9 to continue this and we'll have this the --
10 perhaps they could talk to you and clear up
11 the -- the discrepancies.

12 MR. STOUGH: Some of these discrepancies
13 were -- were discussed with them. I -- I have
14 copies of emails where we clarified much of
15 this information, but it still made it into
16 the report this way.

17 DR. JOHNSTON: Okay. Do we have a motion
18 to continue this case?

19 MS. KING: So moved.

20 DR. JOHNSTON: Is there a second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: There's a motion and a
23 second to continue this case to resolve the
24 discrepancies between the report and Fayette
25 County's understanding of the actions that

1 occurred. Is there any further discussion?

2 (No response.)

3 DR. JOHNSTON: Hearing no further
4 discussion, all in favor say aye.

5 THE BOARD MEMBERS: Aye.

6 DR. JOHNSTON: Motion carries three to
7 zero. The next case and last case of the day
8 is case number 2022-339, Newton County,
9 tabulation issue 2022 general election. And I
10 think we have a Zoom call in. And who is on
11 Zoom? Newton? Newton County?

12 (Crosstalk.)

13 DR. JOHNSTON: Oh, so Newton County,
14 you're here. Welcome. Well, maybe you're not
15 last. Please share with us.

16 MS. PACHUTA: Thank you, Board Members.
17 Karen Pachuta I represent Newton County. I
18 have with me Angela White Davis. She is the
19 Director for Newton County. This began with
20 an error. It was actually not county staff
21 that did this error. It was the Dominion
22 staff were there and were scanning absentee
23 ballots. There were several Dominion reps in
24 the Newton County office that night helping.
25 It was caught later in reconciliation. The

1 county has taken steps now. It hasn't
2 recurred again, but also now whether it's
3 Dominion or staff for whoever is scanning
4 those absentee ballots, someone is standing
5 with them to make sure that every batch is
6 accepted. So what we believe happened,
7 Dominion rep -- went batch 33 or what should
8 have been 33 didn't -- it didn't accept it,
9 you know, it kicks out the entire batch.
10 Didn't accept, you set it aside, wrote 33 on
11 it. Didn't, for whatever reason, didn't
12 notice that it didn't accept it and didn't
13 send the results. Put the next batch in, that
14 went through and then the machine says 33, he
15 wrote 33 again. So that first batch labeled
16 33 did not go through. During reconciliation,
17 obviously, the number of absentee ballots that
18 were returned and accepted was off, it was off
19 by, I believe, 64 votes from what -- so she
20 immediately pulled out all of them to figure
21 out and then as she was going through the
22 stack saw 32, 33, 33. And realized that
23 that's where the error occurred. So Ms. Davis
24 can explain maybe some of that if you have any
25 questions what's she's taken to make sure that

1 these steps, but, importantly, there's now two
2 people watching as things get scanned in to
3 make sure that each batch gets accepted as
4 appropriate. It hasn't occurred again. What
5 we would ask is either a letter of instruction
6 or a letter of reprimand be issued.

7 DR. JOHNSTON: I would be interested in
8 Ms. Davis describing what she's doing so that
9 this doesn't occur again.

10 MS. DAVIS: What we are doing now is when
11 -- let me start from the very beginning. When
12 we start opening up the absentee ballots, I
13 usually have them in batches and 50 at a time.
14 So we'll put the cover sheet over it and when
15 going to the ICC because that's where the
16 paper ballots are scanned making sure I have a
17 staff member, if not myself, not running
18 around, when it comes out making sure that
19 that correct number is placed on top. We then
20 take it and put it in a secure box, but before
21 the end of the night I'm going back through
22 one, two, three and making sure that they're
23 stacked up correctly. So it has not -- it was
24 an honest miss, but it has not happened again.
25 So we're good.

1 DR. JOHNSTON: And you -- you have
2 somebody scanning and somebody watching to
3 serve as a second set of eyes to make sure
4 each batch is accounted for?

5 MS. DAVIS: Yes. So when a batch comes
6 out, the cover sheet goes on, the number is
7 written. That person is walking it over to be
8 secure, but we're also logging it, so we have
9 a batch log sheet where we're going one, two,
10 three, ourselves.

11 DR. JOHNSTON: Okay. And -- and not
12 duplicating batch numbers?

13 MS. DAVIS: No, no, ma'am. No, ma'am.

14 DR. JOHNSTON: Any questions?

15 (No response.)

16 DR. JOHNSTON: Questions? Is there a
17 motion?

18 MS. KING: Yeah. I make a motion that we
19 issue a letter of instruction.

20 MR. JEFFARES: Second.

21 DR. JOHNSTON: There's a motion and a
22 second to issue a letter of instruction to
23 Newton County elections regarding violation of
24 State Election Board Rule 183-1-12.12 and
25 O.C.G.A. 21-2-386, processing absentee

1 ballots. Is there any other discussion -- any
2 further discussion or questions?

3 (No response.)

4 DR. JOHNSTON: Hearing none, all in favor
5 say aye.

6 THE BOARD MEMBERS: Aye.

7 DR. JOHNSTON: Motion carries three to
8 zero. All right.

9 (Brief conversation off the record.)

10 DR. JOHNSTON: There is a request from a
11 Complainant from a case that was dismissed
12 yesterday and the Complainant that would --
13 requested to speak so we will reconsider this
14 case number if I have a motion to reconsider.

15 MS. KING: Uh-huh. So moved.

16 DR. JOHNSTON: Is there a second?

17 MR. JEFFARES: Second.

18 DR. JOHNSTON: Second. A motion and a
19 second to reconsider case number 2022-324 to
20 hear the Complainant. They're on Zoom; is
21 that right?

22 MS. KING: Darius Carter.

23 DR. JOHNSTON: Darius Carter. Mr.
24 Carter, are you on?

25 MS. KING: I think he's on mute.

1 DR. JOHNSTON: Mr. Carter, we can't hear,
2 Mr. Carter.

3 (Brief pause.)

4 MR. CARTER: All right. Thank you. I
5 don't know why my microphone is not working.

6 DR. JOHNSTON: All right. Mr. Carter, we
7 heard you had a request to speak regarding
8 this case. Could you please share with us
9 what you would like to say and be as brief as
10 possible. Thank you.

11 MR. CARTER: You said be brief as
12 possible?

13 DR. JOHNSTON: Yes.

14 MR. CARTER: I was working for the Board
15 of Elections in -- someone said the fall of
16 2022 through Happy Faces and we had a
17 complainant come through for the voter. I
18 think his name was Steven Carvalo or their
19 alternative name Steven Boyd it -- on their
20 precinct card, but on their hard copy, that
21 they processed was somewhere on October 27th
22 and October 28th in the last two week days of
23 that week and it was right before, you know,
24 we finished up with the 4th, basically, when -
25 - when the data entry tried to get it through,

1 we made the hard copy, but they could not find
2 it. I saw it myself. So did Calik (ph)
3 Ballard who was working there and he sits next
4 to me in the office we're behind the
5 (inaudible) room of the -- the Peachtree
6 building (inaudible) 131 and he said he
7 processed it and there was another person
8 behind me at a computer who said they saw it,
9 but it -- it bounced out of --

10 (technical difficulties...)

11 MR. CARTER: Okay. I was saying I was
12 with the team for data entry on the dates of
13 October 27th and October 28th of that year,
14 2022. We were from Thursday to Tuesday, I
15 want to say the end -- so conclusion of
16 October up till our last day leading up to the
17 election whenever we (inaudible) left the
18 office, we had a complaint for Steven Boyd or
19 a/k/a Steven Carvello. And they were
20 complaining saying that they could not find
21 their hard copy to the ballot, but the ballot
22 had a process status under it. Chief Marshall
23 and her deputy were looking for it and they
24 made that their focal point from those two --
25 from that period, Thursday to Tuesday, and

1 Thomas Johnson, he's said he came to us
2 directly and asked for that ballot, okay. It
3 was given to him on I want -- I believe on a
4 Tuesday, if not the Monday before all this
5 change. So Calik Ballard who sat next to me
6 in that office, he processed it. That was his
7 function and there was another person who said
8 they saw the name before process giving it to
9 him to get into that status. My specific
10 instruction was to sort the hard copies and
11 put the cover sheet over them and put them in
12 a pallet of when they have -- what issue they
13 have. I don't have the sheet in front of me,
14 the check marks and the categories, but I was
15 officially pulled in to see that and when
16 Thomas Johnson asked about it, he gave it to
17 him, it was no problem, but then the next day
18 he came and asked about it and we told him we
19 -- we gave it to you. He kept trying to tell
20 the chief that, you know, he just couldn't --
21 he couldn't find it, but it was in his hands
22 last and I was in the office with him asking
23 him, okay, what are the consequences of this
24 whole thing and he said, they would get
25 criminally charged for voter fraud. That

1 person's still looking for their things. They
2 have to find that hard copy and the more -- at
3 that point, my official duty was not to be in
4 the office. I was actually used in all three
5 places and was prompted to be the next -- the
6 first temporary employee to be officially
7 crossed into the -- the office among the
8 higher ranks and TJ felt threatened by that.
9 He ended up trying to tell them that I did --
10 had something to do with it and had me
11 dismissed in the next day before I can confess
12 everything to the Board. I let them know at
13 Happy Faces what's going on and they said they
14 were investigating into it but nothing, you
15 know, was -- was done about it, but I'm going
16 to -- but I didn't want to -- I'm sorry, Chief
17 Marshall to get any kind of reprimand or
18 anything for that situation when she has no
19 idea what's going on unless Thomas tells her
20 what -- what's happening, but he,
21 specifically, mishandled that stuff and there
22 were three witnesses that all knew what
23 happened to that ballot. So if -- I can
24 imagine that -- my problem was I can imagine
25 it had to be some other people who were having

1 that same complaint. There were no clerks or
2 anyone (inaudible) insubordination or anything
3 in this process. So he was entirely trying to
4 clean house with whoever saw the way that he
5 navigated the system. I tried to -- I had a
6 more of a description of everything that was
7 going on because there were a lot of
8 discrepancies up to the former deputy chief
9 her -- I remember her last name was Robinson,
10 but the problem with the situation is that Mr.
11 Jose Zunan who was an investigator for you all
12 lost the case and another person came in to
13 try to pick up the case from me, but they --
14 they fumbled the paperwork that I sent in.
15 Unfortunately, I can't go back to my sent
16 emails beyond 2023 for some reason my yahoo
17 emails, but I had laid out a whole description
18 of what happened from August, the late August
19 all the way to the beginning of November where
20 there were potentially some issues with voter
21 fraud. (inaudible) current ballots.

22 DR. JOHNSTON: Mr. Carter, thank you for
23 speaking with us. It's the -- it's certainly
24 not real easy to understand everything that's
25 being said through the phone, through the

1 microphone and the feedback that we have here
2 right now, but would it -- it may be prudent
3 for the Board to reconsider this case and
4 continue it so that we can investigate further
5 for what you're trying to convey about this
6 case.

7 MR. CARTER: Thank you.

8 DR. JOHNSTON: So is there a motion?

9 MS. KING: Yeah. So I make a motion that
10 we continue this case and if Mr. Carter can
11 provide that documentation via email, to be
12 added that way we can review it.

13 MR. MILLS: I believe you first would
14 have to make a motion to reconsider.

15 MS. KING: Oh, okay. Okay. So I make a
16 motion to reconsider our original dismissal.

17 DR. JOHNSTON: There's a motion --

18 MS. KING: For case --

19 DR. JOHNSTON: -- to reconsider case
20 2022-324. Is there a second?

21 MR. JEFFARES: Second.

22 DR. JOHNSTON: And a second. There's a
23 motion and second to reconsider case 2022-324.
24 If there's no further discussion, all in favor
25 say aye.

1 THE BOARD MEMBERS: Aye.

2 DR. JOHNSTON: Motion carries three to
3 zero.

4 MS. KING: And then to follow it up, I
5 now make a motion to continue case number
6 2022-324 until the January 21st meeting.

7 DR. JOHNSTON: There's a motion to
8 continue case 2022-324 and represent this at
9 the January meeting. Is there a second?

10 MR. JEFFARES: Second.

11 DR. JOHNSTON: And there's a second. If
12 there's no further discussion, all in favor
13 say aye.

14 THE BOARD MEMBERS: Aye.

15 DR. JOHNSTON: Motion carries three to
16 zero. Thank you, Mr. Carter.

17 MS. KING: Thank you.

18 DR. JOHNSTON: That concludes the cases
19 to be heard today. Thank you everyone that is
20 here for your patience and perseverance and we
21 really are glad to be able to consider and --
22 and resolve a lot of these cases. Now on to
23 the rest of the agenda. We -- this is the --
24 the area -- the time in the agenda for public
25 comments. I think, I believe we have three

1 signed -- sign ups for public comment.

2 (Crosstalk.)

3 MR. MILLS: Okay. At this time if you --
4 or I call your name out, you just come to the
5 left and sign up. You'll have two minutes and
6 the first name is George Balbona is signed up
7 first. Then Nicole Wessel and then I think
8 Mr. Ralph O'Connor, were you signed up as
9 well?

10 MR. BALBONA: I want to say something
11 really obvious. It's so obvious you may never
12 have really thought about it. The people own
13 the law. The public owns the law. Okay.
14 Remember that. To contrast that when you know
15 it's wrong that's correct and something else
16 would be wrong. Let's think about Lexus Nexus
17 owns the law. Yeah. That didn't fly, but in
18 Georgia versus publicresource.org that's what
19 they took all the way to the Supreme Court of
20 the United States and their argument was that
21 they own the law because Lexus Nexus wrote the
22 annotations. Okay. That's crazy town and
23 goes to shut it down. And here's the problem,
24 I'm just going through Title 21, okay. And I
25 noticed when I was doing some research for a

1 case that I had yesterday that there was the
2 voter role two and here's -- here's the law,
3 this little part right here, okay. And then
4 these are the editor's notes. There's 17
5 footnotes for something brand new. I was like
6 that's crazy. So I started looking through
7 this. There's 57 instances of these 17
8 footnotes. You know what it is? It's the
9 preamble for SB202. We really don't need to
10 have 85 and a half pages of it in our laws.
11 Okay. So then I started looking some more.
12 In Title 21, 44 judicial decisions were
13 removed. They're gone. Okay. That's -- I
14 was like that's odd and that's from 2021 to
15 2024. So I looked up "cited in" okay. You
16 look at the 2021 edition, you get 98 hits.
17 You look now, zero. I think Lexus Nexus is a
18 little butt hurt that the Supreme Court says
19 you have to -- you have to supply the -- the -
20 - this law has to be provided for free to the
21 people, okay. The legislators, they work for
22 us. When they -- when they make this law,
23 this is their work product. It belongs to us.

24 MR. MILLS: You have 15 seconds.

25 MR. BALBONA: Okay. We need to get

1 someone new publishing our code. Lexus Nexus
2 ain't it. Maybe Westlaw. They do a really
3 good job. All right, but this is from the
4 Supreme Court. In democracy, the people are
5 the --

6 MR. MILLS: Time is up.

7 MR. BALBONA: -- constructive authors of
8 the law. You got a quick thing. Anyway, what
9 I gave you is the code revision commission and
10 committee members. We really ought to talk to
11 them and ask them what the hell is going on.
12 Thank you.

13 MR. MILLS: Thank you. Nicole Wessel.
14 She's not here. And let's see, Mr. Ralph
15 O'Connor and then Mr. Favarito is after him, I
16 believe.

17 MR. O'CONNOR: Good afternoon. My name
18 is Ralph O'Connor. I want to make a small
19 correction to what I said yesterday. It was
20 very late and a long day. I misspoke when I
21 said, I tape the zero tape and the closing
22 tapes to the front door of our church and
23 those of you that are in here and don't know,
24 that's not true. Only the closing tapes get
25 tosted there -- posted there. And I found in

1 our training manual that we use for this
2 November election the biggest print in the
3 manual says all tapes must be signed. This is
4 for the zero tapes. There's another page for
5 the closing tapes. So I don't know when it
6 happened, but Fulton County fixed that
7 problem. One of the other issues that you
8 wrestled with over the last couple days is
9 voters not updating their -- their addresses.
10 I have a couple suggestions for that that the
11 Legislature change O.C.G.A. 21-2-2-6(a), which
12 for some reason says, precinct cards must be
13 sent by nonforwardable, first class mail.
14 That means if you move and you give the post
15 office your new address, you're not going to
16 get a precinct card by state law. That
17 doesn't make any sense to me. If we want
18 people to change their addresses, there's a
19 place on the precinct card that says, if you
20 move, here's how you change your address. The
21 second suggestion is improve the ability of
22 the Secretary of State and the counties to
23 send reminders to voters not by snail mail,
24 also, but by text or email. Fulton County's
25 already exploring this. When I was treasurer

1 of a small nonprofit that runs our church's
2 monthly bingo, the Secretary of State's
3 corporate division sent me several emails
4 every January through March reminding me of
5 the deadline to renew our corporate
6 registration. So SOS, big picture, knows how
7 to do this. The election people need to do
8 it. I think that would help if we sent
9 reminders out to folks that there's an
10 election coming up, if you moved or whatever,
11 whatever. Thank you.

12 MR. MILLS: Thank you, Mr. Ralph. Okay.
13 Mr. Favarito.

14 MR. FAVARITO: Thank you. I -- I would
15 like to first commend the Board and the staff
16 for how hard that y'all have worked to reduce
17 this case backlog that you have and the
18 backlog, for the record, was not created by
19 this Board. It was created by the most
20 controversial election in Georgia history in
21 2020. And thank you for working so hard on
22 that. Also wanted to thank you for allowing
23 the Complainants of these extreme issues,
24 cases of fraud and irregularities such as
25 Fulton County as presented by David Cross and

1 Jason Frazier. I want to thank you for
2 allowing them to speak. You might remember
3 that I requested that Mr. Cross speak on
4 another one of his cases and he even sent a
5 letter from an attorney explaining that he had
6 a right to speak, but the Chairman, current
7 Chairman, refused to allow him to speak on one
8 of his other cases. You also might remember
9 that the Chairman, back on July 9, 2024 called
10 an inappropriate executive session to try to
11 prevent expert witness testimony that we made
12 from becoming on the -- on the public record.
13 When that didn't work, the Chairman also went
14 and then tried to not close the meeting
15 properly. And I know y'all remember this
16 incredibly well. And when you tried to do
17 that, you ended up in a lawsuit. What he was
18 trying to do there, I believe, is to expunge
19 our testimony. If he had not closed that
20 meeting correctly, left it open that would
21 have expunged all the expert witness testimony
22 from the July 9 meeting. So I've told the
23 Chairman before in public comments, I believe,
24 his actions were subversive to the Board and
25 to election security and I just wanted to let

1 you know that in our recently release election
2 security recommendations --

3 MR. MILLS: Ten seconds.

4 MR. FAVARITO: -- to the House, we
5 recommended that the General Assembly replace
6 him. Thank you.

7 MR. MILLS: Mr. -- Mr. Shrader --

8 MR. SCHROODER: Schrooder.

9 MR. MILLS: Did you want to speak for two
10 minutes?

11 MR. SCHROODER: Yes.

12 MR. MILLS: Okay.

13 MR. SCHROODER: Thank -- thank the Board
14 again. It's just a tremendous time in my
15 life. We've been fighting this stuff for
16 years and we finally see light. I -- I almost
17 drown one time, when I come above water, it's
18 good to breathe air or breathe air again.
19 Yesterday we had financial situations towards
20 the people who committed these horrendous
21 crimes. I'm just begging that no amount of
22 money can fix things. What we need for
23 examples is prison. They need to be tried for
24 high crimes. Everyone who's involved.
25 Elections are the most important thing in our

1 society. We found that out. Please prison.
2 Another thing, Garland brought to my attention
3 that the State Election Board lost its
4 authority over the Secretary of State around
5 2006, maybe. HR1112 took your authority away
6 from the Secretary of State. There's not much
7 sense in having a Board if you can't be
8 authorized over the Secretary of State. He
9 needs a leash on him and well, I just thank
10 you so much.

11 MR. MILLS: Thank you. Madam Chair the
12 next part on the agenda.

13 DR. JOHNSTON: Right. Thank you for the
14 comments, moving on to old business. First
15 item is table business from November 12th,
16 2025 meeting SEB2023-025.

17 MS. KING: Madam Chair, due to the fact
18 that we don't have all members present, I
19 would like to continue that -- or table it for
20 the next meeting in January -- that item.

21 DR. JOHNSTON: Member King would like to
22 continue this item, table it till the next
23 meeting?

24 MS. KING: Yes.

25 DR. JOHNSTON: Considering this item

1 SEB2023 and 025, I would like to at this time
2 make a motion to ratify the subpoena that was
3 issued in November of 2024 for documents from
4 this case pertaining to the irregularities and
5 inconsistencies in this case involving Fulton
6 County, the -- there was some mention or
7 question about who actually holds the
8 documents. Who retains the documents? Who
9 has possession of the documents? Who's in
10 custody of the documents?

11 The point of the subpoena was to get the
12 documents whether it's held by the clerk of
13 the court or Fulton County Board of Elections
14 and Registrations. The subpoena was issued to
15 both parties and I would like to ratify the --
16 the motion to obtain the documents whether it
17 be from the clerk of the court or Fulton
18 County BRE at this time. Do I hear a motion?

19 MS. KING: Yes. I make a motion that we
20 ratify the subpoena as requested.

21 DR. JOHNSTON: There's been a motion to
22 ratify the subpoena for documents from either
23 -- either or/and Fulton County BRE or the
24 clerk of the court whoever has the authority
25 to or possession or custody of, or access to

1 since we're dancing around this in court, I
2 don't want there to be any question that the
3 issue is the -- the Board -- the State
4 Election Board is requesting the documents and
5 certainly would not want to be tripped up by
6 some slight wording.

7 MS. KING: Right.

8 DR. JOHNSTON: So is there a second?

9 MR. JEFFARES: Second.

10 DR. JOHNSTON: There's a motion and a
11 second for this request -- for this
12 ratification of the subpoena. Is there any
13 further discussion?

14 (No response.)

15 DR. JOHNSTON: No further discussion, all
16 in favor say aye.

17 THE BOARD MEMBERS: Aye.

18 DR. JOHNSTON: Motion carries three to
19 zero. Now there -- is there a motion to table
20 this discussion?

21 MS. KING: So moved.

22 MR. JEFFARES: Second.

23 DR. JOHNSTON: There's a second. Motion
24 and a second to table this further discussion
25 of SEB2023-025. Is there any further

1 discussion?

2 (No response.)

3 DR. JOHNSTON: Hearing none other, all in
4 favor say aye.

5 THE BOARD MEMBERS: Aye.

6 DR. JOHNSTON: Motion carries three to
7 zero. Next item on the agenda is social
8 media. I continue to try to bring up the idea
9 of having a social media site for the State
10 Election Board, if for nothing else then to be
11 able to post our next meeting date or our
12 meeting time or our next meeting location or
13 the next election or the next runoff election.
14 Just simply for the ability to post
15 information without having to go through the
16 ten-step gatekeeper that we currently have to
17 go to and the delay that results from getting
18 permission, permission, permission, approval,
19 IT and so I would like to make a motion that
20 we plan to set up a social media site for the
21 State Election Board for not -- not for our
22 opinions, but for factual posting of
23 information that benefits the -- the
24 Respondents, the Complainants, the attendees
25 that come -- that are interested in these

1 meetings and come to these meetings or those
2 that are simply watching remotely. So I make
3 a motion that we pursue a social media site
4 for the State Election Board.

5 MS. KING: So moved.

6 DR. JOHNSTON: Is there a second?

7 MR. JEFFARES: Second.

8 DR. JOHNSTON: There's a motion and a
9 second to pursue this. Is there any further
10 discussion?

11 (No response.)

12 DR. JOHNSTON: Hearing none, all in favor
13 say aye.

14 THE BOARD MEMBERS: Aye.

15 DR. JOHNSTON: Motion carries three to
16 zero. The last item on the old business is
17 State Election Board Member staff government
18 email accounts. SOS government email accounts
19 and the resolution of obtaining that. At the
20 last meeting we had requested the emails from
21 former State Election Board Members and
22 employees to be turned over or provided to the
23 State Election Board for our document
24 preservation and retention that we are still
25 needing because we receive open records

1 requests and we are still having difficulty
2 obtaining this information from our prior
3 employees and our prior Board Members.
4 Chairman Fervier was tasked with seeking and
5 obtaining this on behalf of the Board, but
6 he's not here. He's still has not been able
7 to -- or has not communicated with me or I
8 think any other Board Member. So this -- this
9 is not resolved as far as I know. So we'll
10 need to table this until the next meeting.

11 MS. KING: I make a motion.

12 MR. MILLS: I'm sorry go ahead.

13 MS. KING: I make a motion that we table
14 the discussion around obtaining previous Board
15 Members and staff information for retention.

16 DR. JOHNSTON: Is there a second?

17 MR. JEFFARES: Second.

18 DR. JOHNSTON: There's a motion and a
19 second to table the -- the discussion and the
20 business of obtaining old emails. If there's
21 no further discussion, all in favor say aye.

22 THE BOARD MEMBERS: Aye

23 DR. JOHNSTON: Motion carries three to
24 zero. On to new business, the next State
25 Election Board meeting currently has been

1 scheduled for January 21st, 2026, 9:00 a.m. in
2 the historic Barrow County courthouse on 30
3 North Broad Street in Winder, Georgia. The
4 courthouse has been secured for us with some
5 security. Georgia State Patrol being present
6 to provide security. It has the audio visual
7 things that we need and we're looking forward
8 to that. The reason we need to schedule some
9 other places because General Assembly will be
10 in session and all of these rooms will be in
11 use, but it's an opportunity for us to
12 actually reach another part, a little away
13 from Atlanta to perhaps we'll have some new
14 attendees to join us at a meeting. So stayed
15 tuned. It's -- it's -- it's all reserved and
16 is -- and I know Member Ghazal is not opposed
17 to that. I've -- have not heard from Chairman
18 Fervier. And is there any other business?

19 MS. KING: One --

20 DR. JOHNSTON: Oh, one -- yes.

21 MR. MILLS: Thank you, Madam Chair. I --
22 I just want to stop and first of all
23 acknowledge Madam Chair what an excellent job
24 you have done with no notice and I -- I've not
25 counted them, specifically, but I would give a

1 rough estimate that this Board has made
2 decisions on right around over a 170 in the
3 last two days under your leadership. And that
4 is quite a contrast to what has happened in
5 the past and I want to say that as serving in
6 the position that I -- I serve in, you have
7 supported me and the staff and watching the
8 way that you have conducted these meetings, I
9 noticed, personally, that you voted on every
10 single measure. A Chairman has a right to --
11 to not vote on anything or to cherry pick and
12 choose what they will vote on and what they
13 won't vote on and you -- you chose the
14 difficult road, but I -- I admire that and I
15 want to say thank you. You voted on every
16 single measure and I -- I appreciate the hard
17 work of this Board and just want to say thank
18 you.

19 MS. KING: Thank you.

20 DR. JOHNSTON: Thank you. Hearing no
21 further business is there a motion to adjourn?

22 MS. KING: So moved.

23 DR. JOHNSTON: Is there a second?

24 MR. JEFFARES: Second.

25 DR. JOHNSTON: Whoa, thank goodness, I

1 was hoping there would be a second. All those
2 in favor say aye.

3 THE BOARD MEMBERS: Aye.

4 DR. JOHNSTON: Meeting adjourned.

5 (The session was thereby concluded at
6 2:53 p.m.)

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CERTIFICATE

STATE OF GEORGIA
COUNTY OF GWINNETT

I, Rebecca Barr, Certified Court Reporter, hereby certify that the foregoing pages numbered 1 through 235 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of relation nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 8th day of January 2026.

Rebecca Barr
My commission expires April 1, 2026

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